

Tuesday, 22nd March, 1938

THE  
COUNCIL OF STATE DEBATES

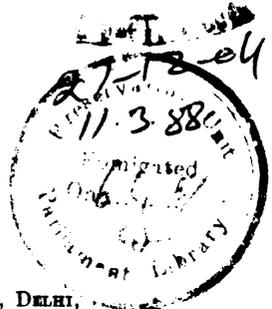
VOLUME I, 1938

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

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THIRD SESSION  
OF THE  
FOURTH COUNCIL OF STATE, 1938

*Member designated... 18/4/38*



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# CONTENTS.

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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 Prabhshankar 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 seditious 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 <i>re</i> declaration of the birthdays of Guru Nanak Dev and Guru Gobind Singh as holidays—Negatived . . . . .	566—567
Resolution <i>re</i> subjection to income-tax of the interest on sterling loans and pensions paid from Indian revenues—Negatived . . . . .	567—585
Resolution <i>re</i> discrimination against Indians settling in the Highlands of Kenya—Adopted . . . . .	585—593
Resolution <i>re</i> 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 . . . . .	<del>614</del> —616
Sind Salt Law Amendment Bill—Considered and passed . . . . .	<del>616</del> —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.

*Tuesday, 22nd March, 1938.*

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

## QUESTIONS AND ANSWERS.

### REMISSIONS GRANTED TO INDIAN STATES, ETC.

235. THE HONOURABLE MR. HOSSAIN IMAM : Will Government give the names of States for which Rs. 9,00,000 have been reduced in their payments to the Government of India in 1938-39, what is the nature and money value of immunities enjoyed by these States? What will be the effect of these reductions on the financial settlement at the time of Federation?

THE HONOURABLE MR. J. C. NIXON : I place on the table a statement showing the amounts provisionally remitted. Adjustments will be made if necessary when full information has been obtained regarding the revenues of the States concerned. As was explained in paragraph 11 of the Honourable the Finance Member's Budget speech, these remissions are being granted irrespective of any arrangements which may be made in connection with the accession of the States to the Federation. The immunities and the financial settlements are therefore not relevant nor are they affected.

THE HONOURABLE MR. HOSSAIN IMAM : The question was, what will be the effect? It will have no effect on the Federation, I take it?

THE HONOURABLE MR. J. C. NIXON : The question was, what will be the effect of these reductions on the financial settlement at the time of Federation? My answer was in effect "Nothing".

#### *Statement.*

Name of State.	Amount of
	provisional remission.
	Rs.
Mysore . . . . .	5,39,000
Benares . . . . .	1,22,000
Mandi . . . . .	38,000
Chhuikhadan . . . . .	6,000
Khairagarh . . . . .	50,000
Nandgaon . . . . .	53,000
Kawardha . . . . .	16,000
Bundi . . . . .	48,000
Partabgarh . . . . .	8,000
Jaora . . . . .	70,000
Sayla . . . . .	7,000
*Certain small States in the Western India States Agency . . . . .	21,000
	<hr/>
	9,78,000

**PRECAUTIONS TAKEN BY GOVERNMENT AGAINST FIRE IN CINEMATOGRAPH HOUSES.**

**236. THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR:** (a) Are Government aware that a fire at the Moti Mahal Cinema, Hyderabad (Deccan), caused tremendous casualties in 1936 ?

(b) Has the attention of Government been drawn to a news under the heading "Fire in cinema—Audience in panic at Ootacamund", published at page 15 of the illustrated film weekly *Movies* of Delhi, issue No. 29, volume IV, dated the 30th January, 1938 ?

(c) Has the attention of Government been drawn to an article under the heading "Cinema Fires", published at page 15 of the illustrated film weekly *Movies* of Delhi, issue No. 29, volume IV, dated the 30th January, 1938 ?

(d) If the replies to the questions at parts (a) to (c) above are in the affirmative, will Government state what action do they propose to take for the safety of the audiences of cinematograph houses in British India ?

**THE HONOURABLE MR. F. H. PUCKLE:** I am obtaining information and will lay a reply on the table in due course.

**BOOK ENTITLED *Theory and Practice of Socialism*.**

**237. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU** (on behalf of the Honourable Raja Yuveraj Datta Singh): Has the entry into India of a book called *Theory and Practice of Socialism* by John Strachey been prohibited ? If so, since when, and why ?

**THE HONOURABLE MR. F. H. PUCKLE:** (a) Yes. The book is prohibited under a notification issued under the Sea Customs Act on the 10th September, 1932.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU:** But why ?

**THE HONOURABLE MR. F. H. PUCKLE:** The Sea Customs Act empowers the Governor General in Council to forbid the importation into British India roughly speaking of all literature advocating communism or all literature reproducing substantial extracts from books advocating communism.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU:** Is the sale of this book prohibited in Great Britain itself ?

**THE HONOURABLE MR. F. H. PUCKLE:** I have no further information.

**NAMES OF PUBLIC BODIES AND ASSOCIATIONS WHICH HAVE CONDEMNED AND SUPPORTED FEDERATION.**

**238. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU** (on behalf of the Honourable Raja Yuveraj Datta Singh): Will Government give separately the names of public bodies and associations in India which have condemned, and those that have supported, the Federation embodied in the Government of India Act, 1935 ?

