

31st March 1930

THE
LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume III, 1930

(21st March to 31st March, 1930)

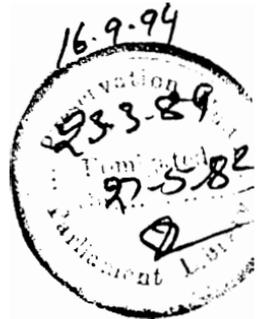
SIXTH SESSION

OF THE

THIRD LEGISLATIVE ASSEMBLY, 1930



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1930



Legislative Assembly.

President :

THE HONOURABLE MR. V. J. PATEL.

Deputy President :

MAULVI MUHAMMAD YAKUB, M.L.A.

Panel of Chairmen :

PANDIT MADAN MOHAN MALAVIYA, M.L.A.

MR. M. A. JINNAH, M.L.A.

SIR DARCY LINDSAY, KT., C.B.E., M.L.A.

SIR ZULFIQAR ALI KHAN, KT., C.S.I., M.L.A.

Secretary :

MR. S. C. GUPTA, BAR.-AT-LAW.

Assistant of the Secretary :

RAI SAHIB D. DUTT.

Marshal :

CAPTAIN SURAJ SINGH BAHADUR, I.O.M.

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LEGISLATIVE ASSEMBLY.

Monday, 31st March, 1930.

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

MEMBERS SWORN.

The Honourable Mr. Harry Graham Haig, C.S.I., C.I.E. (Home Member); Mr. Thomas Ryan, C.I.E., M.L.A. (Department of Industries and Labour: Nominated Official); Mr. John Collard Bernard Drake, C.I.E., O.B.E., M.L.A. (Department of Commerce: Nominated Official); and Mr. Rama Shankar Bajpai, M.L.A. (Director of Public Information).

QUESTIONS AND ANSWERS.

ASSURANCE GIVEN IN THE HOUSE OF COMMONS RE THE GOVERNMENT OF INDIA'S ATTITUDE TOWARDS MAHATMA GANDHI AND CONGRESSMEN.

897. *Mr. Jehangir K. Munshi: (1) Are Government aware that an assurance was recently given in the House of Commons by the Secretary of State for India:

- (a) that Government do not intend to make use of section 124-A of the Indian Penal Code to pursue a repressive policy against Mahatma Gandhi or his followers;
- (b) that Government do not intend to prosecute Congressmen for views they may express or for propaganda they may preach, as long as they do not commit any acts of violence, or incite others to commit acts of violence?

(2) Have Government received any communication or instructions, either from His Majesty's Government, from the Secretary of State for India or from the Secretary of State for India in Council, with regard to the said pronouncement of policy recently made in the House of Commons?

The Honourable Mr. H. G. Haig: (1) No, Sir.

(2) The question does not arise.

Mr. Jehangir K. Munshi: Are Government aware that a debate recently took place in the House of Commons on Mr. Fenner Brockway's Motion?

The Honourable Mr. H. G. Haig: Yes.

Mr. Jehangir K. Munshi: Have Government studied that debate?

The Honourable Mr. H. G. Haig: Yes.

Mr. Jehangir K. Munshi: Will Government tell the House what assurance was given by Mr. Wedgwood Benn in connection with political prosecutions?

The Honourable Mr. H. G. Haig: I have been unable to find on studying Mr. Wedgwood Benn's speech any assurance of the nature described in the Honourable Member's question.

Mr. Jehangir K. Munshi: Will Government tell the House whether any assurance of any nature was given by the Secretary of State for India?

The Honourable Mr. H. G. Haig: I think the Honourable Member might perhaps read the speech for himself.

Mr. Jehangir K. Munshi: Am I to take it that the Government of India are unable to understand the statement made by Mr. Wedgwood Benn?

The Honourable Mr. H. G. Haig: Will the Honourable Member kindly quote the passage in Mr. Benn's speech to which he refers?

Mr. Jehangir K. Munshi: Is there no passage in Mr. Wedgwood Benn's speech to the effect put in my question?

The Honourable Mr. H. G. Haig: No, Sir, most emphatically not.

Mr. M. S. Aney: Will the Honourable Member be pleased to state whether the recent prosecutions under section 124A were not prosecutions for expressions of opinion?

The Honourable Mr. H. G. Haig: I think that question will arise on a later question asked by the Honourable Member.

INSTRUCTIONS FROM HIS MAJESTY'S GOVERNMENT ~~AS~~ THE CIVIL DISOBEDIENCE MOVEMENT.

898. ***Mr. Jehangir K. Munshi:** (1) Have Government received any communication or instructions, either from His Majesty's Government, or from the Secretary of State for India, or from the Secretary of State for India in Council, with regard to the policy to be followed and action to be taken in connection with the Congress propaganda or in connection with Mahatma Gandhi's programme of civil disobedience?

(2) Will Government :

(a) place on the table all such communications and instructions?

(b) communicate to this House the gist and purport of all such communications and instructions?

The Honourable Mr. H. G. Haig: (1) The Government of India have been in close communication with the Secretary of State in regard to the policy to be followed in the present situation.

(2) (a) and (b). The communications between the Government of India and the Secretary of State are confidential and I am unable to take the action suggested in regard to them.

PROSECUTION OF MR. SEN GUPTA.

899. *Mr. Jehangir K. Munshi: (a) Will Government place on the table:

(i) a copy of the complaint filed by the Commissioner of Police, Rangoon, against Mr. Sen Gupta?

(ii) copies of the speeches alleged to have been delivered by Mr. Sen Gupta in Rangoon in respect of which the Government of Burma are prosecuting Mr. Sen Gupta under section 124-A of the Indian Penal Code?

(b) Are Government aware that Mr. Sen Gupta has constantly preached the doctrine of non-violence?

(c) Will Government state whether the prosecution of Mr. Sen Gupta by the Government of Burma is or is not contrary to the recent announcement made in the House of Commons by the Secretary of State for India?

The Honourable Mr. H. G. Haig: (a) (i) and (ii). I regret that I am not yet in possession of copies of the complaint filed against Mr. Sen Gupta and of the speeches on which the prosecution was based.

(b) I have not made a study of Mr. Sen Gupta's speeches, but I should not have supposed that this was their main key-note.

(c) I am not aware precisely what announcement the Honourable Member is referring to.

Mr. K. C. Neogy: May I draw the attention of the Honourable Member to the following statement made by His Excellency the Viceroy in this Chamber on the 25th January last:

"It has not therefore been the policy of my Government that prosecutions for seditious speech should be extended beyond those cases where the language used, or the circumstances of its employment, constituted an incitement to violence or made it necessary to regard the speech as incidental to a movement directed to the subversion of law and of the authority of Government?"

Will the Honourable Member be pleased to tell us as to how far this particular case satisfies the conditions laid down by His Excellency the Viceroy in this statement?

The Honourable Mr. H. G. Haig: The statement of policy which the Honourable Member has just quoted is the policy of the Government of India and they consider that the initiation of this prosecution is in no way in conflict with that policy.

Mr. K. C. Neogy: Has the Honourable Member examined the judgment of the Magistrate who convicted Mr. Sen Gupta, before making this statement?

The Honourable Mr. H. G. Haig: No, Sir. We are not in possession of a copy of the judgment.

Mr. M. S. Aney: Will the Honourable Member be pleased to say whether before they gave sanction for this prosecution the Local Government was in communication with the Government of India and, if so, did they submit a copy of the speech for the perusal of the Government of India?

The Honourable Mr. H. G. Haig: That, Sir, arises on a subsequent question.

Diwan Chaman Lall: May I ask the Honourable Member, if he has not read a copy of the judgment, how does he make the statement that the policy pursued in this particular case is in consonance with the policy laid down by the Government of India?

The Honourable Mr. H. G. Haig: I said that it was not in conflict with that policy.

Diwan Chaman Lall: May I ask how the Honourable Member can say it was not in conflict, not knowing the facts?

The Honourable Mr. H. G. Haig: The Government of Burma, Sir, must be the judges of the facts in the first instance. Their judgment of the facts was that there was no conflict between the initiation of this prosecution and the policy laid down by the Government of India and the Government of India fully accept that.

Diwan Chaman Lall: May I take it then, that the position is that it is not the opinion of the Government of India but the opinion of the Government of Burma communicated to the Government of India?

The Honourable Mr. H. G. Haig: The primary responsibility for launching such prosecutions lies with the Local Government, consistently with the general policy which may be laid down by the Government of India.

Mr. Jehangir K. Munshi: Are Government aware that a sentence of ten days' simple imprisonment was passed on Mr. Sen Gupta?

The Honourable Mr. H. G. Haig: Yes, Sir.

Mr. Jehangir K. Munshi: Are Government aware that a sentence was passed by an English member of the Indian Civil Service, who is under the executive Government?

The Honourable Mr. H. G. Haig: I do not know what the Honourable Member's suggestion is when he says that the officer is under the executive Government. The sentence was passed by a Magistrate.

Pandit Madan Mohan Malaviya: Do Government realise that it is the right and the duty of every Indian, who loves his country, to condemn the existing system of Government in the strongest language he can?

The Honourable Mr. H. G. Haig: I hope it is not so.

Pandit Madan Mohan Malaviya: Do Government realise that, in order to bring about a change in the existing system, every man who hates this system ought to preach that hatred?

Mr. President: That is a matter of opinion.

Mr. Jehangir K. Munshi: How do Government reconcile this sentence of ten days' simple imprisonment with the policy laid down by His Excellency the Viceroy?

The Honourable Mr. H. G. Haig: The Government had nothing to do with the sentence of ten days' simple imprisonment. That was the judgment of the Magistrate.

Mr. Jehangir K. Munshi: How do the Government of India reconcile the policy of the Government of Burma in initiating this prosecution, which resulted in the sentence of ten days' simple imprisonment, with the policy laid down by His Excellency the Viceroy?

The Honourable Mr. H. G. Haig: It may be presumed that the Government of Burma took a different view of the gravity of the speeches from that taken by the Magistrate.

Mr. Jehangir K. Munshi: What view do the Government of India take now?

The Honourable Mr. H. G. Haig: I am not going to be led into a discussion of the merits of the Magistrate's judgment.

POLITICAL PROSECUTIONS IN BURMA.

900. ***Mr. Jehangir K. Munshi:** Have the Government of India issued to the Government of Burma any instructions during the past four months with regard to political prosecutions?

The Honourable Mr. H. G. Haig: The Government of India are in constant communication with all Local Governments upon general questions of policy.

Mr. Jehangir K. Munshi: Did the Government of India know that the Burma Government was going to prosecute Mr. Sen Gupta before the prosecution was launched?

The Honourable Mr. H. G. Haig: That question, Sir, arises on question No. 901.

Mr. K. C. Neogy: What steps do the Government of India take in order to assure themselves that the general policy laid down by them is being followed by the Local Government?

The Honourable Mr. H. G. Haig: No special steps are required.

Mr. K. C. Neogy: Is it open to any Local Government to defy the general policy as laid down by the Government of India in these matters?

The Honourable Mr. H. G. Haig: No Local Government would dream of defying that policy.

PROSECUTION OF MR. SEN GUPTA.

901. ***Mr. Jehangir K. Munshi:** (a) Were the Government of India consulted before the Government of Burma prosecuted Mr. Sen Gupta?

(b) Will Government place on the table the communications exchanged between them and the Government of Burma in this connection?

(c) Will Government communicate to this House the gist and purport of such communications?

The Honourable Mr. H. G. Haig: (a), (b) and (c). A decision as to the initiation of prosecution in any particular case rests with the Local Government and consultation with the Government of India is confined to general

questions of policy which may be held to effect the exercise by Local Governments of their responsibility. The Government of India were consulted in this case, but I am afraid I am not prepared to lay on the table the communications exchanged.

Mr. K. C. Neogy: At what stage were the Government of India consulted in this case?

The Honourable Mr. H. G. Haig: Before the prosecution was initiated.

Mr. K. C. Neogy: And what papers were laid before the Government of India in this connection by the Government of Burma?

The Honourable Mr. H. G. Haig: No papers were laid before the Government of India.

Mr. K. C. Neogy: What was the purport of the communications that the Government of India received from the Government of Burma in this matter?

The Honourable Mr. H. G. Haig: I cannot disclose the details of the communications that have passed, but the Government of Burma consulted the Government of India on the general aspect of instituting such a prosecution.

Mr. K. C. Neogy: Do I take it then that the sanction of the Government of India was obtained by the Government of Burma before this prosecution was launched?

The Honourable Mr. H. G. Haig: The Government of India had no objection to the initiation of a prosecution on the assumption that the Government of Burma wished to prosecute.

Mr. B. Das: Is it not a fact that, in the case of Sardar Vallabhbhai Patel, the Government of Bombay did not consult the Government of India before they prosecuted him?

The Honourable Mr. H. G. Haig: Yes, Sir; that is the case.

Mr. Jehangir K. Munshi: Were the Government of India aware, before they allowed the Government of Burma to prosecute Mr. Sen Gupta, that the prosecution was based on statements attributing motives to the Burma Government's campaign for separation?

The Honourable Mr. H. G. Haig: As I have already stated, the Government of India did not examine the speeches.

Mr. Gaya Prasad Singh: May I take it that the Government of India concurred in the views expressed by the Government of Burma with regard to the prosecution of Mr. Sen Gupta?

The Honourable Mr. H. G. Haig: The initiative comes from the Government of Burma on whom the responsibility for deciding on the prosecution lies.

Mr. K. C. Neogy: Do I take it that the Government of India were satisfied that the conditions laid down by His Excellency the Viceroy were fulfilled in this particular case before they agreed to the prosecution being undertaken?

The Honourable Mr. H. G. Haig: Yes, Sir. They had no reason to suppose and they have no reason to suppose that the prosecution was in any way in conflict with that policy.

Mr. M. R. Jayakar: Did the Government of India have before them a copy of the speech delivered by Mr. Sen Gupta?

The Honourable Mr. H. G. Haig: No, Sir.

Mr. Gaya Prasad Singh: Then how did they agree with the views expressed by the Government of Burma in regard to the prosecution for his speech?

The Honourable Mr. H. G. Haig: I have already explained that they were merely consulted on the general question of policy.

Mr. Jehangir K. Munshi: Did the Government of India apply their mind at all to this question before they allowed the Government of Burma to prosecute Mr. Sen Gupta?

(No answer was given.)

PROSECUTION OF MR. SEN GUPTA.

902. ***Mr. Jehangir K. Munshi:** Have the Government of India received any communication from the Government of Bengal in connection with the prosecution of Mr. Sen Gupta in respect of speeches delivered by Mr. Sen Gupta in Bengal?

The Honourable Mr. H. G. Haig: No, Sir.

PROSECUTION OF MR. SEN GUPTA.

903. ***Mr. Jehangir K. Munshi:** Will Government state:

- (a) why the Government of Burma considered it necessary to prosecute Mr. Sen Gupta for two speeches delivered by him in Rangoon during his short temporary stay in Burma days after he had returned to India; and
- (b) why the Government of Bengal have not considered it necessary to prosecute Mr. Sen Gupta for a series of similar speeches delivered by Mr. Sen Gupta in Bengal, which is the permanent centre of his political activities?

The Honourable Mr. H. G. Haig: (a) The Government of Burma considered that a number of statements made by Mr. Sen Gupta were false or deliberately misleading and that, in the case of one speech, they were calculated to cause hatred and disaffection towards Government among the large Indian population of Burma, and in the case of another speech, that they were intended to excite the religious animosity of the Burmans against the British Government. They took a serious view of the probable effect of these speeches.

(b) The speeches, I understand, were concerned quite definitely with Burman problems and conditions and, therefore, presumably, were not similar to speeches which Mr. Sen Gupta may have delivered in Bengal.

Mr. Jehangir K. Munshi: Did the Government of India take the same serious view of the matter as the Government of Burma did?

The Honourable Mr. H. G. Haig: I have already explained, the Government of India have not seen the speeches.

Mr. Jehangir K. Munshi: Have the Government of India satisfied themselves that the view taken by the Government of Burma was correct in view of His Excellency's speech?

The Honourable Mr. H. G. Haig: It is impossible to form a definite opinion without seeing the speeches.

Mr. Gaya Prasad Singh: Does the Honourable Member realise that the Government of Burma and the Government of India have made themselves thoroughly ridiculous by the way in which Mr. Sen Gupta was prosecuted and convicted?

Mr. President: Order, order.

PROSECUTION OF MR. SEN GUPTA.

904. ***Mr. Jehangir K. Munshi:** If it was considered necessary or desirable (a) either to punish Mr. Sen Gupta for speeches delivered by him during the past three months, or (b) to deprive him of liberty, will Government state why it was decided to prosecute him in Burma instead of in Bengal?

The Honourable Mr. H. G. Haig: There was no question of a desire to punish Mr. Sen Gupta for speeches generally delivered by him during the past three months. The action taken was solely concerned with the effect of the particular speeches which he made in Rangoon.

IMPRISONMENT IN BURMA OF MR. SEN GUPTA.

905. ***Mr. Jehangir K. Munshi:** Are Government aware that strong public resentment has been caused by Government's tactics of seeking to imprison Mr. Sen Gupta in Burma far away from his home, his family and his friends?

The Honourable Mr. H. G. Haig: There was no question of tactics. The Government of Burma considered it necessary to put Mr. Sen Gupta on his trial in respect of speeches made at Rangoon, and the trial was in accordance with the ordinary provisions of the law held in Rangoon.

Mr. Jehangir K. Munshi: Are Government aware of the strong resentment caused in the public mind by this action of the Government of Burma?

