

4th April 1938

THE LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume III, 1938

(24th March to 12th April, 1938)

SEVENTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1938



PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI.
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, SIMLA.
1938

Legislative Assembly.

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MR. L. C. BUSS, M.L.A.

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LEGISLATIVE ASSEMBLY.

Monday, 4th April, 1938.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

MEMBERS SWORN:

- The Honourable Sir Muhammad Zafrullah Khan, K.C.S.I.,
(Member for Commerce and Labour);
The Honourable Mr. Reginald Maitland Maxwell, C.S.I., C.I.E.,
(Home Member); and
Mr. John Francis Sheehy, M.L.A. (Government of India: Nominated
Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

MEETINGS OF THE BAZAR COMMITTEE OF THE LAHORE CANTONMENT BOARD.

1144. ***Mr. N. V. Gadgil:** (a) Will the Defence Secretary be pleased to state whether it is a fact that the Bazar Committee of the Lahore Cantonment Board was constituted after ten months in August, 1937 and held its first meeting in the same month?

(b) Is it a fact that on the 1st September, 1937, there was a change in the office of the Executive Officer, and the new officer on arrival immediately stopped the meetings of the Statutory Bazar Committee?

(c) Is it a fact that the elected Chairman of the Committee sent a requisition for calling the Bazar Committee, but no meetings were held in September and October 1937?

(d) Is it a fact that these meetings were not called, because the new Executive Officer urged that no notification regarding the powers of this Committee had appeared in the Gazette?

(e) Is it a fact that in November, 1937, the Executive Officer again started calling the meetings of the Bazar Committee, although the notification did not appear?

(f) Is it a fact that neither the stopping of meetings, nor recalling of them was ever sanctioned by the Board, or the Chairman of the Bazar Committee?

Mr. C. M. G. Ogilvie: (a), first part of (b), and (c) to (e). Yes.

Second part of (b). Yes, under the orders of the President.

(f) Meetings of the Bazar Committee were stopped by the President, as there was some misunderstanding as to whether it could sit before the

duties delegated to it had been approved by the Provincial Government and notified in the Gazette. A reference was made to the Government of India by the All-India Cantonments Association and the correct position was explained. The Committee has been functioning for the past five months.

Mr. T. S. Avinashilingam Chettiar: What was the correct position?

Mr. C. M. G. Ogilvie: The correct position was that the Committee could sit as a sub-committee of the Board subject to all its conclusions being confirmed by the Board: it could not exercise independent powers.

SCHOLARSHIPS TO CADETS OF THE PRINCE OF WALES AND THE INDIAN MILITARY ACADEMY.

1145. ***Mr. T. S. Avinashilingam Chettiar:** Will the Defence Secretary state:

- (a) whether Government propose giving any scholarships to cadets of the Prince of Wales and the Indian Military Academy;
- (b) what are the details about the scholarships; and
- (c) how and to whom they will be given?

Mr. C. M. G. Ogilvie: (a), (b) and (c). Scholarships in the form of remission of fees at the Prince of Wales's Royal Indian Military College are granted by Government up to a maximum of Rs. 5,000 at any one time in accordance with paragraph 23-A of the Regulations relating to the College. Such remissions are limited to Rs. 500 per annum to any one cadet, and are reviewed annually.

Government also grant Sir Pratap Singh Scholarships and Silver Wedding Fund Scholarships to cadets at the Indian Military Academy, as laid down in Appendix VII to the Regulations respecting admission to the Indian Military Academy, Dehra Dun, 1937.

Copies of the regulations referred to above are available in the Library of the House.

Mr. Lalchand Navalrai: May I know on what conditions they are given and to whom?

Mr. C. M. G. Ogilvie: All that will be found in the Regulations which are in the Library of the House.

Mr. T. S. Avinashilingam Chettiar: May I know how many scholarships were given in the last year?

Mr. C. M. G. Ogilvie: Either eight or ten: I think ten.

Mr. T. S. Avinashilingam Chettiar: May I know how they are selected for the first year? Are they selected on an examination basis?

Mr. C. M. G. Ogilvie: I imagine partly on an examination basis and partly on an examination of their economic condition.

Mr. Badri Dutt Pande: Do the provinces and States also give similar scholarships?

Mr. C. M. G. Ogilvie: Yes.

Mr. T. S. Avinashilingam Chettiar: May I know whether there is any proposal to increase the amount of money spent on scholarships?

Mr. C. M. G. Ogilvie: Yes; there is such a proposal.

Mr. T. S. Avinashilingam Chettiar: By how much?

Mr. C. M. G. Ogilvie: That has not yet been decided.

CONTEMPLATED CHANGES IN THE MEASURE OF PROTECTION TO PAPER INDUSTRY.

+1146. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Has the attention of the Honourable the Finance Member been drawn to the Associated Press of India news about "Paper Industry", as published in the Delhi Edition of the *Statesman*, dated the 17th March, 1938, page 6, column 5, in connection with the communication between the Indian Merchants Chamber of Commerce and the Tariff Board?

(b) Will the Honourable Member be pleased to state if there is any scheme in contemplation of the Government of India about the withdrawal of or reduction in the present measure of protection to the paper industry?

(c) If not, does the Honourable Member propose to assure the public by a *communiqué* that the suggestion regarding possible removal of the Customs surcharge on the protective duty will not be given effect to?

(d) Does the Honourable Member propose to recommend to the Tariff Board an extension of protection to 'Kraft and imitation kraft wrapping paper', which is at present left unprotected?

The Honourable Sir James Grigg: The question should have been addressed to the Honourable the Commerce Member.

CANTONMENTS IN INDIA AND MONEY SPENT IN THE NORTH-WEST FRONTIER FOR DEFENCE PURPOSES.

1147. ***Mr. T. S. Avinashilingam Chettiar:** Will the Defence Secretary state:

(a) the number of Cantonments in India and the number situated in the North-West Frontier; and

(b) the amount of money spent in the North-West Frontier for defence purposes; and the ratio that amount bears to the total Defence expenditure?

Mr. C. M. G. Ogilvie: (a) 77 including 10 in the North-West Frontier Province.

(b) The Defence Services Estimates are not compiled regionally, but on the basis of the numbers of troops stationed in the North-West Frontier on the 1st January, 1938, the approximate annual expenditure in that part of the country is estimated to be Rs. 10 crores or about 22 per cent. of the total Defence expenditure.

†Answer to this question laid on the table, the questioner being absent.

Mr. T. S. Avinashilingam Ohettiar: May I know what is the amount of money spent on things other than personnel?

Mr. C. M. G. Ogilvie: I cannot possibly tell you that off-hand.

Mr. T. S. Avinashilingam Ohettiar: Sir, my question was with regard to the amount of money spent on the North-West Frontier for defence purposes, and the Honourable Member replied that the amount spent on the personnel was so much: I want the figures for other items: he says he cannot reply off-hand. I submit, Sir, he has been given sufficient notice.

Mr. C. M. G. Ogilvie: I said nothing of the kind: I did not mention the word 'personnel'. The figures I gave cover the total charges including personnel and everything else.

Mr. M. Asaf Ali: May I know whether the amount taken into consideration by the Defence Secretary includes the expenditure on the internal security troops also?

Mr. C. M. G. Ogilvie: It includes the total cost as far as we can roughly estimate it of all the units stationed in the North-West Frontier Province, both Army and Air Force.

Mr. Manu Subedar: May I ask whether the units have been placed in the North-West Frontier for defence purposes only or because it has a salutary climatic attraction for British troops?

Mr. C. M. G. Ogilvie: It has by no means a salutary climate and it does not attract British troops: they have been placed there for defence purposes.

Mr. T. S. Avinashilingam Ohettiar: May I know whether the Government will consider the advisability of giving greater details in the amounts spent and the proportion they bear in each item to the defence expenditure spent in the North-West Frontier Province?

Mr. C. M. G. Ogilvie: If the Honourable Member will ask his question in detail, I will do my best to find detailed figures for him.

EFFECT OF THE EXCISE DUTY ON SUGAR INDUSTRY.

1148. ***Mr. T. S. Avinashilingam Ohettiar:** Will the Honourable the Finance Member state:

- (a) what have been the proceeds of the excise duty on sugar imposed last year;
- (b) what has been the effect of the duty on the sugar industry, on the production and price of sugar; and
- (c) whether any of the sugar mills have been adversely affected, and if so, to what extent?

Mr. A. H. Lloyd: (a) A statement is laid on the table.

(b) and (c). Any answer to these parts would be so conjectural that the question can only be treated as one asking for an expression of opinion.

Excise Duty on Sugar during 1937-38 (upto 28th February, 1938.)

(Gross receipts in thousands.)

	Rs.
1. At the rate in force since 28th February 1937 . . .	2,91,90
2. Calculated at the rate in force prior to 28th February 1937	1,91,54
3. Excess realised due to enhanced rate of duty . . .	1,00,36

Mr. T. S. Avinashilingam Chettiar: May I know whether they have received representations from anybody with regard to clause (c) of the question, that they have been personally affected by these duties?

Mr. A. H. Lloyd: I do not recollect any representations since the time when the increase of duty was itself before this Legislature last year: I do not recollect having seen any subsequent representations.

Mr. T. S. Avinashilingam Chettiar: May I know whether Government propose to examine this matter of the effect of this duty on the sugar industry in this country?

Mr. A. H. Lloyd: I suggest that the first move should come from some direction other than the Government in this matter.

Mr. T. S. Avinashilingam Chettiar: May I know whether any sugar mills have been closed down after this duty had been imposed?

Mr. A. H. Lloyd: I believe that I have answered that question already: but if not, I must ask for notice of that question.

Mr. T. S. Avinashilingam Chettiar: May I know whether the production of sugar has gone down after the imposition of this duty?

Mr. A. H. Lloyd: I must ask for notice of that question.

Seth Haji Sir Abdoola Haroon: Is it a fact that the Provincial Governments also have sent their requisitions that this excise duty on sugar should be reduced, I mean the Governments of Bihar and the United Provinces?

Mr. A. H. Lloyd: Certain Provincial Governments did make representations of that kind in connection with the discussions last year as I have already mentioned, but I am not aware of any representations that have since been made by any Provincial Government.

Mr. T. S. Avinashilingam Chettiar: May I know when the Government propose to examine the question of the effect of the duty on the sugar industry?

Mr. A. H. Lloyd: I think I shall have to ask for notice of that question.

Mr. T. S. Avinashilingam Chettiar: That will be six months more!

PURCHASES OF THE DEFENCE DEPARTMENT.

1149. ***Mr. Manu Subedar:** Will the Defence Secretary state:

- (a) the total amount of purchases made by the Director of Contracts in the year 1937-38;
- (b) what percentage this represents to the total purchases of the Defence Department;
- (c) how much of the total purchases of the Defence Department is of material of Indian origin and how much of material of foreign origin;
- (d) wherever material is purchased abroad, or is of foreign origin, what attempts are being made to see that all indents for the purchase of non-Indian material are scrutinised and a definite inquiry is made as to whether such material is made in this country; and, if it is not made, whether it can be made in this country; and
- (e) whether Government are prepared to give the Assembly a brief statement of policy of the Department on this subject for the guidance of the business community?

Mr. C. M. G. Ogilvie: (a), (b) and (c). Figures for 1937-38 are not yet available.

(d) Before orders are placed outside India, indents are scrutinised by the Director of Contracts and/or the Chief Controller, Indian Stores Department. In the case of any item which it is considered should be purchased in India, enquiries are instituted with a view to establishing indigenous sources of supply.

(e) As I stated in this House on the 17th September last, Government's policy is to make India self-supporting as far as possible in respect of the requirements of the Defence Services. With that end in view it is the policy of Government to utilise, encourage and develop indigenous sources of supply.

Mr. Manu Subedar: May I know whether the purchases of the Director of Contracts are governed by the Stores Purchase Rules published by the Government of India in 1929 and which are governing the purchase of stores for the other Government Departments?

Mr. C. M. G. Ogilvie: Yes.

HEADS OF EXPENDITURE UNDER THE PROVISION FOR REDUCTION AND AVOIDANCE OF DEBT.

1150. ***Mr. Manu Subedar:** Will the Honourable the Finance Member be pleased to state:

- (a) the different heads under which the provision for Reduction and Avoidance of Debt during 1935-36, 1936-37 and 1937-38 has been used;
- (b) how much has gone towards the capital portion of liabilities assumed in respect of the British five per cent. War Loan 1929-47; and
- (c) how much of the total provision has been paid out in the United Kingdom?

The Honourable Sir James Grigg: (a) In each of these years approximately Rs. 1.37 lakhs have been credited to the sinking fund for the five per cent. rupee loans, and the remainder has been allocated as a provision for railway sinking funds and for part of the capital portion of the railway annuities.

(b) None.

(c) The railway sinking funds and annuities are sterling liabilities.

POSITION OF THE SILVER REDEMPTION RESERVE.

1151. ***Mr. Manu Subedar:** (a) Will the Honourable the Finance Member state the latest position of the Silver Redemption Reserve and the manner in which the funds are invested?

(b) What has been the capital appreciation or depreciation in the securities of this Fund during each year from the time that the Reserve was instituted?

(c) From which financial head of the Government of India is the deficit in the value of securities through depreciation made up when it arises?

(d) Are Government satisfied that it is necessary to continue this Reserve at the same figure at which it has been fixed in the past?

(e) Have the Reserve Bank authorities tendered any advice on this subject since the Reserve Bank was established?

The Honourable Sir James Grigg: (a) and (b). A statement is laid on the table.

(c) The information is given in the Finance and Revenue Accounts.

(d) Yes.

(e) No.

Statement.

SILVER REDEMPTION RESERVE.

A.—Position on the 28th of February, 1933.

Security.	Nominal value.		Market value.	
	£	s. d.	£	s. d.
5% Conversion Loan 1944-64	1,000,000	0 0	1,150,000	0 0
4½% Conversion Loan 1940-44	1,048,550	0 0	1,114,084	7 6
2½% Funding Loan 1952-57 . . .	237,100	0 0	228,801	10 0
2½% National Defence Loan 1944-48 .	5,018,800	0 0	5,006,253	0 0
Uninvested cash		.	861	2 6
Total of Reserve .			7,500,000	0 0

B.—Depreciation in value of securities.

1935-36	£ 19,155	3 6
1936-37	£ 358,156	7 8

Mr. Manu Subedar: How much of the interest realised has gone towards making up the capital depreciation?

The Honourable Sir James Grigg: The Honourable Member had better look at the statement and then if he wants any more information put down a question.

Mr. T. S. Avinashilingam Chettiar: May I know if the Government are satisfied that the reserve is sufficient for the purposes for which it is intended?

The Honourable Sir James Grigg: What reserve?

Mr. T. S. Avinashilingam Chettiar: Silver redemption reserve.

The Honourable Sir James Grigg: I think the Honourable Member had better give me notice and specify a little more clearly what he wants us to be satisfied with.

MANUFACTURE OF ARTICLES OF DEFENCE EQUIPMENT IN INDIA.

1152. ***Mr. Manu Subedar:** (a) Will the Defence Secretary state whether any attempt is being made to examine how far, in the matter of defence equipment, importations could be reduced and more reliance could be put on articles produced in India and, where possible, from Indian materials?

(b) Will it be possible, without any harm, to publish a list of articles which are being manufactured in ordnance factories and other workshops under the Defence Department?

(c) Will it be possible to give a brief list of some articles which are at present being imported, but which the Military Department consider it desirable to be produced locally?

