

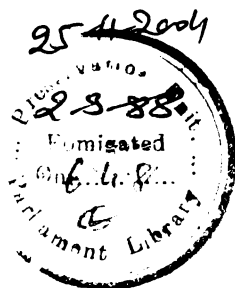
Monday, 23rd September, 1929

THE
COUNCIL OF STATE DEBATES

VOLUME II, 1929

(16th September to 28th September 1929)

SEVENTH SESSION
OF THE
SECOND COUNCIL OF STATE, 1929



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COUNCIL OF STATE.

Monday, 23rd September, 1929.

The Council met in the Council Chamber at Eleven of the Clock, the Honourable the President in the Chair.

QUESTION AND ANSWER.

RECOMMENDATIONS OF THE INDIAN MERCANTILE MARINE COMMITTEE AND CERTAIN OTHER COMMITTEES.

67. THE HONOURABLE MR. MAHMOOD SUHRAWARDY: (a) Will Government be pleased to state what effect, if any, has been given to the recommendations of the following Committees:

- (i) Indian Mercantile Marine Committee,
- (ii) Indian Road Development Committee,
- (iii) Acworth Committee regarding revision of the Railways Act and modernisation, so far as Indian employees are concerned, in all State Railways in India.

(b) If the answer to the above be in the negative, will Government be pleased to state when they propose to give effect to their recommendations?

THE HONOURABLE MR. J. A. WOODHEAD: (i) So far as the recommendations of the Indian Mercantile Marine Committee are concerned, Government have taken the following action:

- (a) The training ship "Dufferin" has been established at Bombay for the training of deck officers.
- (b) Government have recently granted three scholarships tenable in the United Kingdom for training in Marine Engineering, and the question of providing facilities in this country for such training is under consideration.
- (c) Arrangements have been made for the training of Indians for admission into the commissioned ranks of the Royal Indian Marine which has been reorganised into a combatant force.

(ii) One of the most important recommendations of the Indian Road Development Committee, namely, to raise the duty on motor spirit with the object of utilising the additional proceeds on road development has been given effect to, and, in pursuance of another important recommendation of the Committee, a Standing Committee on Roads has been appointed to advise the Governor General in Council on certain matters connected with roads during the financial year 1929-30. The other recommendations of the Road Development Committee are still under consideration.

(iii) The question of the revision of the Indian Railways Act has been referred to the President of the Railway Rates Advisory Committee for recommendations. As regards modernisation, so far as Indian employees are

concerned, I am not sure to what the Honourable Member is referring, but will be glad to supply information if he would let me know exactly what he requires.

SHORT NOTICE QUESTION AND ANSWER.

GRANT OF COMPENSATION TO MESSRS. HARDINDAS PEARAY LAL, SALTPETRE REFINERS OF THE MUTTRA DISTRICT.

THE HONOURABLE MR. NARAYAN PRASAD ASTHANA: (a) Did Messrs. Hardindas Pearay Lal, saltpetre refiners of the Muttra District, manufacture and supply large quantities of saltpetre during the Great War under the orders and directions of the officers of the Northern India Salt Revenue Department?

(b) Were their services in this direction recognised by the Department as meritorious, valuable, and above the other suppliers during that period?

(c) Were they left on the signing of the Armistice with huge quantities of saltpetre, and was the supply suddenly stopped with a consequent slump in the market?

(d) Did the said firm suffer heavy losses, became heavily indebted and were they practically ruined?

(e) Have Government received repeated representations from the said Messrs. Hardindas Pearay Lal detailing their grievances and praying for relief in various ways?

(f) Do the Government intend to compensate them for the losses they have suffered? If so, in what way?

THE HONOURABLE MR. E. BURDON: (a) Government understand that the firm did extend and develop their factories with a view to assisting to their utmost in producing the increased output of saltpetre for which there was an urgent demand during the Great War. It is not correct to say that the Northern India Salt Revenue Department issued any orders or directions to the firm because the Department had no power to do so; but no doubt the Department encouraged the firm to extend and develop their factories.

(b) The firm's services were acknowledged by the Department to have been meritorious and valuable. Government are not prepared to say whether the firm's services were more valuable or less valuable than those of other firms.

(c) So far as Government are aware the fact is as stated by the Honourable Member. But it may be mentioned that the saltpetre trade was not the only one which was left in that unfortunate position after the Great War.

(d) Government have received information to the effect that the firm have suffered heavy losses.

(e) In 1925, the firm made the following requests:

- (1) That the Banjara trade, i.e., the trade of supplying peripatetic petty traders in Rajputana at the following sources, namely,

Gudha (in Sambhar), Didwana and Pachbadra, might be given to them for ten years :

- (2) That monopoly licenses for refining saltpetre in ten villages in the Muttra District might be granted to them for a period of ten years, and without the charge of license fees :
- (3) That the contracts for loading and filling in salt over the whole of the Sambhar Division might be granted to them for ten years :
- (4) That they might be recommended to the Civil and Military Departments and to the Railway authorities for contracts :
- (5) That lands might be granted to the petitioners in recognition of the services rendered by them :
- (6) That the Collector of the Muttra District might be asked to recover judgment debts due from them by instalments.

None of these requests could be granted for the reasons given below :

- (1) The firm had not made a success of the loading contract given to them at Pachbadra in 1923. For 1924-25 the firm held the contract at Gudha and Didwana. For 1925-26 much lower tenders than that of the firm were received by the Commissioner. The Commissioner was prepared to give the contract at these two places to Messrs. Pearay Lal for one year if they would reduce their rates from 2 annas to $1\frac{1}{2}$ annas a maund. The Commissioner was not prepared to enter into a long term contract since rates were on the down grade.
- (2) Government are opposed to the grant of monopoly licenses for the manufacture of saltpetre covering extensive areas. Moreover, the areas in which the particular villages lie are proscribed areas, where licenses for the manufacture of saltpetre are not granted because of the high sodium chloride content of the soil.
- (3) The rates demanded by Messrs. Pearay Lal have been so high in comparison with those of other tenders that it has not been possible for the Department to give the contracts to the firm.
- (4) The Commissioner has always been prepared to mention the firm's past good services to other Departments if any specific reference was made to him or any specific application for contracts was sent through him.
- (5) The grant of lands rests with the Local Government.
- (6) Government are not prepared to interfere with the discretion of a Court in determining how judgment debts should be recovered.

(f) This firm have represented their case several times both to the Central Board of Revenue and to the Government of India, and their representations have been very carefully considered on these occasions. While the Commissioner of the Northern India Salt Revenue, the Central Board of Revenue and the Government of India greatly regret the misfortunes that have befallen this firm, they cannot find any legitimate means of assisting it. It is of course not possible for Government to give, against all canons of financial propriety

and solely as a matter of eharity, contracts either at extravagant rates or for undesirably long terms, or licenses for manufacturing saltpetre in areas where such licensing is not in the public interest. Essentially, moreover, as a matter of first principles, Government cannot recognise any specific liability as attaching to them for losses sustained by traders in commodities required for war purposes owing to hostilities having ceased at a particular time.

PROHIBITION OF EXPORT OF CATTLE BILL.

THE HONOURABLE SETH GOVIND DAS (Central Provinces : General) :
Sir, I rise to move for leave to introduce a Bill to prohibit the export of cattle.

In support of my proposition, Sir, I have very few observations to make. First of all I want to make it perfectly clear that I am not moving this Bill on any religious ground and that I am introducing it purely on economic grounds.

In fact, Sir, there cannot be any religious feeling, religious sentiment, behind this Bill, because it has nothing to do with the slaughter of cattle; it only wants the prohibition of their export.

Originally this Bill was introduced in the Legislative Assembly in 1924 by Pandit Shamlal Nehru, but as the ballot decided its place very much below in the list of non-official Bills, further motions on the Bill could not be made, in spite of Pandit Shamlal Nehru's remaining in the Assembly for two more years after the introduction of the Bill. After its introduction in the Assembly in 1924, it was supported throughout the country in many largely attended public meetings. Even my Muhammadan brethren supported this Bill. On the 7th July, 1924, in support of this Bill a meeting was held at Calcutta and it was presided over by Mr. Yakub C. Arif, then a Member of the Legislative Assembly. I shall further illustrate my statement that Muhammadans are not against any proposal prohibiting the export of cattle from this country. On the 8th March, 1926, I wanted to move a Resolution in this House for the prohibition of the export of cattle and for their slaughter, and my Honourable friend Mr. Mahmood Suhrawardy tabled an amendment to that Resolution to the effect that the word "slaughter" be omitted. This clearly shows that he was not against the prohibition of the export.

Now, Sir, as regards the attitude of the Government so far as the question of cattle is concerned, I have to say a few words. Their attitude is, according to my humble opinion, somewhat curious in the matter. Whenever any request has been made to them in this respect by any deputation or by any memorial or by any Resolution, they have always put forward two arguments. I shall place these arguments very briefly before this House in the words of His Excellency Lord Reading. Lord Reading, replying to a deputation which waited upon His Excellency in 1922, said :

"For the economic point of view, let me ask you to credit with honesty the opinion of those persons who tell you that India perhaps suffers not from the fewness but from the multitude of her cattle. . . . Above all, what is wanted is not an increase in the number of cattle but an improvement in their quality."

His Excellency further said, Sir :

“ The slaughter of cattle and especially of cows is a subject bristling with difficulties, owing to its close connection with the religious belief and feelings of a large part of the population.”

Now, Sir, here is a Bill which has nothing to do with slaughter and which only wants the prohibition of the export of cattle. There is no doubt that the best cattle of the country are exported, because nobody in his senses will take away bad cattle. This Bill is further supported by our Muhammadan brethren. Let the Government come forward taking their stand on their own ground, on the ground that they are for the improvement of the quality of the cattle and accept this non-controversial Bill.

The Agricultural Commission also discourage this export trade. They say in their Report :

“ The export of cows and heifers is usually undesirable and should be closely watched by Government.”

The Agricultural Advisory Board to the Government of Madras, the President of which is His Excellency the Governor himself, have also recommended the prevention of the export of cattle, especially from Ongole in the Nellore District of the Madras Presidency.

Now, Sir, when we see how many cattle are exported from this country during the last five years, we find that their number is increasing by leaps and bounds. In the annual statement of the sea-borne trade of British India, we find that in the year 1924-25 the number of cattle exported was 10,195, and in the year 1927-28 it rose to 18,354.

THE HONOURABLE THE PRESIDENT : The Honourable Member is going far beyond the limits usually observed in this House when leave is sought to introduce a Bill. Not only is he going beyond those limits in regard to time, but he is also transgressing the rules in that he is at the moment entering into details. All that he is required to do at this stage in asking leave of the Council to introduce the Bill is to explain its broad principles. He is leaving himself very little to say, I imagine, at the further stages of the Bill.

THE HONOURABLE SETH GOVIND DAS : I was not going into the clauses of the Bill. I was showing what was the condition of the country as far as the export is concerned. I shall not be going into the figures now, and I shall only say that in the last few years the export has increased tremendously. On account of this export the prices for good cattle are rising immensely and that is why the poor people in this country are not getting good cattle for their purposes. This export cuts at the very root of the production of good cattle in this country. Let it not be considered that only a few cattle are exported. The cattle that are exported are in fact the best cattle of our country and, if they are retained, I have no doubt that within a few years we shall have lakhs of good cattle from the thousands that are exported now. That is why I say that this Bill should be accepted by the Government.

From the very beginning, Sir, it has been my firm conviction that the cattle problem is one of the most important problems of this country, and this conviction of mine has compelled me to raise this question on the floor of this

[Seth Govind Das.]

House again and again. I am glad to find that, on behalf of the Government, the Honourable Mian Sir Fazl-i-Husain will deal with this subject. He is reported to be very sympathetic towards the non-official measures and let me hope, Sir, that this first non-official Bill of this House will be sympathetically dealt with by the Honourable Member and ultimately accepted by him. With these few words I move for leave to introduce the Bill.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Education, Health and Lands Member) : Sir, I decided not to oppose the introduction of the Bill and I adhere to that resolve ; but it should not be understood that the many controversial points raised by the Honourable Member at this stage are in any way accepted by the Government.

THE HONOURABLE THE PRESIDENT : The question is :

“ That leave be given to introduce a Bill to prohibit the export of cattle.”

The motion was adopted.

THE HONOURABLE SETH GOVIND DAS : Sir, I introduce the Bill. At the same time, I wish to inform you that I am not going to move for the consideration of this Bill in this Session, and I shall bring the other motions relating to this Bill in the next Session at Delhi.

RESOLUTION *RE* EXPORT DUTY ON OIL-CAKES, BONES, FISH MANURE, ETC.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAU (Madras : Non-Muhammadan) : Sir, I beg to move the following Resolution which stands in my name :

“ This Council recommends to the Governor General in Council that a prohibitive export duty be levied on export of oil-cakes, bones, fish manure, etc.”

Sir, this subject has once before been thrashed out almost threadbare in this House in connection with my Resolution, dated the 12th September, 1927, and if I move an identical Resolution to-day, it is because the matter could not rest there, as its ultimate solution depended on the results of the labours of the Agricultural Commission which was then sitting. The Honourable the Leader of the House in winding up the debate at the time observed :

“ In the meantime, the last but not the least important incident in the long chain of events occurred.—I refer to the Royal Commission on Agriculture which was appointed last year. While, therefore, this Commission has been charged with the specific duty of making recommendations pertaining to every item of agricultural development in this country, and while we expect to receive from that body some valuable recommendations regarding the conservation of the manurial wealth of India, we could take no further action on the Report of the Taxation Enquiry Committee. When the recommendations of the Royal Commission are received—and it is to be hoped they will be received in the near future—I can assure the Honourable Member who has moved this Resolution that this matter will receive our most earnest and serious consideration.”

Sir, this is the starting point for my present Resolution. The Agricultural Commission had had their say in the matter. In their Report they heavily deplore the utter lack of nitrogen in the Indian soils and add, “ the manurial problem in India is, in the main, one of nitrogen deficiency ”. There is no way

of recuperating the soil of its depleted nitrogen. Much of the farm-yard manure available is burnt as fuel while a large quantity of combined nitrogen is exported in the form of oil-seeds, food and other grains and animal products, such as hides and bones. As for the farm-yard manure, unless some suitable and cheap and readily available forest produce can be found for it as a substitute, it is unlikely the poor agriculturist will give up this kind of fuel. The remedy lies entirely in the hands of Government. Unless they relax their present rigorous forest policy and the people are relieved of the untold sufferings and harassings by the administration of the forest laws, there is no good accusing them of their unwisdom and the uneconomic method of disposal of this valuable manure. One thing, however, must be said to the credit of the Indian agriculturists, namely, that they have for long recognised the manurial value of cow-dung and they were able to preserve a good deal of this manure in spite of the adverse circumstances they have been placed under. And if they are not able to do so now, it is because of the depletion of the livestock generally in this country, their miserable condition at the present day, being merely bones and tails, due chiefly to the want of green pasturage, the export of cattle to foreign countries and to the slaughter of those animals in large numbers for food. There is not even enough yield of cow-dung now as compared with what it was 30 years ago.

Now, coming to the bones and fish manure, the Agricultural Commission observe that nitrogen deficiency can be remedied to some extent by the application of bones and bone meal. As with other forms of combined nitrogen, an important quantity of this fertiliser is lost to India by a failure to apply it to the soil and by export. Some of the figures they give are interesting. The average exports for the five years ending 1914-15 were 90,452 tons valued at 64·20 lakhs. For the five years ending 1924-25, they were 87,881 tons valued at 89·16 lakhs, and in 1926-27, 100,005 tons valued at 97·76 lakhs. The report further says :

“Many witnesses before us advocated that the heavy drain of phosphates involved in the large export of bones, etc., in this country, should be ended by the total prohibition of their exports and this proposal received the support of the Board of Agriculture in 1919, whilst the majority of the Indian Taxation Enquiry Committee recommended the imposition of an export duty.”

In spite of such overwhelming support the Agricultural Commission do not see their way to accept this recommendation. They consider that by the imposition of this duty the producers will be hard hit, and in this they fall in with the same view as that held by the Fiscal Commission. The economic theory put forward by the Fiscal Commission and approved of by the Agricultural Commission has been ably exploded by my friend the Honourable Mr. Ramadas Pantulu in his well-reasoned speech on the last occasion. Now that the consensus of public opinion is for the entire conservation of these nitrogenous products for use by the Indian agriculturists as manure, the Government must take up the matter immediately in their hands and devise some means of prohibiting their export by the imposition of an export duty or otherwise. The verdict of the Agricultural Commission cannot be taken as the last word said on the subject. The Government intend spending large sums of money in giving effect to the various recommendations of the Agricultural Commission, and all this would be a waste if they fail to take sufficient steps to

[Rao Sahib Dr. U. Rama Rau.]

see that the agriculturist feeds and nourishes his soil in a manner that would give him a sufficient return commensurate with the capital and labour involved. If the imposition of an export duty is not advisable, some other means must be devised, and, as suggested by the Board of Agriculture, a small manures committee may be appointed to go into this particular question again and find out some remedy for this evil. The Honourable Sir Muhammad Habibullah said last time that the question I had raised was premature then. But it has since attained complete maturity and some solution must be found forthwith for this intricate problem, where the vital interests of the Indian agriculturists clash with the foreign traders in these valuable manures.

With these words, Sir, I move my Resolution.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces : Nominated Non-Official) : Sir, I beg to move the following amendment :

“ That for the words ‘ prohibitive export duty ’ the words ‘ small cess ’ be substituted.”