**THE HONOURABLE KUNWAR SIB JAGDISH PRASAD:** I regret I am unable to furnish the information required by the Honourable Member.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZBU :** Is the Honourable Member unable to obtain this information or is he unwilling to supply it ?

**THE HONOURABLE THE PRESIDENT :** I don't think he need reply to that.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** But, Sir, when he says he cannot supply the information, I want to know whether he is unable to collect the information or is unwilling to do so ?

**THE HONOURABLE THE PRESIDENT :** I think the reply is explicit enough and I do not think you are entitled to put any further questions.

**THE HONOURABLE KUNWAR SIR JAGDISH PRASAD :** I am quite prepared to answer the Honourable Member's question, Sir, if you permit me to do so. It is not worth while collecting all this information.

**IMPORTATION OF EUROPEANS FOR THE MECHANICAL WORKSHOPS OF STATE-MANAGED RAILWAYS.**

**239. THE HONOURABLE MR. HOSSAIN IMAM :** Will Government be pleased to state whether the Railway Board propose to appoint covenanted hands in the senior subordinate cadre of the mechanical workshops of the Indian State Railways ?

- (i) If so, do they propose to appoint Europeans or Indians ?
- (ii) What is the number specified for each railway, of Europeans and Indians, separately ?

**THE HONOURABLE SIR GUTHRIE RUSSELL :** (i) and (ii). Government have under consideration the question of importing men from England for certain senior subordinate posts in the mechanical workshops of the State-managed railways. There are no posts reserved for either Europeans or Indians in subordinate services.

**THE HONOURABLE MR. HOSSAIN IMAM :** Is it under the recommendation of the Wedgwood Committee or independently of that ?

**THE HONOURABLE SIR GUTHRIE RUSSELL :** About three years ago we considered this question and we did our best to obtain men in the country because we thought that was the right policy to adopt but finally when the Wedgwood Committee told us it was essential to bring men out from home we decided to adopt that policy.

**THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS :** Are these Europeans being imported to replace those Indians who are now officiating as chargemen or foremen ?

**THE HONOURABLE SIR GUTHRIE RUSSELL :** No Indian who can carry on efficiently will be replaced.

**THE HONOURABLE MR. HOSSAIN IMAM :** Has the Government found that Indians are unsuitable to manage these workshops ?

**THE HONOURABLE SIR GUTHRIE RUSSELL :** In certain cases, yes.

**THE HONOURABLE MR. HOSSAIN IMAM:** Were they given any training ?

**THE HONOURABLE SIR GUTHRIE RUSSELL:** That is a rather difficult question to answer but certainly a great many of them have been trained.

**THE HONOURABLE MR. HOSSAIN IMAM:** Is it the defect of their training that they do not come up to the mark ?

**THE HONOURABLE THE PRESIDENT:** That does not arise.

**QUALIFICATIONS OF IMPORTED EUROPEANS IN SERVICE IN THE MECHANICAL WORKSHOPS OF STATE-MANAGED RAILWAYS.**

**240. THE HONOURABLE MR. HOSSAIN IMAM:** Will Government state the minimum qualifications, both academic and practical of :

- (i) The covenanted hands already in service ?
- (ii) The covenanted hands proposed to be recruited ?
- (iii) The year of recruitment of the last batch of covenanted hands ? and
- (iv) The number then recruited ?

**THE HONOURABLE SIR GUTHRIE RUSSELL:** I am obtaining certain information and will lay a reply on the table of the House in due course.

**IMPROVEMENTS MADE BY IMPORTED EUROPEANS IN THE MECHANICAL WORKSHOPS OF STATE-MANAGED RAILWAYS.**

**241. THE HONOURABLE MR. HOSSAIN IMAM:** Will Government state if European railway specialists have brought about any extraordinary improvements which qualified Indians could not independently do ? If so, will Government disclose their nature and details ?

**THE HONOURABLE SIR GUTHRIE RUSSELL:** For the reasons necessitating the importation of a certain number of experienced supervisors for the mechanical workshops of State-managed railways, I would refer the Honourable Member to paragraph 50 of the Report of the Indian Railway Enquiry Committee (1937) and the Railway Board's comments thereon in the statement showing the action taken by the Railway Department (Railway Board) on the paragraphs in Chapters III to XI of that Report. Copies of both these documents are in the Library of the House. In the absence of qualified Indians it is not practicable to make the comparison desired by the Honourable Member.

**STATEMENT MADE BY LORD STANLEY IN THE HOUSE OF COMMONS ON THE RESOLUTION OF THE NATIONAL LIBERAL FEDERATION ABOUT FEDERATION.**

**242. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU** (on behalf of the Honourable Raja Yuveraj Datta Singh): (a) Has the attention of Government been drawn to the statement made by Lord Stanley, the Under Secretary of State for India, in the House of Commons the other day, that the National Liberal Federation of India had adopted a resolution, urging expedition in the introduction of Federation, and the contradiction of the statement by Sir Chimanlal Setalwad, President of the National Liberal Federation (*vide the Hindustan Times*, dated the 9th 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 and will Government 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.

DISABILITIES OF INDIANS IN AUSTRALIA.

243. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : (a) Do the Indian settlers in Australia labour under administrative discrimination in admission to public services, and grant of permits to work in mines ?

(b) If so, what steps have been taken by Government to redress their grievances ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : (a) and (b). No instances of such discrimination have been brought to the notice of Government.