(d) Have there been any communications between the Defence Department and Chambers of Commerce, or any individual firms, with regard to any articles which it is considered desirable to secure from local manufacture?

(e) Is it possible for Government to give a brief expression of their policy on this subject for the guidance of the business community?

Mr. C. M. G. Ogilvie: (a) I refer the Honourable Member to my replies to parts (d) and (e) of his question No. 1149.

(b) The information is contained in the Annual Accounts of the Ordnance and Clothing Factories of India, 1936-37, a copy of which has been placed in the Library.

(c) A classified list of stores indented for by Government Departments in India from abroad is published every six months in the *Indian Trade Journal*. It is desirable, though in many cases not at present possible, that all these articles should be produced in India.

(d) Yes.

(e) I have already answered this in part (e) of the Honourable Member's question No. 1149.

Mr. Manu Subedar: With regard to the Honourable Member's reply to part (d) of the question, may I enquire whether it is possible to give some extra information to this House as to on what industries these communications have taken place, with regard to what items or articles?

Mr. C. M. G. Ogilvie: I should say that on practically every item which it is conceivably possible under present conditions might be produced in this country.

Mr. Manu Subedar: Are Government calling upon factory owners in this country to be ready to adapt themselves from a peace to war footing if called upon to do so, at a moment's notice?

Mr. C. M. G. Ogilvie: I cannot go into details of that kind. It would not be in the public interest to do so.

Mr. T. S. Avinashilingam Chettiar: May I know whether Government are prepared to give support to individual firms undertaking manufacture of ammunitions like rifles and guns?

Mr. C. M. G. Ogilvie: That is a hypothetical question. No such firm exists.

Mr. T. S. Avinashilingam Chettiar: May I know whether any company has come forward with a request for help by way of guarantee of purchase, for manufacturing rifles?

Mr. C. M. G. Ogilvie: No. Not that I know of.

Mr. T. S. Avinashilingam Chettiar: Are they prepared to consider such a proposition favourably?

Mr. C. M. G. Ogilvie: That is an entirely hypothetical question. I cannot answer it.

INFORMATION SERIES PUBLISHED BY THE DIRECTOR OF INFORMATION.

1153. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Home Member state:

- (a) the amount of circulation of the *Information Series* published by the Director of Information;
- (b) the number of subscribers who pay;
- (c) the number to whom it is sent free of cost; and
- (d) the accounts of receipts and expenditure in this matter and the net amount that Government are spending on this publication?

The Honourable Mr. R. M. Maxwell: (a) About 2,000 copies.

(b) and (c). All the copies are distributed free of cost.

(d) There are no receipts. The expenditure varies slightly with each issue but is generally about Rs. 900 per month; this amount covers the cost of production and distribution.

Mr. T. S. Avinashilingam Chettiar: May I know to whom they are distributed if all of them are distributed free?

The Honourable Mr. R. M. Maxwell: They are distributed to various newspapers throughout India.

Seth Govind Das: Have they ever demanded these copies, or are they being distributed to newspapers at the sweet will of the Government?

The Honourable Mr. R. M. Maxwell: They are distributed on the initiative of the Government in order to assist the press.

Mr. T. S. Avinashilingam Chettiar: May I know whether the Government will consider the advisability of sending one issue to Honourable Members of this House?

The Honourable Mr. R. M. Maxwell: I will consider the Honourable Member's suggestion, but I do not think it can be complied with because they are intended entirely for the use of the press and not for distribution to the public. The public get their information through the press.

Mr. T. S. Avinashilingam Chettiar: May I know how the Members of this House are to get them? They do not get them for payment.

The Honourable Mr. R. M. Maxwell: By reading the newspapers.

Mr. T. S. Avinashilingam Chettiar: May I know whether they have any proposals to impose any fee or subscription, or they are going to expand it and give it everything free to everybody?

An Honourable Member: Except to Members of this House!

The Honourable Mr. R. M. Maxwell: At present there is no proposal to charge for this service.

Mr. Manu Subedar: Are Government afraid that any public interest would be sacrificed if the copies are sent to Members of this House?

The Honourable Mr. R. M. Maxwell: It is no part of the policy of Government to compete with the press in this matter.

Prof. N. G. Ranga: Why is it that the Government want to follow this hole and corner policy?

Seth Govind Das: Do not the Government think it desirable to charge some price for this so that if the press requires it it will pay and buy it, and thus the expenditure of public revenue would be saved?

The Honourable Mr. R. M. Maxwell: The whole object of the Bureau is to supply information free to the press.

Seth Govind Das: Do the Government not know that the press does not require so much, and as regards things which it requires, it will pay and buy even if a price is fixed?

Mr. T. S. Avinashilingam Chettiar: What is the objection of the Government to distributing these copies to the Members of this House?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has given an answer that the Government do not want to compete with the press.

An Honourable Member: They are wasting.

Mr. Mohan Lal Saksena: Are they supplied to the Library of the House?

The Honourable Mr. R. M. Maxwell: No.

Mr. Mohan Lal Saksena: Why not?

Mr. President (The Honourable Sir Abdur Rahim): Next question.

Prof. N. G. Ranga: Should we not have an answer to the last question?

Mr. President (The Honourable Sir Abdur Rahim): Next question. I do not want any debate.

Prof. N. G. Ranga: Are we not entitled to know why it is not supplied?

Mr. President (The Honourable Sir Abdur Rahim): The Chair has given ruling. The Honourable Member must accept it. Next question.

RECRUITMENT OF CLERKS IN ROUTINE AND TYPIST GRADES IN THE GOVERNMENT OF INDIA OFFICES.

1154. ***Pandit Sri Krishna Dutta Paliwal:** Will the Honourable the Home Member be pleased to state:

- (a) whether it is a fact that qualified candidates for the Third Division Routine and Typist Grades in the Government of India Secretariat and Army Headquarters are taken from the new list after 1st April each year;
- (b) whether it is a fact that under the rules, the Department in which any permanent vacancy occurs, should send its requisition to the Home Department on the same date or immediately after that date on which such vacancy falls vacant;
- (c) whether it is a fact that the qualified candidates who fail to get permanent offer before 1st April each year lose their claims after that date; and
- (d) whether it is a fact that the sanction for the creation of new posts is *usually* given from the 1st March each year, considering that their pay will be debited against the allotment of next financial year?

The Honourable Mr. R. M. Maxwell: (a) A new list is brought into force from the 1st April every year.

(b) Under the rules, Departments and Offices are required to report to the Home Department all permanent vacancies and temporary or officiating vacancies expected to become permanent as soon as they occur.

(c) A candidate loses claim for permanent employment if his turn for such employment does not come before 1st April.

(d) New posts are created if and when the need for them arises.

**RECRUITMENT OF CLERKS IN ROUTINE AND TYPIST GRADES IN THE
GOVERNMENT OF INDIA OFFICES.**

1155. ***Pandit Sri Krishna Dutta Paliwal:** Will the Honourable the Home Member be pleased to state whether it is a fact that under the rules the posts which fall vacant permanently by the 1st April must be filled in by the qualified candidates of the old list?

The Honourable Mr. R. M. Maxwell: According to existing practice vacancies occurring on or before the 1st April which are reported on or before that date are filled by the appointment of candidates from the list in force up to the 31st March.

**RECRUITMENT OF CLERKS IN ROUTINE AND TYPIST GRADES IN THE
GOVERNMENT OF INDIA OFFICES.**

1156. ***Pandit Sri Krishna Dutta Paliwal:** (a) Will the Honourable the Home Member be pleased to state whether he is aware that several Departments in which vacancies occur in the month of March and specially in the last week of March, keep their requirements pending till the 1st April, after which date they ask the Home Department to nominate qualified hands for permanent employment?

(b) Is this practice of the Departments not against rules?

(c) Will the Honourable Member please place a statement on the table showing the names of the Departments which are observing the above practice for the last three years and the number of vacancies which they have deferred to the month of April?

(d) Are Government prepared to issue instructions to the various departments and Army Headquarters that the vacancies in the month of March should be given to the qualified candidates of the old list and not to the candidates who qualify after 1st April?

The Honourable Mr. R. M. Maxwell: I have no information but I am making enquiries and will consider what further instructions are necessary if the facts are as suggested by the Honourable Member.

INSPECTION BY POLICE OF GUESTS' REGISTERS OF THE HOTELS IN DELHI.

1157. ***Mr. Mohan Lal Saksena** (on behalf of Mr. Sri Prakasa): (a) With reference to his reply to starred question No. 43 on the 24th August, 1937, and a further statement in the same connection laid on the table of the House on the 7th September, 1937, will the Honourable the Home Member state the purpose of police inspection of guests' registers at the hotels at Delhi?

(b) Is any punishment given to such proprietors as do not have complete registers?

The Honourable Mr. R. M. Maxwell: The information has been called for from the Chief Commissioner, Delhi, and will be laid on the table of the House in due course.

PERSONS ARRESTED IN CONNECTION WITH STRIKES IN THE DELHI MILLS.

1158. ***Mr. Mohan Lal Saksena** (on behalf of Mr. Sri Prakasa): Will the Honourable the Home Member state:

- (a) the number of persons arrested in connection with the recent strikes in the Delhi Mills;
- (b) the days and the reasons on each occasion for such arrests;
- (c) if any persons have been arrested for carrying on propaganda in favour of the strike;
- (d) if any persons were subsequently released; and if so, how many;
- (e) if any prosecutions are still in progress; and if so, against how many persons; and
- (f) if Government are considering the desirability of withdrawing the prosecutions?

The Honourable Mr. R. M. Maxwell: The information has been called for from the Chief Commissioner, Delhi, and will be laid on the table in due course.

Prof. N. G. Ranga: Is it not a fact that the Chief Commissioner of Delhi lives here, almost next door to my Honourable friend and it is not reasonable to come here and say that the information has been called for and that it will be laid on the table in due course. We have given them the usual ten days' notice.

The Honourable Mr. R. M. Maxwell: The question calls for a considerable amount of detail and the officers responsible for supplying accurate information require time to collect it.

Mr. Mohan Lal Saksena: Will the information be laid on the table before the House adjourns?

The Honourable Mr. R. M. Maxwell: I expect so.

LATHI CHARGES DURING STRIKES IN THE DELHI MILLS.

1159. ***Mr. Mohan Lal Saksena** (on behalf of Mr. Sri Prakasa): Will the Honourable the Home Member state:

- (a) if there were any *lathi* charges; and if so, on how many occasions, by the police during the period of the recent strikes in the Delhi Mills; and
- (b) if any women strikers were hurt in these *lathi* charges; if so, how many?

The Honourable Mr. R. M. Maxwell: The information has been called for from the Chief Commissioner, Delhi, and will be laid on the table in due course.

DIRECTIONS TO MUNICIPALITIES IN AJMER-MERWARA NOT TO GIVE PRINTING WORK TO CERTAIN PRESSES.

1160. ***Mr. Mohan Lal Saksena** (on behalf of Mr. Sri Prakasa): Will the Honourable the Home Member state:

- (a) if Government have seen a copy of Memorandum No. 15-G./38, dated the 18th January, 1938, from the Secretary to the Honourable the Chief Commissioner, Ajmer-Merwara, giving a list of presses to which municipalities in Ajmer-Merwara were not to give their printing work;
- (b) if Government were consulted before this document was issued;
- (c) if Government approved of the same;
- (d) if municipalities are bound to conform to the directions given therein; and if so, under what law;
- (e) what are the reasons for putting restrictions on the freedom of municipalities in this behalf; and
- (f) if the banned presses in any way have violated the law in the past and been punished in consequence?

The Honourable Mr. R. M. Maxwell: I am making enquiries and will lay a reply on the table of the House in due course.

LEGISLATION FOR COMPULSORY MIXING OF POWER-ALCOHOL WITH PETROL.

1161. ***Mr. H. A. Sathar H. Essak Salt:** Will the Honourable the Finance Member please state whether Government are aware that legislation for the compulsory mixing of power-alcohol with petrol in various sugar manufacturing countries is enforced and if so, will he state whether they propose such legislation in India?

The Honourable Sir James Grigg: The reply to the first part of the question is in the affirmative, and to the second part in the negative.

PRODUCTION OF POWER-ALCOHOL FROM MOLASSES.

1162. ***Seth Haji Sir Abdoola Haroon:** Has the attention of the Honourable the Finance Member been drawn to the resolutions of the Indian Sugar Mills Association and the Federation of Indian Chambers of Commerce and Industry, urging the Government to promote the manufacture of power-alcohol with a view to utilising the large quantity of molasses and to utilise the by-product of the industry in this channel?

The Honourable Sir James Grigg: Yes.

PRODUCTION OF POWER-ALCOHOL FROM MOLASSES.

1163. ***Seth Haji Sir Abdoola Haroon:** (a) Is the Honourable the Finance Member aware that there is little possibility of export of molasses from this country due to the failure in exporting molasses in large quantities by the Indian Molasses Company started three years ago?

(b) Are Government now prepared to permit the manufacture of power-alcohol by giving licences and also by making it compulsory for petroleum to be mixed with power-alcohol for use as motor fuel and thus enable the country to become less dependent on outside sources for the supply of petrol, e.g., from Burma, America, etc.?

The Honourable Sir James Grigg (a) and (b). As the Honourable Member is perhaps aware, the question of the utilisation of molasses for the manufacture of power-alcohol is at present under consideration by a Joint Committee appointed by the Governments of the United Provinces and Bihar. The report of that Committee is being awaited.

Prof. N. G. Ranga: What positive steps are being taken by the Government of India to see to the proper utilisation of these molasses instead of awaiting somebody else's report.

The Honourable Sir James Grigg: I suggest that the Government of India are entitled to await a pronouncement on the commercial practicability of this before taking any steps.

Mr. Manu Subedar: Have any experiments been made by the Government of India with regard to molasses?

The Honourable Sir James Grigg: That question should be addressed to the Department of Education, Health and Lands.

Mr. Manu Subedar: Has the Honourable Member no information on this subject?

The Honourable Sir James Grigg: I shall refer the Honourable Member to the appropriate Department of Government, which is not mine.

UNSTARRED QUESTIONS AND ANSWERS.

EJECTION OF THE MEMBERS OF THE HOCKEY TEAM OF THE LAHORE MEDICAL COLLEGE FROM A COMPARTMENT BY BRITISH SOLDIERS AT CHABBAGH STATION ON THE EAST INDIAN RAILWAY.

180. Sardar Mangal Singh: With reference to the reply to starred question No. 169, dated the 7th February, 1938, will the Defence Secretary please state:

- (a) whether his attention has been drawn to the statement issued by the Secretary of the King Edward's Medical College, Lahore, Hockey Association and published in the *Tribune*, dated the 12th March, 1938, in which the writer has rebutted the contention of the Defence Secretary that "They (the students) left the carriage of their own volition, and that at no stage was force used";
- (b) whether, in view of this, Government have made or are prepared to make further enquiries into the matter, and if not, why not;
- (c) whether it is a fact that the Defence Department has not replied to, or even cared to acknowledge letters and telegrams as complained of in the above statement; and
- (d) whether the Defence Secretary is prepared to issue instructions that in future the heads of all branches in the Defence Department will reply to public communications?

Mr. C. M. G. Ogilvie: (a) No. No such article can be traced in the *Tribune* of the 12th March, 1938.

- (b) Does not arise.
- (c) One letter was received. on which the necessary action was taken.
- (d) No such instructions are necessary.

RAISING OF BAN ON COMMUNIST PARTY IN INDIA.