The Honourable Mr. H. G. Haig: No, Sir: I do not think they are.

Mr. Jehangir K. Munshi: Have Government taken any steps to find out public opinion on the question?

The Honourable Mr. H. G. Haig: They seem to be eliciting a certain amount of opinion this morning. (Laughter.)

GOVERNMENT'S POLICY IN REGARD TO CIVIL DISOBEDIENCE.

906. ***Mr. Jehangir K. Munshi:** Will Government take this Assembly into their confidence and make before this House a statement through the Honourable the Home Member with regard to their decision and policy in dealing with the Congress movement of non-violent civil disobedience?

The Honourable Mr. H. G. Haig: I would refer the Honourable Member to His Excellency the Viceroy's address to this House on the 25th January last, to which I have nothing to add.

GOVERNMENT'S POLICY IN REGARD TO CIVIL DISOBEDIENCE.

907. ***Mr. Jehangir K. Munshi:** Will Government give an assurance to this House that they will not prosecute either Mahatma Gandhi or any of his lieutenants without consulting the leaders of the various parties in this House except in cases of grave emergency directly involving elements of violence?

The Honourable Mr. H. G. Haig: Government are unable to give any assurance of the kind suggested.

IMPRISONMENT OF POLITICAL PRISONERS IN BURMA.

908. ***Mr. Jehangir K. Munshi:** (a) Are Government aware that the Burma Legislative Council on the 17th of March, 1926, expressed itself against Indian politicians being taken to Burma and imprisoned in the jails of Burma?

(b) Are Government prepared to respect the wishes and sentiments of Burma as conveyed by the said motion carried in the Burma Legislative Council on the 17th of March, 1926?

The Honourable Mr. H. G. Haig: (a) and (b). I have seen the debate to which the Honourable Member refers. It related, not to the prosecution of Indian politicians for acts performed in Burma, but to the detention of persons in Burma in respect of activities that had taken place elsewhere.

LATE OFFICE HOURS IN THE FOREIGN AND POLITICAL DEPARTMENT.

909. ***Mr. Mukhtar Singh:** (a) Will Government be pleased to lay on the table a statement showing the clerical and staff strength in 1916 and in 1930 in the Foreign and Political Department and the amount of work done in 1916 and 1930?

(b) Will Government be pleased to state the strength of clerical and staff establishment in the Issue, Establishment and Accounts Branches of the Foreign and Political Department of the Government of India in 1916 and 1930 and also lay on the table a statement showing the work done in 1916 and the work in 1930?

(c) Is it a fact that the employees have to sit late generally after 5 o'clock in order to meet the pressure of work?

(d) Is it a fact that a representation to this effect has been made both orally and in writing and that no action has yet been taken in the matter?

(e) Is it a fact that, in the Foreign and Political Department, even in branches in which there is no abnormal work, the staff is detained after 4-30 P.M. daily? If it is so, will Government be pleased to state the reasons for so doing?

Mr. E. B. Howell: (a) and (b). A statement is laid on the table. It has, however, been very hastily prepared and as there have been considerable changes in the organisation of the office and the distribution of work

between 1916 and 1929, which is the latest year for which figures are available, as it stands it might be somewhat misleading. With your permission, Sir, and that of the Honourable Member, I will take leave to revise it, if necessary, after further examination and add certain explanatory matter.

(c) and (d). The pressure of work has undoubtedly been heavy ever since 1923, when an arbitrary reduction of twelve posts was made in accordance with a recommendation of the Inchcape Committee. Some relief was afforded in 1926 by the restoration of six of these, and the question how any further relief can be obtained, consistently with the need for economy, is now under consideration.

(e) No.

		<i>Statement.</i>					
		1916.				1929.	
2	Secretaries	..	..	..	..	..	2
2	Deputy Secretaries	..	..	..	..	..	2
1	Under Secretary(ies)	..	..	..	..	..	2
1	Assistant Secretary (ies)	..	..	..	..	..	2
1	Registrar	..	..	..	..	..	..
1	Attaché	..	..	..	..	..	1
9	Superintendents	..	..	..	..	..	10
36	Assistants	..	..	..	..	..	54
46	Clerks	..	..	..	..	..	66
2	Stenographers	..	..	..	..	..	5

Regular Branches, 1916.	Strength.	Amount of work.	Regular Branches, 1929.	Strength.	Amount of work.
Est. A	7	2,676	Accounts	8(+3)	3,625
Est. B	6	1,857	Establishment	9(+2)	6,057
Ext. A and War Branches.	8	590 9,786	External	8	5,013
Est. B	6	1,328	Near East	8	5,755
Frontier	6	1,557	Frontier	8	5,524
General and Liby.	7	3,310	General	7	4,006
Int. A	6	3,129	Political	7	3,561
Int. B	6	1,655	Internal	6	2,875
Int. C	7	1,618	Honours	7	2,164
			Reforms	7	2,671
Issue	20	40,233	Issue	16	67,002

ESTABLISHMENT OF A POST OFFICE AT KHURAD IN THE HISSAR DISTRICT.

910. *Mr. Mukhtar Singh: (a) Are Government aware that in Sankrodh Khurad in Hissar District a great deal of inconvenience is felt on account of want of a post office in this village?

(b) Is it a fact that the amount of correspondence received and despatched from this village justifies the introduction of a post office there?

(c) If the answer to part (b) be in the affirmative, will Government be pleased to state when a post office is likely to be opened in this village? If the answer to part (b) be in the negative, will Government be pleased to state the amount of correspondence received and despatched by post in this village during the last year?

The Honourable Sir Bhupendra Nath Mitra: I have no information whether the facts are as stated. The matter has been brought to the notice of the Postmaster-General, Punjab and North-West Frontier Circle, and he will be asked to consider whether, after investigation, the opening of a post office at Sankrodh Khurad is justified. If the need for a post office is established, the Postmaster-General will take steps to open it when funds at his disposal permit.

RESOLUTION RE ESTABLISHMENT OF VILLAGE PANCHAYATS.

911. *Mr. N. O. Kelkar: (i) Will Government be pleased to state what action the Government of India have taken on the Resolution recommending the Government to appoint a mixed committee of officials and non-officials to examine rural conditions and establish panchayats, passed by the Legislative Assembly on the 17th September, 1929?

(ii) Will Government be pleased to state what steps, if any, they have hitherto taken or propose to take in the near future to introduce and popularise the constitution of village panchayats in centrally administered areas, in accordance with the assurance given by Sir Frank Noyce during the debate on the Resolution?

(iii) Will Government be pleased to state if they propose to lay down a general policy for the guidance of the Provincial Governments, with a view to accelerate the growth and establishment of village panchayats in all the provinces of British India?

Sir Frank Noyce: (i) For the reasons which were fully stated by the Government spokesman in the course of the debate on the subject in this House in September last, the Government of India have not found themselves in a position to accept the view that a central committee should be appointed to inquire into the administration of what is a provincial transferred subject. Copies of the debate have, however, been forwarded to Local Governments for information and for such action as they may consider suitable.

(ii) The views of the Local Administrations have been invited as to the action which should be taken to stimulate the development of village panchayats in their respective areas. As regards the North-West Frontier Province, the Government have expressed their agreement with the Chief Commissioner that that province does not offer a hopeful field for efforts to establish village panchayats. This view is borne out by the experience of the adjacent districts in the Punjab in which not a single regular

panchayat has yet been formed. A similar decision has been taken in regard to Baluchistan, conditions in which also present special features. The question of extending the Punjab Village Panchayat Act, 1921, to Delhi is under consideration. In Coorg, a Panchayat Act is already in existence and the Chief Commissioner is considering ways and means of establishing village panchayats. As regards Ajmer-Merwara, the local authorities have promised to submit a report after examining the regulations that obtain in the United Provinces.

(iii) Government are unable to accept this suggestion. The matter is one which is primarily the concern of Ministers in provinces.

APPOINTMENT OF NON-EUROPEANS AS PILOTS AND HARBOUR MASTERS IN RANGOON.

912. ***Mr. Jehangir K. Munshi:** (a) Are Government aware that no non-Europeans have so far been employed as Pilots or Harbour Masters in the Port of Rangoon?

(b) Are Government prepared to afford facilities to non-Europeans residing in Burma to qualify as Masters?

The Honourable Sir George Rainy: (a) So far as the Government of India are aware, no Indian has been appointed as a Pilot or Harbour Master at Rangoon.

(b) I presume that the Honourable Member is referring to facilities for obtaining certificates of competency as Masters. The Government of India do not propose to afford further facilities in this direction than are already provided by the Training Ship "Dufferin" at Bombay.

CONSTRUCTION OF A ROMAN CATHOLIC CHURCH AT MINGALADON CANTONMENT, BURMA.

913. ***Mr. Jehangir K. Munshi:** (a) Will Government be pleased to state what progress has been made in building the Roman Catholic Church, Mingaladon Cantonments, Burma?

(b) (i) Have any plans and estimates been forwarded by the military authorities to the Government of Burma in connection with the said church?

(ii) If not, are Government prepared to see that the matter is expedited?

(iii) Will Government be pleased to state when the building of the said church will be completed?

The Honourable Sir George Rainy: (a) The necessity for the construction of a Roman Catholic Church at Mingaladon Cantonment has been accepted and the local military authorities have been asked to submit proposals through the Government of Burma.

(b) (i). No, not yet.

(ii) The Government of Burma have reminded the local military authorities.

(iii) It is not possible to give this information at present.

UNSTARRED QUESTIONS AND ANSWERS.

REPRESENTATIONS FROM POSTMEN.

346. Mr. C. S. Ranga Iyer: (a) Will Government be pleased to state if it is a fact that when representations are made by the postmen to increase the staff, they are informed that their request cannot be complied with either on financial grounds or on the ground that statistics do not justify it?

(b) Is it a fact that a Postmaster's recommendation for increase in the number of clerks is invariably complied with and rarely refused?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). No, Sir.

STRENGTH OF STAFF AT THE PALGHAT POST OFFICE.

347. Mr. C. S. Ranga Iyer: (a) When was Palghat post office made a selection grade post office?

(b) What was the strength of the clerical or the postmen staff prior to its conversion as a selection grade post office?

(c) What is the present strength in both cases?

The Honourable Sir Bhupendra Nath Mitra: (a) From December 1st, 1919.

(b) Ten clerks excluding the sub-postmaster and nine postmen including one village postman.

(c) Eleven and eight, respectively.

STRENGTH OF STAFF AT THE COIMBATORE POST OFFICE.

348. Mr. C. S. Ranga Iyer: (a) Is it a fact that the demand of Coimbatore postmen to increase their number was rejected on the ground that there is not statistical justification for the increase?

(b) Is it a fact that in the same post office of Coimbatore the clerical establishment was strengthened by two hands in one year?

(c) What was the strength of the clerical and postmen staff at Coimbatore in 1919 and the strength at present?

The Honourable Sir Bhupendra Nath Mitra: (a), (b) and (c). Government have no information, but inquiries are being made and the result will be communicated to the Honourable Member.

PAY AND SERVICE OF POSTMEN IN THE MADRAS CIRCLE.

349. Mr. C. S. Ranga Iyer: (a) Will Government be pleased to state if there was any revision of pay of postmen in 1928?

(b) If the answer to part (a) be in the affirmative, how and when was the revision given effect to in the Madras Circle?

(c) Was the pay revised with retrospective effect and after due consideration of the service rendered by each official?

(d) Is it a fact that the seniors and juniors are getting equal pay and, why?

(e) How many postmen are employed in each of the undermentioned Post Offices, the length of service and the present pay of each :

1. Mangalore.	7. Ramnad.	13. Bezwada.
2. Erode.	8. Dindigul.	14. Chirala.
3. Panruti.	9. Cuddalore.	15. Tenkasi.
4. Chidambaram.	10. Palamcottah.	16. Ellore.
5. Pondicherry.	11. Nellore.	17. Cocanada.
6. Coimbatore.	12. Guntur.	18. Salem?

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

(b) The revision was given effect to from the 1st May, 1928, and was carried out in accordance with the Fundamental Rules.

(c) The reply to the first part is in the negative. With respect to the second part, transfers from the old to the new scales of pay were regulated under the Fundamental Rules.

(d) Government have no information as to the precise operation of the rules in individual cases. But such a result does not infrequently arise in every Department from the application of the Fundamental Rule.

(e) Government do not propose to call for the information as the expenditure of time and labour required for its collection would, in the opinion of Government, be out of all proportion to the importance of the result.

THE CREW SYSTEM.

350. **Dr. Ziauddin Ahmad:** (a) Are Government likely to replace the crew system by the old system?

(b) Why are persons now acting as crews and crews-in-charge debarred from the benefit of the Provident Fund and gratuity rules?

(c) Will Government give the number of the crew-in-charge, recruited in the year 1929? How many of them were promoted from the rank of the crew?

Mr. A. A. L. Parsons: (a) The Honourable Member's attention is invited to my reply to part (a) of his starred question No. 584 on the 17th March. The matter is at present under the consideration of the Government of India.

(b) The Honourable Member's attention is invited to my reply to part (b) of his starred question No. 584 on the 17th March.

(c) I am asking the Agent of the East Indian Railway to furnish the information and I will communicate later with the Honourable Member.

HOURS OF WORK OF CREWS AND GRANT OF COMPASSIONATE ALLOWANCE in CASE OF ACCIDENT.

351. **Dr. Ziauddin Ahmad:** (a) How many hours per day is a crew expected to work? Are they allowed overtime? If not, why not?

(b) Are Government aware that the members of the crew sometimes are required to work 18 hours a day?

(c) Have Government allowed any compassionate allowance to the family of the crew who met with accidental death?

(d) Is the compassionate allowance only for persons bearing European names? If not, will Government be pleased to state the names of persons, whose families were granted compassionate allowances after their accidental death?

Mr. A. A. L. Parsons: (a) In regard to the hours of work of crewmen, the Honourable Member is referred to the information supplied to Mr. Amar Nath Dutt in Railway Board's letter No. 164-L., dated 30th November, 1929, a copy of which is in the Library of the House.

I have called for information on the subject of the grant of overtime to crewmen and will communicate with the Honourable Member when it is received.

(b) No.

(c) and (d). If the Honourable Member will let me know definitely the particular case or cases he has in mind I shall supply him with the information he wants.

I would like to make it clear, however, that no racial discrimination exists in the matter of the grant of compassionate gratuities.

INVESTMENT OF THE RAILWAY RESERVE AND DEPRECIATION FUNDS.

352. **Dr. Ziauddin Ahmad:** (a) Do Government consult Standing Railway Finance Committees about the manner in which the Reserve and Depreciation Funds are invested?

(b) If not, do Government propose to consult the Committee in future before investing its Reserve and Depreciation Funds?

Mr. A. A. L. Parsons: As was explained to the Honourable Member in reply to his question No. 587 on 17th March, 1930, Reserve and Depreciation Funds are not invested in any real sense of the word, but are merged in the balances of the Government of India. That being so, there can be no question of consulting the Standing Finance Committee for Railways about the manner in which they are invested.

PURCHASE OF THE BENGAL AND NORTH WESTERN RAILWAY BY GOVERNMENT.

353. **Dr. Ziauddin Ahmad:** (a) When will the contract of the Bengal and North Western Railway come to an end?

(b) Have Government begun negotiations for the purchase of the Bengal and North Western Railway?

(c) Have Government estimated the amount required for its purchase? If so, what is the amount?

(d) What dividend did the Bengal and North Western Railway pay during 1928-29?

Mr. A. A. L. Parsons: (a) The earliest date on which the contract can be determined is 31st December, 1932.

(b) No negotiations are in progress.

(c) The purchase price is estimated approximately at a little over 10 million sterling.

(d) 19 per cent.

RAILWAY PROJECTS.

354. **Dr. Ziauddin Ahmad:** (a) What are the new railway projects costing five lakhs or more, which the Government are contemplating to initiate during the next three years?

(b) Have Government taken the consent of the Railway Finance Committee?

(c) Will Government lay the details of the projects with estimate before the Assembly before actually starting the work?

Mr. A. A. L. Parsons: (a) There are no new projects costing five lakhs or more which Government propose to initiate in 1930-31. As regards 1931-32 and 1932-33, it is not possible at present to forecast what projects Government are likely to be able to take up.

(b) and (c). Do not arise.

UNCLAIMED INTEREST ON GOVERNMENT SECURITIES.

355. **Dr. Ziauddin Ahmad:** (a) What is the amount of unclaimed interest in the years 1926-27, 1927-28 and 1928-29, in the Post Office Savings Bank, Government Securities, War Bonds and Loans, etc.?

(b) To whom do Government propose to hand over the unclaimed interest?

The Honourable Sir George Schuster: (a) The information is not available and Government do not consider that the advantage to be obtained from compiling the necessary figures would be commensurate with the work involved.

(b) Interest not claimed in the year in which it falls due may be claimed in subsequent years. Interest which is not claimed is not debited to Revenue and this reduces Government expenditure and the general burden of taxation.

SHORT NOTICE QUESTION AND ANSWER.

HUNGER STRIKE BY THE KAKORI PRISONERS IN BAREILLY JAIL.

Mr. M. S. Aney (on behalf of Mr. N. C. Kelkar): (a) Is it a fact that some of the Kakori prisoners in Bareilly Jail are on hunger strike?

(b) Is it a fact that they so exhausted that they may die any moment?

(c) Is it a fact they have started the hunger strike on account of their standing grievance, that they are not given the benefit of even the new Jail Rules for treatment of prisoners?

(d) Is it a fact that these prisoners are still treated as "C" class prisoners?

