

Thursday, 7th April, 1938

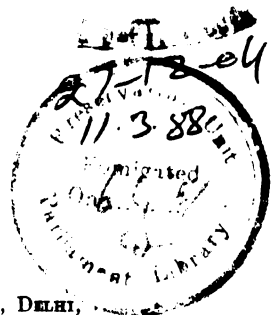
THE COUNCIL OF STATE DEBATES

VOLUME I, 1938

(14th February to 8th April, 1938).

THIRD SESSION OF THE FOURTH COUNCIL OF STATE, 1938

Number designated... 18/X/3



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

CONTENTS.

PAGES.

Monday, 14th February, 1938—

Members Sworn	1
Questions and Answers	1—33
Information promised in reply to questions laid on the table	33—62
Messages from His Excellency the Governor General	62—63
Committee on Petitions	63
Congratulations to recipients of Honours	63—64
Governor General's Assent to Bills	64
Bills passed by the Legislative Assembly laid on the table	64—65
Message from the Legislative Assembly	65
Death of Sheikh Mushir Hossain Kidwai	65
Presentation of the Railway Budget for 1938-39	65—72
Standing Committee for the Department of Education, Health and Lands	72
Standing Committee for the Department of Commerce	72—73
Statement of Business	73

Thursday, 17th February, 1938—

Member Sworn	75
Questions and Answers	75—80
Death of Sir Prabhashankar Pattani	80
Information promised in reply to questions laid on the table	80—81
Standing Committee for the Department of Labour	81—82
Repealing Bill—Considered and passed	82
Dangerous Drugs (Amendment) Bill—Considered and passed	82—83
Insurance Bill—Further amendments made by the Legislative Assembly agreed to	83—93
Indian Companies (Amendment) Bill—Considered and passed	93—96
Standing Committee for the Department of Education, Health and Lands	96
Standing Committee for the Department of Commerce	96

Friday, 18th February, 1938—

Questions and Answers	97—98
General Discussion of the Railway Budget, 1938-39	98—146

Monday, 21st February, 1938—

Member Sworn	147
Questions and Answers	147—159
Resolution re Indians in British Guiana—Adopted	159—166
Cutchi Memon Bill—Motion to refer to Select Committee, adopted	166—167
Resolution re military training for Indians—Negatived	167—179
Criminal Procedure Code Amendment Bill (Jury trial in sedition cases)— Motion to consider, negatived	179—187
Durgah Khawaja Sahib (Amendment) Bill—Considered and passed, as amended	187—190
Standing Committee for the Department of Labour	190

Thursday, 24th February, 1938—

Questions and Answers	191—194
Ruling <i>re</i> impropriety of premature publication of questions and resolutions	194—197
Information promised in reply to questions laid on the table	197
Transfer of Property (Amendment) Bill—Introduced	198
Resolution <i>re</i> stabilisation of the price of wheat, cotton, etc.—Negatived	198—214
Resolution <i>re</i> increase in number of cadets admitted to the Indian Military Academy, Dehra Dun—Negatived	214—234
Resolution <i>re</i> Indo-British Trade Agreement—Moved	234
Statement of Business	235

Saturday, 26th February, 1938—

Cutchi Memon Bill—Presentation of the Report of Select Committee	237
Presentation of the General Budget for 1938-39	237—245

Wednesday, 2nd March, 1938—

Member Sworn	247
Questions and Answers	247—261
Ruling <i>re</i> Supplementary questions	261—267
Information promised in reply to questions laid on the table	267
Bill passed by the Legislative Assembly laid on the table	267
Standing Committee for Roads, 1938-39	267—268
Manceuvres, Field Firing and Artillery Practice Bill—Considered and passed	268—272
Destructive Insects and Pests (Amendment) Bill—Considered and passed	272—273
Resolution <i>re</i> Draft Convention and Recommendations relating to safety in the building industry—Adopted	273—278

Friday, 4th March, 1938—

Questions and Answers	279—283
Standing Committee on Emigration	283
General Discussion of the General Budget for 1938-39	284—307

