

28th March 1930

THE
LEGISLATIVE ASSEMBLY DEBATES
(Official Report)

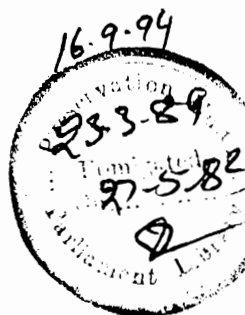
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(21st March to 31st March, 1930)

SIXTH SESSION
OF THE
THIRD LEGISLATIVE ASSEMBLY, 1930



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LEGISLATIVE ASSEMBLY.

Friday, 28th March, 1930.

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

MEMBER SWORN.

Srijut Tarun Ram Phookun, M.L.A. (Assam Valley: Non-Muham-madan).

QUESTIONS AND ANSWERS.

APPOINTMENT OF MR. HARRER TO THE PUBLIC WORKS DEPARTMENT, DELHI.

838. *Mr. Abdul Latif Sahib Farookhi: Will Government be pleased to state the reasons for taking Mr. Harrer on deputation from the Indian Stores Department as Chief Superintendent of the Central Office, Public Works Department, Delhi? Had he any experience of Public Works Department work? When is the Delhi Public Works Department going to revert him to his substantive post in the Indian Stores Department?

The Honourable Sir Bhupendra Nath Mitra: Mr. Harrer was selected for the appointment as he was considered to be suitable for the work to be done in it. He had no experience of Public Works Department work, but had experience in the administrative office of the Indian Stores Department. No decision has yet been taken regarding his reversion to his substantive post.

PAY AND ALLOWANCES OF OVERSEER POSTMEN.

839. *Mr. Abdul Latif Sahib Farookhi: (a) Will Government be pleased to state in how many circles in India and in which offices the system of delivery of insured articles by a special delivery staff of overseer postmen was introduced?

(b) What duty allowance was paid to them for the special duty prior to the last revision in each of the said offices?

(c) To what rank were these overseers raised when the duty allowance was disallowed under the said revision?

(d) Is it a fact that Madras was the second office where the above system of special delivery staff of overseers was introduced, and if so, was it on the lines on which it was introduced in the first instance?

(e) If it is so, will Government be pleased to state whether the overseers of special delivery staff at Rangoon were promoted to the grade of Rs. 70—4—110 or continued to be paid the duty allowance in the revision granted subsequent to the introduction of the system?

(f) Will Government be pleased to state whether the overseer postmen of special delivery staff at the Madras, General Post Office, were similarly raised to the grade of Rs. 40—5—80 in view of the disallowance of the duty allowance in the revision sanctioned in 1928?

(g) Will Government be pleased to state how the delivery of the insured articles of the value of above Rs. 250 and up to Rs. 8,000 was effected before the introduction of the new system?

(h) If it is a fact that such insured articles were delivered before by the selection grade sub-postmasters of the Madras City offices, viz., G. P. O., Sow Carpet Flower Bazaar, High Court Buildings, Broadway, Mannaday are not the Overseers of the special delivery staff now doing the work done by the sub-postmasters?

(i) Do Government propose to treat the 12 overseers of the Madras City in the same way as the overseers of the said special delivery staff at Rangoon?

Mr. H. A. Sams: The information required by the Honourable Member is being collected and will be furnished to him in due course.

PETITION TO THE VICEROY FROM PEASANTS AND MERCHANTS OF PISAGAN, AJMER.

840. *Maulvi Muhammad Yakub: (a) Is it a fact that a petition signed by more than 400 peasants and merchants of the Pisagan Istimarari area in the district of Ajmer has been presented to H. E. the Viceroy at Ajmer complaining against the enhancement of land-revenue, taxing of cattle and merchandise and ill-treatment by the Raja Sahib of Pisagan and Mr. P. B. Joshi, Assistant Superintendent of Education in Ajmer-Merwara?

(b) Is it also a fact that the grievances stated in the above petition are of a fairly long standing?

(c) Is it a fact that the peasants and merchants of Pisagan made scores of applications to the district authorities on the subject and that for some reasons or others many of these applications were simply filed without any action being taken on them?

(d) If so, are Government prepared to consider the advisability of appointing some special officer to inquire into the nature and causes of those grievances of the peasants and merchants and redress them amicably and effectively?

(e) Are Government aware that a threat has been held out by the Raja Sahib of Pisagan and Mr. P. B. Joshi, Assistant Superintendent of Education to the effect that, for the impertinence of making the said petition to H. E. the Viceroy, a score of leading men from amongst the signatories of that petition will be exterminated from their hearths and homes, and their lands and their properties will be confiscated? If so, how far does this threat bear any truth in it and have the district authorities of Ajmer any such proposals or idea put forth before them?

(f) Will Government be pleased to place the said petition of the peasants and merchants of Pisagan to H. E. the Viceroy on the table of this Assembly?

Sir Frank Noyce: With your permission, Sir, I shall deal with questions Nos. 840 to 842 together. The information is being obtained and will be supplied to the Honourable Member on receipt.

Maulvi Muhammad Yakub: Are Government aware that the Treasury Benches have made it a practice that, in order to evade giving answers to questions of Honourable Members, they say that the information is being collected and will be supplied to the Honourable Member in due course?

Mr. President: Order, order. The Honourable Member is not entitled to attribute motives.

ENHANCEMENT OF LAND REVENUE IN PISAGAN.

†841. ***Maulvi Muhammad Yakub:** (a) Is it a fact that, under the Ajmer Land Revenue Regulations and the Standing Orders of the Government, the Raja Sahib of Pisagan is not empowered to enhance the revenue beyond the limits specified by the Regulations, viz., Rs. 4 per bigha for *chahi* and annas four per bigha for *barani* without the sanction of the Local Government, and that the Raja Sahib of Pisagan is charging in some cases Rs. 10 per bigha for *chahi* and Re. 1 per bigha for *barani* lands without having obtained the requisite sanction from the Local Government?

(b) Are Government aware that, in a Robkar issued by Colonel Dixon, and published in the Ajmer Regulations, M. to P, the Governor General in Council has sanctioned the abolition of certain cesses in Ajmer-Merwara, and that the Governor General in Council has not withdrawn or cancelled that sanction which is still in force?

(c) Is it a fact that the Raja Sahib of Pisagan is compelling the raiyats (ryots) to pay him the cesses prohibited by the above Robkar and the pattas granted by him include the conditions as to payment of the said prohibited cesses?

(d) Will Government please state what cesses the Raja Sahib of Pisagan is recovering from his ryots?

ENHANCEMENT OF LAND REVENUE IN PISAGAN.

†842. ***Maulvi Muhammad Yakub:** (a) Will Government please state if the Raja Sahib, Pisagan, compels his ryots to pay a land revenue even over and above what is stipulated in the patta granted by him and that Gangaram, son of Hukma, holding patta No. 281 for Samvats 1981 to 1985 and Madho, son of Rama, holding patta No. 428 for Samvats 1982 to 1986 are instances of persons from whom the Raja Sahib has recovered revenue in excess of the terms of their pattas?

(b) Are Government aware that criminal proceedings were also instituted on behalf of the Raja Sahib against the ryots to enforce land-revenue and this attempt of the Raja Sahib was only checked by the order of the Additional District Magistrate, dated the 5th September, 1929, in criminal proceedings under section 144 C. P. C. and the order of the Judicial Commissioner, dated the 23rd January, 1930 in criminal revision No. 42 of 1929?

†For answer to this question, see answer to question No. 840.

INTERVENTION OF MR. P. B. JOSHI, ASSISTANT SUPERINTENDENT OF EDUCATION, AJMER-MERWARA, IN THE LAND REVENUE DISPUTES OF THE RAJA SAHIB OF PISAGAN.

843. *Maulvi Muhammad Yakub: (a) Is it a fact that the son of the Raja Sahib of Pisagan has been a ward of Mr. P. B. Joshi, Assistant Superintendent of Education, who acted both as the boy's guardian and private tutor? If so, is this conduct of Mr. P. B. Joshi against the rules of Education Department?

(b) Is it a fact that Mr. P. B. Joshi, A.S.E., in Ajmer-Merwara frequently visits Pisagan and stays with the said Raja Sahib of Pisagan?

(c) Will Government please state for how many visits to Pisagan, or tours including visits to Pisagan in the official capacity, has Mr. Joshi charged travelling allowances from the Government during the last three years, i.e., 1927, 1928 and 1929?

(d) Will Government please state how many inspection notes does the inspection note-book of the Pisagan primary and middle (secondary) schools contain in the hand-writing of Mr. P. B. Joshi during the last three years, i.e., 1927, 1928 and 1929?

(e) Are Government aware of the complaint of the peasants and merchants of Pisagan about Mr. P. B. Joshi's interference on behalf of the Raja Sahib in the land-revenue disputes and harassing and ill-treating them, and do Government propose to take steps in order to prevent this officer of the Education Department from interfering with such matters?

Sir Frank Noyce: The information asked for is being collected and will be supplied to the Honourable Member in due course.

Maulvi Muhammad Yakub: Will the Honourable Member place the information on the table of the House so that it may come on the records of the Assembly Debates?

Sir Frank Noyce: I hardly think, Sir, that the information in regard to such a personal matter is of sufficient importance to lay on the table of the House.

Maulvi Muhammad Yakub: Are Government aware that the object of the Honourable Members of putting questions on the floor of the House is frustrated if the answers do not appear on the records of the Assembly? What action, if any, do Government propose to take in this matter?

The Honourable Sir Bhupendra Nath Mitra: It does not necessarily follow that the Honourable Member's right is in any way interfered with. The Honourable Member has asked for certain information and that information will be supplied to him. According to the practice that has been established, a copy of the answer will also be placed in the Library of the House, so that any other Member who is interested in the matter will have access to the information. To the best of my knowledge this very practice is not unusual in the House of Commons.

Maulvi Muhammad Yakub: Are Government aware that the information that is sought for by the Members on the floor of the House is not for their personal use, but the questions relate to questions of public importance and the public in general is interested in the answers which the Government Members give on the floor of the House?

The Honourable Sir Bhupendra Nath Mitra: That, Sir, is a matter of opinion.

Maulvi Muhammad Yakub: Does it follow, then, that Government do not take any heed of the opinion of the Honourable Members in this House?

The Honourable Sir Bhupendra Nath Mitra: As the Honourable the President said on a previous occasion, if there is any general feeling in the House on the subject, the House has other means of giving expression to that feeling.

Maulvi Muhammad Yakub: Are Government prepared to follow the dictum of the Honourable the President on all occasions and in respect to all questions?

The Honourable Sir Bhupendra Nath Mitra: Sir, I prefer not to answer that question.

RECRUITMENT FROM THE PROVINCES FOR SERVICES UNDER THE CENTRAL GOVERNMENT.

844. ***Mr. Gaya Prasad Singh:** (a) With reference to the reply given to started question No. 556 on the 12th March, 1930, have Government taken into consideration the claims of all Provinces for recruitment for services under the Central Government, under the terms of the Resolution passed by the Assembly on the 10th March, 1923, in which it is stated that "claims of all communities, and Provinces" are to be considered?

(b) If so, will Government kindly state the number of Biharees and Oriyas employed in the different Departments of the Government of India in 1924, and now?

Mr. C. W. Gwynne: (a) and (b). Recruitment to the all-India Services and to the Departments of the Government of India is now made by means of competitive examinations held by the Public Service Commission, which are open to candidates from all provinces. No special measures have been taken to secure provincial representation (except as regards Burma) in the all-India Services, or in the services under the Central Government.

Mr. Gaya Prasad Singh: Is it not a fact that, in answer to question No. 556 on the 12th March, the Honourable the Home Member replied that effect had been given to the Resolution which was quoted in that connection? May I know in what way effect has been given to the Resolution, so far as the representation of provinces on the public services under the Government is concerned?

Mr. C. W. Gwynne: I do not think that the Government of India have even accepted the principle that provinces should receive special and proportionate representation. They have agreed to the principle that the various communities should have due representation.

Mr. Gaya Prasad Singh: May I take it, then, that the Honourable Member repudiates the answer that was formerly given by the Home Member on the 12th March?

Mr. O. W. Gwynne: No, Sir.

Mr. B. Das: May I suggest to the Honourable Member that, in the case of a province like Bihar and Orissa, which is not represented in the Secretariat of the Government of India, the Government of India may ask the Provincial Government to recruit a certain number of men on their behalf, or they may ask the Local Government to hold examinations on their behalf in Patna?

Mr. O. W. Gwynne: The Honourable Member is I think making a suggestion. In any case I must ask for notice of that question.

EXAMINATION FOR THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.

845. ***Mr. Abdul Latif Sahib Farookhi** (on behalf of Maulvi Sayyid Murtuza Saheb Bahadur): (a) Will Government please state the nature of the examination held in November last for the staff of the Government of India Secretariat and its Attached Offices?

(b) What is the total number of successful candidates in the 1st and 2nd Divisions, separately?

(c) What are their academical qualifications or other educational attainments?

(d) How many of the candidates failed and what are their academical qualifications?

(e) How many of the successful candidates are Muslims?

Mr. O. W. Gwynne: (a) The examination was a qualifying one for departmental candidates.

(b) 17 and 29.

(c) and (d). The total number of candidates who appeared is 461. I am not in possession of information as to the educational qualifications of the candidates who sat for the examination.

(e) 14.

APPOINTMENT OF MUSLIMS TO THE OFFICE OF THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.

846. ***Mr. Abdul Latif Sahib Farookhi** (on behalf of Maulvi Sayyid Murtuza Saheb Bahadur): (a) Will Government please state the total strength of the superior establishment of the office of the Imperial Council of Agricultural Research?

(b) How many of these are Muslims?

(c) Have Government considered the desirability of taking a larger number of Muslims when the question of further recruitment of the staff for the office of the said Council comes up, in order to increase the representation of Muslims?

Sir Frank Noyce: (a) 18.

(b) 5.

(c) The figures, I have mentioned, show that Muslims are already adequately represented on the staff of the Council.

APPOINTMENT OF MUSLIMS IN THE COMMERCE AND FINANCE DEPARTMENTS:

847. ***Mr. Abdul Latif Sahib Farookhi** (on behalf of Maulvi Sayyid Murtuza Saheb Bahadur): (a) Will Government please state the total number of (1) Superintendents, (2) Assistants, (3) second division clerks, and (4) third division clerks on the permanent establishment of the Commerce and the Finance Departments of the Government of India Secretariat?

(b) How many of them are Muslims in each of the above grades?

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

Statement showing the number of Muslims in the permanent establishments of the Commerce and the Finance Departments.

	Commerce Department.		Finance Department.	
	Total No.	No. of Muslims.	Total No.	No. of Muslims.
(1) Superintendents	3	..	6	1
(2) Assistants	18	2	33	5
(3) Second Division clerks . .	22	4	35	4
(4) Third Division clerks . . .	4	2	8	4

PROPORTION OF MUSLIMS RECRUITED FOR GOVERNMENT OFFICES.

848. ***Mr. Abdul Latif Sahib Farookhi** (on behalf of Maulvi Sayyid Murtuza Saheb Bahadur): What steps, if any, have Government taken to secure larger proportion of Muslims since the orders to remove communal inequalities were promulgated in 1926?

Mr. C. W. Gwynne: Annual returns have been prescribed which enable the progress made to be watched and instructions to be issued in cases where they appear to be called for.

APPOINTMENT OF MUSLIMS ON THE MILITARY TEST AUDIT DEPARTMENT.

849. ***Mr. Abdul Latif Sahib Farookhi** (on behalf of Maulvi Sayyid Murtuza Saheb Bahadur): (a) Will Government please state the number of appointments of Assistant Accounts Officers, Subordinate Accounts Service Accountants and clerks in the Military Test Audit Department and the number of Muslims employed in each grade?

(b) Is it a fact that not a single Muslim is employed in Headquarter office of the Director of Army Audit?

(c) Will Government please state whether any attempt was ever made by the Director of Army Audit to secure the services of qualified S. A. S. passed Muslims from the Military Accounts Department?

(d) Will Government please state whether it is a fact that the Military Test Audit Department was formed after the issue of the Home Department

Memo. of July, 1925, regarding the representation of minorities in the services? Is it a fact that these instructions have been ignored in this Department?

The Honourable Sir George Schuster: (a) (i). Assistant Audit Officers, four, of whom one is a Muslim.

(ii) Accountants in the Subordinate Accounts Service, 30; no Muslim.

No Muslim has qualified as yet for promotion to the Subordinate Accounts Service.

(iii) Clerks, 81, of whom 6 are Muslims. Two other posts were offered to two Muslim candidates. The offers were refused.

(iv) Typists, 5, no Muslim. An offer made to a Muslim candidate was refused.

(b) Yes.

(c) The recognised practice is not to recruit accountants and auditors for this Department from the Military Accounts Department, and this practice is one which it is desirable to continue.

In 1926 when qualified clerks were not available in the Department for promotion to fill a vacancy in the Subordinate Accounts Service, the Military Accountant General was requested to recommend a clerk of the Military Accounts Department, who had passed the Subordinate Accounts Service Examination (Military), obtaining 60 per cent. of the total marks in the aggregate, for the post of an Accountant in this Department.

A Sikh was recommended and employed.

(d) The Military Test Audit Department came into existence on the 1st March, 1925, before the issue of the Home Department Memorandum No. F./176/25-Ests., dated the 5th February, 1926, or before any other instructions issued regarding the representation of minorities in Government service. In filling up vacancies, the instructions have in the recent past not been ignored.

Mr. Anwar-ul-Azim: Will the Honourable Member kindly tell us how promotions to the Subordinate Accounts Service are given effect to?

The Honourable Sir George Schuster: I am afraid I am not quite clear about the purport of the question.

Mr. Anwar-ul-Azim: The purport is this. The Honourable Member just now said that promotions to the Subordinate Accounts Service are made on a certain basis. What is that basis?

The Honourable Sir George Schuster: I am afraid I cannot give the Honourable Member any further details now. But if he will tell me exactly what he wants, I would like to take an opportunity to inquire into the question and give him detailed information.

Dr. A. Suhrawardy: The Honourable Member has just now said that several appointments were offered to Muslim candidates but were refused. Will the Honourable Member please state the reasons of such refusal if he is aware of them.

The Honourable Sir George Schuster: I have not had time personally to inquire into this question at the present moment. But I have already stated in this House that I propose to take up this question as soon as the Session is over, and I agree with the Honourable Member, who has just put the supplementary question, that when we are told that a post

was offered and refused, I personally want to know exactly what happened and why it was. I want to go into all these cases and conduct a detailed examination.

APPOINTMENT OF MUSLIMS IN THE MILITARY ACCOUNTS DEPARTMENT.

850. *Mr. Abdul Latif Sahib Farookhi (on behalf of Maulvi Sayyid Murtuza Saheb Bahadur): (a) Will Government please state the number of appointments of S. A. S. (gazetted) Accountants and clerks in the Military Accounts Department? What number of these appointments is held by Hindus, Europeans, Anglo-Indians and Muslims, respectively, in each grade?

(b) Will Government please state whether they have considered or propose to consider the desirability of changing the present system of promotion with a view to secure effective representation of minorities in the higher grades of the services in the Military Accounts Department?

The Honourable Sir George Schuster: (a) A statement is placed on the table.

(b) The promotions to the subordinate Gazetted and Subordinate Accounts Services, to which, I presume, the Honourable Member refers, are regulated by considerations of seniority and merit. With a view both to efficiency in the service and justice to individuals these must continue to be the main considerations.

Statement showing the authorised number of appointments of Deputy Assistant Controllers, Accountants and clerks in the Military Accounts Department and the number held by members of different communities on 31st December, 1929.

Grade.	Number sanctioned.	Number of appointments held by members of the various communities.				Remarks.
		Hindus.	Muslims.	Europeans and Anglo-Indians (a).	Other communities.	
Deputy Assistant Controllers (Gazetted).	90	54	3	20	13	(a) Information in respect of Europeans and Anglo-Indians has not been furnished separately, as it is not available.
Accountants .	467	383	23	32	29	
Clerks . .	3,736 (b)	3,019	316	32	353	(b) 16 permanent appointments were vacant on 31st December, 1929.

REQUISITION OF VILLAGERS TO GUARD THE RAILWAY LINE.

851. ***Pandit Thakur Das Bhargava:** (a) Is it a fact that the Manager of Tyajabhumi sent a telegram to the Secretary to His Excellency the Viceroy representing that peasants from villages were forced to guard the railway line for 12 hours in *begar* while His Excellency's special train passed that way in August last?

(b) Was a letter sent by one Mr. Vajjnath Mahodya, Manager of Tyajabhumi, to the Commissioner, Rajputana and Merwara on the 5th August 1929 complaining of *begar* being taken on the night of the 4th August 1929 from the inhabitants of Hatundi (Ajmer) for guarding the railway line for 12 hours?

(c) Were copies of the statements of the peasants together with a copy of the telegram referred to above also sent along with the letter?

(d) Was any reply given by the Commissioner to that letter, and if so, what?

(e) Were any inquiries made in this connection? If so, with what result?

Mr. E. B. Howell: (a) Government have no information.

(b) and (c). A letter was received from one Narsidar, who described himself as Manager of Tyajabhumi. No copies of any statements were enclosed, but a copy of a telegram was sent.

(d) and (e). No reply was given by the Commissioner. The matter was under the consideration of the Government of India about that time and they issued orders in October last, directing that reasonable payment should be made for all labour employed to guard railways during Viceregal tours. Effect has since been given to these orders.

DELAY OF A PASSENGER TRAIN AT REWARI.

852. ***Pandit Thakur Das Bhargava:** (a) Is it a fact that on the occasion of the recent tour of His Excellency the Viceroy from Delhi to Ajmer the passenger train starting from Delhi at about 5 p.m. and reaching Rewari at about 8 p.m. was held up for about 3 hours in the yard at Rewari?

(b) Were the windows of the carriages on both sides closed, and the passengers within the compartments not allowed to leave who had to go without food and drink?

Mr. A. A. L. Parsons: Government have received no information to this effect, but a copy of the question is being sent to the Agent of the Bombay, Baroda and Central India Railway, and I will communicate with the Honourable Member later.

PAYMENT TO VILLAGERS FOR GUARDING THE RAILWAY LINE.

853. ***Pandit Thakur Das Bhargava:** (a) Is it a fact that eight annas per head was paid to men who were made to stand and guard the line from Delhi to Ajmer on the occasion of the recent tour of His Excellency the Viceroy?

(b) What amount of money was spent in connection with this tour and how much out of the same was paid to persons who guarded the line?

(c) Under what head has the amount so paid been charged?

Mr. C. W. Gwynne: (a) Instructions were issued last October that all labour employed in connection with Viceregal tours should be paid at reasonable rates. I am not aware at what rates the men referred to (if employed) were paid but am making inquiries and will communicate the result to the Honourable Member in due course.

(b) and (c). The expenditure on account of persons employed to guard the line would not be met out of the Tour Expenditure of His Excellency but from heads controlled by the Chief Commissioners of Delhi and Ajmer-Merwara and in provinces from provincial budget heads. I am ascertaining the exact heads to which the cost has been debited in Delhi and Ajmer-Merwara.

NON-MUSLIM CLERKS APPOINTED IN THE NORTH WEST FRONTIER PROVINCE.

854 ***Mr. Anwar-ul-Azim:** 1. With reference to the reply given by Government to questions Nos. 453 and 454 asked by Mr. Muhammad Ismail Khan on the 12th September, 1929, will Government be pleased to state if:

(a) the following statement shows correctly the number of clerical appointments which the non-Muslims and non-residents have monopolized in the North West Frontier Province:

Name of Office or District.	Total strength of establishment.	Number of Muslims,
Chief Commissioner's Office	48	20
Judicial Commissioner's Office	16	7
Revenue Commissioner's Office	37	13
Irrigation Secretary's Office	162	87
Peshawar Municipal Office	12	2
Forest Department	28	6
Hazara District	59	20
Bannu District	70	15

(b) higher paid clerical appointments in the clerical service in that Province numbering 34 have almost all been monopolized by the non-Muslims and non-residents; and

(c) the masses of unemployed educated Muslims of Peshawar submitted a representation to the Honourable the Chief Commissioner, North West Frontier Province, through the Muslim Association, Peshawar, on the 16th August, 1925, requesting the discontinuance of recruitment of non-Muslims and non-residents in clerical establishments in the Province?

2. If answers to the above questions be in the affirmative, will Government be pleased to state what action was taken by the Local Administration in the matter?

Mr. E. B. Howell: 1. (a) and (b). The statements are being verified and the result will be communicated to the Honourable Member in due course.

(c) Certain Muslims presented a petition on the subject through the Muslim Association, Peshawar, on the 18th August, 1925.