(e) Is it a fact that they are willing to give up hunger strike if they are treated even as "B" class prisoners?

(f) Will Government state whether the new Jail Rules have been communicated to the authorities of the Bareilly Jail? If so, when?

(g) If not, will Government explain why they were not so communicated?

(h) Will Government state whether the jail authorities of Bareilly have been asked for and given any explanation of their conduct in not making the new Jail Rules applicable to these prisoners?

(i) Are Government prepared to take immediate steps to see that the grievances of these hunger strikers are redressed at once?

The Honourable Mr. H. G. Haig: (a) Yes.

(b) My information is that their condition is fair.

(c) They started hunger-striking on the 8th February, before the new rules were brought out.

(d) They have been treated as ordinary prisoners under the old rules.

(e) I understand that this is so.

(f) to (i). The Jail Superintendents were duly instructed to make their recommendations about the classification of prisoners, and the Local Government have now had sufficient material to begin considering the cases as a whole and have passed orders regarding prisoners in a number of their jails. They have classified the Kakori prisoners, among others, in B class.

Mr. Jehangir K. Munshi: Will the Honourable Member make it clear to the House what he means by saying, "Their condition is fair"?

Dr. A. Suhrawardy: That is they are not on the point of death.

The Honourable Mr. H. G. Haig: That is the report we received from the Local Government, and I am afraid I cannot amplify it.

MESSAGE FROM THE COUNCIL OF STATE.

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

"I am directed to inform you that the Council of State has, at its meeting held on the 27th March, 1930, agreed without any amendment to the Bill further to amend the Sea Customs Act, 1878, to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary certain duties leviable under the Indian Tariff Act, 1894, to fix maximum rates of postage under the Indian Post Office Act, 1898, to fix rates of income-tax, to vary the excise duty on kerosene leviable under the Indian Finance Act, 1922, and further to amend the Indian Paper Currency Act, 1923, and the Indian Finance Act, 1926, which was passed by the Legislative Assembly at its meeting held on the 24th March, 1930."

DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1929-30.

INTEREST ON DEBT AND REDUCTION OR AVOIDANCE OF DEBT.

The Honourable Sir George Schuster (Finance Member): Sir, I beg to move:

“That a supplementary sum not exceeding Rs. 3,62,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1930, in respect of ‘Interest on debt and reduction or avoidance of debt.’”

The motion was adopted.

FOREIGN AND POLITICAL DEPARTMENT.

The Honourable Sir George Schuster: Sir, I beg to move:

“That a supplementary sum not exceeding Rs. 43,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1930, in respect of ‘Foreign and Political Department.’”

Mr. President: Will the Honourable Member kindly tell the House for what purpose this supplementary Demand is asked for to enable me to decide whether the amendment tabled is in order.

The Honourable Sir George Schuster: The supplementary Demand is required to meet the cost of telegrams, which attained an unexpectedly high figure. The circumstances in which this had occurred are fully reported in the proceedings of the Standing Finance Committee, which have been circulated to Honourable Members.

Mr. President: Has that anything to do with the deportation and continued ill-treatment of the ex-Maharaja of Nabha?

The Honourable Sir George Schuster: I am unable to trace any direct connection between the two subjects.

Mr. President: The question is:

“That a supplementary sum not exceeding Rs. 43,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1930, in respect of ‘Foreign and Political Department.’”

Mr. M. K. Acharya (South Arcot *cum* Chingleput: Non-Muhammadan Rural): Sir, I beg to move:

“That the Demand for a supplementary sum”

Mr. President: Before the Honourable Member moves his amendment, I want him to tell me how his motion is in order, because, as the Honourable Member already knows, on a supplementary Demand for Grants, no questions of policy can be raised, but any question that is directly concerned with or relevant to the expenditure that is necessary can be allowed.

Mr. M. K. Acharya: I presume, from the details I have been able to get about the grant in question, that a portion of that grant will certainly be spent in probably issuing instructions to guide the personal conduct of the ex-Maharaja of Nabha, who is now confined in Kodaikanal. Therefore,

before even a single pie could be utilised for that purpose, the House will have to be satisfied and the House has got reason to demand that proper treatment is afforded to the person who is now confined in jail under Government custody in Kodaikanal hills. That, I think, Sir, is perfectly relevant to the question before us whether this supplementary sum could be given for use of telegrams and things of that kind for the Foreign and Political Department a portion of which I think was certainly going to be spent in regard to this particular purpose. If you, however, rule my motion out of order, I shall not move it.

Mr. E. B. Howell (Foreign Secretary): May I assure the Honourable Member that no portion of the money was spent on telegrams of that nature?

Mr. President: I am afraid in that case I cannot allow the Honourable Member to move his amendment.*

Mr. Fazal Ibrahim Rahimtulla (Bombay Central Division; Muhamadani): Sir, I have got an amendment† in my name to this Demand.

Mr. President: Is that also connected with the expenses on telegrams?

Mr. E. B. Howell: I must admit, Sir, that some of this has been spent on telegrams for matters connected with the amendment which my Honourable friend is proposing. If I may say so, it was more or less, at his direct request, that money was spent on telegrams for matters connected with this affair.

Mr. President: I do not quite follow the Honourable Member. Has this motion any connection with the supplementary Demand for Grant?

Mr. E. B. Howell: No real connection, Sir. We have spent some small portion of this sum, the grant for which is now asked for, on telegrams, some of which—perhaps one or two of which—were connected with the subject matter which my Honourable friend has in mind, and which he has mentioned in his motion. But may I make a further observation, Sir? Even supposing that that is so, I would ask your ruling, Sir, whether the Honourable Member's motion is in order, seeing that it cannot be discussed without affecting the relations between the Government of India and the ruler of a foreign State, the State of Muscat, to which Gwadar belongs.

Mr. Fazal Ibrahim Rahimtulla: I want to raise this issue, because I want to know what measures the Government of India are adopting in order to ensure the life and property of British subjects who are residing in Gwadar temporarily for the purpose of business. The British resident is the representative of His Majesty for the safeguarding of these subjects, and I wish to raise the discussion in order to find out what part he has played during the disturbances of 1929. I have no desire to bring the State of Muscat at all into this debate. Sir, I beg to move

Mr. E. B. Howell: Sir, I am asking for your ruling whether the Honourable Member's motion is in order, in view of the fact that it concerns relations with another State.

*"That the demand for a supplementary grant of a sum not exceeding Rs. 43,000 in respect of 'Foreign and Political Department' be reduced by Rs. 100." (The deportation and continued ill-treatment of the Ex-Maharaja of Nabha.)

†"That the Demand for a supplementary grant of a sum not exceeding Rs. 43,000 in respect of 'Foreign and Political Department' be reduced by Rs. 100." (Treatment of British subjects at Gwadar.)

Mr. President: It is a very difficult question, and if the Honourable Member will enlighten me as to which rule or Standing Order debars any such discussion on a budget cut, I shall be much obliged.

Mr. E. B. Howell: I shall endeavour to convince you, Sir. The Honourable Member's complaint is that, in the course of certain disturbances which arose in the town of Gwadur last year, a member of the Khoja community, who are in a very small minority there, was murdered, and it amounts to a complaint that the case was not very adequately investigated by the Muscat authorities, and that the persons guilty of the murder were not punished as they should have been. A matter of this sort necessarily affects the relations between the Government of India and the authorities of the Muscat State in that the Government of India could not possibly express any opinion to the adequacy of those proceedings and the measures taken without affecting their relations with the Muscat State.

Mr. President: I quite understand that; but under what rule or Standing Order is a discussion of a matter of that kind prohibited on a budget cut?

Mr. E. B. Howell: With all due deference I understand it is prohibited by Legislative Rule 23 (1).

Mr. President: That applies to Resolutions, does it not?

Mr. E. B. Howell: It does.

Mr. President: This is not a Resolution.

The Honourable Sir George Schuster: Sir, on a point of order, I venture to submit that, if you allowed a motion of this kind to be discussed in connection with a supplementary Demand of this kind, you would, in effect, be departing from the spirit of the rule which you have hitherto applied in dealing with these questions. A supplementary grant for the cost of telegrams must obviously cover telegrams dealing with practically every subject which comes within the purview of the Foreign and Political Department. But if the mere fact that a sum of, say, eight annas has been spent on a telegram on a question of policy enables the Honourable Member to initiate a debate on that policy in this Assembly. I submit it would lead to a great waste of time and diversion of attention to matters of policy on occasions when this House ought not really to be asked to deal with them.

Mr. President: That is a point that I understand.

Pandit Hirday Nath Kunzru (Agra Division: Non-Muhammadan Rural): Sir, may I point out with reference to what fell from Mr. Howell?

Mr. President: I do not wish to give any ruling on the main objection, because it involves a very important point of principle and I should not like to hazard any opinion all at once. There must be a full discussion before I can give any definite ruling, but in view of the observations made by the Honourable the Finance Member, I am not inclined to allow the Honourable Member to proceed with his motion.

Pandit Hirday Nath Kunzru: This is without prejudice to the larger question raised by Mr. Howell?

Mr. President: Yes, without prejudice to the larger question. The question is:

"That a supplementary sum not exceeding Rs. 43,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1930, in respect of 'Foreign and Political Department'."

The motion was adopted.

MISCELLANEOUS DEPARTMENTS.

The Honourable Sir George Schuster: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 3,30,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1930, in respect of 'Miscellaneous Departments'."

As there is another amendment* tabled in connection with this Demand I would explain that the purpose of this Demand is

Mr. President: Does any amount out of this go to the party leaders?

The Honourable Sir George Schuster: I trust not, Sir.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 3,30,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1930, in respect of 'Miscellaneous Departments'."

The motion was adopted.

CIVIL WORKS.

The Honourable Sir George Schuster: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 11,70,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1930, in respect of 'Civil Works'."

Mr. President (to Dr. Ziauddin Ahmad): The Honourable Member wishes by his amendment† to raise a question of policy which I cannot allow.

The question is:

"That a supplementary sum not exceeding Rs. 11,70,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1930, in respect of 'Civil Works'."

The motion was adopted.

THE COTTON TEXTILE INDUSTRY (PROTECTION) BILL.

POINTS OF ORDER.

Mr. President: Before the House proceeds with further discussion on the Cotton Tariff Bill, I propose to give the Chair's decision on the points of order raised.

By Mr. Gaya Prasad Singh:

*"That the Demand for a supplementary grant of a sum not exceeding Rs. 43,000 in respect of 'Foreign and Political Department' (page 2) be reduced by Rs. 100." (Ineligibility of Indians for appointment as Diplomatic representatives.)

†"That the Demand for a supplementary grant of a sum not exceeding Rs. 11,70,000 in respect of 'Civil Works' be reduced by Rs. 100." (Bad supervision and over payment in the works done at Dehra Dun.)

[Mr. President.]

The Honourable the Leader of the Opposition formulated for the Chair's consideration the following propositions:

1. Whether the interpretation put by the Honourable Sir George Rainy on the fiscal 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 his amendment, and that, 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 official and nominated non-official Members are entitled to record their votes on a division on this Bill.

The Honourable the Leader of the Independent Party then raised a point of order as to whether any of the 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.

The Honourable the Law Member concurred with the Honourable the Leader of the Independent Party in the view that they are not points of order.

The central contention is that, even if the points of order raised by the Honourable the Leader of the Opposition were sound, it does not seem that the Chair can give any relief, and where no relief is possible, no point of order can arise.

The Chair cannot concur with this view. The test whether a point is a point of order is not as to whether the Chair can give any relief, but whether it involves an interpretation of the rules, Standing Orders and various parts of the constitution which regulate the course of business of the House in one form or another, and whether it raises a question which the Chair alone can decide. The points of order raised by the Honourable the Leader of the Opposition fulfil these conditions. I therefore rule that the points raised by the Honourable the Leader of the Opposition are points of order within the Standing Orders and rules of the House.

1. The Honourable the Leader of the Opposition, by his first point, invites the Chair to give the House its authoritative interpretation of the fiscal convention. I desire to assure him and the House that, if I were satisfied that such interpretation was necessary for any specific purpose connected with the debate on this Bill, I should have, without hesitation, responded. But from what will follow later, the House will see that it is wholly unnecessary for me, for the purpose we have in hand, to proceed to interpret the Convention at this stage. I therefore refrain from doing so.

2. The position with regard to the second point is not so clear. The mill industry of India is admittedly on its last legs and needs immediate and substantial protection. The Government of India have submitted their proposals in that behalf to this House in the form of this Bill, based on the fiscal convention. They tell the House,

in the initial stages of the Bill, that if the Assembly does not accept their proposal, it will be impossible for them to proceed further with the Bill. This has created an impression in the minds of Honourable Members that, if the House did not accept the proposals of the Government of India, the mill industry of India would go without any protection, resulting in its total destruction. Several speakers, during the course of the debate, have expressed their strong resentment and disapproval of this attitude of Government.

In the considered opinion of the Chair, the Government were not within their rights in taking up that attitude, having regard to the terms of the convention, and this is so, whichever of the two interpretations of the convention is correct. If we take the interpretation of the Leader of the Opposition, that the vote of the House is final and binding on Government, the Government are bound to proceed with the Bill and take the vote of the House on it. According to the other interpretation, *viz.*, that put by the Commerce Member, as soon as disagreement is found between the Legislature and the Government, the Secretary of State would resume his powers of direction, superintendence and control. That means that the Secretary of State might either agree with the Government of India or with the Legislature. But if the House, by the attitude of the Government, is virtually compelled to accept the Government's proposals, no case for the interference of the Secretary of State would arise, and the House would thus be deprived of the opportunity of recording their free vote on them and having the matter examined by the Secretary of State. In either view, therefore, a free vote of the House is essential in all measures under the convention. It is therefore clear that the statement that the Government would not proceed with the Bill is not warranted by the constitutional position, and is also calculated to seriously interfere with the free vote of the House. In the first case, where it is contended that the vote of the House is of a binding character, the Government of India are bound to proceed with the Bill. In the other case, where the Secretary of State resumes his powers, he might throw his weight with the Legislature and direct the Government of India to proceed with the Bill; and even where he does not accept the view of the Legislature, he might ask the Government of India to proceed by way of recommendation or certification. The Government of India are not fair to themselves or to the Secretary of State when they convey an impression that, if the House did not accept their proposals, they would allow the mill industry of India to go to wreck and ruin.

In these circumstances, and in the interests of the freedom of vote in this House, and in either view of the convention, it is due to the House that the Government of India should, even at this late stage, reconsider their position and tell the House that they have an open mind and that they have not finally decided, and indeed could not decide, without reference to the Secretary of State, to drop the Bill, in the event of the House amending their proposals in any manner. I hope they will realise, on reflection, if indeed they have already not done so, that by the extraordinary attitude they have taken up, they have denied the House an opportunity to convince them by arguments and persuasion and thus rendered the whole debate on this measure unreal and farcical, and violated the spirit of the convention. I am aware that the suggestion made by me, even if carried out by Government, would not undo fully the mischief done by the statements of the Commerce

[Mr. President.]

Member. That, however, is the minimum that is due to the House in the interest of free expression of opinion and freedom of vote, so necessary in this matter.

8. I now come to the third point. The Honourable the Leader of the Opposition contends that official and nominated non-official Members are not entitled to record their votes on any division on this measure. I fully appreciate the point of view of the Leader of the Opposition that any decision taken in a House, constituted as this is, with 144 Members, of whom 26 do not represent any electorate in India, will go forth to the world as the decision of India in favour of Imperial Preference: and it is therefore necessary that if the convention is to be worked in the spirit of the recommendation of the Joint Parliamentary Committee, official Members should not vote. But, I hope, he will, in his turn, appreciate the limitations of the Chair, due to the constitution under which it is bound to conduct the business of this House, and I am sure no one knows more than the Leader of the Opposition that, by no possible stretch of language is it open to the Chair to rule that official Members shall not vote. The question whether they should or should not vote is for them to decide. As to their right to vote, there can be no question. So also the right of the non-official nominated Members. I agree that real fiscal autonomy is possible, even under the existing constitution, if the decision on fiscal measures is left to the vote of the non-official Members and such decision is regarded as binding on the Executive: but this can be done by a convention and not by a ruling of the Chair. I therefore rule that the official and nominated non-official Members are entitled to record their votes.

Before we proceed with the discussion of this measure, I desire to tell Honourable Members that it is my wish to finish this Bill in the course of the day and I hope and trust Honourable Members will co-operate with me in pushing through the various stages. If the Government also would restrict other business only to non-controversial matters, we may finish the whole business and adjourn the House. But that is for them to consider; but so far as the whole House is concerned, I appeal to them to co-operate with me in putting through this particular measure today. (Applause.)

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): May I ask you, Sir, to adjourn the House up to half past two, to enable me and my colleagues on these Benches to consider the decision you have given, particularly that which refers to the action taken by my Honourable colleague, Sir George Rainy, at an earlier stage of this discussion, so that we may inform you as to the course of action which Government propose to take in regard to that decision?

Mr. President: The Honourable Member, before voting takes place, can say whether, on behalf of the Government, he is prepared to accept that suggestion or not. The suggestion—he knows I have not given it the form of a definite ruling which I must enforce. I have merely made a suggestion in the general interest of the House as a whole, and in the interest of the growth of Parliamentary institutions in this country. If yet the Honourable the Leader of the House wants time, I am perfectly willing to adjourn the House till half past Two.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): No, Sir. No useful purpose will be served in view of the expression of opinion that

you have given. I think, Sir,—most respectfully I submit—that we should proceed with the Bill and the Government can make their statement at any time they like.

