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VOLUME I, 1939

(23rd January to 18th April, 1939)

FIFTH SESSION

OF THE

FOURTH COUNCIL OF STATE, 1939

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COUNCIL OF STATE.

Tuesday, 18th April, 1939.

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

INDIAN TARIFF (THIRD AMENDMENT) BILL.

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

“ That the Bill further to amend the Indian Tariff Act, 1934, for certain purposes (Third Amendment), in the form recommended by the Governor General, be taken into consideration. ”

Sir, I do not think that any considerable speech will be expected from me in making this Motion. This Bill, which comes to us in a recommended form, is designed to give effect to the Motion which was carried by this Honourable House on the 30th of March last, approving the terms of the Indo-British Trade Agreement. On that occasion, the terms of the Agreement were explained and defended in sufficient fulness of detail in speeches made by the Honourable Commerce Member and by myself, and there is nothing which, in view of subsequent events in another place, I wish either to add to, or to subtract from, what was then said on behalf of Government.

Sir, I move.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern: Non-Muhammadan): Mr. President, my Honourable friend Mr. Dow was very wise in making a phenomenally brief speech on such an important matter today. I am sure that he was conscious of the fact that his position in the matter of this Bill is even weaker than it was in connection with the Agreement which he defended here the other day. Sir, we discussed the details of the Agreement the other day but today I should like to address myself to another question, namely, how far it is consistent with the pledges given by Government in the past for them to have gone against the decision of the elected representatives of the people and forced their own view on the Legislature. Sir, it is true that this Bill comes to us as a recommended measure. We cannot question the propriety of the action taken by the Governor General but it is obvious that the Governor General in such a matter would not act on his own initiative. It is naturally to be expected that he would consult with the Government of India and that the principal advisers of the Government of India in this matter would be the Commerce Department. We should, therefore, examine what are the grounds on which the Commerce Department has recommended the certification of the Bill before us. When I say, Sir, that we should examine the grounds on which the recommendation of the Commerce Department was based, I am acting without knowledge of what transpired in the inner councils of the Government of India. I do not know whether the Government of India came to the conclusion that this Bill was essential to the safety, tranquillity or interests of British India on the recommendation of the

[Pandit Hirday Nath Kunzru.]

Commerce Department or after setting it aside or under the directions of the Secretary of State for India. In any case, Sir, what we are concerned with today is the inconsistency of the policy of the Government of India in view of the pledges given by them in the past to abide by the decision of the Legislature in respect of Trade Agreements.

This matter, Sir, has been discussed several times both in this House and in the other but Honourable Members will bear with me if I point out to them the salient facts bearing on the position as I see it. Sir George Rainy, who was Commerce Member of the Government of India in 1932, referring to the conclusion of a Trade Agreement at Ottawa, said in the Legislative Assembly :

“ If the conclusion of a Trade Agreement is recommended as a result of the Conference, any changes in the tariff which it may involve will be duly placed before the Legislature for its approval. The Government of India ” (I should like the House to note these words), “ the Government of India have no wish to put any such changes into effect unless the Legislature is satisfied that they are in the interests of India ”.

By this pronouncement made by Government through Sir George Rainy, they gave up the right which they enjoy by law, to give effect to their own views when they are contrary to the views of the Legislature. Again, at Ottawa, Sir, Mr. Baldwin, the Leader of the British Delegation and the Prime Minister of England, said :

“ We believe that the future welfare of the scattered and diversified countries which make up the British Commonwealth of Nations no less than the welfare of the Commonwealth as a whole depends to a large extent on the adoption of a policy of economic co-operation, using that term in its widest sense. The actual development of this co-operation rests with the citizens of our countries more than with Governments, but Governments can do much to promote it by the method of tariff preference, etc. ”.

This pronouncement, Sir, coming as it did from the head of the British Government, was it seems to me, even more valuable than that made by Sir George Rainy. For if you examine it, it shows to my mind that the British Government were prepared, while leaving the initiative to the Government of India, to abide ultimately by the judgment of the representatives of the people. Perhaps I read too much into this pronouncement but this is certainly the sense in which India has understood it since it was made public.

In pursuance of the undertaking given by Sir George Rainy the agreement arrived at Ottawa was placed before the Legislature. The Legislative Assembly appointed a Committee on the 10th November, 1932 to report on the Agreement. Subsequently it passed a Resolution approving the Report of the Committee set up by it on the 10th November and recommending—

“ to the Governor General in Council that he do introduce in the Indian Legislature at the earliest possible moment such legislative measures as may be necessary to give effect to the Agreement in question, and further that he do give effect to the recommendations of the said Committee ”.

These words are important, for one of the recommendations of the said Committee ran as follows :

“ We further recommend that on the expiry of three years from the date on which the preference given by the Agreement becomes operative, the Government should place before the Legislative Assembly a detailed report on the course of the import and export trade in the commodities covered by the preferential rates of duty and that they should undertake to give the notice of denunciation required by Article 4 of the Agreement if the Legislative Assembly after considering the Report is satisfied that the continuance of the Agreement is not in the interests of India ”.

Accordingly, Sir, when the desirability of continuing the Ottawa Agreement in its existing or in a modified form was discussed in March, 1936 in the Legislative Assembly, Sir Muhammad Zafrullah Khan, the present Commerce Member, made the following statement in the course of his speech :

" With regard to several matters ", he said, " the complaint has been made or expression has been given to the feeling that however seriously the House might consider a problem, there was always a sense of unreality relating to the proceedings of this House inasmuch as with regard to most matters of importance, the final decision rests with the executive which is not responsible to the House and which is not removable by the House when it fails to carry out any decision of the House. With regard to this particular matter I may observe that, as the House is already aware, having regard to the proceedings that have taken place previously in connection with the Ottawa Trade Agreement and having regard to the undertakings given by Government that the House is responsible as far as the question of this trade agreement is concerned and that Government is responsible to the House with regard to this trade agreement in the sense that Government have undertaken that in case the House comes to a decision after reviewing the working of this Agreement for the first three years that the Agreement is not in the interests of India and it calls upon the Government to give notice of termination under Article 14, the Government would be bound to give such notice ".

Honourable Members will realise from this that Government have burnt their boats on this question. They have stated in no equivocal terms that in connection with such a matter they are bound by the vote of the Legislative Assembly. It may be said that the pronouncements that were made were of a limited character and referred only to the Agreement entered into at Ottawa and the modification of that Agreement three years later. I hope, Sir, that no such petty-fogging interpretation will be placed on the announcements that I have quoted. If the Government of India arrive at decisions on important questions on certain principles and not merely with a desire to buy off the Opposition on a particular occasion, then we are bound to assume that in matters of this kind, i.e., in the matter of the conclusion of trade agreements, the Government of India agreed to respect the decision of the Assembly and to hold themselves responsible to it for carrying out its wishes.

In view, Sir, of the statement referred to above when the House passed the following amendment moved by Mr. Jinnah, Government, although they did not denounce the Trade Agreement as Mr. Jinnah's amendment asked, entered into negotiations with His Majesty's Government which were concluded only a few weeks ago. The amendment that was passed at the instance of Mr. Jinnah ran as follows :

" This Assembly recommends to the Governor General in Council that the Ottawa Agreement, dated the 20th August, 1932, be terminated without delay and a notice of termination be given in terms of Article 14 thereof. The Assembly further recommends that the Government of India should immediately examine the trend of trade of India with various other important countries and the United Kingdom and investigate the possibility of entering into such bilateral treaties with them whenever and wherever possible to bring about the expansion of the export trade of India in those markets and submit such treaty or treaties for the approval of this Assembly ".

Sir, this was the position till my Honourable friend Mr. Hossain Imam moved a Resolution on the subject of the conclusion of a trade agreement in March last year. My Honourable friend was not then as wise as he is now and the Resolution that he moved ran as follows :

" This Council recommends to the Governor General in Council to give notice of termination of the present Trade Agreement with Britain if His Majesty's Government do not accept the terms offered by India on the advice of non-official Advisers ".

THE HONOURABLE MR. HOSSAIN IMAM : Was it about the original Ottawa Agreement or the interim Agreement? I believe it was about the interim Agreement that I moved that Resolution.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : The Honourable Member will no doubt try to wriggle out of the implications of his own Resolution when he speaks. He should not however expect any support from me. Such a position, if he takes it up—

THE HONOURABLE MR. HOSSAIN IMAM : I only wanted to know whether he refers to my Resolution to be against the Ottawa Agreement or against the interim Agreement ?

THE HONOURABLE THE PRESIDENT : You can refer to it when you speak.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : The Resolution was moved by my Honourable friend. He knows very well what it was about. He does not want to know from me what the meaning of the Resolution was.

THE HONOURABLE MR. HOSSAIN IMAM : What do you take it to mean ?

THE HONOURABLE THE PRESIDENT : Order, order.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : The reply given by the Honourable Sir Muhammad Yakub, who was then acting as Commerce Member in the absence of Sir Zafrullah Khan in England, showed us for the first time that there was a possibility of Government resiling from the pledges they have given to us more than once in the past. He said :

“ There was another point on which great stress was laid by the Honourable Members on the other side, namely, that no effect should be given to the result of the negotiations until the verdict of the Central Legislature had been obtained. The constitutional position on this point is quite clear. The responsibility of giving effect to the trade pact lies upon the Government of India, and although no guarantee can be given at present that the Central Legislature's verdict will be followed to the letter, I am sure that so far as possible due consideration will be given to the views of the Central Legislature as has been the case up to this time ”.

Now, Sir, my Honourable friend created a feeling of great anxiety here but the last few words on which I have laid stress, namely, “ due consideration will be given to the views of the Central Legislature, as has been the case up to this time ” gave us the hope that although he stressed the theoretical constitutional position too much the Government of India did not seriously contemplate any departure from their past policy. Nevertheless we find that, although the same person who in 1936 made the pronouncement that I quoted a little while ago, still presides over the Commerce Department he, as a member of the Government of India, bears the responsibility for the decision of the Government of India to force this Bill on us contrary to the views of the elected representatives of the people.