2. The object of the Local Administration has been to adjust the proportion of clerical appointments between the communities with due regard to the claims of the majority community, educational qualifications, and efficiency.

Mr. Anwar-ul-Azim: Will the Honourable Member kindly tell us, for the purpose of recruitment, which are the majority and which are the minority communities in the North-West Frontier Province?

Mr. E. B. Howell: I am not quite clear as to what the Honourable Member means.

Mr. Anwar-ul-Azim: Will the Honourable Member kindly tell us what the idea of Government is as regards the majority and minority communities, so far as recruitment to this Department is concerned in the North West Frontier Province?

Mr. E. B. Howell: If the Honourable Member means, which is the majority community on the basis of population, it is a matter of common knowledge that Mussalmans are in a very large majority in the North West Frontier Province.

APPOINTMENT OF NON-MUSLIMS IN THE NORTH WEST FRONTIER PROVINCE.

855. ***Mr. Anwar-ul-Azim:** 1. Are Government aware that communal representation in Government service had been fixed by the following Local Governments:

- (a) the Government of Bombay Presidency, *vide* their Standing Order No. P-84, dated the 19th February, 1925, requiring the recruitment of 50 per cent. Muslims in Sind, etc.;
- (b) the Punjab Government, *vide* their Standing Orders requiring recruitment of no less than 80 per cent. Muslims in the ministerial appointments in the Punjab and not more than 70 per cent. by any one class in that Province; and
- (c) the Madras Government, *vide* the Revenue Board Standing Order No. 128 (2), G. O. No. 618, dated the 16th September, 1921, G. O. No. 658, dated the 15th August, 1922 and No. 563, dated the 21st July, 1923, fixing distribution of appointments among several castes?

2. If the answers to part 1 be in the affirmative, will Government be pleased to state what special reasons necessitated departure so far adopted by the North West Frontier Province from the policy followed by other Local Governments?

3. Will Government be pleased to state if the recruitment of Muslims is being made at present in all civil offices in that Province on any authorized principle or is it left to the discretion of the heads of Departments?

4. (a) Will Government be pleased to state if it is a fact that the Honourable the Chief Commissioner, North West Frontier Province fixed a few years ago, 38 per cent. recruitment of non-Muslims in the Police Department of the Province?

(b) If so, will Government be pleased to state the special reasons which necessitated the fixation of this percentage and the principle on which it was based?

Mr. E. B. Howell: 1. The Major Local Governments have power to regulate such matters in regard to services under their control and some of them have issued instructions on the subject. No precise information is however readily available as to the nature of those instructions or the local considerations on which they are based.

2. There has hitherto been no jointly concerted policy for the whole of India from which the North-West Frontier Province could be said to have departed.

3. No precise proportion has been fixed, but every consideration is paid to the claims of educated Muhammadans.

4. (a) No, Sir.

(b) Does not arise.

COMPOSITION OF THE MUNICIPAL COMMITTEE OF PESHAWAR CITY.

856. ***Mr. Anwar-ul-Azim:** (a) Will Government be pleased to state whether the following elected and nominated seats have lately been allotted to the Members of the Municipal Committee of Peshawar City on a population basis:

<i>Elected.</i>					}			
(i) Muslims	..	..	..	5				
(ii) Hindus	..	..	..	2				
(iii) Sikhs	..	..	..	1				
<i>Nominated.</i>					}			
(a) Muslims	..	..	..	3				
(b) Hindus	..	..	..	2				
(c) Sikhs	..	..	..	2				
Total				15				
						<i>Total Composition.</i>		
						Muslims	..	8
						Hindus	..	4
						Sikhs	..	3
						Total	..	15

(b) If answer to part (a) be in the affirmative, will Government be pleased to state on what consideration the above seats have been assigned in both cases?

Sir Frank Noyce: (a) and (b). The present composition of the Municipal Committee of Peshawar is as follows:

<i>Elected.</i>					}				
(a) Muslims	5		<i>Total Composition.</i>	Muslims	..	9
(b) Hindus	2			Hindus	..	5
(c) Sikhs	1			Sikhs	..	2
<i>Nominated.</i>					}	Total	..	16	
(a) Muslims	..	..	..	4				
(b) Hindus	..	..	..	3				
(c) Sikhs	..	..	..	1				
Total				..	16				

In assigning seats to the different communities, account has been taken not only of population but also of voting strength and taxable capacity.

PREPONDERANCE OF ONE COMMUNITY IN CERTAIN SERVICES.

857. ***Mr. Anwar-ul-Azim:** Will Government be pleased to state how they reconcile the difference in the policies adopted by:

- (a) the Local Governments in India,
- (b) the Railway Administration in India,
- (c) the Posts and Telegraph Departments in India, and
- (d) the subordinate Military Departments in India,

and definitely state whether any, and if so, what, practical steps have been ordered by Government of India to be taken by the Departments concerned to prevent the existing enormous preponderance of members of one class or community in Government service specially in the provinces in which a community is a majority one, and has not so far been successful to secure its due share in provincial, civil, military, postal, and other services, as is the case at present in the North West Frontier Province?

Mr. O. W. Gwynne: (a) The major Local Governments have power to regulate such matters in regard to services under their control, and some of them have issued instructions on the subject. But I have no precise and recent information as to the nature of such instructions or the considerations on which they are based.

(b), (c) and (d). The Honourable Member no doubt has in mind services under the Government of India and locally recruited. I am not aware that the assumption of fact contained in his question is correct. But I may inform him in regard to these services that the operation of the general orders for the prevention of the preponderance of any one class or community is under examination.

APPOINTMENT OF MUSLIMS IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

858. ***Mr. Anwar-ul-Azim:** (a) Will Government be pleased to state:

- (i) the present number of Assistant Directors General (acting and permanent hands to be shown separately) working in the Office of the Director General of Posts and Telegraphs in India; and
- (ii) the number of Hindus and Muslims holding the twenty selection grade appointments ranging in pays from Rs. 800 to 750 in the same office?

(b) In case the Muslims are under-represented in the service or are conspicuous by their total absence, will Government be pleased to state what measures they propose to adopt to increase the representation of the Muslim community?

The Honourable Sir Bhupendra Nath Mitra: (a) (i). Of the seven appointments of Assistant Directors General, three are at present held by permanent officers and four by officiating officers.

(ii) The number of selection grade appointments in the office of the Director General, Posts and Telegraphs, with pay ranging between Rs. 800 and Rs. 750 is 18. One of these appointments is vacant at present. 16 of these are held by Hindus and none by Muslims.

(d) The appointments of Assistant Director General are made by selection. The permanent appointments being made on the recommendation of the Public Service Commission. Last year an acting appointment was given to a Mussalman Superintendent of Post Office who had obtained the requisite seniority, but he was found by the Director General to be wholly unsuited for the work. As regards the other appointments, they are filled by promotion of qualified officials in the lower ranks irrespective of the communities to which they may belong. As has been frequently stated, promotion from a lower to a higher grade in the Department or in any other branch of public service is determined by seniority and efficiency. The due representation of minority communities is secured by the reservation of vacancies occurring in such posts as are filled by direct recruitment.

Nawab Sir Sahibzada Abdul Qayum: When appointments are made, are the recommendations of the Public Service Commission fully followed or has the officer in charge of making appointments the right to exercise his discretion in selecting men from among those recommended by the Public Service Commission?

The Honourable Sir Bhupendra Nath Mitra: If my Honourable friend is referring to promotions made on the recommendation of the Public Service Commission, then I may tell him that the recommendation of the Commission is strictly followed, and the head of the Department has no option in any way to modify or depart from the recommendation of the Commission. In regard to recruitment for posts which are filled by direct recruitment on the advice of the Public Service Commission, the head of the Department, in the case of Probationary Superintendents of Post Offices, has certain discretion. But, in exercising that discretion, he has to follow the standard orders of the Government of India which lay down that one-third of the vacancies must be reserved for the adjustment of communal inequalities. To be more

precise, if in any year there are (say) six vacancies, then the Director General is bound to take, in two of the vacancies, two members of the minority communities from the list sent up by the Public Service Commission.

Nawab Sir Sahibzada Abdul Qaiyum: In the case of promotions from the lower grades to the higher grades, is a list of suitable candidates prepared by the Department and sent to the Public Service Commission to give their opinion about the fitness of these candidates, or do applications for promotion go direct to the Public Service Commission from these officials seeking promotion? That is to say, do all applications from aspirants to promotion go direct to the Public Service Commission, or does the Department send on all or only a few of the applications to the Public Service Commission from junior men aspiring to the higher grades, for the verification of their fitness for promotion?

The Honourable Sir Bhupendra Nath Mitra: What happens is this, and I think I can explain the practice in regard to the Indian Posts and Telegraphs Department more precisely. The Director General sends up to the Public Service Commission the names of a certain number of officials who have attained the requisite seniority, and with these names he sends up a confidential record of each one of these officers. The Public Service Commission then selects officers for promotion and puts them in a certain order of precedence.

Nawab Sir Sahibzada Abdul Qaiyum: What is the test which is applied by the Public Service Commission for giving preference to one candidate over the other or for putting them all in order of merit? Do the Public Service Commission form their opinion on the record or official reports submitted to them by the Department, with the remarks, good or bad, noted against each name, or have they got some other means or criterion to judge the merits or demerits of these candidates?

The Honourable Sir Bhupendra Nath Mitra: It is not possible for me to explain to my Honourable friend precisely how the Public Service Commission form their conclusions in the matter. But I should think that they pay due consideration to the confidential records of these officials in regard to the manner in which they have discharged their duties in the past.

Nawab Sir Sahibzada Abdul Qaiyum: I shall try to put my question a little more clearly this time. My meaning is this. There are people serving in the Department, whose work is reported upon by their seniors confidentially, and there is the fact that, in this service the number of minority communities is not up to the mark. If a list is sent from the Department to the Public Service Commission for a report, it may not contain very many names of the minority community people serving in that Department; and the second thing is that, if it rests with the Department to send selected names according to their will and wish to the Public Service Commission, there is the possibility that the Department may not send up the names of any suitable candidates belonging to the minority community. Moreover it looks useless to send names to the Public Service Commission, of candidates whose fitness or otherwise is better known to the Department than to the Commission.

The Honourable Sir Bhupendra Nath Mitra: I shall be equally frank with my Honourable friend, Sir Abdul Qaiyum, and my remarks have a special bearing on the Indian Postal and Telegraph Department. In the first place I think he said that among senior officers, i.e., those holding posts

of (or corresponding to) Superintendents of Post Offices, from among whom promotion takes place, there is a lack of adequate representation of minority communities. If by minority communities he means minority communities as a whole, he is under a misapprehension, and I would ask him to study the published list of officers of the Indian Postal and Telegraph Department. He will find there that, as a matter of fact, it is the minority communities, speaking as a whole, which are in preponderance. In the next place, the names of all the senior officers are sent up to the Public Service Commission, and with the name of each officer is sent up his past record. Therefore it is not correct to say that the names of particular officers may not be sent up to the Public Service Commission.

Nawab Sir Sahibzada Abdul Qaiyum: What is the object in sending such names to the Public Service Commission? What other facilities have they got to judge the merits or demerits of these candidates?

The Honourable Sir Bhupendra Nath Mitra: I was coming to that. Then, the Public Service Commission is supplied with the confidential record of each of these officers, and this confidential record represents the views expressed on the officer's work, not by members of any particular community, but mostly by Englishmen, who have, up till recently, held the highest posts in the Department, like Directors General or Post Masters General.

Nawab Sir Sahibzada Abdul Qaiyum: Then why cannot they be trusted with the selection of their candidates when they are in a better position to judge of the merits and demerits of their subordinates.

The Honourable Sir Bhupendra Nath Mitra: I did not catch the point of my Honourable friend's interjection. I was simply explaining to him the practice which is followed. Perhaps it might be possible to hold examinations, in which case the position might be much worse.

OFFENCES COMMITTED IN THE PESHAWAR DISTRICT JAIL.

859. ***Mr. Anwar-ul-Azim:** (a) Will Government please place on the table a statement showing the cases of riots in which razors had been used by the convicts, poisoning of convicts at the instance of their enemies, and other serious offences committed in the Peshawar District Jail during the past three years and state on whom lies the responsibility of lack of supervision which brought about the introduction of razors and poison inside the Jail making the lives of convicts insecure?

(b) Will Government please state briefly the circumstances of each case as elicited in judicial inquiries and the result?

(c) Will Government please state whether, any and if so, what punishment has been awarded to the officers and staff of the Jail for disregard of strict orders contained in the Jail Manual on the subject in the cases mentioned in part (a) above?

Mr. C. W. Gwynne: Information was called for last year in response to a question by an Honourable Member. No riot occurred in the Peshawar Central Jail during the five years prior to January, 1929. Two cases of poisoning occurred during the period in question, in neither of which was the poisoning administered by a convict. In one there was no evidence against the Jail staff: in the other a Warder received three months imprisonment. I am making enquiries from the Chief Commissioner as to whether any such incidents have occurred during the last year, and will inform the Honourable Member in due course.

**ALLEGED INJUSTICE TO MR. PROFULLA KUMAR SETT, ASSISTANT IN CHARGE,
MEDAL SECTION, ARMY DEPARTMENT.**

860. *Maulvi Muhammad Yakub: With reference to my starred question No. 889, dated the 25th September, 1929, is it not a fact that a representation was made by the Secretary, All Bengal Muslim Youngmen's Association, 14 Gardner Lane, Calcutta, to the Army Secretary, in respect of injustice to and maltreatment of Mr. Profulla Kumar Sett, Assistant in charge, Medal Section, which was thoroughly investigated, and afterwards filed by the order of the Secretary on the grounds that no reminder was received or the matter pursued by the said Association? Is it a fact that this representation was dealt with by Mr. G. M. Young? Will Government please make a further search for the papers and place them on the table of this House?

Mr. G. M. Young: The answer to the first part of the question is in the negative. The second and third parts do not arise.

**MEMORIAL FROM MR. SHYAMA CHARAN CHATTERJEE, A GOVERNMENT
PENSIONER.**

861. *Maulvi Muhammad Yakub: With reference to my starred question No. 889 (b), dated the 25th September, 1929, is it a fact that in paragraph 19 of his memorial to His Excellency the Viceroy and the Governor General in India, Mr. Shyama Charan Chatterjee, a Government pensioner stated that the enquiry which was nominally made before the submission of the memorial in question, was conducted in a manner which was prejudicial to him? Will Government please state whether any inquiry was made on or after the receipt of his memorial alluded to and if so, will they kindly place the decision of the Inquiry Committee on the table of this House?

Mr. G. M. Young: The answer to the first part of the question is in the affirmative. The allegation was, however, found upon investigation, to be baseless. Government have no intention of laying any papers in connection with this case upon the table of the House.

Maulvi Muhammad Yakub: Why not?

Mr. G. M. Young: My Honourable friend must be well aware of the details. Or perhaps he is not aware. It was an exceedingly trivial case, of no public interest whatever, and settled six years ago.

Maulvi Muhammad Yakub: The Honourable Member never gave me the details, and how can I be expected to know them?

Mr. G. M. Young: If my Honourable friend had been aware of the details, he would not, perhaps, have suggested that the papers should be laid on the table. The case relates, Sir, to the disappearance of a sum of Rs. 6-11-0 from the accounts of the Medal Section. An inquiry was held and it was found that the clerk mentioned in the question was responsible for the disappearance. Steps were therefore taken to recover the amount from his salary.

**DAILY REPORTS OF WORK DONE BY CLERKS IN THE MEDAL SECTION, ARMY
DEPARTMENT.**

862. *Maulvi Muhammad Yakub: With reference to my starred question No. 892 (e) of the September Session, 1929, is it not a fact that the

practice of submitting daily reports of the daily work done in the Medal Section has been in force since 1920 and is not the Medal Section part and parcel of the Army Department Secretariat? If the reply is in the affirmative, will Government please state the circumstances under which an incorrect reply has been given to this House to the effect that no clerk is required to submit daily report? Do Government propose to take some action against the clerk who is responsible for this?

Mr. G. M. Young: I am told that it is the practice in the Medal Section for clerks to note at the end of the day, on a slip of paper, the number of cases with which they have dealt during the day, and the number still with them. There is no order requiring them to do this, nor are other clerks of the Army Department required to submit daily reports of any kind. In his previous question the Honourable Member inquired whether Mr. N. C. Dass submitted a report of his daily work as required in the case of other men of the Department. Mr. N. C. Dass was not a clerk of the Medal Section. The question, if I may say so, was therefore misleading; but the answer given by my predecessor was substantially correct.

ASSISTANCE OF MINT EMPLOYEES BY MR. N. C. DASS.

863. *Maulvi Muhammad Yakub: With reference to my starred question No. 892 (d) asked in the September Session, 1929, will Government please state whether the men employed in the Mint for inscribing the names of the recipients on the medals were all illiterate and none of them could read the typewritten names, numbers, designations, regiments, etc., on the rolls and they therefore required the continued assistance of Mr. N. C. Dass for reading them the necessary details or whether Mr. N. C. Dass used to point out to them, on the spot, which roll was to be attended first? If the reply is in the affirmative, will Government please state if the Punching Contractor, before the transfer of the punching work to the Mint, also utilised the services of Mr. N. C. Dass, and if so, what private remuneration he received from him? If Mr. Dass did not help the Punching Contractor, what was the special reason for which the punching work in the Mint could not be done in the Mint?

Mr. G. M. Young: With your permission, Sir, I will answer questions Nos. 863, 864, and 865, together.

Government do not accept any of the inferences drawn in these questions. The facts are that the men who were employed on the work of punching medals at the Mint were mechanics, and though they could read words and figures sufficiently well to inscribe them on the medals, were not capable, without supervision, of making the necessary abbreviations. Mr. N. C. Dass, a clerk of the Army Department Records Office in Calcutta, used accordingly to go over to the Mint and give the mechanics the requisite assistance. For this work he was granted an honorarium of Rs. 500. If we had employed as punchers men with sufficient knowledge of army nomenclature to carry out the transcriptions without help, it would have cost us a great deal more than Rs. 500, and would have been a real waste of Government funds. The number of medals inscribed was well over two millions. In the earlier stage, the work was performed by a contractor in the office of the Medal Section itself, and there was then of course no need to utilize the services of Mr. N. C. Dass.

ASSISTANCE OF MINT EMPLOYEES BY MR. N. C. DASS.

†864. ***Maulvi Muhammad Yakub:** Will Government please state the circumstances under which the Mint Master engaged inefficient punching men who required the continued assistance of Mr. N. C. Dass and afterwards the award of an honorarium of Rs. 500? Will they kindly obtain the explanation of the Mint Master for this loss of Government and place it on the table of this House?

ASSISTANCE OF MINT EMPLOYEES BY MR. N. C. DASS.

†865. ***Maulvi Muhammad Yakub:** Will Government please state if the laborious work which Mr. N. C. Dass did was to point out to the punching men the details which were to be inscribed on the medals? If the reply is in the negative, will they kindly furnish the full particulars of the work done by him, and for which he was paid Rs. 500 as honorarium?

TEMPORARY SERVICE OF CERTAIN CLERKS IN THE COMMERCE DEPARTMENT.

866. ***Maulvi Muhammad Yakub:** Is it a fact that five temporary clerks of over four years' service in the Commerce Department were granted gratuity and leave admissible to them concurrently with the period of notice? If the reply is in the affirmative, will Government please furnish details of their temporary service?

The Honourable Sir George Rainy: Leave was granted to 5 temporary clerks, who were retrenched from the Commerce Department in 1923, in connection with the general reduction of the Secretariat establishments following upon the recommendations of the Indian Retrenchment Committee. No gratuity was paid to them. Their length of service varied from 4 years and 8 months to 7 years and 3 months.

EMPLOYMENT OF *ex*-SOLDIERS.

867. ***Maulvi Muhammad Yakub:** Is it a fact that, in his letter No. 17840-Home Military, dated the 27th June, 1927, and the Governor in Council order issued therewith, the Home Secretary to the Government of the Punjab stated that the Governor in Council was not satisfied that everything possible to accord preferential treatment in the matter of civil employments to *ex*-soldiers and others who served during the Great War, has been done, and invited the special attention of the heads of the Departments to the necessity for fresh efforts to secure civil employments for them? If the reply is in the affirmative, will Government please state whether they issued similar instructions to the heads of the Departments? If not, why not, and are they prepared to do it now? Are Government aware that many *ex*-service men are in a destitute condition, and although they possess the requisite qualifications of the various posts, do not get treatment equal to that given to the civilian candidates?

Mr. O. W. Gwynne: The reply to the first part of the Honourable Member's question is in the affirmative. I am not aware that any representations have been made as regards special difficulties experienced by *ex*-soldiers in other provinces in obtaining employment, but the Indian Soldiers' Board

receives and deals with a certain number of applications from other parts of India for assistance in this respect. In reply to question No. 279, asked by Mr. Rajah on the 11th February, the Honourable Member is referred to the instructions in the matter which have been issued to Departments of the Government of India. No other instructions have so far been issued, but I am prepared to examine the question further.

EMPLOYMENT OF TEMPORARY MEN IN THE GOVERNMENT OF INDIA SECRETARIAT.

868. ***Maulvi Muhammad Yakub:** Is there any rule under which Government can entertain and keep on temporary men in the Secretariat for an indefinite period?

Mr. C. W. Gwynne: There are no rules on the subject, but the Government of India have recently laid it down that the multiplication of temporary appointments should be avoided as far as possible.

OFFICER IN CHARGE OF THE MEDAL SECTION, ARMY DEPARTMENT.

869. ***Maulvi Muhammad Yakub:** (a) Is it a fact that the Medal Section practically consists of one assistant and seven clerks and is placed under an officer of an Assistant Secretary's grade? If so, will Government state the reason?

(b) Have Government considered the question of placing the Medal Section under one of the Assistant Secretaries of the Army Department?

(c) What was the strength of the Medal Section in 1922, when the post of the Officer in charge Medal Distribution, was not made permanent? What was the total number of assistants in charge, sub-sections, i.e., 1914, 1914-15, I. G. S., B. W. & V. Medals, War, Recruiting and other Badges, Permanent Replacement and old War Medals (from 1799 to 1908-11) sub-section, etc., and what were the names of the Assistants in Charge of these sub-sections from 1st April, 1920, to 31st March, 1924?

Mr. G. M. Young: (a) No. Sir. The section consists of one assistant, ten clerks and a mechanic. The officer in charge is not graded as an Assistant Secretary.

(b) No.

(c) The strength of the section in 1922 was 47. The information asked for in the latter portion of this question is not available.

TRANSFER TO DELHI OF THE RECORDS OF THE ARMY DEPARTMENT.

870. ***Maulvi Muhammad Yakub:** Have the Army Department Records yet been brought to Delhi and, if not, when do Government intend to bring them to Delhi?

Mr. G. M. Young: Printed records of the Army Department from 1890 and all unprinted records of the last six years are kept in Simla. The older printed and unprinted records were left in Calcutta because until recently there was no storage accommodation available for them. They will be brought to Delhi in the course of the next year.

ADMISSION TO EXAMINATIONS OF DEPARTMENTAL AND RETRENCHED CLERKS.

871. ***Maulvi Muhammad Yakub:** (a) Is it a fact that Messrs. Karam Chand Varma, Gajjan Singh, clerks, Master General of Ordnance Branch, late of the Army Canteen Board, and some retrenched clerks of the Medal Section, holding temporary appointments in the Army Headquarters, have not been allowed to sit in the departmental examination of November, 1929? If so, will Government furnish a complete list of the retrenched clerks of the Medal Section and the Army Canteen Board holding temporary appointments in civil and military offices of the Government of India who have not been permitted to appear at the last examination and also state the reasons for withdrawing these concessions in each case?

(b) Have any clerks who neither belong to the Medal Section nor to the Army Canteen Board been allowed to sit in the examination? If so, what are the special reasons for doing so?

Mr. G. M. Young: (a) The answer is in the negative as regards Messrs. Karam Chand Varma and Gajjan Singh, both of whom were permitted to sit at the examination. There was only one retrenched clerk of the Medal Section holding a temporary appointment in Army Headquarters, who was not allowed to appear at the departmental examination, because the concession applied only to clerks who were serving in the Medal Section in 1929. The appointments of seven of these in the Medal Section were made permanent, and employment was found at Army Headquarters for three more. The clerk, who was not allowed to appear at the examination, had been selected for retrenchment, four years previously, when the first reductions in the Medal Section were made, on account of his unsatisfactory work and conduct. The latter part of the question does not arise.

(b) Yes, exceptional cases were referred to the Public Service Commission, who granted admission on the merits of each individual case.

EMPLOYMENT OF RETRENCHED CLERKS.