181. **Sardar Mangal Singh:** Will the Honourable the Home Member please state:

- (a) whether the communist party is still banned in this country;
- (b) whether such a party exists in England; and
- (c) whether Government propose to raise the ban from the communist party in this country; if not, why not?

The Honourable Mr. R. M. Maxwell: (a) Yes.

(b) I believe so.

(c) No. Government do not consider it advisable in the public interest to take such action.

MESSAGES FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, the following Message has been received from the Council of State:

"I am directed to inform you that the Council of State at its meeting held on the 1st April, 1938, agreed without any amendment to the Bill to amend the Hindu Women's Rights to Property Act, 1937, which was passed by the Legislative Assembly at its meeting held on the 18th March, 1938."

Secretary of the Assembly: Sir, the following Message has been received from the Council of State:

"I am directed to inform you that the Bill further to amend the Trade Disputes Act, 1929, for certain purposes, which was passed by the Legislative Assembly at its meeting held on the 18th March, 1938, was passed by the Council of State at its meeting held on the 1st April, 1938, with the amendments shown in the enclosed statement.

The Council of State requests the concurrence of the Legislative Assembly in the amendments."

Sir, I lay on the table the Bill as amended by the Council of State.

Statement showing the amendments made in the Bill further to amend the Trade Disputes Act, 1929, for certain purposes, by the Council of State at its meeting held on the 1st April, 1938.

In clause 10, in proposed section 18A—

- (1) in sub-section (1) for the words "by him or under his" the words "by them or under their" were substituted.
- (2) after sub-section (3) the following sub-sections were added, namely:—
- "(4) If any person supplying information or producing a document to a Conciliation Officer requests that the information or the document or any part thereof shall be treated as confidential, the Conciliation Officer shall not disclose such information or the contents of such document or part thereof except to—

- (a) the authority which appointed him to be a Conciliation Officer; or

- (b) the parties concerned in the dispute for the purpose of mediating therein or promoting the settlement thereof.
- (5) If the Conciliation Officer contravenes the provisions of sub-section (4), he shall be punishable with fine which may extend to one hundred rupees.
- (6) No Criminal Court shall take cognizance of an offence under this section except with the previous sanction of the authority appointing the Conciliation Officer; and no Civil Court shall without the like sanction entertain any suit against a Conciliation Officer in respect of the disclosure of any information or the contents of any document or part thereof of the nature referred to in sub-section (4)".

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): Sir, with reference to the Message which has just been read, I ask your consent under rule 34 to my moving that the Council of State amendments be taken into consideration on the conclusion of the business entered in the current agenda without the three days' notice referred to in that rule. My object in making this request is that the three day notice would not expire till Thursday next and that the consideration of the amendments on or after that day would interrupt the debate on the Income-tax Bill and might even endanger the prospect of concluding that debate by the 12th April.

Mr. President (The Honourable Sir Abdur Rahim): If there is no objection, I will allow the Honourable Member to move that the amendments be taken into consideration at the end of the business of the day.

Mr. N. M. Joshi (Nominated Non-Official): I have not studied the amendments.

The Honourable Sir Muhammad Zafrullah Khan: I could easily take it up tomorrow. I shall not move it in any case today.

THE INDIAN INCOME-TAX (AMENDMENT) BILL.

The Honourable Sir James Grigg (Finance Member): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Income-tax Act, 1922.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That leave be granted to introduce a Bill further to amend the Indian Income-tax Act, 1922."

The motion was adopted.

The Honourable Sir James Grigg: Sir, I introduce the Bill.

THE INDIAN TARIFF (AMENDMENT) BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): Sir, I beg to move:

"That the Bill further to amend the Indian Tariff Act, 1934, for a certain purpose, be taken into consideration."

This Bill proposes to renew for one year the duty of 12 annas per maund, on broken rice which has now been in operation for some years. In the year before this duty was first imposed, the amount of broken rice imported

[Sir Muhammad Zafrullah Khan.]

into India, mostly from Siam and Indo-China, was 400 thousand tons. These imports have been progressively reduced. In 1934, with the assistance of the duty, imports of broken rice amounted to 232 thousand tons. In the following year, 1934-35, they went down to 61,000 tons and in the next year they were a little over 3,000 tons. For the last year, there have been no imports of broken rice at all. It will thus be seen that the duty has been completely effective in stopping the import of broken rice into India. The duty has also had some effect in keeping down imports of paddy and of whole rice. These have been progressively less since the duty has been in operation. Last year, the imports of paddy were absolutely negligible and those of whole rice have been reduced to a comparatively insignificant figure. I have here the figures for the first eight months of 1937-38, which show that the imports of paddy during these months—that is to say, beginning with April 1937 and ending with November 1937—have been only 2,780 tons and the imports of whole rice only 214 tons. At the same time the prices of rice in the Madras Presidency, where the prices are most directly affected by the duty, have for the most part been higher than they were a year ago, though it is true that there has in the last few months been a downward tendency and wholesale prices are at present a little below what they were last year. But I may add that prices in Madras, when they are affected by imports of rice, are affected more by the imports of rice from Burma than by the imports of foreign rice, which, as I have indicated, have been very little indeed in the last year, so that, on the whole, the position is such that the duty might well have been dispensed with altogether. But a study of the forecast of the next rice crop shows that there is the possibility of larger imports if the duty is taken off altogether, and it is due solely to that possibility that Government have decided to continue the duty for another year. Honourable Members are aware that Government have power, under section 4 of the Tariff Act, to adjust the duty to conditions which might develop and such adjustment would be possible during the course of the year. In the meantime, however, I am quite sure Honourable Members will agree that Government have acted wisely in asking for the continuance of this duty for one year further. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

“That the Bill further to amend the Indian Tariff Act, 1934, for a certain purpose, be taken into consideration.”

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau: Indian Commerce): Sir, I will not withhold from Government the credit which the Honourable the Mover of the motion has asked for and I am very glad that the motion has been brought up and I rise to support the motion. Sir, in the Statement of Objects and Reasons it has been said that:

“The Government of India have maintained a careful watch on the position of rice in the Indian market and they are satisfied that in the interests of the Indian rice grower the existing protective duty of twelve annas per maund on broken rice should be continued for another year.”

I take this occasion in order to lift this debate to another field and a bigger field, namely, I wish to emphasise that the interest that the Government seems to have in the welfare of the rice growers, on this occasion, is the interest which we also want to take on this side of the House and that from that point of view I am inviting—with reference to several suggestions I shall make later on—the unholy alliance—which my friend, Mr.

Bajoria, complained of on a previous occasion over Mr. Das's Bill—of the Opposition and the Government. Sir, the point which I wish to draw the attention of the House to is the fact that in respect of production of every item per acre—when a list is given for various countries—India invariably finds the honoured place at the bottom of the list. This is a phenomenon which arrests attention and which is worth considering. There is also the phenomenon that the Indian soil has deteriorated and that the amount produced per acre is in some cases actually less now than it was twenty-five or thirty years ago. This again is a thing which must arrest the attention of the country, the Government and of this Legislature, but there is something still more serious and that is that protection is called for and in some cases has been actually given by the Government and by this House to agricultural production. One can understand the protection to a new industry while it is an infant industry and while it is struggling against competition from countries which are more carefully organised for the production of that article. But with regard to agriculture this is a deplorable state of things. We have had certain cases,—e.g., tea, coffee and rubber—where the prices have been maintained by an internal trade organisation, quotas, restrictions on output, or restrictions on export. We had the case of wheat and cotton, whose cultivators today are grumbling

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has got to confine himself to the motion before the House. We cannot have a general discussion of economic questions.

Mr. Manu Subedar: I am only confining myself to the position which the Government have mentioned here with regard to protection to Indian rice

Mr. President (The Honourable Sir Abdur Rahim): This Bill concerns protection to broken rice. Any remarks relevant to the Bill are all right.

Mr. Manu Subedar: Sir, it has been pointed out in the Statement of Objects and Reasons that in the interests of the Indian rice growers, the existing protective duty should be continued.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has got to look to the Bill; he cannot go beyond the scope of the Bill.

Mr. Manu Subedar: This is by way of preliminary remarks, Sir. I was saying, with regard to several agricultural commodities including rice now, that protection has been asked for and given, and with regard to others protection has been asked for and has not been given. Now, this is to be remembered that India needs a favourable balance of trade in order to make payments for services, etc., and if this phenomenon goes on while the agricultural producer and the producer of rice is in serious difficulties, when he has to be protected, one thing is quite clear that the protected industry cannot send out the material for export and cannot give you that favourable balance of trade which is very essential. Now, the point which I wish to make and which I wish Government to seriously examine is—what is the reason why the agricultural producer,—the farmer, as in the case of rice in this Bill,—finds himself in such difficulty that he needs protection against foreign rice? Is it in this case purely a case of dumping which you are trying to safeguard him against, or is it a case of genuine economic deterioration that he cannot produce, on the basis on which rice is produced elsewhere in the world and on a competitive basis? If it is so, it is for Government to find out what are the causes which have led to this deterioration. I will establish the relevancy of what I am saying by asking—how

[Mr. Mánu Subedar.]

long do you propose to continue protecting agricultural production in this country against foreign competition in this manner, instead of taking measures which, to my mind, become very necessary, and which, unfortunately, as far as I can see, Government have not even seriously examined? In connection with such measures which may be taken, with your permission, I will very briefly mention one or two points and that is that the entire economic organisation in this country needs examination. The policy of Government with regard to so many other economic issues which affect them, such as the issue of public borrowing, the issue with regard to the rates of interest, the issue with regard to deflation, the ratio, and various other issues

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member wish to discuss all those issues?

Mr. Manu Subedar: I am only mentioning them.

Mr. President (The Honourable Sir Abdur Rahim): What is the good of merely mentioning them? I think the Honourable Member had better confine himself to the Bill.

Mr. Manu Subedar: So, Sir, it is important to find out what is the genuine cost of production of the rice grown in this country with reference to the cost of production of rice grown elsewhere. We should also find out why is it that the rice grower is not in a position to stand on his own legs and he has got to come to Government occasionally and Government give him a little protection every time he comes to them and then turn him away with mere promises. This is the basis of the thing and I submit that there is something more which Government will find out if they went into the position of the rice cultivator more closely. They will find that his present position is not due to the fact that he has become less efficient now than he was 20 or 30 years ago or that he is taking less trouble now than he used to take 20 or 30 years ago. In that case, he is the victim of a situation which has arisen in the world and which is also finding its way into India. I am not saying that Government are necessarily wrong. I am only urging that Government must look into this matter from this point of view. Now, at one time there was the theory that Government ought not to interfere. But here is the case which shows that, in the matter of economic production and economic distribution, India is also getting familiar with the interference by the State. I ask whether Government will take up the close examination of the position of the rice cultivator in this country in whose interests this Bill has been brought, whether they will take that close examination and, apart from a temporary expedient like the one which they have embodied in this Bill, whether they will examine his position with regard to the general monetary situation in the country. I ask them whether they will see whether the fall of prices which has been brought about has also influenced the price in the case of rice. If in their examination it is disclosed that there are other causes which need other remedies, I trust Government will not be long in going into them. With these remarks, I support the motion.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadian Rural): Sir, those who have heard the discussions on this Bill in 1985 will remember that the main reason which had

been put forward for the imposition of this duty was that the price of rice should be raised and this, we thought, was one of the methods by which this could be done. It is true that from the statistics we find that the import of broken rice from Indo-China and Siam has gone down and to a certain extent the import of paddy has also gone down, but the purpose for which this Bill was introduced has not been achieved even a bit. I will just read from the Statement of Objects and Reasons:

"Since the passing of the Indian Tariff (Amendment) Act, 1937, the Government of India have maintained a careful watch on the position of rice in the Indian market and they are satisfied that in the interests of the Indian rice grower the existing protective duty of twelve annas per maund on broken rice should be continued for another year."

Are they satisfied that by the imposition of this duty alone they are able to achieve the purpose which they had in view? I claim that they have not been able to do it at all. From a study of the Index figures I find that the prices have gone down instead of going up. I refer to the *Indian Trade Journal* of March 31st, 1938, page 1901, where there is a graph showing the price of rice. On the 6th of August it was about Rs. 94 per cwt. (that is the Rangoon price) and on the 18th of March it went down to Rs. 78. If these figures are correct, then the price has gone down very considerably. I refer again to page 1441 of the *Indian Trade Journal* of March, the 10th, where they give some figures for cereals. The price of cereals in January 1935 was Rs. 79 per cwt. and in April 1935 it was Rs. 75 per cwt. In February 1938

Mr. President (The Honourable Sir Abdur Rahim): What is the good of reading all these figures? What is the relevancy of these figures to the matter under discussion?

Mr. T. S. Avinashilingam Chettiar: I am trying to show that the price of rice has not improved. I must submit to you, Sir, that the figures that I am quoting are absolutely essential for the present discussion.

Mr. President (The Honourable Sir Abdur Rahim): All those figures are there and the Honourable Member need not read all of them.

Mr. T. S. Avinashilingam Chettiar: I am reading only two references. In February 1938, the Index figure is 68, that is to say, it is about 5 per cent. lower than what it was when the Bill was introduced.

The Honourable Sir Muhammad Zafrullah Khan: Is that the result of this Bill?

Mr. T. S. Avinashilingam Chettiar: I do not mean to say that I oppose this Bill, but what I do mean to say is that Government have not as carefully watched the situation as the Statement of Objects and Reasons warrants. I would advise them not to be merely satisfied with the imposition of a mere import duty on broken rice but to go into the matter more fully and examine the reasons why we cannot get a higher price for rice grown in this country. I would like to point out that the essential object of the Bill is not merely to stop the import of rice but to raise the price of rice. That object has not been served yet.

I would make another point. The Honourable Member mentioned in his speech that the imports from Burma have affected the price of Madras

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rice. I would request him to consider the matter whether the regulation of the Burma rice into this country will help in increasing the price of the Indian rice.

Sir, I support the motion, but I would request the Government to go into the matter more fully and do something which will increase the price of rice in this country.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I support the motion for taking the Bill into consideration and in doing so I want to make one or two observations. In the first place, the Honourable Member did not show in his speech that the quantum of protection, that is, twelve annas per maund, is sufficient. We want to know some figures to convince us about the quantum of protection. The second thing which we want to be told by the Government is whether they are taking any steps to insure the fact that this protection will no longer be needed. We want to know the reason why rice could be grown cheaper in other countries than it is being grown in this country and whether the Government of India or the Agricultural Research Department would be prepared to take such steps which would enable us to grow rice cheaper so that the protection may no longer be necessary. Then, I wish to draw the attention of the House to the neighbouring problem, namely, the problem of wheat.

Mr. President (The Honourable Sir Abdur Rahim): Wheat is not before the House.

Dr. Sir Ziauddin Ahmad: But I would like to take this opportunity of asking the Government of India that they ought to consider this question as well, especially the question of the freight from Lyallpur to Calcutta.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is really going beyond the scope of the Bill. I must ask him to confine his remarks to the Bill before the House.

Dr. Sir Ziauddin Ahmad: Then, I will move a motion of adjournment on this subject.