We have become accustomed, Sir, to certified and recommended Bills, but this Bill is of a far more objectionable character than any that have come before us. We have a right to ask Government whether they want us to attach the slightest importance to their pledges or whether we should come to the conclusion that nothing will make them respect their promises except overwhelming pressure. If that is the policy of the Government of India, if their pledges do not count with them for anything, I think they ought to wind up the Legislature and announce to the country that they mean to impose their will on it with the aid of the force which they can command to an unlimited extent.

Sir, I have so far discussed the position as it is at the present stage when Part II of the Government of India Act has not been brought into force. But it would be pertinent to consider for a moment what are the principles accepted by Government in an even more categorical form than hitherto regarding the future regulation of trade relations, or rather of economic relations between England and India. These principles are embodied in various sections of the Government of India Act, 1935. Sir, the Joint Select Committee considered the fiscal convention which dates from 1919. Discussing this matter the Committee said :

“ But with the passing of a new Constitution Act on the lines of the recommendations which we make in this Report the convention in its present form at all events will necessarily lapse, and unless the Constitution Act otherwise provides, the Federal Legislature will enjoy complete fiscal freedom with little in the nature of settled tradition to guide its relationship in fiscal matters to this country. The difficulties which would be likely to arise from this uncertainty would moreover find a fruitful source of increase in that atmosphere of misunderstanding to which we have alluded ”,

and which the Government of India seem bent upon adding to. The Committee went on to say :

“ It is suggested in India that in seeking to clarify the fiscal relations between India and themselves His Majesty's Government are seeking to impose unreasonable fetters upon the future Indian Legislature for the purpose of securing exceptional advantages for British at the expense of Indian trade. The suggestion is without foundation but can be countered only by clear proposals which will show how false it is ”.

Two things are clear, Sir, from this quotation. One is that the Joint Select Committee realised that in the new order of things the Federal Legislature must legally enjoy a greater degree of fiscal freedom than the Central Legislature had done till then. Secondly, after laying down certain principles defining the limitations to be placed on the power of the Legislature, they wanted to leave it unfettered discretion in regard to the settlement of economic relations between India and England. As in the view of the Committee it was important to clarify the principles on which future economic relations between the two countries should rest, they recommended that one of the special responsibilities of the Governor General should be to prevent measures, legislative or administrative, which would subject British goods imported into India from the United Kingdom to discriminatory or penal treatment, and they observed :

“ But, as it is important that the scope which we intend to be attached to the special responsibility so defined should be explained more exactly than could conveniently be expressed in statutory language, we further recommend that the Governor General's Instrument of Instructions should give him full and clear guidance. It should be made clear that the imposition of this special responsibility upon the Governor General is not intended to affect the competence of his Government and of the Indian Legislature to develop their own fiscal and economic policy ; that they will possess complete freedom to negotiate agreements with the United Kingdom or other countries for the securing of mutual tariff concessions ; and that it will be his duty to intervene in tariff policy or in the negotiation or variation of tariff agreements only if in his opinion the intention of the policy contemplated is to subject trade between the United Kingdom and India to restrictions conceived, not in the economic interests of India but with the object of injuring the interests of the United Kingdom.....”.

This shows, Sir, what was the view that the Select Committee took of the relations that ought to prevail in future between the Government of India and the Legislature. I doubt whether even my Honourable friend Mr. Dow would claim that the Assembly in rejecting the Indo-British Trade Agreement was seeking to subject British trade to penal or discriminatory treatment or to restrictions conceived with the object of injuring the interests of the United Kingdom. We might be mistaken in our view of the Agreement. When two

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different opinions are expressed on a question nobody can be certain which view is right. But whether the view of the elected representatives of the people was right or wrong, I think in view both of the pledges given by Government in the past and the principles regulating future economic relations between India and England which His Majesty's Government have agreed to, Government have been guilty of a wholly unjustified and high-handed proceeding in going on with this Bill.

Sir, apart from the pledges given by Government in the past or the principles which they accepted when the Government of India Act, 1935, was on the anvil, they seem to have learnt nothing from the course of public events during the last 20 years. One would have thought that they had had ample time to realise that their best interests and the interests of Lancashire itself depended not on legislation or the conclusion of pacts, but on the goodwill of the people of India. If the people are determined to set the present Agreement at naught they will be able to do so as they destroyed the efforts made by Government in the past to improve the position of Lancashire in this country. I cannot understand how with a knowledge of these facts before them they could be so unwise as to bring this measure before us in the teeth of the opposition of the representatives of the people. Again, Sir, Government hardly seem to be conscious of the present world situation. They seem to be thinking in terms of the position as it was years ago, and yet if the peace of Europe, and consequently of the whole world, is disturbed in the near future they will need the goodwill that I have just referred to in a far greater measure than they required it during the crisis of 1914—1918. Why are they then acting with such criminal shortsightedness and deliberately antagonising the people of this country? Can it be that they themselves, however convinced of the merits of the Agreement, were prepared to bow to the decision of the Assembly but were compelled by a superior authority to set aside their own view and to flout the wishes of the representatives of the people? I do not know whether my Honourable friend Mr. Dow would be prepared to say anything on the subject, but I think that in view of the facts that I have drawn the attention of the House to, the Government of India owe it to themselves to make their position clear. Whether, however, they do so or not, whether they disclaim responsibility for the present measure or by their silence are prepared to be held equally responsible with His Majesty's Government for forcing an unwelcome decision down our throats, our position is absolutely clear. We must oppose this Bill with all the strength that we can command and make it clear to the country that the Government of India is a faithless Government whom only the compelling force of events can keep to its promises.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I endorse what my Honourable friend Mr. Kunzru has said on this subject. Sir, I expected that the Honourable Mr. Dow will in his opening speech tell us the reasons which led the Commerce Department to advise His Excellency the Governor General to certify this Bill. It is a pity, Sir, and to me it seems that as there were no cogent reasons to put forward he thought it better to keep silence. But, Sir, I speak with feelings of regret as well as disappointment, disappointment at the callous indifference with which the Government of India have treated public opinion in general and commercial opinion in particular about the merits or otherwise of this Bill and regret at the thought that the Central Government in this country should be driven to such a desperate state as to necessitate the certifying of even a

Tariff Bill. I feel, Sir, that the procedure followed by the Government of India in implementing the terms of the new Trade Pact between India and the United Kingdom raises certain fundamental issues which I want the Honourable Members of this House to realise when they vote one way or the other for or against on the proposition before this House.

Ever since the terms of the new Trade Pact were announced, public opinion and the elected part of both these Houses have unanimously made it clear that the sacrifices demanded from India were far too heavy a price to pay for the so-called benefits which would accrue from the ratification of this Trade Pact. It is a matter of deep regret, Sir, that the Government should have thought it wise to ratify the new Agreement in the teeth of the opposition and the clear and unequivocal verdict of the whole country against the ratification of the new Trade Pact. Apart from this aspect of the matter, however, I feel that this question of supporting this certified Bill raises the question of the legitimate rights of this House. In my opinion, the action of the Government in overriding the decision of the Legislative Assembly in this case marks a departure from the well-established convention that in the matter of concluding trade agreements with other countries, the Government should follow the decision of the Legislative Assembly and that in order to be binding on India trade agreements should be ratified by the Legislature. I hope, Sir, that the House would bear with me if I remind them of the various stages in which this principle has become an established convention so far as the negotiation of the trade agreements with other countries is concerned. As the Honourable Mr. Kunzru has already pointed out, Sir George Rainy, while announcing the decision of the Government of India to send an Indian delegation to Ottawa in 1932, declared that Government had no intention of putting any changes into effect unless the Legislature was satisfied that they were in the best interests of India. This convention was also reiterated when the Government subsequently brought a Resolution before the Assembly to seek its approval of the Ottawa Agreement. I wish in this connection to remind the Honourable House that it was in the very pursuance of this established practice that, following the rejection of the Ottawa Agreement by the Legislature in 1936, the Government of India gave notice of termination of the Ottawa Agreement.

In my judgment, Sir, the action of the Government in the present case in introducing the certified Bill against the wishes of all sections of the public concerned is not merely the negation of the so-called fiscal autonomy principle but the very evasion of the legitimate rights of the Legislature in this country which have been established in the convention which I have referred to a moment ago. I have to appeal, Sir, to both the elected and the nominated Members of this House that in supporting this measure they are supporting something which is depriving the Legislature of this country of its hard-earned rights and privileges.

Another aspect of the matter which I would like to impress upon this House is the fact that Government have taken the unusual step of certifying for the first time a Tariff Bill which does not augur well for the future rights and privileges of this House. Sir, what credit does this action reflect upon the achievements of the Government? I want the Honourable House to consider the achievements of the Government during the past few years. Time after time, the Government had to have recourse to special powers of veto and certification to force upon the country measures which the country had unanimously refused to accept.

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[Rai Bahadur Lala Ram Saran Das.]

The history of the passing of the Finance Bill during the last five years makes an inglorious record of glorious failures of the irresponsible and irresponsible Government in this country. I feel that it is a limit of the irresponsible attitude of the executive that they should have been compelled to certify not merely the Finance Bill to which they are accustomed during the past five years but even the Tariff Bill which in my opinion encroaches upon the liberty in fiscal matters of the Legislature of this country. I appeal to the Honourable Members to bear in mind not merely the rights or the demerits of the terms of the actual trade agreement but also the constitutional issues of first rate importance while they support or oppose this Bill. I must say that His Excellency the Governor General has not been well advised to certify this Bill.

The other day, Sir, while we were discussing the trade pact, one of our Honourable colleagues observed that by flouting the opinion of the elected Members of the Central Legislature, Government will be committing a great mistake. Sir, the Congress, as far as my information goes, is likely to launch a *Videshi*-boycott campaign which will certainly add to the difficulties of Government and will place them in a very awkward position in case the war breaks out, which war seems now to be in sight and coming. As one of those who value the British connection, I must warn the Government that at this period when there is a very intricate international complication, the Government ought not to force measures upon the public in the manner in which they have now started doing. They want the goodwill and the co-operation of the public, and flouting their opinion in such a manner stirs their feelings and I must say it is not wise for the Government to do so at a time when the international situation is so critical. In case the boycott of foreign goods does start, the Government must realise what the effect will be on recruitment and co-operation. I must, Sir, again repeat, as one who values the British connection, that it is not wise for the Government to flout public opinion and go on continually wounding the feelings of the people.