REPAYMENT OF THE RUPEE LOAN OF 19 CRORES, ETC.

244. THE HONOURABLE MR. G. S. MOTILAL : (a) Will Government state in what year the rupee loan of 19 crores, raised in 1932 at 5½ per cent. interest and repayable in 1938—1940, is proposed to be repaid ?

(b) Which sterling loans have been purchased by Government and at what price ?

(c) Are they the loans of £11,539,986 and £77,024,185 of 2½ per cent. and 3 per cent. respectively, the market quotations for which are about £88½ and £79½ respectively, or some other sterling loans ?

THE HONOURABLE MR. J. C. NIXON : (a) I have nothing to add to what was stated by the Honourable the Finance Member in paragraph 16 of his Budget speech.

(b) and (c). I do not think it desirable in the public interest to give this information.

CUSTOMS REVENUE RECEIVED FROM BRITISH IMPORTS TO WHICH PREFERENTIAL DUTY APPLIES, ETC.

245. THE HONOURABLE MR. G. S. MOTILAL : Will Government lay on the table two sets of statements for each of the last three financial years showing in detail the customs revenue received from British imports to which preferential duty applies, and also from those to which preferential duty does not apply ?

THE HONOURABLE MR. J. C. NIXON : The information asked for will be found in Table VI in the Accounts relating to the Sea-borne Trade and Navigation of British India for March, 1937, a copy of which is available in the Library of the House.

**REASONS FOR OMISSION OF THE INTEREST-BEARING OBLIGATIONS OF THE GOVERNMENT OF INDIA FROM THE EXPLANATORY MEMORANDUM ON THE BUDGET.**

**246. THE HONOURABLE MR. G. S. MOTILAL :** (a) Will Government state the reason for omitting from the Explanatory Memoranda on the Budget relating to 1937-38 and 1938-39 the statement showing interest-bearing obligations of the Government of India at the close of each financial year, which was included in 1936-37 and previous Budget Memoranda ?

(b) Do Government propose to furnish such statement to the Members of the Indian Legislature now, and to include it in future in the Explanatory Memoranda ?

**THE HONOURABLE MR. J. C. NIXON :** (a) The Government of India were not fully satisfied with the statements as an expression of their debt position, apart from the fact that owing to the adjustments with provinces and with Burma, some of the figures were, and some still are, not final.

(b) I would refer the Honourable Member to the statement which I laid on the table in connection with question No. 213 asked by the Honourable Mr. Hossain Imam. The question whether such statements should be included in future Explanatory Memoranda is under consideration.

**REASONS FOR CHANGES AND OMISSION OF TABLES IN THE EXPLANATORY MEMORANDUM ON THE BUDGET.**

**247. THE HONOURABLE MR. G. S. MOTILAL :** Will Government state the reasons for the various changes and the omission of various tables made in the Explanatory Memorandum on the Budget for the year 1938-39 as compared with the Explanatory Memoranda of 1936-37 and 1937-38 ?

**THE HONOURABLE MR. J. C. NIXON :** The main differences between the Memorandum for 1937-38 and the Memorandum for 1936-37 were :

- (1) statements showing the allocations made to certain Funds and the cost of Provincial Autonomy and the separation of Burma were added in order to illustrate the budget proposals ; and
- (2) the statement showing the interest-bearing obligations of the Government of India was omitted.

As regards the second of these changes I would refer the Honourable Member to the reply given to his immediately preceding question.

This year there have been some changes of form and arrangement, which it was hoped would make the memorandum more convenient, but I do not think there have been any important changes of substance. If the Honourable Member desires further information regarding any particular change I shall be glad to supply it.

**GRIEVANCES OF INDIANS IN THE BELGIAN CONGO, ETC.**

**248. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU** (on behalf of the Honourable Raja Yuveraj Datta Singh) : Will Government state the main grievances of Indians in the Belgian Congo, and the Mandated Territory of Ruanda Urundi ; and what steps have been taken by them in the matter ?

**THE HONOURABLE KUNWAR SIR JAGDISH PRASAD :** No general complaint has been received by Government from or on behalf of the Indian community in the Belgian Congo and the Mandated Territory of Ruanda Urundi. A communication was received by the Imperial Indian Citizenship Association from an Indian residing in the Belgian Congo complaining that Indians were :

- (a) subjected to residential and commercial segregation ;
- (b) prevented from participating in the mining business ;
- (c) subjected to illegal deportation ;
- (d) inadequately provided with Consular facilities.

This letter was forwarded to the Government of India by the Association and enquiries were at once made through His Majesty's Government. The alleged grievances were found to be exaggerated and largely without foundation. A note giving in detail the results of the enquiry is laid on the table.

NOTE.

(a) It is correct to say that " A township has two quarters ", but not that one quarter is kept exclusively for Europeans and " the other lower area cast aside for Asiatics ". Towns are divided into " European " (i.e., everyone who is not a black African) and " Native " (comprising all African Negroes, whether Congolese or not). There is not, however, so far as is known, any law relegating Asiatics to any special residential or commercial quarter. It is, however, generally noticed that the Indians tend to gravitate together and seek to establish their shops in the vicinity of the native markets and quarter in order to capture more readily the native trade which is of particular importance to them. While European traders generally maintain separate premises for their " European " and " Native " businesses, the Indians prefer to have one single place of business on the outskirts of the European quarter accessible to all categories of buyers. In a number of towns, however, Indian shops are found side by side with those of Europeans in the centre of the main commercial districts.