Monday, 7th March, 1938—

Questions and Answers	309—318
Bill passed by the Legislative Assembly laid on the table	318
Resolution <i>re</i> Indo-British Trade Agreement—Withdrawn	318—344
Cutchi Memon Bill—Considered and passed, as amended	344—346
Child Marriage Restraint (Amendment) Bill—Considered and passed	346—354
Muslim Dissolution of Marriage Bill—Introduced	354
Resolution <i>re</i> construction of a railway between Dacca and Aricha—Withdrawn	354—359
Motion <i>re</i> amendment of the Standing Orders—Disallowed	359—360
Standing Committee on Emigration	360
Standing Committee for Roads, 1938-39	360

Thursday, 10th March, 1938—

Member Sworn	361
Questions and Answers	361—366
Resolution <i>re</i> distribution of Defence expenditure between the land, sea and air forces—Negatived	366—383
Resolution <i>re</i> reduction in Defence expenditure—Negatived	383—401

Thursday, 10th March, 1938—contd.

Resolution <i>re</i> establishment of a Supreme Court of Criminal Appeals— <i>To be continued</i>	401—406
Statement of Business	406—407

Thursday, 17th March, 1938—

Member Sworn	409
Messages from His Excellency the Governor General	409
Indian Finance Bill, 1938, laid on the table	410

Monday, 21st March, 1938—

Questions and Answers	411—441
Information promised in reply to questions laid on the table	441—442
Bills passed by the Legislative Assembly laid on the table	442
Resolution <i>re</i> establishment of a Supreme Court of Criminal Appeals— Withdrawn	442—456
Resolution <i>re</i> surcharge on railway freight on coal—Negatived	456—462
Resolution <i>re</i> Government recruitment and unemployment—Withdrawn	462—481
Statement of Business	481

Tuesday, 22nd March, 1938—

Questions and Answers	483—489
Central Advisory Council for Railways	489—490
Indian Finance Bill, 1938—Considered and passed	490—499

Wednesday, 23rd March, 1938—

Member Sworn	501
Questions and Answers	501—502
Indian Tea Control Bill—Considered and passed	502—503
Workmen's Compensation (Amendment) Bill—Considered and passed, as amended	503—507
Standing Committee for Roads	507
Central Advisory Council for Railways	507—508
Statement of Business	508

Friday, 1st April, 1938—

Members Sworn	509
Questions and Answers	509—518
Congratulations to the Honourable Sir Thomas Stewart on his appointment as Officiating Governor of Bihar and to the Honourable Mr. A. G. Clow on his appointment as Officiating Member of the Governor General's Executive Council	519
Presentation of a mace to the Council of State by the Honourable Maharajadhiraja Sir Kameshwar Singh of Darbhanga	519
Information promised in reply to questions laid on the table	520
Statement laid on the table	520
Bills passed by the Legislative Assembly laid on the table	520—521
Messages from the Legislative Assembly	521
Standing Advisory Committee for the Indian Posts and Telegraphs Department	521
Trade Disputes (Amendment) Bill—Considered and passed, as amended	521—543
Hindu Women's Rights to Property (Amendment) Bill—Considered and passed	543—547
Central Advisory Council for Railways	547—548

Monday, 4th April, 1933—

Member Sworn	549
Questions and Answers	549—565
Information promised in reply to questions laid on the table	565
Standing Advisory Committee for the Indian Posts and Telegraphs Department	566
Central Advisory Council for Railways	566
Resolution re declaration of the birthdays of Guru Nanak Dev and Guru Gobind Singh as holidays—Negatived	566—567
Resolution re subjection to income-tax of the interest on sterling loans and pensions paid from Indian revenues—Negatived	567—585
Resolution re discrimination against Indians settling in the Highlands of Kenya—Adopted	585—593
Resolution re formation of a national army recruited from all classes and provinces—Negatived	594—606
Indian Succession Act (Amendment) Bill—Motion to refer to Select Committee, adopted	606
Statement of Business	606—607

Thursday, 7th April, 1933—

Member Sworn	609
Questions and Answers	609—613
Bills passed by the Legislative Assembly laid on the table	613
Message from the Legislative Assembly	614
Sugar Industry Protection (Temporary Extension) Bill—Considered and passed	614—616
Sind Salt Law Amendment Bill—Considered and passed	616—617
Indian Coffee Cess (Amendment) Bill—Considered and passed	617
Standing Advisory Committee for the Indian Posts and Telegraphs Department	618