With these words, Sir, I oppose the Bill.

THE HONOURABLE MR. RAMADAS PANTULU (Madras : Non-Muhammadan) : Sir, I think it is a very wise departure from the parliamentary procedure hitherto in vogue in this House that Mr. Dow has started today. It is wise not to dwell on the merits of a certified Bill. But we on this side of the House have decided to adopt different tactics and while the Government is silent we want to discuss the matter. When they wax eloquent over certified Bills, we content ourselves with making a statement that we would not touch it with the longest pole.

Sir, it is, I think, a unique spectacle among the parliaments of the world that a Government which is in a perpetual minority, as the Government of India is in the Assembly, should carry on government undeterred by the verdicts of the popular Assembly. Its trade agreements are turned down, its Bills are vetoed, and almost all important measures verdicts on which amount to votes of confidence go against the Government. Still the Government carries on as a standing minority in an elected Legislative Assembly. Therefore it is no wonder that even Tariff Bills come to us in a certified form. I think this is the first Tariff Bill in the history of the Central Legislature that comes to us in a certified form, if I remember aright. Therefore, Sir, we enter an emphatic protest against the manner in which this Bill has been brought before us. The Motion made today for the consideration of this Bill and the

Motion that will presently be made for the passing of it in the form certified will complete the whole cycle of the farce of this ill-fated Agreement. It was entered into without the concurrence of the non-official Advisers appointed by the Government to help the official spokesman. It was signed on the 20th March, 1939, without the knowledge of the people of this country. It was merely submitted for discussion by both Houses and the Government would not take the verdict of the Assembly or of the elected Members of this House. So, I think this Motion completes the cycle of that farce and therefore the less we say on that aspect of the question the better. But we must record our emphatic protest against the procedure adopted in regard to this Bill.

Sir, with regard to the merits of the Agreement, I shall not cover much ground because the issues involved have already been discussed, both in the Legislature and elsewhere. I shall deal first with the cotton clause and next with the other preferences. So far as the cotton clause is concerned, I must say that I am against any agreement with any country for the import of foreign cloth into this country. I am not a believer in the system of barter of cotton for cloth. If the cultivation and production of cotton in this country has to be regulated, it must be on principles other than barter of cotton for cloth. I am one of those who believe that every yard of foreign cloth on the backs of the people of this country is a badge of slavery. I am for excluding all foreign cloth, be it Japanese or British, from entry into this country. We have built up the textile industry at considerable sacrifice. Today there are 370 mills working in this country on which a paid-up capital of Rs. 40 crores has been sunk. There are, I think, about two lakhs of looms working today, employing more than four lakhs of workers in these mills. These mills produce about 4,000 million yards of cloth. It is such an industry that is sought to be burdened with further handicaps by this Indo-British Trade Agreement. Therefore, I am wholly against the principle of this Agreement and I do not favour the import of any Japanese or British cloth into this country by any trade agreement. Sir, besides the factory industry in this country, there is also a very important textile industry, namely, the handloom industry, whose interests have not received sufficient attention in the making of this Agreement or in the course of debates over the Agreement and the Bill. Sir, the entire quantity of cloth produced by the factories is about 4,000 million yards, as I find from the Memorandum of Government. It is said that the handloom industry in this country produces about 1,800 million yards, or nearly 2,000 million yards, which is 50 per cent. of the production of the factories. It is a very growing and important industry. It is only next in importance to agriculture. In the province of Madras we derive a very large quantity of our supplies from handlooms, and Provincial Governments, especially the Congress Provincial Governments, are now pledged to a definite policy of encouraging the handloom industry by all possible means. So, Sir, if I had a say in the matter of a trade agreement like this or in the future development of the textile industry in India, what I would suggest is this. You should impose an excise duty on all Indian mill-made cloth and subsidise the handloom weaving industry in order to improve it and at the same time impose an additional countervailing import duty on all foreign cloth corresponding to the excise duty imposed on Indian mill-made cloth. By that way you will prevent effectively the importation of foreign cloth into India and also encourage the handloom industry by subsidising it by a levy of excise duty on the Indian mills. That is the line of development which I would suggest if I had any say in the matter of these agreements. The whole basis of this Agreement seems to be vicious and India should not be a party at any time to enter into a trade

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agreement which provides for the import of foreign cloth into this country even in exchange for a certain amount of cotton taken by these countries. These countries which want cotton will take it in any case. If they do not take it, we will find other means of regulating the production of cotton and absorbing the surplus cotton in this country.

Coming to the merits of the Agreement apart from this broad principle, we have already discussed the undue advantages which it gives to Britain in raising the present minimum of 260 or 250 million yards to a minimum of 350 millions, a medium of 425 millions and a maximum of 500 millions. With that aspect I shall not deal now. Reading the Agreement as a lawyer, and applying the same tests which are usually applied to all agreements, I find that the Agreement is one-sided even from a legal standpoint. Sir, I refer to paragraph 4 of Article 10 which deals with cotton. It says that if in any cotton piecegoods year the import into India of British cloth does not exceed 350 million yards and until such time as the import exceeds 425 million yards, the duties on imports shall not exceed the basic rates reduced by 2½ per cent. *ad valorem* and a proportionate reduction shall apply to the alternative specific duty on United Kingdom grey cotton piecegoods. The words are :

“ If in any cotton piecegoods year, the quantity imported is less than so-and-so, then the duty shall not exceed the basic rates reduced by 2½ per cent. *ad valorem* ”.

May I ask if it implies that it will be automatically increased if 425 million yards are imported into India? Applying the ordinary legal standards, it does not. When the import is less than 350 million yards, until it reaches 425 million yards, the Article says that the duty shall not exceed the basic rate reduced by 2½ per cent. *ad valorem*. But the Article does not say that when the import of British cloth into India exceeds 425 million yards, the duty will be automatically increased. In the absence of any such legal provision in the clause it is not permissible to increase unless the Government of India choose to do so, of course, of its own will. Read paragraph 5. It says :

“ If in any cotton piecegoods year the total quantity of United Kingdom cotton piecegoods imported into India exceeds 500 million yards, the duties charged on imports of such goods into India in the following cotton piecegoods year may be increased above the basic rates ”,

mark the word “ may ”. The word “ may ” does not stand isolated. Something follows :

“ may be increased. . . . for the purpose of restricting imports of such goods during the year to the ‘ maximum yardage figure ’ for the preceding cotton piecegoods year, but shall be reduced to the basic rates (or, where the provisions of paragraph 4 are applicable, in accordance with those provisions) after the end of any cotton piecegoods year in which the total quantity of such imports into India has not exceeded 425 million yards ”.

So, when the import of foreign cloth exceeds 500 million yards, the duty *may* be increased, but if it goes below 425 million yards, the duty *shall* be reduced. When it is a question of increasing, it is “ may ” and when it is a question of reducing it is “ shall ”. A document like this, which is solemnly entered into between two Governments, after evidently taking legal advice, must be read, as all other contracts are read. The legal implications are clear. The clauses which favour India are all optional and those that favour England are obligatory. It is clearly a partial and one-sided Agreement, which is not fair even from the legal standpoint, apart from the economic standpoint. Therefore I think that there is very little reason for us to accept this Agreement.

Much has been said about the advantages that this Agreement gives to the cultivator of this country. Fairly and honestly if I were satisfied that this claim is well-founded I would stretch a point in favour of the Agreement and would vote for it, even if it involves some sacrifice on the part of the textile industry. But I do not think the claim is justified. In fact the clauses relating to the taking of cotton by the United Kingdom are so elusive and elastic as not to commit England to anything definite, except that in their own interests they may be expected to take more and more cotton so as to increase their exports to India. I hate both these propositions. Of course the Bill itself does not contain any obligation on the part of England to take any amount of cotton from India. It cannot be put in a Tariff Bill.

12 Noon.

Further, Sir, viewed from any standpoint the cotton clause is not one that should be accepted by the people of this country. I will say just a few words about the other preferences. The points that are urged by Mr. Dow on the former occasion and by the Commerce Member are that the Agreement contains many good features. In the first place it is said that 82 per cent. of the exports of India to the United Kingdom enjoy a preference or free admission. Then they say that 16 per cent. of the English exports only are subject to preference. Then they say the value of the imports falling under preference categories, excluding cotton, is reduced from Rs. 18.75 crores in 1935-36 to an annual average of Rs. 7.68 crores, and again they say in 1937-38 Rs. 50 crores of Indian exports to the United Kingdom enjoyed preference. And they also say that preference trade heads of imports into India have been reduced from 163 to 43, the number of preference tariff items from 106 to 20. Some of these features are good, I do not deny that. When we refuse to accept an Agreement it does not mean that we condemn every item of it or that there is nothing good in it. But what we have to consider is the balance of advantage to this country taking the Agreement as a whole. In this connection I would merely content myself with referring to the four or five broad principles by which the non-official Advisers wanted this country to test the soundness of this Agreement. They say :

" While we favour a trade between the United Kingdom and India, we feel that the special limitations peculiar to India should be clearly recognised by the United Kingdom. In order that there may be no misunderstanding on this point we enumerate some of the considerations which in our opinion should guide the conclusion of such a trade pact. (1) The balance of gains and sacrifices of each country. This should be based not merely on arithmetical estimate of value but also of the character of the trade of each country. The position of India as a debtor country requires a continually favourable balance of trade. Then the necessity of avoiding any agreement which might hinder the expansion of India's trade with other countries or provoke retaliation. Fourthly, the importance of avoiding any agreement which might impair the existence or development of Indian industries, and the effect of such a pact on the revenues of India "

Each of these considerations has been examined in detail, and after careful reading of that part of the non-official Advisers' interim Report I am convinced that the balance of advantage is not in favour of India. It is said that in 1937-38 Indian exports to the United Kingdom enjoyed preference to the extent of Rs. 50 crores. The non-official Advisers at that time, 1937, dealt with the matter on the basis of the figures of 1935-36 and said that of the Rs. 33½ crores of Indian exports only Rs. 6 crores enjoyed effective preference and the other Rs. 27½ crores did not enjoy protection but merely an insurance value. Taking even 1937-38 out of the Rs. 50 crores mentioned in the Memorandum a little less than Rs. 10 crores of Indian exports only enjoyed effective preference, the other exports to the United Kingdom did not enjoy effective preference but had only an insurance value. I do not

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deny the benefit of securing an insurance value of these exports. It is an advantage. But when we consider the Agreement on both sides we must have a *quid pro quo* mainly on the basis of our effective protection and not on the value of exports to the United Kingdom which merely enjoy an insurance value. To secure effective preferences for only Rs. 10 crores we give away a great deal too much to England in return.