(b) There is no law which discriminates against Indians in the matter of mining enterprises. All applicants for mining rights, however, have to fulfil certain requisites of rectitude, guarantees of good faith, etc., laid down in the mining code, and, while it is found extremely difficult for any foreign subject to comply satisfactorily with the condition, it is unfortunate that by their own actions a large percentage of the Indian residents in the mining areas have laid themselves open to suspicion of gold stealing and smuggling, and the number of authenticated cases have been so large that it is feared there is small likelihood of Indians being admitted into the ranks of mining prospectors.

(c) Expulsion from the Congo on completion of a prison sentence is by no means limited to Asiatics. All non-natives are subject under the Congo Penal Code to deportation, and a prison sentence automatically includes a deportation order forbidding the culprit, regardless of race, to return to the Congo.

(d) The British Consul General at Leopoldville visited the trading establishments of the leading Indian business men in Usumbara, Stanleyville and other centres, but, although he took considerable pains to encourage the local Indians to bring their grievances to him, no indication was anywhere given that the Asiatics were under any genuine disability in regard to their trading or other activities.

CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

**THE HONOURABLE SIR GUTHRIE RUSSELL** (Chief Commissioner for Railways) : Sir, I move :

" That this Council do proceed to elect, in such manner as may be approved by the Honourable the President, six non-official Members from the Council who shall be required to serve on the Central Advisory Council for Railways ".

The Motion was adopted.

**THE HONOURABLE THE PRESIDENT:** With reference to the Motion which has just been adopted by the Council, I have to announce that nominations to the Committee will be received by the Secretary up to 11 A.M. on the 23rd March, and the date of election, if necessary, will be announced later.

### INDIAN FINANCE BILL, 1938.

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

“That the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to fix maximum rates of postage under the Indian Post Office Act, 1926, and to fix rates of income-tax and super-tax, in the form recommended by the Governor General, be taken into consideration.”

Sir, I do not think the occasion makes it advisable or necessary for me to enter into a long statement. The circumstances of the last week or so are fresh in the minds of Honourable Members of the Council. The Governor General in Council thought it proper in the circumstances to restore all and completely the Grants which had been rejected in the Lower House. Consequently, in order to carry on the business of Government, the Government require all those resources which were indicated to the Legislature in the original Budget statement presented to both Houses. Those resources were intended to be obtained by the passing of the Finance Bill. The Finance Bill in its original form and in its recommended form were, as Honourable Members know, rejected by the Lower House and I move now that the Bill, in the form recommended by the Governor General, be taken into consideration in this House. Since the original figures were put before the two Houses, a certain number of further revenue returns have come before Government and I can give an assurance to the House that nothing that these returns has taught us indicates that Government can carry on its activities with anything less than the resources which are covered by the Finance Bill. The Finance Bill merely proposes to carry on the *status quo*. It imposes no fresh taxation and it proposes no reduction of taxation.

Sir, I move.

**THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS** (Punjab: Non-Muhammadan): Sir, I rise to make a statement on behalf of my Party. For reasons already stated, our Party has decided not to participate in the discussion of the Finance Bill or to remain inside the House during its discussion, but will vote against the Bill.

**THE HONOURABLE MR. RAMADAS PANTULU** (Madras: Non-Muhammadan): Sir, my Party also has decided not to participate in the debate on the Finance Bill. We have already given our reasons for not participating in the discussion on the Budget. The same reasons apply to justify our attitude on this occasion. Moreover, Sir, I wish to add that no useful purpose will be served by considering the Bill in its certified form, for no change can be made in it—

**THE HONOURABLE THE PRESIDENT:** Then you are making a speech on the Motion. You cannot blow hot and cold at the same time.

**THE HONOURABLE MR. RAMADAS PANTULU:** I am giving the reasons for not participating—.

**THE HONOURABLE THE PRESIDENT:** That is a speech on the Motion itself. If you express any opinion on the Motion, then it is a speech, and yet you say you do not want to participate in the debate.

**THE HONOURABLE MR. RAMADAS PANTULU:** What I am saying is that in addition to the reasons already given, an additional reason today is that we cannot make any change in a certified Bill. Therefore, for this reason also we do not wish to participate. That is not a debate on merits.

**THE HONOURABLE THE PRESIDENT:** Whatever that may be, it is a speech.

(At this stage the Members of the Progressive and Congress Parties walked out.)

**THE HONOURABLE MR. R. H. PARKER** (Bombay Chamber of Commerce): Sir, I have very little to add to what I said on the Budget the other day. I would like to say how sorry I am that so many other Honourable Members—elected Members—do not consider it their duty to express their views: I would like to draw their attention to the fact that they did not wait to hear, on the constitutional issue, what any other Honourable Member had to say.

I want to emphasise that it is unfortunate that we still have the surcharges. My Honourable friend Mr. Nixon told me the other day that they had quite good reasons. I know that it is so, but it is a very serious thing that we should have to continue with the surcharges in good years.

Then again, I want to refer to the point about the railway surplus. The Honourable the Finance Member said the other day that he was not taking—at least I understood him to say—the whole of the surplus into ordinary revenues. I invited him to say how much he was not so taking, but he did not reply. I wish to remind him that in bad years you accumulate your losses and that in good years you are taking all your profits. There is only one end to a policy of that kind, certainly in commerce.