Friday, 8th April, 1933—

Questions and Answers	619—623
Information promised in reply to questions laid on the table	623
Statement laid on the table	624—665
Standing Advisory Committee for the Indian Posts and Telegraphs Department	666
Indian Tariff (Amendment) Bill—Considered and passed	666—667
Trade Disputes (Amendment) Bill—Considered and passed	667
Delhi Joint Water Board (Amendment) Bill—Considered and passed	668
Child Marriage Restraint (Second Amendment) Bill—Considered and passed	668—689

COUNCIL OF STATE.

Thursday, 7th April 1938.

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

MEMBER SWORN :

The Honourable Mr. Maurice William Murray Yeatts (Government of India : Nominated Official).

QUESTIONS AND ANSWERS.

SAFEGUARDING OF INDIANS IN AUSTRIA.

295. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : Will Government state whether there are British Indian subjects in Austria? If so, how many ; and what steps have been taken by Government to safeguard their lives and properties ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : A reference has been made to His Majesty's Government in the matter and such information as may be available will be communicated to the Honourable Member in due course.

REPRESENTATION OF INDIANS IN MALAYAN COUNCILS, ETC.

296. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : Have the Indian settlers in Malaya no representation in the Legislative Council, and other public bodies, and is the number of Indian clerks, officials and school-masters steadily dwindling owing to a policy of discrimination? If so, what steps have been taken by Government to redress these disabilities and to safeguard the interests of the Indians ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : Indian members have been nominated to the Straits Settlement Legislative Council as well as to the Federated Malay States Federal Council. Government have no information about any decrease in the number of clerks, school-masters, etc., in public services in Malaya. As regards Indian representation on other public bodies in Malaya, the matter is under consideration.

LLOYD BARRAGE PROJECT.

297. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : (a) Will Government state whether a loan was given to Sind for the Sukkur Barrage Project? If so, how much ?

(b) What amount has been paid by Sind on account of principal and interest of the loan ; and what exactly is the financial position of the arrangements relating to this loan, between the Government of India and the Government of Sind ? What are the prospects of realisation and by what time ?

THE HONOURABLE MR. J. C. NIXON : (a) The Lloyd Barrage Project, which was at that time almost complete, was handed over to the Province of Sind when it came into existence on the 1st April, 1936 together with the Project debt which then stood at Rs. 25.33 lakhs.

(b) Since 1st April, 1936 Sind has paid Rs. 235.27 lakhs on account of interest and Rs. 44.08 lakhs on account of capital. The scheme of repayment of the Barrage debt provides for the funding of the debt outstanding on 31st March, 1942 over a period of about 40 years at 4½ per cent.

MISSION TRAINING COLLEGE FOR NON-EUROPEANS AT WORCESTER, SOUTH AFRICA.

298. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : (a) In the Union of South Africa, following the appointment of an Indian Principal in the Mission Training College for the non-Europeans of Worcester, did the European staff resign on the ground that the European prestige would suffer if they were permitted to work under a coloured man ?

(b) Do Government propose to enquire into this matter and to state the facts of the case, together with the action taken on it ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : (a) and (b). Government have no information beyond what has appeared in the press but have made enquiries.

STATEMENT MADE BY LORD STANLEY IN THE HOUSE OF COMMONS ON THE ATTITUDE OF THE HINDU MAHASABHA TOWARDS FEDERATION.

299. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : (a) With reference to the statement made by the Under Secretary of State for India recently in Parliament that the Hindu Mahasabha has adopted a resolution urging expedition in the introduction of Federation, has the attention of the Government been drawn to a contradiction by Mr. V. D. Saverkar, President of the Hindu Mahasabha, in course of which he says that the Federal constitution "is inadequate, halting and extremely disappointing", but the Hindu Mahasabha is "not going to boycott it in case it is speedily introduced" (vide the *Hindustan Times*, dated the 14th March, 1938) ?

(b) Was the information furnished by the Government of India on the basis of which the Under Secretary of State made the statement ? Do Government propose to lay on the table a copy of the information, if any, supplied by them ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : (a) Yes.