Sir, the details of these exports have been dealt with by the non-official Advisers and therefore I do not wish to go into details, but to my mind it is doubtful whether some of these Indian exports to England are at all in the interests of India. Speaking on behalf of the agriculturist, I frankly dislike any idea of getting preference in England to exports of bone for manure purposes or of oilseed-cake and meal. I have for long advocated total prohibition of the export of such articles from India in the interests of the agriculturists of India. When I was a member of the Agricultural Research Council I brought forward some resolutions before the Governing Body asking the Council to take action in regard to prohibiting the export of bones, oilseed-cake, meal and such things, because we want them for our own manure purposes as well as for feeding our cattle. Again, if we examine this list carefully we find that it is not India alone that gains by the export of these articles. England wants them as raw material and is bound to buy them. Therefore, I do not think the claim that India gets effective preference for Rs. 50 crores of her exports to the United Kingdom can be substantiated by an examination of the details of this Agreement.

Sir, coming to the preferences given to England we find that most of the articles to which preference is given are those which compete with Indian manufactured articles. That is against the national interests of India trying to become self-sufficient in regard to manufactures. To mention a few of these in Schedule IV at page 49 of the Memorandum, there are cement, chemical drugs, medicines, paints, colours, electrical instruments and apparatus and appliances, motor cars, instruments, apparatus and appliances other than electrical. A number of these articles are being manufactured in India now and any preference given to the imports of British articles is sure to tell against the interests of the Indian manufacturer. So, Sir, even from that point of view the Agreement is not beneficial to India.

Sir, before I concluded I would refer to one strong argument adduced by the Indian Chambers of Commerce against the recent imposition of a higher duty on raw cotton imported into this country. I might have mentioned it in connection with the cotton clauses but I have reserved it for the end for the reason that this is a high-handed act of the Government of India which spoiled all chance of the Agreement being examined on merits. Sir Cowasji Jehangir said in the other House that what little chance the Government had of their Agreement being examined on merits has been spoilt by their own ill-considered action in doubling the duty on raw cotton. It is said that it will help the agriculturist. Again, I have examined that very carefully and I am inclined to agree with Mr. Jinnah in this matter that it is not going to help the agriculturist. As to the effect of this duty one conclusion seems to be irresistible, namely, that so far as the manufacture of the finer counts of cloth in this country is concerned it enjoys today practically no protection after this Agreement. The doubling of the duty on raw cotton imposes an additional burden of 8 per cent. on the manufacture of finer counts of cloth. The effective duty under the Agreement and this Bill will be 15 per cent. minus 2½ per cent., because in the second year the basic duty will be reduced

by 2½ per cent. because the import of British cloth in this country will not exceed 425 million yards. So the effective duty is 12½ per cent. of which 8 per cent. is consumed by the doubling of the duty on raw cotton and the other 4½ per cent. is more than covered by the cost of dyes, other materials and machinery used in the process of manufacture of finer counts of cloth. So the effect of this Agreement so far as the finer counts of cloth are concerned, the entire protection has been wiped out. The textile industry of India will not enjoy any protection at all in regard to the finer counts of cloth with the doubling of the duty on raw cotton, the reduction of 2½ per cent. in the basic duty on inability of England to import 425 million yards of cloth in this country and also taking 10 per cent. duty on the materials used in the manufacture of finer counts of cloth. Therefore the Indian textile industry is certainly hit by this Agreement. The preferences which India enjoys in the United Kingdom are not substantially such as to counterbalance the advantages given to England by this Agreement and the preferences given to England have got a distinct tendency to interfere with the development of Indian manufactures. Both on merits as well as on the ground that the Government of India have adopted a very particularly obnoxious procedure in regard to the forcing of this Agreement down the throats of the representatives of the people and certifying this Bill, I oppose this Motion with all the emphasis I can command.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadan) : Sir, the Honourable Mr. Dow was very short this morning. He was probably very short because he knew that he had a weak case and wisdom consisted in being short.

Sir, there was an air of unreality about the debate that we had on the Indo-British Trade Agreement in this House the other day. I say unreality because Government had come to us with their minds made up, with grim determination to carry through the proposals, whatever was said or left unsaid in this House and in the other place. When asked in the other place whether Government would abide by the verdict of the House, Sir Zafrullah Khan—I have not his exact words, but I think he said something to this effect—Sir Zafrullah Khan said that he would give the views of the House his earnest consideration. Sir, it was clear from that answer that Government were determined to put the Agreement through and that in consulting the Legislature they were merely enacting a farce; we were parties to that farce. We have now come to the last stage of this farce and in the Bill before us we are asked to give our approval—and constituted as this House is it will give it—we are asked to give our approval to the executive fiat which decrees that the Agreement is essential for the interests of India and that our trustees, our lords and our masters, have willed that willy nilly we must submit to it with good grace and gratefulness for the deep concern of our trustees for their new love, the Indian agriculturist. The Indian agriculturist has shown his appreciation of their love for him by voting in the provinces for those for whom his trustees have got no particular love. When we pleaded the other day that the Agreement should not be imposed on India and that the procedure adopted in the case of Ottawa should be adopted in this case also, that Sir George Rainy's pledge given at the time on the 14th April, 1933, when the Ottawa preferences were under discussion should be respected, we knew that our voice would be a voice in the wilderness, that Government in their superior wisdom would not listen to our earnest advice and that the policy which we had been asked

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to discuss and approve had already been decided upon. We were for our part quite prepared to recognise that certain parts of the Agreement represented an improvement over the old Agreement, that it had reduced the volume of preferences for British goods, that it gave us greater freedom to negotiate with other countries—and Government are unwilling to negotiate with other countries, they have taken hardly any steps to negotiate trade pacts with other countries—that it gave us greater freedom to negotiate with other countries and that it would secure for certain commodities a secure market in the United Kingdom and for other commodities an insurance value which we appreciate. But while recognising all this, we also felt that it had certain features which made it unacceptable, that the cotton proposals would confer no substantial benefit upon the agriculturist, that the reductions of duty on cotton piecegoods would hit the cotton industry, that the doubling of the duty on raw cotton was a circumstance that we could not ignore and that the circumstances in which we in this House found ourselves left us no alternative but to oppose the Agreement as a whole. The criticisms uttered against the Agreement in this House and the other place have had no effect and now the Agreement is going to be given effect to. We are spectators today of our entire helplessness and the events of the last few days have made us realise, as we have never realised before, that the so-called fiscal autonomy convention is entirely worthless, is not worth the paper on which it is written, and that in fiscal matters we continue to be dominated, we continue to be ruled, we continue to be governed, by Whitehall; for just let us analyse the position a little carefully. Accordingly to the Select Committee of 1919 India was to enjoy fiscal autonomy in the sense that there was to be no interference by the Secretary of State in matters where the Government of India and the Legislature were in agreement, except where some imperial interests were involved. The Government of India and the Legislature are not in agreement in this matter and the Government of India, therefore, are having their way. But what is this Government of India? It is a Government which is responsible to the people and electorate of another country. The Agreement that we are asked to ratify in this Bill is between His Majesty's Government and a Government responsible to it. Therefore, the conclusion is irresistible that His Majesty's Government—and the Secretary of State for India is a part of His Majesty's Government—therefore also the conclusion is irresistible that His Majesty's Government have imposed an Agreement upon a Government which takes its orders from it. It may be said, Sir, that the responsibility in this matter is that of the Government of India, and that the Government of India has in this matter acted on its own responsibility and initiative, that the Government of India has in this matter acted independently of His Majesty's Government, that the Government of India has in this matter acted independently of the Secretary of State. Well, Sir, that argument leaves us with this position, that the seven autocrats of the Government of India—I am leaving out the eighth autocrat—that the seven autocrats of the Government of India are in trade agreements responsible to no one. No Indian State could be worse than the Government of India constituted as it is. Sir, the Government of India is acting on its own initiative and responsibility. It is not responsible to the Secretary of State for what it is doing today. Therefore, it is doing it as a pure autocrat. It has not the Legislature behind it. Therefore, I repeat again, no Indian State autocrat could be worse than the Government of India constituted as at present. Sir, the Government of India cannot say that it had the Legislature with it. If the position of the Government of

India is that it has done what it has done in the discharge of its responsibility to the Secretary of State, then we are faced with the position that His Majesty's Government have imposed an Agreement upon India and all this talk of trade relations between India and the United Kingdom being based upon goodwill and all that is pure moonshine and nonsense. All the quotations which my friend read from Mr. Baldwin's speech have no meaning, Sir. Sir, how can a transaction of this character be called an Agreement? It is, I suggest in all seriousness, a misuse of the English language to call a transaction of this character an Agreement. The broad fact that stares us in the face is that it is the will and power of Britain that have prevailed over the will of the Indian people. We have here a supreme exhibition of the autocratic character of the Indian Government. Lord Chelmsford in inaugurating the Constitution which we are working said: "The principle of autocracy has been abandoned". Abandoned indeed! We see how living that principle is in the actual practice of the Government of India today. The principle of autocracy has not been abandoned, and in this transaction we see democratic Imperialism in its ugliest form. That an Indian Member who has laboured for a better bargain should be responsible for this exhibition of Imperialism in its ugliest form is a matter of deep sorrow to us all. But, Sir, how was it necessary to certify the measure? How is the Agreement essential in the interests of India? We had no trade agreement before Ottawa with Britain and yet we used to have trade relations with Britain and other countries. I know, Sir, the answer the Honourable Mr. Dow will give to me. He will say: "Well, Britain is following a different policy now after Ottawa. They have a system of preference there".