Mr. C. N. Muthuranga Mudaliar (South Arcot *cum* Chingleput: Non-Muhammadan Rural): Sir, this is the fourth year in succession that this measure is coming before the House. The Honourable Member in charge of this Bill has expressed satisfaction that since the imposition of this duty on broken rice, the imports of broken rice from Siam and Indo-China have greatly fallen. But, Sir, the object of the imposition of duty is to improve the condition of agriculturists in the country. The condition of the agriculturists has been deplorable since 1930, partly owing to the passing of the Ratio Bill fixing the ratio at 1s. 6d. and partly owing to the imposition of the export duty on rice from India to foreign countries. After the Great War, many of the countries, such as Spain, Japan, England and other countries, who had been importing rice from India, have adopted the plan of self-sufficiency and they have taken to cultivating rice in their own countries. However the Indian rice has to suffer an export duty in the country of its origin and an import duty in the country

to which it is imported. India is now subject to these two disabilities. Some of the countries which were previously importing rice from India have begun to cultivate rice and the further unfortunate circumstance is that Siam and Indo-China have begun to send their products to India. So the Indian agriculturists who produce paddy have lost the foreign market, as well as the internal market. The prices have fallen steeply. The imposition of this import duty on broken rice has not improved the situation. As my Honourable friend, Mr. Chettiar, has pointed out the price of rice from 1930 till now has been at the same level. No doubt the Member in charge has expressed satisfaction that the prices tend to increase. There is no such thing. Even today, I can say the prices are falling. I have recently returned from my village market in my place and I know that the prices have not improved in the least. Even today a cart load of paddy consisting of 500 Madras measures sells at Rs. 26 or Rs. 27. The same was also the position in 1930. If the imposition of an import duty on broken rice has not improved the situation, I do not see why this duty should be continued.

As a matter of fact, as I have so often pleaded in this House, broken rice is not the real competitor for the Indian paddy and rice. Broken rice is used by very poor people. The importation of paddy and rice from Siam and Burma are the real competitors of Indian rice. The House is aware that Government set up the Crop Planning Committee in 1932 and they have made several recommendations. The chief of those recommendations is that an import duty of one rupee per maund should be levied on paddy and Rs. 1-4-0 on rice. The Government were not willing to do that. They have as a palliative imposed a duty on broken rice only. So the condition has not improved. The Crop Planning Committee also recommended the removal of the export duty on Indian rice. At the time this recommendation was made, Burma was not separated from India, and the Government of India were unwilling to part with a substantial income from this source. But now after the separation, the revenue from this source is negligible and the Government can very well remove this import and ease the situation for the agriculturist. The Government did not consider that recommendation at all. The House is perhaps aware that the Crop Planning Committee was predominantly an official body set up by the Government of India and even their modest recommendations have not been given effect to. No doubt the Crop Planning Committee has recommended that a marketing department may be set up. The Government very readily took up this recommendation and gave effect to it. This was solely with a view to import some foreign exports and dump them on India on the plea of opening a new marketing department. Except the creation of the marketing department, the Government have not done anything to implement the recommendations of the Crop Planning Committee. The Director of Agriculture of Madras—not a Director in the days of the Congress Government—recommended that an import quota must be fixed on the rice imported from Burma. But the Government have not cared to think of it even. Perhaps they may take shelter under the plea that the fixing of an import quota will be contrary to Indo-Burma Agreement.

Mr. President (The Honourable Sir Abdur Rahim): We are not concerned with this question now.

Mr. O. N. Muthuranga Mudalliar: I would leave it at that. The Government have not considered that aspect. So as the result, however much we may lay a flattering unction to our soul that we have done something for the agriculturists in India, the price of rice continues to be the same from 1930 to 1938. As my Honourable friend, Mr. Chettiar, has said, at times, the prices also tend to fall and they are still falling. So the imposition of a duty on broken rice has not improved the situation. We cannot consider that it has improved the condition of agriculturists. Unless an import duty on rice and paddy is imposed as recommended by the Crop Planning Committee and unless a quota is fixed for the imports of paddy and rice from Burma, conditions cannot improve. We cannot however suggest such amendments because we cannot bring taxation measures. Therefore, acting on the principle that half a loaf is better than no loaf, we have to support such half-hearted measures as we have now before the House.

Seth Haji Sir Abdoola Haroon (Sind: Muhaimmadan Rural): Sir, the Government have been imposing an import duty of twelve annas on broken rice imported into India for the last three years. I remember, Sir, that the representatives from Madras were all asking for the imposition of this duty on rice. But now the House has seen that although an import duty has been levied for the last three years on broken rice, it has not improved the position of agriculturists. According to my information this broken rice from Siam and Indo-China could not be consumed anywhere else except by the poor people in Madras. The poor people in Madras purchase this broken rice on account of its cheapness. The Madras representatives thought at the time when the import duty was first introduced that it would improve the price of local rice in Madras. Instead of the prices improving during the last three years, there is a tendency for the prices to fall. Some of my Honourable friends on that side have already brought that point to the notice of the House. There is also the question of rice imported from Burma. The production of rice, specially in Burma, is increasing day by day and all this extra rice is dumped on Indian markets. Due to this, the price of rice in Madras and Bengal can never improve. Even this year or in the next year, there is no possibility of the price of rice improving. At present, everybody is in favour of the imposition of an import duty on broken rice. I am also, therefore, supporting this measure. Though such an imposition of duty on broken rice will affect the poor people, who alone mostly purchase this variety of rice,—it is about 100,000 tons or so—yet as the House by a majority desires the continuance of this duty, I am also supporting it.

Mr. Muhammad Ashar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, the two most important questions that have to be considered in connection with the matter of broken rice in India appear to me to be—(1) why the prices have fallen, and (2) why there is not enough export of broken rice. So far as I have heard from Honourable Members here or even from the Honourable the Mover of the Bill, I do not find any answer to these two questions. If the imposition of duty does not improve the price of any commodity that is to be exported from India, I see no reason why such imposition of duty would be justified. But, as is said it is a protective duty, it ought to benefit the Indian cultivator and Indian trader. If the reasons cannot be found, then we have to consider very seriously why this duty should remain. My friend,

12 Noon.

Haji Sir Abdoola Haroon, informs us that one of the reasons is that Burma exports this broken rice free into this country and, therefore, the price in India has not been in any way raised. Can it be also said that the broken rice produced in India is inferior to the rice produced in other countries? If it is not so, we should know at least the reasons,—and Government ought to find it out with the help of a Committee or otherwise,—why the price of this great commodity of India should not improve and thus benefit the cultivators. Sir, it is a very serious question if considered from different points of view. Whether it be a question of rice or of wheat, these are both very important commodities in which the Indian traders deal in India. If for such important commodities these reasons are not found out, I submit it is a great dereliction of duty on the part of Government to mince matters on these questions. Sir, we want that somehow the reasons should be stated, and that is why we lodge our protest on the question; it is not that we oppose the duty. Sir, I support the motion.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): Sir, I cannot oppose this motion and therefore I have to support it. First of all, this duty will on counting go up to more than 50 per cent.; and this prohibitive duty, as has been proved even by the Honourable the Mover of the motion himself, gives practically a preference to Burma rice. The import of broken rice from Siam and Indo-China has been stopped but the real purpose of this protection has not at all been achieved. The price has not gone up in Madras or for the matter of that in Eastern India; recently the price has rather gone down. That is no case for watching or improving the lot of the rice growers in this country by at least this protective duty which is so heavy and which simply taxes the poorest man in the country. Of course the poorest man is always taxed to keep up the economic balance of the State. If we could improve the lot of the agriculturist there would be some meaning, but we have nothing to prove that this duty particularly speaks for any improvement in the lot of the agriculturist. In measures like this Government are simply doing what is called clipping the branches of a tree which ought to be uprooted. If you clip a branch naturally other branches grow in the same place and something more, *i.e.*, the tree becomes more robust. So, in these piecemeal and haphazard legislations it may be a make-believe that we are doing something for the agriculturist, but the real situation is not tackled, as has been pointed out by many of my friends.

What is the position of the rice grower today? It is the rice grower along with the cotton and wheat grower who is the mainstay of the country. We are trying, along with all the other industrial countries of the world, to protect our industries. It is good, but undoubtedly the result is that all the necessities of life are getting dearer. For whom? For the agriculturist. And thus a situation is going to be created when Government and the people will not know what to do. What is the position of the man who will pay for the industrial products, and what is his purchasing power? Will this duty of 12 annas on broken rice do any good to him now that way? Has it done any good? That must be proved. A clear case must be made out taking into account the cost of production.

In Orissa, I know during the last settlement, the Settlement Officer after his investigation and inquiry has put a schedule where he gives Rs. 21 and odd as the money spent by the agriculturist on each acre. Of

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course his labour has been calculated, and, today, if you calculate the produce of that acre of land,—it is paddy alone and there is no other crop throughout the year,—it will never be more than Rs. 24 as I saw it two months ago. During two months there has been again a fall. In any case it is never more than Rs. 24, and the margin of Rs. 3 is much less than the rent and tax which the agriculturist will have to pay to the zamindar and the Government. Then how can he at all stay, not to speak of purchasing the necessaries of life for which we are giving so much protection in season and out of season. There is something rotten at the bottom of the whole scheme, and that must be mended, and this clipping of the branches is not the way to do it.

It must be demonstrated that measures like this are really helping the agriculturists. Of course, *prima facie* they appear to help, and on hearing of a tariff on imported rice the man in the street may expect that the price of rice and paddy will go up. But, this is an appearance, and Government should not rest content with an appearance like this. It must investigate the whole rotten situation, and find out what to do to really relieve the agriculturists in this country. It is a self-evident truism that if proper relief is not given to agriculturists, the entire economic structure of the State will collapse. We are heading towards an economic collapse like that, and at a time like this a measure of this kind may be well considered to be a sop and an eyewash to the people; but, as I have said, I cannot but support it for obvious reasons. At the same time I should still request and urge upon Government to take proper steps to make an immediate investigation into the whole matter, or, at any rate, to try and keep the balance in the budgets of the agriculturists on the one hand and the industrialists on the other. If this balance is disturbed to the extent to which it is today, the economic structure of the State will not remain as it is or as our friends expect. With these words I support the motion.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, the Honourable the Mover has pointed out that the extension of this protective duty of 12 annas is more in the nature of a stabilising duty than that of a protective duty. For the present at any rate, the imports of broken rice have stopped. But it has been pointed out that the prices of rice and paddy are still very low and have not risen to anything like the economic level which is needed for our peasants, and, therefore, he has proposed that this duty should be continued in order to prevent future fluctuations. We accept that argument, and, therefore, we support the extension of this duty. But when he brought forward this Bill last year, we pressed upon him that the same considerations applied to rice and paddy, and that he should propose a similar duty on paddy and rice, not so much for the purpose of protection as for stabilisation. I am afraid he has not considered this matter at all. At any rate, he has not told us whether he gave any consideration to the suggestions made by this House and why the Government of India have turned down the proposal. From a pure consideration of necessity there is no justification for this duty today, but, as a stabilising factor in the future, it is necessary. On the same consideration a duty on paddy and rice is equally necessary. He said that the price of rice is fluctuating every month and every day—today it tends to rise a little, tomorrow it goes down, and this factor is causing great havoc to all the rice producing provinces. I need not tell the House

that the rice producing provinces form the major portion of the country, and rice cultivators the major portion of its population. Yet Government of India are not willing to consider even such a simple thing as a protective duty on paddy and rice, so that these fluctuations in their case might be prevented in the future. Again, Sir, what is the objection to the extension of the duty to rice and paddy?

Mr. President (The Honourable Sir Abdur Rahim): We are not dealing with rice and paddy.

Mr. K. Santhanam: I have to refer to it because we are not allowed to move an amendment, otherwise I would have moved an amendment, but I am not allowed.

Mr. President (The Honourable Sir Abdur Rahim): That is the very reason why the Honourable Member should keep within the scope of the Bill.

Mr. K. Santhanam: I am only speaking on the motion. I only say that the duty, which is intended as a stabilising factor, is not sufficient, and that the object of it is not going to be achieved by merely moving this Bill, and I am suggesting that it should be extended.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot discuss all sorts of possible measures which may have that effect, but he is quite entitled to point out that it will not by itself achieve its object.

Mr. K. Santhanam: I am saying that this Bill was discussed in this House, and very many Honourable Members made similar suggestions, and I am complaining, as I am entitled to complain, that Government are not even re-reading the debates, are not considering the suggestions made by us, and are not telling us whether they considered and approved or rejected those suggestions. Had the Honourable Member got up and said "we considered the suggestions made last year, but we turned them down for these reasons," I should be satisfied. But I do not think if they had considered them properly they could have turned them down. In a recent debate in the Madras Legislative Assembly this matter came up for consideration and Ministers and Members joined in a chorus of denunciation of the attitude of the Government of India. They complained that it was the indifference of the Government of India that had caused such havoc to their cultivators. We complain that the Government of India are not willing to give enough security and enough protection to our cultivators. The conditions today may not need the extended protection, but they may change tomorrow, and I would ask the Honourable Member to wake up and see whether he could not bring in an amending Bill extending the scope of this Bill and giving wider protection to our cultivators. That is the point I wanted to make.

Prof. N. G. Ranga (Guntur cum Nellore: Non-Muhammedan Rural): Sir, I am not at all satisfied with the conduct of the Government for the last four years. This is the fourth time they have come forward with a Bill like this, suggesting the imposition of this duty on broken rice. The only justification for any import duty at any time is that Government comes forward to impose it in order to give itself and the public sufficient time

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to take necessary protective measures, give adequate satisfaction and provide ability to peasants to stand on their own legs, and to get on without having to depend on an import duty like this. But, Sir, during the last three years Government has done nothing more than this Bill. They have been coming again and again, and, as my Honourable friend, Mr. Santhanam, has complained and rightly, they have not paid any heed whatsoever to the many suggestions that we made, with the result that they are obliged to come here with the same remedy bemoaning the fact that the economic condition of the peasants concerned has not very much improved in the meanwhile. Sir, I am prepared to agree with my Honourable friend, Sir Zafrullah Khan, that this duty is still needed, and it has got to be continued at least for preventing any more dumping of broken rice in the near future from Java and other countries where the acreage under rice or its yield seems to have gone up. But is this enough? Till now the opinion expressed in the House is unanimous that the protective duty alone is not enough to give the necessary protection to our agricultural producers, and the position is growing from bad to worse. I do admit that in the initial stages this Bill helped them and has had to some extent a stabilising influence on the prices of paddy and rice.

We wanted more protection for paddy growers and we are not satisfied with this. Instead of its being imposed merely on broken rice, it should be imposed on rice and paddy. It was confined only to broken rice with the result that the protection was not sufficient for our peasants. It is impossible to think of helping these peasants by a Bill like this unless the Government is prepared to take comprehensive and India-wide measures to raise the general level of prices for paddy and rice. They have not done anything till now. The only thing they can claim is that the Provincial Governments are trying to raise the purchasing power of the peasants by passing several debt relief Bills and so on; but certainly no credit is due to them and even these Bills are not enough. The Provincial Governments themselves and the Provincial Finance Ministers in their own budget statements have stated in unequivocal terms that it is not enough merely to relieve the peasants' burden of indebtedness. They have to be helped to secure better prices for their produce and the most important produce of the biggest section of our peasants is rice; and if the price obtaining for that particular produce cannot be raised, then I want to know what other reformatory measure this Government or the Provincial Governments can possibly take in order to help them. The burden of land revenue may be reduced. . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is getting irrelevant; there are heaps of measures which can be brought forward to relieve the peasants, into all of which the Honourable Member cannot possibly go now. The only thing before the House is this motion relating to the broken rice and the Honourable Member must confine himself to that.

Prof. N. G. Ranga: I am confining myself to that and I am just now saying that the reduction of land revenue is not enough to help these people; they have got to do something more. . .

Mr. President (The Honourable Sir Abdur Rahim): This has nothing to do with the Bill.