(b) The reply to the first part of the question is in the negative. The second part does not arise.

TEMPORARY TRADE AGREEMENT CONCLUDED BETWEEN INDIA AND THE UNION OF SOUTH AFRICA.

300. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : (a) Will Government state when and where the trade negotiations between India and South Africa were conducted ; and who were the gentlemen who participated in them on both sides ?

(b) Were the commercial or other interests in India consulted ? If not, why not ?

(c) Will this agreement come up for ratification before the Central Legislature before it is put into force ?

THE HONOURABLE MR. H. DOW : (a) The discussions commenced on the passing of the new Tariff Act in the Union of South Africa in 1935 and were carried on by correspondence between the Governments of India and of the Union of South Africa.

(b) No, Sir. Commercial and other interests were not consulted as the *modus vivendi* merely restores the position that existed up to 1935.

(c) No, Sir. The Agreement came into force on the 29th March last.

AGREEMENT BETWEEN GOVERNMENT AND THE INDIAN TRANS-CONTINENTAL AIRWAYS Co.

301. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : (a) Does the Agreement between the Government of India and the Trans-Continental Airways Co. expire in 1939 ? If so, is it the intention of Government to renew it ?

(b) Will Government state the number and value of shares held by Indians and by non-Indians, respectively ; the number of the directors who are Indians in proportion to the total number of directors of this Company ?

(c) How many Indians have been trained and given appointments as pilots or ground engineers in the Trans-Continental Airways Co. ?

(d) What opportunity has been given to Indian capital to be invested in this Company ?

THE HONOURABLE MR. S. N. ROY : (a) The arrangements under which Indian Trans-Continental Airways, L d., operated the air service between Karachi and Singapore were due to expire in 1939, but they have now been replaced by the arrangements for the operation of the Empire Air Mail Scheme. The Honourable Member's attention is invited in this connection to paragraph 4 of the Memorandum on the subject submitted to the Standing Finance Committee and included in the proceedings of that body (Volume XVI, No. 5), dated the 27th February, 1937.

(b) The present capital of Indian Trans-Continental Airways, Ltd., is composed of 100,000 shares of Rs. 10 each. 51 per cent. of the shares are owned by Imperial Airways, Ltd., a British Company ; 25 per cent. by Indian National Airways, Ltd., an Indian Company ; and 24 per cent. by the Government of India. Of a total of seven directors on the board of Indian Trans-Continental Airways, Ltd., four are Indians. The increase of capital and the

reconstitution of the board of directors consequent on the changes involved by the introduction of the Empire Air Mail Scheme are now under the consideration of the Government of India.

(c) A statement is laid on the table which shows the number of Indian pilots and ground engineers trained and employed by Indian Trans-Continental Airways, Ltd. I may add that, in addition, Imperial Airways have a certain number of Indians employed elsewhere than in India. According to the latest information available, 23 Indians were accepted under different engineering training schemes and of these, 12 remained with the Company.

(d) As explained in the reply to part (b), 25 per cent. of the share capital in Indian Trans-Continental Airways, Ltd., is held by Indian National Airways, Ltd., which is a public Company. Under the Empire Air Mail Scheme both the Government of India and Indian National Airways, Ltd., will have to increase their share in the capital and the Indian public will have an opportunity of subscribing to the latter.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : May I know whether the present proportions of share capital will remain undisturbed ?

THE HONOURABLE MR. S. N. ROY : Yes.

Statement laid on the table, vide reply to part (c) of the question.

	Trained and under training with a view to employment by Imperial Airways, Ltd., or Indian Trans-Continental Airways, Ltd.	Employed by Imperial Airways, Ltd., or Indian Trans-Continental Airways, Ltd.
Pilots or first officers	3	1
Ground engineers (licensed)	3	3
Ground engineers (unlicensed)	30	30

N.B.—Government have assisted in the training of pilots and first officers.

CONFISCATION OF THE PROPERTY OF AMIR HAIDER KHAN.

302. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : Was the property of one Amir Haider, an ex-State prisoner confiscated under the orders of the Government of India in 1930 ? If so, what was the charge against him and what property was confiscated ? Has the property been restored to him ? If so, when ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : No orders for the confiscation of Amir Haider's property were passed by the Government of India. I understand that he was proclaimed as an absconder by a Court in the United Provinces and that his property was attached by order of that Court : but the matter is not one with which the Central Government is concerned.

CONSULTATION BY HIS MAJESTY'S GOVERNMENT WITH THE GOVERNMENT OF INDIA ON THE PRESENT POLITICAL SITUATION IN EUROPE.

303. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : Will Government

state whether they have been consulted by His Majesty's Government in the United Kingdom with regard to the prevailing situation, or new commitments in Europe? If so, what views have been advanced by Government?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : The Government of India have not been consulted as India has no direct relations with foreign States.

RESTAURANT CARS RUN BY THE B. & N.-W. R. AND R. & K. R. ON LONG DISTANCE TRAINS.

304. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh): Will Government state whether the B. & N.-W. R. and the R. & K. R. run restaurant cars for European and Indian passengers on their sections on long distance trains?

THE HONOURABLE SIR GUTHRIE RUSSELL : No restaurant cars are run on the B. & N.-W. R.

A restaurant car, catering in the European style, is run on the R. & K. R. by No. 1-Up Express from Bareilly to Lalkua, by No. 11-Up Passenger from Lalkua to Kathgodam and by No. 2-Down Express from Kathgodam to Bareilly.

IMPORTS OF COIR MATS AND MATTING INTO THE UNITED KINGDOM.

305. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh): Will Government state whether it is proposed to devise means in the present Anglo-Indian trade talks for restricting the import of Indian coir mats and matting into England? If so, do Government propose to oppose such a proposal?

THE HONOURABLE MR. H. DOW : The Government of India are aware of the value of retaining the existing preference on Indian coir mats and matting in the United Kingdom market and the matter is not being overlooked in connection with the Indo-British negotiations now in progress.

BILLS PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL : Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the following Bills which were passed by the Legislative Assembly at its meetings held on the 4th and 6th April, 1938, namely :

A Bill further to amend the Indian Tariff Act, 1934, for a certain purpose.

A Bill further to amend the Delhi Joint Water Board Act, 1926.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

SECRETARY OF THE COUNCIL : Sir, a message has been received from the Secretary of the Legislative Assembly. The message runs as follows :

"In accordance with the provisions of rule 36 (3) of the Indian Legislative Rules, I am directed to inform you that the amendments made by the Council of State in the Bill further to amend the Trade Disputes Act, 1929, for certain purposes were taken into consideration and agreed to by the Legislative Assembly at its meeting held on Wednesday, the 6th April, 1938, subject to the following further amendment, namely :

'In clause 10 of the Bill, in sub-section (4) of the proposed section 18A, after the word 'requests' occurring in the third line the words 'in writing' were inserted'.

2. A copy of the Bill as further amended by the Legislative Assembly is also enclosed herewith".

THE HONOURABLE MR. A. G. CLOW : Sir, with regard to the message which has just been read, I would suggest for your consideration that the Motion to take this minor amendment into consideration might be taken tomorrow. I understand that that is acceptable to Honourable Members.

THE HONOURABLE THE PRESIDENT : I have already ruled that it will be taken tomorrow and I have suspended the rules.

SUGAR INDUSTRY PROTECTION (TEMPORARY EXTENSION) BILL.

THE HONOURABLE MR. H. DOW (Commerce Secretary) : Sir, I move :

"That the Bill to provide for the temporary continuance of the existing protection conferred on the sugar industry in British India, as passed by the Legislative Assembly, be taken into consideration".