THE HONOURABLE MR. H. DOW: I assure the Honourable Member I shall say no such thing.

THE HONOURABLE MR. P. N. SAPRU: Well, Sir, I cannot read Mr. Dow's mind very accurately. He is a man of great wisdom and therefore it is difficult to read his mind.

THE HONOURABLE MR. H. DOW: You have set it up yourself in order to make it easier to knock it down.

THE HONOURABLE MR. P. N. SAPRU: Assuming that that is the position, is it imaginable that Britain would allow us, a debtor country with visible and invisible payments to make, to default by hampering or restricting our export trade? Sir, the Honourable Mr. Kunzru invited the attention of the House to a remark of Dr. Meek on this question and I will take leave to invite the attention of the House to it again:

"The question of retaliation crops up every now and then. In my opinion it is an entire bogey. The countries which buy our raw materials buy those raw materials because they are cheap. They would not buy from India if they could get them cheaper elsewhere. They cannot put a very high tariff or a very high import duty on the raw materials because their importers would complain that their industries were being crippled".

The fact is, Sir, that the whip hand is ours. A national Government would have used this whip hand. But who can call this Government of India a national Government? The primary objective of this Government is the protection of Lancashire—Lancashire which has never been fair to the Indian cotton textile industry, and that the Government of India has acted as an alien Government would have acted in similar circumstances may pain us but should cause us no surprise. The moral, Sir, to be drawn from this arbitrary use of power in a fiscal measure—this is the first occasion on which a trade agreement has been

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certified—is that the machinery of the present Government of India is too antediluvian for the requirements of an India pulsating with new life, yearning for economic and political freedom. No Indian Member, no elected majority in the Legislature, no wide electorate can protect our interests effectively without an executive responsible to a preponderatingly democratic Legislature. Our interests have gone to the wall in the past. Our interests will continue to go to the wall in the future. Friction between the Legislature and the Executive will continue to increase until we get what is essential for the protection of our vital interests, for the protection of our political and economic interests—an Executive drawn from legislative sources and responsible to the elected representatives of the peoples of India. The merits or demerits of the Trade Agreement are a minor matter. The issue that transcends all other issues is the constitutional issue, which has been raised by the procedure adopted by the Government and I may say that in my humble judgment Government are mistaken if they think that by imposing this Agreement, they will be able to improve trade relations between India and Britain. What will improve the trade relations between Britain and India is goodwill, and this Agreement—you may like that fact or you may not like that fact, but it is a fact that this Agreement—whatever its merits or demerits—and I have recognised that it has certain meritorious features also—this Agreement lacks the goodwill of the people of India. You can take a horse to water, but you cannot make it drink. You can reduce duties, you can give preferences, but you cannot make people buy British goods if they are so minded not to do so. Sir, it is open to the Government to act in the spirit of Sir Samuel Hoare's observation in another connection, "Let the dogs bark and the caravan passes by". But, knowing as I do the temper of my people, I doubt if the dogs will allow the caravan to pass by. I am not uttering a threat, Sir, for we all realise the value of goodwill and would gladly co-operate at this supreme juncture when we all need to stand together. I am saying this as one who earnestly desires co-operation in trade between Britain and India, but who believes that this is not the way to ensure that co-operation. We have never been opposed to a trade pact between Britain and India. The Assembly Resolution on Ottawa definitely accepted the principle of such a trade pact—

THE HONOURABLE THE PRESIDENT : When are you going to bring this essay to a close? There are other speakers.

THE HONOURABLE P. N. SAPRU : Sir, I seldom read essays, and I can speak for hours on this Bill if I choose to and I claim the right to speak as long as I like.

THE HONOURABLE THE PRESIDENT : You can, certainly. I am not objecting. I was only saying there are other speakers.

THE HONOURABLE MR. P. N. SAPRU : There is a whole day and there is tomorrow, and if it is question of not speaking at all, I will resume my seat. It may look nonsense to you, Sir, or to the other Members of the House, but I am entitled as a Member to have my say, and I propose to have that say.

The non-official Advisers did not take the line that there should be no trade pact. What has alienated people is the attitude which the Government have adopted in enforcing the Agreement. Sir, the Commerce Member started well by associating with him trusted representatives of commercial interests. But he has, if I may say so, plainly alienated sympathy by the procedure that he

has adopted. Sir, it may be said that the Assembly's vote left no alternative to the Government. It may be said that the Legislature were not prepared even to have a committee to consider the question of this trade pact. The answer to this line of argument is this. Firstly, the Government never threw the responsibility for acceptance or rejection of this measure on the Assembly or the Legislature. Why should the Legislature share the responsibility with Government when Government does not trust the Legislature? Sir George Rainy trusted the old Legislature and the old Legislature voted for Ottawa. You do not trust the present Legislature and therefore why should you expect any responsibility from that Legislature? You never made a declaration that you would abide by the verdict of the Assembly. You did not throw the responsibility on to the Assembly. You wanted to stick to your own responsibility. Why should the Legislature then share any responsibility with you? Secondly, Sir, the position was complicated by the late Finance Member, by the action of a colleague of Sir Zafrullah Khan who doubled the duty on raw cotton. Thirdly, Sir, assuming that Government felt that the Assembly had gone wrong, they could have, before taking any final decision, referred the Agreement to an expert and independent committee of economists, not identified with any political parties, and fortified by their opinion, they could have again come to the House for reconsideration of the vote of the House. A committee of the House of the Legislature had been ruled out by the Legislature. It was open, however, for the Government before certifying the measure in indecent haste to take stock of the position that had been created by the vote of the Assembly, to appoint a committee of experts to go into the whole question raised by this Agreement and then, fortified with the opinion of that committee, they could have come again to the Legislature and asked the Legislature to reconsider their attitude. Of course, the answer will be, Ottawa is to terminate now, but nothing would have happened. The trade of India would not have collapsed in eight or six or seven or three or four months. You could have had, if necessary, a special session to consider the findings of that committee. Fourthly, Sir, Government could have tried, in the light of criticisms made in the other place, for an Agreement more acceptable to India, and if they had succeeded in getting an Agreement more acceptable to India, then they could have come again without threat of imposing this or that duty, before the other House for a reconsideration of its verdict. Neither of these courses has been adopted. We are asked to endorse an executive fiat and we should be failing in our duty as legislators, and I think this House will fail in this duty, if we do not register our protest against the procedure that has been adopted.

Sir, I do not, in view of the line that I have taken, propose to consider the merits of the Trade Agreement. There is one observation, however, that I might perhaps be permitted to make. The Honourable Mr. Dow with that superior wisdom which he has of late cultivated said the other day that I was rather too late in questioning the principle of including a protected industry in preferential arrangements and that the principle had been accepted in the Indo-Japanese Trade Agreement. Sir, the analogy between the Japanese Trade Agreement and this Indo-British Trade Agreement is not quite accurate. In the Indo-Japanese Trade Agreement there is a definite guarantee on the part of Japan to purchase a certain amount of cotton from us, a million bales a year.

THE HONOURABLE MR. H. DOW : The Honourable Member is mistaken. There is no such guarantee in the Agreement. Japan is not bound to buy a single bale of cotton under the Agreement.

THE HONOURABLE MR. P. N. SAPRU : What I mean is—my Honourable friend is quibbling about words. I am not in the habit of putting down everything into writing.

THE HONOURABLE MR. H. DOW : I protest, Sir, that I was not quibbling.

THE HONOURABLE MR. P. N. SAPRU : If he will have just a little patience I will explain what I mean. If Japan buys a million bales a year then we shall give a maximum yardage of 325 million yards. I think I am stating the position correctly. Therefore, the answer so far as I have been able to find it—here again I speak subject to correction—Mr. Dow knows very much more than I do and I confess I am supremely ignorant of economics, though I am not quite so ignorant as Mr. Dow imagines.

THE HONOURABLE MR. H. DOW : I am waiting for your explanation.

THE HONOURABLE MR. P. N. SAPRU : So far as I have been able to find out the duty in the case of Japanese goods has not been reduced below the protective level. The real criticism against the trade part is that we apprehend that the duty here is going to be reduced below the protective level. The point that I made was that when the protective principle has been accepted the duty ought not to be reduced below the protective level. The duty was fixed by the Tariff Board after a careful inquiry and after opportunity had been given to Lancashire to represent its case and the point is that there is an apprehension that it is being reduced below the protective level. The rates of duty proposed are not the same as those proposed by the non-official Advisers. Therefore, the Honourable Mr. Dow cannot say that he has the support of the non-official Advisers in this matter, and before making up our mind whether those rates of duty will or will not hit the Indian industry we want to have an unbiassed, scientific, expert opinion. That is the point I made and I think that there was nothing faulty in what I said.

Sir, I will now oblige you by closing my remarks and you need have no worry that I shall take more time of the House. Today we have realised how utterly illusory the so-called fiscal convention is. Today more than any other day we have realised that certification can be used not only for passing a Finance Bill, for passing measures for the safety or tranquillity of India, measures like the Army Recruitment Bill or the Criminal Law Amendment Bill or other measures for the maintenance of law and order, but for the protection of what are—disguise it as much as you like—essential British interests. There is a lesson to be drawn from all this, and that lesson is that henceforward we, Hindus and Muslims, sinking our differences, should together work with greater determination than hitherto for that effective self-government without which we can never hope to build up a stable economic structure in India.