Sir, I am in deep sympathy with the object which the Honourable Mover of the Resolution has in view. (Hear, hear.) But I feel that the method which he seeks to employ is not the right method, and it is because I think that, from an economic point of view, it would be ruinous to the interests of this great country, I have tabled my amendment. My friend has referred to the Report of the Agricultural Commission. And if my memory serves me right, I know that, though they have treated the subject in a very sympathetic manner, the result of their investigations has not enabled them to go to the extent of advising the Government of India to impose an export duty for the purpose of retaining the manure in this country. The latest inquiry did not go to that extent. My friend has relied upon the view expressed by the Agricultural Board in 1919. But since then, in 1922, the Fiscal Commission, of which I had the privilege to be a member, had carefully considered the question and arrived at a definite decision. I may tell my Honourable friend, Dr. Rama Rau, that the Fiscal Commission did not hurriedly come to that decision, opposing the imposition of a heavy export duty, but came to that conclusion after great deliberation and after hearing a large number of witnesses on this point. My friend, Dr. Rama Rau, who now seeks to impose this heavy export duty proceeds on the unwarranted assumption that all the manure which is now exported, if retained in this country, would be consumed. Here, I am afraid, he is taking a mistaken view of the matter. In this country there are various classes of manures prepared. Some of the manures the orthodox cultivator will not touch at all. He thinks it against his religion and against his sentimental scruples to make use of manure made out of bones, fish-bones, and other articles of a similar nature, with the result that a certain quantity of manure manufactured in this country remains superfluous and is not used by the cultivator generally, with the consequential result that it is made available for export. If you now prevent the export of this manure which is not used in this country, what will be the result of it ? The result will be economic loss to India. You are preventing a certain amount of wealth coming into this country for an article or a commodity which will lie in this country and of which no use will be made. Again, it will have very serious and deleterious effects on the

manufacture of manures. One of the most probable effects will be that this surplus manure which will be retained in this country, if not exported, will bring down the price of manure generally. It will cheapen the price of manure with the result that it will not be manufactured, and the cultivator and agriculturist will suffer thereby more than ever. It is much better for us to educate the cultivator in the use of artificial manures. Once prejudice and ignorance give way to knowledge in this matter he will come round. I do not think I should dilate upon this subject at any length and take up the time of the Council. I think that if I read a passage from the Report of the Fiscal Commission, that will carry more weight and conviction with the Council. I refer to paragraph 195 of the Fiscal Commission's Report :

" We have also received proposals that the export of manures should either be prohibited or discouraged by the imposition of a heavy export duty. From this point of view an export duty on oil-seeds has been advocated, in order to retain within the country the oil-cake, which has a high manurial value. The other manures referred to are bone and fish manures. The advocates of this policy do not always stop to consider what would be the probable result. It is assumed that, if the export of manures is stopped, the manures which are not exported will be used in India. But this assumption is one that cannot safely be made. There are at present two main obstacles to the increased use of manure by Indian cultivators. In the first place, the cultivators are sometimes prejudiced against the use of a particular kind of manure or have not been educated up to an appreciation of its value. In the second place, and this is the more important cause, the cultivator is usually not in an economic position to be able to afford to use artificial manures. It is difficult to see how the prevention of export of manures will remove these two obstacles. Prejudice or ignorance will give way only to teaching and experience. On the economic side it may be argued that an export duty will reduce the price of oil-cake for instance, and consequently will stimulate its use by the cultivator. But it must not be forgotten that the reduction in the price of the oil-cake would be effected at the expense of the producer of the oil-seeds, and that therefore this potential user of the manure would be impoverished, and might not be able to afford to use it even at the reduced price. Further, if the manure is cheapened to such a degree as would be likely to stimulate its consumption largely, it is probable that production would diminish owing to decreased profits, and eventually prices would again be raised. We consider that under present conditions any action of this nature would merely waste a source of wealth in India without ensuring any compensating advantage."

These words are very pregnant and of immense value, and the considered opinion given by the Fiscal Commission is of great importance. We shall lose the wealth of a commodity which is of a potential character. But the Fiscal Commission sympathised with the idea underlying this Resolution and they, therefore, suggested that a small cess should be imposed for the furtherance of propaganda work for instructing and educating the cultivator in the use of these manures. There is a small paragraph advocating their recommendation to that effect :

" At the same time we fully realise the importance of encouraging the use of manures in India, and we think that a small cess might possibly be placed on the export of manures, on condition that this cess should not go into the general revenues, but should be devoted to the encouragement of the use of manures. We need hardly say that the cess we contemplate would be at such a low rate that there would be no possibility of its discouraging in any way the export of manures."

I do feel that the Government also has been somewhat remiss in the matter. We made this recommendation in 1922, and no action has been taken by Government in connection with this matter for the last seven years. It is time now that the Government should unhesitatingly accept my amendment

[Sir Maneckji Dadabhoy.]

and impose a small cess for the purpose of furthering and educating the cultivator in the use of all kinds of manures.

For these reasons, Sir, I move my amendment.

(At this stage, both the Honourable Khan Bahadur Mian Sir Fazl-i-Husain and the Honourable Mr. V. Ramadas Pantulu rose to speak.)

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Education, Health and Lands Member): Does the Honourable Member wish to speak?

THE HONOURABLE MR. V. RAMADAS PANTULU: bI will e glad to wait till you speak.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: I do not mind. Sir, as has been observed by the Honourable Member who has spoken last, there can be no two opinions on the question of increasing India's productive power. The Honourable Member who has moved this Resolution and I are not at issue on that point. We are in perfect agreement, and so is the Honourable Member who has moved the amendment. Therefore, let us start from this position that we all desire that the productive power of India in the matter of agriculture should be increased as far as it lies in our power to do so. The question at issue is one of ways and means. The Honourable Mover's object in pressing for an export duty on certain articles of export is nothing less than to secure the legitimate means for increasing the productivity of Indian agriculture. What is the extent and significance of the Honourable Member's Resolution? I am putting that question in order to clear the ground so far as oil-seeds are concerned, because this Resolution, which has a history behind it, has always talked of oil-seeds, oil cakes, bones and fish bones. In this Resolution, oil-seeds disappear. I need hardly remind the Council that oil-seeds, as a matter of fact, were the most important ingredient in this Resolution.

Then, the question arises why it is that this subject has not, after so many years, been finally settled by Government. Why has not the Government arrived at a decision on a simple matter like this, whether there shall be an export duty on these three things, oil-cakes, bones and fish bones? The Council will remember that two years ago, when this subject was discussed in this Council, the Honourable Member in Charge of the Resolution explained why Government was not in a position to arrive at a decision, and the reason was that the Royal Commission on Agriculture was bound to take up this matter, it being an extremely important factor in determining how to increase the fertility of the Indian soil. The question then arises, what did the Agricultural Commission do? As has been pointed out already, the Agricultural Commission, after recording a mass of evidence on the subject, came to the conclusion that an export duty is sure to do harm rather than good. Need I here take up the time of the Council, Sir, in expatiating on the reasons which the Agricultural Commission gave. Would it not be enough for the purpose of this discussion if I were to treat the recommendation of the Agricultural Commission more or less as an authoritative announcement by those who were directly concerned with the agriculture of India, who were not all from outside

the country, and that therefore their opinion might be treated as more or less binding by the Council? To begin with anyhow, I will adopt that view. What then is the Government of India's position in this connection? Does it mean that the subject was finally shelved because the Agricultural Commission did not say definitely that you can take such and such a step? Well that is not the position. As a matter of fact, as soon as the recommendations of the Agricultural Commission were out, the Government of India brought all those recommendations under very close consideration of the various Departments of the Government, with the result, so far as this particular point was concerned, that they adopted the view of the Honourable Member who has moved the amendment to the effect that an export duty is out of the question. They went further and said that the Fiscal Commission's view, so far as it related to two points, inquiry into the fertilising capacity of various manures and how to introduce them into the country was one, and, secondly, that efforts should be made to familiarise the Indian agriculturist with their use—because, everything said and done, no export duty and no legislation is going to do good to the ignorant Indian agriculturist unless we take steps to familiarise him with scientific methods of manuring, and not only acquaint him with them but convince him they are going to do him good. Well, the only point then left is, should this process be carried out with the help of a cess, or should it be carried out even without that cess? The Fiscal Commission being fiscal people no doubt naturally felt that if they were to impose a certain duty on Government they ought also to provide the means, the fiscal means, for carrying out that task. That is perfectly sound. But when this particular matter was brought under very careful examination by Government, it appeared that probably the net result of that cess would not amount to anything more than Rs. 30,000 or so a year, for all India...

THE HONOURABLE SIR MANECKJI DADABHOY: That is quite sufficient for propaganda work.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: That is perfectly true. There is, however, another question which is not altogether disconnected with economics, and that is the collection of that Rs. 30,000 all over India—whether it is worth while setting up an agency to make that collection or whether it is not in the interests of the problem itself that Government should find this Rs. 30,000 without having recourse to the imposition of a small cess. However small it may be, a cess is irksome to the person who has to pay that little. It is also troublesome to the collector. Is it worth while or not? To my mind, Sir, if the Honourable Member's suggestion that this work should be done is accepted, need we quarrel about the way in which this 30 or 40,000 rupees are to be collected or made available to do that work?

One point more and it is this. The Honourable Mover of the Resolution has not really stressed this question of imposing this export duty. If I have understood him aright, Sir, what he has stressed is, "This is my objective and you agree with my objective. I do not say that export duty is the last word on the subject and that therefore you must agree to it. As long as you satisfy me that you are in earnest, and not only are you ready to do lip loyalty to my objective but you are going to take active steps towards the realisation of that objective, I do not press for an export duty". If that is right, then

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may I point out that manuring and improving the productivity of agricultural land through manuring is a matter to which the Government of India give not only a lip loyalty but something much more than that. As a matter of fact Honourable Members are aware that the Agricultural Research Council has been established, and one of the first things that that Council is going to do—the scheme is already in the making—is to constitute a committee for the purpose of going into the matter of fertilisers and manures....

THE HONOURABLE SIR MANECKJI DADABHOY : They cannot do without money.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Need that money flow in from only one particular channel ? May it not come in from other channels as well ?

THE HONOURABLE SIR MANECKJI DADABHOY : What other channels ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : There is a sum of 20 lakhs or so already at the disposal of this Council of Agricultural Research. There are people in this country who are willing to help, and I may remind the Honourable Member and the Council that two lakhs of rupees have flowed in from an Indian State in the South, I mean from His Exalted Highness the Nizam of Hyderabad. There is no reason to suppose that this House and the other House will not be willing to find funds for this useful work. Still, if the Honourable Member thinks that a small cess—and he took pains to quote from the Fiscal Commission's Report that it should be a very small cess—is necessary, it should be remembered it is to be such a very small cess as should in no way affect the export. He further stressed the point that the use of this money should not be in the hands of the Imperial Government but should be made over to the Local Governments. Remembering always that Agriculture is a transferred subject, and this House will not countenance any attempt at interference with the administration of a transferred subject, centralised propaganda is surely excluded firstly because it is not feasible, and secondly because it is uneconomic.

Again this House is aware that there is already what is called a cotton cess in operation, because the cotton growers and exporters have formed themselves into a society. If at any future time Government becomes aware of the fact that a similar organisation has come into being with regard to these manures, or if with a little help from Government it can be brought into existence, then the question of a cess will reach a stage when it will be practical politics to deal with it. (*An Honourable Member* : "You are bringing in a Bill to impose a cess on soft coke.") Quite so, and there is an organised trade there as well. If the Honourable Member thinks that there is a similar organisation for this trade, and of the existence of which I am not aware, then certainly I gladly say that Government will be prepared to examine that organisation. When it has reached that stage where it can be treated in the same way as the Cotton Cess Committee or the Coke Committee, Government will be prepared to examine that matter as well.

Now, Sir, if you will permit me, I will place the Council in possession of certain facts. This trade is not really much of a trade, and it cannot be said really to have any great influence on the country, remembering always that the Resolution does not include oil-seeds. As regards oil-cakes the average annual export, for the last five years, amounts to 214,000 tons a year. If you impose an export duty on it, what will be the result? Naturally the tendency will be to reduce the production of oil-cakes. If so, will you not be laying the axe at the root of the oil-seed crushing industry? Should you not in the interests of India encourage that industry? And is your suggestion likely to encourage or to discourage it? That is the point that I should like the Honourable Mover of the Resolution kindly to bear in mind. Our efforts should be directed towards developing the oil-seed crushing industry, and not to prohibiting the export of these cakes. The second item, the bones, really constitute no more than an average of 39,000 tons a year, for the last five years, which is not even supposed to be more than 10 per cent. of the total quantity of bones available. Only 10 per cent. of the total quantity is exported. If you make it uneconomic to export by imposing a duty, the result will be not that there would not be bones in the country, but they would be lying about and no one would take the trouble to collect them. Who is it going to do good to? It should be remembered that bone is not a fertiliser in the ordinary sense of the word—it is not a fertiliser that would give you any results in a short time. It is a fertiliser that takes very long to give results and, generally speaking, it means that you must have a bone-crushing agency before the Indian soil could profit thereby, and you cannot have a bone-crushing industry in every part of India. The ordinary method of bone-crushing is uneconomic. It is only where there is hydro-electric power available that bone-crushing for purposes of manure becomes a practical proposition. There again, therefore, you really need to concentrate, not on saying that we should have the 10 per cent. bones, but on the remaining 90 per cent. being made available locally and on familiarising the people, as pointed out by the Honourable Sir Maneckji Dadabhoy, with the uses of bone and the means of using them. To pass on to fish manure, the extent of that is only about 16,000 tons a year. There again it does not mean very much. The net result according to my calculation, if we impose a very small cess of Re. 0-1-6, as against 2 annas per Rs. 100 in the case of cotton, would give us Rs. 30,000 or Rs. 35,000. I do not think it is really worthwhile, and as long as the Government are prepared to achieve the objective, I venture to repeat that it is not worth doing.

I have, Sir, already mentioned that the whole question of fertilisers is being taken up by the Agricultural Research Council which hopes shortly to appoint a Committee to go into the whole question, and I beg to submit, Sir, that this may well be taken as a satisfactory reply both to the Honourable Mover of the Resolution and to the Honourable Member who has so pointedly and so forcibly put forward the case for his own amendment, which command my sympathy to a very large extent. We are all in entire agreement with the objective but differ on the question of the means, whether it should be by a cess or otherwise, and whether the revenues should go to Imperial revenues or to the revenues of the Agricultural Research Council. On that point, I have no doubt that the non-official view will be in support of my contention rather than that of the Honourable Member who has moved the amendment.

THE HONOURABLE MR. V. RAMADAS PANTULU (Madras : Non-Muhammadan) : Sir, in rising to support this Resolution, I must confess to a feeling of very bitter disappointment at the speech made by the Honourable Member in charge of the Department. To-day I will not refer to the question of the necessity for export duty on these three species of fertilisers, because I have dealt with it on another occasion and my Honourable friend who moved the Resolution has said enough in favour of it. I will only deal with the aspects of the question emphasised by my Honourable friend Sir Maneckji Dadabhoy and the Honourable the Leader of the House. They say that the best way of helping the agriculturist in this country to enable him to fertilise his lands and increase production is not by conserving indigenous manures by means of an export duty, but by educating him in the use of fertilisers that are available in the country. If that could be done, certainly nobody will have any objection to it. If the Government of India can satisfy me and this House that they are serious in what they say about their intention of educating the agriculturists in this matter, and if they also convince us of the means available at their disposal, then I for one would vote against the export duty. But the question really is, whether such an action was ever contemplated by the Government of India or was it ever taken. Sir, everybody knows that the artificial manures, especially sulphate of ammonia, which are being imported into this country are backed up by very powerful financial interests in Britain. The Royal Agricultural Commission referred to one of them and to an offer made by them. They referred to the British Sulphate of Ammonia Federation, Limited, and the Nitrats Ltd., a powerful company which carries on propaganda in India year in and year out. According to the statement of that company, it says that it is spending £23,000 every year upon propagating the virtues of their imported manures. I have read some of the literature published by their agents in India and they not only advertise vigorously the virtues of their manures but they also under-rate enormously the virtues of indigenous manures. There is literature on the subject in the co-operative institute with which I am connected. And that company made an offer to the Royal Commission, saying : " Look here, we are only spending £23,000 a year on propaganda. We will spend £50,000 hereafter if you will establish a central fertilisers committee, and what we propose to do is to hand over the extra £27,000 to the Government of India for this purpose." The Royal Commission evinces a great deal of sympathy for the firm but regretfully tells the firm that their offer was excellent no doubt, but the people of this country will hardly allow Government to do active propaganda for foreign manures receiving money from the firm. Therefore, they suggest educational propaganda to be conducted by the Government of India without taking money from the firm. They advise the Government of India and the Provincial Governments to do that obliging work for the British Sulphate of Ammonia Federation, Limited, free of cost and without taking their contribution which is so generously offered. The Royal Commission had the humour to admit that the offer was not disinterested and that it would be suspected. Therefore, Sir, £23,000 a year is being spent on fertiliser propaganda by one foreign company alone and they say they are going to spend £50,000 hereafter. I would like to know how much the Government of India is spending on propaganda which is calculated to educate the Indian agriculturists in the use of the fertilisers against the export of which we are contending.

Well, Sir, I know something of the work done by the Agricultural Department and its officers in the villages, because I go to about 100 villages every year and have occasion to see the work that is carried on. I am personally aware of the predicament of an agricultural officer who is a bit enthusiastic about his work and who has been trying to educate the people in the use of the fertilisers which are to be obtained more cheaply elsewhere than in the two British firms who have the monopoly in Madras of nitrates and phosphates. He has been told to mind his other business. I know that he received a warning from the proper quarter to desist from such educative work on pain of loss of his appointment....