The Honourable Sir Bhupendra Nath Mitra: If, as I understand it more precisely, it is a suggestion and not a decision, I am quite willing to fall in with your desires in the matter.

Mr. President: I have made a suggestion which might be turned into a decision any moment. It all depends upon what the Government are going to say.

The Honourable Sir Bhupendra Nath Mitra: That is my precise difficulty. I thought this was a ruling, a decision, and therefore I wanted time. If, on the other hand, it is a mere suggestion for the consideration of the Government and Government will have an opportunity of considering the matter between now and the time when the debate on this Bill comes to a conclusion, in view of what fell from my Honourable friend, the Leader of the Independent Party, I have not the slightest desire to stop the progress of this discussion.

Mr. President: I think we had better proceed with the Bill, because it is my desire that we should get through this Bill today.

The House will resume further consideration of the Bill further to amend the Indian Tariff Act, 1894, and to amend the Indian Tariff (Cotton Yarn Amendment) Act, 1927

I think we have had 4½ days debate on this and every aspect of the case has been threshed out and all that is required is really that the Honourable the Commerce Member should give his reply to the Debate on the amendment* and we can then proceed further.

The Honourable Sir George Rainy (Member for Commerce and Railways): I think the House would like to hear Mr. Hardy, who is in a position to speak on one aspect of the case with greater authority than anybody else, and that is with regard to the administrative difficulties.

Mr. President: If he promises not to be long, certainly.

Mr. G. S. Hardy: I will not be long.

Mr. President: Mr. Hardy.

Mr. G. S. Hardy (Commerce Department: Nominated Official): Sir, it is not often, during the debate on a measure in this House, that an executive officer of Government, who will be responsible for its working, is given an opportunity of explaining on the floor of the House the difficulties which he apprehends will arise, should it become law. I welcome that opportunity, Sir, and I ask the House to bear with me for a few

*Amendment by Pandit Madan Mohan Malaviya that :

"In sub-clause (7) of clause 2, for the proposed Item No. 156A, the following be substituted :

' 151A Cotton piece goods	<i>Ad valorem</i>	15 per cent. or 3½ annas per pound, which- ever is higher'."
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[Mr. G. S. Hardy.]

moments while I describe some of the practical problems that would arise if this amendment were passed and a minimum specific duty, based on weight, were imposed on all classes of cotton piece-goods. I should like to explain at the outset, Sir, that I am not concerned primarily with the additional labour and annoyance that will be caused to officers of the Customs Department, for I am quite sure that, if additional staff is required to carry out the wishes of this House, the House will give a sympathetic hearing to demands for any supplementary grants that may be required for the purpose. I am concerned, Sir, rather with the convenience and interests of piece-goods importers, piece-goods merchants and piece-goods consumers. It may come as a surprise to those who are accustomed to regard the Customs officer as the natural and sworn enemy of trade, to find one posing as the champion of the rights of importers and pleading for their interests. I can assure any Honourable Members, who hold that view, that we, Collectors of Customs, are on the most friendly terms with the large majority of importers. It is true that, we have to extract from them the uttermost farthing which the law demands, but a great deal of our time is spent in trying to ensure that the process of extraction is performed as painlessly as possible. We exercise, in fact, Sir, the dual function of the dental surgeon and the anæsthetist, and it is in the latter, rather than in the former capacity, that I appeal to the House to give some consideration to that long-suffering patient, the importer. Let me first of all, Sir, describe, very briefly, the procedure which the importer has to follow before he can obtain possession of a consignment of piece-goods. On the arrival of the steamer in port, he takes his bill-of-lading, the document that gives him the title to his goods, to the office of the steamship company who communicates to him the number of his particular item in the ship's manifest without which he cannot make entry at the Custom House. They also give him a delivery order, which he will require at a later stage. He then prepares his bill-of-entry, in which he must give a complete description of his consignment, the number of packages, the marks of each, a sufficient description of each style for the purpose of both statistical classification and assessment, the number of pieces, the size of each, and the c. i. f. cost. He must also declare for each style the market price ruling in the port at the date of entry. When he has completed his bill-of-entry, he presents it to the import department which checks it with the corresponding item in the manifest, and if it corresponds, he can then proceed to appraisement. He takes his bill and other documents with the shipment-samples for each style to an appraiser, who sees that all the details are correctly transcribed, and then proceeds to check the market value. I will not weary Honourable Members of this House with a full description of this process; any Honourable Member who is interested will find an account of it in paragraph 24 of my Report. If the appraiser is satisfied, he makes a provisional assessment which is then checked by a second senior appraiser. I would remind this House that this second check was recently imposed as a result of the recommendations made by the Public Accounts Committee of this House. I understand that the House attaches considerable importance to it. I only mention it because it constitutes a further complication in the process of the clearance of goods. When this process is complete, he is then able to proceed with the physical examination of his goods. He takes his

documents and the shipment samples to the wharf and with the help of the Port Authority's staff he identifies his packages, and presents them to the examining appraiser. This officer checks the quantities, compares the goods with the sample on which the valuation has been based and, if everything is in order, he confirms the assessment. The importer then pays the duty, obtains a clearance order, goes to the Port Authority's office and pays port charges, and is then finally in a position to clear his goods. I am afraid, Sir, that this has been a very tedious description and I hope the House has not found it unduly wearisome. If so, I should like to assure the House that it is a very much more wearisome business for the importer who has to carry out the processes I have described. He is only allowed a very limited free time for this purpose, beyond which he becomes chargeable with demurrage. I think it is a fair statement to say that the free time allowed is sufficient but only just sufficient if there is no hitch in the procedure and no dispute as to the assessment.

Now, Sir, we are proposing to complicate this process of clearance by the addition of a second assessment. If this amendment is carried, the appraising staff will have to carry out two separate assessments and compare the results before a final assessment can be made. It may be suggested that the Port authorities should be moved to allow additional free time for this purpose. I am afraid that this is not a practicable suggestion. The free time allowed varies somewhat from port to port, but in each case has been very carefully calculated in relation to local conditions so as to ensure rapid transit of cargo and to avoid congestion. It is clear, therefore, that every importer will be put to considerable inconvenience, unless we can reduce to a minimum the trouble caused by this second additional assessment.

Now, Sir, I should like to point out that a minimum specific duty on cotton piece-goods, based on weight is a definite departure from ordinary tariff principles. We have, in our tariff, a large number of specific duties on sugar, coal, oils, and various other articles, but in every case the specific duty is based on the unit by which the goods are bought and sold. Cotton goods in this country are occasionally sold retail by weight and Indian mills occasionally sell by weight in the wholesale trade but, in the import trade, piece-goods are never bought or sold by weight; they are invariably sold by the piece. The advantage of having a duty based on a unit, which is the unit of sale, is obvious. If the duty is a minimum duty, then the ascertainment of quantity involved in assessing *ad valorem* duty is equally useful for the assessment of the specific duty. With a single specific duty, if the unit of assessment is the same as the unit of sale, we have in the invoice for the article evidence of the first order as to the quantity of the goods on which the duty is payable. The importer is not going to pay for goods which he has not received, and the supplier is not going to send him goods for which he is not going to be paid. Consequently there is a very strong presumption that the quantities stated in the invoice are correct, and we can confine ourselves, in assessing the specific duty on such an article, to a mere percentage check of the weight or volume as the case may be. Now, we shall have no such safeguard in the assessment of this minimum duty. Therefore, Sir, it is clear that we must carry out much more intensive checks of quantity and shall only be able to administer this minimum duty without serious difficulty if we confine it to classes of goods which for some special reason can be simply and expeditiously

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weighed. I hope to convince this House that the only class of goods which satisfies this condition is the class of "plain grey" goods as defined in the Government Bill. The distinctive features of plain grey goods for this purpose are that they are packed in bales, no one of which ordinarily contains cloth of more than one size or of one quality. The gunny packing of the bale and the baling hoops constitute a very small proportion of the total weight of each bale. Consequently, by weighing a bale and making a small empirical deduction for tare, we can arrive at the nett weight of the contents without any very great difficulty. Now, Sir, grey dhotis are also packed in bales, but unfortunately the contents of such bales are not uniform. We find that a large proportion of bales of dhotis contain goods of different styles and different sizes, all packed together, so that a part of the contents of a bale may be assessable to the specific duty and a part to the *ad valorem* rate, and we cannot therefore make a proper assessment without opening the bale. Nor would it be possible to apply the minimum duty to the gross contents of a bale, for this would offer an obvious and simple method of evading the minimum duty and would practically defeat its object. This feature of the dhoti trade, of having bales packed with mixed assortments, is one that is very popular and one which I am sure this House would not wish to do anything to discourage. The up-country merchant wants an assortment of different styles; every man has his own taste in dhotis nor is everybody the same size. I am quite sure that if my Honourable friend Mr. Mody and my Honourable friend Mr. Ramsay Scott and myself were to go out to buy dhotis together for our personal use, and the merchant to whom we went had only one size in stock, at least two of us would be disappointed. I should like to emphasise this point further by calling the attention of the House to a consignment with which I recently had to deal. It was a shipload of plain grey cloth from Japan consisting of some six hundred odd bales; there were fifteen different styles in the whole consignment, that is, an average of about 40 bales for each style. Now, Sir, we could have assessed those 600 bales to a specific duty by the weighment of a reasonable percentage, say 5 per cent. of each style, so that only 30 bales would have to be weighed and none would have to be opened. Now, I have here a document relating to a shipload of dhotis. It covers 11 pages; it relates to 581 bales, and it includes 206 different lots, so that the least we could do in this case would be to weigh 206 bales. But out of these 206 lots, no less than 62 were mixed consignments, each bale having a number of different sizes and styles.

Now, Sir, we always try and avoid, in the Custom Houses, the opening of bales of piece-goods, because, when once you open a bale by cutting the baling hoops over the gunny, the contents of the bale immediately expand to two or three times their original volume, and they cannot be replaced in the original packing. I would ask the House to consider what would be the result if we had to deal with a consignment like that and open 62 bales. Honourable Members from Bombay may remember that some 10 or 12 years ago there was a large fire in the Moolji Jaitha piece-goods market. I was there the morning after the fire. The Fire Brigade had extinguished the fire, the Salvage Corps were at work, and the streets all round were piled up with loose piece-goods. Now, Sir, that is what our wharves would look like if we tried to assess this specific duty on dhotis.

It may be suggested that dhotis might be packed in cases, but there are two objections to that. Firstly, it is a much more expensive form of packing and as the goods are not packed under pressure they occupy a much larger space and importers will have to pay more freight, the extra cost of which must fall on the consumer. The second objection is that the assessment of a specific duty on goods in cases is itself very difficult. We have already had experience of assessing the minimum specific duty on cotton yarn, which is both assessed and bought and sold by the pound. Even there we found when we came to make check-weighments, that there was considerable variation owing to moisture and other causes from the nominal weights on which the goods were sold. We had some difficulty in arriving at a satisfactory arrangement with importers whereby we assessed on the selling weights and made reasonable allowances for such variations as were recognised by the trade. We cannot apply that system to cotton piece-goods packed in cases which will be liable to similar variations because there is no "selling weight". We shall have to undertake actual weighment of individual pieces from each separate lot of coloured and white goods. They arrive in lots which average only three or four cases to each lot, and we shall have to open at least one in every three or four and remove the contents for weighment. Weighment of individual pieces is a delicate matter; we cannot use rough scales, nor can we carry delicate scales about the wharves. We shall have to bring all the samples to the Custom Houses, and I can say quite frankly that we simply have not the space for the purpose. There will be enormous delays in the assessment of these goods, wharves will be congested, trade will be dislocated, and shipping will be held up. I think it is clear that the only class on which we can assess a specific duty with reasonable ease and expedition is the class of "plain grey" goods as defined in the Bill. I am quite prepared to admit that the minimum specific duty would not be applicable to all goods, but it must be remembered that we should not have to weigh those goods, which were actually liable to the specific duty. We should have to weigh all goods whose price was sufficiently near the critical figure to raise the slightest doubt as to whether they were liable to the minimum or not, and that would constitute a very large percentage of the total.

It may be argued that, in other countries, specific duties based on weight are to be found in their tariffs. If they find them practicable, why not in India? The answer, Sir, is this, that in those countries where specific duties are based on weight, a very large proportion of the piece-goods trade is done by weight; a lot of the trade is rail-borne and not sea-borne, and consequently freight is charged on weight and not on volume. In none of those countries is the variety of the trade anything like it is in India; in none of those countries is the volume of the trade anything like it is in India; and in none of them do they attempt to administer an alternative duty, such as is proposed here.

Sir, it is a happy coincidence that the class of goods which Government desire particularly to protect is the one which is particularly susceptible to simple and expeditious weighment. Coincidences are always apt to arouse suspicion, but the reason for this one is not far to seek. It is cheap standardised cloth which is packed in the simplest and cheapest form of packing and is consequently simple to weigh. It is cheap standardised cloth which comes in large uniform consignments which enable us to

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be satisfied with a percentage check. It is cheap standardised cloth which competes most severely with the Indian mills, and it is against the cheap standardised cloth that the Indian mills require special protection to enable them to organize similar standardization which will eventually result in cheapness to the consumer.

Sir, when this debate finally comes to an end, when the last of the amendments has been moved and discussed, and when the Bill, in whatever form it may finally take, becomes law, Honourable Members from Bombay will be able to go back and enjoy the protection which this House may decide to give them. Other Honourable Members, including my friend the Honourable the Commerce Member, will be able to go back and put this vexed question of cotton piece-goods tariffs out of their minds for the time being. I, Sir, shall not be in that fortunate position. My troubles will just be beginning. I appeal to all Honourable Members of this House to reject the amendment of the Honourable Pandit Madan Mohan Malaviya, which seeks to impose on the tariff an anomaly which will cause very great inconvenience to importers, dislocation of trade and inevitable loss to the consumer.

Mr. M. A. Jinnah: I do not wish to take up the time of the House unnecessarily, but I want to make my position clear with regard to this amendment of my friend Pandit Madan Mohan Malaviya. Sir, I am opposed to this amendment on the merits. I have carefully considered this question and I have come to the conclusion that it is detrimental to the interests of India to accept this amendment. The object of my Honourable friend will not be served. In my opinion it will enable Lancashire to escape completely from any duty beyond the 15 per cent. revenue duty. So far as Japan is concerned, it escapes straightaway the 5 per cent. protective duty. Therefore, Sir, I have come to the conclusion that this will not constitute an effective, or for the matter of that, an adequate, protection for the textile industry. On the merits I am opposed to it. The objection which has been pointed out by Mr. Hardy is only on the ground of administrative difficulties. My difficulties are that it will enable Japan to escape this duty by turning its attention and energy to the manufacture of finer counts. Out of the 14,000 million yards which form the total import from Lancashire, the goods which directly compete with our manufactures are about 186 million yards. There Lancashire will probably completely escape, and Japan may turn its energies and its attention to making finer counts. The result of this amendment would be that the mill industry will be reduced to that protection only which is given indirectly by the 15 per cent. revenue duty against Lancashire. Sir, that is not giving adequate protection to the textile industry of ours and I am not prepared, merely with one object and the sole object, namely, of getting rid of Imperial Preference, to reduce the measure of necessary protection and which is the main object of the Bill. I think my Honourable friend is too much carried away with his ideas of Imperial Preference and is carried away to such an extent that, as long as he can secure the elimination of "Imperial Preference", he is indifferent as to what other disadvantages may ensue.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): No.

Mr. M. A. Jinnah: The result of that amendment will be that. Therefore I want to make it clear that I am opposed to this amendment on the merits, but if there is any other proposal which can be considered by this House, I am quite willing, and my party is quite willing to give due consideration to that if circumstances permit us to do so, but that stage is not reached yet.

Diwan Chaman Lall (West Punjab: Non-Muhammadan): Sir, I cannot understand the position taken up by the Leader of the Independent Party. The original position taken up by him was this, that he would support the proposals of the Government of India as modified by Mr. Chetty's amendment, because he was not in a position to alter those proposals except at the sacrifice of the Bill itself. Now, I understand the position is, the Honourable Member is not prepared to accept the amendment moved by the Honourable the Leader of the Nationalist Party, because he is opposed to it on its merits but that he is prepared to accept another amendment if it is moved.

Mr. M. A. Jinnah: I have said the same thing from the start. I said that my party would be prepared to consider any other amendment. I said at the very start that I myself have got an amendment to move. Therefore I have not committed myself to any particular amendment, but I said that I am open to consider the amendment under certain circumstances, but in so far as this amendment has been moved, I am opposed to it on its merits.

Diwan Chaman Lall: The position is just as obscure as it was in the beginning. I want the Honourable Member to assist this House with regard to the position that he has taken up. Either the position is that he will accept nothing moved from this side of the House which materially affects the proposition placed before the House by Government . . .

Mr. M. A. Jinnah: The Honourable Member is either dense or he refuses to understand. I made it very clear that, so far as this amendment is concerned, I am opposed to it on the merits. If there is any other amendment, I am prepared to consider it. I have got an amendment to move myself.

Diwan Chaman Lall: May I ask the Honourable Member to refer to his speech? His original speech definitely stated the grounds on which he based his argument. He said that he would accept the proposals of the Government as modified by Mr. Chetty, and they had his fullest support whether he agreed with them or not.

Mr. M. A. Jinnah: That is not true, I never said that.

Diwan Chaman Lall: May I remind the Honourable Member that he used the very expressive phrase, "beggars cannot be choosers".

Mr. M. A. Jinnah: I never said that in connection with this particular point. I said that in answer to an interruption.