With these words, Sir, I propose this Bill.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA (Bihar : Non-Muhammadan) : Sir, whatever criticisms I may have to offer to the Indo-British Trade Agreement in consequence of which the present Bill has been framed, I would like to pay a well-deserved tribute to our Commerce Member Sir Muhammad Zafrullah Khan, personally, for his advocacy of the cause of India. I am free to express the apprehension that the Agreement may have been much worse, circumstanced as we are politically, but for the fight our Commerce Member did surely put up and the advice he received from the non-official Advisers.

I am sorry to say, however, that whatever merits the Agreement may have, these have been mutilated and the general atmosphere for their consideration vitiated by the import duty on foreign cotton recently imposed by the Government of India, evidently on the advice of the ex-Finance Member with whose economic philosophy very few of us agreed on these Benches.

This Bill has come to us as a certified measure and consequently carries with it the intolerable odium of autocracy. It is wrong in principle to select fiscal measures or tariff Bills for certification. No special obligation to the British Parliament is involved in these measures. The vote of the representatives of the people of India—representatives who are responsible to their constituencies—should be left to determine at least economic issues which affect the trade and economic life of this country. Although a large number of important quotations have been made by previous speakers I would like to quote here what Sir Basil Blackett said in the course of his speech in the Assembly on February 10, 1923. He said :

“ I accept whole-heartedly the doctrine that it is India's right to decide what fiscal policy she shall have, and so long as I remain a Member of the Government of India, I shall whole-heartedly attempt to assist in the introduction of the policy which India has chosen ”.

Then, Sir George Schuster speaking on the question of preference import duty on non-British textiles said :

“ We made it clear to the British Government that in a matter of this kind, giving a preferential treatment to the British goods by putting an additional duty of 5 per cent. on non-British cotton textiles, after frankly stating out conclusions, we should desire to put our carefully considered views before the Legislative Assembly with whom the final decision must rest ”.

I have made these two quotations from the speeches of the Members of the Government of India in support of my contention that in the matter of trade and trade relations there is nothing extraordinary or novel in our asking that Government should be guided by the vote of the representatives of the people. But the Government have shown by their action that their professed respect for the views of the people is a camouflage.

Coming to comparatively recent times, when the Ottawa Agreement was under discussion, what our present Commerce Member spoke with regard to the termination of that Agreement has already been just quoted by the Honourable Pandit Kunzru and I would not like to quote it over again or to explain its implications. The Ottawa Agreement has been terminated, but, where was the propriety, I ask, in terminating an Agreement in professed deference to the wishes of the Assembly and simultaneously entering into another against their clear verdict. At the beginning of the debate on the Indo-British Trade Agreement in the other place, the Honourable the Commerce Member said that Government would give the best consideration to the vote of the Assembly. And this Bill, Sir, is the flagrant result of that best consideration. Today when we are discussing the Bill, the Agreement is already in operation and, in fact, this Bill is fully operative while we are enacting the farce of taking the consent of the House for this Bill.

I am reminded, Sir, of the story of a self-willed geography teacher—as self-willed as the Government of India itself—who when questioned by the Inspector of Schools as to what shape of the earth he taught his students. replied, “ Well, when I like it flat, I teach it flat ; when I like it round, I teach it round ” ! Exactly that, Sir, is the attitude of the Government of India towards the views of the people, or those who represent them. When it suits their own purpose they accept the views expressed by popular representatives ;

[Rai Bahadur Sri Narain Mahtha.]

but when it does not suit their ends, they don't care for them at all. The economic prosperity of the people of this country can flourish no better under this Government than could the instruction of geography under that geography teacher.

In a circumstance like this, one hardly feels like going into the merits of the case before us when such a discussion is merely like dealing blows on water which receives no impression. I have no desire, therefore, to go into the merits of the Bill, which I discussed when the Trade Agreement was discussed in this House. The country has condemned this Agreement and this Bill unequivocally, but without any effect. While, therefore, I do register my protest against this attitude of the Government in riding rough-shod over the wishes of the people, I would also like to register a warning. The warning is this. They may enter into any Trade Agreements they like, and as a result of that Agreement they may succeed in dumping their favoured goods into this country; but they cannot sell them unless they can win the hearts of the people of this country, and in that respect their actions are such that they must utterly fail.

Sir, I oppose the Bill.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, this Bill has come to us in curious circumstances. Everybody who could give it a blow has done so, including even the Department responsible for its introduction. The Commerce Department dealt a blow to this Bill by not making it clear that Government would abide by the decision of the Legislature. If that responsibility had been thrown on the Legislature, it is quite possible that events may have taken a different course altogether. Secondly, as was pointed out by my other colleagues, the Honourable the Finance Member gave another jolt to the Bill on the 28th February when he introduced his Bill doubling the cotton duty. Although I support that measure, I must say that, that also was responsible for antagonising the opinion of the commercial community.

THE HONOURABLE MR. RAMADAS PANTULU : You supported it the other day.

THE HONOURABLE MR. HOSSAIN IMAM : I support it still, Sir. I merely state what was the effect of it on the general public and the textile interest. It is the textile interests who have raised this cry and if they had been reconciled this measure would have gone through. If the Finance Member had done that, then it was necessary for the Commerce Department to bridge the difference between the reduced duty; 10 per cent. and 7½ per cent. reduction from the former duty should not have been made. Had this Agreement been effected exactly on the 20th March, the day on which it has been signed, it could be stated that this was the decision. As a matter of fact the matter was under consideration for a long time, and at the time when it was first brought forward, the quantum of the duty on English goods was not fixed with the knowledge that an increased duty is to be imposed on cotton imports. The Government have not stated in so many words that this decision for reduction of the duty on imported British textiles was taken after the 28th of February when increased cotton duty was first mooted. So I say that the Finance Member also queered the pitch for this Bill. Thirdly, Sir, we find that my colleagues,

Indian colleagues as well as the Government, have misunderstood the position which our Party took up. There is some unjust feeling—I am referring first of all to non-official Benches, to the elected representatives—that our action was anti-national. I regret that they should have come to such a wrong conclusion, that our neutrality was anti-national. When Mr. Jinnah announced our neutrality he stated specifically that he knew that the Congress will win and the Government will be defeated, and therefore I say this neutrality was not against the Opposition but in its favour.

THE HONOURABLE MR. B. N. BIYANI : Against whom was it ?

THE HONOURABLE MR. HOSSAIN IMAM : Our neutrality was due to the fact that we did not wish to be held responsible for your action. As Mr. Sapru has very ably stated, if the Government was not prepared to abide by the decision of the House, what was the good of voting one way or the other ? Mr. Jinnah in his speech made this his first point, that it was a *fait accompli*. His vote one way or the other would not have had any effect. Therefore I say, Sir, that our neutrality should not be regarded as a licence to the Government to do whatever they like. It is precisely for this reason that we did not vote with the Government. Because they wanted to use us as a cat's-paw and we did not want to play their game and vote. The non-official Members cannot blame us that we defeated them. Our neutrality has not queered the pitch. Your majority was there and the Government's minority was there. What harm has he done ?

The main bone of contention in this measure is the textile proposals. Was it not possible, I ask, for the Government to reconsider this decision ? I admit, Sir, that the Government could make out a case against India, that while Lancashire has carried out its part India had failed to do so in the past. Lancashire had not given any definite quantitative undertaking to purchase Indian cotton but still it was honouring its pledge and buying more and more Indian cotton, whereas India had failed even to continue to

buy the quantum of Lancashire textiles which it was purchasing at the time when we entered into that Pact. I think the Government could have made out a plausible case on this issue. They could have stated that, that if in a contract between two people, one carries out his part and the other does not, it is necessary that the party which has failed to carry out its contract should be compelled to recompensate. But did it bar the door for further negotiation ? If you could continue the interim Agreement for all this time, for nearly three years, why not do so for a further period as you would have done if the amendment you supported had been carried. I personally feel, Sir, that the Legislative Assembly erred in not allowing the Motion for a committee of inquiry. But probably the main reason behind it was that they thought that the negotiations would have to be carried on through the Government and they did not trust the *bona fides* of the Government to come to an independent judgment. I do not think, Sir, that Mr. Sapru, when he stated the constitutional and the economic aspects of this question, was wrong. It is a perfectly justifiable attack on the Government that it cannot function without responsibility to some one or other. Either it must be responsible to the Indian Legislature or it must remain responsible to the British Legislature. To say that it is responsible to neither is to admit that it is a Government of the Fascist or Nazi type where there is no one to overrule or override or to modify in any way. (*An Honourable Member* : "They have their Grand Council.") Well, we have also a Grand Council of Seven in which each Head of the Department has power to do whatever he likes.

[Mr. Hossain Imam.]

Mr. President, the Honourable Pandit Hirday Nath Kunzru again had this League-phobia and brought in the question about me without any provocation.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: When did I refer to the League ?

THE HONOURABLE MR. HOSSAIN IMAM: I have become his *bête noire* since we have formed the League Party. Sir, he referred to me and said that perhaps I am wiser now than I was formerly. I admit, Sir, that I do not claim that I have been wise all the time and that I have nothing to learn. It is only fools who assume that they have nothing to learn. But with regard to the reference which he made to my Resolution moved on the 7th March, 1938, I find that it was not I but the Congress and the majority of my Party who were not willing to trust the non-official Advisers. If you look into the debates, you will find that, foolishly perhaps, I wanted to trust the non-official Advisers and my Resolution implied that we accepted and that if the Government did not accept the advice of the non-official Advisers, the interim pact should be terminated; but a Member of the Congress Party moved an amendment which was approved at a meeting of the Progressive Party to which I then belonged.

THE HONOURABLE MR. V. V. KALIKAR: Is the Honourable Member in order, Sir, in referring to what took place at a Party meeting ?

THE HONOURABLE MR. HOSSAIN IMAM: No, Sir. I am not stating what occurred at the meeting but what I said in my speech, that the Party would support the amendment which the Congress Party would move. You will find it in my speech of that date. I am not in the habit of revealing things that are secret, but I wish that justice should be done to everyone, no matter to what Party he belongs. It may be even to the Government that you should do justice. They always deserve our sympathy when they are brought under the thumb of Whitehall.