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Does the proper quarter mean the Minister of Agriculture ?

THE HONOURABLE MR. V. RAMADAS PANTULU : Well, the meaning of it is plain to the people of the Agricultural Department. Therefore, I do not wish to say anything more. The official had to give up his propaganda and had to advertise the nitrogenous and phosphatic manures of Parry and Co. and Shaw Wallace and Co. instead.

Then my friend Sir Fazl-i-Husain said, in answer to my friend Sir Maneckji Dadabhoy's question, where the money was going to come from for the propaganda, that a sum of money was placed at the disposal of the Agricultural Research Council and that it was going to come from that source. I may give the House a small piece of interesting news about the outlook of this new venture in research in Agriculture. Rs. 25 lakhs were voted as a non-recurring grant besides some recurring grant to the Governing Body of the Research Council of which I am a member representing this House itself. The original idea was to invest it and spend the interest upon useful work. If 25 lakhs are invested at 4 per cent. it will give you a lakh, and if at 5 per cent. it will give a lakh and a quarter. At the first informal meeting we had in June 1929 so much as Rs. 60,000 a year was set aside for contributions and annual donations to foreign bodies outside India where research was carried on ; and one such body is in London, to which we are paying not less than Rs. 30,000 a year, and in return it is not known yet what we are going to get. Our representative on the executive of the Research Body in London is to be Dr. Clouston who is in England preparatory to retirement. So he will not bring back to India any knowledge of research. Government have voted a recurring grant of 5 lakhs for research in addition to the cost of the establishment of the Council. It all depends upon how this recurring grant will be spent on the advice of the two foreign experts who control the destinies of the Research Council. That is how the matter stands.

And so far as the solicitude of the Government towards the ryot in this matter goes, I have collected some information as to the encouragement that is given to the foreign imported manures and the discouragement of enterprise in manures that can be produced in India. Potassium nitrate can be produced in India very largely, but the answer to the short notice question of Munshi Narayan Prasad Asthana by the Honourable Mr. Burdon brought out the

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attitude of the Government of India with regard to saltpetre manufacture. The information collected by me from persons connected with the business shows that with regard to the manufacture transport of saltpetre various impediments are put by the Government. It is treated as chemical manure and the residue as salt manure and not as an ordinary manurial article, and its internal transport by railway is made more costly than the transport of sulphate of ammonia and other imported foreign manures. If my friends opposite question these facts I can hand over the papers I have in my hand to them, dealing with transport charges of the several manures. The facts and figures collected by me show that every possible encouragement is given to British manures, not only by way of facilitating their import, but also by making their transport internally cheaper than potassium nitrate and other indigenous manures which can be manufactured here more largely. And when my friend, Sir Maneckji, asks for a cess for propaganda for the encouragement of the country manures—a very modest request—objection is taken by the Government. The Provincial Governments, of whom Sir Fazl-i-Husain spoke so eloquently, as being in charge of this business, are equally obliging to the foreign manufactures. I have in my hand for instance an Order of the Punjab Government, No. 16347, dated the 30th April, 1929. It says :

“ In exercise of the power conferred by sub-section (a) of section 71 of the Punjab Municipal Act, 1911, and in supersession of Punjab Government Notification No. 18271, dated the 8th June, 1928, the Punjab Government (Ministry of Local Self-Government) are pleased to order that the artificial fertilizers specified below imported into any Municipality or notified area in the Punjab shall be exempt from the payment of terminal tax and octroi.”

And then it goes on to enumerate the foreign imported articles. This Government Order shows how solicitous Local Governments are to help the import of these foreign manures and even to abolish the terminal and octroi duty in the municipal and local board areas. Is there any proof forthcoming of similar steps being taken to encourage the use of oil cake, bone meal and fish manure available in the country ? This is very eloquent testimony to the way in which Government is proceeding. It is very difficult, Sir, to convince people who know the facts of the great sympathy that the Government professes for the agriculturist in this matter. I can quite understand that my friend Sir Fazl-i-Husain should have a great deal of sympathy for the Indian agriculturist. I also sympathise with him as much as he sympathises with the agriculturists. because he is as powerless and impotent to make the Government of India to do anything in the matter as any non-official Member of the House. I say he is powerless because the financial vested interests behind the Government are far too powerful for him. Therefore, I sincerely sympathise with his position. I also recognise his obligations to advocate the cause of the Government of India and the Provincial Governments however untenable it may be. The Board of Agriculture said that this export duty was necessary and something should be done to conserve these manures for use in the country. This was in 1919. The Government of India, while professing sympathy, proposes instead of export duty, propaganda to make the people use these manures. But I do not think that the Government of India has done anything by way of propaganda

since then. I am sure it cannot do effective propaganda even if it has the will to do it, because it is not the Government of India but somebody else who govern India in this matter. It is the financial interests which are powerfully entrenched. They are carrying on a huge propaganda. I have read their literature. I know that every encouragement is given by the officials to any movement against the indigenous articles. If I effectively preach against any manure of British manufacture being imported into India, I know that my name will be on the list of the C. I. D. and that policemen will shadow me. The Honourable Mr. Burdon may shake his head in denial, but I know where I am. I know Mr. Burdon is sympathetic but he is ignorant of what happens. I am sure of what I have said from my experience. We feel very strongly on this side of the House that the Government of India, which professes to be very sympathetic to the agriculturist, has not moved its little finger to set this matter right.

As for the economic theory trotted out by the Fiscal and Agricultural Commissions, with the greatest respect for them, and for my friend the Honourable Sir Maneckji Dadabhoy, and for the Honourable Sir Fazl-i-Husain, I am unable to agree with them. It is true that in the case of certain articles an export duty reduces production, and finally may lead to the extinction of that industry. But in the case of certain other articles it will not be so. In the case of bone, simply because an export duty is put upon bone meal, people will not cease to slaughter cattle nor will they cease to eat meat, nor will cattle cease to die by natural causes or pestilence. The quantity of bones available in India will be about the same whether we have an export duty or not. Fishing is a hereditary occupation and oil-seed cultivation is to some extent regulated by the system of rotation of crops. Export duties do not hit them in the usual manner. In the case of bye-products, the duty or cess upon the exported article operates differently and other considerations enter into the matter. This is not unknown to economists.

I join issue with my friend Sir Maneckji Dadabhoy in his allegation that the Indians do not use some of these manures on account of religious scruples. This is absolutely incorrect. I know religious Brahmins freely use bone meal and fish manure in my part of the country. All classes use it including the Brahmin. It is only a special pleading for the Government.

With regard to the statement that articles, like bone meal and fish manure, are negligible and not available in large quantities I demur. Over one lakh of tons of bone meal were exported in 1926-27. Fish manure is produced in Madras, West Coast and parts of Burma, and it will be a valuable article in the places in which it is produced and is available in appreciable quantities.

I will deal with one more argument that has been advanced on behalf of the Government of India. They say that the producer will be hit if an export duty is imposed. May I ask this House whether any Government which wants to make its country self-contained and which wants to improve the condition of the industries of its country has ever proceeded upon that theory? Simply because the producer is hit at the outset, have they ever desisted from imposing these duties? In order effectively to improve the conservation of indigenous manures an export duty is necessary though it may hit the producer for the moment. And every country has imposed a prohibitive export duty to

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encourage local manufacture whenever circumstances warranted. In the case of some fertilisers, like oil-seeds, both the producer and the consumer are the same. The man who produces the seeds, the agriculturist, is the man who consumes the manure, the cake. Therefore, the solicitude sought to be shown towards the producer is unreal. I am really sorry that the Government of India should have shown such callous indifference to this question.

One word more about the Royal Commission on Agriculture. Nobody can read these few pages about fertilisers in their Report without a reasonable suspicion that the Royal Commission acted merely as advertising agents to the British houses. It has left on an impression that they have not had the interests of the Indian agriculturist in their mind at all when they wrote this. I wish they had not written it, and for anybody to claim wisdom for those pages, especially for one like my Honourable friend Sir Fazl-i-Husain, is very strange. I must say that I am wholly against the view of the Royal Commission on this question. I must say that it has not either grasped the gravity of the question or understood its implications, or that its professed sympathy was purely a lip sympathy. I feel very strongly on this question, Sir, and I doubt if the Government of India can escape its responsibility in this matter. I therefore very much deplore the attitude taken by the Government's spokesman to-day, and I strongly support the Resolution of the Honourable Dr. Rama Rau.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I rise to support the main Resolution as moved by the Honourable Dr. Rama Rau. I have given every attention to what the Honourable the Leader of the House has said in connection with the restrictions on export or prohibitive duties on export. The Honourable the Leader of the House has also said that as the Agricultural Research Institute has been established, a new Committee will be formed which will give serious consideration to the question of fertilisers. Many Committees come into existence and, in case their recommendations are not found favourable to the Government, their decisions and findings are set aside. What do we find, Sir ? On the 1st December, 1919, the Board of Agriculture in India, at its meeting, while considering the subject of the "Importance of conserving such natural sources of manure as oil-cakes, bones and fish for use in the country—what practical measures can be adopted to attain this end" resolved as follows :

"Resolution No. 7.—That the Committee's proposals regarding the imposition of an export tax on oil-seeds and cakes be accepted.

Resolution No. 8.—That as far as bones and fish manure are concerned, total prohibition of export is necessary.

Resolution No. 9.—That all departments should devote themselves to encouraging the use of such manures in the country by all means under their control.

Resolution No. 10.—That, in view of the increased revenue that will accrue from the imposition of such duties, the Board trusts that the Local Governments will consider the claim of their Agricultural Departments to an increased allotment for the prosecution of the propaganda work."

Then Sir, in 1922, for reasons which do not appeal to us at all, the same Board of Agriculture toned down its recommendations. At its meeting held

on the 13th February, 1922, at Pusa, while considering subject No. 3, on the examination of the proposal to prohibit the export of certain manures from India, the Board resolved :

"Resolution No. 4.—Without expressing an opinion on the policy of the Committee's report dealing with phosphatic manures the Board is of opinion that, on the evidence before it, it is doubtful whether the method of prohibition or restriction of export of bones, fish manures and other phosphatic manures would achieve the end desired. But it is nevertheless of opinion that the retention of its manurial resources of phosphates is of vital importance to the future of the country, and that it is essential that a constructive policy should be framed which would lead to this end, and it is therefore requested that the Government of India should appoint a small committee of about five members to consider the question from this point of view and to suggest a constructive policy which will lead to the results desired."

Then, Sir, this Committee which was appointed went into the details of the question. The recommendation of the Committee is a very long one, out of which I shall only read extracts :

"The question was in part discussed at the Board meeting held on December 1st, 1919, and in view of the changed conditions that have taken place during the last two years, the Committee decided that it was desirable to reconsider the finding made by the Board on that occasion. With the consent of the President of the Board, therefore, it was decided that the terms of reference should not be strictly adhered to. The manures considered by the Committee were oil-seeds and oil-cakes, bones, fish manures, manure sulphate, and so on."

Then, Sir, at the bottom of page 40 of the published proceedings of the Board of Agriculture in India held at Pusa on the 13th February, 1922, we find :

"The Committee recognised the great importance of preventing the drain of phosphates from this country, but are of opinion that present conditions preclude the possibility of total prohibition and that an export duty if imposed should be done gradually, as otherwise there is serious danger of killing the bone-crushing industry through the closing down of the mills."

The Honourable the Leader of the House, Sir, as far as I could understand him, admitted that there is a great lack of bone-grinding mills in India ; then how does he say that it will do a great injury to the few bone-crushing mills which to me seems to be very unreasonable. The Committee goes on :

"Large parts of India require phosphates urgently and every endeavour should be made to encourage their use among the agriculturists of those parts. One of the chief drawbacks at present is the great difficulty of getting the bone manures actually to the raiyat. To effect this it seems desirable to recommend the establishment of small bone-crushing factories at up-country centres where sufficient supplies of bones are available, as distinct from the existing location of crushing mills at the ports of export. It is also necessary to create some agency which will put the producer into direct touch with the agriculturist, and to this end the formation of agricultural purchase societies, possibly on a co-operative basis, is advocated."

This shows, Sir, that already a committee of eminent agricultural and veterinary experts have gone deeply into the question and they have come to the conclusions cited. The Honourable the Leader of the House said that the export of oil-seeds was a bigger matter than the export of oil-cakes, bone meal and fish manures. A few days back I had myself a mind to move an amendment to include oil-seeds, but when I gave serious consideration to the matter and to the note on the subject by the Royal Commission on Agriculture, I thought that at present a modest Resolution or request was better to go on with. And if that were accepted by the Government, then later on we could see what restrictions could be put on the export of oil-seeds.

THE HONOURABLE SIR MANECKJI DADABHOY : Then why not accept my amendment ?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Sir, my Honourable friend's amendment to my mind amounts to nothing. In his speech he compared his cess to the cotton cess. Those cesses are not really comparable. In the case of the cotton cess the interests of both the importer and the exporter are conserved. Then, Sir, with regard to the oil-crushing industry to which the Leader of the House has made a reference, at page 85 of the Proceedings of the Board of Agriculture held at Pusa on the 1st December, 1919, we find that the reasons why there is not a big consumption of bone meal and other manures in India are summarised in the Appendix at page 85 :

"The use of such manures in India is now limited and it is as well to consider the reasons for this. The reasons are we consider the following :

Ignorance of the value of such manures.

Lack of capital to purchase them.

Lack of local supplies and organisations to supply from elsewhere.

High cost of manures.

No return to tenants for improvement.

This is not an insuperable difficulty if the Agricultural Department has a satisfactory district executive staff. No one is quicker than the Indian cultivator to calculate where his profit comes in. There is an excellent organisation in the co-operative movement to provide funds for the purchase of manures and arranging for supplies from elsewhere if stocks are not available locally."

Sir, it will be admitted by the House when I make a statement, when that statement has the support of the Government experts, that the crop-producing value of the land is going down. Sir, for the information of this House I shall state what has happened in the Punjab. In the Punjab we have many colonies and new colonies are coming into existence. In the agricultural report I have seen it somewhere stated that the crop-producing power of the land in the Punjab is going up. That statement, of course, may be true in regard to virgin soils as compared with the average producing power of the land. But what we find in practice is—take the case of the Lower Chenab Colony, that colony has been in existence for the last 30 years and the experience of those 30 years I put before the Council. The yields in that colony on an average have gone down by 25 per cent. and they are still going down. In the case of the two principal crops, wheat and cotton, the yields obtained from the virgin soil 30 years ago of wheat was from 25 to 30 maunds per acre, but to-day the yield has gone down to about 16 to 18 maunds an acre.

As far as the cost of cultivation is concerned, Sir, in case the present prices go down, of which there is every likelihood, it will be a very difficult problem whether it will be of any use to the agriculturist to go in for agriculture. As far as cotton is concerned, in the beginning of this colony the yield was 12 to 14 maunds per acre. Now, Sir, it has gone down to 5 maunds ; it has been reduced almost to 35 per cent. In case things go on like this and the manures are not conserved for use in the provinces, Sir, we anticipate economic trouble in rival areas in the near future, because the cultivators will not be able to pay

the land revenue and have a surplus for their own living. The Honourable the Leader of the House referred to the oil-crushing industry being adopted on a large scale. In this connection I will read an extract from the note of the Officiating Commerce Secretary, which is given in Appendix III to the Proceedings of the Board of Agriculture held on the 13th February, 1922. It runs :

“ After this preliminary clearing of the main issues has been effected, the general position may be briefly summarised as follows. It is admitted that soil exhaustion is found in many parts of India and that it is desirable to encourage and extend the use of indigenous manures. The obvious remedy is to control or even in some cases prohibit the export of manures.”

What does he say about the oil-crushing industry and of the practical difficulties in its wholesale adoption?

“ We must be careful to throw back on to Indian markets more manurial product than they are ready to take. It is dangerous to adopt a whole-hearted policy of exporting vegetable oils while retaining the seed and cake in this country without first ascertaining what difficulties our exporters will have to contend with in foreign markets. Every economist recognises the great value to producers of raw materials in having an exportable surplus. The home consumer has always the advantage, as against the foreign purchaser, in respect of handling and freight charges. The extent of local consumption depends upon the willingness and ability of the home consumer to pay as much as the foreign consumer will pay, less these charges. The practical effect of an export duty will be to increase the differential charges and to give the home consumer an artificial advantage.”

THE HONOURABLE THE PRESIDENT : I must ask the Honourable Member to bring his speech to an end very shortly.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : I have only a few words more to say. In all big countries like France, Italy, Austria, Germany, Japan, Czecho-Slovakia, the Governments do not allow the export of bones, oil-cakes or any other manure. I wish that the Member in charge of the Department will give some information to this House as to why those countries have adopted a wrong proposition. I think, when other countries have adopted that policy of conserving manures for their own welfare, India should not lag behind.

With these few words, I support the Resolution.