Diwan Chaman Lall: Any how, I take it that the Honourable Member is prepared to move his amendment. If any other proposal is put forward from this side of the House which the Honourable Member is prepared to accept, which the Government may not accept, I want to know from the Honourable Member whether he would be prepared to wreck this Bill even in that case.

Mr. M. A. Jinnah: That stage has not yet been reached. I will inform the Honourable Member and the House when that stage is reached.

Mr. M. S. Aney (Berar Representative): May I ask one question about the procedure that we are following. You have stated that you will allow Honourable Members who have got amendments to move them and then allow a general debate. If my Honourable friend Mr. Jinnah has got an amendment, he should also move it.

Mr. President: I have restricted the debate to the two main amendments, that of Mr. Chetty and that of Pandit Madan Mohan Malaviya. When they are disposed of, I will take other amendments.

Diwan Chaman Lal: As I have already said, I am against the principle of Imperial Preference, as imported into this Bill by the amendment moved by Mr. Chetty. Further, if the original Bill as well as the Finance Bill are examined, the principle of Imperial Preference is there. If the Government were not to accept Mr. Chetty's amendment, the position, as I understand it, would be this, that British goods would come in entirely duty free, whereas Japanese goods or other goods from other countries would be taxed. That would be the position, but by accepting Mr. Chetty's amendment, the position is altered in this respect that the Honourable Member over there, on behalf of Government, accepted certain modifications in regard to long cloth and shirting and imposed a differential duty on British goods. I originally stated that the reason why the Government of India accepted Mr. Chetty's amendment was very simple. As the Honourable the Leader of the Nationalist Party has stated, the proposal was originally set forth by the Government of India before the Secretary of State, and they made Mr. Chetty agree to the bringing forward of an amendment of this nature. Now, the reason why this amendment is brought forward is very simple. As I said, Lancashire does not mind losing the trade in long cloth and shirting, which is only 77 million yards or less today, so long as they get this Imperial Preference in regard to other goods which, as the Honourable the Leader of the Independent Party said, amount to 1,400 million yards, but in reality a little more. If that is the position, then they get preference in regard to coloured goods, and also in regard to white bleached goods, and they get preference in regard to dhotis. They are therefore quite prepared to sacrifice the trade in long cloth and shirting. The position as put forward by the Government is this. We are doing this in order to safeguard the interests of the consumer. May I ask how the Government can reconcile that position when the actual effect of their measure will be to cut out competition from Japan and from other countries? I want to ask a simple question of the Honourable Member. Take the case of white bleached goods. Is it or is it not a fact that the white bleached goods imported from United Kingdom are about 525 million yards, whereas the white bleached goods imported from Japan are only 5 million yards? Therefore, there is every danger for Lancashire that the trade from Japan will so increase, as it has increased in other commodities, as to endanger that trade between Lancashire and India. If there is free competition on an equal basis, the Honourable Member knows perfectly well that the consumer's interests will be safeguarded, because, with free competition between Japan and Lancashire, the prices will be kept down. Now, I ask, by penalising Japan as against Lancashire, in this particular brand of goods, is the Honourable Member safeguarding the interests of the consumer? Let me take the case of long cloth and shirtings.

Dr. L. K. Hyder (Agra Division: Muhammadan Rural): Explain the competition.

Diwan Chaman Lal: My Honourable friend says: "Explain the competition". If he will only read the statement issued by Sir George Rainy, he will find the explanation on pages 2 and 3 where Sir George Rainy has stated definitely that this trade has been captured from Lancashire partly, by Japan and mainly by India. It is this steady advance of Japan in capturing trade in these various classes of goods that has created the fear in the mind of the manufacturers in Lancashire, and that is the basis of this measure of Imperial Preference. It will not do to encourage Japan. That statement is very clear and shows that, during the last few years, Japan and India have marched ahead at the expense of Lancashire and that, if this burden of extra 5 per cent. is placed against Japan in the matter of white bleached goods, she will not be able to march ahead at the expense of Lancashire. That is the basis for this discrimination and no other. Let me take the case of long cloth and of shirtings and of coloured goods. In the matter of coloured goods, it is obvious the competitive figures are only 50 million yards from the United Kingdom and 86 million yards from Japan. Now, I want to ask if the figure of Japan is 86 million yards per year and the figure of the United Kingdom is 50 million yards per year, how is the Honourable Member, by putting on an extra duty of 5 per cent. against Japan, safeguarding the interests of the consumers in this country? I would like to have a reply to that question. I would like to know how the Honourable Member is safeguarding the interests of the users of this 86 million yards of coloured goods. I would like to have a reply from the Government. If there is competition between Japan and Lancashire in the matter of coloured goods, and if Indian consumers are using coloured goods, then by penalising Japan, you are cutting out one source of supply and you are giving a virtual monopoly to Lancashire, but how is the Honourable Member going to safeguard the interests of this country? May I know how he is going to safeguard the interests of the average consumer?

In regard to other class of goods, let me take the case of dhotis. Japan is sending in 30 million yards of dhotis, which are competitive, and 5 million yards of dhotis which are not competitive, and according to the figures supplied by the Honourable Member, Lancashire is sending in 88 million yards of competitive dhotis. I showed, on a previous occasion, that they have taken the figures on a different basis. As a matter of fact the Japanese competitive figures in dhotis are not 30 million yards. They are not even one single yard. But taking the Honourable Member's figures to be correct, namely, that Japanese competitive imports are 30 million yards and the Lancashire competitive figure is 88 million yards, I want to ask the Honourable Member in what particular manner, by penalising Japan and stopping competition in the matter of dhotis, the Government are going to safeguard the interests of the consumer. Does the Honourable Member give us a guarantee that, because of the advantage that Lancashire will get of 5 per cent. against Japan and other countries in the world, he will keep the prices down for the consumer? No such guarantee has been given and can ever be given by this Government or any other Government. Sir, that is the position in regard to dhotis. The same is the case in regard to long cloth and shirtings. By adopting this method, the Government are going to penalise not only one country but

[Diwan Chaman Lall.]

all other countries as against Lancashire by shutting out competition from all these countries, with the result that the interests of the consumer will suffer. If it is looked at from that point of view, there is not the slightest doubt that the Honourable Member is not right when he says that the measure that he is bringing forward before this House is designed in the interests of the consumers of this country. It is not so designed. What it is designed for is to give assistance to Lancashire. The other day when the Honourable the Leader of the Nationalist Party raised this matter, he asked the Government to place on the table those documents that had passed between the Government of India and the Secretary of State for India, but he was told that these documents could not be placed on the table of this House. They could not be made public. Then the Government were asked by the Honourable the Leader of the Nationalist Party: "At whose suggestion did you bring in this policy of Imperial Preference?" And the reply, as far as I could understand it, and as far as this side of the House could understand it, was that it was at their own suggestion. Two days ago, the newspapers reported a speech in the House of Commons delivered by Mr. Graham, the President of the Board of Trade, in which he made the significant remark, that, as a result of the representations made by them to the Government of India, the question of Imperial Preference was incorporated and placed before the House.

The Honourable Sir George Rainy: I think it is only fair that I should intervene at this stage. I would draw the Honourable Member's attention to the very definite reply given by the Secretary of State in the House of Commons that no suggestion came from the British Cabinet for the adoption of a scheme of British Preference.

Diwan Chaman Lall: May I conclude, therefore, Sir, that the British Cabinet is speaking with two voices—one the voice of Mr. Wedgwood Benn and the other the voice of the President of the Board of Trade?

The Honourable Sir George Rainy: The Honourable Member does not seem to be acquainted with what must have been in Mr. Graham's mind. He was obviously referring to the telegrams which were exchanged and which have been laid on the table of this House and which were also laid on the table of the House of Commons. The result of that representation was, the Government Bill took the shape that it has taken.

Diwan Chaman Lall: That is exactly my point. It is as the result of the representation sent down by the British Cabinet that the Bill has taken the shape that it has.

The Honourable Sir George Rainy: That is a very different thing from suggesting that any suggestion came from the British Cabinet that it should take this form.

Diwan Chaman Lall: The Government of India are adepts and experts at diplomatic replies.

An Honourable Member: Camouflage.

Diwan Chaman Lall: I make this charge against the Government, that they have not proved that their statement is correct, and the only manner in which they can refute the charge levelled by this side of the House, is by placing all the documents in their possession on the table of the

House. Let the House judge, let the country judge. There is a definite statement by the President of the Board of Trade to this effect, that, as a result of the representations made by them, this has been done, and that it would not be fair to ask the Government of India to do anything more. That statement has appeared in the Press. It is a Reuter's telegram which the Honourable Member must have read. Whether the President of the Board of Trade is speaking with knowledge or not, it is not for me to say, it is not for this House to say. We do not possess the information. The information is in the secret archives of the Government of India. Let them lay bare these secret files. Let us know what exactly is the position. Why this unseemly hurry to introduce this principle of Imperial Preference into this Bill against the united voice, I say deliberately, almost the united voice of the country? Why have they done so? Why are they flouting public opinion, why are they flouting the opinion of this House in regard to this matter? Seeing the dependent condition in which the people are, and taking advantage of the strength that they possess, the Government have come forward and say:

"We will not listen to any representations made by this House, we will not listen to any arguments placed before us on the floor of this House. We are not amenable to any suggestion or any persuasion from the other side of the House. We are determined that this principle should be adopted."

This is what the Government say, and as my Honourable friend Mr. Kelkar said the other day, they do not call it Imperial Preference, but only a particular course of action adopted at a critical juncture. Now, Sir, I want to ask the Honourable Member this question, and I asked him that question in my original speech also, but the Honourable Member was very discreet in his silence. I refer to the Anglo-Japanese trade convention of 1905. If the principle of Imperial Preference has been imported into this Bill, I ask the Honourable Member to tell me whether a treaty entered into between the Government of India—by His Majesty's Government on behalf of the Government of India—and the Japanese Government is to be considered a scrap of paper, I want to ask him whether he is going to make this House a party to considering that particular trade convention a scrap of paper

The Honourable Sir George Rainy: As regards the convention to which the Honourable Member refers, the same statement applies to all the commercial treaties and agreements to which India is a party. Not one of them contains a clause debarring India from giving preference to other countries which are part of the British Empire.

Diwan Chaman Lall: The reading of that convention is conveyed in a letter which was addressed by the Government of India to the mill-owners of Bombay in 1926. In that letter there was not a suggestion of the kind which the Honourable Member is making now. The terms used in that convention are these:

"Any article, the produce or manufacture of the Dominions and Possessions of His Majesty the Emperor of Japan shall enjoy upon importation into India" (*not the Dominions and Possessions of His Majesty the King Emperor, mark you*) "the lowest customs duties applicable to similar products of any other foreign origin."

The Honourable Sir George Rainy: Quite so. No goods coming from parts of the British Empire are goods of foreign origin. (Hear, hear.)

Diwan Chaman Lall: I should like to know, Sir, if in his interpretation of this trade agreement, the Honourable Sir George Rainy has taken legal opinion.

The Honourable Sir George Rainy: That, Sir, has been the uniform interpretation placed upon it by His Majesty's Government and by the Government of India ever since 1905.

Diwan Chaman Lall: That interpretation is wrong and unjustified. If that has been the uniform interpretation placed upon it, that goods coming from Lancashire, as far as India is concerned, are not goods of foreign origin, let me remind the Honourable Member what happened to that interpretation in 1926. Did they ever place this interpretation upon this agreement in 1926? (Hear, hear.) No. They did not want to give protection to the millowners of Bombay in 1927. Because they did not want to give protection, they trotted out with great vigour, with great force this argument of the Trade Convention of 1905, that they could not possibly treat Japan on a differential basis because that would have meant the denunciation of the trade agreement of 1905. (Hear, hear.) In the course of the letter which the Government of India issued to the Secretary of the Bombay Millowners' Association, dated Delhi, 26th March, 1926, this is what they say:

"The case as stated above raises issues of grave importance,"

—I want Honourable Members to mark these words "grave importance"—

"for the proposals which have been submitted for the consideration of the Government of India contemplate the imposition of differential duties on yarns and piece-goods imported from Japan. If, therefore, they were subjected to this, they would involve the denunciation by the Government of India of the Trade Convention with Japan of 1905." (Applause.)

The Honourable Sir George Rainy: May I point out, Sir, that what is contemplated in that letter is differential duties on Japanese goods as distinguished from goods from all other countries. That would be entirely contrary to the Convention.

Diwan Chaman Lall: What is contemplated is goods coming from Japan only. It therefore comes to this, that this particular Bill makes a difference between goods of British origin and goods from all other origins and therefore this Trade Convention is not violated. Is that the position?

The Honourable Sir George Rainy: Yes, Sir.

Diwan Chaman Lall: If that is the position, I want to say that this is clearly not borne out by the interpretation put upon Article I which I have read out to the House. There goods of British origin are not mentioned. There the goods that are mentioned are goods trading between Japan and India. Japanese goods *versus* all goods of foreign origin, which must include British goods.

The Honourable Sir George Rainy: The Honourable Member will remember that treaties are made in the name of His Majesty the King-Emperor and clearly no part of His Dominions could, in such a treaty, be described as a foreign country.

Diwan Chaman Lall: The question is not whether the countries within the British Empire should be described as foreign countries. The question is goods of "foreign origin". (Hear, hear.) The Honourable the Commerce Member surely knows the distinction. The distinction is not whether Canada is a foreign country, as far as India is concerned, both being parts of the British Empire. The point is whether Canadian goods

coming into India are to be treated as goods of foreign origin, and if they are goods of foreign origin, then Article I operates. (Applause.) I want to know whether the Honourable Member has taken the necessary steps that are contemplated in the letter of 1926 which I have just read out. Has he taken the necessary steps to denounce that Trade Convention of 1905?

Raja Ghazanfar Ali Khan (North Punjab: Muhammadan): Does not my Honourable friend think that Japan is more competent to defend her treaty rights than my Honourable friend is?

Diwan Chaman Lall: My Honourable friend is asking whether Japan is not more competent to fight for her treaty rights than we. My Honourable friend is exceedingly obtuse. He could not have any sense of honour if he says that it is not a point of honour involved in this so far as India is concerned. I say the honour of every man is involved in this question. (Hear, hear.) If he thinks that the Government of India can go and make a treaty over our heads, without even consulting us, without even telling the House, and can then with impunity break that treaty then my Honourable friend should know that his sense of justice and honour must be exceedingly obtuse if he is willing to permit the Government to treat this Trade Convention as a scrap of paper. I do not care for Japan. I am not concerned with Japan. I am concerned with the action of my own country. I would be the first to get up and support a measure placed before this House by the Honourable Member over there, prohibiting any Japanese from coming into this country and setting up mills as the Japanese are doing now. I would be the first to support that. I do not want the resources, the raw materials and the labour of this country to be utilised for the benefit of any foreign nation. Let me remind Mr. Ghazanfar Ali that just as Japan can look after herself, so also can Lancashire without the assistance of his vote cast for Lancashire and against his own country. I am against this proposition of the Honourable Member of giving a preferential duty in this Bill, placing a burden upon goods which are of non-British origin, for the simple reason that there is no justification either from the technical point of view or from the point of view of the consumer, nor any justification from the moral point of view for the Honourable Member to do what he is seeking to do, namely, to give an advantage to Lancashire in order that competition should be killed and that a heavy burden should be laid upon the shoulders of the consumer and the future of the industries in this country, so that when the time comes for these industries to be nationalised, the future should be a dark one and that we should be all at the mercy, at the beck and call of Lancashire, merely because the Honourable Member over there has the power, the will and the strength to carry any measure of this nature that he pleases through this House, constituted as it is at present. Sir, I emphatically protest against the policy of the Government in not even consulting this side of the House, not even consulting the country, not even waiting to ask the verdict of the country on a measure of such vast importance as this indeed is. I say deliberately that, not only the interests of the consumer, not only the interests of the public, not only the interests of the industry, but the honour of India is involved, and I want to warn all Honourable Members that, before they vote for this Bill, they should think twice before they cast their votes in favour of an unjust measure of this nature. (Applause.)

Sir Darcy Lindsay (Bengal: European): Sir, I should like to state that the views of my Group are very much in accord with those expressed by my Honourable friend Mr. Jinnah. (Laughter.) We cannot

Pandit Hirday Nath Kunsru (Agra Division: Non-Muhammadan Rural): Will my Honourable friend allow me to put a question to him? My Honourable friend Mr. Jinnah said that, while he was against this amendment, he wanted to propose an amendment of his own. Does my Honourable friend know the terms of that amendment which Mr. Jinnah has not yet communicated to this House?

Sir Darcy Lindsay: When my Honourable friend Mr. Jinnah moves that amendment, which I do not see tabled, I may have an opportunity of further expressing my views thereon. What I am now supporting are the views of Mr. Jinnah in connection with my Honourable friend Pandit Malaviya's amendment. My reasons are that I cannot comprehend in what way my Honourable friend Pandit Malaviya's amendment is going to help the national industry.

Mr. B. Das (Orissa Division: Non-Muhammadan): Or help Lancashire!