Prof. N. G. Ranga: I want to satisfy the House by suggesting certain ways by which this Central Government can possibly do something to help the peasants. . . .

Mr. President (The Honourable Sir Abdur Rahim): No: that is not the scope of the motion. The Honourable Member must confine himself to the motion proper.

Prof. N. G. Ranga: All right, Sir. I find that this Government, because of its failure to stabilise the price of rice and paddy and by its failure to raise the general level of prices and the general purchasing power of the masses, has continuously contributed to the impoverishment of our people and particularly the growers of paddy. If you refer to page 12 of the Review of Trade in India you will find that the price level of exports was only 56.9 in 1935-36, whereas the price level of imports was 62.1—there was a difference of 6 per cent: it should have been possible for this Government to have improved the position of our paddy growers by raising the general level of prices to that extent, or even to the extent at least of half the difference, that is, 3 per cent. They have not done it. Also, Sir, the price of rice itself has not very much improved. It used to be Rs. 5-5-8 per cwt. in the pre-war average. It came down to Rs. 3-0-7 in 1933-34, just before this protective measure was introduced. Therefore, what is the improvement that has been effected by this measure? Not very much. It rose only by annas 14 per cwt. and still it is below the pre-war average; in 1935-36, it was Rs. 3-14-10 as against Rs. 5-5-0 the pre-war average. The present position is that instead of improving the prices are coming down and that quite appreciably according to our latest information.

I will place one other fact before I inform the House what I think is the real main cause for this continuous fall in the price of paddy. The internal trade in rice is itself slackening.

Mr. President (The Honourable Sir Abdur Rahim): This Bill has nothing to do with the internal trade: this is a duty on the import of broken rice.

Prof. N. G. Ranga: It only shows that the trade in rice is becoming more and more slack and because of the fact that the purchasing power of our people has not been raised, they are not able to purchase rice as much as they did in the past. I suggest that in spite of this measure the prices have not improved. We wanted this measure and we want it even now. But inspite of it the prices are still going down, . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is suggesting other measures: that is not within the scope of this Bill. The Honourable Member must confine himself to this Bill.

Prof. N. G. Ranga: I will, Sir. That is all due to this fact that this Government is still following its deflationary measures and its pernicious policy of lowering the purchasing power of the masses by messing with our exchanges and by refusing to consider public opinion in this country. .

Mr. President (The Honourable Sir Abdur Rahim): I must ask the Honourable Member to confine himself to this Bill. If he cannot do so, I will have to ask him to discontinue his speech.

Prof. N. G. Ranga: All right, Sir. Then, although the area under paddy has been going up the production of rice and paddy has gone down in the last six years, because the Government has not taken sufficient measures even to improve the productive capacity of our peasants. . .

Mr. President (The Honourable Sir Abdur Rahim): Again the Honourable Member is not relevant. He is not speaking to the Bill.

Prof. N. G. Ranga: Surely, Sir, the consumers have got to foot the bill and it may be complained that the burden is being inflicted upon them if it can be shown that the prices have gone up. But since it is established that prices have not gone up, but on the other hand have been going down, it cannot be claimed to be a burden on consumers at all. At the same time the consumers have to pay their due share of any burden that may have to be placed on their shoulders in order that the peasants may be benefited because the peasants also form part of the population. They have to be protected from the danger of foreign imports; the imports from Burma stare us in the face and I do not know what the Government propose to do. I think the time is fast coming when it will be necessary for the Government to come forward with the necessary legislative measures to see that proper control is placed upon the increasing imports from Burma. . . .

Mr. President (The Honourable Sir Abdur Rahim): I am afraid the Honourable Member has exhausted himself. I will not allow the Honourable Member to take up the time of the House with all sorts of irrelevant matters.

Prof. N. G. Ranga: I do not think I have said anything irrelevant. and I think I am entitled to have my say on this Bill. . . .

Mr. President (The Honourable Sir Abdur Rahim): Will the Honourable Member obey the Chair's ruling? Otherwise the Chair will have to ask him to leave the House?

Prof. N. G. Ranga: Therefore, I support this Bill, while saying that I am not at all satisfied with the attitude of this Government; and I can assure the Government that when the time comes for them or for their spokesmen or others to go to the masses, they will know what answer the masses will have to give to them, although here, of course, we are prevented from having our proper say.

Mr. President (The Honourable Sir Abdur Rahim): Order. order. the Honourable Member must withdraw those words.

Prof. N. G. Ranga: I withdraw them Sir

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division: Non-Muhammadian Rural): From all the speeches which I have heard today in this Honourable House it is clear that every one has spoken, not in terms of appreciation of the Bill, but rather in terms of deprecation, and inspite of that, every one has to support this Bill. That is the irony of fate of this House. The Bill is very important because it deals with one of the staple crops of the country in which four or five provinces are primarily interested. Exactly a similar Bill was introduced last year. It is repetition of the same old Bill. The Statement of Objects and Reasons of the Bill is this:

"Since the passing of the Indian Tariff (Amendment) Act, 1937, the Government of India have maintained a careful watch on the position of rice in the Indian market and they are satisfied that in the interests of the Indian rice grower the existing protective duty of twelve annas per maund on broken rice should be continued for another year."

This is an irresponsible statement of a very responsible officer. If Government had maintained a real and careful watch they would have brought forward a better Bill than this, a more comprehensive Bill than this, but, situated as we are, we are obliged to accept, inspite of objections, what is offered.

A careful watch on the position of rice signifies a careful watch over the financial position of the agriculturist. Those who cultivate rice are getting impoverished day by day, and this has led the Provincial Governments to pass agricultural relief measures in order to help them. If the Central Government had only taken all these factors into consideration they would have really brought in a Bill, first, with a view to stabilise the price. That they have not done. Secondly, a board of enquiry should have been set up in order to find out ways and means for enhancing the price of rice without creating much difficulty to the consumers also. Protective duty means difficulty for the consumers, and if regular considerations of the economic position of the consumers and the producers were made, Government would not be in a difficulty to find out ways and means. The will is wanting, the sympathy is wanting, and therefore the desired Bill is not forthcoming. In all other countries of the world every Government has been trying to solve the economic question of agriculture and industry, but it is a pity that we in India are so badly placed that we cannot do anything, nor can the Government think of doing anything in this respect. The provinces are there and it is the co-operation between the Central Government and the Provincial Governments that is of first importance to bring about a solution of the economic depression which has been prevalent for a certain number of years. Our disease, I do not think, is incurable. We have our lands, we have our cheap labour, and we have our agriculturists. Inspite of all that, we have to yield to exports to other lands and depend upon imports from other lands. This Bill is confined to broken rice only. Really speaking, broken rice is not the only kind of rice that we use in India and there should be protection against the other kinds of rice also. I, therefore, request the Honourable Member in charge of the Bill to consider the exact demands of the country either in the shape of a protective duty or any other duty, and then introduce a comprehensive Bill as early as possible. Our agriculturists do not understand, nor can they express their difficulties, and those who represent them here in this Assembly or in the different Provincial Assemblies feel

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the unreality of their position here and there. They pass Resolutions on behalf of the agriculturists, but they are not mandatory. If they introduce a Bill, that may be accepted or not accepted.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is now enumerating all the grievances. This is not the time to ventilate grievances. The Honourable Member must confine himself to the Bill.

Mr. Amarendra Nath Chattopadhyaya: The very Bill is a grievance.

Mr. President (The Honourable Sir Abdur Rahim): Then the Honourable Member can argue against the Bill, but he must speak to the Bill.

Mr. Amarendra Nath Chattopadhyaya: It is a known fact that the poverty of our masses is colossal, and it is the duty of the Government to see that that is solved. With a view to that, I request the Honourable Member not to be content with this small Bill only, but also to introduce a more comprehensive measure which will bring real relief to the country. With these words I support the Bill.

Mr. Kuladhar Chaliha (Assam Valley: Non-Muhammadian): This House showed great interest for protecting the price of tea, the price of sugar and also the price of coffee. Do you see the same anxiety to protect the price of paddy for the poor peasants? Do you see the same interest taken by Honourable Members of the House in that regard? I do not find that at all. You find the same dull, monotonous speeches made by Honourable Members when matters relating to peasants come up before them. This Bill which provides only for twelve annas per maund protective duty on broken rice has really brought down the import from 232,000 tons in 1934 to 2,780 tons in 1937-38. It has done something to stop the import but there is another question intermixed with this, namely, whether it has raised the price of rice to the level we want. Mr. Santhanam has dealt with this point. It is necessary not only to stop the imports but also improve the exports. What are the reasons which have brought down the export from a very large quantity to a very small infinitesimal quantity. I shall give the House a few figures. The pre-war average of India was 2,398,000 tons valued at £15.1 millions. Then in 1932, it was 2,301,000 tons valued at £13.3 millions. In 1935-36, it was 1,394,000 tons valued at £8.2 millions and in 1936-37 it is 234,000 tons. These figures of course include the Burma export. If we exclude that, it is 584,000 tons pre-war.

Then, Sir, Bengal is the worst sufferer. In 1913-14, she exported 326,921 tons valued at 3 million pounds. In 1935-36, she exported only 80,140 tons. Also Madras export before the war was 155,000 tons and in 1935-36 it was 70,664 tons valued at £329,386. Bombay has also shared the same fate. In 1913-14, she exported 28,884 valued at £283,545. In 1935-36, she exported only 13,275 tons valued at £146,292. As regards the Karachi port, in 1913-14 the figures were 53,789 tons valued at £489,000 and in 1935-36 it was 24,197 tons valued at £199,079. So, everywhere in India there is a great fall in the exports. We are faced with subsidized trade of Italy and Spain. In order to prevent this, we have to see that not only do we give protective duty but as an allied subject we have got to

improve our yield per acre in our own country. In India it is eight to nine maunds per acre. The average as regards Egypt and Japan is 29 to 30 maunds per acre. This side of the question has been completely forgotten by the Government. In dealing with the protective duty we have got to see how to improve the yield. It is no use giving a small protective duty that will only stop imports coming in from Siam and Indo-China. That is not a large quantity. We have another trouble. Almost 85 per cent. of our exports come from Burma and if we exclude Burma our trade is small. In Assam, Bengal, Madras and Bihar, the agriculturist is mainly dependent on this trade. We have not only to improve the yield per acre but also to increase our exports. I submit that this Bill is not enough. The Government should have brought in a more comprehensive Bill, so that the growers of rice may get a better price for their product.

The Honourable Sir Muhammad Zafrullah Khan: (Member for Commerce and Labour): So far as the discussion on the provisions of this Bill is concerned, Honourable Members have stated that as far as it goes it serves its purpose. The whole of the criticism has been directed to pointing out that something more in many directions is necessary. I am afraid that would be hardly relevant during the course of the discussion on this Bill. It has been difficult to restrain Honourable Members from expressing their views but it would be entirely unjustifiable for me to take up the discussion of those questions as, Sir, according to your ruling they are not relevant. Therefore, I find that I have not got to reply to any particular criticism directed against the provisions of this Bill. I am glad to find that so far as the duty on broken rice is concerned Honourable Members approve of this piece of legislation.

Mr. Muhammad Ashar Ali: On a point of order. Is the Honourable Member correct in saying that the Chair ruled out this discussion as irrelevant?

Mr. President (The Honourable Sir Abdur Rahim): I could not fully follow the Honourable Member's own speech. At any rate, there is no doubt that many Honourable Members were wandering away from the subject.

The Honourable Sir Muhammad Zafrullah Khan: Apart from whatever may have fallen from the Chair, I do submit on my own that a discussion of suggestions with regard to what the Government should do apart from this Bill is not relevant to the provisions of the Bill, however valuable these suggestions may be upon the general question and, therefore, it is not necessary for me to reply to that part of the discussion on this motion.

Mr. President (The Honourable Sir Abdur Rahim): The question is "That the Bill further to amend the Indian Tariff Act, 1934, for a certain purpose be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Muhammad Zafrullah Khan: Sir, I move:
"That the Bill be passed."

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That the Bill be passed."

Prof. N. G. Ranga: Sir, it is quite clear from the Honourable Member's reply that this Government is not likely to do anything more than this in order to help our paddy growers. Such a Government does not deserve to exist even for a day. It is our fate that we should have to continue to deal with this Government until we are able to get rid of it, lock, stock and barrel. One would have thought that any Member taking himself seriously and responsible for piloting of a Bill of this kind would have considered it his duty to give the necessary assurances to the masses of this country and especially those who are interested in the cultivation of paddy as to what particular steps Government is going to take in order to improve their lot. Instead of that, he has taken shelter behind his own interpretation of the proceedings of this House.

The Honourable Sir Muhammad Zafrullah Khan: I ask whether the Honourable Member is even now relevant in asking for assurances.

Prof. N. G. Ranga: I am certainly relevant. Sir, he has simply taken shelter behind that and did not give any sort of reply at all. Sir I am here to state on behalf of the peasants in this country that they are not going to stand this kind of nonsense from this Government, and unless this Government shows a more serious attitude, unless this Government tries to relieve their distress, and unless they come to their rescue and help them to realize better prices than they have been able to realize for their products during the last four years, there is not going to be any change for them to win over the peasants to their side. When the next fight comes, and the whole lot of peasants—men, women and children—are going to be ranged against these people, and to see that the whole lot of them—and the Honourable Member would find the same result if he were to stand for any constituency—are given a jolly good beating at the elections.

Mr. President (The Honourable Sir Abdur Rahim): The question is—

"That the Bill be passed."

The motion was adopted.

THE DELHI JOINT WATER BOARD (AMENDMENT) BILL

Mr. President (The Honourable Sir Abdur Rahim): Sir Girja Shankar Bajpai

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): Sir, I do not move my motion* today.

*"That the Bill further to amend the Delhi Joint Water Board Act, 1926, be taken into consideration."

THE PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) BILL.

The Honourable Mr. R. M. Maxwell (Home Member): Sir, I move

"That the Bill to amend the law relating to the prevention of cruelty to animals be circulated for the purpose of eliciting opinion thereon."

Sir, I am glad that the first measure which it falls to me to recommend to this House is one on which there will probably be very little controversy. Differences there may perhaps be, but those differences will only be as regards the most effective means and the most speedy means of realizing the objects which I believe will be shared by the very great majority of this House. The Statement of Objects and Reasons appended to the Bill will explain to Honourable Members that the all-India legislation on the subject of the prevention of cruelty to animals has rested unchanged for nearly fifty years. This state of things may not be thought very creditable to the country as a whole, but as Honourable Members are aware, during the period of the last Constitution matters connected with the prevention of cruelty to animals were a provincial subject and certain provinces, according to the state of their public opinion, have made certain advances in this matter. The two provinces which have given a lead to the rest of India and to us today are Bengal and Bombay and there is scarcely any provision in the Bill now before the House which is not based in some form or other on provisions which have already been enacted by the Bengal and Bombay legislatures. The rest of India, however, still remains satisfied with the legislation applicable to the treatment of animals passed fifty years ago.