THE HONOURABLE MR. G. S. KHAPARDE (Berar Representative) : It appears to me, Sir, that this question is very simple and has been discussed a little too much scientifically. The articles that are dealt with are oil-cakes, bones and fish manure. Fertilisers, agricultural policy and the whole thing have been taken together. I am not a scientist. I look at it in a simple way. Oil-cake in my part of the country is used for feeding animals, and especially we are very much interested in retaining it in the country or making it impossible for foreigners to take away any oil-cake from my province. About bones, it has been said that there are no crushing machines. I beg to submit that no crushing machines are required. So far as I know, in all parts of India there is manure manufactured without crushing the bones. About fish bones, the fish are not very big, like whales. There are small fish in the rivers, and you do not require a crushing machine for them. I do not think it is an objection at all. I am in entire sympathy with the original proposition and would gladly vote for it, but I think it is most likely that it will not be passed. Half a loaf

[Mr. G. S. Khaparde]

is better than none, and I therefore support the amendment which has been put forward.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAU : Sir, as most of the points raised against the Resolution have been answered by my Honourable friend Mr. Ramadas Pantulu, there is no need for me to take up the time of the Council in reply.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : It seems to me, Sir, that we have drifted into discussing how far industries in India are having that amount of official or Government support that they deserve, rather than the actual Resolution before the House, and therefore I find myself to a certain extent at a disadvantage in commenting on a certain amount of bitterness of feeling which the debate has shown or the sense of pessimism which appeared to pervade certain utterances of those who I have no doubt have the good of India at heart ; but frankly, I am not pessimistic. If in the domain of Agriculture and Industry, which are now transferred subjects, which are very largely in charge of Indians themselves and the personnel in which Departments in most provinces is nearly 75 per cent. Indian, we cannot trust those charged with the administration of these Departments to do their duty by these Departments, then I must confess that the fault is our own. The second point which I wish to make is this. There has been a note of warning sounded by some of the Honourable Members to the effect that organised capitalistic interests have a way of forcing themselves on the administration as well as on the masses. I admit the justice of that complaint, but that complaint is in evidence in India as well as in England, and the English public is as much prejudiced thereby as the Indian public is, and I have not the slightest doubt that as public life in India gains in strength, in intensity, in force, to that extent it will be possible for the public men and the people at large to fight these organised capitalistic interests, be they European or Indian.

THE HONOURABLE MR. V. RAMADAS PANTULU : They are sent to jail by the Government.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Undoubtedly that process has to be gone through unless great care and caution is exercised. If people have to fight against organised interests, it does not matter what those interests are, what race they belong to, or what class they belong to, these interests are bound to hit back. This is life's struggle. To pick up the thread of my argument, I venture to remind the Council, Sir, that really the Resolution before the Council is not one which is concerned with the development of Indian industries and the measure of support which Indian industries receive either from Provincial Governments or from the Government of India. In spirit as well as in form, I say I am prepared to agree with the Honourable Member opposite as to the desirability of establishing the Indian industries and helping them in every way.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : As they are helping them at present.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : The Honourable Member says, " As they are helping them at present." I wish him to remember, Sir, that the administration of industries is for the last nine years entirely in the hands of Ministers responsible to their respective Legislatures ; if that is not enough, then to ensure their being looked after as well as they ought to be, is he in favour of the Central Government taking up the development of industries more or less on German Imperialistic lines ?

THE HONOURABLE SETH GOVIND DAS : Ministers have no power in their hands.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Then I have no doubt the Honourable Member and his province have put in a strong plea for Ministers in the future to be allowed more power than they have at present.

THE HONOURABLE MR. V. RAMADAS PANTULU : The imposition of export and import duty comes under Customs and that is under the Government of India and the Ministers have no power over them.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : I bow to that. Customs are undoubtedly an Imperial subject and that is why we are discussing that to-day. All that I urge is that the discussion by this Council of this Resolution should restrict itself to Customs and not to reflections, more or less unfair, about persons who are absent and have not the advantage of being able to defend themselves, as in the case of that particular officer about whom I have not the slightest doubt the Honourable Member never intended to make such a serious reflection, that he departed from the path of duty of doing the right thing because somebody—not the Agricultural Minister—told him that foreign fertilisers should not be decried. No. It has always been my weakness to stand up for the absent man in cases where there is a reflection made upon him, and that is my excuse for really detaining the Council longer than I need have done.

Turning to the main subject itself, that is to say, these three items that the Honourable Mr. Khaparde so lucidly put before the House, cakes, bones, and fish manures, should we impose this heavy export duty with the object of discouraging their export ? That is the main Resolution. And I am quite clear on that subject, Sir, that if we do that we are doing a harm to the producer of dung cakes.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Will you cheapen the price of the manure ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : That is a different matter. I am trying now to keep the House, if I may, to the main point involved in this issue, the imposition of a heavy export duty with the object of discouraging the export of dung cakes. In whose interest is it ? It is certainly not in the interests of the agriculturists who produce the dung cakes.

THE HONOURABLE MR. V. RAMADAS PANTULU : It is.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : The Honourable Member exclaims : " It is " It is, no doubt, in the way in which a man sacrifices himself in order to do good to others. If that is the sense in which the Honourable Member means, then undoubtedly it is. Otherwise, to a certain extent the producer of dung cakes stands to lose by a prohibitive duty being placed on the export. The same applies to the bone collector or the producer of fish manure. The Honourable Mr. Khaparde reminded me forcibly, surely fish bone is a very little affair. Where is the need for crushing that ? Well, Sir, I remember once, while dining with a friend, a little fish bone proved a very troublesome affair.

THE HONOURABLE MR. G. S. KHAPARDE : Not to the earth.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : The Honourable Member reminds me, not to the earth. Does he know that fish bones have a way of remaining for a long time when they are placed in dry earth ?

THE HONOURABLE MR. G. S. KHAPARDE : The earth is not cultivated : it is ploughed.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Still he had better be careful not to roam too far afield where fish bones are spread in any large quantity. Now, Sir, I am afraid that these three items which are the subject matter of the Resolution are in the first place not of such large quantity or of such value or such a large part of the total yield of India as to mean very much. They do not. It is not a practical proposition to say that by imposing an export duty thereon you are really producing any results. And I ask, Sir, when we are doing something unusual, that is to say, interfering with the usual and natural flow of trade, we must be sure, when we interrupt it, when we intercept it, that we are doing that in the interests of our own country, not in the interests of anybody else ; and that, when doing so, we are not doing anything to depress any particular class here, the class of agricultural land-owner and producer in the interests of others. Therefore, Sir, on this ground alone I must ask the Council with all the emphasis at my command not to accept the Resolution.

As regards the amendment, I said that though opposed to the Resolution itself I am all for the amendment.

THE HONOURABLE SIR MANECKJI DADABHOY : Yet you will not accept it.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : There is only a slight difference of opinion between the Honourable Member who moved the amendment and myself, and that is whether the Rs. 30,000 which are intended for being distributed among these eight or ten provinces that we have got in India should be collected by the cess and, if so, how distributed, and there are a number of questions that arise, or whether we should try to get these Rs. 30,000 from some other source. I have already said that there is this Research Council. One of the Honourable Members pointed out that the resources of that Council were not such as would enable it to do this

work besides other important research work that it will be called upon to do. There is a great deal of force in what the Honourable Member has said. Therefore, any suggestion, any motion intended to increase the resources of that Council I have not the slightest doubt will be sympathetically considered by Government so far as the financial resources of Government permit. I have not the slightest doubt that the Honourable Members would prefer this work being recognised by Government as an extremely important work, and Government actually constituting this Committee to go into the whole question of fertilisers is a step towards the realisation of that object, rather than content themselves by agreeing to impose a very very small cess, which will not be of any great use. May I, Sir, here, with your permission, repeat what I said in my first speech?

If circumstances help this trade to so organise itself as to be in a position to submit to the imposition of a cess as in the case of certain other industries in which a cess has been imposed by Government, Government will be very glad indeed to examine this matter with a view to consider the question of a cess as in other cases. There seems to be no reason why it should for a moment be conceived that Government would be unwilling to do so. Why? Is it not to the interest of Government to do so? This is my last appeal to the House. If Government were to accept the Resolution of the Honourable Member who has moved it in the terms in which he has moved it, that is to say, impose a heavy duty on the export of these three articles, in what way does Government make the foreign capitalists, the importer of fertilisers in India, suffer if that was the suggestion? There is nothing of the kind. Considerable quantities of these manures are used in India, or at all events are available for use in India, and it is only a fraction which is exported. What seems to me so strange is that some of the Honourable Members should not have seen the obvious contradiction in the two positions. Make fertilisers cheap so that the agriculturist may have fertilising manures cheap; and at the same time impose a duty on every fertiliser coming into the country. Surely you cannot have it both ways, for you cannot make the manure cheap by imposing an import duty. No, you must let it come in freely, in the hope that people will use it frequently. Therefore, Sir, I again appeal to the Council to limit itself to the Resolution and the amendment and to exclude from its consideration extraneous matters which have somehow or other managed to enter into this controversy. I have not the slightest doubt that the Honourable Members will find no difficulty in agreeing with me that the Resolution cannot be accepted if the test of acceptance is to be the good of the land owner and the agriculturist.

Coming to the amendment to the Resolution, I accept the principle of it. As to the method of it, we differ, and it is for the Honourable Members to decide whether they are in favour of a small cess all over India or for urging Government to use such funds as are available in the provinces to further the very cause that the proposer of the cess has in mind. (Applause.)

THE HONOURABLE THE PRESIDENT: The original question was : .

“ That the following Resolution be adopted :

‘ This Council recommends to the Governor General in Council that a prohibitive export duty be levied on export of oil-cakes, bones, fish manure, etc.’.”

[The President.]

Since which an amendment has been moved :

“ That for the words ‘ prohibitive export duty ’ the words ‘ small cess ’ be substituted.”

The first question I have to put is that that amendment be made.

The motion was adopted.

THE HONOURABLE THE PRESIDENT : The question then is :

“ That the Resolution, as amended, which reads :

‘ This Council recommends to the Governor General in Council that a small cess be levied on export of oil-cakes, bones, fish manure, etc.’

be adopted.’

The motion was negatived.

RESOLUTION *RE* RECONSTITUTION OF THE CENTRAL AND PROVINCIAL LEGISLATURES ON A UNI-CAMERAL AND ENTIRELY ELECTED BASIS.

THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY (East Bengal : Non-Muhammadan) : Sir, I beg to move the Resolution which stands in my name and which runs as follows :

“ This Council recommends the Governor General in Council to take steps to have the Indian Legislatures, Central as well as Provincial, reconstituted on a uni-cameral and entirely elected basis according to the following principles, namely :

- (a) capital and labour should have equal representation ;
- (b) capital and labour both should be subdivided into agricultural, industrial, commercial and intellectual sub-classes and these interests should have representation in the Legislatures in proportion to their importance in the country or the province concerned ;
 - (i) those paying revenue or a certain definite amount of cess or more shall be deemed to form the capitalistic section of the agricultural sub-class and those owning a plough shall form the labour section thereof ;
 - (ii) those engaged in industrial pursuits and paying income-tax therefor shall form the capitalistic section and those not paying any income-tax and those working under an industrial employer who employs at all times throughout the year 100 workers shall form the labour section of the industrial sub-class ;
 - (iii) those engaged in commerce and paying income-tax therefor shall form the capitalistic section and those not doing so shall form the labour section of the commercial sub-class ;
 - (iv) persons engaged in the learned professions of the law, medicine and education, etc., and those receiving salaries in other employments for which they are liable to pay income-tax shall form the capitalistic section and those who can read or write in any vernacular language shall form the labour section of the intellectual sub-class ;
- (c) the above classification should be mutually exclusive and no person should be entitled to have his name entered in more than one classification. But this restriction shall not for the present debar any person whose name is entered in one classification from standing as a candidate for any other classification except the labour section of the same classification, or seats may be reserved in the Legislatures on the basis of the above classifications and the elections held by joint general electorate consisting of all people falling under all the above classifications ;

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- (d) seats may for the present be reserved on a religious basis only in respect of those allotted to the intellectual sub-classes of capital and labour ;
- (e) the Legislatures should have rights of interpellation, holding investigations, passing Resolutions and legislative measures binding on the Government unless vetoed ;
- (f) immunities and privileges should be defined for them ;
- (g) the elected members should be removable within the term only after trial in a court constituted for the purpose at the instance of the President of any particular Legislature for being guilty of defined corrupt practices or for having acted in violation of any manifesto issued by them at the time of their election, this being made compulsory."

My first proposal in this Resolution, as you will observe, Sir, is to do away with the second Chamber. Apart from France and England, with which I shall deal later on, where the unitary form of government prevails, most other countries in Europe, the United States, Canada, South Africa and Australia were formed out of the federation of different States and a bi-cameral form of Legislature had to be adopted in them for the purpose of safeguarding the jealously guarded interests of States which had been in conflict with one another before the federation. In England, the Upper House has a historical foundation and was the first to wrest some powers from the monarch and has retained them till 1911. As regards France this is what Lord Bryce in his "Modern Democracies", Volume I, pages 240-41 and 261, says :

"After Louis Napoleon Bonaparte had been taken prisoner by the German army the third republic was hastily proclaimed by the legislative body then in existence. The majority in the Assembly was still monarchist. Every one felt that a permanent constitution ought to be enacted but the division of opinion offered great obstacles.

Among the monarchists there were three parties. Accordingly the republicans prevailed through the dissension of their adversaries and a republican constitution was adopted in 1875, the decisive vote being carried by a majority of one." (Volume I, pages 240-241).

"When the constitution was being framed the more advanced republicans preferred a single chamber system. But the monarchist section, who were in the majority, and most of the moderate republicans insisted on having a body calculated to give stability and would hardly have accepted universal suffrage without the check of another chamber. Gambetta eager to have a republic at once acquiesced."

The existence of the second Chamber in all countries where the dual system prevails has been sought to be justified on the ground of the necessity of creating a legislative authority whose function it should be to review measures passed by the popular House in such a way as to prevent its becoming law in undue haste. Let us see how far this object has been achieved in different countries where a second Chamber exists. In France this is what Bryce says :

"While feeling the natural and inevitable jealousy of a second Chamber towards a first Chamber, it recognises its inferiority and seldom challenges its rival to a duel. In Switzerland the powers of the two Houses are equal and the smaller House which represents the Cantons is in practice rather the weaker of the two. Men of energy and ambition prefer to sit in the National Council. There is no provision for deciding an issue on which the Houses may differ, but differences are neither frequent nor serious."

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In Canada this is what Marriot in his "Second Chamber" at page 101 says :

"That it would impose delays upon ill-conceived legislative projects, that it would give time to the electorate for sober second thought, that it would secure the country against political surprises and would circumvent unscrupulous party stratagems, the Senate has in every respect disappointed the hopes of its sponsors."

Speaking about Australia, G. B. Roberts in his "Functions of an English Second Chamber" at page 152 says :

"The Senate has failed to perform both its special functions and what is considered to be the main function of the second Chamber—the function of protecting the electorate from legislation of an advanced type."

Speaking of Canada again Marriot in his "Mechanism of Modern States" says :

"The Canadian Senate affords little encouragement to the advocate of bi-cameralism from the point of view of composition, procedure or powers."

Woodrow Wilson in his "Congressional Government" at page viii of the Preface speaks as follows about the American Senate :

"It is to be doubted whether I could say quite so confidently now as I said in 1884 that the Senate of the United States faithfully represents the several elements of the Nation's make up and furnishes me with a prudent and normally constituted moderating and revising chamber."

The French and American Senates are no doubt more powerful but that is because they have greater powers in certain respects than the first House. The Senate in France has the exclusive power of impeaching the President. It shares with the Chamber of Deputies the treaty-making power and with the President the right of dissolving the lower House. The superiority of the United States Senate is however really due not to the mode of choice but to the fact of its longer term of service, its continuity and its wider powers. It has the right of considering and confirming nominations to office made by the President and of approving by a two-thirds majority treaties made by him. It also sits as a court of justice to try impeachments of the President, judges and other officials. Even yet the Senate—

"has never been and is certainly not now an assembly of sages. Jealous of its powers it often allows that power to be misused by Senators who care more for the interests or demands of their own States than they do for the common good." (Bryce).

Then comes the difficulty of selecting a method of composing the second House. This is what Bryce says in Volume II of his book at pages 442-444 :

"None of the systems enumerated has altogether approved itself. Direct election inevitably creates a competitive claim to equal authority. It has another fault ; if the two houses are elected at the same time they are likely to be controlled by the same political party and no new element of knowledge or wisdom is brought in to serve the nation. The plan of nomination by the executive is even less to be commended because members seem to be usually selected for party reasons. Election on a restricted franchise exposes the chamber to the charge of being a class body habitually opposed to the popular will. Election by colleges drawn from local authorities has brought party politics into the popular elections of those authorities themselves. Thus every method of choice has proved to have its defects."

Apart from all this there is the difficulty of finding proper candidates with regard to which Bryce says at page 367, Volume II :

"The best citizens are less disposed to enter the chambers."

Again at page 373 he goes on :

"It is clear that nowhere does enough of that which is best in the character and talent of the nation find its way into these assemblies,"

and he ascribes this tendency to the—

"issues of policy which now occupy legislatures being more complex and difficult than those of half a century ago. The strife of classes and formation of class parties were not foreseen, nor the vast scale on which economic problems would present themselves, nor the constant additions to the functions of governments."

Accordingly the most advanced theorists of our time seek to destroy second Chambers altogether. Walter Bagehot in his "English Constitution, 1920," page 107, says :

"With a perfect lower house it is certain that an upper house would be scarcely of any value. If we had an ideal House of Commons perfectly representing the nation, always moderate, never passionate, abounding in men of leisure, never omitting the slow and steady forms necessary for good consideration, it is certain that we should not need a higher chamber. The work would be done so well that we should not want anyone to look over or revise it. And whatever is unnecessary in Government is pernicious. Human life makes so much complexity necessary that an artificial addition is sure to do harm. You cannot tell where the needless bit of machinery will catch and clog the hundred needful wheels but the chances are conclusive that it will impede them somewhere."

J. A. Spender in his "Public Life" (1925), Volume I, page 170, says :

"It is improbable that a great electorate conscious of its power will ever again give either the hereditary peers or any body of men elected by fancy franchise the power of veto over its own decisions."