Sir, the Resolution of that day, as it was amended by the consent of all of us, was that we should not give *carte blanche* to the non-official Advisers, that we should await their Report and examine it for ourselves. What I stated on that day, Sir, the 7th March, 1938, I should like to quote here :

"The final authority must vest in the Legislature and in no one else, whether they be advisers or our executive heads. And that is the form which obtains in other parts of the British Empire. Here, Sir, if we have to choose between our present masters and the non-official Advisers, I simply think that the latter would do less harm".

That is my position and I have not resiled from that position. I have never stated, either at the time when we were discussing this measure in the form of a Resolution or at any other time, that I have changed my opinion or gone back on my words. The Honourable Mr. Motilal stated in his speech on that day :

"I have great regard for some of them (i.e., the non-official Advisers). Yet I would not agree to surrender in advance our right to examine and judge their advice on its merits when it sees the light of day. I am sure my Honourable friend Mr. Hossain Imam will himself not hesitate to denounce the advice of the Indian delegation if it deserves adverse criticism, or accord his approval if it merited his support".

I still follow that sane advice. How does the Pandit twit me with having grown wiser and having resiled from my position? Did I mention anywhere that I am not prepared to examine the opinion of the non-official Advisers? I merely stated that I regretted to find that they had not given any reason for having fixed a low quota.

Sir, this Bill would have had an easy passage if two conditions had existed—firstly, that there had been no duty on Indian cotton or there had not been such a great reduction in the duty on British goods as has been made. It was quite possible for the Government to have deferred the ratification of this Pact. The formal notice of termination of the Ottawa Pact, Sir, was given perhaps in June, 1936. But they continued by executive action the same trade pact as an interim measure. Was it not possible for the Government to impose the present pact in the form of an interim agreement pending further negotiations and settlement with public opinion in India? I refer, Sir, particularly to paragraph 16 of the trade pact of the present Agreement, which says :

“ Pending the coming into force of the present Agreement, the two Governments will apply its provisions as far as may be possible. The present Agreement shall continue in force until the 31st March, 1942. Unless six months before the 31st March 1942, notice of termination shall have been given by either Government to the other, the Agreement shall remain in force until the expiry of six months from the date on which a notice of termination is given ”.

If you could easily get round the rejection of the Ottawa Pact for a continuous period of years by having an interim agreement, was it not possible for the Government to continue the arrangement under discussion pending further examination and collaboration of the Indian Legislature? Up till now, the non-official Advisers were members of the trade concerns. Could you not have taken the Members of the Legislature and come to some modification, and in the meantime you could have carried on the Agreement on the lines laid down in paragraph 16. If the Government had done this, their position would have been better and it is quite possible that Indian opinion too could have been reconciled. As far as I can judge from the speech of the Honourable the Commerce Member in the other place, he had some authority from the British Board of Trade to say that they would be prepared to re-examine and re-open the question if they could get some *quid pro quo* for their alterations. What was the hurry for this Bill being passed in this manner in a certified form? In the first place, this Bill came to us in a very sudden manner. Enough time was not given to the public to examine its provisions. Secondly, Government did not supply us with material facts concerning the condition of the trade as it existed up to date and as it has been affected by the Ottawa Agreement. I admit that some facts and figures were given, but full facts and figures were not given, and were not available in such short time as has elapsed between the announcement of its ratification and the introduction of this Bill. So, that is why I stated that everybody had contributed to impair the prospect of this Bill. Sir, as I had indicated in the beginning, we do not propose to take part in the voting on this measure.

THE HONOURABLE RAI BAHADUR LALA NANAK CHAND (Nominated Non-Official): Sir, I do not think it is necessary for me to make a long speech in support of the Indian Tariff (Third Amendment) Bill. The Bill is intended to carry out the Trade Agreement between India and the United Kingdom which received the approval of this House the other day. The chief arguments for and against the Trade Agreement were marshalled in this House on that occasion. It is most unfortunate that this Bill has come to us as a recommended Bill. I wish this Bill had come up before this House after having been passed

[Rai Bahadur Lala Nanak Chand.]

by the other Chamber. But I am sure that the responsibility for the recommended Bill does not rest with His Excellency the Governor General but with those who threw it out without going into its merits.

It was admitted by many critics in another place that the proposed Trade Agreement is much better than the Ottawa Agreement. If that is so, there is no reason why the principal features of the new Agreement should not be included in our Tariff Bill. If the Tariff Bill of 1934 is allowed to continue in force without modification, the United Kingdom will be entitled to receive preferences on 106 articles imported into India which would mean that the value of imports from the United Kingdom will be about Rs. 19 crores instead of Rs. 7 crores and 68 lakhs which would clearly be against the interests of the country.

I take it that if the question of exchange of preferences between India and the United Kingdom was not linked with the imports of Lancashire textile goods and the offtake of cotton bales by Lancashire, none in this House would have any serious fault to find with the Tariff Bill. Having regard to the steady rise in the production of textile goods in the country, I do not think that the lowering of import duties on Lancashire goods is likely to do harm to the Indian textile industry. But, Sir, even assuming that the profits of textile mills in this country are going to be somewhat reduced, is that a sufficient reason for not accepting the Tariff Bill? After all we have to take into consideration the good of the Indian agriculturist, the Indian labourer and the Indian consumer. Nobody can reasonably deny that the Tariff Bill is bound to profit tens of millions of our poorer countrymen. In my humble judgment the greatest good of the greatest number is the test which should be applied to all fiscal and tariff legislation. The number of managing agents, directors and shareholders of all textile mills in India is only a very small fraction of the crores of our countrymen who are going to benefit from this Bill. The textile mill-owners in India are, after all, a very small, though a wealthy community. Are we not entitled to ask them to make a little sacrifice, which they can well afford to do, for the sake of their poorer brethren? In this connection I can not help asking—Is the textile industry for the country or is the country for the textile industry? The Congress Governments in various provinces are promoting legislation in favour of the agriculturists as against the zemindars. If this policy is correct why should not the same principle be applied when we have to adjust the respective claims of rich textile millowners on the one hand and the cotton and jute agriculturists and the very large number of consumers on the other hand? It seems to me that the Congress Ministers take credit for helping the tenants in the provinces but if the Central Legislature tries to do the same, the action of its members is characterised as not guided by considerations for the good of the country as a whole.

I raise a most emphatic objection against such an attitude. What is sauce for the goose cannot be anything but sauce for the gander. It is ridiculous to pursue a certain policy in the provinces and take the Central Legislature to task when we proceed to apply the same to the country as a whole.

Sir, why should Congress Members have such a tender heart for the wealthy textile millowners? There must be some explanation of this inconsistent attitude of the Congress Party—though I do not claim to know it. Let my Honourable colleagues who follow the Congress creed in this House, take their

courage in both their hands and enlighten us on the question of their partiality for textile magnates to the neglect of the interests of the poor people of this country, whether they be cotton or jute growers or producers of tea, coffee, unmanufactured tobacco, linseed, groundnuts, chrome leather, carpets and rugs or the very large body of consumers.

Sir, I give my strong support to this Bill which is before the House.

THE HONOURABLE MR. H. DOW: Sir, the Honourable Mr. Sapru suggested that my opening speech was short because my case was bad. In spite of that jibe, Sir, I propose to make my concluding remarks as brief as possible. It would be a dangerous thing to argue that the wisest men are those who make the longest speeches, and I cannot say that the Honourable Mr. Sapru's own effort today has done much to establish the truth of that proposition. At the same time I feel that I owe him an apology. When I interrupted him I had no idea other than to help him, because I saw that he was going to build up a fallacious argument on statements which were not statements of fact. But unfortunately the effect of my interruption was to torpedo his argument so completely, that I think he was then unable to state his meaning very clearly. But this I think is what he intended to say. He intended to point out this difference between the Indo-Japanese and the Indo-British Agreement, that the Japanese Agreement did not provide for any variations in the rate of duty whereas the Agreement which is now before us does. That is perfectly true, but I do not think that it is a difference which has any bearing on any argument which Government have brought forward in favour of the pact. Then he went on to express what his ultimate fear was, which he said was a fear that "the duty was going to be reduced below the protective level". Now, that again is a phrase which is a little difficult to understand. But what I suppose he meant was that there was a danger that there would be such reductions in the duty that piecegoods made in this country would be unable to stand up against them. If that was what he meant, I should like to point out that the terms of the Agreement itself afford ample safeguard against that. There is a ceiling beyond which imports into this country cannot go, that is 500 million yards. When that figure is reached it will be open to India to impose such duty as is necessary to keep imports down to that figure. That, I think, is a complete answer to the fear which he has expressed.

To go back now to the general debate, it followed very much the lines which I anticipated that it would do and I feel there is very little I need say in reply. The Honourable Mr. Kunzru's speech was not really an exposition of the constitutional position, but an exposition of what he thought the constitutional position ought to be. That, Sir, is almost entirely a political question which I do not feel called upon to discuss. Then he went on to speak of various promises of Government which he suggested have been broken. I am not prepared to admit that any promise of Government has been broken, and indeed the Honourable Mr. Kunzru seemed perfectly well to realise that he was really reading promises of a general nature into undertakings which were meant to be of limited application. He more or less admitted that in the course of his speech.

The Honourable Mr. Pantulu did discuss to some extent the merits of the question, and there are one or two points which I think I ought to try and answer. He made it quite clear that he was not only against this Agreement,

[Mr. H. Dow.]

but he said he would be against any agreement which permitted the import of cotton cloth into this country. That certainly was not the view of the non-official Advisers or of any one who has had anything to do with the fashioning of this Agreement. It was recognised from the beginning that no agreement would have been possible with Britain unless something was done to improve the position of Lancashire in the Indian market; and the non-official Advisers, accepting that position, expressed themselves from the beginning as being in favour of an agreement. Then the Honourable Mr. Pantulu said that, as regards raw cotton, those who wanted it would buy it anyhow, and as for the rest we could find out other ways of disposing of it. Well, Sir, it is very easy to talk, but I shall be very much surprised if the cotton grower is able to extract any comfort from that vague assurance of Mr. Pantulu. I am perfectly convinced that Mr. Pantulu is one of the kindest-hearted men in this House, and one of those who is most sincerely anxious to do what he can for the benefit of the poor people. But at the same time it does seem to me that in bringing forward these ideas, and suggesting that we can afford to adopt a policy of that kind, he is undoubtedly piling up a great deal of trouble and distress for those whom he is most anxious to help.