Now, the subject of the prevention of cruelty to animals has once more been restored to the competence of the Indian Legislature; it is now in the Concurrent Legislative List; and an opportunity thus falls to us to bring the whole of India up to the standard already adopted in certain of the more advanced provinces. One reason for doing so is that latterly there has been increased evidence of the mobilization of public opinion in certain matters connected with the treatment of animals. The All-India Society for the Prevention of Cruelty to Animals has done excellent work in urging the need of amending legislation and all honour is due to that society for the work which it has done in this connection. As long ago as 1935, the Society suggested a Bill somewhat on the present lines, but at that time it was only possible for the Central Government to recommend its provisions for consideration to Provincial Governments, and no Provincial Government has subsequently taken up these matters, except that to some extent the Bengal Government has recently adopted certain improved proposals regarding *phooka*. That is the particularly prominent issue which has attracted public opinion to the need of legislation in regard to animals. Latterly there has been a considerable demand for legislation dealing with the practice of *phooka*, but I would remind the House that *phooka* itself has been illegal ever since the Act of 1890 was passed and that the provision of the 1890 Act was strengthened by the Bengal Legislature as long ago as 1920, and yet we still hear that the practice is on the increase. This fact in itself must warn us that mere legislation on paper is not going to achieve the whole object which we aim at. We may put very convincing provisions on paper but ultimately it will depend on the will of the public to enforce those provisions

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and on the support given to such societies as the All-India Society for the Prevention of Cruelty to Animals in seeking out cases which infringe the law and bringing them to justice.

Although, as I have said, this legislation is a concurrent matter and it is for the Central Legislature to pass any measure on this subject which it pleases, still, in matters of this sort we have to consider what the attitude of Provincial Governments would be, because, although the legislative power may rest with the Central Legislature, the executive authority in these matters will still remain with the Provincial Governments. We have, therefore, before introducing this measure, taken the precaution of consulting all the Provincial Governments as regards their attitude towards a measure on these lines and I am glad to say that the great majority of them have fully supported the original measure which was drafted by the All-India Society for the Prevention of Cruelty to Animals, on which the present Bill has very largely been based.

Another point to which I might draw attention is that section 1 of the 1890 Act will still remain unamended under this Bill and that section leaves it to the Provincial Government to extend the Act or any part of it to such local areas as it thinks fit. While, therefore, some Governments such as Bengal may feel that the existing provisions of their Prevention of Cruelty to Animals Act are adequate for their purposes or for certain other purposes to be achieved by this Bill, it will still be open to them to apply this Act in other respects to the circumstances of their provinces and I think that all Provincial Governments will feel it useful to have a comprehensive Act of this kind dealing with the whole of the 1890 legislation, bringing it up to date, and framed after consultation with experts.

As this Bill will come before this House in detail at a later stage, I will not deal at any length with its provisions but I will only draw the attention of the House to some of the principal changes in the existing legislation which will result from passing this Bill.

Clause 2 of the Bill may perhaps cause some surprise; it provides that in the 1890 Act after the words "captured animal" the words "or bird" shall be inserted. It might have been supposed that the wording of the existing Act would be sufficient to protect birds

1 P.M. as it stands, but I am credibly informed that it is a fact that one Magistrate, at any rate, has held that a "bird" is not an animal and therefore it is necessary by legislation to restore birds to their rightful place in the animal kingdom and leave no Magistrates in doubt as to whether they are vegetables or minerals.

Clause 3 of the Bill makes an important advance on the existing section 3 of the Act, because section 3 of the Act, as it stands, makes penal certain cases of cruelty only when they occur in a street or public place. Why the original Act was so restricted I am unable to say. I think the House will agree with me that there is really no distinction between cruelty practised in public and cruelty practised in private. At any rate, for the purpose of checking *phooka* it is eminently necessary that cruelty practised in private should be also subject to penalties.

Clause 4 of the Bill is a new one to the Indian Legislature. It has already been enacted in Bengal on very similar lines. This clause penalises overloading of animals and sub-section (2) of the proposed section 3-A to be introduced by this clause is to be read with clause 7, which seeks to introduce a new section 6-A penalising the owner or person in control of an animal, and not merely the person in immediate charge of it who commits an act of cruelty. This is an important advance in regard both to overloading of animals, made penal by section 3-A, and *phooka*, made penal by section 4, and working unfit animals, which is made penal by section 6.

Clause 5 relates to the matter which has attracted so much attention, that is, the practice of *phooka*. A section very much on these lines has already been passed by the Bengal Legislature where the penalties provided are even more than those proposed in the draft clause. The changes in the existing Act made by this clause are, firstly, to extend the provision to any milch animal and not limit it entirely to cows—that is already a provision that was in force in Bengal since 1920. The second advance which this clause makes on existing legislation is that the person who permits *phooka* to be practised is also punishable with the same punishment that is provided for the offence and if that is read with section 6-A, which is provided by clause 7 of the Bill, it will be seen that the owner or other person in possession or control of an animal shall be deemed to have committed the offence unless he has exercised a reasonable care and supervision to prevent it. The other change made by this clause is to increase the existing penalty of Rs. 100 to Rs. 500 and the existing period of imprisonment of three months to six months. I may say that in Bengal the period of imprisonment provided is two years, and that in the case of repetition of the offence under the last Bengal Act just passed, there is no option of inflicting a sentence of imprisonment: the sentence must be fine and imprisonment.

Clause 7 of the Bill is based on certain provisions which have, for some time, been in force in the Bombay Presidency. Originally the provision in the Act which enabled the removal of animals to infirmaries was limited to those animals which fell under section 6 (1) of the original Act, that is animals employed while unfit for labour. In any other case of cruelty there was no provision for the removal of animals to veterinary custody or for other disposal. Therefore, it is now proposed to make all offences under this Act subject to similar provisions, that is to enable animals to be removed for examination, care or treatment.

There is no provision, again, in the present Act for the disposal of an animal which will never again be fit for work. There was only provision for the disposal of an animal which after treatment became fit for work and it is, therefore, proposed that power should be given to a magistrate to send an animal to a *pinjrapole* or order its destruction, if necessary. There is no other important provision in clause 7 of the Bill.

The provision in clause 10 of the Bill is based on the provision already in existence in Bengal and so is clause 13, which is designed to enable action to be taken against persons committing offences and refusing to give their names and addresses and to empower persons authorised by Provincial Governments to take action to prevent the commission of

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offences and to ensure examination of animals in respect of which offences have been or are being committed.

Clause 14 of the present Bill is entirely new in that no provision has hitherto existed enabling Provincial Governments to make rules for carrying out the purposes of the Act. Several of the matters on which rules are now to be made are already placed within the scope of such rules by the Bengal legislation and some are new, particularly clause 14 (2) (g), which requires persons owning or in charge of premises in which animals are milked to register such premises and to permit their inspection. The object, again, of this provision is to give the executive powers to deal with the practice of *phooka*. That is all I need say about the provisions of the Bill itself.

The reasons why Government have thought fit to move for circulation rather than carry the Bill through all its stages at the present moment are two. Firstly, as I explained just now, executive authority rests with the provinces and although the provinces have already been consulted once, they have not seen the Bill in its final form as amended after consideration of all the suggestions which were received at the time when the provinces were first consulted. In the second place, as I explained earlier, public opinion needs to be mobilised in support of any measures which we may enact on paper in order that they may be fully effective. Now, so far, public opinion has not been consulted or sounded about this Bill and the greatest possible advertisement for a Bill of this kind is, I think, thoroughly desirable; and we must also be prepared to consider any difficulties, or even fresh suggestions for improving any of its provisions, which may be put forward by public bodies or individuals interested in these matters. Another reason for moving for circulation now is that no time will be lost in the actual enactment of the final Bill. I see that some of the amendments which have been put down indicate a desire to push this Bill through its further stages as soon as possible, and I would accept what is proposed in the first amendment, namely, that the opinions received after circulation should reach Government by the 30th June. That will give all persons concerned three months to consider the matter, and if the opinions are received by the 30th June they will be ready printed for consideration as soon as this House meets again for the Simla Session; and I would undertake in that case to move for a Select Committee to sit on this Bill at the commencement of the next Session. And there would be no difficulty in holding meetings of the Select Committee and arranging the Bill to pass through its final stages during the course of the Simla Session. I hope, therefore, that this procedure will satisfy the House and that it will be realised that in an important measure of this kind in which public opinion must be considered, it is more desirable that the Select Committee should sit after hearing the opinions which circulation of the Bill may elicit, and may be in the best possible position to make any improvements which may then seem to be necessary. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That the Bill to amend the law relating to the prevention of cruelty to animals be circulated for the purpose of eliciting opinion thereon by the 30th June, 1938."

Dr. G. V. Deshmukh (Bombay City: Non-Muhammadan Urban): Sir, I thank the Honourable Member for the assurance that he has given that this Bill will be enacted before the end of the Simla Session. At the same time I cannot but regret how slowly Government have moved in this matter, because, as the Honourable Member himself has said, there has been in the last 50 years no change in this legislation. And what was the reason given for it? The reason given was that there was no public opinion and, therefore, it is useless to put measures like this on paper. This is a line of argument in respect of all pieces of social legislation which I certainly do not understand. The other day, also in connection with Mr. Das's Bill, the Leader of the Nationalist Party brought forward the same kind of argument, and that was followed by the Honourable the Law Member and we were told that unless public opinion was sufficiently advanced it is useless to have legislation like this on the paper. Now, logically what does it lead to? It means this that if there was sufficient public opinion so that evils like this do not exist, you need not have any legislation at all. On the other hand the legislation is wanted because the evils exist. In other words, the less there is of public opinion, the more legislation there should be. Gentlemen here, whether from the public or from the Government, are telling us that there is no public opinion and, therefore, we do not want any legislation. I think that is a fallacious line of argument.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member may continue his speech after lunch.

STATEMENT OF BUSINESS.

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, may I make a statement about the business for tomorrow and the day after? As Honourable Members may have seen from the Agenda, the only work which can possibly come up will be the consideration of the Trade Disputes Amendment Bill which my Honourable friend, Sir Muhammad Zafrullah Khan, did not want to bring forward today, and there is also the possibility of the Water Board Bill coming up. It is obvious that we have not got more than a day's work and possibly it will take only some part of a day. In the circumstances I suggest one of two courses; either that there will be no sitting tomorrow or day after tomorrow. I would prefer the House sitting day after tomorrow because that will give time for consideration of the amendments made in the other House. So I make the positive suggestion that the House may not sit tomorrow but sit day after tomorrow if that is acceptable to Honourable Members.

Mr. President (The Honourable Sir Abdur Rahim): If there is no objection on the part of Honourable Members, I would have no objection.

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau: Indian Commerce): Sir, I want to ask one question of the Chair. When a holiday is declared in this manner, the questions which we have put down lapse and now at the end of the Session we are not in a position to give fresh notices. In any case it is a hardship if fresh notice is required for questions which have been with Government for more than six days and when they lapse for no fault of our own and there is no time for giving fresh notice. For this reason, if individual opinion is asked, I am opposed to a holiday being declared tomorrow.

Mr. President (The Honourable Sir Abdur Rahim): If it is not generally acceptable to the House, then there is no option but to have a meeting of the Assembly tomorrow.

The Honourable Sir Nripendra Sircar: Sir, I may make another suggestion which may be acceptable to the House, and that suggestion is made only for the present occasion. Judging by the quantity of work which is left, I venture to make the suggestion that the questions fixed for Tuesday and Wednesday may both be taken up on Wednesday.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): And the limit of five questions may not be insisted upon.

Mr. President (The Honourable Sir Abdur Rahim): I have not considered that, but I take there will be nothing inconsistent in the rules. In that case that procedure may be adopted and the questions set down for tomorrow will have precedence over those set down for Wednesday.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

THE PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) BILL—*contd.*

Dr. G. V. Deshmukh: Sir, when I was speaking this morning I said that the argument which has been propounded in this House and also everywhere, that legislation must not be undertaken if there is no public opinion, is wrong, as I said, for this reason that if public opinion was sufficient, then there would be no necessity for legislation. Now, Sir, what is this public opinion to which such an amount of superstitious reverence is being paid all over? I can quite understand that where the people in a country are very well educated and are very much ahead, there should be the least amount of legislation, but I do maintain that where the people or the community is not so advanced and where there is not so much of public opinion legislation not only should be undertaken, but it should not be started as a mild measure and then grow more and more serious, but the process should be reversed: to begin with, you should take as strict measures as you can by means of legislation, and when you see public opinion is growing and people behaving properly, the rigour of the law may be diminished.

Sir, if that was not so, then I am sure no progress would have been made in this world. Let me illustrate this by means of sanitary laws. Even in civilised countries like England and France, whoever can say that when these sanitary measures were first proposed, they were accepted by the public and there was no opposition. I do not care what social legislation you take—the prevention of child labour in factories, the employment of women on night work. In all the civilised countries you will find that the vested interests are against it, and when you have to undertake

legislation you have to undertake legislation in spite of these vested interests, Sir, in this country we have 300 millions of people, and are you going to wait till each and every section and each and every individual is going to be educated. Besides public opinion in many of these countries is really nourished on superstition and ignorance. If it were merely superstition and ignorance you may oppose it and counteract it by means of public propaganda, but you will find that vested interests are interested in blocking the advance. Take for instance the case of child marriages. What amount of argument or education is going to convince these people who have child widows as their slaves in their households for nothing. Take the case of property for women in India. How are you going to convince those who are interested in keeping property-less slaves in their families? Wherever there are vested interests you cannot possibly educate them because they refused to be educated. Under the circumstances, it is incumbent on the leaders of the public as well as on the Government to bring up a very strict and very rigorous type of legislation. If, as I said, that was not so, it is not possible that any progress would be made. Nobody likes to take bitter medicines, nobody likes to take quinine, but it is necessary, it is absolutely necessary that it should be pushed down his throat. If that was not done, then I am afraid you will not be able to get rid of diseases.

Coming to the *Phooka* Bill itself, now are you going to convince those who are actually benefited by it, who profit by drawing more milk, if by an inhuman method, that this measure is going to benefit them? Therefore, in all kinds of social legislation you must start with rigorous measures, then the severity of the law may be diminished. The other day the Leader of the Nationalist Party and the Home Member bewailed that although this law of child marriage was passed about six years ago, still child marriages took place, and, therefore, it was not good making any legislation ahead of public opinion. Sir, the facts are correct, but the inference is wrong. I hope that Government will in future take a lesson from this, and, whenever there is any social evil to be eradicated, will not start with mild measures and go on to more rigorous measures, but take more rigorous measures first and then diminish their rigours. The argument that is put forward by Government is that after all we are not a responsible Government, but, Sir, I want to draw the attention of the Government to this fact—that although the Government may not be responsible to the people, the House is a representative House. If we are not representatives of the people, and if our opinion is not going to be taken as the opinion of the public, then I do not know what we are here for. According to all constitutional methods, the methods which are accepted all over the world, the opinions of the representatives are taken as those of the public, otherwise it is next to impossible to take the opinion of each and every individual.

Now, with regard to this Bill what is the opinion in this House? You will remember that in the Simla Session about sixty elected Members made an application to Government that a separate day should be given for the introduction and passing of the *Phooka* Bill through all its three stages. This is public opinion if you want: the whole House was absolutely unanimous that this evil should not exist in this country not even for a day more after the attention of the House was drawn to it. To the credit of the House it must be said there was no elected Member against it. I did not naturally go to nominated Members and get their

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signatures, although I have the assurance of nominated Members who tell me that if I had gone to them they would have no hesitation in signing the application. Therefore, that is the public opinion on this Bill. Well, so far as the Provincial Governments are concerned, the Member in charge has already told us that the Provincial Governments were all agreed on that, yet what is the meaning of this overcautious step. I do not say that I am dissatisfied that this Bill will become an Act by the end of the Simla Session, but my point is that Government could have taken courage in its hands and with the support of the representatives of the public gone on with the legislation a little more rapidly.