Confronted with all these difficulties England has not yet been able to frame any constitution for its second Chamber while she has in 1911 deprived it of all power over money Bills and put an end to their co-ordinate authority in matters of ordinary legislation by leaving to them only a two years' suspensive veto, and the modern constitutions of the States of Greece, Bulgaria, Finland, Esthonia, Jugoslavia, Latvia and Lithuania have adopted the uni-cameral type. This was also the type adopted by the Greeks in ancient times. Instead of creating a two-legged body, one leg tending to go forward and the other trying to pull it back, restraints may also be put on hasty legislation by imposing checks on the uni-cameral body by way of providing dilatory procedure and vesting the executive with the right of veto or dissolution to a limited extent. This system is open however to the objection that rules prescribed by the legislature, if a sovereign body, can be repealed at its pleasure, destroying thereby the security they seemed to promise. But these safeguards can be made effective by placing them out of the reach of ordinary legislation and including them in a constitutional instrument which the Legislature cannot easily alter, as has been done in the United States and other countries following her example.

Coming now to India, as we cannot expect the Indian States to give up their sovereign rights, a confederacy of States and not a federation is the only possible solution. I have therefore proposed in a scheme of mine for the constitution of India that a Council of States should, as in the case of the old German Diet and the present Reichsrat, be composed not of members selected by the people of the different States and British India, but by the Governments of

[Mr. Kumar Sankar Ray Chaudhury.]

the States themselves and the various Provincial Governments and the Central Government in British India, so that they will be able to represent the States fully and with authority to bind them. As such a Council of States, if constituted, will have to deal with many of the subjects which fall particularly within the domain of the Central Legislature, a bi-cameral Legislature for the Central Government will be hardly necessary.

As regards the Provincial Governments, the tendency in most countries now is to adopt the uni-cameral system confined as their activities are to a limited circle.

Moreover the constitution of the Legislatures on an economic basis and filling them half with capitalists and half with labour out of the various sections of society will serve the purpose of rolling up the two Chambers into one and render the creation of two separate Chambers not at all necessary. It is for all these reasons that I have adopted the uni-cameral type, and I hope it will commend itself to the House.

I now come to the next aspect of my Resolution, namely, the economic basis of representation. That the principle of representation adopted in the West is not without its defects and does not allow the representation of all interests in the country has been admitted by Western thinkers, and it is no use saying that it is open to all classes to come through the open competition of a general electorate. Marriot in his "Mechanism of Modern States" admits :

"It was contended and anticipated that the adoption on a scale almost universal of the principle of single member constituencies would among other advantages secure adequate representation to minorities."

Mr. Gladstone admitted that a "large diversity of representation is a capital object in a good electoral system" and he contended that by means of one member districts the representation of minorities would be adequately secured. This anticipation was not fulfilled. On the contrary the new system has tended to the exaggeration of majorities. Lord Acton says :

"The most certain test by which we can judge whether a nation is really free is the amount of security enjoyed by the minorities. It is bad to be oppressed by a minority, but it is worse to be oppressed by a majority."

Mill indeed goes so far as to affirm that—

"It is an essential part of democracy that minorities should be represented. No real democracy, nothing but a false show of democracy is possible without it."

Bagehot ("English Constitution, 1920", page 25) characterises a good Parliament as being one in which—

"the majority ought to represent the general average intelligence of the country and the various members ought to represent the various special interests, special opinions and special prejudices to be found in the community. There ought to be an advocate for every particular sect."

In the United States Congress about one-half of the members are lawyers (Bryce, Vol. II, page 56). In the French Senate—

"the bulk of the senators have of late years been professional men, chiefly physicians and lawyers, with a few agriculturists. The higher walks of commerce, landed property and industry are not largely represented." (Bryce, Vol. I, page 263.)

In the French Chamber of Deputies—

“the largest element consists of professional men, lawyers, physicians, journalists, retired functionaries and professors and school teachers. There are not many to speak for agricultural and even fewer had worked with their hands before they entered the Chamber. . . . the Chamber consists chiefly of the same upper strata of the middle classes as does the United States Congress or the Parliament of Canada, the chief difference being that in those bodies there are even more lawyers but hardly any physicians, teachers or journalists.” (Bryce, Vol. I, page 278.)

The rule of the people thus only means the rule of a particular class of people and minority interests are forced to go to the wall. Various methods styled as “Self-made Constituencies”, “Limited Voting”, “Cumulative Vote”, “Proportional Representation”, “Alternate Vote” have been suggested. Of these, proportional representation has been adopted in some of the European countries; but examination has shown that the results of all these plans have not gone very far in effecting a representation of the minorities and all sorts of interests that are found to exist in the country. They at best serve to bring in one or more minority groups strong enough to fight an election in constituencies which have to be made much bigger in order to afford plurality of seats. With the advance of civilisation and consequent diversity in the pursuits of life, the conflicts of interests between different sections of society have assumed a very great economic importance.

“The dividing line,”

—says Bryce (Vol. I, page 141)—

“between parties tend to be economic. The result has been to accentuate class sentiment making a sharper division than previously existed between the richer and the more conservative element in every country and that which is poorer.”

Again he goes on (at page 661, Vol. II), in many countries—

“the centre of gravity in political thought as well as in action has shifted from methods of government and legal reforms to economic issues”

and that this

“social or economic basis of parties are likely to last so long as no single type of economic doctrine becomes completely dominant.” (Volume II, page 382.)

“The functions thrust upon Governments are becoming more numerous and complex so that greater and greater special knowledge and skill are required to discharge them.” (Ib., page 452.)

“Alike in France, in America and in England the constitutional machinery that exists for investigating, preparing and enacting legislation upon economic and industrial topics has failed to give satisfaction.” (Ib., page 520.)

Several countries in Europe have therefore in remodelling their constitution made provisions for safeguarding the different economic interests in the country, *vide* Article 44, Serbs Croats and Slovenes Constitution, Article 68, Polish Republic, Article 11, clause 2, Austrian Republic, Article 7, clause 10, German Constitution, Article XX Mexico, Article 45 Ireland. Germany has further provided for the constitution of a National Economic Council whose function:

“is one of conciliation and harmonisation of the ideals of the workers and employers with a view to increasing thereby the technical efficiency of production.” (“New Governments of Central Europe” by Melbone Graham, page 75.)

“It is endowed with sufficient political power to place it on a parity with the Reichsrat in matters of legislation.” (Ib., page 76.)

[Mr. Kumar Sunkar Ray Chaudhury.]

Recently the Trade Union Congress in England has also passed a resolution for the creation of such a body in England. But those provisions have not gone far enough for—

“in the course of their struggle the English combatants for freedom realised as had done their Greek and Roman predecessors that they cannot win and hold civil and religious liberties so long as the constitution of the State left political power in the hands of a monarch or a class.” (Bryce, Vol. I, page 58.)

That rule, I venture to submit, applies to economic interests as well, and so long as the constitution of the State does not recognise economic interests and afford sufficient representation to them—

“a nation is sure to lag behind its competitors and power will pass from it to those competing nations whose better-planned institutions are more practically efficient.” (Bryce, Vol. II, page 452.)

If organised society in which all people have their just dues and fair share of the amenities of life be the end of social evolution, I think instead of merely copying Western institutions, we ought to take advantage of our experiences of the histories of Eastern and Western civilisations and, avoiding their pitfalls, chalk out a path for ourselves by evolving a scheme which will as much as possible harmonise the various conflicts of interests and give them their full share of representation and influence in shaping the destinies of our country. I have therefore proposed the constitution of the Legislatures upon an economic basis giving representation as much as possible to all classes of interests in the country in proportion to their importance. The report of the Committee of the All Parties' Conference also lays stress on this fact in the following words at page 49 :

“We are certain that as soon as India is free and can face her problems unhampered by alien authority and intervention, the minds of her people will turn to the vital problems of the day... The result will be that parties will be formed in the country and in the legislature on entirely other grounds, chiefly economic we presume. We shall then find Hindus and Muslims and Sikhs in one party acting together and opposing another party which also consists of Hindus, Muslims and Sikhs. This is bound to happen if we once get going.”

Capital and labour, Sir, are international in their interests. Already in Europe the spirit of internationalism is trying to gain the ears of the people through the help of their agencies, while patriotism, the representation of territorial interests and jealousies are trying to hold it back. If Europe is to rise out of the cess-pool, it must be through the international organisation of her economic interests far more quickly and readily than through her political. The League of Nations has already been able to keep up these matters more easily than political. Similarly, for India too, to rise as a nation, these economic interests should be organised and brought to a focus in the State, and nothing is better fitted to do it than giving the very constitution of the State an economic basis.

I have not for the present given effect to the principle of universal suffrage, but that principle can easily be applied in future by extending the labour section of each sub-class so as to comprehend within their folds all people following the different avocations in life.

Politically speaking there is not, nor can there be, any conflict of interest between the various religious communities residing in India. The laws that affect the relationship between landlords and tenants affect the landlords and tenants irrespective of the religion they profess. So also is the case between capital and labour or the producer and the consumer. I have therefore brought these interests to the forefront, as I submit they ought to be, and tried to give them the representation that is due to them in proportion to their importance in the country. The question of the community to which any of these particular classes belong can only arise indirectly, and where it does arise, the representation of the class will serve to ensure the representation of that community without the introduction of the bad principle of communal representation for its own sake. Fortunately or unfortunately for us, but I should rather say fortunately, various systems of cultural civilisation with their traditions of past glory have existed side by side in India without being crushed by one another out of existence, and no one who is a well-wisher of India can deny that their continued existence and further development will make great contributions to the store of human wisdom. In the true spirit of harmoniously fostering and safeguarding the growth of such cultures, it may be necessary to apply the principle of communal representation to the case of the intellectual sub-classes of capital and labour. Provision for this I earnestly hope and trust if necessary will allay the suspicion that may lurk in the minds of those who advocate communalism to safeguard the rights of the various communities.

To the leaders of communalism, of the minority communities, in different parts of India, Hindus, Mussalmans as well as Europeans, I make an earnest appeal not to be too much led away by the spirit of communalism. They may afford to do so as long as the British people are here to look on and laugh and to provide safeguards for them in the constitution. But the British people are not going to stay here for ever. As soon as they lose their naval and maritime supremacy by competition with other nations, which they are going to do in no time, and thus lose their advantage over others in respect of trade and commerce and are involved in an international conflagration, they will have to shake their hands off India as the Romans did with them. No constitution granted by the British will then be sacrosanct and the minority communities will then have to depend upon the good-will of the majority and their erstwhile leaders will, in the words of Bernard Shaw, "exterminate themselves like Kilkenny cats" and be ultimately abjured by their communities. If the communities do not do so and follow the lead of these leaders, the leaders will be responsible for the repetition in India of the histories of the Spanish Inquisition and Massacre of Glencoe and similar incidents which darken the history of Europe and have exterminated the Catholics and the Protestants almost wholesale from one country or another.

There are, Sir, three main systems of Government prevalent in Western countries, namely, the British party system, the Swiss Council system, and the Presidential form established in the United States. So long as we retain our connection with Great Britain, the Presidential system with the executive responsible only to him and not to the Legislature is out of the question, for we cannot have the head of the executive made responsible to the people; and we

[Mr. Kumar Sankar Ray Chaudhury.]

have to choose between the British and the Swiss systems. If the Swiss system of Government, which I prefer on account of the absence of party rivalry and jealousy, be adopted, the executive council and the Legislature ought to be representative of all interests in the country, and my scheme of constituting the Legislature on an economic basis representing all interests is, I venture to submit, well calculated to serve that purpose. If, on the other hand, the British party system of Government is accepted, it involves the necessity of creating two well defined and equally matched parties in the country.

"There is a tendency for the community to be divided, as the Greek republics were already in Plato's time, into a party of the poor and a party of the rich." (Bryce, Volume I, page 140.)

So was the case in Rome between the Patricians and Plebians, and so is the case in modern Europe, the two main parties being capital and labour. This tendency, however deplorable, is inevitable and as such must be recognised, and an attempt should be made to bring them into harmonious co-operation with each other instead of their being set in rivalry on trying to overreach the other. It is to serve this purpose before it is too late that I have proposed to give equal representation both to capital and labour. Argument may be advanced that labour is not yet fit to take up such a position. To this Bryce in Volume I, at page 55 of his book, has given the curtest reply by saying :

"In England the generally accepted argument in 1870 that fitness for the exercise of the suffrage should be a pre-condition to the grant of it, was in 1918 tossed contemptuously on the dust heap of obsolete prejudices because a new generation had come to regard the electoral franchise as a natural right."

Moreover all representative institutions in all countries have to base their system upon the suffrage of the masses who are as a rule everywhere more or less untrained and apathetic, and the best way of training them is to give them special facilities not only for the choice of their representatives, but also by allowing them to send their representatives in sufficient number from amongst themselves.

THE HONOURABLE THE PRESIDENT : The Honourable Member passed his time limit some minutes ago.

THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY : I will bring my remarks to a close, Sir. India being mainly an agricultural country and agriculturists being in all countries mostly conservative in temperament, and half the seats in the Legislatures being reserved for capitalists, there is, I venture to submit, no danger involved in giving the other half of the seats to the poorer sections, especially as they will for a long time to come be in the leading strings of the more educated sections for want of proper training. I have also provided in my scheme that they may in the beginning send as their representatives men from the upper classes if they so choose, and they are more likely to do so in the beginning.

Another suggestion in my Resolution which I would like shortly to deal with.....

THE HONOURABLE THE PRESIDENT : I am afraid I cannot allow the Honourable Member to start a new point in his Resolution.

THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY : With these words, Sir.....

(The Honourable Mr. Kumar Sankar Ray Chaudhury did not resume his seat when the Honourable the President rose to make his remark.)

THE HONOURABLE THE PRESIDENT : Will the Honourable Member kindly resume his seat ?

(Thereupon the Honourable Mr. Kumar Sankar Ray Chaudhury resumed his seat.)

THE HONOURABLE THE PRESIDENT : I was merely going to explain to the Honourable Member why I could not permit him to start a new head in his Resolution. It is true that the Resolution is a very lengthy and a very comprehensive one, but the Honourable Member was guilty, I think, of some lack of sense of proportion when at the end of 17 minutes of his speech he had dealt with only one word in the Resolution, that is only one out of some 500 words, namely, the word "uni-cameral," and so only one point had been dealt with at the end of 17 minutes. That is why, though the subject is very long, I do not think it is fair to the Council to allow the Honourable Member to take up more of the Council's time.

THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY : I am sorry, Sir.

The Council then adjourned for Lunch till Ten Minutes to Three of the Clock.

The Council re-assembled after Lunch at Ten Minutes to Three of the Clock, the Honourable the President in the Chair.

THE HONOURABLE THE PRESIDENT : I did not put the question to the Council after the Honourable Mover's speech. The Resolution* has been moved in the terms put down in the list of business.

THE HONOURABLE MR. C. W. GWYNNE (Home Department : Nominated Official) : Sir, I am sure that it is the wish of the House that I should make as brief as possible a reply to the picturesque mosaic of political theory and dangerous sentiment depicted by the Honourable the Mover. I regret that I am again compelled to oppose the Resolution standing in his name, because I envy his infinite capacity for research and the extent and vividness of his imagination. Indeed, I do not know which I most admire, his encyclopaedic industry or his ambitious flights of fancy. I am sure that in the annals of this House no Resolution has ever been moved which in citation alone would occupy something like a page of the official record, and surely no Resolution has ever run to so many sub-sections. It reminds me rather of a section of the Code of Civil Procedure or a clause in the constitution of some latter-day republic. Sir, the issues raised by this Resolution are so comprehensive and so controversial, that I am sure the House will agree that the time has not arrived when such a Resolution should be even seriously discussed, much less accepted. The Honourable the Mover with a ruthlessness of which I should not have thought him capable is virtually asking this House to advocate its

* Vide page 150 of these Proceedings.

[Mr. C. W. Gwynne.]

own annihilation. I am quite sure that this House with its record and its place in the constitution is not at this moment even prepared to consider such a proposition. I would only say as regards the bi-cameral system, firstly, that it is a system which has found favour in practically all the important countries of the world ; secondly, that the provincial committees which have been reporting on constitutional matters to the Simon Commission have recommended that system even for the provinces, and my Honourable friend's own province, Bengal, has made a recommendation to that effect ; thirdly, I would observe that the uni-cameral system was once tried in England for about ten years, but at the end of that time stood confessed a miserable and conspicuous failure. It was also found a failure in France and one or two other countries.

Now, as to the Resolution itself, the system of electorates and representation of minorities, I would only say that the scheme strikes me as being somewhat unreal and fanciful, would be difficult of application to any known or existing conditions, and is not easy of comprehension. The equal representation of capital and labour is perhaps difficult of justification. The suggested proportional representation of his four classes of society, agriculture, industry, commerce and the intelligentsia, sounds well, but on what principle is this proportion to be regulated or calculated ? I do not, however, propose to enter into any elaborate discussion of the scheme, as I maintain that this is neither a proper time nor a fitting place for such discussion. The Statutory Commission is engaged on an exhaustive inquiry on all the questions affecting the constitution and obviously matters relating to franchise, and the most suitable representation of various sections and shades of opinion will obviously take a prominent place. If the Honourable Member has not done so, he might even now submit his proposals to the Commission for their examination. I have purposely not spoken at length and do not intend to speak at length on this Resolution. I feel that perhaps the Honourable the Mover is mainly anxious to ventilate his scheme and his opinions on these important matters without desiring to commit the House either to definite acceptance or even to any particular expression of view. If, however, that is not his intention, I can only ask the House to reject the motion, which is both ill-timed and unpractical.

THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY : Sir, my scheme has been objected to on various grounds. As regards the question of its being premature, as I have already submitted on another occasion, my object was to bring these matters up for discussion by the representatives of the public in this House. I do not want the Government to commit themselves in any way on this point, as the matter is now before the British Parliament and is in the hands of the Simon Commission. As regards my scheme being a dangerous mosaic, I would submit that the principle underlying my scheme has been accepted by Government in its present constitution to some extent. You have given representation to the agricultural capitalists by providing special electorates for the landlords. You have given partial representation to the commercial interests by giving representation to the Chambers of Commerce. You have given representation to industrial labour by providing one or two nominated seats in different provinces to them. But, as regards the

other sections of labour and capitalists, what you have done is to throw them in a lump and given them the general constituencies. You there allow the landlords and commercial magnates again to come in, and, if you look to the various local and the Central Legislatures, you will find them all filled by landlords and lawyers. That, as I have already stated, is the experience of other countries where a system of general constituencies prevails. So all that I wanted to do was to systematise the scheme that you have already yourself introduced. You wanted representation of these economic interests, but you have not done it in a systematic manner.

That was primarily my object in bringing forward this Resolution, namely, to systematise the present system adopted by the Government themselves. As regards giving equal representation to capital and labour, my idea is, as I have already submitted, capital and labour are the two party groupings which are taking place throughout the world, and, unless you bring them together and place them on an equal footing, there will be no compromise between the economic theories of individualism and socialism. It is, therefore, necessary that you should place capital and labour upon an equal footing, and so long as we do not do that, and capital is trying to overstrip labour and labour is trying to overstrip capital, the state of things that is happening in other countries will surely follow here, and in time the labourers, having the masses behind them, will surely overrun the Legislature. The reason why I want capital and labour to be equally represented in the country is that they might come to some compromise ; otherwise, if one is trying to obstruct the other, it will not be possible at all to arrive at any proper solution of the problem....

THE HONOURABLE SIR MANECKJI DADABHOY : Have you read the report of the Bombay Riot Committee ?

THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY : Then, I have already dealt with the bi-cameral system, and I need not dwell on it at length. I will simply say that I have not suggested the total abolition of the bi-cameral system. All that I have said is that, so far as the provinces are concerned, the function of the local Legislatures being limited, the tendencies in all countries are for a uni-cameral Legislature. As regards the Central Government, I have said that inasmuch as a federation of the different States and British India will be necessary, the bi-cameral system will have to be adopted there ; and if that federation comes in, there will be no need for a second Chamber for British India, because, in that case, the federal Chamber will occupy the place of the second Chamber. So, I did not advocate the total abolition of the bi-cameral system so far as the Central Government is concerned. Then, with regard to the representation of minorities, I have already submitted that my scheme was mainly intended to enable all sects, all sorts of interests, in the country to be represented, and that was why I wanted this classification. Then, another question was raised as to how this principle of proportion amongst the different interests was to be determined. Have we not got the sources of revenues and sources of income-tax to do it ? We can base our proportion of representation upon the proportion between the land revenue and income-tax realised in the country. Those, I think, are the main grounds on which my Resolution has been attacked, and I submit I have endeavoured to the best of my ability to meet them.

THE HONOURABLE THE PRESIDENT : The question is :

“That the following Resolution be adopted :

‘This Council recommends the Governor General in Council to take steps to have ~~the~~ Indian Legislatures, Central as well as Provincial, reconstituted on a uni-cameral and entirely elected basis according to the following principles, namely :

- (a) capital and labour should have equal representation ;
- (b) capital and labour both should be sub-divided into agricultural, industrial, commercial and intellectual sub-classes and these interests should have representation in the Legislatures in proportion to their importance in the country or the province concerned ;
 - (i) those paying revenue or a certain definite amount of cess or more shall be deemed to form the capitalistic section of the agricultural sub-class and those owning a plough shall form the labour section thereof ;
 - (ii) those engaged in industrial pursuits and paying income-tax therefor shall form the capitalistic section, and those not paying any income-tax and those working under an industrial employer who employs at all times throughout the year 100 workers shall form the labour section of the industrial sub-class ;
 - (iii) those engaged in commerce and paying income-tax therefor shall form the capitalistic section, and those not doing so shall form the labour section of the commercial sub-class ;
 - (iv) persons engaged in the learned professions of the law, medicine and education, etc., and those receiving salaries in other employments for which they are liable to pay income-tax shall form the capitalistic section, and those who can read or write in any vernacular language shall form the labour section of the intellectual sub-class ;
- (c) the above classification should be mutually exclusive and no person should be entitled to have his name entered in more than one classification. But this restriction shall not for the present debar any person whose name is entered in one classification from standing as a candidate for any other classification except the labour section of the same classification, or seats may be reserved in the Legislatures on the basis of the above classifications and the elections held by a joint general electorate consisting of all people falling under all the above classifications ;
- (d) seats may for the present be reserved on a religious basis only in respect of those allotted to the intellectual sub-classes of capital and labour ;
- (e) the Legislatures should have rights of interpellation, holding investigations, passing Resolutions and legislative measures binding on the Government unless vetoed ;
- (f) immunities and privileges should be defined for them ;
- (g) the elected members should be removable within the term only after trial in a court constituted for the purpose at the instance of the President of any particular Legislature for being guilty of defined corrupt practices or for having acted in violation of any manifesto issued by them at the time of their election, this being made compulsory.’ ”

The motion was negatived.

RESOLUTION *RE* CONSTRUCTION OF A NEW CENTRAL RAILWAY STATION AT ALLAHABAD.

THE HONOURABLE MR. NARAYAN PRASAD ASTHANA (United Provinces Northern : Non-Muhammadan) : Sir, I beg to move the following Resolution :

“ This Council recommends to the Governor General in Council that steps be taken at an early date to build a new central railway station at Allahabad, to which the narrow gauge railway may also be admitted. ”

Sir, I have brought forward this Resolution before this Council, as Allahabad is a town not of local importance, but is of all-India importance inasmuch as it attracts pilgrims from all parts of India and it is called the king of all pilgrim places, Prayagraj, and also because it has got a High Court there to which people come from all parts of the United Provinces as well as those who are affected by the decisions of law suits instituted in those provinces. Now, there are not only Mag Mela fares held every year, but there are held Kumbh Melas every sixth year, and the great Kumbh Mela every 12th year. In the year 1930, in January and February, we will have at least a concourse of not less than 20 lakhs of people coming to Allahabad for the purpose of having a dip at the auspicious moment in the Sangam. Then, Allahabad is also a central place so far as the railway systems of India are concerned. Through it passes—if not through it, at least in its vicinity—the Bombay Mail ; the Calcutta Mail passes through it, and then so many lines diverge to all other parts of India that it is necessary that we should have a station on modern lines at the place. The other difficulty that the passengers coming to Allahabad experience is this. Allahabad has also got a narrow gauge line, namely, the Bengal and North-Western Railway, which comes from Gorakhpur and Tirhoot side to Allahabad. Now, the station of this metre gauge railway is more than a mile distant from the East Indian Railway station, and people coming late at night, say at about 10 or 11 o'clock, find it very difficult to go to the other railway station and there to enter a through train. Passengers are put to a good deal of inconvenience and the means of communication are also very limited. Therefore, what I have proposed is this, that the Bengal and North-Western Railway metre gauge line should also be brought into the station, where they can meet and passengers can enter into the through carriages of the East Indian Railway. Now, the present station is situated in the heart of the city, having valuable property all round and, therefore, if this station is to be extended, I think it will be a source rather of annoyance and trouble to the people who will be de housed thereby. Therefore, the only alternative that can be had is to remove the railway station towards the west, say a mile or six furlongs, and there to build a central station where you can have a good deal of land and where the goods traffic can be diverted and where also the Bengal and North-Western Railway line can be brought in. It may be said that this railway station will cost a lot. No doubt it will cost a good deal of money, but then the importance of the place requires, I think, more than Cawnpore or Lucknow, where new stations have been built, that a central new railway station should be built at Allahabad. The present railway station has got very limited accommodation for third class passengers. As I have always said, where a concourse of about three lakhs every year and about 10 lakhs every six years and about 20 lakhs every 12 years assembles, a third

[Mr. Narayan Prasad Asthana.]

class waiting room, where you can accommodate only about 200 people, is rather ludicrous. There is no intermediate class waiting room at all in the railway station. If you go to the sanitary arrangements, they are hideous. I know that some tinkering is going on, namely, the waiting rooms are being remodelled, but I do not think that that will meet the situation. It might be said that because the railway station is situated in the heart of the city, therefore it is very convenient for the citizens of Allahabad to go there, but I do not think that the citizens of Allahabad will object to the station being removed a mile, inasmuch as the civil lines will greatly appreciate this, because, during the night, in all the bungalows you constantly hear the thuds of one goods wagon bumping against another and throughout the night you hear the railway engines whistling, and it is a great source of annoyance to the residents of the Civil Lines who live near the station. The removal of the goods station will be welcomed by the Improvement Trust, because it will release so much land for the purpose of the bazaar and of private houses.

Sir, the question being one of all-India importance, I have brought this before this Council, and I hope that the Members of this Council will realise the importance of Allahabad as the greatest pilgrimage centre in India, and that they will vote in favour of the motion.

THE HONOURABLE MR. J. A. WOODHEAD (Commerce Secretary): Sir, I understand that the Honourable Member's Resolution is not that a new central station should be erected on the site of the present station, but that a new central station both for passengers and goods should be erected about one mile to the west of the present station. That, I understand, is his proposal. The Honourable Mover has admitted that it is a project involving very considerable expense and, although it is difficult to estimate what the actual cost will be, I think I may simply say that it will probably be somewhere in the region of 70 lakhs of rupees. I hope the House will agree that, before they endorse a proposal involving such heavy expenditure, they should be satisfied that there are adequate grounds that this project should be undertaken and this heavy expenditure incurred.

It may perhaps be helpful to those Honourable Members of the House who are not acquainted with Allahabad—personally I did not know much about railway arrangements at Allahabad until a few days ago—if I attempt a short description of how the railway lines approach Allahabad and the situation of the two stations. The Great Indian Peninsula and the East Indian Railways approach Allahabad from the south, the East Indian Railway from Mogul Serai and the Great Indian Peninsula Railway from the direction of Jubbulpore. They join some distance south of the Jumna river, cross the Jumna bridge, and, then proceeding for a short distance through the city, turn west to enter the Junction station which lies in an easterly and westerly direction. The other broad gauge line, the old Oudh and Rohilkhand Railway, which is now amalgamated with the East Indian Railway, approaches Allahabad from the north, crosses the Ganges by the Curzon bridge, proceeds for some distance through the civil station and then, like the East Indian Railway, turns west to enter the present junction station. The other railway is the metre gauge, the Bengal and North-Western Railway; this approaches Allahabad from the

east from the direction of Benares and Tirhoot, crosses the Ganges just North of its junction with the Jumna river and then proceeds to a separate metre gauge station which I think is locally known as the city station. As regards the situation of the broad gauge station, I think the Honourable Mover will admit that, from the point of view of the broad gauge passengers, it is conveniently situated. It is situated between the city on the south and the civil station on the north. The city station, that is, the metre gauge station, is also conveniently situated for persons travelling to and from Allahabad by the metre gauge. It is in the city and is about, as the Honourable Member says, a mile from the main station.

I gather that the Honourable Member supports his proposal on two grounds. First, on the ground that the passenger traffic has outgrown the accommodation provided by the existing broad gauge station ; it does not now offer sufficient facilities for the passengers arriving at and departing therefrom. Further, I understand that his objection is not so much from the point of view of the facilities for operating the passenger trains, but rather from the point of view of the waiting room accommodation provided at the railway station. The second ground is based on the inconvenience suffered by passengers who arrive or depart by the metre gauge railway and have to walk from the metre gauge station to the broad gauge station or *vice versa* in order to take another train.

I will deal with the second ground first. That is, as regards the inconvenience suffered by the passengers who have to change from one station to the other.

I would remind the House that this inconvenience is limited to a small number of passengers, that is, to passengers who travel from and to stations on the Bengal and North-Western Railway to and from stations on the East Indian and the Great Indian Peninsula Railways. So far as passengers travelling to and from stations served by the former Oudh and Rohilkhand Railway are concerned, there is, I think, practically no inconvenience, because the metre gauge and the broad gauge both enter the same station at Benares and passengers proceeding to and from stations on the Oudh and Rohilkhand Railway from and to stations on the metre gauge can without inconvenience change at Benares. So, the inconvenience is limited to those passengers who are proceeding to or from stations on the East Indian Railway and the Great Indian Peninsula Railway. We have no figures showing what is the number of such passengers, but I hope the House will agree that the number is hardly likely to be sufficiently large to warrant an expenditure of Rs. 70 lakhs.

As regards the first ground that the passenger traffic has outgrown the accommodation provided by the present broad gauge station, it has been recognised that the intermediate and third class waiting room accommodation is inadequate, and the Railway Board recently sanctioned an urgent grant for the improvement of that accommodation. This grant was given in view of the coming *Kumbh Mela*, when a large number of pilgrims from many parts of India will arrive at the broad gauge station. As I said, these works include the remodelling of the third and intermediate class waiting room accommodation, and when this remodelling has been completed, the railway authorities are of opinion that the accommodation provided will be adequate. But even supposing that further accommodation should be found to be required, I see

[Mr. J. A. Woodhead.]

no reason why that accommodation should not be provided in the present station instead of moving the station to a new site a mile away.

There is also another point to which I would like to refer, and that is, that the present broad gauge station is very conveniently situated. You could not get a more convenient site from the point of view of passengers who arrive at and leave Allahabad by the broad gauge station, and if the station is removed a mile to the west, those passengers will certainly be subjected to some inconvenience. The new site will not be as convenient as the present site, and I would suggest, Sir, that this is a point which should be borne in mind by members of the House when they consider the Honourable Member's proposals.

I hope, Sir, I have said sufficient to convince the House that conditions at Allahabad do not justify the erection of a new station at a heavy cost of Rs. 70 lakhs. I do not seek to deny that there is a certain amount of inconvenience to those passengers who have to change from one station to another. I admit that. But what I do urge is this, that that inconvenience is not sufficient to warrant the House recommending that Government should spend Rs. 70 lakhs on building an entirely new station. The case for the new station rests practically entirely on that relatively small inconvenience, and I hope the House will not endorse the Honourable Member's suggestion that this small inconvenience is sufficient to warrant such a large expenditure.

One more point, Sir, and I have finished. I think the case can be put in a nutshell. The House must choose between recommending an expenditure of Rs. 70 lakhs upon a station which, I urge, is not urgently required, and other projects of railway expansion which are certainly far more urgent than the station of Allahabad. In view of what I have said, I hope the House will not endorse the Honourable Member's Resolution.

THE HONOURABLE MR. NARAYAN PRASAD ASTHANA: Sir, the Honourable Member in charge of the Department in this Council has admitted the inconvenience to the public. He has also admitted the inadequacy of the arrangements for the accommodation of third and intermediate class passengers on the present railway station. But he has defended his position on the ground that, as it will cost about Rs. 70 lakhs, the inconvenience suffered by the passengers is so small that an expenditure of Rs. 70 lakhs should not be incurred. I had expected to hear from the Honourable Member whether the expenditure which has been incurred at Lucknow and Cawnpore was incurred because those railway stations were hopelessly inadequate, or whether they did not stand in the same position as the present Allahabad station. Having incurred huge expenditure on these two stations, I do not see that it lies in the mouth of the Government to say that Allahabad is a place where the passengers do not suffer so much inconvenience as they do at other stations. Moreover, the inconvenience is not confined to a small number of passengers but to a very large number of passengers who come from the Tirhoot side and have to travel on the East Indian Railway or the Great Indian Peninsula Railway. Figures have not been given, and I think the majority of the passengers are for the East Indian Railway and the Great

Indian Peninsula Railway. Again, my argument has not been met that, where such a huge concourse of people meet, the present station cannot at all hope to cope with such a mass of humanity. Also my argument has not been met that the present railway station's site being in the centre of the city, it is not capable of expansion. I thought that the Government would rather welcome the Resolution, inasmuch as if they remove the station a mile hence, they will have ample room for expansion and for providing the waiting rooms and also for goods sheds, and so forth. So far as the financial difficulty is concerned, as I have already said, inasmuch as they are incurring heavy expenditure on ordering goods from England and ordering huge stores from other countries, I think it is for the Government to find ways and means for building a new station, whether it costs Rs. 70 lakhs or Rs. 60 lakhs. It is for the convenience of the passengers that the railways exist, and the Railway Reserve Fund is not to be spent simply on stores, but also on providing facilities for the passengers who travel by those railways.

THE HONOURABLE THE PRESIDENT: The question is:

"That the following Resolution be adopted:

'This Council recommends to the Governor General in Council that steps be taken at an early date to build a new central railway station at Allahabad to which the narrow gauge railway may also be admitted'."

The motion was negatived.

RESOLUTION *RE* JAIL ADMINISTRATION IN BRITISH INDIA.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE (West Bengal: Non-Muhammadan): Sir, I rise to move the Resolution which stands in my name:—

"This Council recommends to the Governor General in Council that he should take steps to appoint, at an early date, a committee consisting of Members of the Central Legislature and other representatives to investigate the subject of Jail Administration in general in British India and with special reference to—

- (1) Inspection and superintendence of prisons;
- (2) Classification and separation of prisoners;
- (3) Prison discipline;
- (4) Treatment of under-trial prisoners;
- (5) Prison hygiene and medical administration;
- (6) Visitors;
- (7) Treatment of the child offender;
- (8) Treatment of State prisoners and political offenders; and
- (9) Special classes of prisoners."