872. ***Maulvi Muhammad Yakub:** Is it a fact that Messrs. Abdul Haq, R. R. Sett and S. C. Sett, late clerks of the Medal Section, have been provided with appointments in the Army Headquarters after retrenchment? If so, do Government propose to give similar treatment to the clerks of the Medal Section who were thrown out of employment after faithfully serving Government for almost ten years; in many cases, at the time when they became overaged and unfit for further service?

Mr. G. M. Young: The answer to the first part of the question is in the affirmative. Government have always been, and are still prepared to consider applications from clerks, who were retrenched, for further employment. I would point out, however, that the large Medal establishment employed during the first few years after the war was on an avowedly temporary basis, and that none of the clerks so employed had any expectation of permanent employment. It was inevitable that after the main work of distributing medals was completed, the establishment should be greatly reduced. I cannot accept the suggestion in the last sentence of the Honourable Member's question that Government should re-employ clerks who are over age and unfit for further service.

RETRENCHMENT OF CLERKS IN THE MEDAL SECTION.

873. ***Maulvi Muhammad Yakub:** Will Government please state whether the clerks who were transferred, along with the Medal Section, from Simla to Calcutta, after being given 20 per cent. deputation allowance, and the clerks who were entertained in Calcutta, were, wholly or partly, paid from War Office funds? If so, did the retrenchment in the Medal Section occur on the recommendation of the War Office with a view to curtail their expenditure?

Mr. G. M. Young: The answer to the first part of the question is in the affirmative, and to the second part in the negative.

TRANSFERS OF CERTAIN OFFICERS OF THE POSTS AND TELEGRAPHS DEPARTMENT.

874. ***Maulvi Muhammad Yakub:** (a) Will Government be pleased to state whether Government have promulgated rules, regulating transfers of Deputy Assistant Electricians and Sub-Divisional Officers of the Engineering and Telephone Branches of the Posts and Telegraph Department? If so, would they table departmental regulations prescribed for the purpose?

(b) Has a time limit been fixed under the rules above, for each station or locality?

(c) Is it a fact that there is a general lack of uniformity in the manner transfers are being effected generally, *i.e.*, some being provided prolonged tenures at places, whilst others, either stagnate at inconvenient stations or are jostled about oftener?

(d) Will Government be pleased to furnish a list of all such officials in all cadres, afore-mentioned, who have already served in the same place or post for over three years, indicating also respective periods involved?

(e) Are Government aware that a strong feeling exists throughout and amongst all cadres afore-named, that transfers could be conducted on better and more equitable lines than they are at present?

(f) Are Government prepared to review the whole question of transfers in all three branches?

Mr. H. A. Sams: (a) There are no special rules relating to the transfer of officials of the classes referred to. The officials are subject to the general rules regarding the conditions of transfer.

(b) No.

(c) As transfers of the officials referred to are effected in the interests of the service, there cannot be uniformity as regards the period for which an officer is stationed at a particular place.

(d) Information will be collected and will be furnished to the Honourable Member in due course.

(e) No.

(f) There appears to be no necessity for the action suggested.

CONDONATION OF BREAK IN SERVICE OF CERTAIN TEMPORARY EMPLOYEES.

875. ***Maulvi Muhammad Yakub**: (1) Will Government be pleased to state if it is a fact that:

- (a) As a result of the Report of the late Inchcape Committee, reduction in the establishment of different Departments of the Government of India was effected, and certain temporary men, having long temporary service at their credit at the time, were thrown out of employment and again provided for in Government Offices by the Staff Selection Board with a short break in service?
- (b) Government granted leave up to some specified period to those retrenched temporary men who had four years' temporary service or over at the time of retrenchment?
- (c) There is an article 420 (d) in the Civil Service Regulations to the effect that the break in temporary service shall be condoned if it is due to the reduction in establishment?

(2) If replies to part (1) be in the affirmative, are Government prepared to treat as leave or condone the break in service of the temporary men referred to in part (a) above to enable them to avail themselves of their long temporary service before the break for purposes of *leave and pension*?

Mr. C. W. Gwynne: 1. (a) Yes.

(b) Retrenched temporary employees, who had put in 4 years' continuous temporary service or more, were allowed to count that service for purposes of leave as if it had been permanent service.

(c) Article 420 (d) of the Civil Service Regulations provides, as an exception to the general rule that an interruption between two periods of service shall have the effect of making it impossible to reckon the earlier period as service for any purpose, that a loss of appointment owing to reduction of establishment shall not have that effect.

(2) The question of leave has already been disposed of on the merits of each individual case and Government do not propose to reopen the matter. The position regarding pension was explained in reply to Mr. Siddheswar Prasad Sinha's starred question No. 717 on the 23rd September, 1929.

MEDICAL ATTENDANCE FOR APPRENTICES AT THE KHARAGPUR WORKSHOPS.

876. ***Mr. S. C. Mitra**: (a) Will Government please state whether the facilities afforded in medical attendance and medical assistance to the apprentices in the Bengal Nagpur Railway Workshops at Kharagpur are equal for all and for all purposes, regardless of their race and class?

(b) If the reply to part (a) above is in the negative, will Government be pleased to state what are the differences observed, as regards the kind and quality of such attendance and assistance that are given to the Indian apprentices and particularly to the "A" grade apprentices from that given to the Anglo-Indian and European apprentices there?

(c) Are Government prepared to instruct the Railway to make the rules for medical facilities to their apprentices uniform? If not, why not?

Mr. A. A. L. Parsons: With your permission, Sir, I will answer questions 876, 877, 878 and 879 together. I have called for information and will communicate with the Honourable Member when it is received. I wish, however, to say that the Agent of the Bengal Nagpur Railway is personally investigating the question of removing the inequality, which must, I think, be admitted to exist in the treatment of European and Anglo-Indian and Indian apprentices in the Kharagpur Workshops, and the Honourable Member's questions will be useful in bringing particular points to his notice.

LEAVE ADMISSIBLE TO APPRENTICES OF THE KHARAGPUR WORKSHOPS.

†877. ***Mr. S. C. Mitra:** (a) Will Government please state what period of leave during the year, on full pay, is admissible to the apprentices in the Bengal Nagpur Railway workshops at Kharagpur, that counts towards their service and increments?

(b) Does the medical leave of apprentices at Kharagpur count for service and increments? If so, for how long does it ordinarily count in the year and what are the allowances granted to the apprentices while on medical leave?

(c) What other leave with full pay is admissible to the apprentices that counts for increments and service and is granted on extraordinary reasons?

(d) Is there any differential treatment observed for the Indian apprentices, particularly for the "A" grade apprentices, in respect of leave and leave allowances from that of the Anglo-Indian and European apprentices in the Kharagpur Railway workshops?

(e) If the reply to part (d) above is in the affirmative, will Government please specify the differences observed and state reasons for the differential treatment?

COMPENSATION FOR INJURY FOR APPRENTICES OF THE KHARAGPUR RAILWAY WORKSHOPS.

†878. ***Mr. S. C. Mitra:** (a) Will Government be pleased to state whether any compensation for injury or disability caused in performance of their duty, is given to the apprentices in the Bengal Nagpur Railway workshops at Kharagpur?

(b) If the reply to part (a) above is in the affirmative, will Government please state whether the Workmen's Compensation Act is applicable in such cases?

(c) If the reply to part (b) above is in the negative, will Government please place on the table a copy of the rules that regulate the grant of such compensation to the apprentices in the Kharagpur Railway workshops?

(d) Have the Bengal Nagpur Railway had any occasion before to grant such compensation to any one of their Apprentices? If so, will Government please furnish the particulars?

(e) Is there any different ruling for the grant of such compensation to Indian and particularly to the "A" grade apprentices from that of the Anglo-Indian and European apprentices in the Kharagpur Railway workshops? If so, what is the reason for this differential treatment?

TRAINING OF APPRENTICES IN THE KHARAGPUR WORKSHOPS.

†879. ***Mr. S. C. Mitra:** Is it a fact that the rules governing the admission of apprentices in the Kharagpur Railway workshops lay down different kinds of distribution in their training for the different periods of apprenticeship of the Indian "A" grade apprentices, but there are no such conditions laid down in the rules for the European and Anglo-Indian apprentices there? If so, will Government please state the reasons for this differential treatment?

APPOINTMENT OF INDIAN OFFICERS IN THE OFFICE OF THE DEPUTY COMMISSIONER, DELHI.

880. ***Mr. S. C. Mitra:** (a) With reference to the reply to question No. 745 (b) in the Legislative Assembly Debates, dated the 25th February, 1929, will the Honourable Member in charge of the Home Department kindly say if it is a fact that a junior Anglo-Indian clerk was again imported in the office of the Deputy Commissioner, Delhi, to officiate as Office Superintendent in May or June, 1929, in supersession of long service assistants? If so, why?

(b) Will Government be pleased to state, if the post of the Registrar, office of the Chief Commissioner, Delhi, is reserved for Europeans and Anglo-Indians? If not, do Government propose to appoint an Indian to the said post on the occurrence of a vacancy?

Mr. C. W. Gwynne: (a) An Anglo-Indian Head Assistant from the Chief Commissioner's office on a higher rate of pay than any of the clerks in the Deputy Commissioner's office was appointed to officiate for one month for the Superintendent of the Deputy Commissioner's office while the latter was doing his military training. There was no racial discrimination.

(b) No. There is no vacancy at present and Government cannot give any undertaking of the kind suggested in advance.

APPOINTMENT OF A JUNIOR CLERK AS SUPERINTENDENT, REFORMATORY SCHOOL, DELHI.

881. ***Mr. S. C. Mitra:** (a) Will Government be pleased to state if it is a fact that the Chief Commissioner, Delhi, has appointed an Anglo-Indian clerk of his Office as Superintendent, Reformatory School, Delhi, which is a gazetted post?

(b) If so, what are the technical and educational qualifications of the said gentleman to hold the post?

(c) Has he any previous experience of any juvenile jail, or of educational institutions? If not, on what considerations has a junior clerk been appointed to hold a post of such a responsible nature?

(d) Why have the claims of senior Head Assistant been ignored in filling the appointment?

Sir Frank Noyce: The information asked for is being collected and will be supplied to the Honourable Member later.

†For answer to this question, see answer to question No. 876.

ACCEPTANCE OF *DALIS* BY THE SUPERINTENDENT, DEPUTY COMMISSIONER'S OFFICE, DELHI.

882. ***Mr. S. O. Mitra:** (a) Will Government be pleased to state, if it is a fact that the clerks in the Deputy Commissioner's Office, Delhi, have to pay a certain portion of their salary of the month of December and with the amount have to purchase presents and wait on the Superintendent of the Deputy Commissioner's Office, Delhi, with *dalis* on the Christmas Day?

(b) Is it a fact that the *dalis* were accepted by the Superintendent of the Deputy Commissioner's office on the last Christmas Day from his subordinate clerks? If so, what was the value of the presents received and with what motive were they presented and accepted?

(c) In view of the reply given by the Home Member to question No. 748 (a) on the 25th February, 1929 on the subject, are Government prepared to institute an inquiry as to whether the practice of accepting *dalis* is prevalent in the Deputy Commissioner's Office, Delhi?

Mr. C. W. Gwynne: (a) No.

(b) The Superintendent accepted a few trifling presents of fruit, nuts or flowers from his clerks. Government have no reason to suppose that the motive of acceptance as well as of presentation was anything but goodwill.

(c) The presentation related to one occasion only and no question of the prevalence of a general practice arises. Government do not therefore consider it necessary to hold an inquiry as suggested.

APPOINTMENTS AND PROMOTIONS IN THE DEPUTY COMMISSIONER'S OFFICE DELHI.

883. ***Mr. S. O. Mitra:** (a) Is it a fact that the appointments and promotions in the Deputy Commissioner's Office, Delhi, are not made with due regard to seniority and efficiency and that employees are given pay of the higher grades without actually performing the duties of the higher posts?

(b) Is it a fact that one clerk is working as a Vernacular Munshi, and his name is shown as an English clerk in the Deputy Commissioner's Office? If so, why is the Superintendent of the said office allowed to make such appointments?

Mr. C. W. Gwynne: (a) and (b). The reply is in the negative.

MEMORIALS FROM THE CLERICAL STAFF OF THE DEPUTY COMMISSIONER'S OFFICE, DELHI.

884. ***Mr. S. O. Mitra:** (a) With reference to the reply to question No. 746 (b) in the Legislative Assembly Debates, dated 25th February, 1929, will the Honourable the Home Member kindly say what has become of the memorials addressed to H. E. the Viceroy submitted by the clerical staff of the Deputy Commissioner's Office, Delhi, in June 1927?

(b) Were the memorials withheld? If so, under which rule of the memorial rules?

(c) Were the memorialists informed of their memorials being withheld? If not, why not?

(d) If the memorials are still under consideration, how long does the Delhi Administration intend to take before submitting the memorials?

Mr. O. W. Gwynne: (a) I understand that they were returned to the Deputy Commissioner.

(b), (c) and (d). The memorialists had prayed for further increase of the salaries, etc., recently sanctioned by the Government of India and for the grant of house rent. The Deputy Commissioner was informed in December 1927 that the Chief Commissioner was not prepared to refer the matter to the Government of India, and it is understood that this decision was conveyed to the memorialists. The memorials were not technically withheld, and it would have been open to the memorialists to approach the Chief Commissioner again with a request that they should be submitted to the Government of India even though the Chief Commissioner was unable to support them. They have not done so yet.

PAY OF EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, ALIGARH.

885. ***Mr. S. O. Mitra:** (a) Will Government be pleased to state if it is a fact that a large number of workers in the Government of India Press, Aligarh, have been paid less than the pay sanctioned by Government for the posts they hold?

(b) If so, is it a fact that such procedure is contrary to the provisions of the Fundamental Rules?

(c) Why is the Manager allowed to cut the sanctioned pay of the workers and why does not the Controller of Printing exercise proper supervision in the matter?

(d) Is it a fact that wages to the extent of about Rs. 15,000 were cut and are Government aware that some of the workers had to live on one meal a day owing to the reduction of 25 to 30 per cent. of their wages?

The Honourable Sir Bhupendra Nath Mitra: An inquiry is being made and the result will be communicated to the Honourable Member in due course.

(Mr. President called Mr. Ranga Iyer to put question No. 887.)

Mr. Vidya Sagar Pandya: May I know, Sir, what has become of question No. 886?

Mr. O. W. Gwynne: I have been informed, Sir, by the Legislative Assembly Department that the Honourable Member has withdrawn this question.

Mr. C. S. Ranga Iyer: That is why I did not put question No. 886.

CORRESPONDENCE BETWEEN THE SECRETARY OF STATE AND THE GOVERNMENT OF INDIA ON CERTAIN MATTERS.

887. ***Mr. C. S. Ranga Iyer:** (a) Will Government be pleased to state if any correspondence has passed between the Secretary of State for India and the Government of India in regard to:

- (i) the arrest of Vallabhbhai Patel;
- (ii) the policy to be adopted towards the civil disobedience movement; and
- (iii) the representation of the Congress in the projected Conference of Princes and people in London?

(b) If so, will they be pleased to issue a white paper or make a statement regarding the said correspondence?

Mr. C. W. Gwynne: (a) (i) and (ii). The Government of India have been in communication with the Secretary of State in regard to the policy to be adopted towards the civil disobedience movement and have reported to him the facts regarding the arrest of Mr. Vallabhbhai Patel.

(iii) There has been no correspondence between the Government of India and the Secretary of State on this subject.

(b) The reply is in the negative. For the policy of the Government of India towards the civil disobedience movement the Honourable Member is referred to His Excellency the Viceroy's address to the Assembly on the 25th January last.

Mr. Vidiya Sagar Pandya: May I know, Sir, if there is any truth in the newspaper report this morning that both Sardar Vallabhbhai Patel and the Lord Mayor of Calcutta are going to be released before their time? (*Several Honourable Members:* "No, no. It is Subhas Chandra Bose.")

Mr. C. W. Gwynne: I have no information, Sir.

PROMOTIONS OF SUBORDINATES ON THE EAST INDIAN RAILWAY.

888. ***Lieut.-Colonel H. A. J. Gidney:** (a) Will Government please state the total increase in expenditure today incurred by the recent raising of wages of the menial, unskilled and skilled employees on the East Indian Railway?

(b) Will Government be pleased to state the total number of subordinates promoted to official grades, both temporary and permanent and how many of them are Europeans, Anglo-Indians, Hindus, Mohammedans and other classes?

Mr. A. A. L. Parsons: (a) I do not know to what particular revision of wages the Honourable Member refers. If he will let me know precisely what information he wants I shall be glad to furnish him with it, if possible.

(b) I have called for information and will communicate with the Honourable Member when it is received.

Lieut.-Colonel H. A. J. Gidney: In view of the stereotyped replies given by the Railway Board of collecting information, will the Honourable Member tell this House where the Railway Board usually place their collection boxes? These are evidently not put in the right places, because I have been waiting so long for a reply to this question.

(No answer was given.)

PROMOTION OF SUBORDINATES ON STATE RAILWAYS.

889. ***Lieut.-Colonel H. A. J. Gidney:** Will Government please state when they intend remedying the present position of a large number of subordinates on the State Railways officiating as officials by making them either permanent or improving their salaries?

Mr. A. A. L. Parsons: The position will be improved when the cadres of the superior establishments of State-managed railways are revised. Proposals for the revision of the cadres are about to be referred to the Central Advisory Council for Railways.

RATES OF PAY ON THE EAST INDIAN RAILWAY.

890. ***Lieut.-Colonel H. A. J. Gidney:** (1) Will Government please state whether:

(a) the revised rates of 1928 on the East Indian Railway were drawn up by the Railway Board; and

(b) these rates are applicable to the entire staff of the East Indian Railway, i.e., including those recruited before the date of the introduction of these rates?

(2) Will Government please state the cost of the staff before the 1928 rates of pay were introduced?

Mr. A. A. L. Parsons: (1) (a) No.

(b) A copy of Circular No. 485/A. E.-388, dated the 1st October, 1928, of the Agent, East Indian Railway, which contains a full answer to the Honourable Member's question, has been placed in the Library.

(2) The total cost of all staff of the East Indian Railway including superior officers in the year 1927-28 was Rs. 6,95,67,687.

Lieut.-Colonel H. A. J. Gidney: Is the Honourable Member aware that the Agent of the East Indian Railway, when giving his evidence before the Labour Commission, stated that it was the Railway Board who introduced these revised 1928 rates of pay and not the East Indian Railway Agent?

Mr. A. A. L. Parsons: No, Sir; I was not aware of that. In fact, I have not seen the evidence.

Lieut.-Colonel H. A. J. Gidney: I rise to a point of personal explanation, Sir. My question that was sent to the Legislative Assembly has been so altered as to render it absolutely innocuous. I asked for a difference between the total cost of pay of the subordinate establishments between the years 1928 and 1926. The important part has been omitted and the smaller part has been kept as it was.

Mr. President: Was the Honourable Member informed that his question was so altered?

Lieut.-Colonel H. A. J. Gidney: I was not informed of that, Sir.

Mr. President: I will look into the matter.

PAY OF POLICE INSPECTORS IN DELHI.

891. ***Lieut.-Colonel H. A. J. Gidney:** (a) Has the attention of Government been drawn to the grievances of the Delhi Province Police Inspectors, Sergeants and Sub-Inspectors in regard to their pay and prospects in consequence of the revision made from the 1st April, 1928, detailed in an article on page 9 of the August (1929) issue of the *Anglo-Indian Review* as follows:

(i) Great disappointment and discontent is prevailing among the above ranks owing to the adverse effect of the increments fixed and given;

- (ii) the increments fixed for Inspectors (*viz.*, Rs. 7-8-0) are much too inadequate in comparison with Inspectors in Bengal (*viz.*, Rs. 12-8-0) and even in clerical and other services in most of which the rates of increments of Government servants drawing pay at Rs. 100—300 amount to not less than Rs. 10 or Rs. 20;
- (iii) the senior officers in each grade have suffered considerable loss in not getting any incremental pay for their longer services as compared with junior officers;
- (iv) in spite of representation against and recognition of the anomaly by the Departmental heads, nothing has been done to redress their grievances; and
- (v) though in order of precedence and pay, duties and responsibilities, the Inspectors ranked with Tehsildars, the latter have since been elevated to be gazetted officers and given pay from Rs. 200 rising up to Rs. 375?

(b) Do Government propose to take any steps to go into this matter and redress the grievances of these servants?

(c) Is it a fact that whereas the Indian Imperial Police and Provincial Police Services have their own organisations to represent their disabilities, Inspectors, Sergeants and Sub-Inspectors are not permitted to have such bodies?

(d) If so, are Government prepared to issue instructions to their Departmental officers to permit the formation of such Associations?

Mr. O. W. Gwynne: (a) (i) to (v). I have not seen the article referred to, but my information is that the introduction of the time-scale for the old graded system of pay has, on the whole, given satisfaction to the ranks concerned. The rate of increment for Inspectors in Bengal is Rs. 25 biennially, not 12-8-0 annually as suggested. In the clerical service of the Government of India Secretariat, and Attached Offices, the rates of increment vary, but it is not a fact that the minimum increment in scales running to Rs. 300 is Rs. 10. Officers who happen to be at, or very near, the top of their particular grade, naturally got a smaller increase of pay immediately under the new time-scale than they would shortly have received under the grade system, and officers who at the time of revision happened to be at or near the bottom of their particular grade, received an increase of pay immediately, which they would not for many years have received under the grade system, but such anomalies must be regarded as inevitable in a change of system from grades to a time-scale. Individual cases of hardship have been brought to the notice of departmental heads of the service. I understand that Inspectors ranked with, but junior to, Tehsildars, and that the latter have been created gazetted officers on a pay ranging from Rs. 200 to 375.

(b) The Inspectors, Sergeants and Sub-Inspectors at Delhi belong to the cadre of the Punjab police. The Government of India do not contemplate action in the matter.

(c) Subject to compliance with the rules laid down by the Government of India, the formation of Associations of police officers of the ranks mentioned is permitted, but it is for the Local Government to prescribe the rank

or ranks which may comprise an association and to accord recognition. For the reason stated in reply to part (b), the Local Government concerned in this case is that of the Punjab.

(d) Does not arise.

Lieut.-Colonel H. A. J. Gidney: In view of the Honourable Member's reply that the increase in the Bengal Police Inspectors' grade is Rs. 25 biennially, surely I am right in assuming that the increase annually is Rs. 12-8-0? This is obvious?

Mr. C. W. Gwynne: No, Sir, payment is not made annually.

SUPPLY OF TIMBER FROM THE ANDAMANS TO MATCH FACTORIES IN INDIA.

892. ***Sir Darcy Lindsay:** (a) Will Government be pleased to state what has been the supply of timber during the year 1929-30 from the Andamans to match factories in India and Burma?

(b) Have the demands for this special class of timber been fully met, and what has been the allocation by the Andamans Administration to the several match factories which have indented for it?

(c) What steps have Government taken to ensure that indents of the Indian companies and firms receive full consideration and that undue preference will not be given to any particular company? What steps have Government taken to ensure that no long term contract will be entered into which is likely to be prejudicial to the interests of the Indian companies as a whole?

(d) Will Government be pleased to state whether they have arrived at any definite conclusions on the Report of the Indian Tariff Board, and if so, as to what action they propose to take in order to conserve this growing industry to Indian interests?

(e) What steps are being taken by the Forest Department to discover suitable woods for match manufacture that can be extracted in quantity and readily transported to factories, as recommended by the Tariff Board on page 102, in paragraphs 21 and 22 and on page 118, in paragraph 25 of their Report?

Sir Frank Noyce: (a), (b) and (c). Information is being collected and will be supplied to the Honourable Member as soon as possible. The Honourable Member may rest assured that his suggestion that indents of Indian companies and firms for timber required for match factories in India and Burma should receive full consideration and that undue preference should not be given to any particular firms will be sympathetically explored.