Sir Darcy Lindsay: Never mind about helping Lancashire. I want to know in what way it is going to help the national industry, and that is the point that this House has to consider. We are informed by the spokesmen of the industry that, with a 15 per cent. protection, they will not be able to improve their position in the manufacture of medium class goods that they fear will be largely imported from Japan. They are perfectly satisfied that, with a protective duty of 15 per cent., they will be able to compete against Lancashire, but with 15 per cent. they will not be in a position to hold their own against Japan. That is the position, so far as I see it, and it is to enable the Indian mills to place themselves in a position to manufacture, in the first instance, medium class goods—and I hope later on all classes of goods—that they ask for this additional 5 per cent. I am perfectly well aware that, in the first instance, they asked for a protection of 20 per cent. all round, but when it was shown that this 20 per cent. all round would not necessarily benefit themselves so far as goods were concerned, that they were not in a position to manufacture, and that it would impose a very heavy burden on the country as a whole, they receded from that position and now readily accepted what Government have proposed, that is, a protection of 20 per cent. against Japan on all goods, and against Lancashire, 15 per cent., with the protective duty of an extra 5 per cent. or 8½ annas per pound on the small quantity of grey goods that now come in with which they have to compete.

Now, Sir, my Honourable friend, Pandit Malaviya, made a very strong point against the Honourable the Commerce Member that he did not reply to a statement made by my Honourable friend Mr. Birla that this Bill was going to place in the pockets of Lancashire trade no less a sum than 2½ crores of rupees. Just how this Bill is going to place that large sum of money in the pockets of the Lancashire trade, I am at a loss to understand, and I am quite sure my Honourable friend, Mr. Birla, does not really believe that his statement was an accurate one of what was likely to happen.

Mr. Ghanshyam Das Birla (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): May I know what is your estimate, Sir Darcy?

Sir Darcy Lindsay: My estimate is that it will place nothing in the pockets of Lancashire. My estimate is that these goods will come into the country at 15 per cent. and be sold to the consumer at competitive rates. If my Honourable friend wishes to assume that, because there is this protection against Japan of 5 per cent., the Lancashire manufacturers will be able to charge their customers 5 per cent. more for their goods, I am not at all with him.

Mr. Ghanshyam Das Birla: Has my Honourable friend read the majority Report of the Fiscal Commission and does he know what they say in the matter?

Sir Darcy Lindsay: I ask my Honourable friend whether it is not common sense. Does he not know that the trade will be sufficiently hard-hit with having to increase their prices by the 4 per cent. increase to 15 per cent. in the revenue duty?

Mr. Ghanshyam Das Birla: It is just because we have got common sense that we are fighting, and it is also because you have got common sense that you are fighting in your own interests, that is the interests of Lancashire.

Sir Darcy Lindsay: I am not fighting in my own interests. I am fighting in the interests of India.

Mr. Ghanshyam Das Birla: Will the Honourable Member explain to me

Sir Darcy Lindsay: I have been interrupted sufficiently. Sir, I most emphatically protest against this statement of my Honourable friend, Mr. Birla, and I hope that Sir George Rainy, when his turn comes, will make it perfectly clear.

My Honourable friend, Diwan Chaman Lall, had a good deal to say about the concealment of telegrams, and he was quite sure, in his own mind, that there was some sinister motive on the part of Lancashire and the Government at Home in enforcing this measure upon the Indian Government. We have had assurances, and ample assurances, from Sir George Rainy that that was not the case. I am sure that my Honourable friend, Sir George Rainy, would be perfectly ready to take Diwan Chaman Lall or Pandit Malaviya into his room and show them certain papers, but he is not in a position to place those papers before the House as they contain many other matters.

Mr. T. Prakasam (East Godavari and West Godavari *cum* Kistna: Non-Muhammadan Rural): May I know if my Honourable friend has seen them?

Sir Darcy Lindsay: No, I have not seen them.

Mr. M. S. Aney: How does the Honourable Member know that they contain many other matters?

Sir Darcy Lindsay: I think it is only common supposition that they do. If my Honourable friend knows that they do not, he is entitled to speak.

Now, Sir, if it came to a question whether we should vote for Munshi Iswar Saran's 20 per cent. all round or Pandit Malaviya's amendment, and India could not do without this protection, I might even be inclined to vote with my Honourable friend Munshi Iswar Saran. I say that honestly. I am out to protect the Indian Mills, (Hear, hear.) give them all the help I can and I am absolutely convinced that on Panditji's proposal the Indian mills will not get that protection. It is on those lines, Sir, that I strongly oppose his amendment.

Now, Sir, there was a small personal matter that I would like, with your permission, to refer to. My Honourable friend, Mr. Neogy, the other day stated that thumbs were cut in Bengal by the ancestors of Sir Darcy Lindsay. I was always under the impression that we came from a common ancestry and if my ancestors cut thumbs in Bengal, equally so did my Honourable friend Mr. Neogy's ancestors. But I will bring it home a little more closely to Mr. Neogy. I have here, Sir, an extract from a newspaper, the *Pioneer*, of June, 1922, which deals with the subject. It gives particulars of an extract from a book written by Romesh Dutt, "The Economic History of British India":

"Dealing with the state of Bengal after the Battle of Plassey, Mr. Dutt says :

'While the inland trade of Bengal was thus disorganised by the Company's servants and their agents in every important district, the methods by which they secured the manufacturers to themselves were equally oppressive. These are fully described by William Bolts, an English merchant, who saw things with his own eyes.'

Here follows a statement by William Bolts to the effect that weavers were compelled to weave cloth for the servants of the Company and their agents at oppressively low prices. which concludes :

'And the winders of raw silk, called Nagodas, have been treated with such injustice, that instances have been known of their cutting off their thumbs to prevent their being forced to wind silk.'

I therefore venture to suggest to my Honourable friend that it was possible his nearer ancestors than mine did cut off thumbs.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): What a compliment to your ancestors!

Sir Darcy Lindsay: Now I do not wish to detain the House any longer. But again I wish to state definitely that we are in support of this measure because we think it is for the real good of the mill industry in India and the people of India who, I hope, in a very few years time, will be able to receive from their national mills supplies of goods at a lower rate than is now being given to them. It is a matter of vital importance to India that we are today considering, and I do earnestly beseech the House to give it their gravest consideration and support the Bill as amended by Mr. Sharmukham Chetty.

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

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

The Honourable Sir Bhupendra Nath Mitra (Leader of the House): Sir, in the statement which you made in this House this morning, you made the suggestion that the Government of India should, even at this stage, reconsider their position in regard to the statement made by my Honourable colleague, Sir George Rainy, when he moved for the consideration of this Bill. Before my Honourable colleague made that statement, the position had been very carefully considered by the Government of India, who had given considerable thought and examination to the various amendments to which my Honourable colleague referred in the course of that speech. As a result of that careful consideration, the Government of India decided to accept one of the amendments, namely, that put forward by my Honourable friend, Mr. Shanmukham Chetty. That itself shows, Sir, that they had a very open mind while they were examining the various amendments which had been placed before them in the course of certain informal discussions. Having come to that decision, I think it was only fair to this House that Government should make its position clear to the House and my Honourable colleague, who is well-known for his frankness and honesty of purpose, did not hesitate for a moment to place the House in full possession of the attitude of the Government of India. The Government of India see no reason to depart from the attitude which they have adopted in the matter, after the fullest consideration of the merits of the various amendments which were placed before them, and it is with the greatest regret therefore that I am unable to inform the House that the Government of India can in any way recede from that position.

Mr. President: Is there any Honourable Member who wishes to speak?

(Both the Honourable Sir George Rainy and Pandit Hirday Nath Kunzru rose in their places.)

Mr. President: Pandit Hirday Nath Kunzru.

Pandit Hirday Nath Kunzru: Perhaps, Sir, the Honourable the Commerce Member, wants to put a question. If my Honourable friend wishes to put a question, I am prepared to give way to him.

The Honourable Sir George Rainy: No, Sir, I did not hear you when you called upon the Honourable Member. That was my difficulty.

Pandit Hirday Nath Kunzru: Sir, the speech of my Honourable friend, Mr. Jinnah, came as a surprise to me this morning. He told us, however, that there was still a ray of hope inasmuch as he proposed to move an amendment of his own. After the speech which he delivered at an earlier stage, I was at a loss to understand what that amendment could be. But now the reply given by my Honourable friend, Sir Bhupendra Nath Mitra, the Leader of the House, must have made it plain to everybody that Government are determined to stick to the decision which they announced to the House when this Bill first came before it. I think I heard my Honourable friend, Mr. Jinnah, say that he would move his proposition

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only in case Government gave an undertaking that they would not drop this Bill if an amendment which was not wholly acceptable to them was carried. I take it, therefore, that he is not prepared to put any new proposal before the House at this stage.

Mr. M. A. Jinnah: I think, Sir, I have made my position in this House clear more than once. We have said that we are not satisfied with the Bill as it is presented to us, including the acceptance of Mr. Chetty's amendment. But if you would ask me what I would like, that is a different matter altogether. Therefore, we are not supporting the Bill, but we shall be obliged to prevent this Bill being wrecked. If the Honourable Member wants to know what the amendment was that I wanted to move, I will inform him privately. Even if he wants to know on the floor of the House, I am quite prepared to tell him.

Pandit Hirday Nath Kunzru: Sir, I am not actuated by any idle curiosity. My Honourable friend's proposal roused a great deal of interest in the House because we hoped that it might lead to some practical results. Since he is not going to move it, its exact terms are not a matter of any consequence whatsoever. I should be sorry, Sir, to misrepresent the position of my Honourable friend, Mr. Jinnah. I know what he said when this Bill first came before the House. It is perfectly true that he stated then that he was not in favour of the Bill, as placed before this House by the Government. He was not particularly enamoured of the proposal of Imperial Preference, but in the circumstances in which the House stood, he thought he had only two alternatives before him, either to accept whatever was given by Government—and it was in that connection that he used the phrase, "Beggars cannot be choosers"—or to go without it altogether.

Mr. M. A. Jinnah: I used the phrase, "Beggars cannot be choosers" in answer to an interruption. "Do you justify that interpretation of the convention?" was the question put to me by my friend Mr. Prakasam. I said, "There is the convention. Beggars cannot be choosers".

Pandit Hirday Nath Kunzru: I am prepared to accept the explanation given by my Honourable friend, but the position remains just as it was. From his own practical point of view he says to us, "We have to accept this Bill because we are in the position of beggars before Government, and beggars cannot be choosers".

Mr. M. A. Jinnah: I didn't say that.

Pandit Hirday Nath Kunzru: It comes practically to the same thing, although my Honourable friend does not expressly say that. I say, Sir, that, in view of the very disappointing announcement made to us by my Honourable friend, Sir Bhupendra Nath Mitra, Pandit Madan Mohan Malaviya's amendment holds the field. But before I discuss that amendment, I should just like to say a word with regard to what has fallen from Sir Bhupendra Nath Mitra.

Sir, in order that the fiscal autonomy convention may be a reality, it is necessary that this House should be given an opportunity of expressing its opinion and that the Government should be prepared to be influenced by it at some stage or other. The greatest difficulty in the

way of the convention becoming a reality is that Honourable Members opposite have to consult the Secretary of State before they place their proposals before the House. Now, Honourable Members opposite have been at great pains to explain to us what the procedure followed by Government on these occasions usually is. They have told us . . .

Mr. President: The Treasury Benches are not usually addressed as the Honourable Members opposite.

Pandit Hirday Nath Kunzru: I am talking, Sir, to the Honourable Members occupying the Front Bench opposite. The Secretary of State has to be consulted previously with regard to any proposals that might be placed before this House. Now, our friends the Members on the Treasury Benches have told us that the Secretary of State desired to place no limitation whatsoever on them with regard to any proposals that might commend themselves to their judgment. But when correspondence was going on between them and the Secretary of State and they expressed the opinion that they could not accept any proposal extending the protective duty to British goods, I take it that they had the approval of the Secretary of State for the attitude they took up. To that extent, then, they are bound by the negotiations that proceeded between them and the Secretary of State. I think my Honourable friend, Sir George Rainy, informed the House that at no stage could there be what we might term a constitutional vacuum. The Government of India would be subject either to the control of this House or to the control of the Secretary of State at every stage. If there was agreement between this House and the Government of India, the Secretary of State would not interfere. In case . . .

The Honourable Sir George Rainy: I want to make a very small correction, Sir. At the stage when the Government of India were first formulating their proposals, I said that at that stage the decision entirely lay with them.

Pandit Hirday Nath Kunzru: I am speaking entirely of that stage, because it was at that stage that the Government of India informed the Secretary of State that they themselves were not prepared to accept any proposal made by the Legislature with the object of imposing a 5 per cent. protective duty on British goods, in common with goods coming from other countries than the United Kingdom. The moment, Sir, they expressed that opinion, and the Secretary of State approved of it, they passed under the control of the Secretary of State. It becomes obvious then that such proposals as have been placed before this House by Government have virtually received the approval of His Majesty's Government, and that the Government of India cannot now depart from them without obtaining their approval. If this version is correct, Sir,—and I do not see how it can be seriously challenged—I do submit that the fiscal convention is far from being a reality. His Majesty's Government, when allowing the Government of India to place their proposals before this House, ought, I think, if they desired the fiscal convention to be regarded as a reality, to have told them that they would await any expression of opinion by the Indian Legislature. But if, without waiting for it, they approved of the attitude of the Government of India, they undertook responsibility for the proposals of the Government, and the scheme, that has been placed before us, is therefore the result of mutual

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consultation between the Government of India and His Majesty's Government. I submit, Sir, once more, in view of these facts, that the convention has ceased to be a reality and that in effect, if not in so many words, the occupants of the Treasury Benches have told us that they cannot depart from the attitude which they took up in the beginning because it has been approved of by the Secretary of State and because it cannot be changed without his approval.

Sir, in these circumstances it is a futile task to place any arguments before Honourable Members opposite, but as a great Englishman once observed, there is a certain vanity in all of us which makes us think that, although we cannot outvote our opponents we can still out-argue them.

Sir, it is a matter within the knowledge of the House—it has been repeatedly stated during the last four or five days—that the proposals actually placed before us by Government are neither those which were asked for by the millowners, nor those which commended themselves to their judgment in the beginning. Now, my friend, Sir George Schuster, in the speech which he delivered on a previous occasion in connection with this Bill, has laid bare before us the workings of the minds of the Government of India. He said that the proposals which the Government made to the Secretary of State, namely, a 15 per cent. revenue duty with a minimum protective duty of a $3\frac{1}{4}$ annas per pound on plain grey goods did not amount to a closing of the subject on their part. He said it was not a final decision arrived at by the Government of India. I think it will be pertinent, Sir, to place before the House the exact words used by the Honourable Member on the 18th of March. He said:

"I do not want to dispute the correctness of what the Honourable Pandit said, for it is true in a sense to say that our original proposal did include a proposal for $3\frac{1}{4}$ annas a pound minimum duty on all plain grey goods, but to say that alone is not to tell the whole of the story. Let me try to make clear what I mean. When we were in the early stages of considering what special protective measures we should introduce,—and I am now trying to inform the House exactly what has passed through our minds—we did very definitely consider something on the lines of the proposal which we are now putting forward, because when we came to examine the position in a practical way and to consider how we could effect the discrimination which we were seeking for, we found that, in actual fact, a distinction between British goods and non-British goods did fit in very nearly with the needs of the situation. Now,—again trying to be perfectly frank with the House—I will say that, in our preliminary discussions on this matter, we, I may say, rather 'shied off' this proposal, not because we did not think it was the right thing, but because we were influenced just then by the very considerations which the Honourable Pandit has mentioned in his speech. We felt that, at the present stage, it might be liable to political misunderstanding."

Now, Sir, in view of these statements, the dispute between us and the Honourable Members opposite becomes a purely verbal one. Whether the proposals submitted in the first instance by the Government of India to the Secretary of State were those that they approved of wholly or partially does not matter in the least degree. All that I ask the House to consider is that, at some stage or other, and for some reasons or other, the Government of India came to the conclusion that a revenue duty of 15 per cent. and an additional protective duty of $3\frac{1}{4}$ annas per pound on plain grey goods would meet the needs of the situation. And what does the proposal of my Honourable friend, Pandit Madan Mohan Malaviya, come to. Both Pandit Madan Mohan Malaviya and Mr. Birla have told the House that, although the language of Pandit Madan Mohan Malaviya's

amendment might be different from that of the first part of Mr. Chetty's amendment, yet the two mean the same thing inasmuch as a duty of 8½ annas per pound on goods not made of coarse counts would not amount to more than a 15 per cent. *ad valorem* duty. In fact Pandit Malaviya's amendment will give more to millowners than Government's first proposal as it protects dhotis and coloured goods made from coarse counts, in addition to plain grey goods. Why is it then, Sir, that the Government of India are adopting this attitude of obstinacy? This is something which requires explanation.

I might leave the matter here, but I should like the House to consider some figures to understand why, as I conceive, the Government of India came to the conclusion that the proposal originally submitted by them to the Secretary of State would meet the needs of the situation, whether permanently or temporarily. I shall, Sir, refer to the note which has been circulated to Honourable Members by the Honourable Sir George Rainy. There are three categories of goods which we are concerned with.

Now, the first is long-cloth and shirtings. The figures contained in Sir George Rainy's note show that the Japanese imports are increasing fast. In 1928-29 the imports from the United Kingdom amounted to 48 million yards, and those from Japan to 191 million yards, and the Indian production was 564 million yards. Now, let us compare with these figures those relating to the first six months of the year 1929, that is, April to September. The imports in the first six months from England amounted to 12 million yards, those from Japan to 149 million yards and the Indian production to 314 million yards. If the latter part of the year 1929 fulfilled the promise of the first half, the Japanese imports must have amounted to about 900 million yards in 1929, as compared with 191 million yards in 1928-29. There is therefore here a clear case for imposing a duty on this kind of goods.