The question of prison reform has been pointedly brought to the fore front by the grim determination of some of the under-trial prisoners during the last few weeks. To Jatindra Nath Das will for ever belong the glory of effectively bringing out some of the outstanding scandals in Indian jail life. He sacrificed his life for a principle, and sacrifice for a principle is one of the most beautiful realities in life. However powerful or bureaucratic a Government may be, it may imprison the body but the mind refuses to be bound by every arbitrary rule however

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despotic the human agency. It is a terrible phenomenon no doubt that made under-trial prisoners starve themselves to death rather than submit to the conditions prevailing in the jail. This is not the occasion when I should dilate on the circumstances which led to the death of Jatindra Nath Das or the responsibility or callousness of Government in the matter. But I can say without fear of contradiction that no other manner of settlement of the dispute would have been quite as effective as Jatindra Nath Das's supreme sacrifice in opening the eyes of the Indian public and showing to the world at large in all its nakedness the real condition of jail life in India and in urging the slow-moving and unimaginative Government to quicker action. The present proposal for an inquiry which I place before the Council is not to postpone consideration of the more urgent items which have been brought to the forefront by the hunger strikers, and the position is already accepted by Government that they will inquire into those questions. The two principal questions that are now being inquired into by Government are the condition of under-trial prisoners and the equal treatment of all prisoners whether under-trial or convicted, irrespective of race and colour. But my Resolution includes other topics as well in jail administration in India. Those are not the only two topics with which the Government ought to busy itself; there are various other topics which I have mentioned in the Resolution which I think ought to be gone into.

Sir, the question may be raised as to how is it that in the Central Legislature attempts are being made not only here but elsewhere to inquire into jail administration in the different provinces. Jail administration is no doubt a provincial subject but the responsibility of the Government of India in this matter cannot be denied and has not been denied. I will not go into the various details and the facts and figures which go conclusively to show that the Government of India has taken the responsibility in years previous, and even during the last few weeks, upon itself to solve these jail problems. I would only refer this Council to the statement made by the Honourable the Home Member in the other place in which he accepted the position that Government wants uniform rules to be in force in the different provinces and that the Government of India had already asked the different provinces to hold inquiries into all these details. Further, in the concluding portion of the statement which was issued by Government on that occasion it is clearly stated that Government reserves to itself the steps which ought to be taken after the opinions of the different provinces are received. It is to force that issue that I move my Resolution before this Council. It ought not to be left to the Government to decide which course is to be taken when the provincial opinions are received, but the whole matter ought to be gone into by a representative committee which would be in a better position to say to the country at large that these are the rules which ought to be enforced in every jail in the country irrespective of the place where it may be situated. The same opinion has been expressed by all the different commissions and committees appointed in various provinces, namely, that there ought to be one uniform body of rules throughout the country. With regard to the minute details, they might be left to the provinces, but with regard to the main details, the Government of India is responsible and that responsibility has not been shirked. I may refer, Sir, to a passage which appears in the report which has just been published on the working of the reformed constitution in

Bengal. There it is brought to the notice of the public at page 183 of the report, paragraph 261, that—

“Under the Prisons Act, 1894, and rules made thereunder, the general control of prisons in all provinces is vested in the Government of India. In 1922 the Government of India issued certain instructions regarding the use of the punishment of whipping and the classification of political offenders. To those orders the Government of Bengal took exception without success. In 1928 the subject of whipping was raised again by a Resolution carried in the Legislative Council in favour of the abolition of whipping in jails. The Government of Bengal submitted certain proposals which did not meet with the approval of the Government of India. The difficulty was finally solved by the Government being permitted to issue executive instructions on the subject, the statutory rules remaining unaltered.”

So, it is not a fact that the provinces have been left to formulate the rules according to local exigencies. The Government of India have always sat upon the proposals made by the different provinces. Not only that, but sections 59 and 60 of the Prisons Act vest the powers in the Government of India. No rule can be issued by the Provincial Governments without the Government of India's sanction, and with regard to some rules power is vested in the Government of India alone. Therefore, I submit that it is up to the Government of India to take this opportunity of going into the matter in all its details and to come to such a conclusion as will, so far as the present situation is concerned, set the matter at rest.

Sir, next with regard to the general principles that ought to be followed by a committee in respect of all the points I have mentioned here; those principles have been enunciated at different times in India and on the Continent and in America, and the Government of India also have accepted the position—when the Jails Committee report of 1919-20 was made—that those principles ought to be given effect to here. But there were certain reservations made by the Government of India at that time, and those reservations ought to be further inquired into by the present Government and ought also to be examined by a committee consisting of non-official representatives and experts.

Sir, if anybody would read the reports of the different committees which had been appointed by Government during the last century and at the beginning of this century, he would find what a condemnation of the jail system in India is contained therein. The whole jail system in India is rotten to the core—all the principles which had been in vogue in Britain or in other places at the time when these rules and regulations were first initiated about 40 or 50 years ago still continue to exist. It appears, Sir, that proposals for reforms have been made by committees or by different other authorities in the country from time to time, but owing to financial exigencies or to political reasons most of those recommendations have not been given effect to. But this is the psychological moment when not only the whole of India but the whole world is stirred by the grim determination of the hunger strikers in India when the Government of India ought to be alive to the responsibility which it owes to every convict in the jail, whether that convict is an under-trial convict or a convict who is undergoing imprisonment.

Sir, the first principle which should guide all persons who are to deal with jail administration is not that the punishment is a deterrent punishment but that the person on being taken to the jail should be placed in such circumstances that when he comes out of it he should be at least in the same position

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as he was when he went to jail, if not in a better position. As it was truly declared by one who had experience of Indian jail administration. "It is the duty of the State to ensure that the infliction of imprisonment and punishment shall not for avoidable causes involve damage to the mind, health, morals or intellect of the persons imprisoned or punished; or, in other words, every person imprisoned or punished has an inalienable right to be returned to society no worse than he was before his imprisonment or punishment. To me this truth is axiomatic, despite anything that may be said to the contrary; but simple as it is, self-evident as it is, it has never been acted upon by the British administration." "Further, I maintain"—the same authority continues—"that unless and until this principle is in its essence formally accepted as the basis of future penal methods, progress is impossible." Sir, I need only refer to the various resolutions which have been passed in different parts of the world and especially to the forty-one resolutions which were passed in the Cincinnati Conference now many years ago; though they are about 60 years old, most of those principles are as true to-day as they were when enunciated.

Sir, I shall just briefly touch on some of the points which have been specifically raised in the Resolution. With regard to superintendence, the opinion has been expressed previously by every Committee which had been appointed that superintendence of the jails ought not to be left in the hands of the Civil Surgeons, but it ought to be left in the hands of whole-time experts. I need not go into the details, but this principle is uncontroverted by any other authority, whether by Government or by any other public authority. In spite of the enunciation of this principle, it is known to every Member of this House that that principle has not been given effect to except in the case of the Central jails. Even in the other jails, where you have 300, 400, 600 or even 800 prisoners, this principle has not been given effect to. The Civil Surgeon, who has to look to his private practice, to his duties as the medical head of the district and to do many other things, is placed at the head of the jail administration, and we can very well imagine what would be the position. The administration is really left in the hands of the subordinate officers who are not thought by Government itself to be competent to be placed in independent charge of the jails. Then again, Sir, with regard to the administration of the jails, it was recommended that there ought to be conferences biennially of the Inspectors-General and some of the Jail Superintendents with representatives of public opinion from different provinces. No doubt conferences have been held, but only with the Inspectors-General and Jail Superintendents. Public opinion is not voiced in the conferences that have been held. With regard to the reformatory influences that are to be exercised in the jail, various questions arise. In America and in the Continent of Europe, principles have been accepted of introducing a system of gratuities, the system of having recreation for these convicts, the system of having religious and moral instruction, giving a human tone to the jail life of the convict in general. In this connection I need only draw the attention of the House to the report which is published every year by the Prison Commissioners for England and for Scotland, and I have in my hand the report for Scotland for the year 1928, and if any Member would go through the report he would see what detailed arrangements have been made to make

the prisoners' life in the jail not a life of hardship alone, but to give an educative tone by which you make them better men, by which you fit them in a better way to return to society after the term of imprisonment is over. It is not the deterrent punishment alone which guides all the jail authorities in the different parts of the world, but I am sorry to say that that principle has not yet been accepted in India. It is no doubt true that Christian missionaries are allowed access to the jail and there are libraries within the jail, but what is the opportunity that is given to the convicts to come into intimate touch with outside life, not with outside political life, but outside life which would enlighten them, which would enliven them and make them fitter when they come back to society. Sir, you will find at page 64 of this report that in one jail, the Edinburgh prison, for instance, there were as many as seven lectures given to the prisoners by different authorities, not missionaries, but public men who can have great influence with the prisoners; 29 concerts were given by different authorities within the jail, and that is the state in all the other jails also that are described here. Sir, I would like the Committee to go into this question of making the jail life of the convict much more human than what it is now.

Sir, the next point that I would like to deal with is hygiene. About hygiene and about the hospitals that we have in the jails, the less said the better, because the indictment that was made by the Jails Committee in 1919-20 and the evidence that was given before the Jails Committee about the condition of the hospitals in the jails staggered the imagination of even the most die-hard of bureaucrats. Sir, I will read only two or three sentences from the evidence that was given by Lieutenant-Colonel Mulvaney :

"They have no nursing. And though the jail hospitals in Bengal in 1916 contained a daily average of 785 patients exclusive of those under observation, there was not a single nurse beyond the unskilled convict attendants amongst them..... The average jail hospital kitchen contains a couple of large chulons with a scratch lot of convict cooks who even were they qualified have no facilities for preparing the class of food necessary for the sick. Milk, arrowroot and sago are the limits of jail hospital resources. Of course, there is always a perennial shortage of milk. This statement will doubtless be denied, so I would ask the Committee to compare the average number of sick requiring milk with the amount shown in the quarterly return as having been supplied to the hospital."

And in another place he goes on :

"Take the average jail hospital with its filthy earthen floor and squalid appointments. Let us go into the dysentery wards, especially in the early morning before the Superintendent has made his round. The atmosphere is heavy, the suggestive tarred gumlas by the bedsides (for those who are too ill to use the still more suggestive dry-earth latrine which is but too frequently just a corner of the ward, shut off by an insufficient white-washed screen) strike the eye at once. Note the limewashed floor and the tarred dado—tarred to keep the lower area comparatively free from bugs. See the blood-stained splashes on the walls where some of these loathsome pests have met their fate. The beds are possibly good, or they may be the veriest old string charpoys. Mattresses there are none and pillows are conspicuous by their absence (they are forbidden by the Code), a folded blanket is the utmost rest a weary head can find. Nursing, there is none, for the accidental hospital servants are even more ignorant than the worst of Sairey Gamps. The badly cooked sago or arrowroot stands in loathsome semi-congested masses in the rusting iron batis, for the hospital boasts at most one or two feeding cups."

Well, Sir, I need not go into further details about this. About nursing the position is the same as it was in 1918 as described by Colonel Mulvaney.

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About hospitals, there is no step taken by the different jail authorities to make it even the semblance of a hospital. Sir, this is a question which ought to be gone into immediately. Although this has not been pointedly brought to the notice of Government at the present moment by the persons who are agitating for better treatment in jails, this is one question which I think ought to be immediately tackled and for all the different provinces.

Sir, there are one or two other points which I should like to touch upon. One is about prison discipline and the other about the classification of prisoners. About prison discipline, according to the rules under the Prisons Act, flogging is permitted. I just now read to you the report of the Bengal Committee where it was brought out that flogging was proposed to be abolished from jails by the Bengal Council. But that has been vetoed by the Government of India. Handcuffs and fetters as punishment for jail discipline were found by the Jails Committee in 1919-20 as also by the previous Committees to be not tolerated in any other part of the world. But still the Committee stated by a majority that, owing to the special circumstances in India, you cannot wholly abolish this form of punishment. I think, since that report was submitted there has been sufficient change in the angle of vision and the Government may be prevailed upon to be more humane in the treatment of jail convicts. And not only that, but different punishments were meted out to the prisoners for different offences. For example, if a prisoner commits one breach, he is put on low diet and if he commits another offence during that period, he is put in fetters. That is, even if he should be physically incapable of having the handcuffs and fetters through being on the lowest diet possible, these things are put on. These are questions which should surely be gone into.

Sir, there is one other point on which I wish to touch before I sit down, and that is the classification of prisoners. Sir, this question has been before the Government and before the public more conspicuously than any other point, and, Sir, in the report which was submitted by the Jails Committee the following indictment appears on page 244 :

“ In most Provinces of India the existing arrangements for unconvicted criminal or under-trial prisoners are among the least satisfactory features of the prison administration of this country. In some Provinces the treatment of an under-trial, as soon as he enters a jail, resembles too nearly that of a convicted prisoner. The practice of taking unconvicted prisoners through the streets from the jail to the court and back, often handcuffed, some times fettered or roped, is too common.”

And though the question was gone into by the Committee, no adequate step has yet been taken in the different provinces. Sir, the reason is that different rules are in vogue in different provinces, and when one set of rules are sent up to the Government of India by one province, say in 1923, there may be one person in authority ; in 1926, when another set of rules are sent up by another province, another gentleman is in authority in the department and he may have quite a different opinion. It is therefore absolutely necessary to look into all these rules at one and the same time as soon as possible.

Sir, I do not think I need tire the patience of the House with regard to the details of the other questions that are raised in the Resolution, and I commend this Resolution for the acceptance of the House and I am sanguine that when Government has already accepted the position that an inquiry is to be made in the different provinces, and when the Government of India is going to look into all these matters, let that be done by a representative committee so that Government may hereafter say that we had the authority of the representative committee behind our back before we took this step.

THE HONOURABLE MR. C. W. GWYNNE (Home Department: Nominated Official): Sir, I have listened—and I am sure the House has listened—with great interest to the speech of the Honourable Mover in discussing a subject which is attracting a good deal of public interest at the present moment. I would also state that the subject is one to which the Government of India themselves and the Local Governments have devoted very considerable attention during the last ten years. They are fully alive to the importance of these problems and to the adoption of sound penological methods in this country. And for that very reason, may I say at once without further introduction that the Government are not satisfied that an occasion has now arisen for the appointment of a Committee to inquire into the question generally or on the specific subjects dealt with by the Honourable Mover? And there are abundant

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reasons for this, as I feel sure the House will agree when they realise the extent to which enquiries have been carried out in various directions in recent years affecting general jail administration. I do not propose to follow the Honourable Member's philosophical discourse on the theory of punishment but I would point to a few practical considerations. In 1919 the Indian Jails Committee was appointed. It examined every phase of jail administration and made comprehensive recommendations after studying the many and complicated problems with which they had to deal not only in India but also in England and America. Their report, which examined the whole range of jail administration and cognate problems in great detail, was submitted towards the end of 1920 and their recommendations were carefully examined by the Government of India in consultation with Local Governments during the course of the next two years. As far as possible—and Honourable Members will recollect that at that time India was suffering from a state of financial stringency—but as far as possible and in so far as the recommendations were applicable to Indian conditions, they have very largely been adopted and carried out. They could not all be put into immediate operation, but as circumstances permit the process of carrying out or at least of adapting some of the more important recommendations of that Committee still continues. As the House is aware, prisons is a provincial subject, subject to central legislation, and we have every reason to believe that the provinces are fully alive to the importance of sound jail administration. This is clear both from the action taken in various provinces and from the interest shown in the subject in the various provincial Legislatures. Provincial committees consisting of officials and non-officials have been appointed already by various provinces, for example, in the Punjab and Bengal, and the last province which has appointed such a committee is the United Provinces, whose report was published only this year. I may point out to Honourable Members that these reports of provincial committees are valuable and useful not only to the province which actually appoints the committee but

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also to all other provinces in India, since many of the problems discussed are common to India as a whole in their essential features : the information collected and the principles formulated by one province may often serve as a guide to another. Thus we may reasonably claim that there is almost perpetual enquiry into the subjects which the Honourable Mover has mentioned. Moreover, as the Honourable Mover has said, Local Governments have again been recently addressed on some of the points mentioned by him and particularly on the point on which he laid great stress, namely, the classification of prisoners. They have also in some cases already appointed committees in pursuance of the letter addressed to them asking them to make enquiries and submit their recommendations. In other directions too the Government of India and Local Governments are taking such steps as seem to them desirable to ensure that Indian jail administration keeps in touch with modern developments. The Honourable Mover has referred to the Conference of Inspectors General of Prisons. This takes place every two years in one or other province. The next Conference will take place at Lucknow this winter. At these conferences every conceivable question of jail administration is discussed and valuable results are secured from this interchange of ideas and experience. The Honourable Mover complained that the public were not also present at these conferences but the public also have ample opportunity of expressing their views or giving their opinions on questions of jail administration, for every jail has now non-official visitors and in the recent communication which the Government of India has addressed, non-official opinion was particularly asked for.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE : Why are not non-official visitors invited to that Conference ?

THE HONOURABLE MR. C. W. GWYNNE : Non-official opinion has been invited.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE : Are non-official visitors allowed in that Conference ?

THE HONOURABLE MR. C. W. GWYNNE : Non-officials are not allowed in that Conference. I said that non-official visitors can always express their opinion, and I am at the moment referring to the opinions which have been asked for by the Government of India on certain points, in regard to which they particularly asked that non-official opinion should be invited. In addition to these conferences in India a representative of India is sent, when it meets, to the International Prisons Commission. In such circumstances I hope the House will agree that there is no necessity for the appointment of a committee of enquiry on the lines suggested by the Honourable Mover.