(d) and (e). The proposals of the Indian Tariff Board referred to by the Honourable Member have been under consideration for some time. They were discussed with the Inspector General of Forests who, in August 1928, submitted proposals which included the establishment of an experimental match factory at Dehra Dun. As the appointment of a Special Committee to report on the future scope of the activities of the Forest Research Institute was contemplated by Government, it was decided to postpone action on the Inspector General of Forests' recommendations until this Committee had also had time to examine them. The desirability of this course of action was also indicated by the need for ensuring

that the definite research project, which the Tariff Board recommended should be drawn up, should be framed with due regard to economy. The Forestry Committee dealt with this matter in paragraph 54 of their Report, of which copies will be found in the Library of the House. Stated briefly, their recommendation was that before any project was drawn up, or any elaborate manufacturing plant installed at the Institute, a meeting of the representatives of the match trade should be convened and their exact requirements ascertained. The Inspector General of Forests was accordingly authorised to convene a conference of such representatives. Unfortunately, his efforts in this direction did not evoke sufficient response and the idea of the conference had, therefore, to be abandoned. The Government of India are now in communication with Local Governments regarding proposals which the Inspector General of Forests has submitted to provide for testing at Dehra Dun all species of Indian wood that appear to be suitable for use in the manufacture of matches and then testing them on a manufacturing scale at one of the match factories in India, and for ascertaining the requirements of match factories and arranging with provincial Forest Departments not only for the utilisation to the best possible advantage of available supplies but also for the selection of new areas for growing suitable species of timbers. The views of Local Governments on these proposals are now awaited.

Sir Purshotamdas Thakurdas: The question raised here does not affect any particular individual. It is a matter in which match factories all over India are interested. May I ask whether Government are prepared to place the reply on the table of the House?

Sir Frank Noyce: The reply to (a), (b) and (c)?

Sir Purshotamdas Thakurdas: Yes.

Sir Frank Noyce: Certainly.

Sir Purshotamdas Thakurdas: I thought the Honourable Member said that he would supply the answer to the Honourable Member who put the question.

Mr. President: It will be placed on the table.

Sir Purshotamdas Thakurdas: May I ask if Government are prepared to draw the attention of the Andamans' Administration to what is indicated in the latter portion of question (c).

Sir Frank Noyce: By all means. I would explain to the Honourable Member that we are endeavouring to find out from the Andamans' Administration exactly what the system there is at present. The suggestion now made by the Honourable Member will certainly be duly considered if the reply we receive from the Andamans' Administration shows that the practice is not being followed already.

Mr. Vidya Sagar Pandya: Will the Government make inquiries as to whether suitable timber is available there for manufacturing pencils also?

Sir Purshotamdas Thakurdas: My question was, will Government consider the desirability of asking the Andamans' Administration not to enter into any long term contract pending their making the reply available to this House.

Sir Frank Noyce: I think we should get the reply of the Andamans' Administration in the course of the next few days. I do not think there is the smallest danger of their entering into any fresh contract before we get their reply.

Sir Purshotamdas Thakurdas: My point is, that some time may elapse between the time the Government get the reply and the time when Government can make that reply available to this House. Will Government consider the desirability of asking the Andamans' Administration not to enter into a long term contract until the Assembly has had an opportunity of making a representation to Government, based on the reply which we may get hereafter?

Sir Frank Noyce: I am certainly prepared to consider that question.

Mr. Vidya Sagar Pandya: My question has not been answered.

Mr. Sarabhai Nemchand Haji: Will Government take steps to see that the benefit under this scheme goes to genuine Indian companies and not to the so-called indigenous companies, about which we have come to know, and which are only controlled by foreigners?

Sir Frank Noyce: I must ask for notice of that question.

Mr. Sarabhai Nemchand Haji: Is the notice required because the Honourable gentleman does not know the difference between a genuine Indian national company and an indigenous company which sails under false pretences and is controlled by foreign interests?

Sir Frank Noyce: The Honourable Member's question raises an important issue of policy and therefore I must ask for notice.

DECENTRALISATION OF THE OFFICE OF THE DEPUTY ACCOUNTANT GENERAL TELEGRAPHS, CALCUTTA.

893. ***Mr. S. O. Mitra:** 1. (a) Is it a fact that the office of the Deputy Accountant General, Telegraphs, Calcutta, is going to be decentralised? If so, when is it going to take effect?

(b) Will Government please state what is the approximate cost estimated for this scheme? What is the necessity and importance of this scheme? What is the urgency for immediate action during the financial stringency of the Government revenue?

(c) Is the decentralisation likely adversely to affect the system of commercialisation of accounts that has been lately taken up?

2. (a) Is it a fact that the decentralisation of the office of the Deputy Accountant General, Telegraphs was not originally approved by the Auditor-General, but after persistent demands from Mr. Jagat Prasad, the Auditor-General gave his approval?

(b) Are Government going to make arrangements for house accommodation for the employees in Nagpur and Madras, or are they going to grant house-rent allowance for the employees?

The Honourable Sir George Schuster: 1. (a) Yes; the decentralisation is expected to be completed by the end of August or September 1980.

(b) Against a gross recurring saving of about Rs. 87,000 per year there will be :

- (i) recurring extra expenditure of Rs. 22,600 per annum; and
- (ii) non-recurring expenditure of Rs. 1,15,000.

Decentralisation has been found advisable mainly on the following grounds :

(1) Decentralisation is a natural corollary of the unification of the Engineering Circles and the Postal Circles on the administrative side. The audit officer, through decentralisation, will be enabled to maintain closer touch with the Executive and to exercise more effective supervision over the divisional accountants.

(2) Besides improving the general efficiency of engineering audit, the decentralisation is expected to economise time and expenditure on local inspections and to facilitate the introduction of a system of intensive inspections.

(3) The decentralisation is expected not only to increase efficiency but also to produce some economy as already indicated. I may add that the proposals were very fully explained to and accepted by the Standing Finance Committee.

(c) No.

2. (a) No.

(b) The matter has been considered, but it is not proposed at present to take any action in the direction indicated, as it is understood that there is no special difficulty in securing house accommodation at a reasonable rate in the two places mentioned. Government quarters are not provided generally for clerks in these places.

SHORTAGE OF QUARTERS FOR EMPLOYEES OF NON-MIGRATORY OFFICES AT NEW DELHI.

894. *Lieut.-Colonel H. A. J. Gidney: (a) Will Government be pleased to state the total number of non-gazetted Government servants belonging to the non-migratory offices at New Delhi, such as the Indian Stores Department, Accountant General, Central Revenues, etc., who applied for, but were not allotted any, Government quarters at New Delhi during either of the last two winter allotments?

(b) Is it a fact that the migratory staff are allowed conveyance allowance if they fail to secure any quarters at New Delhi and reside outside that area?

(i) Is it a fact that this conveyance allowance is denied to the non-migratory servants under the same circumstances?

(ii) Will Government please state the reasons for such a distinction?

(c) Are Government aware that well ventilated and healthy private houses are not available in New Delhi and Delhi?

(d) Is it a fact that the non-migratory staff are in receipt of less emoluments than those of the same status in migratory Government Departments?

(e) Do Government propose to consider the claims of these men when allotting Government quarters for the next winter?

The Honourable Sir Bhupendra Nath Mitra: (a) 348 in 1928-29.
429 in 1929-30.

(b) Conveyance allowance is granted to persons of the class indicated who apply for, but cannot be provided with, Government accommodation in New Delhi, if they in consequence have to live in the Old Delhi Notified Area and attend office in New Delhi.

(b) (i) Yes.

(b) (ii). The reason is that, save in exceptional circumstances, an officer is not entitled to conveyance allowance for the purpose of attending office.

(c) Government are aware that there are very few private houses available in New Delhi, while there is difficulty in finding good accommodation at reasonable rates in old Delhi.

(d) I have no precise information in the matter, but doubt whether this is true as a general proposition.

(e) Government do not see any reason to give preference to non-migratory staff over the migratory staff in the matter of allotment of quarters.

Lieut.-Colonel H. A. J. Gidney: Will Government give equality and not preference? Equality is asked for, not preference.

The Honourable Sir Bhupendra Nath Mitra: The relative claims of the two categories are always considered before allotments are made.

CONTRACT FOR COPYING PORTRAITS OF THE KING AND QUEEN.

895. ***Dr. B. S. Moonje:** (i) Will Government please state if it is a fact that, in the Fine Arts Exhibition recently held in Delhi, two artists, Messrs. Fernandis and Kelkar, were declared to be the best of all others and given first prizes particularly in the competition for copying pictures of well known European artists and for drawing original pictures of their own on the European style?

(ii) If so, are Government aware that the contract of copying the pictures of Their Majesties the King and the Queen has not been given to these two artists, but to others?

(iii) If so, will Government please state the reasons thereof?

(iv) Is it a fact that these artists have submitted a representation to the Government against what they believe to be an injustice done to them?

(v) If so, how has their representation been disposed of?

The Honourable Sir George Schuster: (i), (ii) and (iii). I would invite the Honourable Member's attention to the Press communiqué dated the 3rd March, 1930, issued by the Military Secretary to His Excellency the Viceroy, which explains the position.

(iv) No representations have been received by Government from Messrs. Fernandis and Kelkar.

(v) Does not arise.

REPORT BY MR. HAYMAN.

896. ***Maulvi Muhammad Yakub:** (a) Are Government aware that in reply to my starred question No. 681, put on the 18th March, information as to the Report of the inquiry made by Mr. Hayman was not supplied?

(b) Will Government be pleased to reply to all the points raised in my starred question No. 681, put on the 18th March, 1930?

(c) Will Government be pleased to supply the House with a copy of the Report of Mr. Hayman? If not, why not?

Mr. A. A. L. Parsons: (a) On the contrary, it was explained in the reply given to the Honourable the Deputy President, who asked what was the nature of the grievances investigated by Mr. Hayman, what were his findings on those grievances and what steps were taken by the authorities on his report, that the grievances fell into two categories, first general, and second with regard to the treatment of particular individuals. A memorandum detailing the general grievances and explaining the action taken on them was placed in the Library. It was also explained that in those of the individual cases which he investigated, Mr. Hayman found no reason to propose an alteration in the orders passed by the East Indian Railway authorities, but he suggested that some of them should be re-examined by the Agent, to whom my Honourable friend might apply for any information he desired. My Honourable friend also asked what action had been taken by the Railway Board and he was referred to a letter which had been sent to him. That letter explained that the Agent of the East Indian Railway would, when he considered it desirable to do so, instruct the Divisional Superintendent to meet the officials of the East Indian Railway Union at Moradabad, and, subject to any general or specific instructions issued by him, discuss the merits of any particular case with the officials of the Union. That was a complete account of the action which has been taken by the Railway Board. I regret that I am not prepared to lay a copy of Mr. Hayman's report on the table for it is a confidential document, but if the Honourable Member will let me know any specific points on which he requires further information I will see if it can be supplied to him.

Maulvi Mubammad Yakub: Will Government kindly state if any action has been taken by the Divisional Superintendent as yet.

Mr. A. A. L. Parsons: I am unable to say. If the Honourable Member will give me details of cases on which he would like to have information, I will see whether I can obtain that information for him, including the question whether the Divisional Superintendent took any action.

UNSTARRED QUESTIONS AND ANSWERS.

DESCRIPTION OF EMPLOYEES OF GOVERNMENT OF INDIA PRESSES.

330. Mr. Mukhtar Singh: (a) Is it a fact that some employees of the Government of India Presses have recently been converted from "industrialists" to "ministerialists"?

(b) Is it the intention of the Government that the Factory Act will not apply to such men now?

(c) Is it not a fact that the men so converted are still working the same number of hours daily as before?

(d) Do Government intend to reduce their time and bring it to the level with the clerical establishment?

(e) What are their advantages and disadvantages under such change?

The Honourable Sir Bhupendra Nath Mitra: (a) to (e). Certain employees of the Government of India Presses have been declared as "ministerial" for the purpose of the Fundamental Rules. The distinction between ministerial and non-ministerial officers is quite different from the distinction between clerical hands and industrial hands. The declaration referred to does not affect the working hours or the emoluments of the men concerned or the applicability of the Indian Factories Act.

HOLIDAYS IN THE GOVERNMENT OF INDIA PRESS, DELHI.

331. Mr. Mukhtar Singh: (a) Is it a fact that the Home Department of the Government of India issued a circular No. F-47/2/29-Public, dated the 7th February, 1930, recently sanctioning some more holidays for the Government of India Secretariat and Attached Offices?

(b) Is not the Government of India Press, Delhi, an attached office?

(c) Has the circular been sent to the said Press?

(d) If not, where is it being delayed, and why?

(e) Is it not a fact that, by this delay, the Press has already been deprived of a few holidays since the circular issued?

(f) Are Government prepared to see that holidays sanctioned for Attached Offices and observed in the office of the Controller of Printing and Stationery are given to the Press also?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) to (f). The question of the applicability of the orders to the employees of the Government of India Press, Delhi, is at present under the consideration of Government.

LATE HOURS AT THE GOVERNMENT OF INDIA PRESS, DELHI.

332. Mr. Mukhtar Singh: (a) Is it a fact that every year some men are compelled to come to office at 10 A.M. for Princes Conference work and are made to work up to 11 P.M. in the Delhi Press?

(b) Is it not a fact that many protests were made to the Manager, without any effect?

(c) Is it not also a fact that no special concession is allowed to men working so late at night?

(d) Do Government propose to stop the practice and compel no men to attend office at any other time than the usual attendance time?

The Honourable Sir Bhupendra Nath Mitra: (a) During the few days the Chamber of Princes is in session at Delhi, a few men are usually booked to attend at 10 A.M. in connection with the printing of the proceedings.

(b) No representations have been made to the Manager in this connection.

(c) Men working late at night are paid overtime at special rates.

(d) Government do not consider it necessary to issue any orders on the subject.

ALLOWANCES OF READERS OF GOVERNMENT PRESSES.

333. Mr. Mukhtar Singh: (a) Will Government please state why acting allowance is not given to readers of Government Presses except the head readers?

(b) Is there no difference of responsibility between first, second and press readings?

(c) Is it not a fact that the Honourable Sir Bhupendra Nath Mitra, in reply to a question of Mr. S. C. Mitra last year, admitted that because of this difference in responsibility, so many grades have been kept?

(d) Is it not a fact that some readers of the Government of India Press, Delhi, have recently been shown as acting and are being given the acting allowance by order of the Controller?

(e) Will Government please explain how this has been done?

(f) Are Government prepared to sanction such allowances to readers whenever any vacancy occurs or a man goes on leave? If not, why not?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). The attention of the Honourable Member is invited to the reply given by me on the 3rd April, 1929, to part (c) of Mr. S. C. Mitra's unstarred question No. 453.

(c) The Honourable Member is presumably referring to the reply given by me on the 30th January, 1929, to part (a) of Mr. S. C. Mitra's starred question No. 274. In comparing the duties of readers and revisers I stated that the responsibilities of a reader vary according to the grade in which he is employed.

(d) No.

(e) Does not arise.

(f) No. Because no such allowance is admissible under the Fundamental Rules in this case.

FORMATION OF A SEPARATE PROVINCE OF KANARESE-SPEAKING PEOPLE.

334. Rao Bahadur B. L. Patil: (a) Will Government be pleased to state whether representations have been received by the Government of India regarding the formation of a separate Province of all the Kanarese-speaking territories now distributed between more than one administrative unit?

(b) Are Government aware that the Nehru Committee appointed by the All-Parties Conference, 1928, held that a *prima facie* case was made out for unification and formation of Karnatak as a separate Province?

(c) Will Government be pleased to state whether the British Karnatak Association submitted its memorandum to the Simon Commission and to the Simon Committee of Bombay on this subject?

The Honourable Sir James Orerar: (a) and (b). The replies are in the affirmative.

(c) Government have no information.

RECKONING OF TRADE UNIONS AS PUBLIC INSTITUTIONS.

335. Pandit Nilakantha Das: (a) Will Government be pleased to state whether the Trade Unions, registered under the Trade Unions Act, are reckoned as public institutions? If not, why not?

(b) If they are reckoned as public institutions, what facilities do Government provide them for their smooth working?

(c) Are they required to pay court fees in litigations and in other matters in which the assistance of the Court is sought by the Unions?

The Honourable Sir Bhupendra Nath Mitra: (a) A registered trade union is not a public institution in the sense that it affects or belongs to the State or to the community at large.

(b) Does not arise.

(c) As far as I am aware a registered trade union enjoys no special privilege in regard to the payment of court fees.

WELFARE COMMITTEES AND THE BENGAL AND NORTH WESTERN RAILWAYMEN'S ASSOCIATION.

336. Pandit Nilakantha Das: (a) When was the Bengal and North Western Railwaymen's Association started and when the Staff Welfare Committees on that Railway?

(b) Is it a fact that in the Bengal and North Western Railway, an officer of high rank performs the functions of the President and another works as Secretary of the Welfare Committees? If so, what is the principle underlying this practice?

(c) Were men among subordinate rank not available for filling up these offices?

(d) How many meetings of these Committees were held during the year ending the 31st March, 1929, and how many meetings of the Executive Committee of the Bengal and North Western Railwaymen's Association were held during the same period?

(e) Will Government be pleased to lay on table, a copy of the constitution of the Welfare Committees of the Bengal and North Western Railway and another of the Bengal and North Western Railwaymen's Association? If not, why not?

Mr. A. A. L. Parsons: I have called for information from the Agent of the Railway and will communicate with the Honourable Member when it is received.

FUTURE ADMINISTRATION OF THE BENGAL AND NORTH WESTERN RAILWAY.

337. Pandit Nilakantha Das: (a) Has attention of Government been drawn to a resolution passed at the Jharia Session of the All-India Congress held in December, 1928 and printed at page 58 of Appendix of the "Report and the Congress Constitution of the All-India Trade Union Congress, Ninth Session, 1928", urging upon the Government of India to take over charge of the Bengal and North Western Railway Administration as soon as its present contract with Government expires on the 31st December, 1932, in view of deplorable condition of the subordinate staff on the said Railway?

(b) If reply to part (a) be in affirmative, will Government please state whether the said resolution has been recorded for consideration when the question, regarding its future administration, comes for final consideration in 1931? If their attention has not been drawn to the resolution, are Government prepared to call for a copy of it? If not, why not?

Mr. A. A. L. Parsons: (a) and (b). Government are in possession of a copy of the resolution referred to.

COST OF WATCH AND WARD STAFF ON COMPANY-MANAGED RAILWAYS.

338. Pandit Nilakantha Das: (a) Will Government be pleased to state whether the payment for "watch and ward" on the Company-managed railways is borne, in India, out of the Government revenue?

(b) If so, what have they to spend for it on the Bengal and North Western Railway per annum?

(c) How many watchmen are employed on this Railway and what is their wage?

(d) Are there any other staff? If so, what is their position and how much has the Company to incur per month?

Mr. A. A. L. Parsons: (a) Yes, the charge is met from railway revenues.

(b) Between Rs. 75,000 and 80,000.

(c) and (d). Government have no information.

RECOGNITION OF UNIONS BY THE RAILWAYS.

339. Pandit Nilakantha Das: (a) Will Government be pleased to state the number, title and address of the unions of the railway employees and of their officers?

(b) How many unions of the railway employees are registered under the Trade Union Act and how many out of them are recognised by the Agent of the Railway?

(c) Which of their unions are not recognised and what are the reasons for their non-recognition?

(d) What steps Government propose to take to have recognised the unrecognised union?

(e) What facilities are provided to the unions by the Agent for organisation of the railway employees?

(f) (i) Do railway authorities deduct from the wages of members, the subscription due to recognised unions? (ii) Are the officers of such unions given passes to travel free in order to organise staff on the line? (iii) Are the correspondence between the unions and their members and their publications carried over the respective railways free of charge? (iv) Do the Railway authorities provide such facilities to the institutes of their employees? If so, why do they not provide these facilities to the Unions?

Mr. A. A. L. Parsons: (a), (b), first part of (c) and (e). A statement giving the information required has been placed in the Library of the House.

Second part of (c) and (d). The recognition of railway unions has been left to the Agents of railways and Government do not propose to call for the reasons why recognition has been withheld from particular unions or to take any steps to have all or any particular unions recognised.

(f) (i), (ii) and (iii). No.

(iv) Institute subscriptions are recovered through the medium of salary bills. Information in regard to the other points is not available.

It is not proposed to extend to Railway Unions concessions allowed to Railway Institutes as the two organisations are different in character.

RESOLUTION PASSED AT THE TRADE UNION CONGRESS AT JHARIA.

340. Pandit Nilakantha Das: (a) Has the attention of Government been drawn to resolution No. 53, passed at the ninth session of the All-India Trade Union Congress, at Jharia, in December, 1928, and printed at page 53 of appendix of the Report and Constitution of the Congress of the same year?

(b) (i) If so, do Government propose to investigate the allegations and claims contained in the said resolution? (ii) If not, why not?

(c) If their attention has not been drawn to it, do Government propose to obtain a copy of the said resolution for their consideration? If not, why not?

Mr. A. A. L. Parsons: (a) Yes.

(b) No; but I would like to point out that a systematic examination is being made of the suitability of the rates of pay of the lower paid establishments of railways.

(c) Does not arise.

SUPPLY OF INFORMATION PREVIOUSLY ASKED FOR.

341. Pandit Nilakantha Das: With reference to the reply given to unstarred question No. 340 on the 18th of March, 1929, will Government be pleased to state whether they were able to obtain the cutting referred to in the question? If so, what action were Government pleased to take?

Mr. A. A. L. Parsons: The answer to the first part of the question is in the affirmative.

As regards the second part, I would invite attention to the reply given on the 20th January, 1930, to question No. 52 by Khan Bahadur Sarfaraz Hussain Khan.

SUPPLY OF INFORMATION PREVIOUSLY ASKED FOR.

342. Pandit Nilakantha Das: With reference to the reply given to unstarred question No. 336 on the 18th March, 1929, will Government be pleased to state whether they propose to answer the second part of my question? If not, why not?

Mr. A. A. L. Parsons: A reply was given to the second part of the question to which I understand the Honourable Member to refer.

SUPPLY OF INFORMATION PREVIOUSLY ASKED FOR.

343. Pandit Nilakantha Das: With reference to the reply given to unstarred question No. 341 on the 18th March, 1929, will Government be pleased to state whether they propose to obtain the solicited information? If not, why not?

Mr. A. A. L. Parsons: Government are not prepared to call for the information as it cannot be procured without an expenditure of time and labour that would be entirely incommensurate with the value of the results obtained.

SUPPLY OF INFORMATION PREVIOUSLY ASKED FOR.

344. Pandit Nilakantha Das: (a) With reference to unstarred question No. 347 and the reply given to it on the 18th March, 1929, will Government be pleased to state if they propose to obtain the required information? If not, why not?

(b) If they propose to obtain the information, are Government prepared to obtain the figures that stood on any of the days before the 6th March, 1929?

Mr. A. A. L. Parsons: (a) Government are not prepared to call for the information as it cannot be procured without an expenditure of time and labour that would be entirely incommensurate with the value of the results obtained.

(b) Does not arise.

PUNISHMENT INFLICTED ON THE ACCUSED IN THE BHATNI TRAIN COLLISION.

345. **Pandit Nilakantha Das:** (a) With reference to the reply given to unstarred question No. 340 on the 18th March, 1929, will Government be pleased to state what punishment has been inflicted upon the accused in the Bhatni train collision case?

(b) Is it a fact that they were dismissed from their service before their prosecution?

Mr. A. A. L. Parsons: (a) The Jemadar has been sentenced to eighteen months rigorous imprisonment with a fine of fifty rupees. The Assistant Station Master and pointsmen have been acquitted. The three men have been dismissed from the railway service.

(b) Yes.

THE COTTON TEXTILE INDUSTRY (PROTECTION) BILL.

Mr. President: The House will now resume further consideration of the amendments moved by Mr. Shanmukham Chetty* and Pandit Madan Mohan Malaviya† on the 27th March, 1930.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Mr. President, when the Assembly rose yesterday, I was drawing the attention of the House to the situation created by the persistent refusal of the Government

*"In sub-clause (1) of clause 2, for the proposed Item No. 156-A., the following be substituted:

'156-A. Cotton piece goods (other than fents of not more than nine yards in length)—

(a) plain grey, that is, not bleached or dyed in the piece, if imported in pieces which either are without woven headings or contain any length of more than nine yards which is not divided by transverse woven headings;

(i) of British manufacture . . . *Ad valorem* 15 per cent. or 3½ annas per pound whichever is higher.

(ii) not of British manufacture . . . *Ad valorem* 20 per cent. or 3½ annas per pound, whichever is higher.

(b) Others—

(i) of British manufacture . . . *Ad valorem* 15 per cent.
(ii) not of British manufacture . . . *Ad valorem* 20 per cent.'."

†"In sub-clause (1) of clause 2, for the proposed Item No. 156-A., the following be substituted:

'156-A. Cotton piece-goods . . . *Ad valorem* 15 per cent. or 3½ annas per pound, whichever is higher.'"