A very few words, Sir, will suffice to explain the necessity for this Bill. When the Sugar Industry Act, 1932, was passed, protection was assured to the sugar industry up till 1946, but the quantum of protection was only fixed until the 31st of March, 1938, and in regard to the remaining period, an obligation was placed on Government to submit its proposals to the Legislature before March, 1938. In order to fulfil this obligation, the Government of India appointed a Tariff Board in April last, in the expectation that the Board would submit its recommendations somewhere about October and that Government would be in a position to decide what it would do in time to bring its recommendations before the Legislature this session. The Tariff Board, for reasons which are entirely connected with the intricacy of the enquiry and the volume of evidence which it had to consider, was unable to submit its report until late in December and it has been quite impossible for Government since that date, and during a legislative session, to deal with this very long and complicated report. It is therefore proposed to extend the existing protection for one year and to alter the Sugar Industry (Protection) Act, 1932, so as to make it possible for Government to submit its recommendation in respect of the remaining period at some time before next March. The Tariff Board Report is a document which Government are quite aware is being very anxiously awaited by the trade, but in accordance with Government's usual policy and

for very obvious reasons, it is impossible to publish that report until Government have made up their minds regarding what should be done. This Bill therefore simply extends the existing protection for another year, and extends the period within which Government is to submit its recommendations in respect of the period up to March, 1946 until this time next year.

With these words, Sir, I commend the Bill to the House.

The Motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE THE PRESIDENT : Honourable Members must have noticed that there is a declaration under Act XVI of 1931 attached to the Bill providing for its immediate application.

THE HONOURABLE MR. H. DOW : Sir, I move :

"That the Bill, as passed by the Legislative Assembly, be passed."

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern: Non-Muhammadan): Sir, before the Bill is passed I should like to know why there has been so much delay in the publication of the Government Resolution dealing with the Report of the Tariff Board. The Board has not dealt with a new subject. The principle involved in the protection of sugar is also not a new one. Government are committed to the protection of the sugar industry. Apart from that, I understand that the Report was submitted in December last. It has therefore been in the hands of Government for over three months and as it does not deal with an entirely new subject, I should like to know what has delayed the decision of the Government on the Report. This is a matter which, as the Honourable Mr. Dow himself has recognised, has caused considerable anxiety, and I hope he will be able to say something on the subject which will allay this anxiety.

THE HONOURABLE MR. H. DOW : Sir, I think it is a little unfortunate that the Honourable Member was not in his place when I made my speech, because a very considerable part of that brief speech was devoted to answering the questions he has now raised. The Report, as he rightly said, was submitted sometime in December. I may remind the Honourable Member that for the last two months there has been a legislative session in progress, and that there has been fairly heavy work for the Commerce Department as well as for other Departments who have to deal with this Report. He seems to think that, because there has been a sugar enquiry before, a mere revision of the present position is as easy as falling off a log. I can assure him that there is a great deal of difficulty. It is true that we appointed the Board in April, thinking that its Report would be ready in October. It actually was not ready until two months later. It may be said that Government ought to have made a better estimate of the time to be taken, and that they should have appointed the Board two months earlier. Well, it is very unsatisfactory, as I think all Honourable Members will recognise, to appoint a Board to go into statistics and to deal with industry too long in advance of the period for which one is going to legislate later. In this particular instance the same delay, I think, would still have occurred; and the reason is that, actually since the Board submitted its Report, there has been legislation in two major provinces (so far as sugar matters are concerned) which affects very materially the industry.

-It would have been necessary for Government to spend some time in considering the result, or the probable result, of this legislation on the industry before they could have passed orders on the Tariff Board's Report. So, as a matter of fact, I do not think that Government's orders have been materially delayed merely by the late submission of the Report.

THE HONOURABLE THE PRESIDENT : Motion moved :

" That the Bill, as passed by the Legislative Assembly, be passed. "

Question put and Motion adopted.

SIND SALT LAW AMENDMENT BILL.

THE HONOURABLE MR. J. C. NIXON (Finance Secretary) : Sir, I move :

" That the Bill to amend the law relating to salt as at present in force in Sind, as passed by the Legislative Assembly, be taken into consideration. "