Let us now proceed to another class of goods classified as dhotis. Now, here the imports from the United Kingdom in 1928-29 amounted to 454 million yards, and those from Japan to 35 million yards, while the Indian production amounted to about 564 million yards. In the first six months of 1929, the imports from the United Kingdom were 205 million yards, those from Japan were 24 million yards and those from India 342 million yards. Now, the imports from the United Kingdom showed a fall and those from Japan some increase, but at the same time there was no drop in the production of goods in India. I should like the House in this connection also to note a remark made by Mr. Hardy in his Report on this subject. Referring to the figures which I have placed before the House, he said: "It is clear that the import trade is making no headway against local production, and that only the strikes of 1928, which caused a drop of 82 million yards in the figures for Bombay Island, have checked this steady advance. The restriction on forward purchases for the Calcutta market in 1928-29 seriously affected the Lancashire trade, and the figures for the first half of the current year suggest that Japan is going ahead at the expense of Lancashire". It is clear then that, so far as the trade in dhotis is concerned, it was more the Lancashire trade that was affected by Japanese competition than the Indian production.

[Pandit Hirday Nath Kunzru.]

Now, I turn to the third class of goods, known as coloured goods. Here again I will first give to the House the figures for 1928-29. The imports from the United Kingdom amounted to 385 million yards and those from Japan to 110 million yards, and the Indian production amounted to 487 million yards. Now, let us compare these with the figures for the first six months of 1929. The imports from the United Kingdom have fallen to 48 million yards. The imports from Japan which were 110 million yards in 1928-29 were 78 million yards in the first six months of 1929. If the progress continued at the same rate, throughout the year then in the year 1929, the Japanese imports must have amounted to 156 million yards, and the Indian production which was 487 million yards in 1928-29, came to 257 million yards in the first six months of 1929. Here again it is obvious that the competition is more with the United Kingdom goods than with Indian goods, but fairness requires that I should, on this subject, also quote the remarks of Mr. Hardy in his Report. He tells us that both India and England are affected by Japanese imports of coloured goods. He thinks that the competition is keenest in regard to two descriptions of goods which he specifies as drills and jeans and stripped *saris* and *susis*. This is what he says with regard to the first description of goods, namely, drills and jeans, after pointing out that the Japanese goods come into competition with Indian goods:

"Their first appearance in the printed drill trade was in 1926-27, and such has been their success that imports of printed drills from the United Kingdom fell from 20 million yards in 1927-28 to 11 in 1928-29 and 3 in the first half of 1929-30."

With regard to the second class of goods mentioned by me, he says:

"The coarser printed shirtings are sufficiently new to the Indian."

Mr. President: Whom is the Honourable Member going to convince by these arguments?

Pandit Hirday Nath Kunzru: I wish to place these figures before the House.

Mr. President: What is the good?

Pandit Hirday Nath Kunzru: The good is this, Sir, that I want to make it clear to the House that the Government of India themselves, on the basis of the figures before them, thought that the first proposal made by them to the Secretary of State would satisfy the immediate needs. That is my point. I mention this particularly because my Honourable friend, Mr. Jinnah, said that Pandit Madan Mohan Malaviya's amendment would not give adequate protection to the Indian industry.

Mr. M. A. Jinnah: I still maintain that position.

Pandit Hirday Nath Kunzru: Sir, I cannot change his opinion

Mr. M. A. Jinnah: And I go further and say that, because the Government at one time made that proposal, it does not prevent me from saying that the Government also were perfectly wrong.

Pandit Hirday Nath Kunzru: Sir, the Honourable Members opposite and my Honourable friend, Mr. Jinnah, are working together.

Mr. M. A. Jinnah: I think, Sir, it is very improper on the part of the Honourable Member to make that statement. I do not think he has understood what I have said.

Pandit Hirday Nath Kunzru: I have understood every word of what my Honourable friend, Mr. Jinnah, said.

Mr. M. A. Jinnah: Then what is the insinuation you make?

Pandit Hirday Nath Kunzru: There is no insinuation; it is a plain statement of fact. I have not impugned my Honourable friend's political morality, but he cannot browbeat me into silence and prevent me from expressing my own opinions on this subject.

Mr. T. Prakasam: It is only fair that the Honourable Mr. Jinnah should be given the opportunity to say exactly what he has to say in the matter. He was telling us, Sir, that he would go further.

Mr. President: Is that a point of order?

Mr. M. A. Jinnah: I think the Honourable Member has not quite understood me. I say I am not satisfied with the Government proposal nor am I satisfied with the proposal of Pandit Madan Mohan Malaviya. I want to go further.

Pandit Hirday Nath Kunzru: Sir, in spite of the temper shown by my Honourable friend, I will not be led into making any statement against his general political conduct. I did not mean to suggest that he had previously entered into a pact with the Government to support this proposal. All that I am concerned with is that, on the present occasion, he is supporting the Government proposals. And if I can show to him what was the basis on which the original proposals of the Government were founded, I hope that my Honourable friend, as a reasonable man, will change his opinion and see his way to supporting Pandit Madan Mohan Malaviya's amendment. In view of this, perhaps you will allow me to complete the sentence that I was quoting from Mr. Hardy's Report.

With regard to the second class of goods that I mentioned earlier, Mr. Hardy said in his Report:

"The coarser printed shirtings are sufficiently new to the Indian market not to have effected the local output seriously yet, but they are evidently being successful and constitute a definite danger."

He dealt, I suppose, more with the future when he wrote this sentence than with the immediate present. The Government were influenced by political considerations, and thought more of the immediate present than of the future, and in those circumstances made that proposal which has been repeatedly discussed in this House. I think I may fairly claim from the figures that I have placed before the House, that the Government thought that the plain grey goods made from coarser counts needed immediate protection. As regards other goods, they thought that the danger was not so great, that the Japanese goods came into competition with the British goods also, and that therefore they should put forward no proposal which would leave them open to the charge that it was made ostensibly in the interests of India, but really to give protection to Lancashire as against Japan. Now, Sir, if this is their position, or if this was their position, as shown by the figures contained in Sir George Rainy's speech, I should like to know what objection they have to accepting the amendment proposed by Pandit Madan Mohan Malaviya. My Honourable friend, Mr. Birla, stated to the House some days ago that, in his opinion, even the protection proposed by Government would not suffice.

Mr. President: I am somewhat surprised that the Honourable Member is still labouring to convince Government.

Pandit Hirday Nath Kunzru: Sir, I am not so great a simpleton as to imagine that any words used by me can change the resolution of Government. But I do still hope that there may be some Honourable Members amongst ourselves who may believe, in view of the facts that are being placed before them, that if we accept the amendment of Pandit Madan Mohan Malaviya, the mill industry would not be placed in any serious danger. The mill industry would require more protection in any case, whether Pandit Madan Mohan Malaviya's amendment is accepted or that of Government. If that is so, why not accept this proposal and leave us free, a year hence, when the constitutional changes that my Honourable friend Sir George Schuster referred to in his budget speech had come about, to deal with the situation as we ourselves thought best. Sir, I will labour this point no more. I will only say, before passing to any other point, that this is a matter which requires a serious reply from Government. The figures that I have placed before them are those taken by them from Mr. Hardy's Report and circulated to Honourable Members.

Sir, my Honourable friends Sir George Schuster and Sir George Rainy laid great stress on the interests of the consumer, when defending the actual proposals embodied in their Bill. That argument has been dealt with by more than one speaker, and I do not propose to repeat a single word of what has been stated already. I should only like to discuss it in relation to two concrete matters. My Honourable friend, Sir George Schuster, has already imposed taxation on us amounting to about 5 crores. If he had put a heavier duty on Lancashire goods than he has done, it cannot be said that he would have injured the interests of the consumer. The consumer would certainly have lost, but his loss would have been the gain of the State. But what is the position now if prices rise? My Honourable friend Sir Darcy Lindsay contended that prices would not rise. I doubt, Sir, whether there is anybody who can say confidently, at this stage, that prices would remain at their present level. Besides, the representatives of Lancashire, so far as Reuter's cablegrams have informed us, themselves look upon the five per cent. Imperial Preference as some compensation for an increase in the revenue duty from 11 per cent. to 15 per cent. Now, how can this Imperial Preference be regarded as a compensation, unless they feel that the exclusion of non-British goods and the absence of any competition in regard to goods made from finer counts, would enable them to raise the prices of these goods? They would have a practical monopoly in these finer goods. Japan might not have been importing into India large quantities of goods of finer classes. But there was the possibility, that, seeing that there was no outlet for coarser goods, it might turn its attention to finer goods and thus come into more serious competition than has been the case hitherto with British goods. What will happen if prices rise? If they rise to the full extent of five per cent., then, as Sir George Rainy has told us, the consumer would suffer to the extent of two crores, and in whose pockets do these two crores go? Will they be utilised by the State for the benefit of the people whom they are taxing? No, they go into the pockets of private capitalists. Take another instance, that of cotton. I have discussed this question with some of my Honourable friends who are conversant with this matter. If the duties imposed by Government prove effective, we may take it that the Japanese imports into this country will cease. That may have an effect on the purchase of raw cotton by Japan. In that case, the price of cotton may fall.

Here again the agriculturist who produces raw cotton suffers. (Hear, hear.) If we can say to him that his sufferings would benefit the State, there would be some justification for the acceptance of the Government's proposals. But how can we accept the proposal made by the Government and impose an additional burden on the agriculturists at the present time in the interests of foreign capitalists? I think, Sir, even the interests of the consumer, adequately considered, should have led Government to impose an all round protective duty of five per cent.

Sir, His Majesty's Government, as is well known, have been trying for some time to induce the countries which are Members of the League of Nations to enter into a tariff pact. Their object is that there should be a tariff truce, and that tariff walls should be pulled down. Recently the President of the Board of Trade announced, in the House of Commons, that a convention had been signed as well as a protocol regarding future negotiations for reducing trade barriers. Sir, if this is the policy of His Majesty's Government, are they morally entitled to enforce or approve of a tariff in India which gives them an advantage against non-Indian goods? If they are seriously desirous of prevailing upon the nations concerned, not to raise tariff barriers, is it not their incumbent duty to make it plain to them, in the most incontrovertible manner, that they at any rate, do not propose to raise tariff barriers directly or indirectly to their own advantage and to hit the trade of a friendly country. If, however, they do not take up this moral stand, their efforts at the cessation of tariff wars are doomed to failure. It is, Sir, taking the question in a large sense, a moral question. His Majesty's Government cannot profess one thing and take their stand in practice on another thing. I hope that, if the Government of India themselves attach any importance to the moral aspect of this question, they will still consider the advisability of accepting Pandit Malaviya's amendment and press it on the attention of the Secretary of State.

Mr. President: I congratulate the Honourable Member.

Pandit Hirday Nath Kunzru: I do not see what you and we together can do at this stage. Both you and we are working the constitution as it is.

Mr. Jehangir K. Munshi (Burma: Non-European): Sir, in this connection, will you permit me to rise to a point of order, partly
 3 P.M. a point of order and partly a point of procedure, and partly to request the Chair to help the House against the coercive tactics of Government. May I point out to the Chair that there is a third amendment which has not yet been moved, and which seeks to impose a duty of 20 per cent., without discrimination and which has the support of the Nationalist Party, the support of my Honourable friend Mr. Jinnah and the Independent Party, the support of Sir Darcy Lindsay and Members of the European Group, and also the support of a large number of unattached Members of this House. May I, Sir, appeal to you, that instead of confining this debate to these two amendments, you may allow this other amendment also to be moved and discussed and that it should be voted upon first. If that amendment is carried, as it is bound to be carried because everybody wants it—the millowners also want it—and if the Government still want to pursue their coercive tactics, they can then take the Bill to the Council of State and bring it back to this House in

[Mr. Jehangir K. Munshi.]

the form they insist on; and then the difficulty with which my Honourable friend Mr. Jinnah and his party and I myself and other Members are faced will disappear. We shall record our opinion that the mill industry should be afforded adequate protection by the imposition of an uniform duty of 20 per cent. If, in spite of this, Government insist on the proposals embodied in Mr. Chetty's amendment, they can take the help of the Council of State. But for our part we shall be recording our preference for a uniform duty of 20 per cent.

Mr. President: But what is the Honourable Member's suggestion?

Mr. Jehangir K. Munshi: My suggestion is that this particular amendment may be discussed and put to the vote first.

Mr. President: Which amendment?

Mr. Jehangir K. Munshi: I refer to the amendment of Munshi Iswar Saran* which has also been welcomed by Sir Darcy Lindsay.

Pandit Thakur Das Bhargava (Ambala Division: Non-Muhammadan): A similar amendment stands in my name as well as in the names of others.

Mr. President: If the Honourable Member is so sure that other parties are going to support that amendment, in spite of the attitude taken by Government, I would certainly accept his suggestion.

Mr. Jehangir K. Munshi: We have heard it said on the floor of this House by the spokesmen of the different parties.

Mr. President: Then, the Honourable Member has not heard properly.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber: Indian Commerce): I propose to address the House after my Honourable friend Pandit Hirday Nath Kunzru has finished, as to what my party thinks about this amendment.

Mr. President: I hope the Honourable Member, Pandit Hirday Nath Kunzru, will now conclude his observations.

Pandit Hirday Nath Kunzru: It only remains for me, Sir, to say a few words.

Mr. President: Is the Honourable Member still going to continue this farce of a debate?

Pandit Hirday Nath Kunzru: If we choose to come here, I cannot see, Sir, how we can set at naught the ordinary procedure of the House and try to convince the Members of this House who differ from us in any other way. Sir, my Honourable friend, Sir George Schuster, in his budget speech, asked us to bear in mind the value of a friendly attitude that we might assume towards His Majesty's Government. I appreciate the significance of those words, but I do not congratulate him on having used them at this stage. It is well known that we are in a dependent condition and that speaking . . .

* "In sub-clause (1) of clause 2, in the proposed Item No. 156A, the words 'net of British manufacture' occurring in the second column be omitted."

Mr. President: I do not want to give any more hints to the Honourable Member.

Pandit Hirday Nath Kunzru: Speaking in a constitutional sense, our rights can be achieved only through His Majesty's Government and Parliament. Does the Honourable Sir George Schuster mean to tell us that, unless we are prepared to make concessions of a far-reaching character and to agree to things which, in our clear judgment, we should not accept, then we should not expect these great changes that India desires. If that is his meaning, then that would be an additional argument for strongly supporting Pandit Malaviya's amendment. His proposal postulates political equality between the various parts of the Empire. When that equality has been achieved, it might be considered by India in the way it likes and as suits her best interests; but so long as India remains in her present position, so long as she is in her present dependent condition, she cannot even think of the proposal that has been placed before the House by the Honourable Members opposite.

Sir Purshotamdas Thakurdas: Sir, I will be very brief, and perhaps I would not have spoken at all but for the fact that my party desire that, before these amendments are voted upon, the position of this party should be again made clear before this House. I feel that we, on this side of the House, regret as much as anybody else on this side of the House, the decision of Government, as put before the House by the Honourable the Leader of the House immediately after we met. And if I may say one word in passing before I proceed further, I hope my Honourable friend, Pandit Kunzru, will understand it in the correct spirit if I say that the Members on these Benches regret the remark which he made regarding my Honourable friend Mr. Jinnah, the Leader of this party.

Mr. President: He meant nothing. If there was any feeling that the Honourable Member meant anything, I would certainly ask him to withdraw it.

Pandit Hirday Nath Kunzru: I made it perfectly plain that I did not wish to bring any political charge against Mr. Jinnah and Mr. Jinnah himself fully accepted that.

Sir Purshotamdas Thakurdas: I was going to say that myself. The Honourable Pandit did make it clear that he meant no insinuation. But bearing in mind that my Honourable friend himself many times agrees with Government in less compelling circumstances, in this case in which my Honourable friend Mr. Jinnah and most of those who are sitting behind us do, I think that he might have spared us even those remarks which necessitated my Honourable friend Mr. Jinnah getting up and saying what he did. I am quite sure that Pandit Kunzru did not mean anything more than simply saying that we support Government, but Pandit Kunzru himself very often agrees with Government more than we do.

Pandit Hirday Nath Kunzru: Can you give any instance of that?

Sir Purshotamdas Thakurdas: Surely my Honourable friend does not always and invariably differ from Government? He may agree with Government in the best of cases.

Pandit Hirday Nath Kunzru: Only when they are right, and not more than you do.

Sir Purshotamdas Thakurdas: We ourselves have made our position clear, and I say that, when the atmosphere is tense, as it happens to be in this case, my party wishes that even what little he did say were not mentioned.

Now regarding the merits of my friend Pandit Malaviya's amendment, and the reason why this party cannot support his amendment. Sir, the Leader of my party, Mr. Jinnah, has made our position clear, but he made that clear before the Government statement, or rather the announcement of their final decision, was made on the floor of the House. I feel, Sir, that I ought, at the request of my party, to make the position of my party further clear if I can make it clearer than Mr. Jinnah has made it. Everybody in this House is agreed that the cotton textile industry of India should have the maximum protection that can be available to that industry by the Legislature and Government. There is no difference of opinion as regards that, and the question then is, what are the alternatives before the House. There are two alternatives. I will not go into the 4 per cent. revenue duty, which is in force today. The first alternative is that Government propose to give $3\frac{1}{2}$ annas minimum on grey goods *plus* 5 per cent. on non-British goods. I will call that A. The second one is my Honourable friend Pandit Malaviya's amendment, which I will call B, which is, $3\frac{1}{2}$ annas minimum on *all* goods *not* confined merely to grey goods and on all goods *not* confined merely to non-British. Now, Sir, the whole question to be considered is, having agreed on the main thing, subject to any preference which I will tackle in a second, the main thing that weighs with my party is, which of the two propositions gives the industry at this juncture—which is admitted by all to be a very critical juncture—the utmost protection. Undoubtedly, on mere figures, if there was no Imperial Preference or protection simultaneously to British industries involved in this, I have not the least doubt that the Honourable Pandit will agree that what Government suggest gives the greater protection.