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of India to lay on the table of this House the letter or cablegram which the Government of India addressed in the first instance to the Secretary of State in connection with their proposals for taxation for this year; and I was going to say that the Government have not the courage to lay it before the House because it seemed to me that they were aware that, if the letter was laid before the House, it could not support the position which they have taken up, and that on the contrary, it would lend support to the contentions which we are placing before this House. This view is confirmed by the answers which the Honourable the Finance Member gave yesterday to some of my questions. The position which has arisen in the debate is this, that the Government of India have agreed—at any rate, they have not disputed the correctness of the proposition—that when they sent up their proposals of taxation in the first instance to His Majesty's Secretary of State for India, there were two proposals among them relating to cotton piece-goods, namely, an increase from 11 per cent. to 15 per cent. in the general revenue duty and of $3\frac{1}{2}$ annas per lb. on plain grey goods as a protective duty. But on my asking him why it was that, on the receipt of the message from His Majesty's Government, he decided to raise the duty to 20 per cent. on all non-British cotton goods, with a minimum of $3\frac{1}{2}$ annas per lb. on plain grey goods, the Honourable Sir George Schuster told us something which throws some light on the situation. He said :

"The question of putting up the duty to something higher than 15 per cent. had always been under consideration ever since the deputation of the millowners interviewed my Honourable colleague and the Acting Finance Member at the time on the 8th of December. The claim on behalf of the millowners had always been for a protective duty of 20 per cent. The Government of India's difficulty was to find justification for imposing an all round duty of 20 per cent., and it had always been in the minds of the Government of India that it would be easier if they could find some principle of discrimination which would avoid this very heavy burden on consumers, by putting a duty on to a large quantity of goods which could not, within the period under contemplation, be manufactured by Indian mills. It was the difficulty of finding that principle of discrimination which had prevented Government from being able to satisfy themselves that they were justified in imposing a duty of 20 per cent."

This makes it quite clear that the Government of India felt from an early stage, after the 8th of December, that the demand of the millowners of Bombay in particular and of India in general for a 20 per cent. all round duty on imports of cotton goods was a reasonable one. It was not a demand which could be dismissed as obviously unjust. And though the Government of India, in their first proposals, did not have the courage to put forward any such proposal, as we understand, in the darkness which has been created and maintained by them by keeping back the correspondence from us, they still had that fact present in their mind. Their conscience was still stinging them that they had not given that much protection to the Bombay industry that it deserved in the circumstances. They were conscious that, having raised the rupee ratio to 1s. 6d., they had inflicted a loss of $12\frac{1}{2}$ per cent. upon the industry, and had presented a bonus of $12\frac{1}{2}$ per cent. to every foreign manufacturer who sends his goods to India. Being conscious of that fact, they felt all the time that they had not done enough justice to the millowners of Bombay. But they could not see their way how to solve the difficulty. It is here that the letter which we have asked for and which has not been produced, would probably throw some light. But I am sorry we have to depend upon conjectures. In the circumstances my conjecture is that, if that

letter were laid on the table, it would show that the Government of India did assert, in their correspondence with His Majesty's Government, that the demand of the millowners for a 20 per cent. all round duty was not an unreasonable demand, and that therefore they had to find some excuse for not accepting it. If the letter, I submit, were laid on the table, it would support this view that the Government of India did say, in that correspondence, that the demand of the millowners for a 20 per cent. all round duty was not unreasonable. This view is supported by the answer which the Honourable the Finance Member gave yesterday. He says that, from the 8th December onward, the demand of the millowners for a 20 per cent. all round duty was always present to his mind. He was always thinking how to accept that demand and what to do in the circumstances. He had before his mind the picture of Lancashire rising in rebellion and throwing out of office the Government in power. As the Honourable Sir George Rainy reminded us yesterday, the British Government had been put in jeopardy on two previous occasions in connection with Indian cotton duties. The Government were very much perplexed and did not know what to do. They could not think of agreeing to a 20 per cent. all round duty on all imported cotton goods because that would bring them face to face with Lancashire, and Lancashire has been more powerful in the chequered and unhappy history of India's relations with England than any other single interest. Lancashire could not be opposed, and therefore they could not think and could not muster up courage enough to do justice to the Bombay mill industry by proposing a duty of 20 per cent. on all cotton goods.

Sir Hugh Cocks (Bombay: European): May I ask the Honourable the Pandit whether, in his view, putting Lancashire aside, it would have been a good thing for the Indian consumer to pay this 20 per cent. duty all round?

Pandit Madan Mohan Malaviya: Yes, and I will answer that question in detail later on. Now, Sir, the Honourable Sir George Schuster made it very clear in the answers which he was good enough to give to my questions, that the Government did all along feel that something more than 15 per cent. of general revenue duty and 8½ annas per pound of protective duty was needed to give protection to the Bombay industry. If so, I entirely agree with the view that the Bombay industry needs full 20 per cent. today. Not only that, it needs more. And if we had it in our power, we would give that protection to the Bombay industry today. Let there be no misunderstanding on that point. But the Government would not make up their mind to put forward such a proposal for the dread of Lancashire. What did they do? They sent up the proposals, which were all that they could rise up to in the situation. And when His Majesty's Government drew attention, as they were bound to do, because His Majesty's Government consists of English patriots, to the probable serious effect of those proposals on the Lancashire cotton industry, the Government of India put forward their new proposals of preference to United Kingdom goods. Our friends on the other side are also patriots, and not the less so by reason of their being members of the Government of India. I was rather taken aback by Sir George Rainy fighting shy of asserting that position. It would have been perfectly straightforward to get up and say that they have the interests of their own country at heart, and that therefore they had put forward the proposal that they did. It is deplorable that, while we

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have been associated with this Government for such a long time, we have not learnt to practise the same amount of patriotism. But the reason is obvious. Subordination to a foreign Government is the greatest curse that can fall upon any nation. (Hear, hear.) It destroys the manhood in the people and it affects their moral fibre to a terrible extent. A foreign bureaucratic government is a body which corrupts the people over whom it exercises its power, its patronage and its influence. Its very presence has a corrupting influence.

But, Sir, to come back to my point, the Government did not put forward an all-round 20 per cent. duty because they could not face the wrath of Lancashire. I am asked by my Honourable friend, Sir Hugh Cocke, would it not inflict a very heavy burden on the consumer if an all-round 20 per cent. duty was imposed? That is the one plea urged by the Honourable the Finance Member and the Honourable the Commerce Member in offering such weak justification as they have been able to offer for not imposing a 20 per cent. duty all-round. Let us examine it. I think, Sir, I can claim that every fibre of my soul lives in sympathy with my people. Their happiness has been the happiness of my ideals and their sorrows have been the sorrows of my life. I am naturally anxious that not a single iota of burden should be laid upon the people where it is not justifiable in the circumstances. I will be the last person to say that, without compelling necessity, five per cent. more duty should be placed upon the consumer of cloth than is proposed by the Government. But why do I say still that I am prepared to support it? It is for very good reason. This wicked system of Government which is conducted on principles which take no account of justice or reason and is most extravagant is a curse. The salaries paid are intolerably high. Public expenditure has been maintained at an extremely high level, in spite of protests of the people. Time after time, whenever the Government have been under the necessity of finding more money, with very few exceptions they have resorted to fresh taxation. Even in this year when there is any amount of unemployment and suffering in the land, Government have quietly imposed taxation of over five crores upon the people, and, what is most galling, with the support of a certain number of elected Members of this House. Why, then, Sir, do I still support the proposal? Because it would enable a great national industry, the second in importance in this country, this great cotton industry of India, to stand upon its legs, to find that shelter and protection from foreign industries and from foreign manufacturers which it so sorely needs, and because upon all principles of protection such a course would be justifiable. If we put on a five per cent. extra duty on all foreign imports, the consumer undoubtedly pays it; he suffers for the time. He will have to pay an extra amount of two annas per dhoti or more, but he will pay with the feeling that he feeds his own national industry, and that when the national industry grows after a time, it will shut out all foreign manufactures and recapture the whole home market. (Hear, hear.) It used to supply that market until 1840, and even until 1880 to a large extent. It was by the deliberate and wicked policy of the British Government that the cotton industry of India was destroyed. Even today it is the action of England which is hurting that industry, and therefore, if a 20 per cent. all-round duty was imposed upon all cotton goods, it would protect the Indian industry, and the Indian industry, in spite of all the

nonsense that has been talked about the efficiency of foreigners being superior to that of Indians, will yet be able to show what Indians can accomplish. In the past no people in the world showed greater skill and greater industry in the production of cotton goods than Indians. India stood supreme among all the nations of the world in her cotton manufactures, and I hope to live and see in the near future, that the critics of Indian industry will acknowledge that the Indian is not less efficient or less industrious than any of his fellowmen in any other part of the world. But we want to give it the protection and assistance it needs. We want to give it time to breathe so that it may live and grow, and that time will come if there is a 20 per cent. duty, or even a little more, secured to the Indian manufacturer. No doubt, Sir, the burden on the consumer will be great for a time, but whatever burden he bears, he will bear to contribute to the development of the Indian cotton industry.

It is idle to think of this great industry as if it was a private property belonging to individuals or groups. This industry is a property belonging to the body politic of the nation as a whole. It is idle to tell me that one of my fingers is an isolated entity. The five fingers of my hand constitute my hand, and so every national industry is like a finger of the body politic, and if you cut off one, you weaken the whole and if you cut off two, you disable the whole still further. Therefore every industry, which is a national industry, deserves the protection of the government of the country. We have the example of other nations. While England talked of free trade when it suited it, England also imposed very heavy import duties when it suited it. I do not want to go into past history; it has been repeated *ad nauseam*. We know England imposed very heavy duties on Indian goods when it suited it to do so. England compelled India to take off duties on cotton imports when it suited her, to enable her to send her goods more freely to India. England now wants to take advantage of the position of dominance which she has acquired over India, a wrongful position, a position morally utterly unjustifiable, and taking advantage of that position, England wants to impose a burden upon India in favour of her own manufacturers at a time when India is utterly impoverished. Australia has flourished by high tariff walls, Canada and the United States of America and many other countries of the world have built up their national industries under the protection of high tariff walls. On the contrary, Sir, I grieve to say that there is no country in any part of the world where such injustice has been done to the national industries, particularly to the national cotton industry, as has been done in India under the British Government. Australians were not fools; the Canadians were not fools; the people of the United States of America were not fools; when they imposed heavy import duties; and after willingly and deliberately bearing the heavy burden which those duties imposed, they had the satisfaction of finding that their national industries stood upon their legs, and so they are prosperous now. Therefore, Sir, if a higher duty is to be paid by the consumer to help a national indigenous industry, it is justifiable to impose such a duty. In all discussions about protection, one obvious thing that has to be remembered is that protection is justified only because it will help a national indigenous industry. If a national indigenous industry can be benefited by protection, it ought to be given. If a national industry cannot be benefited by protection, there is no justification for compelling the consumer

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to pay one pice more for an article than what he can get it for from a free market. It is clear, therefore, Sir, that if a duty of 20 per cent. all-round were imposed, it would benefit the national cotton industry and will be justified.

But we are asked, why select the cotton industry for a heavy duty? Why not let the burden of taxation be distributed over other commodities, as has actually been done in this year's Budget. It will be said the Honourable the Finance Member has been very considerate in one respect, that he felt perhaps oppressed with the thought that, while higher duties were being levied from the poor, the rich should escape bearing their share of the burden, and that therefore he has tried to distribute the burden in the way he has done. He has raised the income-tax—Yes, but along with that has he not also imposed the silver duty, a duty which falls undoubtedly heavily upon the poor, a duty for which there is no justification unless the money raised by it were to be set apart by the free consent of the representatives of the people for some beneficial purpose, to help the people of the country. He expects to raise from the silver duty about one crore of rupees, while others think that two crores of rupees will be raised by it, and he has also imposed a duty on oil, which will bring in a large amount which also the poor man has to pay. If therefore he had decided to raise the cotton import duty to 20 per cent. all-round, the poor man in India would have paid through cotton goods alone, and in that case it would not have been necessary to impose a duty on silver, or a duty on oil, which the poorest of the poor use. The higher duty on cotton goods could be justified if there was need for such a heavy addition to the expenditure of the country, to the taxation of the country. If you raised the duty to 20 per cent, it is obvious that the burden would still have to be borne by the people, but the other burdens and the other injuries inflicted upon them would have been avoided. That has not been done.

Now, Sir, what is the situation in which the proposal to impose this duty has been presented, and what are our objections to it? Our first objection to it is that, either the Government of India were right in thinking that Bombay needs more protection or they were not. If they were right—as I say they were—in thinking that Bombay needs more protection, they should have agreed to the proposal of the Bombay millowners to impose a 20 per cent. duty all round. There is even now an amendment before the House, of which notice has been given by my Honourable friend Munshi Iswar Saran. If they are even now prepared to do justice to the Bombay millowner, Government can agree to that amendment, and I venture to say that a large body of Members on this side of the House will support Government in that proposal if they will only have the courage and the justice to accept it. But our difficulty is that Government are not willing to accept it, and it is this situation that we find ourselves face to face with in this House. Our objection to the proposals of Government is now clear. We are for a uniform rate of import duty on all cotton imports. We do not want that there should be any discrimination and preference introduced in this matter. Munshi Iswar Saran's amendment and my amendment both secure a uniform rate and both avoid discrimination and preference. Let Government accept either. And here, Sir, we are face to face with another situation which is most painful and most humiliating. Government

Members, the Honourable the Finance Member and the Honourable the Commerce Member, have both made it plain, they have not concealed it, that their proposal does involve preference to the goods of the United Kingdom. They have put it clearly, the Schedule shows it, their proposal shows it, they have made no secret of it. What the Finance Member, in his careful speech, said was: "We do not ask the Assembly at this stage to commit itself to the principle of Imperial Preference". That is all that he said. He never concealed that there was preference in his proposal to British goods. He said "We do not ask the Assembly at this stage to commit itself to the principle of Imperial Preference. But we put forward a particular proposal, which no doubt gives preference to British goods, but we do not ask the Assembly to adopt a policy or principle of Imperial Preference." But I am grieved to think that that has led some of my friends to rack their brains to find out arguments to support the idea, the absurd and untenable idea, that there is no preference to British goods involved in the proposals of Government. Sir, the saddest part of the story is that men of education, men who understand the English language and use it with great ability, should try to find out pleas and excuses for apologising on behalf of Government that they have not introduced any preference to the United Kingdom goods in this Bill. Government Members have the dignity not to adopt such a course. They tell you that it is preference to the goods of the United Kingdom, and it should be obvious to the meanest understanding that it is so. Still we have had many speeches and much argument in this House to try to lead us to think that there was no preference to United Kingdom goods involved in this matter.

Now, Sir, what is the justification for such preference? A great deal of discussion has taken place as to what preference is. I thought the matter was made very clear when I drew attention to the Fiscal Commission's Report. The Fiscal Commission said:

"Preference means that goods from one or more favoured countries pay duty at a rate lower than the general rate."

Obviously, the goods of the United Kingdom are to pay duty at a lower rate. That is preference clear and simple; and yet very elaborate efforts have been made to persuade us that there is no preference to British goods involved in the Bill. Now, Sir, preference can be justified only when it is to the benefit of the country which gives the preference to another country. My Honourable friends, the Finance Member and the Commerce Member, have not been able to show how it is to the advantage of India to give this preference to the United Kingdom goods so far as economic interests are concerned. My Honourable friend, Mr. Chetty, who has disappointed some of his fellow-workers by the attitude he has taken up on this occasion, said that there was an economic benefit to be had. He wanted an economic benefit; others wanted a political benefit. But in considering the question of preference to the goods of any particular country, the first thing to consider is the economic benefit. Hang all your politics if my people are going to die of starvation. What is the good of talking of a Round Table Conference and a constitution which will come into existence after they have been gathered to their forefathers? You have to protect the interests of the people who live today, and the interests of the people who live today, demand

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that, unless you are giving them some *quid pro quo* for what you are taking out of the poor, you have no right to lay your hands upon their little income or property. And what is the economic benefit which is promised to the Indian taxpayer by this preference to British goods? The economic benefit has been explained by my Honourable friend Mr. Birla; it would be the presentation by the Indian taxpayers to the British manufacturer of 2 to 2½ crores of rupees every year for the next three years. I thought that the Honourable the Commerce Member would feel that it was his duty to controvert that statement and, if it was not correct, to give the Assembly a correct estimate of the amount which Lancashire would gain from India by this proposal. Two and a quarter crores a year for three years was the estimate of a man of business who understands his business. I submit, Sir, that is economic benefit to Lancashire and loss to India. But that is not all. Japan is a competitor with Lancashire in cotton goods in India. India also is a humble competitor. The Indian cotton industry has been subjected to many handicaps; but by reason of that virtue of efficient and economic management, faulty though it is—and I am not less anxious than any of my Honourable friends on this side that that management should be improved until it beats the management of industry in every other part of the world—still due to such management as Indians have been able to show, this cotton industry has stood its ground so long. But the larger competition now is between Lancashire and Japan. Lancashire has had a long run and has had practically a monopoly of the Indian market for a very long period. I can well understand the pain which every lover of his country must feel in England at the trade of Lancashire being reduced or lost. I can very well understand their anxiety that it should not be lost or reduced. But when Englishmen take up the service of India and take the oath of allegiance to the King of England who is the Emperor of India, I expect that they will put the interests of India first and foremost in all considerations which affect the relations between the two countries, and in that view what Englishman can say that the Indian cotton industry has injured the trade of England in a material degree during the last five years? The competition has been between Lancashire and Japan. Under only one head. Lancashire has lost 84 million yards in the last five years, and Japan has gained 83 million yards in the same period. India has not added very much to her own production. Therefore, the competition is between Lancashire and Japan. The principle of protection is therefore absolutely put out of court. Lancashire is not a nascent indigenous industry of India. Lancashire is an old well-established industry of England, perhaps having the premier position in the world. There is certainly no cotton industry of an equal standing in any other part of the world that I know of. So well established, having practically a monopoly of this huge market of 820 millions, if Lancashire has failed to keep the position which she had so long enjoyed, that is not to the credit of Lancashire. If the Japanese, who have built up their industry during the last few years, have been able to take away so much ground from Lancashire, it must be due to the more efficient management, more economic management by the Japanese of their mills. Lancashire should therefore look within itself for an explanation to understand the situation. It is rich enough to afford to spend a couple of crore of rupees for a few years. It is rich enough to

spend much more than that in order to maintain its position in competition with another country. But what justification can there be for Lancashire asking the poor Indian consumer to bear a loss of two crores and a quarter every year, in order that Lancashire should recover some of the lost ground from Japan or that it should not suffer a greater loss? I cannot understand, Sir, how anybody with any sense of fairness can put forward a proposition like this and defend it? I cannot understand it.

Now, Sir, there is another very important fact which I want the Assembly to remember. If India were a free country, India could not discriminate against Japan. England dare not discriminate against Japan today by imposing any import duty on Japanese goods going into England at a higher rate than it imposes upon the goods of any other country. International obligations make it impossible for England to do that, and if India were a free country tomorrow, India would not be able to discriminate against Japan. England is taking advantage of our dependence on her, upon our position being subordinate to her, to inflict this wrong upon India and to inflict this wrong upon Japan. England is taking advantage of our position. I should not say England. I am very sorry if in my remarks on this question I used the word "England" and thus accused the people of England of a wrong attitude on the question before us. I wish my remarks to apply to the Government of India, because I have no reason to think that the English people have countenanced the proposals of the Government of India. Our quarrel is the more painful, because the Members of the Government of India, being in the service of India, have put forward a proposal which inflicts a serious wrong upon her people. I wish, Sir, to use a phrase used yesterday by Sir George Rainy. I think, talking of the convention he said that, if the Government were bound to accept the view of the Assembly it would be an intolerable position. The position in which the Assembly is placed is truly intolerable, and I hope the Government of India will yet recognise that the situation demands a reconsideration. I have heard the Honourable the Commerce Member express the attitude of the Government in very clear determined words. But I do not feel daunted by that fact in asking the Government still to reconsider the matter, and, Sir, if they are willing to do so, we make two offers to them. Either they agree to impose a 20 per cent. duty all round on all cotton piece-goods imported into this country and I venture to say that the House will, by an overwhelming majority, lend support to this proposal, or they agree to the amendment which I have put forward, which also imposes a uniform rate on all goods imported into this country, though it secures a little less to Bombay, somewhat less in some matters only, than the proposals of the Government; but it is equally free from the taint of discrimination against any particular country or countries.

Now, Sir, I wish the Assembly clearly to understand that I have been driven to this amendment which I have put forward because of the situation created by the Government. If the Government would, even now, be willing to agree to a 20 per cent. all round duty, I have said, and I repeat it, I will support it. But when we found the Government unwilling to do so, we put our heads together and have put forward the best proposal that we thought could be made in the situation. And let me say here, in support of what my Honourable friend Mr. Neogy said, that it is extremely unfortunate that a Bill of the importance of the Bill before us has not been referred to a Select Committee. If it were, all the facts and the figures produced from either side could be very fully tested, and it would have been possible to put forward proposals which could be communicated, if

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the Government so desired, to His Majesty's Government also for their approval, and which they could have laid before the Government of India as a whole with the authority of the Select Committee.

Mr. President: Not too late yet.

Pandit Madan Mohan Malaviya: True, Sir. Only there is a feeling of despair. How long is this unequal fight to be maintained? Our numbers are weak. Our stamina, I grieve to say, is weak, and there is a desire to escape from this situation as early as may be. The sufferings of the people are not sufficiently stirring the hearts of many of us, I am sorry to confess, and we feel that, as there is no likelihood of the Government accepting any suggestion from us, the sooner we get away from this place, the better. Now, Sir, if there were a Select Committee, the position would have been much better. I say this, in addition to the reasons advanced by my Honourable friend, Mr. Neogy, for this reason. The Government of India have, to my mind, deteriorated very much during the last few years. I do not know what the "Government of India" now mean, Sir. In the statute, the "Government of India" mean a Government consisting of so many Members of the Executive Council. There used to be many more meetings of the Council, I understand, in days gone by than there are now; there used to be many more despatches, some of which I have had the pleasure of reading, than there are now. I do not know, Sir, in what way the present proposal was originally dealt with. It is important to remember that, even when a matter has been dealt with only by a Secretary to the Government of India, and when a matter has been disposed of by the Secretary after the approval of the Member has been obtained by him, the decision is issued in the name of the Governor General in Council. There is not the smallest indication given whether a Member of the Government of India was present or was consulted before a particular decision was arrived at. And latterly there has been a frequent practice of settling things by cablegram between England and India: the despatches of old, some of which gave us help in discussing public questions, are becoming more and more rare. So I do not know whether, in this matter, this departure from the old practice of the Government of India has been to our advantage. I dare not pry into the secrets of the Government of India; I have not sought to meet any Member of the Government of India in connection with this question. If they have their secrets to keep, we have our own self-respect also to keep. But I do not know in what position this matter has been before the Government of India, and whether all the views expressed in this Assembly from the time when the Bill was introduced have been discussed by the Members of the Government of India, and if they have been, I should like to know what opinion every individual Member of the Government of India recorded. If it has not been done, the responsibility for not doing it lies upon the Members of the Government of India. If it has been done, there should be no hesitation on the part of the Government of India in letting us know how the matter has stood. Sir, my complaint becomes therefore the stronger that the matter was not referred to a Select Committee, because, if the matter were referred to a Select Committee, the pros and cons of it would have been weighed, and possibly, in that Select Committee, the Honourable the Commerce and the Honourable the Finance Member, who are the keepers of the conscience of the Government of India in this matter, might have felt the justice of listening to the recommendations of the Select Committee. That has not been done, and so, Sir, this Bill comes before this House, in its

present form, for which the procedure of a Select Committee, which has been provided in the Government of India Act has not been available. We have to explain our own proposals in this House, and I wish to explain the exact difference between the amendment which I have put forward and the proposal of the Government of India. Honourable Members are aware, Sir, that the Government of India have accepted the amendment which has been moved by my Honourable friend Mr. Shanmukham Chetty. Some Members are very grateful to the Government of India for what they have done. I am also grateful to the Government of India, for we must be thankful for small mercies, however small the mercies may be. But what virtue have they shown in accepting that amendment? The questions which I have put and the answers which I have got have made it clear that what is now Mr. Chetty's amendment was the original proposal of the Government when it went up to the Secretary of State. Why the Government of India did not put that original proposal in the Bill which they introduced in this House has not been explained. Was it because they wanted to keep that up their sleeve in order that, if there were some Members in this House, who are not statesman-like, who insisted on fighting on this question of preference to English goods, the Government might make a concession by agreeing to an amendment like Mr. Chetty's? But, however that may be, for that reason the Government cannot claim any virtue for having accepted the amendment of Mr. Shanmukham Chetty, because it is part of their own original proposal communicated to His Majesty's Government. But how far have I advanced the position? I confess to my regret that I have not done very much by my amendment for rescuing the consumers of this country from what amounts to a heavy burden in the circumstances of the case; but my proposal goes beyond Mr. Shanmukham Chetty's in this: Mr. Shanmukham Chetty's proposal is that there should be a duty of 15 per cent. or $8\frac{1}{2}$ annas per pound whichever is higher on all plain grey goods. That is part of his proposal. If that were the only proposal which Mr. Shanmukham Chetty had made, he and I would have been very much closer to each other, as we used to be in the past and, as I hope, we may yet be in future, but he proposes to limit this duty to goods of British manufacture only, and has gone on to propose a duty of 20 per cent. or $8\frac{1}{2}$ annas per pound whichever is higher, against plain grey goods not of British manufacture. He has also proposed a discriminating duty of 15 and 20 per cent. on goods of British and non-British manufacture. I have avoided all discrimination and have proposed a uniform duty of 15 per cent. or $8\frac{1}{2}$ annas per pound whichever is higher against all cotton goods imported into this country. That is the difference between the proposal of my Honourable friend and mine. Government have expressed their willingness to accept Mr. Shanmukham Chetty's amendment. That amendment of my friend means that there would be a duty of $8\frac{1}{2}$ annas per pound on only plain grey goods of British manufacture. But there are English cotton piece goods other than plain grey goods which come into this country. I do not see any justification for exempting them from the operation of the duty. There is an idea that these other bordered or coloured goods, as they are called, particularly large quantities of dhotis which are imported from Lancashire, do not compete with the Indian product. But my Honourable friend, Mr. Ghanshyam Das Birla, has shown that that is not the correct position. Let me quote his own words. He said:

"I propose to lay on the table, for inspection by this House, samples of dhotis which will show that there are dhotis imported from Manchester in very large quantities made out of finer counts and yet they compete with dhotis of coarser counts made in

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India. The reason is obvious. The Manchester dhoti, although very inferior so far as durability is concerned, is sold at Rs. 2 per pair, while the Indian-made dhoti, although nearly 100 per cent. more durable than the Manchester dhoti, is sold at Rs. 2-6-0 or Rs. 2-7-0 per pair." "In a country where poverty is rampant," *my friend went on to add*, "and the poor have got to live on two annas per day, it is not at all surprising that a man prefers to buy a cloth which is far less durable, merely because it is a little cheaper, than a similar cloth which is far more durable but slightly dearer. Dhotis from Manchester do compete therefore with Indian goods, and if you allow this to continue, you will have, on the figures quoted by Mr. Shanmukham Chetty, a keen competition going on against not only the products of the Bombay mills, but against the products of our Indian mills."