Sir, this is by way of being a machinery Bill. It is for the purpose, so far as I understand it, of clearing up a legal muddle and I hope, after the very few words that I have to say on the subject, that it will not appear to the House to be a bigger muddle than it actually is. The salt law applicable to the Bombay Presidency and to Sind, when these were a single political unit, was governed by two Acts, the Transport of Salt Act, 1879 (XVI of 1879), and the Bombay Salt Act, 1890 (II of 1890). Those two Acts applied to both the Bombay Presidency proper and Sind. In the year 1925, the Indian Salt Law (Amendment) Act (XXII of 1925) was passed, and in that Act power was taken to remove from the provinces and to bring into the hands of the Centre the administration of salt in any particular area. And under the terms of the Act of 1925, the administration of salt in the Bombay Presidency proper, but not in Sind, was withdrawn to the Government of India and put into the hands of the Central Board of Revenue. Consequently, the law applicable to the Bombay Presidency proper consists of the two Acts of 1879 and 1890, as affected by the Amending Act of 1925. On the other hand, the salt law applicable to Sind are the Acts of 1879 and 1890, not modified by the Amending Act of 1925. As a matter of fact, a certain amount of adaptation of the salt law in its application to Sind took place with the Sind Law Regulation when Sind became a separate province, but that is irrelevant to the present issue. When the officers who were appointed to adapt the Indian Acts to the new constitution were looking in the direction of Bombay, they discovered the salt law applicable to Bombay to be as I have said—the Acts of 1879 and 1890 as affected by the Act of 1925—and they adapted that law to accord with the present Government of India Act. They happened, however, to overlook the fact that that was not the law applicable to Sind, and the law applicable to Sind has, in fact, not been adapted to accord with the 1935 Act. Certain of the adaptations made by the adaptors did in fact apply to Sind, but many of them, those at any rate which impinge on the 1925 Act, did not. And when one examines *in extenso* the present salt law which is applicable to Sind, one comes across a certain number of very obvious anomalies. For instance, in one of the Acts, there is still a reference to a section of the 1919 Government of India Act. According to the procedure at present applicable to Sind, appeals from the Salt Commissioner in Sind would lie direct to the Central Board of Revenue, which is wrong. Appeals from the Salt Commissioner in Sind ought to lie with the Sind Government. And, incidentally, I am not at all

sure that the salt law applicable to Sind at the moment is in accordance with the Government of India Act itself. This Bill is put exactly in the form which would have been adopted by the adaptors had they been conscious of the position, and merely carries out the adaptation of the salt law applicable to Sind which, had they known the circumstances, they would have done. I may add for the information of the House that although the control in regard to salt in Sind will, by this Bill, be put into the hands of the Central Government, it is the intention of the Central Government immediately to delegate their powers back to the Sind Government so that the *status quo* is preserved.

Sir, I move.

The Motion was adopted.

The Schedule was added to the Bill.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. J. C. NIXON : Sir, I move :

" That the Bill, as passed by the Legislative Assembly, be passed. "

The Motion was adopted.

INDIAN COFFEE CESS (AMENDMENT) BILL.

THE HONOURABLE MR. H. DOW (Commerce Secretary) : Sir, I move :

" That the Bill to amend the Indian Coffee Cess Act, 1935, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration. "

Sir, under section 4 of the Indian Coffee Cess Act, 1935, a Committee of 20 members is set up, three of whom are to be nominated by a body known as the Coffee Growers' Association. The Coffee Growers' Association has ceased to exist and most of its members have joined other Associations. It is, therefore, proposed to allot the three members who represented the old Coffee Growers' Association to certain other Associations interested in the growing of coffee. The proposal which is embodied in this Bill had the approval of the old Association which has now gone into liquidation, and it is also recommended unanimously by the members of the Coffee Cess Committee themselves.

With these words, Sir, I hope the House will pass the Bill.

The Motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. H. DOW : Sir, I move :

" That the Bill, as passed by the Legislative Assembly, be passed. "

The Motion was adopted.

**STANDING ADVISORY COMMITTEE FOR THE INDIAN POSTS AND
TELEGRAPHS DEPARTMENT.**

THE HONOURABLE THE PRESIDENT : The Council will now proceed to elect two Members to serve on the Standing Advisory Committee for the Indian Posts and Telegraphs Department for the financial year 1938-39. There are three candidates for two vacancies. Voting papers will be handed round and I ask the Honourable Members to vote by striking out the name of the member for whom they do not wish to vote.

(Voting papers were then distributed and the ballot taken.)

THE HONOURABLE THE PRESIDENT : The result of the election will be announced tomorrow.

The Council then adjourned till Eleven of the Clock on Friday, the 8th April, 1938.