I do not want to take more time of the House except again to urge on Government that they should take courage in their hands when it comes to social legislation and not to be deterred by a superstitious fear of the so-called public opinion which does not mean anything. This public opinion which is nourished on ignorance, fed by superstition and maintained by vested interests—the sooner it is neglected the better. What you really want to know is, what is the opinion of intelligent people on a particular measure, whether a particular evil exists in the country or not—whether it is child marriage, or women not having property, or divorce,—and I think Government with the help of the representatives of the public are bound to see that equal justice is done. In the words of the Home Member the other day a fair deal should be given to all parties, and if that is not done I do not see any reason why the Government should exist, as I do not see any reason why there should be public representatives if they have not confidence in themselves to support if it is a good measure. It is useless to say that their voters outside will not support this measure on account of superstition or ignorance. I say, as a self-respecting representative, he is bound to go back to his constituency and say “This is the correct opinion; it is not my opinion but it is the correct opinion; and if you do not like it, very well, next time I do not care whether you send me to the House or not”. That is the right attitude for public representatives to take, instead of merely pandering and saying that this is not the opinion of our constituent voters; they do not agree to this and, therefore, we object to this. I think that is a very wrong line of reasoning. I hope, therefore, that in future the Government will take courage in their hands and whenever there is any real evil existing they will come before the House with very strict measures—not merely measures somehow or other just to show that they are doing something—but really measures intended to prevent the evil; and I have no doubt that the people's representatives will give them their full-hearted support. Sir, I have done.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): Sir, I thank the Honourable Member in charge for having accepted my amendment. Incidentally I may mention to him that this has saved a good deal of hostile criticism against the Government. This Government, which is proverbially irresponsible and which sleeps days and nights even on matters which most agitate the public mind, has at last woke up. In this connection I remember a very apt simile: this Government is like the demon Kumbhakarna of the Ramayan mythology. It was very very diffi-

cult to wake him up, but it was most essential to wake him up at some most opportune moments; a lot of kneading was necessary; a lot of tomtoming was necessary and a lot of people dancing on his body was necessary so that he might wake up. Here this irresponsible Government, whom I have compared with this demon, has at last woke up; and in doing so it has saved a good deal of hostile criticism against it.

Now, the question that strikes one is whether under the circumstances as they exist today there is any necessity for eliciting public opinion; if so, to what extent. I may mention some facts which will convince the House that as a matter of fact there is no necessity for eliciting public opinion. The Honourable Member has thanked the All-India Prevention of Cruelty to Animals Association, and I also am prepared to give the association its due credit. But unfortunately he has forgotten to give due credit to other bodies also, and, therefore, it is my duty to mention some of the associations which have rendered most invaluable services in this connection; and the first and foremost in this connection is the All-India Cow Conference Association of Calcutta. It has been a body which is in existence for many years in this country and agitating on this most important matter. It has moved the Government—the last representation that it sent was in the month of February, 1937. It was sent to His Excellency the Viceroy, and what did the Government do? They slept over it; even the Viceroy who is most interested in the welfare of these dumb animals, and Her Excellency who is also very keen on providing all sorts of amenities for these animals and for providing handsome hospitals where the animals can get good treatment,—even when they had expressed themselves publicly, even then that did not affect this Government, the collective Government I am referring to. What happened afterwards? A Bill was published in the newspapers—a Bill to further amend the Prevention of Cruelty to Animals Act, and it was before the public. Discussion was going on in the newspapers, and I do not find that even this most comprehensive measure as it is alleged to be, comes up to the standard of legislation that was expected from this Government. There have been resolutions passed at cow conferences in almost all parts of India and there have been resolutions passed concerning this cruelty to animals even by the most orthodox body called the Varnasrama Swarajya Sangh. Lastly, I may refer to a public meeting which was held in the month of January, 1938, under the presidentship of the Rev. C. F. Andrews to stop this inhuman practice immediately. That was the resolution passed, and, the Gurudev as the Rev. Andrews calls him, Rabindranath Tagore sent a message to the meeting that some sort of measure should be adopted to prevent immediately this inhuman practice. That is so far as the public is concerned. The Government was aware of the Bill. Why did they wait for such a long time? I put a question after the introduction of the Bill I referred to—No. 197 on the 10th of February. First of all this Bill was sent on the 2nd December, 1937, to the Provincial Governments; they were consulted; why was this measure introduced at such a belated stage when there was such a pressing demand for such sort of legislation? After having sent on the 2nd December a measure which they contemplated for preventing further cruelty to animals to these Provincial Governments and having received replies, why did they wait? From supplementary questions I gathered that the Provincial Governments were in favour of the legislation put before the House

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and sent to them. I put several supplementary questions, one of which was :

"May I know what are those other points which were referred to Provincial Governments?"

The Honourable Sir Henry Craik : I cannot recollect at the moment. They were generally consulted as far as I remember on what amendments were desirable to make the administration of the Act more effective."

Then I put a question :

"Will their opinions be placed on the table?"

The Honourable Sir Henry Craik : I will consider that."

And the matter is still under consideration. Why were not these opinions placed on the table of the House? The matter would have been published through the press and public opinion would have been ready by the time the Bill would be before the House. It would appear, if the assurance was not given, that the Government is not very keen on a legislation like this; what the Government is keen on is collecting money and spending it as it likes; but when it comes to a matter of having decent legislation, legislation that would socially benefit the public and that is in the interests of the agriculturists and every-body else, it has to wait and wait indefinitely. The motion that was before the House was really of this character. As a matter of fact some date should have been fixed in the original motion; but there was no date fixed and I was under the impression that this was really a device to shelve the matter. I am glad an assurance has been given, and I hope that assurance will be kept up; but I do not know what chance there will be of having this assurance kept up when I see that Bills like the Motor Vehicles Bill and other Bills are on the list. I do not know how legislation of this sort will be carried through. All the same, I am glad. . . .

Mr. Deputy President (Mr. Akhil Chandra Datta): The date is part of the motion itself—30th June.

Mr. Govind V. Deshmukh : Originally it was not, now it is. That is why I say that the edge of the opposition has to a certain extent disappeared; otherwise, the charge against the Government would have been such that under the circumstances which I have mentioned they would not have been in a position to defend themselves.

So far as clause 5 of the Bill, which deals with the offence of *phooka*, is concerned, there was voluminous opinion against it. Not only that, but the measures which were suggested for arresting the offenders and for meting out punishment to them were far severer. There was not a single meeting where the resolutions passed suggesting measures to stop this offence of *phooka* did not demand stronger measures than what the Bill does. Then what do you want public opinion for? As a matter of fact, for some time I myself was somewhat of the opinion, under the impression that there were perhaps new points in this Bill, that this Bill should be considered by the public and that the public should express their opinion. But after going through the clauses of the Bill I found that it was not necessary at all. For instance, it was said that because the executive authority rests with the provinces, therefore this Bill should be sent out for eliciting public opinion—that is what the Honourable Member in charge of the Bill said. But I find that this Bill can be

passed as it is, and there is no necessity for having public opinion, because there is a provision for framing rules under this Bill. The provinces are authorised under the Bill to frame their own rules to carry out the provisions of the Bill. Under these circumstances, where is the necessity of having any opinion when the provinces have already sent in their opinions, and when the provinces have got, as a matter of fact, the power to frame their own rules as to what shall be considered as overloading. As regards infirmaries and other things, if these have also to be considered by the provinces, what is the objection to having all the substantive provisions passed in this House? I thought that the destruction of unfit animals or animals which were not fit to do any duty—the clause relating to that was a new one. But it is not so. In the old Act there is a provision to destroy such animals as are unfit. There is really no new clause in this Bill which was not in the old Act. No doubt, here and there, the sections of the old Act have been a little bit enlarged. But, as I say, something is better than nothing, and assurance is something. I hope that that assurance will be kept up by the Honourable Member in charge. With these words I resume my seat.

Mr. Abdul Qayyum (North-West Frontier Province: General): Sir, I had tabled an amendment which aimed at the appointment of a Select Committee to expedite the process of turning this Bill into law, but I found after studying all the relevant Standing Orders and rules that these rules and Standing Orders were absolutely of no help in helping me to expedite matters when Government had resorted to such a dilatory motion as the circulation of this Bill. It may be said that even if a Select Committee were to be set up at this stage the Bill would not become law as it is the tail end of the Session. But I want to know why this very important Bill was not introduced at the beginning of this Session. Why is it that it was kept for the fag end of the Session when really very little can be done in connection with this Bill? If we read the Statement of Objects and Reasons, we find that there is absolutely no necessity for circulating this Bill for public opinion. It is stated in the Statement of Objects and Reasons:

“That the Act in its present form is inadequate to check some forms of cruelty, and that public opinion in recent years has become alive to the question has been shown by legislation passed from time to time in the Provinces of Bengal and Bombay to make more effective provision for the prevention of cruelty to animals.”

Then we find one other important sentence:

“In particular there has recently been abundant evidence of public opinion in favour of more stringent measures to suppress the practice of ‘phooka’.”

Then the matter was referred to the Provincial Governments and it is stated in so many words:

“... after ascertaining that the large majority of Provincial Governments are in favour of amendment of the Act by Central Legislation, it has been decided to introduce this Bill...”

There is an admission by the authors of this Bill in the Statement of Objects and Reasons that public opinion is very much in favour of the measure. As a matter of fact, it is believed by a very large number of people in this country that the measure has been already long over-due and that the Government have been very late in moving in a matter in which legislation is urgently necessary. There is also an admission that

[Mr. Abdul Qaiyum.]

the Provincial Governments have been consulted. We are also aware that this House is very much in favour of a measure which would prescribe adequate punishment to all those who indulge in such objectionable practices. When all this is clear, I fail to see any necessity for the circulation of this Bill. The principles laid down in the Bill are so obviously necessary that no useful purpose can be served by circulating it for eliciting public opinion. One of the reasons advanced by the Honourable Member in charge of the Bill was that it was with a view to ascertain the will of the public that this measure was being circulated. I want to know in how many other matters Government are so very mindful of the will of the public of this country. It is a very well known fact that the Government are absolutely callous and indifferent to the will of the majority of the people of this country. They know very well that many of their acts and many of the Bills and executive measures which they resort to now and then are absolutely condemned by the majority of the people of this country. I think it is sheer hypocrisy on the part of the authors of this Bill to say that they are circulating the Bill with a view to elicit public opinion. I think their object is very obvious. It is with a view to delay the thing so that a very useful measure may not be placed on the Statute-book. I fail to see what there is in this Bill which should, of necessity, be referred to public for opinion.

If you look at clause 3 of the Bill, you find that overdriving, cruelly or unnecessarily beating or otherwise ill-treating an animal is forbidden. In sub-clause (c) of clause 3 we find that any person who "offers for sale or has in his possession any live animal which is suffering pain by reason of mutilation, starvation, thirst, over-crowding or other ill-treatment, or any dead animal which he has reason to believe has been killed in an unnecessarily cruel manner" will be punished. These are all such simple matters that there is absolutely no reason for postponing this Bill till the very end of the Session, and then on the plea of eliciting public opinion, to delay the measure for another six or seven months. Then in clause 5 we find that a more lenient punishment is intended to be meted out to people who resort to that monstrous practice which is, described in words that do not convey the real meaning to the majority of the people. But still it is a very horrible practice and the Honourable the Mover of the Bill admitted that in Bengal they had a measure whereby a more rigorous treatment and a severer punishment were meted out to all offenders who resorted to such horrible practices. I think the punishment prescribed in clause 5 is absolutely inadequate and it requires to be made more severe and rigorous.

Then there are other things like infirmaries. Who is there in this country who can ever object to the setting up of infirmaries in different parts of the country to deal with ailing animals or animals in a very bad condition? Or who is there in this country who would object to the conduct of persons who incite animals to fight or who bait any animal, being penalised? All these measures are really very necessary measures and it is really surprising that in this particular matter the Government of India has, during all these years, not moved their little finger to bring about legislation which according to many people in this country was absolutely necessary.

3 P.M.

Again take the provision whereby it would be possible for police officers and persons who would be authorised by the Provincial Governments to apprehend persons committing offences under the Act. This is a very necessary provision. I really fail to see what was there in this Act which really called for these dilatory tactics on the part of the Government. It was also claimed that this is a speedy means for realising the end. I fail to see how this can be a speedy means. The Government did not introduce the Bill in the beginning of the Session. We had so many holidays when we did not discuss the Budget and the Finance Bill and I really fail to see why this measure was not introduced at the beginning of the Session, or at the time when we had ample leisure when we did not discuss the Budget. I hope, Sir, there will be some change of conduct on the part of the Government and that they will try to bring this measure up as soon as we meet in Simla and see that it is turned into law and that all these horrible practices, which have been going on in this country with the connivance of the authorities concerned, will be brought to an end once for all. Under the rules I cannot bring up a motion for reference to Select Committee when the Government motion is for circulation and, therefore, I have no option but to support the Government and I do so very unwillingly.

Mr. F. E. James (Madras: European): I do not wish to detain the House longer than is necessary, while we add our blessing to the Bill which has been introduced by the Honourable the Home Member. Incidentally we welcome his return to this House and express the hope that his health will permit him to remain with us longer than hitherto.

I am bound to say that I share the apprehension of some of our colleagues that delay in getting on with this Bill will lead to a continuance of unnecessary cruelty. Incidentally, I cannot help observing the different standard of courage required by the Government of India in regard to two Bills which they introduced the same day, or at least which have been placed on the table on the same day. One is the Bill which relates to the prevention of cruelty to animals, and the other is the Bill which relates to the amendment of the law relating to income-tax. I notice that in the case of the Bill for the prevention of cruelty to animals they are prepared to circulate it for public opinion; I am given to understand that in regard to the tightening of the law in regard to income-tax they have not in mind at present any idea of circulating it for public opinion. I am not expressing an opinion on that at this stage!

Reference has been made to the growth of public opinion on this matter. The Honourable the Home Member referred to that in his speech and there was a reference to it in the Statement of Objects and Reasons. I think that we, in this Party, can with justifiable pride claim that the community which we represent has for years past, through the service of devoted men and women, made a very distinct contribution to the growth of this public opinion in this country. I think that in most of the provinces it will be remembered that the societies which now exist for the prevention of cruelty to animals have owed a very great deal to the service of members of my own community in co-operation with members of other communities in regard to this matter. This is one of those fruitful fields of co-operation between social workers of all communities in which there should be no politics and in which the collaboration of all workers is of tremendous advantage.

[Mr. F. E. James.]

All we need to do at this stage is to express the very real hope that the assurance which was given by the Honourable the Home Member in regard to this Bill will indeed be carried out at the next Session. It is unfortunate that the Bill was not referred immediately to a Select Committee, but as the wishes of the House have been, to use a golf expression, "stinied" by the particular motion which has been moved by the Honourable the Home Member we can do nothing but accept the motion which he has moved. But I do hope that he will underline his assurance that he will leave no stone unturned in order to get this Bill referred to a Select Committee in the Simla Session and also to secure its passage in sufficient time for its being sent to the other place, so that it may be on the Statute-book as early as possible. Sir, I support this motion.

Mr. Badri Dutt Pande (Rohilkund and Kumaon Divisions: Non-Muham-madan Rural): The Honourable the acting Home Member who swore this morning said there is no public opinion in this country about this Bill. There is a difference of opinion about public opinion. We all know what public opinion is. People on that side think that the Viceroy's opinion is public opinion and the Secretary of State's opinion is public opinion and that London opinion is the public opinion. That is their definition of public opinion. Just now, Mr. James said that Government did not want to circulate the Income-tax Bill but Congress is insisting on circulation while here they object to circulation. To us both the Bills are same. Income-tax bill is a sort of *phooka* on capitalists, in somewhat plain language. The other thing is *phooka* on the cows. When Lord Linlithgow came here he said in 1935:

"The cow and the bullock have on their patient back the whole structure of Indian agriculture."