Is there any justification for exempting these dhotis, these coloured and bordered goods from the duty? Is there any justification for this discrimination? I submit not. Therefore my amendment seeks that there should be one uniform duty on all cotton goods imported into India. And I cannot see any reason why the Government should not accept this amendment.

Now, Sir, the Government ought to think primarily of the interests of the consumer, and if you allow so much of competition to go on with the products of the Indian mills, the result must be disastrous to India, and I beg the House further to consider in what insidious way this will work against our own industry. At present, owing to the competition from Japan and England, prices are kept at a certain level. The Japanese sell their things cheap. I do not know if they are always good, nor can I say that the English goods are always good now. There was a time when they used to be, but opinions differ now. It is said the concern of the Lancashire manufacturer is not that he should supply goods which would be durable but goods which are cheap which the poor man is attracted to buy. The Japanese have tried to lower their prices, and they have secured a market in India. Lancashire must reduce its prices in order to compete with the Japanese. It would be bound to, and the result will be that Indian consumers will purchase these foreign cloths at a cheaper price than they will do otherwise. In such a situation what does the Government proposal mean? It means this. The Government say, "We shall not allow this to go on. This has gone on for five years to the detriment of Lancashire. We shall shut out the Japanese by raising a tariff wall against them 5 per cent. higher than against British goods". Now, what do we give to the Lancashire people? We give them the advantage of a 5 per cent. lower duty, and they bring in their goods in a larger quantity; they practically secure a monopoly of the Indian market and they will then raise their prices. . . .

Mr. President: Order, order; I think the Honourable Member needs some rest before he proceeds further.

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

The Assembly re-assembled after Lunch at Twenty Minutes Past Two of the Clock, Mr. President in the Chair.

Mr. President: I think the Honourable the Leader of the Opposition should have set a better example. I hope he realises that he has incurred the displeasure of the Chair.

Pandit Madan Mohan Malaviya: I am sorry, Sir. I apologise to the Chair. My health is unfortunately bad at this juncture. I apologise not only to the Chair but also to all the Members of the House for being late.

I have pointed out, Sir, the difference between the amendment of my Honourable friend, Mr. Chetty, and mine, and I hope I have given sufficient reasons to the House to appreciate that difference. I do not understand why the Government who are willing to give the higher protection to the Indian cotton industry should be unwilling to give the somewhat lower protection that I am asking for. If their solicitude for the Bombay industry is genuine, I cannot understand why when they are prepared to give the larger protection of their present proposals, they object to give the somewhat lesser protection that I am pleading for. My difficulty is not with the Government alone. My difficulty is with my old colleagues also. I am grieved to find that, placed in the situation in which we find ourselves, my Bombay friends in particular and many other friends in the Assembly are acting under a sense of coercion, of the terrorisation which the Government have adopted. It is a most unusual course, a course unprecedented in the history of legislation, even in this country. I have known occasions, and you will, Sir, remember one very important occasion, the passage of the Rowlatt Bill through the Imperial Legislative Council, when in the teeth of protests of all Indian Members of the Council the Government carried the Bill through. But even on that occasion the Government did not start by telling the Council that, come what may, however strong, earnest and deep the opposition of the Indian Members, however unanimous the opposition of the Indian Members, the Government would not listen to any suggestion for any change. On this occasion the Government have adopted this unprecedented attitude. Practically, at the stage of the introduction of the Bill, the Honourable the Commerce Member told this House that the Government were not prepared to accept any substantial changes in the Bill even if they were passed by a majority of the Members of this Assembly. That, I submit, is unprecedented and is indescribably wrong. This expression of the opinion of the Government has unnerved many of my fellow Members of the Assembly. I am sorry to think that it has been so. Many of my Bombay millowner friends and the representatives of the Bombay mill industry and other friends of the Indian cotton industry are acting now under the sense of this threat, which is not a mere threat, but a declaration of the determined view of the Government. They are face to face with this situation, that they must either accept the cup of milk which the Government are presenting to them, but which contains, even according to the opinion of those who are willing to accept it, a dose of poison, or they should allow this great national industry, the cotton industry of India, to perish now and have no chance of reviving. I submit, Sir, it is not surprising that, in this situation, many Honourable Members feel that the battle is lost before it is begun, that it is no good fighting, that you might as well break your heads against a stone wall, or throw yourself into the burning fire, as attempt to stand between the decision of the Government and the Bombay cotton industry. Many a Member, sound and sensible, who has realised that Imperial Preference which is being practically forced upon us is an evil has said: "What are we to do? The Government are adamant; and we do not want to wreck the Bombay industry". My Honourable friend, Mr. Jinnah, also has succumbed to that situation. I am grieved to think that it should be so. On another occasion, my very esteemed friend, Mr. Jinnah, and some other friends succumbed to the proposals of Government in the matter of

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preference to British steel. I do not think there is one Member today who voted for it who does not realise that that was a mistake and that the country has suffered by reason of the attitude then taken by him. Today we are face to face with this grave situation, and several of my friends say that they find themselves hopeless and helpless, because the Government have taken up this attitude. And they ask us to tell them how we can save the Bombay industry if we oppose the proposal of the Government. My Honourable friend, Mr. Jinnah, put a direct question to the Government Member, if we carry the amendment which stands in my name or any other amendment like it, what will be the attitude of Government? The Government had no hesitation in saying that, if my amendment or any of the three or four other amendments was carried, they would withdraw the Bill. And, then my friends found themselves in this position, that if they do not accept the proposal of Government, including preference to the United Kingdom goods, the Bombay industry stands the chance of being ruined. In that strain many an Indian has spoken.

Far be it from me to accuse any of my fellow brethren. They are acting as people placed in a condition of subjection to a foreign power find themselves compelled to act. They are acting under the coercion of this legalised despotism that is being carried on. (*Cries of "Shame" from Non-Official Benches.*) They have succumbed to it. My Bombay friends have pleaded with us that we should not wreck the Bill. I have myself received telegrams and representations from many quarters, mostly from Bombay, imploring me not to wreck the Bill and not to wreck the Bombay cotton industry. Some friends have gone to the length of reminding me what I owe them gratitude for many favours done to me in the past. They subscribed munificently to the Hindu University of Benares when I went to Bombay to ask for their help, and they also subscribed munificently to the Tilak Swaraj Fund when Mahatma Gandhi asked for the Fund the support of the country. I am a human being, and I grieve to think that I should be acting in opposition to the wishes and opinions of friends who have been friends to me for twenty-five, thirty or more years; that I am acting in opposition to the wishes of those who are carrying on this great cotton industry under very difficult circumstances. But I would be false to myself and to my God if I allowed the interests of the Hindu University or any other interest to stand between me and the interests of my country. (*Loud Non-Official Applause.*) If it were necessary to sacrifice a hundred Hindu Universities, I hope God will give me the strength to sacrifice them without any hesitation and not to sacrifice the interests of my country. (*Loud Applause.*) I hope my Bombay friends will realise that I am not acting in a light-hearted fashion. I have weighed all the consequences, and I find that, while the proposals of Government will give them a temporary relief, an apparent relief, there is that insidious poison of the bounty to Lancashire which will in the long run, work disaster to the Bombay industry and to the industry of India. I realise that, to present a bonus of 2½ crores, or something like it, to a well and long-established industry like that of Lancashire at this juncture, to enable it to secure the whole of the Indian market, will be to hand over that market for a long time to come to Lancashire. I realise that that would mean that the Bombay industry would not be able to stand the competition of Lancashire for any length of time. I want Bombay to live; I want the Bombay industry to live, but if it is necessary for me to choose between my country and sacrificing the Bombay industry, I will have no hesitation in sacrificing it at the altar of

my country as a whole. (Loud Non-Official Applause.) My country is my first concern and my last concern. Bombay cannot live if India perishes. Bombay cannot prosper if India is impoverished and degraded and if there is depression all over the land. Today, Bombay is still producing a very large quantity of cotton goods, but does it find a market for them? Do the Indian manufacturers find a market for all the quantity of cloth that they produce? They cannot, they do not. If the Indian people are impoverished, no industry can prosper. Am I to forget, am I to overlook this important view, this large view, and succumb to the fears which have taken possession of the hearts of my Bombay friends? I fear that if this Bill is passed, the Bombay industry will find to its cost that it cannot stand the competition of Lancashire after the reorganisation which is going on there, and Bombay will rue the day when it offered its support and pressed us to support the Bill of Government.

Now, Sir, this being the position, what is the duty that lies upon us at this juncture? Our duty is clear. In matters economic, we must look straight to the reality of things. We find our indigenous industry is exposed to competition and to danger. Our duty is to find what amount of protection it needs, and to give that protection with open eyes, remembering that, whatever protection is given to an indigenous industry, re-circulates among the people. It is like water sent out into a garden, it plants, it supports and nourishes every plant and every tree in the garden, but if the water of a garden is drawn up by the scorching rays of foreign administration and showered upon a distant land, then the land from which it has been drawn must inevitably suffer. (Hear, hear.) We do not think it right that any protection which we should offer should redound to the advantage of any one except the people of the country who will make the sacrifice involved in giving that protection. (Hear, hear.) The consumers of India who are asked to bear the burden of the higher duty are entitled to know whether, in our judgment, it is right to impose that burden upon them. The example of many foreign countries tells us what is the right course to pursue in the modern conditions of life to protect the cotton industries of our country. That being so, what is the attitude we should adopt at this moment, with this declaration of the Government, with this prospect of the Bill being wrecked if we carry this amendment? I ask my Honourable friends in all humility and in all love to cast off fear from their minds, to dare to be right, to dare to be just (Hear, hear), and to trust in the justice of God to help us and win our cause. What is this Government? What is the power of this Government before the power of the Supreme Ruler who rules over the Universe? Let everybody in the world know that this Government of India, as it is called, taking advantage, taking mean advantage of the situation (Hear, hear) in which we find ourselves, offers us a cup of milk in which there is a big drop of poison, and I implore you to have the good sense to refuse to take that milk, and to insist that we shall have a pure and clear cup of milk by reason of our birthright as the people of this great country. (Hear, hear.) Accept my amendment, if it appeals to you as the right amendment. Present it to Government, let the Government then take the responsibility of rejecting the proposal which is passed by a majority of this Assembly. Let them take that responsibility, let the world know the reality of things, and I venture to say that the Government will tremble in their shoes a long while before they decide to reject the opinion of the majority of the elected Members of this House. (Hear, hear.)

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If they do so, there are other means open to you. I have been asked, "What about the loss to Bombay while you are indulging in your patriotism?" My submission is, there will be very little loss to Bombay, if Bombay has the support of the whole country. Every honest, honourable man, every honest Indian should take a vow that he shall not use a bit of English cloth if this Bill is passed. There is such a thing as the people of a country and the Government of India do not compare, are not worth mentioning in comparison with the great people of this country, if their indignation is roused against a measure passed in this Assembly with the help of official votes against the opinions of the elected representatives of the people. That is the help which you can render to the Bombay industry. I do not want, I do not wish that Bombay should antagonise the rest of India, that the people should feel that, owing to the fears entertained by some friends in Bombay, and those who are representing them here, the elected Members of this Assembly voted a sum of 2½ crores a year to Lancashire. Do not let that feeling go throughout the length and breadth of India. It will hurt Bombay much more than the measure which the Government are giving it will help. For this reason I ask every elected Member of this Assembly to support my amendment and to present it to the Government.

Now, Sir, I am reminded at this stage of the attitude which the Government have taken in regard to the convention of fiscal autonomy. The exposition of the fiscal autonomy convention, I am told, made by the Honourable the Commerce Member yesterday leaves no room for me to discuss this question. I am told, I am wasting my breath and incurring great risk in doing so. Perhaps, I am, but while there is breath in me, let me protest with all the strength I can command against the impudent claim put forward by the Honourable the Commerce Member that the Government of India, acting by themselves, without the agreement of this Assembly, can practically decide what taxation shall be imposed upon the people. (Shame.) The Government of India said, this convention means this, that you have got Dominion Status in fiscal matters, but not Dominion Government, that the initiative must always rest with the executive Government, a proposition which nobody will question, that if the initiative taken by the Government is accepted by the Assembly, there is harmony, but if it does not meet with the acceptance of this Assembly, then the Government are the masters of the situation in the sense that they can withdraw the proposal that they have made and leave the country and the industry or interest concerned to perish. That they have that power, and they tell you that they are prepared to exercise that power; they are determined to exercise that power, that they will withdraw the Bill if the Assembly does not accept the proposal they have put forward. This is dictation of the worst kind I have read or heard of in any country's history. We are asked practically to register the decree of the executive Government. Whatever our sentiments, whatever our judgments, however strong our grounds for opposing it, we must either accept what they give us or see one of our great national industries perish. Is that the convention? Does the Honourable Member seriously think, in his heart of hearts, that that is the spirit of the fiscal autonomy convention? I say, he cannot. The moment he realises the implications of it, he must recoil from the position he has taken up. The fiscal autonomy convention, said

the Honourable the Commerce Member, is a reality, it is not a sham. I say, yes, it is a reality, and because it is a reality, we want to prove it a reality, and if you do not accept the verdict of the majority of the Assembly, you will have proved that your assertion is not correct. This is the position. If you accept the verdict of the majority of this Assembly, you will prove that it is a reality. What is that convention? The Secretary of State used to exercise the power of superintendence, control and direction in that matter of taxation, as in other matters in India until the fiscal convention was established. But when the reforms were introduced, there was a Joint Select Committee of Parliament appointed. That Joint Select Committee considered the question and laid down a very simple and clear proposition. I wish, with your permission, Sir, to read again a passage which has been read twice before in this House, but it is very important to draw attention to its language. The Joint Select Committee said in discussing clause 33.

"The Committee have given most careful consideration to the relations of the Secretary of State with the Government of India, and through it with the Provincial Governments. In the relations of the Secretary of State with the Governor General in Council the Committee are not of opinion that any statutory change can be made, so long as the Governor General remains responsible to Parliament, but in practice the conventions which now govern these relations may wisely be modified to meet fresh circumstances caused by the creation of a Legislative Assembly with a large elected majority. In the exercise of his responsibility to Parliament which he cannot delegate to any one else, the Secretary of State may reasonably consider that only in exceptional circumstances should he be called upon to intervene in matters of purely Indian interest where the Government and the Legislature of India are in agreement.

"This examination of the general proposition leads inevitably to the consideration of one special case of non-intervention. Nothing is more likely to endanger the good relations between India and Great Britain than a belief that India's fiscal policy is dictated from Whitehall in the interests of the trade of Great Britain. That such a belief exists at the moment there can be no doubt. That there ought to be no room for it in the future is equally clear. India's position in the Imperial Conference opened the door to negotiation between India and the rest of the Empire, but negotiation without power to legislate is likely to remain ineffective. A satisfactory solution of the question can only be guaranteed by the grant of liberty to the Government of India to devise those tariff arrangements which seem best fitted to India's needs as an integral portion of the British Empire. It cannot be guaranteed by statute without limiting the ultimate power of Parliament to control the administration of India, and without limiting the power of veto which rests in the Crown; and neither of these limitations finds a place in any of the statutes in the British Empire. It can only therefore be assured by an acknowledgment of a convention. Whatever be the right fiscal policy for India, for the needs of her consumers as well as for her manufacturers, it is quite clear that she should have the same liberty to consider her interests as Great Britain, Australia, New Zealand, Canada and South Africa. In the opinion of the Committee, therefore, the Secretary of State should, as far as possible, avoid interference on this subject when the Government of India and its Legislature are in agreement, and they think that his intervention, when it does take place, should be limited to safeguarding the international obligations of the Empire or any fiscal arrangements within the Empire to which His Majesty's Government is a party."

May I ask the attention of the House to the very important points that are mentioned in this recommendation of the Joint Select Committee? The Legislature and the Government are to be in agreement and the opinion of the Legislature, which has been created with a large elected majority, is to be respected. We are reminded that the only question to be determined is what is in the best interests of the consumers in India as well as of the manufacturers in India, and they say that India should have the same liberty to consider her interests as Great Britain, Australia, Canada, New Zealand, and South Africa. But says the Honourable the Commerce Member, "You have got Dominion Status here, but you have not got Dominion Government". If we had Dominion Government, would

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the Noble Lords and the other members of the Joint Select Committee have been so foolish as to waste their time and trouble over writing this paragraph? Where was the necessity for this recommendation of the Joint Select Committee if Dominion Government had been established in full? It is because we have not got Dominion Government, they pointed out that, in this matter of fiscal autonomy, Dominion Status should come into action, and that is a view which is supported further by what Lord Crewe's Committee had recommended. My Honourable friend, Mr. Neogy, drew the attention of the House to two passages in that Report which are of great importance in this connection. They said in paragraph 16:

"In examination of the Budget, and in criticism of general administration, the Legislative Assembly can express its views only by means of resolutions and these will continue to be advisory in character without legal sanction. Government may accept a resolution either because they agree at the outset or because they decide to defer to the opinion of the Assembly. Where for any reasons reference to the Secretary of State is considered necessary, we recommend that a joint decision of the Government of India and a majority of the non-official Members of the Assembly reached by discussion of a resolution should be given the same degree of authority as similar decisions on legislative proposals and that the principle we have stated in paragraph 15 should be applied in this case also."

I invite the attention of the House to the words, "A joint decision of the Government of India and a majority of the non-official Members of the Assembly" upon which the Committee laid stress. Paragraph 15 referred to above runs as follows:

"In normal cases where legislation comes before the Secretary of State it must already have received the assent of the Governor General and must have been passed by a majority of votes in the Council of State and in the Legislative Assembly. But in as much as there is a substantial official vote . . ."

—I beg every Honourable Member of the House to note these words—

"But in as much as there is a substantial official vote in the latter body" (the Legislative Assembly) "and normally an official majority in the former" (the Council of State), "it follows that the measure has not necessarily the support of a majority of the non-official Members in either Chamber."

They say with reference to a measure which has been passed both by the Legislative Assembly and the Council of State, that it has not necessarily the support of a majority of non-official Members in either Chamber. And they go on to say:

"In order, therefore, to give proper emphasis to the legislative authority of the Assembly, we recommend that whenever legislation has the support of a majority of the non-official Members of the Legislative Assembly, assent should be refused only in cases in which the Secretary of State feels that his responsibility for the peace, order and good government of India, or paramount considerations of Imperial policy require him to secure reconsideration of the matter at issue by the Legislative Assembly."

You have it clearly laid down by Lord Crewe's Committee that, in all such matters, what you have to look for is the support of a majority of the non-official Members of the Legislative Assembly. Now, Sir, in the face of this very clear and authoritative proposition, laid down by Lord Crewe's Committee, how is the Honourable the Commerce Member justified in telling this House that, even if this House passes an amendment by a majority of the votes of this House, the Government will not adopt it?

Recently, Sir, the Honourable the Commerce Member also referred to the statement made by the Secretary of State that Dominion Status was already in motion and has been in practice for ten years. Even now, while this discussion has been going on in this House, we have a statement cabled to us from London in which Mr. Wedgewood Benn is reported to have said :

"In answer to a question by Sir William Davison whether Government had approved of the Government of India's proposal, in view of its opposition to preferential tariffs : Mr. Wedgewood Benn stated, 'I am called upon to protect the fiscal rights of India which I intend to do.'"

"Mr. Hammersley suggested that there had been a change of policy" (in respect of Mr. Chetty's amendment) "since representations were made, but Government had taken no steps :

Mr. Benn replied that the Cabinet's considered views were sent by telegram on the 7th February, to the Government of India. They had to have regard to the established rights of India and the Assembly in these matters."

"The established and indisputable rights of India and the Assembly in these matters". What are these rights except those that I have drawn your attention to in the recommendations of the Crewe's Committee and the Joint Select Committee? Sir, I cannot understand how the Government of India imagine that their position in this case is anything different from what has been laid down here. The reality of the fiscal autonomy convention demands that, though the initiative for putting forward proposals of a legislative character, particularly proposals of taxation, rests with the Government of India, as it rests with the executive in every country, once the proposals have been laid before the Assembly the Government of India should consider themselves bound to defer to the opinion of this House, even though it has not been laid down by the statute, because this convention has been established to prevent a dead-lock arising on such an occasion. Sir, I submit that in the cablegrams, which were exchanged between the Government of India and His Majesty's Government, that was the position which was present to the mind of the Government of India, because in one of the cablegrams, the Government of India clearly said that they would solicit the most free consent of the Legislature on their proposal, and they repeated, in two places, that the final decision must rest with the Legislative Assembly. I submit, therefore, Sir, that this matter requires clearing up, and that the Government of India ought to recognise that

The Honourable Sir George Rainy (Member for Commerce and Railways): I apologise to the Honourable Member for interrupting. My correction is purely verbal. The exact phrase used is, "The most free expression of opinion".

Mr. President: And the final decision will rest with the Assembly.

The Honourable Sir George Rainy: I understood that the Honourable Pandit used the words "free consent".

Pandit Madan Mohan Malaviya : I thank the Honourable the Commerce Member. They did say:

"We desire also to make it clear that in a matter of this kind, after frankly stating our case, we should desire to solicit the most free expression of opinion from the Legislature with whom the final decision must rest."

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I thank my Honourable friend for the correction. But it leaves the position quite as strong as it was before. For, the words used
 8 P.M. are, "The most free expression of opinion from the Legislature with whom the final decision must rest", *must rest*. (Hear, hear.) I ask for nothing more than that the Government of India should act up to what they stated in this cablegram. (Hear, hear.) In this connection I may invite the attention of the Government of India again to the opinion expressed by the majority of the Fiscal Commission. In paragraph 262, the Majority of the Fiscal Commission say:

"We recognise that the question of Imperial Preference is one which can only be determined in accordance with Indian opinion; and that the Indian view can be best ascertained by reference to the Council of State and the Legislative Assembly, without whose free consent no such policy can be adopted."