Then, the Honourable Mr. Nixon replied to me the other day on the question of tariff revision. I quite appreciate the nature of his answer and I think it is an admirable one. But I do hope that the preliminary points will be considered, and then you will come to a conclusion as to what you believe to be a scientific tariff—what you would like to do when the occasion arises when you are able to do it.

Sir, I support the Motion.

**THE HONOURABLE SIR A. P. PATRO** (Madras: Nominated Non-Official): Sir, I do not want to give a silent vote in the circumstances which have just now transpired in this House. It is a great pity—I do not say it is unfortunate, but it is a great pity—that Honourable Members representing constituencies have not been able to do justice to the financial position in the country. It is one thing to make a protest in regard to a matter on which we do not agree, but is another matter altogether that a Bill certified by the Governor General has not been paid that attention which it deserves. Sir, from a financial point of view, the passing of this Bill is absolutely necessary. There is no question about it. This House has no grievance regarding voting of grants. Even the Honourable Members who have left their places are convinced in their heart of hearts of the necessity for this Bill, because the balancing of the Budget included these items that are now before is in the Finance Bill. If the Budget

[Sir A. P. Patro.]

is approved by them and by the country, then there is absolutely no reason why we should abstain from taking any part in the discussion of the Finance Bill. There are enough precedents to show that a protest could be made in one form or another, but the protest ends there. The Government of India Act, 1935, gives ample scope for the Governor and the Governor General to carry on the administration in spite of any form of protest that we see elsewhere and in this House. Sir, the Bill is necessary because the proceeds of this taxation are necessary for the expenditure on the various items mentioned in the Budget. I therefore think that we will not be doing justice to ourselves and to the country generally by abstaining from voting on this Bill. I have supported the Budget, we had no grievances about it. And I consider that the Budget is a very sound one, because it levies no fresh taxation and it is only a continuation of what was there in the previous year, and great credit is due to the Finance Member and the Finance Secretary that we have a satisfactory Budget and a carry-on Budget without further burdens on the country. Therefore, Sir, I support the Motion.

**THE HONOURABLE MAHARAJADHIRAJA SIR KAMESHWAR SINGH OF DARBHANGA (Bihar : Non-Muhammadan) :** Mr. President, while discussing the Budget I have made it clear that I intensely dislike it because, it not only maintains the existing level of taxation, which is too high for the taxpayers of this country, but holds out the possibility of further taxation by the proposed income-tax legislation. Sir, I am watching world events with much apprehension and wish to ask the Government whether in this so called *status quo* budget they have made adequate provision for the defence of India? Are they in a position to assure us that the peace and tranquillity of India is fully protected from outside aggression and internal commotion and in future we shall not have to face proposals for further taxation on the plea of defence? I would also like to be satisfied that they can not do with less.

Sir, answers to these questions will determine my attitude towards this certified Bill which has come before us in the circumstances which I greatly deplore. I shall vote for the Bill if the Government give us the assurance I have mentioned. Otherwise, I feel that I must not support the measure which implements the Budget.

**THE HONOURABLE MR. J. C. NIXON :** My Honourable friend Mr. Parker regretted that we had found it necessary to retain what he called the surcharges. I presume he was referring to the surcharge on customs duty rather than to the surcharge on income-tax.

**THE HONOURABLE MR. R. H. PARKER :** Both.

**THE HONOURABLE MR. J. C. NIXON :** In regard to the surcharge on customs duty I had given him some assurance previously that we ourselves hoped in due course when the opportunity presented itself to be able to deal with the matter in a scientific way. We were engaged in examining the tariffs from a scientific point of view and when the Indo-British negotiations are nearer completion we shall continue that examination with the help, I hope, of Doctor Gregory. With regard to the surcharge on income-tax, the new feature of the situation now, as Honourable Members know, is that it is not only the Central Government which is interested in the proceeds of taxes on income but also the Provincial Governments.

I seem to have misunderstood my Honourable friend's speech a few days ago when he was talking about the railway surplus and when I shook my head in a negative way. I did not mean to imply that all the surplus that Railways had subscribed to general revenues this year had not been taken to revenue. It is true that it has all been taken to revenue. What I intended to imply was that we were not yet getting fully the contributions from Railways which under the 1924 convention were due to the civil Government.

The Honourable Maharajadhiraja asked me to give him and the House an assurance that we were providing all that was necessary for the defence of this country. That is a very large question to put to me. If he had put that question to His Excellency the Commander-in-Chief I have a sort of suspicion that the Commander-in-Chief would have answered in the direction of saying that we were not supplying all that this country needed in the way of defence and that the Finance Department was not supplying him with all the money that was necessary for the purpose. I can only say that taking into account the taxpayer and the defence needs of India and the other needs of India, we in the Finance Department have attempted as far as we are able at the moment to hold the scales as evenly as possible.

**THE HONOURABLE THE PRESIDENT :** Motion made :

"That the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to fix maximum rates of postage under the Indian Post Office Act, 1898, and to fix rates of income-tax and super-tax, in the form recommended by the Governor General, be taken into consideration."

(All the Members present in the House, with the exception of the Honourable Mr. Hossain Imam who walked into the House and took his seat as the Question was being put, said "Aye"; the Honourable Mr. Hossain Imam said "No".)