The cultivators welcomed His Excellency and said, "Here is a disciple of Lord Gopal". Then in another speech in 1936, he said: (This was on November 22, 1936):

"If any of these cows fail to give further calves, that fact will be a strong presumptive evidence that they have been subjected to the grossly cruel and inhuman practice called *phooka*, which is designed to prolong the lactation period. That practice is a disgrace to all that is best in India and it must be stopped and rooted out. I hope that local authorities and the public will support me in this determination and do their best by exercising effective restraint upon and, if necessary, by punishing those that practice *phooka*, to protect our cows from this horrible maltreatment."

This was said in 1936 and if public opinion has moved after that the credit goes to our friend, Mr. Deshmukh, whose name also means public opinion or the voice of the people. (*Desh*=country, *Mukh*=mouth or voice.)

So, it was really he who brought the Bill. The real credit goes to Mr. Deshmukh. Government may say that they have brought a more comprehensive Bill, although this Bill is drafted very awkwardly. Of course, I am not a legal draftsman but it includes birds, monkeys, etc., Sir, the Hindu religion always stands on *daya* and *seva* (mercy and service), and it hates cruelty of all sorts to animals as well as human beings. Gandhiji has taught us also like that. Now in this Bill cruelty to birds has been added. I beg to say Sir, in my own Himalayan regions birds have existed from time immemorial. It is reported in the *Gazetteer* that there used to be five hundred kinds of beautiful birds flying all over the Himalayas. Now, some three hundred kinds of birds have been destroyed by

sportsmen,—why? To get feathers for the ladies in England, for adorning their caps with the nice feathers of these birds! So, that also is cruelty. Then here cruelty is practised by all sorts of means—by hooks, nooks, by designs, by snares and so on, birds are caught and tortured which are against our ideas. Sir, I do not want to keep a bird in the prison of a cage, knowing how cruel that is, as I myself had been in a prison for three and a half years. I want the bird to be free but if that is not possible it should not be kept in a small cage if it is to be kept in that. The cage should be a large one. Now, after having destroyed all the game, a sanctuary has been made covering some two hundred miles in our part of the country between Moradabad and Naini Tal,—a game sanctuary or preserve. Now, what for? So that perhaps some big persons may afterwards come and indulge in shooting. That is also a sort of cruelty. Sir, in clauses 7 and 10 of the Bill the destruction of animals is also referred to. Now, when a calf was advised to be destroyed by Mahatma Gandhi because it would not recover, my friends of the Bajoria type said, "Oh, religion in danger, Gandhiji is guilty".

Babu Baljnath Bajoria (Marwari Association: Indian Commerce): That act of his has certainly to be condemned as much as possible.

Mr. Badri Dutt Pande: Now, if these animals are to be destroyed, let them be destroyed at a safe distance from the public eye, because when that is done in public places, that is apt to cause riots etc., so when you destroy animals, do it quietly, secretly, and silently, not in public. I find *phooka* is not defined in this Bill. Now, my friend Dr. Raghubans Sahai of Allahabad has thus described it: Describing the *phooka* practice, he said:

"*Phooka* is a cruel process to prolong the lactation period. It consists in blowing air through a pipe, about 22 inches long and 8 inches in circumference, into the generative organ of a milch-cow, or forcibly inserting into the organ the arm of the operator up to the elbow, or the tail, or tuft of the tail of the animal itself, or any other substance, causing the animal agony and distress, with the intention thereby of drawing off from the animal any secretion of milk and with the idea that the flow of milk can be stimulated for a further period."

I find *phooka* is not defined in the Bill, so the Bill requires amendment. Further there should be examination,—but not by the police. Now the police take five rupees from the tongawallah and let go the tonga and pony. The Honourable the Home Member praised the S. P. C. S. this morning. What does S. P. mean? Does it mean "Superintendent of Police"? Like the police, they are also taking money as I am told. Sir, this morning a deputation of tonga people came to me and to Mr. Abdul Qaiyum saying that these people are practising cruelty on the tongawallahs. So there is cruelty on both sides, and that has to be stopped also,—the cruelty on human beings as well as on these creatures, because their methods are also third-class methods. Then these people should be supervised by a Board of three persons,—one belonging to a tonga union, one representing the user of the tonga, and the third a magistrate. That would be the best method, as otherwise the police will always charge five or ten rupees, and when these people cannot get any money, and then only they will chalaan them. You see their methods, we see them, everybody sees it. But we all are helpless, because the public opinion on that side would not move.

[Mr. Badri Dutt Pande.]

Sir, there was a public meeting in Cawnpore. Among other things a resolution was passed:

"To arrange for frequent medical inspections of cow sheds, calves, milk and milch animals with a view to detect crime and to destroy milk if found *phooka*-subjected to arrange for immediate demolition of boundary walls of licensed cow sheds (*khatale*) within which *phooka* is stealthily performed on a large scale to compel cow shed owners to keep records to show that cent per cent. calves are alive"

At present, what they do is to kill the calves and then bogus calves are placed in front of the cow. Now, that is also cruelty. They destroy the calves especially of the buffalo, and especially the male calves, by all sorts of torture. Now, that cruelty ought to find a place in this Bill. I would suggest also that the penalty is not up to the mark. The Bengal Act provides for whipping also, but that is a barbarous practice; something ought, however, to be done to prevent all these evils which have deteriorated the cow problem in this country. I reserve further remarks until the Bill comes back to us at a subsequent stage. With these remarks, I support the motion for circulation.

Babu Baijnath Bajoria: Sir, I am glad that at long last the Government have moved in this matter and they have brought forward this Bill. But I regret to see the dilatory tactics which they have adopted in sending this Bill for eliciting public opinion. In the last Simla Session over 70 Members of this House signed and sent a requisition to the Government to allot a special day so that the *Phooka* Bill introduced by my Honourable friend, Mr. Deshmukh, could be passed as speedily as possible. But nothing was done. During the last Session at Simla only on the last day the Bill was allowed to be introduced, and of course in this Session, the Government at the last moment have brought forward this measure and they want it to be circulated for eliciting public opinion. I should like to know whether the Government are not aware yet of public opinion in this matter. Have they not been apprised of public opinion in this matter? If not, they will never be apprised. If they have got eyes, let them see, if they have got ears, let them hear. Even from the Viceroy, the highest in the land, down to the poorest man, we are all clamouring that a Bill for the prevention of cruelty to animals, for the elimination of this abominable practice of *phooka* should become the law of the land as early as possible.

The old Act for the prevention of cruelty to animals was passed as long ago as 1890. It is absolutely out of date. I am glad that in conformity with public opinion the Government of my province have recently passed an amending Bill making cruelty of this particular type—*phooka* practice—punishable with drastic sentence. This Bill falls far short of the Act passed in the Bengal Legislature. Of course, I would not like today, when the motion is only for eliciting public opinion, to go into details, but I would like the Government to bring the provisions of this Bill into line with the Act which has been passed in the Bengal Legislature. It is our great misfortune that in my province of Bengal this practice of *phooka* is most prevalent. I hang down my head in shame because my city of

Calcutta is the worst sinner in this respect, it is the blackest spot in the whole province. I am glad that they have moved in the matter. I know that the Government of India move even slower than the car of Jagannath and I would, therefore, urge upon the Government the necessity of speeding up. Now that the Government have tabled a motion for circulation of this Bill, we cannot bring forward a motion for reference of the Bill to the Select Committee. I hope that the Bill will be passed at least in the Simla Session. I hope that the Bill will not be shelved till the next Session in Delhi. I do not think there is a single dissentient voice in respect of this Bill in this House and I, therefore, submit that this Bill ought to be placed on the Statute-book in the beginning of the next Simla Session.

I take this opportunity of paying my tribute to the splendid work which has been done by the Anti-*Phooka* Association in Calcutta in arousing public opinion against it. I am proud to say that I am connected with that Association. I have also had my little say in the matter. I am closely connected with the Association though I am not its president. This Association has arranged meetings in the various parts of the country in all the provinces and wherever our representatives have gone and called for a meeting, the people there have been very enthusiastic and they have all denounced this cruel practice in no uncertain terms. I would like that in this Bill there must be provision for whipping. If such a provision is introduced, it will infuse terror into the minds of *gowalas* and prevent them from practising this *phooka* system.

Another matter I would like to draw attention of the House to. It, of course, is a matter of detail. It is the fact that the detection of crime is more difficult than to punish. There must be provision so that detection may be made more easy. One way in which detection might be made easier is that cows should be kept in open sheds. If the cows remain in closed walls, then even the police would not force open at any time and every time, but if it is provided that especially in cities where this practice is most prevalent cow sheds must be open on all sides, then it will be very easy to detect these crimes. For fear of detection also, the *gowalas* will not perform this pernicious practice. The punishment also should be more deterrent. I have closely studied this problem in Calcutta and I can say from experience that in the first place this crime of *phooka* is very difficult of detection and even if a case is brought to a Court, the accused is let off only with a fine of Rs. 50 or Rs. 25. That is not at all a deterrent punishment. The *gowala* can easily afford to pay that.

I am glad that my Honourable friend, Mr. Badri Dutt Pande, has brought forward the question of calves. According to the rules of the Calcutta Corporation the slaughter of calves in the town of Calcutta is prohibited. Let us examine what is the effect of that. Here also I am speaking from personal experience. Immediately a calf is born, they throw it away. It is not slaughtered, but it dies of starvation, which is much worse than slaughter. It will surprise Honourable Members of this House if I say that calves are sold for six annas each in the town of Calcutta and I myself have purchased thousands of them at this price and have sent them to the *pinjrapole* so that they might be saved. Something ought to be done in this respect.

I will not take up any more time of the House and I hope that on account of the unanimous support which all sides of the House have given

[Babu Baijnath Bajoria.]

to this Bill, the Government will take upon themselves the duty of seeing that this Bill becomes the law of the land as early as possible.

The Honourable Mr. R. M. Maxwell: Sir, as I anticipated, a big majority of opinion expressed in this House is in favour of this measure, and the only difference of opinion is as regards the speed with which Government have taken the steps necessary to pass it into law. As regards that particular point, the accusation of undue delay, I may point out, firstly, that the introduction of this Bill is due, as I explained before, to the visible mobilisation of public opinion in the right direction. Government have not been unresponsive to public opinion. It was only at the end of September last that Government received the revised draft of a Bill to amend the Act from the Society for the Prevention of Cruelty to Animals. It was in October last that the Honourable Member, Mr. Deshmukh, introduced a Bill for only one of the purposes covered by the present Bill into this House. It was about the same time that we received a draft Bill from the Calcutta Anti-Phooka Association. For reasons which I have explained and which the House, I think, must recognise as valid, it was necessary to ascertain the attitude of the Provincial Governments towards Central legislation on a subject with which they had dealt and some of them were still dealing in their own provincial capacity. That reference to Provincial Governments was made on 2nd December after a consideration of the various materials which had reached Government; and at the end of December, when a decision was finally reached to prepare the present Bill, we were still awaiting replies from three of the Provincial Governments consulted. That is to say, there was no delay on the part of the Government of India. So anxious were we to get on with this legislation that we did not wait for all the replies but when we were satisfied that a majority was in favour of Central legislation we got to work at once. The House must know that it takes some time to collate all the materials and discuss them thoroughly with a view to the preparation of a Bill like this and that legislation cannot be introduced in this House at any moment. There was no possibility of introducing this Bill earlier this Session.

As the matter now stands there would be no possibility of passing it into law during the present Session, whatever steps might be taken. The procedure, therefore, which I have moved, namely, that the Bill should be circulated for opinion is not really dilatory. All that it means is that when the Select Committee meets at the beginning of next Session it will have all the possible material which it may want to consider. It is true that so far as opinion has been collected at all it is in favour of a Bill on these lines. But the Bill contains sixteen clauses, many of them containing provisions which are new to practically all the provinces of India, and no province has seen the Bill in its present form. It is, therefore, most advisable that we should have the benefit of any criticisms that they have to offer. Even the Honourable Member, Mr. Bajoria, had some suggestions to make. He did not accept the Bill exactly as it stood. He said that in some respects the Bengal Bill was better. As regards that I may point out that the Bengal Bill deals only with *phooka* and nothing else, whereas we are trying to cover the whole field of animal legislation. Then again, he asked for a provision for whipping. That again is a matter which might be elicited by circulation. If there is a very strongly expressed and

general desire on the part of individuals or bodies consulted that whipping should be introduced in the measure, that would be a reason for considering it. But the interval between now and the beginning of the next Session gives us an opportunity of ascertaining these views and, if necessary, acting on them. And, as I have explained, it does not really mean that the passage of this Bill will be delayed. I think the House will agree that there was some justification for the step which we have proposed to take. But as regards accusations of delay, no Honourable Member need charge me with any intention of delaying a measure of this kind. (Cries of "No, no".) If there is any Member of this House who is anxious to introduce any possible measures for the protection of animals, it is myself; and at all stages of this Bill when it has come before me I have done my utmost to accelerate matters and shall continue to do so.

There is only one other matter to which perhaps I might allude and that is some of the remarks of Mr. Deshmukh, who mentioned that there were several other bodies which had also taken up the question of the protection of animals and not only the All-India Society for the Prevention of Cruelty to Animals. I gladly accept his correction and entirely welcome the help which those bodies have given, and I hope that the process of circulation which we are proposing will enable us to get to know other bodies in other parts of India who are equally enthusiastic about the care and protection of animals.

46.

That brings to the last point and that is one which was brought forward by the Honourable Member, Dr. Deshmukh. He,—and I felt considerable sympathy for him,—complained that legislation should be in advance of public opinion rather than following it. That is the attitude, and it is an understandable attitude, of all ardent social reformers. But in a matter of this kind we have to recognise the distinction between two different forms of legislation. The beneficiaries of most of the social and other welfare legislation passed by the Government of India are human beings. They can themselves approach magistrates; they can make their complaints; they know how to take advantage of the provisions of any legislation in their favour. We must now remember that this legislation is for the benefit of animals. They have no trade unions of their own; there are no recognised associations of domesticated animals to bring forward grievances. It rests entirely with their human masters to decide whether even if there is legislation they will get the benefit of it or not; and that is the only point which I was trying to make when I spoke earlier on this subject. We might content ourselves and possibly save our consciences by making *phooka* a capital offence; but if there was no one to track out cases of *phooka* and bring the culprits to justice, would that stop it? We know well that the practice of *phooka* has been illegal for the last 50 years. Has it stopped? We know that in Bengal since 1920 heavy punishment has been imposed on *phooka*. Has it stopped? On the contrary we have representations from the Anti-*Phooka* Association of Calcutta saying that the evil is on the increase, and the Honourable Member, Mr. Bajoria, will confirm that. That will perhaps make the House realise my point that what we have got to do is not to save our consciences easily by passing legislation on paper but to see that the animals get the benefit of it; and that can only be done by a great mobilisation of public opinion and the support of enlightened opinion for any societies, whether the Anti-*Phooka* Association or the Society for the Prevention of Cruelty to Animals, which will really take up the cudgels on behalf of all these oppressed animals

[Mr. R. M. Maxwell.]

and see that this public opinion which lags behind our intended legislation is brought up to the level which we desire of it. Sir, I have nothing more to say.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That the Bill to amend the law relating to the prevention of cruelty to animals be circulated for the purpose of eliciting opinion thereon by the 30th June, 1938."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 6th April, 1938.