It is from this passage that I took the words "free consent", and I am sure that the Honourable the Commerce Member will not refuse to these words of the Fiscal Commission the same weight that he would attach to the words used by the Government of India in their cablegram to the Secretary of State. Now, Sir, I submit that, in view of all to which I have drawn attention, the Government of India should adopt the correct position in this matter which is this. The Government of India, as the executive Government, initiate proposals. We have not the power to do that, nor do we claim that we have. Once the proposals have been laid before this Assembly, in the very language used by the Government of India in their cablegram, they should solicit the most free expression of opinion of this Assembly and remember that, with this Assembly, the final decision must rest. That, I submit, is the convention which has been established. If it were otherwise, it will come to this. My Honourable friend, the Commerce Member, in discussing to whom the Government of India were responsible, said the previous consultation with the Secretary of State was of course to be had. But after that, the final decision as to what proposal it will place before this Legislature rested with the Government of India. I do not quarrel with my Honourable friend for that statement. I concede that the final decision as to what proposals the Government of India will place before the Legislature rests with the Government of India. But I say that, beyond that, once that has been done, in the language used by the Government of India themselves in the cablegram, the most free expression of opinion of this Assembly should be solicited and the final decision must rest with the Assembly. But, said the Honourable the Commerce Member, if according to the sense of responsibility they owe for the administration of this country, the Government of India cannot accept it, they are not to be forced to do so.

I submit, Sir, that on this occasion, having dealt with the theoretical aspect of it, having discussed the principle of the fiscal convention, I appeal to every Member of this House and the Government to consider what the situation at present is. I am not asking the House to pronounce a verdict on that question. I am taking the facts as they are. The Government of India have put forward a proposal for giving a certain measure of protection, say, X to the Bombay cotton industry or the Indian cotton industry. If the Assembly ask for X+1 measure of protection, I can understand the Government of India saying, "This is

more than we have decided to give, what we think it right to agree to give, and we cannot agree to it". But if the Assembly asks for X—1 can anybody say that the Government of India will be right in refusing to accept the decision of the Assembly, when it does not ask them to go beyond their own decision, but asks them to agree to something less than they have decided upon? That is the proposal I put before the Government and the Assembly. The Government of India have proposed a 20 per cent. duty with a minimum of $3\frac{1}{2}$ annas per pound on plain grey goods from outside the United Kingdom, and a 15 per cent. or $3\frac{1}{2}$ annas per lb. on plain grey from the United Kingdom. My proposal is a 15 per cent. all round, with a minimum of $3\frac{1}{2}$ annas per pound whichever is higher. Will anybody try to persuade himself or others that my proposal is less than the proposal of the Government of India? Or will anybody try to persuade us that a part is greater than the whole in this instance? If we asked the Government of India to agree to something which was beyond what they had proposed, I could understand them saying, "In the discharge of the responsibility which we hold according to our light rests upon us, we cannot agree to it", but when it is something less that is suggested, with what justification can the Government of India say, "Even if you pass it by a majority, we shall not accept the proposal, but will withdraw the Bill". I submit, Sir, this position is utterly untenable. It cannot be justified by any canon of reason or justice. If the Government would look at the matter in this clear light, there should be no difficulty on their side in accepting my amendment. But, Sir, my words are too feeble to find acceptance from the Government. The Government Member has expounded the view of the Government of India as to what this fiscal autonomy convention is. He has told us, Sir, that the Government of India have framed their proposals, and when there is no agreement between them and the Legislature, the Government of India cannot accept any of the many proposals which are before the Assembly, because the Government of India cannot divest themselves of the responsibility which rests upon them. Those are the words used by the Honourable the Commerce Member: "We cannot divest ourselves of this responsibility; it will be an abnegation of its functions by Government."

Mr. M. R. Jayakar (Bombay City: Non-Muhammadan Urban): May I know, Sir, on a point of information, whether the view which was enunciated by the Honourable the Commerce Member as regards the interpretation of the fiscal convention is the view of the entire Government of India, and if so, whether it has the approval of the Secretary of State?

The Honourable Sir George Rainy: As I explained to the House yesterday, all I can say is that that is the view which the Government of India take of this convention.

Mr. M. R. Jayakar: Has it secured the approval of the Secretary of State?

The Honourable Sir George Rainy: There is every reason to think so, Sir.

Pandit Madan Mohan Malaviya: I am surprised, Sir, at the answer which the Honourable the Commerce Member has given. In view of the cable which I drew attention to a little while ago, I find it difficult to reconcile the Honourable the Commerce Member's statement with the

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report published by the cable, in which it is stated that Mr. Wedgewood Benn stated, in answer to a question in the House of Commons, on the subject of the Indian cotton duties, that he had never suggested preferential treatment for goods from Britain; the suggestion originated in India. Then he went on to say, "I am called upon to protect the fiscal rights of India which I intend to do", and he said they had to have regard to the established and indisputable rights of India and the Assembly in these matters. When, Sir, Mr. Wedgewood Benn said that he was called upon to protect the fiscal rights of India, which he intends to do, I thought there was some room left, some ray of hope left, that, if the Government of India and the Assembly differed, the matter might be referred to the Secretary of State and that he might, by the grace of Providence, be inspired to act justly to India. But the statement of the Honourable the Commerce Member would seem to show, either that this report was incorrect, or that he had received some further communication, since this report was published from the Secretary of State, which justified him in making the statement which he has made. If he has, it is only fair to this House that he should let us know.

The Honourable Sir George Rainy: No, Sir, I have had no further communication.

Pandit Madan Mohan Malaviya: Then, I submit, Sir, probably the House will agree with me, that the Honourable the Commerce Member is not justified in saying that he has reason to think that his view has the approval of the Secretary of State. But, Sir, this raises a very important question to which I invite your attention. This House is called upon to legislate, to pass this Bill, which is before the House, into law. The statute is silent as to what is to be done in a matter like this. The Joint Select Committee's Report and the Crewe Committee's Report have made it clear and the Fiscal Commission have made it clear that the decision must rest with the Government of India, acting in agreement with the majority of the non-official Members of the Assembly. The Honourable the Commerce Member has given this Assembly his own interpretation of this convention. I have endeavoured, in my humble way, to place my interpretation of this convention before this House; other Members before me have tried to do that. You, Sir, preside over this Assembly. This is a matter of such supreme importance to the people of this country, that I must appeal to you to decide and to give a ruling to this Assembly on this very important question which involves a most important issue. I beg you to help us by an expression of your considered opinion as the Speaker of this Assembly, as the President of this Assembly, whether, in view of all that has been placed before this Assembly by the Government Members, the Honourable the Commerce Member and the Honourable the Finance Member, and ourselves on this side of the House, whether the interpretation put by the Honourable Sir George Rainy on the convention is correct and consistent with the recent declaration of the Secretary of State. I would also request you, Sir, to give us a clear guidance, by a ruling, whether the attitude, taken up by the Government that they have not an open mind in regard to my amendment, and that, if that or any other amendment referred to by them is accepted by the House, they will not further proceed with the Bill, is consistent

with the fiscal autonomy convention. And lastly, Sir, whether the official and nominated Members are entitled to record their votes on a division on this Bill. I have put these propositions before you, Sir, because, in the state of opinion that now prevails on either side of the House, it is impossible for many Members to come to a clear conclusion as to the rights of this House and of the Government in regard to this matter. So far as the last proposition is concerned, whether the official and nominated Members are entitled to record their votes on a division on this Bill, I beg you to give us your guidance on this matter, because, from the language used in Lord Crewe's Committee's Report it is clear that what that Committee recommended was that a matter like this should be decided by a majority of the votes of the non-official Members of the Assembly. They foresaw, Sir, that with an elected majority with a large number of official Members in this Assembly and a majority of official and nominated Members in the Council of State, a position like this was likely to arise. That position has arisen. The only solution which the Honourable the Commerce Member suggested was the establishment of Dominion Government.

The Honourable the Commerce Member said there was Dominion Status in action, but there was no Dominion Government in existence, and if we are to wait according to his interpretation, we must wait until we get Dominion Government in existence here; until then we should be at the mercy of the Government of India in regard to any proposal for the relief of any industry, however urgently protection may be needed. Is that the position, Sir? Have we to be entirely at the mercy of the executive Government, even when the majority of the Assembly supports the major part of the proposal of the Government and asks for only a little variation from it, or are the Government bound, under such circumstances, to defer to the opinion of this Assembly, to accept their verdict for a change in their proposals so long as it does not exceed, at any rate, the original proposals put forward by them? These are questions, Sir, which I beg you to consider and to help the House with your opinion on them. I do not think, Sir, at this stage, I can usefully take up any more time of the House. I feel that it is very important that, in a matter like this, the Assembly should have the benefit of your considered opinion to guide it in the dark situation in which it has the misfortune to find itself.

Sir Hari Singh Gour: (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, there are one or two observations

Mr. President: I would like the Honourable Member to confine himself to the points raised by the Honourable Pandit.

Sir Hari Singh Gour: That is exactly the point, Sir, upon which I propose to address the House. There are one or two observations which have fallen from the Honourable the Commerce Member against which this House must distinctly and emphatically enter its protest. The Honourable the Commerce Member is reported to have said—I give you his *ipsissima verba*. He says this:

"If the Government and the Legislature are not in agreement there is no means of evading that deadlock under the present constitution till",—

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mark these words please,—

"by persuasion one side is won over by the other. While therefore in the sphere of tariffs India already possesses Dominion Status, it does not yet possess the Dominion Constitution."

Now, the words which the Commerce Member has used give away his whole case. He says that, under the present constitution, it is till by persuasion one side or the other is won over by the other. Sir, the Joint Parliamentary Committee have laid it down that, in the matter of fiscal autonomy, the Government are to act in agreement with the Legislature. Now, I ask the Commerce Member, how are the Government to act in agreement with the Legislature when they do not consult the Legislature, or keep an open mind to be convinced by the Legislature? I am perfectly prepared to admit, and my friend Pandit Malaviya has conceded it, that the initiative should primarily rest with the Government of India, but the initiative being taken, it was the duty of the Government of India to come before this House and say we do not stand committed to this view because our decision must be in agreement with yours, and therefore by the only constitutional method open to us by consultation, by compromise, it may be by a decision of the Select Committee, we shall come to an agreement, and it is only then that the Legislature and the Government can be said to have come to an agreement. Now, what is the position? The Government come before us and say, "We do not care what you think, much less do we care what you say; all we do care is that you should agree with us, and if you don't, so much the worse for you". Now, that is intolerable. No self-respecting Legislature would for one moment tolerate it. This position ascribes to Government a degree of infallibility which it has not got under the existing constitution. The Honourable the Commerce Member read to you the words of the Joint Parliamentary Committee, and you remember, Sir, I pointed out at the time that the crucial sentence, the decisive sentence, the deliberative and concluding decision of the Joint Parliamentary Committee is contained in one sentence, and that sentence must be complied with. What is that sentence? It says:

"Whatever be the right of fiscal policy for India for the needs of her consumers as well as for her manufacturers, it is quite clear that she should have the same liberty to consider her interests as Great Britain, Australia, New Zealand, Canada and South Africa."

That is the decision of the Joint Parliamentary Committee. In the matter of fiscal autonomy, the Members of this House are exactly in the same position as Great Britain, Canada and the other self-governing countries. Consequently, it follows as a matter of constitutional necessity, that in the matter of fiscal autonomy, the procedure and practice of the self-governing Dominions of the British Commonwealth must be followed. My friend the Commerce Member asks, "But how is this possible when we are irremovable?" I answer that question by saying that, the mere fact that you are irremovable, does not take away your obligation, it does not make you any the less responsible to this House. What is the meaning of responsibility? In the case of a Minister, who introduces an unpopular measure before this House, you turn out the Minister and replace him. In the case of an irremovable Member, all that Member can do is to say, "You cannot turn me out, but I can change my views, because I have got to obey you", and that is what the Commerce Member has got to do

if he wishes to respect the views of the Joint Parliamentary Committee. There is no use and you cannot get away from the fact that, if you are to apply the analogy of the self-governing Dominions; if you are to admit, and the Commerce Member has admitted it, that, so far as the question of fiscal autonomy is concerned, India is a Dominion. Within that small and narrow compass, the constitution must operate and work as if we were a self-governing Dominion, and I submit, Sir, that is what the Secretary of State said, that for the last ten years the fiscal convention has been worked by India like a self-governing Dominion.

Now, Sir, another point to which I want to draw your attention is this. I contend, in the first instance, that there is no incongruity between an irresponsible executive and the working of this convention in the spirit of the recommendation, may I say the decision, of the Joint Parliamentary Committee, because both in the House of Commons and in the House of Lords, when the Parliament Act was under discussion, it was conceded by responsible Ministers of the Crown that the Report of the Joint Parliamentary Committee must be read as a part of the Act. Now, that being the position, it raises another question of great constitutional value, and it is this. If the executive Government wanted this House to give their "most free expression of opinion", I use their own phrase, do you think, Sir, that this House is in a position to give its most free expression of opinion when Member after Member on the Treasury Benches has spoken and said "Either accept this half a loaf, or you will get nothing at all"? Is this conducive to the most free expression of opinion? I ask the Honourable the Commerce Member to pause and consider. If they wanted to concede to this House a free and unfettered expression of opinion, it was up to them to come before us and say, "I have made no decision whatever on this matter. I am free to decide after hearing you. It may be that you will convince me, in which case I shall be converted. It may be that I shall convert you, in which case you and I will agree". But what is the position that the Government have taken up? They say, "We recognise, we admit, we concede that this convention is a reality. We therefore concede that you are a Dominion, while you are dealing with the enforcement of this convention, but at the same time, so far as we are concerned, we have put wax into our ears, and whatever you may say, however strong may be your argument, however conclusive your logic, we refuse to agree with you unless you agree with us, and if you don't agree with us, then we do not give Bombay the protection which they so sorely need". I ask any fair minded Member of this House, whether on the Government Benches or on the Opposition Benches, if this can be characterised as giving to the House an opportunity for the most free expression of opinion. That, I submit, is a question upon which I would like to have a reply from the Honourable the Commerce Member.

Now, Sir, there is another point and a very important one, dealing as it does with this constitutional issue. It has been said by the Honourable the Commerce Member—and I would give the House his exact words as reported so that there should be no chance of any misunderstanding—

"that would mean, (Sir George Rainy continuing said), that it might be contended that Government should, in this matter, abide by the majority vote of this House."

Now comes the considered reply of the Government:

"that would mean, (Sir George Rainy continuing said), that it might be contended in a very large part of the fiscal sphere."

The Honourable Sir George Rainy: May I interrupt the Honourable Member for a minute? I can give him the exact words, which were:

"That would mean nothing less than the abnegation of its function by Government in a very large part of the financial sphere."

Sir Hari Singh Gour: Now, mark the implication of those words that, "If we were to abide by your decision, we shall be abdicating our function . . ."

The Honourable Sir George Rainy: I said "abnegation".

Sir Hari Singh Gour: " . . . we shall be abnegating our function in a large sphere of financial responsibility". Sir, that is begging the whole question. What is their function? They are ascribing to themselves a function which is against the report of the Joint Parliamentary Committee. He has himself, in the previous paragraph, pointed out that, so far as this question of fiscal autonomy is concerned, the function is the function which the Government share with the Members of this Legislature. Where is the abnegation of function? They ascribe to themselves a power and a privilege which, according to the interpretation on the convention by the Honourable the Commerce Member himself, in the passage to which I have referred, he is not entitled to. I submit the function of the Government of India is a creature of the statute. These functions are the functions which they can only discharge with due advertence to the rights and privileges and, let me add, obligations, created by the statute. I have already pointed out that, so far as fiscal autonomy is concerned, the Government of India have got no right whatever to make any decision except with the agreement of the Legislature. My friend, Mr. K. C. Roy, tells me that this is the right in all Bills. I go further. In the matter of other Bills governed by the ordinary language of the Government of India Act, the powers of the executive Government in this country are larger . . .

Mr. President: What are they?

Sir Hari Singh Gour: Take for instance, the power of certification.

Mr. President: Order, order. The Honourable Member made it quite clear yesterday, that when the Legislature and the Government of India do not agree, the convention ceases to be operative and they resume their powers again.

Sir Hari Singh Gour: I am just coming to that very point. I thank you, Sir, for drawing my attention to it. My friend, Mr. K. C. Roy, interjected a remark and said that, in the ordinary matter of legislation, the Government of India have got certain statutory duties. That is perfectly true in regard to ordinary legislation. But in regard to this fiscal autonomy, there are the exceptional powers conferred upon the Indian Legislature, and these powers could not be made a part of the statute, because the Indian Legislature could not be given the sovereign rights in all other matters, and the power of the veto of the Crown could not be limited. That, of course, you will find in the previous sentence. The Honourable the Commerce Member says that, if there is any agreement between the executive and the Legislature, in that case the convention goes by the board. Now, I beg to ask him this question. Is there anything in the convention to show that the convention is only operative if and when the Government and the Legislature are in agreement, and if

they are not, the convention is inoperative? You cannot implement on a convention a power of giving yourself a right which the statute has not given you. Nay more, it would create in the Government of India an autocracy unprecedented in its previous history. For while in all other matters it is subject to the general power of supervision, direction and control of the Secretary of State, that power is expressly withdrawn when the Government acts on the convention. In this case the power of control must be deemed to be transferred to and vested in the Legislature—since the Government must be responsible to some constituted authority, and the Secretary of State's power being withdrawn the power of the Indian Legislature necessarily comes into play. To that extent the will of the Legislature is paramount and the executive must submit to its decision. I therefore submit with due respect to the Honourable the Commerce Member that in this respect the ordinary constitution cannot come into play because the convention must be carried out and there is absolutely nothing in the circumstances of the convention, or in the mode and manner of its operation, or in the procedure by which it is to be enforced which makes it unworkable. Sir, the Joint Parliamentary Committee was an expert committee. They adverted to the fact that, in ordinary matters of legislation, the Indian Legislature had a limited authority. Surely, the Joint Parliamentary Committee must have seen, with half an eye, that there was a possibility of a deadlock between the Legislature and the Executive if the Legislature took one view and the Executive another. But have they adverted to it? They have. They have adverted to it in that pregnant phrase in which they have said that we charge the Government of India to recognise and to treat the Indian Legislature as a Parliament and themselves as belonging to a Dominion Parliament, and give the Legislature the fullest opportunity to decide as to how and when and in what manner the convention is to be enforced. Otherwise, there was no necessity to use this very emphatic phrase, namely, that they should have the same opportunity to consider her interest as Great Britain, Australia and the rest.

Diwan Chaman Lall (West Punjab: Non-Muhammadian): How is the agreement to be found between the Legislature and the Executive?

Sir Hari Singh Gour: By mutual discussion.

Diwan Chaman Lall: By a vote of this House?

Sir Hari Singh Gour: By consulting you and me or by persuasion by you and me. But they have put themselves out of court; they have taken a false step. They are trying to show you, Mr. Chaman Lall, and you, Sir, that the . . .

Mr. President: Both are not in the Chair.

Sir Hari Singh Gour: I have been trying to show you, Sir, that the position of the Government has become intolerable by the action they have taken of deciding a thing before placing it before this House. The position therefore is the very reverse of what was contemplated by the Joint Parliamentary Committee. But let me not digress. Another point which I wish to emphasise is this. Flowing from the language of the Joint Parliamentary Committee that we are to constitute ourselves as a Legislature of Great Britain, Australia and the other self-governing Colonies, it follows, as the Honourable Pandit Madan Mohan Malaviya has pointed out,

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from Lord Crewe's Report, that if you are to give this House, within the limited scope of deciding her own fiscal policy, the same rights and privileges as belong to a self-governing Dominion, then official and nominated vote has no place. Have you got any official and nominated Members of Parliament in England or in Australia or in Canada?

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Of course not.

Sir Hari Singh Gour: You have not. Very well, Sir. If therefore you are to sit here as a Dominion for this limited purpose, then I submit, it follows, as a matter of logical necessity, that nominated and official Members should not have any vote. (Interruption by Mr. K. C. Roy.) My friend Mr. K. C. Roy has asked me whether a taxation Bill goes before the House of Lords.

Dr. A. Suhrawardy (Burdwan and Presidency Divisions: Muhammadan Rural): He is a nominated Member.

Sir Hari Singh Gour: That was a question which I had the misfortune to raise in the first Assembly when the then Finance Member wanted his Finance Bill to go before the Joint Committee of the two Houses. We then raised a point and that point succeeded, namely, that so far as fiscal matters are concerned, they are the primary concern of this House. I beg therefore to submit that, if you really work the constitution, even the occupants of the Treasury Benches must work the convention in the liberal spirit in which it was intended to come into operation. That being the position, I ask the Honourable occupants of the Treasury Benches to reconsider the position.

The Honourable Pandit Madan Mohan Malaviya has suggested a line of action, namely, that all the amendments in the Bill be referred to the Select Committee.

Mr. President: After the consideration stage is over.

Sir Hari Singh Gour: With the consent of the Honourable Member I have not the slightest doubt that that difficulty can be circumvented.

Mr. M. A. Jinnah: We can do this also under the convention, I suppose, as interpreted by Sir Hari Singh.

Sir Hari Singh Gour: Yes, we can set up a committee of the whole House, as is done in the House of Commons. We are to work as the Dominion Parliaments work in the matter of this convention. That, I submit, is a plain reading of what the Joint Parliamentary Committee have laid down in words which have been read by the Honourable the Commerce Member and my friend Pandit Madan Mohan Malaviya.

Now, Sir, that is all that I have to say with reference to the constitutional issue. May I say also a few words on the merits of this particular Bill?

Mr. President: I wish the discussion to be confined to the constitutional issue.

Sir Hari Singh Gour: Then, this is all I have to say on the constitutional issue.

Mr. M. A. Jinnah: Is there any point of order, Sir, that you are considering? I have not quite followed the debate so far. Is there any specific point of order which you wish to consider?

Mr. President: The Honourable Pandit has put several questions. Will the Honourable Pandit kindly pass them on to me?

Pandit Madan Mohan Malaviya: I requested the President to be pleased to help the Assembly by rulings on three questions:

(1) Whether the interpretation put by the Honourable Sir George Rainy on the convention is correct and consistent with the recent declaration of the Secretary of State;

(2) Whether the attitude taken up by the Government that they have not an open mind in regard to my amendment, and if that or any other amendment is accepted by the House, they will not further proceed with the Bill is consistent with the fiscal autonomy convention;

(3) Whether the official and nominated Members are entitled to record their votes on a division on this Bill.

Mr. Arthur Moore (Bengal: European): Sir, I wish to speak.

Mr. President: Is the Honourable Member going to speak on the constitutional question?

Mr. Arthur Moore: Yes, Sir.

Sir Hari Singh Gour: I have got only one point to submit; that is that the powers of the Chair to decide matters of constitutional issues and matters of rights and privileges of this House were settled in the first Assembly in connection with the Supreme Court Bill, with the consent of the then Law Member, and that question came up again in the third Assembly, and it was then decided that it was within the privilege and power of the Chair to decide these questions. That is all I have to say on the powers of the Chair.

Mr. Arthur Moore: Sir, the Honourable Member, Sir Hari Singh Gour, with very great ingenuity brought an accusation of begging the question. I think that with even greater ingenuity, he himself begged the question at the outset, because he started with the basic assumption that the Joint Parliamentary Committee laid it down that it was the business of Government to agree with the House.

Sir Hari Singh Gour: I never said anything of the kind.

Mr. Arthur Moore: I have not got the Honourable Members words before me, but I am sure I am within the recollection of the House when I say that the whole of the first part of the argument was based entirely on the assumption that the Joint Parliamentary Committee laid it down that it was the duty of Government to agree with the House. But, Sir, as I understand it, the Joint Parliamentary Committee laid down that the fiscal autonomy convention comes into operation if and when the Government and the House find themselves in agreement.

The Honourable Pandit, during certain passages in his speech, spoke with great eloquence and evidently under the stress of deep emotion, and

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I do not think that any of us who heard him can have doubted his complete conviction that he was speaking in a righteous cause. In view of what you say, Sir, I shall confine myself purely to the constitutional point. I would like to have taken up his argument, so largely based on the figure of 2½ crores, which I do not think can be sustained, but I will drop that point and deal

Sir Gowsaji Jehangir (Bombay City: Non-Muhammadan Urban): On a point of order, Sir. Do Honourable Members exhaust their right of speaking by addressing the House on this point of order?

Mr. President: No.

Mr. Arthur Moore: So, I shall stick to the point of order.

The Honourable Sir Brojendra Mitter (Law Member): What is the point of order?

Mr. President: The Honourable Member has not heard?

The Honourable Sir Brojendra Mitter: I do not understand that there was any point of order which the Chair has got to decide.

Mr. President: You may take the point that the points raised are not points of order.

The Honourable Sir Brojendra Mitter: I fail to understand what is the point of order. There is a motion before the House, there are two amendments, one that of the Leader of the Opposition and the other that of Mr. Chetty. These are the two amendments which are before the House. What is the point of order on the motion or on those amendments?