**THE HONOURABLE THE PRESIDENT :** I shall not permit a division on this occasion, because it is in the discretion of the President to refuse a division when he knows it is only for a purpose and not with the deliberate object of obtaining the real opinion of the Members of the House. The Honourable Member is the one Member of the Party who is present—

(While the Honourable the President was speaking four or five other Members of the Progressive Party had walked in and taken their seats and they interrupted to say, "We are here".)

— and his Leader made an announcement distinct enough that they were not going to take any part in the debate. If they had wanted only to vote they ought to have come into the House in time for me to make the Motion to the House which they did not do. Only one Member was present and the Council has responded clearly that the Motion should be adopted. I will therefore not ask the Council to divide and the Motion is adopted.

The Motion was adopted.

**THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS :** But, Sir, some of us are here.

**SEVERAL HONOURABLE MEMBERS :** Order, order.

**THE HONOURABLE MR. HOSSAIN IMAM** (Bihar and Orissa : Muham-madan) : May we submit most humbly—

**THE HONOURABLE THE PRESIDENT:** The Question is:

“That the Schedule stand part of the Bill.”

(The Honourable Members who had returned and taken their seats kept on calling “No” to the “Ayes” from the rest of the Council.)

**THE HONOURABLE THE PRESIDENT:** I must say that this is an unbecoming procedure altogether for elder statesmen and for the second Chamber in the British Empire. It is such an undignified procedure. I did not wish to say a word on this subject, but the way in which some of the elder statesmen have behaved in this House makes it imperative on my part to refer to this matter. I have already disallowed a division in my discretion as I think it was only for the purpose of sport rather than to ascertain the deliberate expression of opinion of the House. I have already done so once and regarding this I also disallow it.

**THE HONOURABLE MR. HOSSAIN IMAM:** May we enquire under what rule of business?

**THE HONOURABLE THE PRESIDENT:** It is in the discretion of the President in certain cases when the object is not really to ascertain the opinion of the Members of the House but only for the purpose of provoking some sort of interruption, and I may tell you that during my long experience in this House there have been one or two precedents which Sir Henry Moncrieff Smith adopted and I am following my predecessors' example.

**THE HONOURABLE MR. HOSSAIN IMAM:** May I humbly submit that the rules are mandatory.

**SEVERAL HONOURABLE MEMBERS:** The Chairman's ruling cannot be questioned.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU** (United Provinces Northern: Non-Muhaimadan): It is not a question of ruling. What you have said amounts not to a ruling but to a reflection on our conduct in protesting against Government's action. (*Cries of “Order, order”.*) The Chair is not acting within the rules and regulations in this matter. The Chair is going beyond its province in reflecting on our political procedure here. It is entirely for the non-official Parties to decide what course—(*Cries of Order, order and other interjections*)—of action we should adopt and if our protest is to be regarded as undignified by you, we have the right to protest against your remarks.

**THE HONOURABLE THE PRESIDENT:** As the Honourable Sir A. P. Patro remarked this morning after you went out of the House you have every right to enter a protest against the Bill in an unqualified manner; there are no two opinions about your right to enter a protest. But the question is the way in which the Honourable Members have conducted themselves. That justifies the Chair in making certain allusions to it. The whole thing to my mind is absolutely undignified for the occasion.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU:** We have created no disturbance in the House. We have chosen a certain method of giving expression to our protest and that the Chair should go so far as to say that that method of protest is wrong, is highly objectionable.

**THE HONOURABLE THE PRESIDENT :** I did not say it is right or wrong

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** We have not disturbed the proceedings of the House in the slightest degree. It is entirely out of consideration for you that we choose a method of protest which would leave the other Honourable Members undisturbed in their work. But now you have gone so far as to condemn us and even to refuse a division at our request. Is it permitted by any rule or regulation ? You are going too far in gagging us.

**THE HONOURABLE THE PRESIDENT :** Is it fair to the House that you should ask for a division when you did not take part at all in the debate ?

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** We are entirely at liberty to remain silent and yet to vote at the end against every measure brought before us by Government. We made our position clear before we left. We have done nothing that is contrary to the rules and regulations.

**THE HONOURABLE MR. HOSSAIN IMAM :** May I submit once more that you will reconsider your ruling in the light of the fact that we have stated before we went out that we will participate in the division stage.

**THE HONOURABLE THE PRESIDENT :** I shall reconsider my ruling if you express your regret, that you acted not in the proper manner.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** Not at all.  
(At this stage several Honourable Members began to speak.)

**HONOURABLE MEMBERS :** Order, order. The Chair.

**THE HONOURABLE MR. HOSSAIN IMAM :** I want your ruling whether you declare that a walk out is unconstitutional or unparliamentary or undignified. That question must be decided today, because that is all that we have done.

**THE HONOURABLE THE PRESIDENT :** I am not called upon to give a ruling.

**THE HONOURABLE MR. HOSSAIN IMAM :** I want your ruling on this subject, a final and a permanent ruling.

**THE HONOURABLE THE PRESIDENT :** I do not give rulings on hypothetical questions. I have expressed my personal opinion. You should remember that the President is as much entitled to speak on any Motion under the Standing Orders and under the Rules on every question, every Resolution if he wishes, and I have expressed my opinion on the question. I am also a Member of the House. Being the President does not disqualify me from expressing my personal opinion on the subject.

**THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS :** Sir, when I made the statement—

**THE HONOURABLE THE PRESIDENT :** I think now you are certainly disturbing the order of this House by each one of you getting up and making speeches.

**THE HONOURABLE MR. HOSSAIN IMAM :** We want your ruling. Our remaining here or not depends on your ruling. We want to know whether under the rules we are entitled to have a division ?

**THE HONOURABLE THE PRESIDENT :** I have only expressed my opinion that it was not a dignified procedure for this House to adopt. One Honourable Member has said in your absence on this point and I am entitled to express my opinion.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** Are we to have the division that is our due or not ?

**THE HONOURABLE THE PRESIDENT :** You have not participated in the debate.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** We may not. The Rules and Regulations permit us to challenge a division though we may remain absolutely silent.

**THE HONOURABLE THE PRESIDENT :** As I say, it is deliberately to cause a disturbance. It has been ruled in the past that the President in his discretion may not sanction a division. I am following this procedure.

**THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS :** The object of our calling a division is to show the people of India how many elected Members of this House who constitutionally represent them vote for it or against it.

**THE HONOURABLE THE PRESIDENT :** Others have refused to come in.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** It is their lookout.

**THE HONOURABLE DIWAN BAHADUR SIR RAMUNNI MENON (Madras : Nominated Non-Official) :** Sir, as there seems to be a lot of confusion over this matter and there seems to be a good deal of misunderstanding also, may I beg of you to permit them to explain their position so that you might give your considered opinion on their request ? I am sure they never intended to show any disrespect to the Chair or to behave in a manner derogatory to the dignity of the House.

**THE HONOURABLE THE PRESIDENT :** But I gave them an opportunity to express an opinion.

**THE HONOURABLE DIWAN BAHADUR SIR RAMUNNI MENON :** They seem to be in an excited mood !

**THE HONOURABLE THE PRESIDENT :** I consider it as one occupying the Chair that it is disrespect to the Chair also that Honourable Members should leave the House unceremoniously in that way and come in and ask for a division.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** We were entirely within our rights in doing so.

**THE HONOURABLE PRINCE AFSAR-UL-MULK MIRZA MUHAMMAD AKRAM HUSAIN BAHADUR (Bengal : Nominated Non-Official) :** The point

is whether the sense of the House is with you as the President—whether a division should be taken on this question or not? I believe the sense of the House is with you, and if that is so, a division need not be taken at all.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU:** The majority I suppose wants that a division should not be taken, but it has no power to decide the matter.

**THE HONOURABLE MR. HOSSAIN IMAM:** As Sir Ramunni Menon has said, there was no intention of casting any reflection on either the Chair or on the House. Our protest was primarily, mainly and only directed against the Government of India, and therefore, Sir, I hope you will reconsider your ruling in the light of the fact that we never meant to cast any reflection on you. As a matter of fact walk outs are never meant in such instances to be a reflection either on the Chair or on the House but they are against the action of Government.

**THE HONOURABLE THE PRESIDENT:** You cannot say that. Your overt act shows that you wanted to show disrespect to the Chair and also to Honourable Members who are here.

**HONOURABLE MEMBERS:** No, Sir.

**THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Leader of the House):** May I suggest for your consideration that we might adjourn the House for a quarter of an hour which will also enable us to think over the matter. If you have no objection, Sir, you might adjourn the Council for a quarter of an hour.

**THE HONOURABLE THE PRESIDENT:** I would like to take the sense of the House whether they would like me to adjourn for a quarter of an hour or whether I should allow a division or not. I will adopt either of the courses which they think right.

**THE HONOURABLE KUNWAR SIR JAGDISH PRASAD:** I think, Sir, the sense of the House is that we should adjourn for a quarter of an hour.

**THE HONOURABLE THE PRESIDENT:** The House will meet again at Ten Minutes to Twelve of the Clock.

The Council then adjourned till Ten Minutes to Twelve of the Clock.

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The Council reassembled at Ten Minutes to Twelve of the Clock, the Honourable the President in the Chair.

**THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS:** Sir, I wish to state on behalf of my Party, that any action taken by us, was by way of protest against the action of the Governor General in Council in withholding certain Demands from the vote of the Central Legislature. Our action was in no sense intended as a discourtesy to yourself, with whom our relations have always been cordial, or to this Honourable Council. We now hope that as we desire to challenge a division, you will kindly direct that a division be taken.

**THE HONOURABLE THE PRESIDENT :** I may point out to this House that the decision which I took a few minutes ago in disallowing a division was based on precedent. It has been ruled by predecessors of mine that the grant of permission for divisions is within their discretion, and on several occasions they have disallowed divisions when asked on frivolous ground. I would only point out one occasion to you in 1922 when no less distinguished a President than Sir Alexander Muddiman stated that the request for a division was frivolous and he disallowed it. And there are several subsequent rulings on this point by his successors supporting his ruling.

In view of the statement now made by the Leader of the Opposition and particularly as I see a large number of Honourable Members have now resumed their seats to participate in a division, that puts a different complexion on this sad and unpleasant incident and I shall allow a division on the Question that the Schedule stand part of the Bill.