One other point that he referred to was his suspicions about the drafting of the cotton article. He thought it rather sinister that when the Agreement referred to a reduction of duty the words used were "the duty *shall* not exceed the basic rates". Where however it was a question of an increase in duty it simply stated that "the duty *may* be increased". I think if he will reflect a little he will realise that there is no such sinister meaning. In the matter of the increase of duty India would stand to benefit, and therefore it is not necessary for the United Kingdom to insist that we *shall* reduce the duty. We have the power to raise the duty and we should do so. But if it had said the duty "may be reduced" in the other case where the United Kingdom is the person to benefit, then obviously it would have been a very one-sided arrangement. In one case we should immediately raise the duty because it was to our interest to do so. In the other, we obviously should not take action. Therefore it is perfectly natural that the Agreement, Sir, should be so drafted that where action is to be taken against our interests it is made compulsory on us, and where the action would be in our interests it is left to us to take it, or not to take it, as we think fit. I think Mr. Pantulu will realise on reconsideration that this is a perfectly straightforward explanation of the difficulty that he has brought forward.

Now, Sir, the only other speaker that I wish to refer to is Mr. Hossain Imam. The first part of his speech was really an exposition of the motives that moved him and his Party. That is a matter which I have nothing to do with, and which I do not wish to comment on. I refrained from commenting on it before, in spite of which I have not altogether escaped blame. The further suggestion that he made was this. Why could we not continue with the existing Agreement for a time and proceed to discuss further the terms of the new Agreement? Well, Sir, I cannot go into that question very fully now, but I think if he looks into it he will find that it bristles with difficulties. We have given an absolute undertaking, after a good deal of pressure, that the Ottawa Agreement would in no case last beyond the present session. If Government had again come forward and said, "Let us go on with the old Agreement", I think he will realise that the proposition would have been treated with at least as much suspicion as we have incurred over that now before us.

Secondly, he must remember that, so far as the cotton protective duties are concerned, they had come to an end. Had we taken the decision he suggests we should immediately have had to appoint a Tariff Board to go into the question of the duties on cotton. I do not wish to anticipate what the Tariff Board would have said, but Honourable Members all realised that at any rate it is fairly certain that, in present circumstances, they would have found themselves compelled to suggest some reduction of duty. Any action taken by Government to enforce that would have been action only in the interest of India. In this Agreement you have at least some *quid pro quo* for the reductions of duty which are being put in force. You would have been entitled to no *quid pro quo* if those reductions were put in force as a result of a Tariff Board inquiry. You will see, therefore, that again we might have been accused—we should have been accused—of queering the pitch for any future Agreement.

THE HONOURABLE MR. HOSSAIN IMAM : You could have extended this Act to one year only.

THE HONOURABLE MR. H. DOW : We might have done, but what I am pointing out is that any of these courses which we might have taken would probably have landed us into just as much hot water when we came to argue them out with the gentlemen opposite. That, Sir, is all that I need say.

THE HONOURABLE THE PRESIDENT : Motion made :

“That the Bill further to amend the Indian Tariff Act, 1934, for certain purposes (Third Amendment), in the form recommended by the Governor General, be taken into consideration.”

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 MR. H. DOW : Sir, I move :

“That the Bill, in the form recommended by the Governor General, be passed.”

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadan) : Sir, I should like to make just one observation. My Honourable friend Mr. Dow said that I was describing the constitutional position not as it is but as it ought to be. I drew the attention of the House in my speech to the recommendation of the Joint Select Committee on the Government of India Bill, 1919. That Committee contemplated the building up of a convention relating to fiscal autonomy. Now, how is a convention built up? The very word “convention” shows that there is a legal power which the authority invested with it is expected to refrain from using. The Government of India have in this matter refrained from exercising their undoubted legal rights in the past. Obviously their action in any particular matter must be limited to that, but the cumulative effect of such action when repeated must be to build up convention of the kind contemplated by the Joint Select Committee of 1919. The force that conventions have in the working of constitutions is doubtless well known to my Honourable friend

[Pandit Hirday Nath Kunzru.]

opposite. In dealing therefore with the practice of the Government of India in the past I venture to think that I was describing the constitutional position created by their own actions.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I had no mind to speak at this stage, but my sacred duty impels me to say a few words. Sir, the power and the influence of the Congress had greatly increased, mainly I should say by the support of the present executive Government. The following the Congress have now needs no explanation from me. It has now established a very great following, which has resulted in the Government greatly losing its prestige. When lately the question of the appointment of the Governor of Orissa came up, Government did make an appointment, subsequently they had to retrace their steps and agree to the demand of the Congress. The Congress is now ruling eight provinces, and perhaps a few more may be added. We in the Punjab never dreamt that in the North-West Frontier Province there will be a Congress Government, but we find that there is a Congress Government. Experience has also shown that the biggest authority in the land on the pressure of the Congress had to cancel his tour and come back to the capital to consider certain matters of emergence which presumably first he ignored to consider. Therefore, Sir, I think that I must warn Government that in case the Congress launches a boycott of British goods or foreign goods again, unrest is likely to develop and the Government itself and those of our Honourable colleagues who support this measure will be responsible for the additional unrest. My own view from past experience is that Government will have to yield later on and add to its losing prestige. Therefore, I would impress upon them, rather I would beseech them to carefully reconsider this question and not to flout public opinion and create a situation in which they will find themselves in a difficult position in the near future.

The Honourable Mr. Dow has not explained to us the urgency of this measure and in what way it affects the peace, tranquillity and interests of the country.

THE HONOURABLE THE PRESIDENT : That has nothing to do with Mr. Dow. It is the Governor General's full privilege to decide that.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Yes, Sir. It is the Governor General's full privilege but that privilege seems being used as a result of the wrong advice that the Commerce Department of the Government of India has given. And therefore, Sir, I expect that the Honourable Mr. Dow will explain to us why and how the peace and tranquillity of the country will be affected if this Bill is not passed. There was a time, Sir, in the past when there was a great boycott of British goods and the then Government did not pass even any executive Ordinance to stop it. And now the time is such that Government will be quite helpless and its position and its prestige will be greatly lowered in case the Congress (which is much more powerful today than it used to be) launches a boycott. As one, Sir, who appreciates and values the British connection, I must warn the Government not to go on wounding the feelings of the people and flouting the opinion of the Legislature and other responsible bodies.

THE HONOURABLE MR. P. N. SAPRU : Sir, I would just like to say one or two things. So far as the Japanese Agreement is concerned, I have it now before me and the provisions are these :

“(a) The quantity of Japanese cotton piece goods to be exported to India in the period of one year beginning the 1st April shall be limited within a quota which shall be fixed in accordance with the quantity of Indian raw cotton exported to Japan in the period of one year beginning the 1st January of the same year”.

And then I omit a portion and go on to (b)

“(b) (i) The basic quota of Japanese cotton piecegoods to be exported to India in a piecegoods year shall be 325,000,000 yards and it shall be linked with 1 million bales of Indian raw cotton exported to Japan in the corresponding cotton year”.

There is definite linkage here and that is what I meant. Of course, under the system recommended by this Bill there is a system of awards and penalties but there is no definite linkage such as you have in the Indo-Japanese Trade Agreement, and the quantity is much larger here—325 million yardage for one million bales.

Then, Sir, so far as the duty is concerned, the duty has been reduced here by 2½ per cent. in the case of printed piecegoods and other goods by 5 per cent. and the increase or decrease will be at the basic rates. Now, Sir, this duty will not be increased if as a result of the duty—I should like to ask Mr. Dow, if as a result of this reduction the Lancashire goods increase, the duty will be increased ?

THE HONOURABLE THE PRESIDENT : Do you wish to speak ?

THE HONOURABLE MR. H. DOW : No, Sir. I would merely like to say that I do not wish to enter into an exposition of the Japanese Agreement, but, if the Honourable Mr. Sapru is really interested, I will be very pleased to explain it to him in great detail if he will come and see me.

THE HONOURABLE THE PRESIDENT : Motion made :

“That the Bill, in the form recommended by the Governor General, be passed.”

The Council divided :

AYES—24.

Ataullah Khan Tarar, Hon. Chaudhri.
Buta Singh, Hon. Sardar.
Charanjit Singh, Hon. Raja.
Chincy, Hon. Sir Rahimtoola.
Das, Hon. Rai Bahadur Satyendra Kumar.
Dow, Hon. Mr. H.
Ghosal, Hon. Sir Josna.
Gorwala, Hon. Mr. A. D.
Haidar, Hon. Khan Bahadur Shams-ud-Din.
Hissamuddin Bahadur, Hon. Lt.-Col. Sir.
Hydari, Hon. Mr. M. S. A.
Ismail Alikhan, Hon. Kunwar Hajeer.

Jagdish Prasad, Hon. Kunwar Sir.
Khurshid Ali Khan, Hon. Nawabzada.
Lal, Hon. Mr. Shavax A.
Lloyd, Hon. Sir Alan.
Muhammad Hussain, Hon. Khan Bahadur
Mian Ali Baksh.
Muhammad Yakub, Hon. Sir.
Mukherjee, Hon. Sir Satya Charan.
Nanak Chand, Hon. Rai Bahadur Lala.
Nihal Singh, Hon. Sirdar.
Puckle, Hon. Mr. F. H.
Russell, Hon. Sir Guthrie.
Sobha Singh, Hon. Sardar Bahadur.

NOES—11.

Biyani, Hon. Mr. B. N.

Das, Hon. Mr. N. K.

Kalikar, Hon. Mr. V. V.

Kunzru, Hon. Pandit Hirday Nath.

Mahtha, Hon. Rai Bahadur Sri Narain.

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 *sine die*.

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GOVERNMENT OF INDIA

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