Mr. President: The point of order is this. The Government of India have given their interpretation of what the fiscal autonomy convention on which they have based this Bill means. The Honourable Pandit has put his interpretation, and I am called upon now to say which of the two interpretations is correct. That is one. The second point is, on a matter based on the fiscal autonomy convention whether the official and nominated Members of this House are entitled to take part in the division. That is the second point of order.

The third point of order is, whether the attitude taken up by the Government, namely, that they have not an open mind and that the Assembly is bound to take what they give is consistent with the fiscal autonomy convention.

Sir Hari Singh Gour: I submit that raises the question of privilege of the House. (Hear, hear.)

Sir Gowsaji Jehangir: I understand that the final point of order raised by my Honourable friend is that Government have no right to withdraw the Bill if the Honourable Pandit's amendment is carried. (Hear, hear.) That is the final point of order.

Mr. M. S. Aney (Berar Representative): He has not made that point.

Mr. President: I have already fully explained to the House what the questions raised by the Honourable Pandit are.

Mr. M. A. Jinnah: I rise to a point of order. I want your ruling whether any of these three points, which have been stated and which are contained in the statement of Pandit Madan Mohan Malaviya, are points of order, having regard to the progress of the Bill. ("Hear, hear" from the Government Benches.)

Mr. President: That is a point on which I shall be prepared to hear Honourable Members.

Mr. M. A. Jinnah: The first point I want you to consider is whether these are points of order.

Mr. President: I should like to hear Honourable Members on that point too.

Mr. M. A. Jinnah: Let us confine it to one thing at a time.

Sir Hari Singh Gour: Is not a question of privilege of the House a point of order?

Mr. Arthur Moore: Well, Sir, I think I understand your wishes and I shall endeavour to comply with them. I heard my Honourable friend the Pandit's remarks with regard to this fiscal autonomy convention, and it did seem to me that the Honourable Pandit throughout was making a large assumption. He assumed that he was speaking for the majority of the House, and he assumed that the Government and the House are not in agreement. Now, Sir, that is an issue, I submit, which has yet to be settled.

Mr. K. O. Neogy (Dacca Division: Non-Muhammadan Rural): What about the Honourable the Commerce Member's statement?

Mr. Arthur Moore: The second point is this that he has said repeatedly

Mr. T. Prakasam (East Godavari and West Godavari *cum* Kistna: Non-Muhammadan Rural): Sir, I wish to rise to a point of order.

Mr. President: The point of order is being discussed. Mr. Moore.

Mr. Arthur Moore: It is said repeatedly

Mr. T. Prakasam: With your permission, I should like to rise to a point of order on the statement which my Honourable friend has made. He says on the first question raised by Pandit Malaviya, that it is a matter yet to be settled by this House. It is not a matter to be settled by the House, because the Honourable the Commerce Member has already given his views about it.

Mr. President: That is not a point of order.

Mr. Arthur Moore: I would suggest to the Honourable Members opposite, that we have all listened to their views at very great length. I shall be as brief as I can and I should very much like you to allow me to develop my argument, and it is this. It is suggested that Government have come before us in an entirely unyielding attitude. Sir, I do not think that that can be sustained. The Honourable the Finance Member has already told us that we shall not, in its final stages, be asked to accept the Bill as it stands. We have been told that we are not even asked to accept the proposal outlined on the 28th February by Sir George Schuster. The Government are going to accept an amendment, and from whom does that amendment come? It comes from the Opposition. It does not come from any reactionary or any one who sits behind them. It comes from one whom we have known as

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one of the ablest Members of the Party that Pandit Motilal Nehru used to lead in this House, and from one whom we are very glad to have still with us, though we know that he remains as convinced a Swarajist as ever.

Mr. Jehangir K. Munshi (Burma: Non-European): Give him a free choice!

Mr. Arthur Moore: I give the Honourable Member the credit of assuming that he had a free choice. I should think it is very unfair to Mr. Chetty to suggest that he has not a free choice, and I am sure Mr. Chetty would repudiate such a suggestion. But there it is. No one can say that Government have not made an effort on this occasion to meet the House in the interests of this very fiscal convention. The argument which is brought to rebut that is that the House has not a free choice, because Government have said that this is as far as they will go, and that they will not accept any further amendment.

Mr. M. A. Jinnah: Sir, I again most respectfully rise if you will permit me. I understood that, on my point of order whether the points stated by Pandit Malaviya were points of order or not, your ruling was that you want to hear our views on that also.

Mr. President: Yes, on that also. That is what I said.

Mr. M. A. Jinnah: Quite so. Now, may I most respectfully submit that that is a question which ought to be disposed of first, i.e., whether
4 P.M. there is a point of order or not. I would like to point out to you also the Standing Order, that generally it is for the President to decide a point of order. It is open to you, if you have any doubt, to consult one or two of the leading Members of the Assembly, or the old Members of the Assembly, who may have some experience, to guide you. But otherwise, may I point out, the Standing Order says this:

"The President shall decide all points of order which may arise, and his decision shall be final. Any Member may at any time submit a point of order for the decision of the President, but in doing so shall confine himself to stating the point."

Now, Sir, if you are going to allow this general discussion of all these matters on this point of order of mine, namely, whether the points raised by Pandit Malaviya are points of order or not within the meaning of the Standing Order, my submission is this. You will first of all have to decide whether they are really points of order. If you still want to consult certain Honourable Members, of course, it is within your power to do so.

Mr. Arthur Moore: On a point of order, may I ask whether the point of order raised by Mr. Jinnah is a point of order? (Laughter.)

Mr. M. A. Jinnah: Certainly it is.

Mr. T. Prakasam: May I know whether there is any rule . . .

Mr. President: Order, order. I do not wish to hear several Honourable Members on the points of order raised by Pandit Malaviya and the point of order raised by Mr. Jinnah as to whether the points of order raised by Pandit Malaviya are points of order or not. I shall confine myself to two or three Honourable Members and Government if they choose to participate in the discussion. But I am not going to separate the two. The discussion will be on the question whether the points of order raised by Pandit Malaviya are really points of order or not, and if they are points of order, what the views of the Honourable Members are.

Pandit Madan Mohan Malaviya: May I just supplement your statement by one remark?

Mr. President: Order, order.

Pandit Madan Mohan Malaviya: I should like to explain

Mr. President (to Mr. Arthur Moore): I hope the Honourable Member will be brief. He will have another opportunity of speaking on the merits.

Mr. Arthur Moore: Sir, I do not think I need go into the question of merits now, though I submit that my argument with regard to the fiscal convention is germane to the Bill itself. And I should like, with your permission, to deal with the question of Lancashire because that seems to be largely the basis of the argument about the fiscal convention, and whether the House has a free choice or not. I would call my Honourable friend Pandit Malaviya's attention to a sentence from the Report of the Joint Parliamentary Committee, which he himself read out, and to which he attached considerably less importance than I do. The Committee say that the convention exists "in the interests of India as an integral part of the British Empire". That, Sir, is the point. If we are discussing the merits, I think I can say to the Honourable Pandit Malaviya that the figure of 2½ crores which is so freely talked about is entirely illusory; and that Lancashire will actually be extremely hard hit by this Budget.

Mr. M. A. Jinnah: It seems to me that the Honourable Member is determined to speak on the merits of the Bill.

Mr. President: I hope the Honourable Member will confine himself to the points of order.

Mr. Jehangir K. Munshi: And also tell us which point of order he is particularly dealing with.

Mr. Arthur Moore: Mr. Jinnah has raised so many points of order that all our heads are slightly in a whirl.

Dr. A. Suhrawardy: That is a point of disorder. (Laughter.)

Mr. M. A. Jinnah: I have been upheld by your ruling, Sir. The Honourable Member is going beyond the point of order.

Mr. Arthur Moore: I was submitting that it is the question of the fiscal convention which is now under discussion and not merely the point of order of Mr. Jinnah. The President has clearly ruled that both are to be discussed together; and Pandit Malaviya made it perfectly clear that he based his argument with regard to this fiscal convention largely on the question that the House was being asked to do something not in the interests of India but in the interests of Lancashire.

Mr. President: The point, if it is a point of order, is whether the interpretation put by Government on the fiscal autonomy convention is correct or not.

Mr. Jehangir K. Munshi: May I suggest, Sir, that the point of order be written out and handed over to Mr. Moore? (Laughter.)

Mr. Arthur Moore: That, Sir, is the first of Pandit Malaviya's three points. But Pandit Malaviya went much beyond that in the other two points which he raised. He also asked, Sir, whether nominated and Government Members should vote, and I would submit, Sir, that any ruling to say that they should not vote would be to wash out the importance not

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only of the Simon Commission and the Round Table Conference and the Government of India Act, which will probably be passed next year, (Laughter and applause.) and would give Dominion Status by a side wind in the next five minutes. That is the second point. I would like to refresh my memory as to what is the third point.

Diwan Chaman Lall: Here, there are the three points.

(The Honourable Member passed on a slip to Mr. Arthur Moore.)
(Laughter.)

Mr. Arthur Moore: I find that I have completely disposed of the Pandit's other points about the Government having an open mind, because I have shown that the Government, in not asking the House to accept their original proposal, have done something to meet the House. But at the same time, I should like to say that I am very largely in agreement with Honourable Members opposite as to the way in which this is to be done. (Hear, hear.) I do think that a very unfortunate precedent has been established of conducting these negotiations outside the House, (Hear, hear.) and that the Government would have found itself in a very much stronger position if it had accepted Mr. Chetty's amendment on the floor of this House instead of telling us their decision before it had been discussed.

The Honourable Sir Brojendra Mitter: I think Mr. Jinnah's point of order is perfectly sound. What the Leader of the Opposition calls a point of order is really not a point of order. What is a point of order? When a Member is saying something or bringing in a motion which is not in order, you can stop him. What are you expected to stop now? Are you expected to stop the discussion on the motion which is before the House? No, because you cannot do it under the rules; you cannot stop discussion. You cannot prevent discussion, nor can you refuse to put the question.

Mr. President: Under which rule?

The Honourable Sir Brojendra Mitter: Rule 17A. You cannot refuse to put the question. That being so, Sir, my submission is that none of these points can possibly be points of order. Now let us see. The first is, is the Honourable the Commerce Member's interpretation of the convention correct? Supposing it is not correct, what then? What follows? Supposing it is correct, what follows? In either event, you are bound to put the question before the House, the question which is being debated. Therefore, how can it be a point of order? Your decision one way or the other cannot stop the debate, nor can it stop putting the question before the House.

Diwan Chaman Lall: Is the Honourable Member referring to rule 17A?

The Honourable Sir Brojendra Mitter: Yes. Then the second point is about the attitude of the Government. Supposing the attitude of the Government is wrong. What then? What follows? The debate will not stop on that account. Supposing the attitude of the Government is right, the debate will go on equally well. Then, how can it be a point of order? Assuming you, Sir, come to the conclusion that the point of order of the

Leader of the Opposition is good, what is out of order? Is the Bill out of order? Objection ought to have been taken on the introduction of the Bill, that the Bill has not been properly brought before the House.

Mr. President: May I point out to the Honourable Member that the Honourable Pandit's point is that the Honourable the Commerce Member's statement, that the Government have made up their minds and they are not going to accept any other amendment except that of Mr. Chetty, is inconsistent with the fiscal autonomy convention on which this measure is based, and therefore he wants my ruling whether this attitude is right, and if that is not the right attitude, how it affects the whole question.

The Honourable Sir Brojendra Mitter: I have followed what you have been pleased to explain. My difficulty is still not overcome. Assuming the attitude which the Honourable the Commerce Member took up is most reprehensible—I am not discussing the merits of the attitude—but assuming that it is most reprehensible, what follows? Can you refuse on that basis to put the question on the motion before the House?

Mr. President: It has to be considered.

The Honourable Sir Brojendra Mitter: I am submitting that, even in that case, you cannot prevent the discussion on the motion which is before the House, nor can you refuse to put the question before the House.

Mr. President: Under the new rule?

The Honourable Sir Brojendra Mitter: Under the new rule 17A. That being so, it is irrelevant, the whole of this point.

Mr. President: If that rule is *ultra vires*?

The Honourable Sir Brojendra Mitter: If you hold that that rule is not binding, that is another matter. But that point of order has not been raised yet. (Applause.)

Then as regards the third point, as to who can vote on the motion which is before the House, we have not yet come to that stage. We are still in the stage of discussion and when the time comes for voting, the point may be taken by any Member as to who are entitled to vote.

Mr. President: The Honourable Member accepts that as a point of order?

The Honourable Sir Brojendra Mitter: It may be. But at the present moment it is premature. When Government Members are about to vote, then any Member can take the point that they are not entitled to go into any division lobby. I can understand such a point of order; but we have not come to that stage yet, and all I need say now is, if that point of order is raised at that time, you will give me an opportunity to speak.

Mr. President: The Honourable Member may make it quite clear now.

The Honourable Sir Brojendra Mitter: Under section 68D of the Government of India Act the question shall be decided by a majority of votes of Members present and no distinction is made between elected and nominated Members.

Mr. President: If any Member has got a pecuniary interest in the subject matter of the motion, he is entitled to vote?

The Honourable Sir Brojendra Mitter: He is entitled. Whether he ought to vote or not, is for him to consider; but that is not a point of order.

Mr. M. A. Jinnah: I am very loath indeed to take up the position which I wish to take up. But I assure you, Sir, and assure this House, that any observations that I make are entirely based on one consideration and one consideration only, and that is the true and the correct interpretation of our Standing Orders and the various parts of our constitution. I, Sir, attach very great importance to our coming to a correct decision on points of this character, and therefore, please do not consider that I am taking the view because we have taken up a somewhat different position in regard to the Bill to that of the other Honourable Members. Now, Sir, in the first instance, what we are now concerned with is the consideration of this amendment.

Mr. Muhammad Yamin Khan (United Provinces: Nominated Non-Official): Has the amendment been formally moved? That was not moved formally.

Mr. M. A. Jinnah: I thought the Honourable Member who moved the amendment spoke for nearly four hours and then finally. . . .

Mr. President: When? Today?

Mr. M. A. Jinnah: Nearly four hours yesterday and today certainly, and finally ended by saying, "I move my amendment". I do not know where the Honourable Member was. Now I do not want to waste the time over that. I am glad he knows now that the amendment has been moved. Therefore, Sir, I was saying that the amendment was moved and the House is seized of the amendment. Therefore, Sir, I must say that an amendment has been moved and the House is seized of that amendment. Well, now, Sir, the first question that is raised is this. Is the interpretation put upon the convention of fiscal autonomy by the Government of India, through of course the Honourable the Commerce Member, correct? Now, Sir, is it within your province to decide? That is the first question. But I will assume for the moment that it is within your province. Whatever interpretation you may put upon it, will it prevent the Government of India from withdrawing this Bill? Whatever interpretation you put upon it, we shall be exactly in the same position from which we started. Therefore, it seems to me, Sir, that, in the first instance, whatever interpretation you may put upon it, and whatever respect it may command, it cannot be conclusive or decisive; and secondly, it will not prevent the Government from withdrawing this Bill if they are so determined. Now, with regard to this second point, there again the question is raised, is the attitude of the Government, namely, that they have announced that they will withdraw the Bill if the amendment is carried, consistent with the correct interpretation of the convention? Well, now suppose you pronounce that their attitude is not correct or consistent with the true interpretation of the convention; what follows then there? Nothing. Now, Sir, in the first instance, I most respectfully submit that neither of these two points are points of order, and whatever

opinion you may express is not going to be of any real use if you admit that the Government have power to withdraw this Bill.

Now, Sir, then comes the third point, namely, whether you can give a ruling and say that any particular Member of this House is not entitled to vote because he is an official, or because he is a nominated Member, which will be directly in contradiction with the terms of the statute, and for that ruling, Sir, I say, with great respect, you may well command respect, being a ruling coming from you, but it will not be effective; it will be a contradiction of the terms of the statute, and it is not a point of order. Therefore my submission is, Sir, that none of these three matters raised by my Honourable friend are points of order. I am very sorry to say this—I say this, because I want every Member to give his judgment fairly and in the interests of the progress of the constitution under which we are working, and which we wish to build up, because once we go wrong in these matters, I do not know where we may be landed. I do not think it is desirable to go wrong in these matters, whatever be our feelings with regard to the merits of the Bill, and therefore I wish to place before you, with the utmost respect, that these three points are not points of order, and I say. . . .

Mr. President: Honourable Members will remember that, in the past, points of order have been raised whether a particular Member is entitled to vote or not.

Mr. M. A. Jinnah: With great respect, Sir, I say, yes, the point may be raised on the ground of interest of a Member.

Mr. President: It is for the Chair to decide whether it is a point of order or not.

Mr. M. A. Jinnah: I say, that this point of order raised has only got to be stated and rejected. If you are asking my opinion, I give it, take for example this. Supposing an Honourable Member here gets up at the stage and says, "I rise to a point of order; the Honourable Sir George Schuster should not be allowed to vote because he is an official", I should think, in my opinion, the President should say, "Nonsense, I have no power", and there is an end of it. You are asking my opinion, and therefore I am giving my reasons. My reasons are that you cannot decide contrary to the terms of the statute, and say that the official Members and the nominated Members are not entitled to vote. Therefore, Sir, I submit that none of these matters are points of order, and if they are points of order, I say really that they ought to be rejected, on the merits at once and the progress of the Bill should not be delayed.

Mr. M. S. Aney: Sir, there are two questions raised for your consideration. The first is whether the points raised by the Leader of the Opposition are points of order or not, and the second question is whether the interpretation put upon the convention by the Honourable Sir George Rainy is correct, and also consistent with the pronouncement made by the Secretary of State. Besides these two points, there is the third point arising out of the second, *viz.*, whether, in view of the convention, the official and nominated Members shall be entitled to vote when the House will have to divide. I was considerably surprised at the speech which the Honourable the Law Member has made. He has tried to make an attempt to define what a point of order should be, and if I have understood him

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aright, what I gathered from his speech was this, that in his opinion a point of order should be a point of such a nature that a ruling thereon by the Chair would either interfere with the normal work of this House or with the debate on a particular motion under discussion. Such a point alone can be a point of order; no point which does not satisfy this test can be a point of order. That is the definition which he tried to lay down in his speech, and on the basis of that definition, he made an attempt to show that none of the three points are of such a nature that they can be considered points of order. He conceded, however, that the last point, namely, that official and nominated Members should vote or not, is a point of order, but according to him it was premature to raise the point at this stage, and the proper time to raise it, he thinks, is when the motion is going to be voted.

In the first place, Sir, I decline to accept that even as an approximately correct definition of a point of order. The Honourable the Law Member must be aware that there are various kinds of points of order, and that it is not necessary, in the case of every one of them, that a ruling on it would necessarily interfere with the working of the House or with the debate on any particular motion under discussion before the House. Say, for example, any Honourable gentleman, in the course of his speech, used any particular word, and some other Honourable Member got up and said that a particular term used was an unparliamentary one, may I ask the Honourable Member whether such a point will in any way interfere with or prevent the debate? A point of order must raise a question which nobody except yourself alone, in your capacity as the custodian of the constitution, can decide. The real definition of a point of order always is that it raises a question relating to the procedure, propriety or privilege of the House on which the Chair alone can pronounce an opinion on a proper interpretation of the constitution or custom or convention of the House, and can call the Honourable Member or group of Members to order. There can be no other test of a point of order.

Secondly, the question is whether the points raised by my Leader can be points of order at all. My Honourable friend, Mr. Jinnah, has suggested that these cannot be points of order at all, in view of the fact you, Sir, are bound by the constitution, and your ruling will have to be given in terms of the provisions of the Government of India Act and the statute. One thing, which he seems not to have taken note of, is this, that it has been admitted by all that there is a convention with regard to fiscal autonomy. That has been established and recognised for over ten years. What is the exact nature and scope of that convention may be a point of some difference of opinion, but a convention which has been established and recognised for over ten years, becomes a part and parcel of the constitution as much as the Government of India Act itself. It is as much a part of the constitution as the Act and the rules framed thereunder, having the force of an Act, and therefore any question, with regard to that convention or the interpretation of its precise nature and scope, is a proper question for you to interpret and not for anybody else. Therefore, I submit, Sir, that the two questions which have been raised by my Honourable Leader, the Leader of the Opposition, being related to that convention of fiscal autonomy and requiring, as they do, a correct interpretation of the convention, are proper points of order, on which you alone, Sir, can

give a decision. That disposes of the preliminary objection which my Honourable friend, Mr. Jinnah, has raised. It may be a very bad point, a wholly untenable point; it may be that there are not very sound reasons behind it; but these facts do not take the question out of the category of points of order. These considerations seem to have been entirely overlooked by my Honourable friend, Mr. Jinnah, and therefore he has raised the question whether these questions are points of order or not.

Sir Cowasji Jehangir: May I inquire, Sir, whether you can enforce your ruling given on these points of order?

Mr. President: The Chair has got all the powers to enforce its ruling.

Mr. M. S. Aney: Now, Sir, with regard to the convention, the most crucial point in that convention on which my Honourable friend, the Commerce Member, has solely relied is the reference to the fact of agreement mentioned in the Report of the Joint Parliamentary Committee. This fiscal autonomy convention, whatever it is, has got a real meaning only if there is agreement between the Government of India and the Legislature. That is a very crucial fact in regard to this question. Now, Sir, everybody knows that an agreement is a bilateral transaction and not a unilateral one. An agreement requires two things; there must be two separate entities. So there must be one party called the Government of India and another party called the Legislature entirely separate and different from the Government of India. It is only with regard to this fiscal autonomy that this question of agreement comes into prominence and has got some importance. In other matters the question of agreement never arises at all. So what the position of the Government Members in this House is with regard to other matters is not in any way a factor which ought to weigh with us in finding out their proper position so far as fiscal autonomy is concerned. Now the Government of India ordinarily are a body consisting of His Excellency the Governor General and his Executive Councillors, but they are here in this House also with their own representatives numbering in all 25. Those 25 persons do not represent any other interests except what are known as those of the corporation called the Government of India. Those who have studied the constitution know that the 25 nominated official Members, who are here in this House, only represent the Government of India. Now, if the Government of India come to this House for the sake of ascertaining what is the view of this Legislature on a fiscal measure, then that Government of India must know that they, as a body, are a separate body from the Legislature, whose free consent and opinion they want to know or find out. If they merge themselves in this body at all, then the distinct existence of the two entities, without which the bilateral transaction cannot be imagined, is altogether obliterated. Therefore, they and those official Back Benchers, whom they have brought to this House to represent themselves, are only one party whose duty is simply to ascertain the view of the Legislature. That is precisely what was conveyed by the language of the Crewe Report, a passage from which was read out by the Honourable the Leader of the House. The non-official majority in the House is therefore the only factor which ought to weigh at the time of division in regard to any fiscal measure governed by the fiscal autonomy convention. It may also be argued in terms of the language in the Joint Parliamentary Committee's Report that

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the interests of the manufacturers and the consumers and not of the exploiters whom the Government of India in this case undoubtedly represent have to be mainly looked to in regard to fiscal matters, and a decision has to be taken by this House only on that basis. Now, I can understand that there are non-official nominated Members in the House,—and I shall concede even to these nominated Members,—that they are supposed to represent certain minorities and other interests which are non-franchised under the existing state of our constitution in the country. But under the constitution the official block represents none but the Government of India, and if the Government of India want to concede that fiscal autonomy convention is a reality, then, in order to carry it out honestly and faithfully, the only equitable position which they can take is, that they cannot and ought not to take any part in voting so far as the decision of the fiscal question in this House is concerned, as they are here only for the sake of ascertaining the view of the Legislature which is the other party to the agreement. It is of course open to them to agree or not to agree with the view of the Legislature. They may afterwards take any stand they like, but in order to ascertain the opinion of this House and to find out whether they can agree with it or not, they can only take the attitude of neutrality and nothing else.

Sir, if this fiscal autonomy is a reality, and if this convention is a part of the constitution, it is your right to enforce, without fear or favour, the terms of that convention in such a way as to give this House a fair chance of expressing its free and unfettered opinion, and then the Government of India can decide whether they will agree with that opinion or not. In short, the fiscal autonomy convention, to be a reality, necessarily implies a convention of neutrality of official Members at the time of division. For these reasons, Sir, I maintain that it will be open to you to decide the last point raised by the Leader of the Opposition, if you think that my interpretation is a correct one, *viz.*, whether the official Members are entitled to record their votes on the question or not, when you will be pleased to put the question and ask the House to divide. This is the view, Sir, I submit for your consideration in all humility.

Mr. M. K. Acharya (South Arcot *cum* Chingleput: Non-Muhammadian Rural): Sir, I should like to say something

Mr. President: I think we have heard enough on the point.

The Assembly then adjourned till Eleven of the Clock on Monday, the 31st March, 1930.