Question put : the Council divided :

**AYES—27.**

Akram Hussain Bahadur, Hon. Prince  
Afsar-ul-Mulk Mirza Muhammad.  
Ataullah Khan Tarar, Hon. Chaudhri.  
Buta Singh, Hon. Sardar.  
Charanjit Singh, Hon. Raja.  
Devadoss, Hon. Sir David.  
Ghosal, Hon. Sir Josna.  
Govindachari, Hon. Rao Bahadur K.  
Haider, Hon. Khan Bahadur Shams-ud-  
Din.  
Hissamuddin Bahadur, Hon. Lt.-Col. Sir.  
Ismail Ali Khan, Hon. Kunwar Haji.  
Jagdish Prasad, Hon. Kunwar Sir.  
Khurshid Ali Khan, Hon. Nawabzada.  
Menon, Hon. Diwan Bahadur Sir  
Ramunni.

Mitra, Hon. Mr. D. N.  
Muhammad Yakub, Hon. Sir.  
Mukherjee, Hon. Rai Bahadur Sir Satya  
Charan.  
Nihal Singh, Hon. Sirdar.  
Nixon, Hon. Mr. J. C.  
Parker, Hon. Mr. R. H.  
Patro, Hon. Sir A. P.  
Puckle, Hon. Mr. F. H.  
Reid Kay, Hon. Mr. J.  
Roy, Hon. Mr. S. N.  
Russell, Hon. Sir Guthrie.  
Singh, Hon. Raja Devaki Nandan Prasad.  
Williams, Hon. Mr. A. deC.  
Yeatts, Hon. Mr. M. W. M.

**NOES—15.**

Abdus Sattar, Hon. Mr. Abdur Razzak  
Hajee.  
Biyani, Hon. Mr. B. N.  
Chettiyar, Hon. Mr. Chidambaram.  
Hossain Imam, Hon. Mr.  
Kalikar, Hon. Mr. V. V.  
Kameshwar Singh of Darbhanga, Hon.  
Maharajadhiraja Sir.  
Kunzru, Hon. Pandit Hirday Nath.

Mahtha, Hon. Rai Bahadur Sri Narain.  
Muhammad Hussain, Hon. Haji Syed.  
Pantulu, Hon. Mr. Ramadas.  
Ram aran Das, Hon. Rai Bahadur Lala.  
Ray Chaudhury, Hon. Mr. Kumarsenkar.  
Roy Chowdhury, Hon. Mr. Susil Kumar.  
Sapru, Hon. Mr. P. N.  
Sinha, Hon. Kumar Nripan Ira Narayan.

The Motion was adopted.

The Schedule was added to the Bill.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Clause 4 was 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, in the form recommended by the Governor General, be passed.”

## THE HONOURABLE THE PRESIDENT : Motion made :

"That the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to fix minimum rates of postage under the Indian Post Office Act, 1898, and to fix rates of income-tax and super-tax, in the form recommended by the Governor General, be passed."

Question put : the Council divided :

## AYES—27.

Akram Husain Bahadur, Hon. Prince  
Afsar-ul-Mulk Mirza Muhammad.  
Ataullah Khan Tarar, Hon. Chaudhri.  
Buta Singh, Hon. Sardar.  
Charanjit Singh, Hon. Raja.  
Devadoss, Hon. Sir David.  
Ghosal, Hon. Sir Josna.  
Govindachari, Hon. Rao Bahadur K.  
Haidar, Hon. Khan Bahadur Shams-ud-  
Din.  
Hissamuddin Bahadur, Hon. Lt.-Col. Sir.  
Ismail Ali Khan, Hon. Kunwar Haji.  
Jagdish Prasad, Hon. Kunwar Sir.  
Khurshid Ali Khan, Hon. Nawabzada.  
Menon, Hon. Diwan Bahadur Sir  
Ramunni.

Mitra, Hon. Mr. D. N.  
Muhammad Yakub, Hon. Sir.  
Mukherjee, Hon. Rai Bahadur Sir Satya  
Charan.  
Nihal Singh, Hon. Sirdar.  
Nixon, Hon. Mr. J. C.  
Parker, Hon. Mr. R. H.  
Patro, Hon. Sir. A. P.  
Puckle, Hon. Mr. F. H.  
Reid Kay, Hon. Mr. J.  
Roy, Hon. Mr. S. N.  
Russell, Hon. Sir Guthrie.  
Singh, Hon. Raja Devaki Nandan Prasad.  
Williams, Hon. Mr. A. deC.  
Yeatts, Hon. Mr. M. W. M.

## NOES—15.

Abdus Sattar, Hon. Mr. Abdur Razzak  
Hajee.  
Biyani, Hon. Mr. B. N.  
Chettiyar, Hon. Mr. Chidambaram.  
Hossain Imam, Hon. Mr.  
Kalikar, Hon. Mr. V. V.  
Kameshwar Singh of Darbhanga, Hon.  
Maharajadhiraja Sir.  
Kunzru, Hon. Pandit Hirday Nath.

Mahtha, Hon. Rai Bahadur Sri Narain.  
Muhammad Husain, Hon. Haji Syed.  
Pantulu, Hon. Mr. Ramadas.  
Ram Saran Das, Hon. Rai Bahadur Lala  
Ray Chaudhury, Hon. Mr. Kumarsankar.  
Roy Chowdhury, Hon. Mr. Susil Kumar.  
Sapru, Hon. Mr. P. N.  
Sinha, Hon. Kumar Nripendra Narayan.

The Motion was adopted.

The Council then adjourned till Eleven of the Clock on Wednesday, the 23rd March, 1938.