I will now turn very briefly to some of the specific points mentioned by him. As I have already explained, some of these points are already under enquiry in consultation with the various provinces, and on this matter I would refer the House and the Honourable Mover to the statement made by the Honourable the Home Member in another place only a few days ago. The Honourable Mover has in addition referred to a few other matters, such as inspection and superintendence of prisons, prison discipline, prison

hygiene and medical administration. Two points that he has not specifically touched upon but upon which I would like to say a few words are visitors and the treatment of the child offender. On none of these points, I maintain, would any useful purpose be served now by the appointment of a committee. On the technical side close attention is given to inspection and superintendence. The Honourable Mover complained that whole-time Superintendents have not been appointed in all these jails. But whole-time Superintendents are appointed in all central jails, the most important jails, and I think it is only a question of time before the question of appointing whole-time Superintendents of Jails is seriously considered, at any rate. Of course, we know that a recommendation has been made.

Then, as regards prison hygiene and medical administration, the Honourable Mover has referred to a very harrowing report made some 12 years ago. I prefer to rely on more recent jail reports of the various provinces which show that there has been a steady and systematic improvement in the health of the jail population. This year, the reports that I have read so far describe it as eminently satisfactory.

Then, as regards visitors, ample provision is now made for non-official visitors and any one familiar with district administration—and I speak here with fresh and personal experience—any one familiar with district administration would bear testimony to the fact that visitors take their duties very seriously, that they frequently inspect both district and central jails and make very useful suggestions, which receive careful consideration from the Superintendent of the Jail and, if necessary, from the Inspector General of Prisons.

Now, the subject of the child offender is another very important subject. Although the Honourable Member did not discuss that question, it is one of the points which he has mentioned in his Resolution. The position as regards the child offender in India is as follows. Children Acts, *i.e.*, Acts dealing with the child offender, juvenile courts and kindred matters are already in operation in the provinces of Madras, Bombay, Bengal and the Punjab. In the Central Provinces and Burma Children Acts have been passed by the Legislatures but have not yet actually been brought into operation. Except in Madras the experience of the operation of these Acts has not been very extensive or illuminating, and the present position is that the question of the advisability of introducing an all-India Act will be discussed at the next Conference of Inspectors General of Prisons at Lucknow this winter and will thereafter be considered by the Government of India. The subject is one which has already occupied a good deal of the attention both of the Government of India and of Local Governments. It is a subject in which obviously India cannot and would not wish to remain stationary. It is one in which the League of Nations takes particular interest. Local and provincial experience is being gradually acquired and built up and from that it may be possible to arrive at principles which may be of general application throughout India. Meanwhile, there is considerable advantage in proceeding by the method of experiment, that is, whereby provinces are enacting their own Acts with special reference to local conditions. In such circumstances it seems to me that the appointment of a committee would be difficult to justify.

[Mr. C. W. Gwynne.]

I now wish to turn to another aspect of the question of considerable importance from the practical point of view. Far be it from me to suggest that very valuable work has not been done by committees of the Legislature. One has only to glance at the list of committees which have been appointed from time to time to realise the extent to which almost every sphere of administration has at one time or another benefited by their labours and investigations, but I would ask the Council earnestly to reflect on another side of the matter. The cost of these committees and commissions to the revenues of India has in the past eight years been very considerable. I have made a rough calculation of this cost. As far as I can compute it the amount already spent is well over a crore of rupees.

THE HONOURABLE SETH GOVIND DAS : Who is responsible for that ?

THE HONOURABLE MR. C. W. GWYNNE : The committees have been appointed by the Legislature. I do not say that they have not done excellent work. I simply say that when committees are appointed they want money.

THE HONOURABLE SETH GOVIND DAS : Always when Government want them to be appointed.

THE HONOURABLE MR. C. W. GWYNNE : Far from it. Well, I was saying that the cost of these committees in the past eight years has been something over a crore of rupees, and while very excellent work has been done by these committees, and while the Government does not grudge the expenditure of money on them when there is a general demand for their appointment and when circumstances indicate that there is a real need for an immediate inquiry into certain matters, yet the aggregate cost of the appointment of committee after committee cannot but be a matter of some apprehension and rightly produce an attitude of caution against the appointment of a committee which in the present instance would clearly be very costly, as it would have to tour widely, unless there is very substantial and definite justification for such action. In the questions now discussed by the Honourable Mover, as I hope I have satisfied the House, there has been almost continuous and perpetual inquiry during the last ten years, and therefore I urge the House to agree that the appointment of a committee as proposed is unnecessary in view of what has been done and what is being done, and would be in the nature of an extravagance which the present financial situation would not justify.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE : Sir, the principal point urged by the Honourable Member in charge is that there has been continual inquiry during the last ten years, but he has not been able to say what action those inquiries have produced. There have been inquiries no doubt and those inquiries have been continued by the Department concerned, and what those inquiries lead to may be found in the archives of the Department.....

(The Honourable Sir Maneckji Dadabhoy made an interruption which was inaudible at the Official Reporters' table.)

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE: The Honourable Member referred to the inquiries which have been made by the Department concerned after the submission of the Jails Committee's report. The Jails Committee report was submitted in 1920.

THE HONOURABLE SIR MANECKJI DADABHOY: I am referring to the annual jail administration reports in which the improvements which have taken place from time to time are reiterated.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE: Sir, I would ask my Honourable friend to refer me to any of the jail reports in the different provinces where the recommendations of the Jails Committee have been fully given effect to. Take for instance one point. In the Jails Committee report it was recommended that the warders should be of a better class. That was in 1920. I cannot speak of other provinces, but in Bengal during the last ten years it has not been found possible to have a better class of warders. It is only in 1929 that provision has been made in the Budget for a better class of warders.

THE HONOURABLE SIR MANECKJI DADABHOY: Because you have not a better class of criminals there.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE: Because the Government is not manned by such a class of men as to allow of a better class of warders. Sir, the Honourable Member in charge has used a very guarded expression, namely, that the recommendations of the different committees have been carried out as far as circumstances permitted and as far as the local conditions of India permitted. Now the local conditions which might appeal to the Government in 1920 would certainly be very different in 1929, because he knows as well as every Member of this House that the angle of vision is changing. What was regarded as absolutely impossible a few years ago is now thought to be possible. I need not go further for an illustration of that than to the case of these Punjab hunger strikers. Certain orders were issued and a statement was made by the Home Member in the Legislative Assembly saying that the Government could go thus far and no further. But what do we see now? Only three days ago—after a lapse of a few weeks only—the position is changed and a step which was thought by the Home Member to be absolutely impractical was conceded by the Government.

THE HONOURABLE SETH GOVIND DAS: On account of the death of Jatindra Nath.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE: Yes, because of moral pressure—it is the prick of the conscience which is now responsible for this change in the Government. That there has been a continuous inquiry in this matter I am prepared to accept, but what action has resulted from that inquiry? It is to have all those different inquiries co-ordinated and brought to the notice of the public, so that the public may know what steps have been taken and should be taken, that I claim that a committee should be appointed. Sir, with regard to the appointment of this committee the Honourable Member in charge made one general remark that there have been too many committees during the last few years.

THE HONOURABLE MR. C. W. GWYNNE: I did not say too many. I said there had been many and I particularly said their work has been very valuable.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE: The work has been very valuable but the cost has come to about a crore. But for how many committees may I ask was the Legislature responsible and for how many the Government; and what is the total cost incurred for the different commissions which have come out to India? That would come to several lakhs in each case, but when committees are appointed by the Legislature the cost only comes to a few thousands. And in the case of the present committee, it would not require to tour round all the provinces, because the major portion of the work will be done by the provincial committees and it will be left to the all-India committee to take into consideration the recommendations of those provincial committees and come to some conclusion upon them. It is only when you have a committee touring round the whole country or in different parts of the world even, that the cost comes to lakhs and lakhs.

Sir, the Honourable Member has referred to two other points. One is about whole-time Superintendents. He was about to make a statement that the principle of having whole-time Superintendents for the district jails would be accepted, but before he could complete the sentence he checked himself and said that that principle is being worked out.

THE HONOURABLE MR. C. W. GWYNNE: I was not about to say that it was going to be accepted.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE: Whether the principle is accepted or not, I would like to know whether the principle of having whole-time Superintendents in district jails has been accepted by the Government or not.

THE HONOURABLE MR. C. W. GWYNNE: It was recommended many years ago; it will have to be taken into very careful consideration when it is possible to do so; it is not possible to do it at once.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE: If in the course of ten years Government has not been able to make up its mind whether the principle is to be accepted or not, whether it is feasible or not, I do not know when it will be able to make up its mind.

With regard to the health of these convicts, the health is reported by Inspectors-General to be eminently satisfactory; and reference was made to the presence of the non-official visitors in the different jails. Need I refer the Honourable Member to the report which we read in the paper only yesterday about the restrictions which were put on non-official visitors in Bengal, when Mr. Sen Gupta and Mr. Subhas Chandra Bose wanted to see Mr. Satindra Nath Sen at Barisal; they were Members of the Legislative Council and when they wanted to see the under-trial prisoners in the jail they were told that "His Excellency the Governor of Bengal thinks that you must not make any statement to the press about any other thing except that you have seen them, or you must not publish any message from Mr. Satindra Nath Sen".

THE HONOURABLE MR. C. W. GWYNNE : They were visiting the jail to see under-trial prisoners ; they were not visiting it in their capacity as non-official visitors of the jail, which is quite a different matter.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE : Sir, is it not a fact that every non-official Member of the Legislative Council is entitled to go to a jail after information is given to the Superintendent of the jail ? I think that is a rule, which is followed, and at least that was referred to by Mr. Sen Gupta in his telegram to the Governor and that is not controverted by the Governor or by any other person. It was on that statement that I state : " Here are these non-official visitors of the position of Mr. Sen Gupta and Mr. Subhas Chandra Bose on whom those conditions are imposed."

With regard to child offenders, I did not take up that point, because there are so many points about jail administration that it is not possible within the time at our disposal here to deal with them all. We are not enquiring into all the points that have been mentioned by the Resolution, but when the Honourable Member has referred to this, I may just state one thing. Child offenders, he himself acknowledged, are treated in a special way only in Madras ; in other provinces Acts have just been introduced or passed.

THE HONOURABLE MR. C. W. GWYNNE : I said that in Madras, Bombay, Bengal and the Punjab Acts have been passed and are in operation. In the Central Provinces and Burma, Childrens Acts have been passed, but not yet brought into operation.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE : In Bengal the Borstal Jail Act, I think it was called, was passed only a few months ago, but that has not yet been wholly given effect to. An institution has just been started and you cannot say that the scheme has been given effect to. What I say is this. If after the lapse of 10 or 15 years institutions are not started in different parts of India according to the Childrens Acts, who is responsible for that ? The Government of India's responsibility in the matter is there and they ought to come down on Provincial Governments, whether it be on the reserved or transferred side, to see that that work is being properly done by the provinces.

THE HONOURABLE RAI BAHADUR SURESH CHANDRA BASU (Bengal : Nominated Official) : There is a Borstal institution at Bankura ; it has been in existence for over a year now.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE : After the Act was passed, that institution was brought into existence.

THE HONOURABLE MR. J. A. WOODHEAD (Commerce Secretary) : May I say that the Childrens Act in Bengal has been in operation for a considerable time and the Borstal jail at Bankura was opened one or two years ago. I would ask the Honourable Member whether the Party to which he belongs voted for the expenditure for this jail.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE : I do not think it is necessary for me to go into those details, because the Borstal Jail Act which was introduced there is something quite different from the Acts in different parts of the world, and the Government wanted to have powers and authority

[Srijut Rama Prasad Mookerjee.]

with regard to those institutions and wanted to put the inmates of those institutions in such a condition that it was not possible for the different parties to vote for such a measure. -

THE HONOURABLE MR. J. A. WOODHEAD : May I ask another question ? Did the Party to which the Honourable Member belongs vote for the increased pay of warders in Bengal ?

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE : Here again the question of detail will have to be considered. (Laughter.) Some Honourable Members without knowing the facts may laugh, but the way in which the reform is being actually brought into practice in Bengal is something quite different to what we find in the Indian Prisons Act. If Honourable Members will have patience, I can go through the recommendations in the Jails Committee's report ; I am ready with these, but I do not think it will be necessary at this stage to go into those details. The class of people from which warders were appointed in the different jails was criticised by the Jails Committee. The warders were recommended to be of a better class of people. Then there was another recommendation that the jail administration should be in the hands of persons who would be experts in criminology. It is not Civil Surgeons who should be placed in charge. Now, Government take up a bit here and a bit there, so far as it is possible for them as they think, so far as it is convenient to them, and they want to have those improvements only engrafted on the system. Objection is rightly taken by Members when such piecemeal legislation is made or piecemeal improvement is made without taking note of the different parts of the constitution. It is in regard to that that objection was taken in Bengal. About child offenders, a very detailed scheme has been drawn up in different parts of America and in England as well, and what is the system that we have in India ?

THE HONOURABLE SIR MANECKJI DADABHOY : In England they pay an income-tax of 4 shillings in the pound. Don't forget that.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE : What is the average income per diem in England ? What is the minimum income on which Englishmen pay income-tax and what is the minimum income on which Indians pay income-tax ?

THE HONOURABLE THE PRESIDENT : This is becoming rather irrelevant. The Honourable Member will come back to child offenders.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE : Sir Maneckji Dadabhoy referred to it.

THE HONOURABLE THE PRESIDENT : The Honourable Member is not obliged to take note of every interruption in the Council ; he will progress with his speech more satisfactorily if he ignores them.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE : I ignore interruptions as far as possible, but when it comes from a Member of the position of Sir Maneckji Dadabhoy, I have to reply to it. Sir, I was speaking about child offenders. I have already stated that there is another point which I wanted

to refer to. With regard to hospitals and the mentally deficient inmates of the jail, the Honourable Member has not referred to that point. I would only refer him to the steps that have been taken in different parts of the world about those mentally deficient offenders. If those mentally deficient offenders are separately treated, then the difficulties of the jail administration will be minimised to a great extent, and it has been accepted in the different parts of the world that you ought to go to the root of the criminal instinct of a person and not try to keep out the criminal instinct by oppressive measures.

Sir, I had thought that this Resolution of mine which was to a great extent in conformity with the Communiqué which has been already issued by the Government of India with regard to jail administration would be acceptable to Government, but I am surprised to find that in this case also Government opposes this. The position is this, that only a few weeks ago, in August, when that Resolution or communiqué was issued, Government stated that it could not make up its mind until and unless the recommendations of the provincial committees were received as to what procedure should be adopted. But to-day the Honourable Member in charge says, irrespective of that, without any qualification, that no committee can be appointed. That is to say, the Department will deal with the matter as best they can. I think it is to the interest of the Government itself to have a committee appointed and to go into the matter fully.

THE HONOURABLE THE PRESIDENT : The question is :

“That the following Resolution be adopted ;

‘ This Council recommends to the Governor General in Council that he should take steps to appoint, at an early date, a committee consisting of Members of the Central Legislature and other representatives to investigate the subject of Jail Administration in general in British India and with special reference to—

- (1) Inspection and superintendence of prisons ;
- (2) Classification and separation of prisoners ;
- (3) Prison discipline ;
- (4) Treatment of under-trial prisoners ;
- (5) Prison hygiene and medical administration ;
- (6) Visitors ;
- (7) Treatment of the child offender ;
- (8) Treatment of State prisoners and political offenders ; and
- (9) Special classes of prisoners’ . ”

The Council divided :

AYES—13.

Asthana, The Honourable Mr. Narayan Prasad.	Mukherjee, The Honourable Srijut Lokanath.
Desika Chari, The Honourable Mr. P. C.	Ram Saran Das, The Honourable Rai Bahadur Lala.
Govind Das, The Honourable Seth.	Ramadas Pantulu, The Honourable Mr. V.
Khaparde, The Honourable Mr. G. S.	Rama Rau, The Honourable Rao Sahib Dr. U.
Mahendra Prasad, The Honourable Mr.	Suhrawardy, The Honourable Mr. Mahmood.
Mehr Shah, The Honourable Nawab Sahibzada Saiyad Mohamad.	Surpat Singh, The Honourable Mr.
Mookerjee, The Honourable Srijut Rama Prasad.	

NOES—20.

Akbar Khan, The Honourable Major Nawab Mahomed.	Fyfe, The Honourable Mr. J. H.
Akram Husain Bahadur, The Honourable Prince A. M. M.	Graham, The Honourable Mr. L.
Basu, The Honourable Rai Bahadur Suresh Chandra.	Gwynne, The Honourable Mr. C. W.
Burdon, The Honourable Mr. E.	Harper, The Honourable Mr. K. B.
Charanjit Singh, The Honourable Sardar	Latifi, The Honourable Mr. Alma.
Clayton, The Honourable Mr. H. B.	Maqbul Husain, The Honourable Khan Bahadur Sheikh.
Dadabhoy, The Honourable Sir Maneckji.	Ryan, The Honourable Mr. T.
Dutt, The Honourable Mr. P. C.	Symons, The Honourable Major-General Sir Henry.
Fazl-i-Husain, The Honourable Khan Bahadur Mian Sir.	Thompson, The Honourable Sir John.
	Weston, The Honourable Mr. D.
	Woodhead, The Honourable Mr. J. A.

The motion was negatived.

The Council then adjourned till Eleven of the Clock on Tuesday, the 24th September, 1929.