Mr. T. Prakasam: Sir, may I interrupt my Honourable friend and ask him to tell this House whether his party would be agreeable to have a 20 per cent. duty all round, as suggested in the amendment of Munshi Iswar Saran?

Sir Purshotamdas Thakurdas: If my Honourable friend had waited a little, he would have heard that from myself. The whole question is whether the $3\frac{1}{2}$ annas minimum on all goods ensures more protection than $3\frac{1}{2}$ annas on grey goods *plus* 5 per cent. on non-British goods.

Mr. T. Prakasam: Unnecessary if you agree to that.

Sir Purshotamdas Thakurdas: The question then arises, is the 5 per cent. duty on non-British goods, *plus* $3\frac{1}{2}$ annas minimum on grey goods, free from any faults?

Pandit Madan Mohan Malaviya: On all grey goods.

Sir Purshotamdas Thakurdas: Yes, on all grey goods. And we have from these Benches clearly said, in the course of the debate, that we say that the main fault with it is that it makes protection available to

the British industry simultaneously with the Indian industry. None of us has tried to conceal it, nor have we overlooked it. What we feel is, is there any option? And the statement of the Honourable the Leader of the House, on behalf of Government, has made it abundantly clear that there is no option to this House, unless it wishes to wreck this Bill, but to agree with Government.

My Honourable friend Mr. Prakasam says, would we agree to a total of 20 per cent. on all piece-goods, *plus* a 3½ annas minimum? Sir, I do not know what amendment my Honourable friend, Mr. Jinnah, would have moved if the Government statement had been otherwise than it has been. But I have not the least doubt that, even Mr. Jinnah could not have disagreed from it, and I think I can say, on behalf of the other Members of my party, that we would have voted for it if Government had said that they were prepared to accept whatever amendment was passed by this side of the House; for this reason, that the millowners of India—not restricted to Bombay, for it has been brought out rather too much, but the millowners of Madras, Calcutta, Cawnpore, Ahmedabad and all other places—when they were brought together at Delhi less than three months back, all recommended that the minimum protection with which they could stand at this particular juncture was 20 per cent., *plus* 8½ annas per pound minimum. Therefore, if the best interests of the industry are to be consulted, this is what should be made available to us, and it is very likely that, if the statement of the Leader of the House had been otherwise than what it was, perhaps Mr. Jinnah might have moved an amendment in that direction. But in view of what the statement has been, and in the peculiar circumstances in which this House has been placed, and in the peculiar circumstances of the constitution of India—which we may not like and in fact I like it least of all—what is it that we can do in order to save the industry? And my party has come to the conclusion that, in all these circumstances, and with our protest regarding the protection to the British industry part, which we dislike equally, discretion is the better part of valour, and we propose therefore not to wreck the Bill. We have no option but to oppose Pandit Malaviya's amendment.

Pandit Madan Mohan Malaviya: May I ask whether my Honourable friend will tell the House whether the amount of protection which my amendment will secure to the Bombay industry will not be a great help to the industry, whether it should not be regarded as sufficient under the circumstances, and whether, if my amendment is accepted, the amount of protection it gives is not on the whole better in the interests of Bombay itself than accepting it with the preference to the United Kingdom goods which the Government propose?

Sir Purshotamdas Thakurdas: I think that question can more adequately be replied by my Honourable friend, Mr. Mody, who speaks officially for the mills of Bombay, and I do not think that I am in a position to give him a categorical answer.

Mr. H. P. Mody (Bombay Millowners' Association: Indian Commerce): I did not intend

Pandit Madan Mohan Malaviya: We should like to have the opinion of Sir Purshotamdas Thakurdas, because the country is entitled to know whether, in his considered judgment, with his knowledge of the industry, he disputes the correctness of my proposition, that my amendment secures,

[Pandit Madan Mohan Malaviya.]

on the whole, greater advantage and greater protection to the industry in Bombay than the proposals of the Government, with preference to the United Kingdom goods, which will work to the destruction of the Bombay industry in the long run.

Mr. H. P. Mody: Sir,

Pandit Madan Mohan Malaviya: I need not trouble my Honourable friend. I wanted the Honourable Member, Sir Purshotamdas Thakurdas, to reply.

Mr. H. P. Mody: I fully intended to accept the advice which you tendered to the House this morning that, in view of the very acrimonious and lengthy debate which had taken place on every single issue arising out of the proposals which are now before the House, Members would be well advised if they did not further prolong the debate. But, Sir, the Honourable the Leader of the Opposition wishes to know categorically from me as well as

Mr. M. R. Jayakar (Bombay City: Non-Muhammadan Urban): On a point of order, Sir. The question has been asked by the Leader of the Opposition to Sir Purshotamdas Thakurdas, apparently on the ground that he is not a millowner, and he is in a position to advise the House dispassionately. That question should therefore be answered by him and not by Mr. Mody, who is identified with the issue.

Sir Purshotamdas Thakurdas: I very much appreciate the compliment. But I am afraid I must disappoint my friend, for this reason, that I can act only on the information which I have received here, and the information which I have received from my Chamber till now—and which has not been of a meagre character, I may tell the house—justifies my giving a reply in the negative to what the Honourable the Leader of the Opposition has put to me. But I thought that Mr. Mody, with his expert knowledge of the subject, would be able to give a more detailed reply.

The Honourable Sir George Rainy: It will not be necessary, Mr. President, I think, that I should speak at any great length as regards the amendments. But I should like to begin with what was said by the Honourable the Leader of the Opposition when he complained that I did not, in winding up the debate on the consideration stage, reply fully to the arguments of my Honourable friend, Mr. Birla. Well, Mr. President, I spoke for 50 minutes on that occasion, and at that stage it seemed to me that, since an opportunity would naturally arise of replying to Mr. Birla in connection with the amendment, it seemed to me right that I should reserve most of what I had to say on the subject till then. My Honourable friend's view is that, if the proposals of the Bill become law, British manufacturers will be able to take full advantage of the difference between the 15 per cent. duty and the 20 per cent. duty, at any rate in the class of non-competitive goods, and that the result will be to put a sum, which he estimates to be about 2½ crores annually, in the pockets of the British manufacturers. Now, the whole question is this. Is it likely, is it indeed possible, that the British manufacturer could actually do that? I have given full weight to the quotation which the Honourable Mr. Birla made from the Report of the Fiscal Commission on that subject, but my own belief is quite clear that the conditions are such that that result, or any result at all resembling it, is extremely improbable. Take the case of bleached goods. Ninety-five per cent. of the total imports into India come from the United Kingdom,

and the imports from Japan are only about 1 per cent. Under those conditions, I think it is reasonable to suppose that the price of bleached goods must be fixed at present by the competition between the British manufacturers themselves—it is not the case that the Lancashire manufacturers constitute a combine or trust at present; on the contrary there is a great deal of competition between them—and I could hardly believe it possible that the imposition of an additional 5 per cent. against non-British goods could operate—seeing that the imports from other countries amount to only 5 per cent. of the total—could operate to increase the price by anything like the full extent of the difference on the duty, or indeed in this case to increase it at all.

Now, take the case of the dhotis. On the figures of 1928-29, the British percentage of the imports is 93 per cent. It is true that here the imports from Japan, although still comparatively small, are increasing rapidly. But I think it must still be true that, in the main, the price of dhotis, where they are of a quality, which does not enter into competition with dhotis made in India, must be fixed by internal competition between the British manufacturers.

Take the coloured goods. The percentage there is quite different. Not only from Japan but from other countries, proportionately there is a much larger import of coloured goods than in the other classes. But British goods still constitute 66 per cent. of the total, and if the prices are examined—I had some figures worked out, and I find that, whereas something like 86 million yards of the Japanese coloured goods would probably be subject to the specific minimum duty owing to their low price—and that is something like four-fifths of the total imports of coloured goods from Japan—in the case of the British goods, it is only about 17 million yards—which is about 5 per cent. of the imports—and the inference I wish to draw is that the British goods are of much finer quality than the great bulk of the coloured goods imported from Japan. Therefore, in the case of these finer goods, there is a very great preponderance of British imports, and the prices again will be determined by competition amongst the British manufacturers.

Several speakers have referred to the figures which I gave in the note which was circulated to Members of this House. The most significant thing about these figures, to my mind, was the very clear evidence they supplied of how the cotton industry had been able to grow steadily and, as compared with any other industry in India, rapidly, against the British industry, notwithstanding the fact that, at no time has it had the advantage of more than 11 per cent. duty by way of actual protection. I think Honourable Members on the other side altogether underrate the extent to which the increase of the duty to 15 per cent. is likely to restrict the market in India for British goods, and by restricting the market, to intensify the competition. That, I think, is an aspect of the case which deserves the very full consideration of this House. But I will say a little more than that. If the scheme in the Bill had actually the effect suggested, namely, that it did not keep down the burden on the consumer, but did place, at the expense of the consumer, a large sum of money in the possession of manufacturers in the United Kingdom, that would be entirely and absolutely contrary to the intentions of Government, and we recognise, Mr. President, that this is a matter which, in the interests of India, ought to be kept under observation. What we are prepared to do, is to maintain, to the best of our ability, a continuous record of the prices of piece-goods

[Sir George Rainy.]

during the next year, and if the Bill becomes law, then at the end of the year when the new duties have been in operation for that period, to put an officer on special duty to inquire into this particular question as to what has been the effect of the duties upon the prices of cotton piece-goods.

Diwan Chaman Lal: Do I take it, Sir, if I may be permitted to interrupt the Honourable Member, that he means that, after a year's operation of this particular measure, Government will take steps to find out to what extent the burden on the consumer has increased?

The Honourable Sir George Rainy: No, Sir, not necessarily to revise the measure, but at any rate to investigate, not the question of what is happening in Bombay as regard manufacturing costs, but as to how the prices of imported piece-goods have been affected.

Diwan Chaman Lal: With what object?

The Honourable Sir George Rainy: We would be prepared to lay the Report of the special officer on the table of the House so as to give the House an opportunity for discussion.

Diwan Chaman Lal: I want to be particularly clear about the Honourable Member's suggestion. Would Government be prepared to bring in a measure amending this particular Bill?

The Honourable Sir George Rainy: If it were found that the effect of the measure was such as has been apprehended by Mr. Birla, that is, if it could be shown clearly that very large sums of money at the expense of the consumer were passing into the hands of manufacturers abroad, then Government would have to reconsider the matter. Now, Sir, I should like to refer briefly to another aspect of the case which has been rather casually touched upon by one or two speakers and was referred to at greater length by my Honourable friend, Sir Zulfiqar Ali Khan, namely, the effect of the proposals in the Bill, or indeed of the proposals in my Honourable friend the Pandit's amendment, on the interests of the cotton grower. Undoubtedly this is one of the interests which the Government of India have to keep in mind and to safeguard as far as they can. Apprehension has been expressed lest the effect of the proposals in the Bill might be to restrict the purchases of Indian cotton, and by a reduction of competition, to lead to the Indian cotton grower getting a lower price. Well, Sir, we have made an attempt to calculate so far as Japan is concerned, how much of the Indian cotton that goes into Japan comes back into India in the form of piece-goods; and the best calculation we can make suggests that the percentage of the Indian cotton that comes back as piece-goods from Japan could not possibly be put higher than 15 per cent., and may be a good deal lower.

Mr. Mukhtar Singh (Meerut Division: Non-Muhammadan Rural): What is the percentage of Indian cotton consumed in England and coming back to India as manufactured goods?

The Honourable Sir George Rainy: What I was saying was that the percentage of Indian cotton exported to Japan which returns to India in the form of piece-goods was about 15 per cent. of the exports to Japan. My point is, Sir, that it is not only for the supply of the Indian market that Japan requires to import Indian cotton; the great bulk of the Indian

cotton that Japan uses is used for other markets. She has her own domestic market, there is the China market and there is the market in the Levant and East Africa, and these markets of course are not affected by the duty. Therefore I think that the apprehensions expressed as to the danger to the Indian cotton grower are perhaps a little inclined to be exaggerated. Nevertheless it is a matter which, as I have said, Government have a duty to safeguard, and when we place an officer on special duty at the end of the year, I think he might very well be deputed also to consider the effect upon the demand for raw cotton and the price received by the cultivator of raw cotton. Now this brings us back to the amendment of the Honourable the Pandit. This proposal that Government has put forward for a $3\frac{1}{2}$ annas specific minimum duty on plain grey goods is put forward as a temporary expedient to provide a temporary shelter for the industry, especially in Bombay, so as to give it time to reorganise itself. But I am by no means sure that it is likely to form a permanent part of such tariff arrangements as the Tariff Board may recommend some $2\frac{1}{2}$ or $2\frac{3}{4}$ years from now. For there is always a danger that, if in a case like this you make the coarse goods relatively dear by a heavy duty, you might affect the Indian cotton grower unfavourably in so far as the demand was transferred to the finer goods rather than the coarser goods, and for that reason I am averse to any extension of the $3\frac{1}{2}$ annas minimum duty to any class of goods except the plain greys, where it has got a definite temporary purpose to serve. I would ask the House to take that also into consideration. My Honourable friend Mr. Hardy this morning explained very clearly and lucidly to the House the administrative difficulties which in the view of Government make the plan of a $3\frac{1}{2}$ annas minimum duty applicable to all classes of piece-goods practically unworkable. It would, we fear, lead to a congestion of trade, which would be found intolerable by the business community generally, and would operate in a very harsh way against those engaged in the trade. I am not going over the same ground again, but in addition I would say that the best consideration I have been able to give to the Honourable the Pandit's amendment has convinced me that his proposal is open to serious objections as compared with the plan in the Bill. So far as I have been able to anticipate the probable effect of his amendment, if it were to be incorporated in the law, I am afraid, it would be to a large extent to impose a high rate of duty where protection was not required, and to admit at a lower rate of duty a considerable amount of competitive goods which, under the Bill as it stands, would be subject to a duty of 20 per cent. That would be so at the present level of prices. But of course if prices were to rise—and we cannot anticipate that the present very low price of raw cotton and the consequent very low price of cotton piece-goods will continue throughout the three-year period—if there were an appreciable rise in the price, the difference to the industry between the proposals in the Bill and the proposals in the Honourable Pandit's amendment might become very large indeed, because as prices rose, a larger and larger quantity of goods would cease to be subject to the $3\frac{1}{2}$ per cent. specific duty and would be subject only to the 15 per cent. duty, whereas under the Bill they would continue to be subject—I am speaking of non-British goods—to the 20 per cent. duty.

Now, Sir, my friend Diwan Chaman Lall cross-questioned me this morning to some extent about the Anglo-Japanese Convention. I can only

[Sir George Rainy.]

say that I am afraid he has discovered a mare's nest. As I said this morning, when a treaty is made in the name of His Majesty the King Emperor, goods produced in any part of His Dominions are not described as goods of foreign origin. There is no question at all about that. We have kept our hands entirely free in this respect, and as I said this morning, there is not in existence any commercial agreement or treaty which limits India's freedom to grant preferential rates of duty to other parts of the British Empire if she sees fit.

Now, Sir, I promised that I would not be long, and I trust I shall be able to keep that promise. I am not going over the ground I have already covered at any length in earlier speeches, but I will again say to this House that, after giving my unbiassed judgment to all the various schemes and expedients that have been put forward, and after listening carefully to all that Honourable Members have said, I remain of the opinion with which I started, that the proposals in the Bill come nearer to providing for the needs of the situation than any other that can be devised. I recognise the heavy responsibility that rests upon us who sit on the Treasury Benches when we have to come to a decision as to what proposals we shall put forward as being the best in our judgment in the interests of India. I recognise that our proposals should be subject to scrutiny, should be closely examined, and that Members of this House who disagree with us may naturally view with suspicion all our proceedings. I am not going to argue about all that. But whether I am believed or whether I am not, I am going to repeat what has already been said, that the proposals in the form in which they appear in the Bill originated in the Government of India and originated nowhere else and are supported by the Government of India because they believe that they are the best proposals they can make in the interests of India and for no other reason.

Mr. President: Having regard to the attitude of the Government I have decided, in the circumstances of this Bill which are so obvious to Honourable Members, to put the questions, but I should like to make one observation. I made a certain suggestion to the Government, and they did not accept it. The threat held out by the Honourable the Commerce Member to the House, therefore, remains unwithdrawn, and I desire, in that view, to place on record that any decision that the Assembly might finally reach on this important question will not be by the free vote of this House on merits.

Now, I shall put Pandit Malaviya's amendment first.

Maulvi Mohammad Shafee Daoodi (Tirhoot Division: Muhammadan): Sir, before you put this amendment to the vote, I would like to raise a point of order, and it is this. Now that the stage of voting has been reached, I want that no Honourable Member who has got any personal interest in the subject matter of the Bill should be allowed to vote. This is a Bill for protecting the cotton industries of India, and there are several Honourable Members in this House who own an interest in the industry, either as Directors or as Agents. . . .

Mr. President: I have already placed on record that any decision which the Assembly might reach on this Bill will not be by the free vote of this House. It is therefore not necessary to go into the question raised by the Honourable Member.

Mr. President: The question is that!

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

156A Cotton piece-goods A / volumem . 15 per cent. or 3½ annas per pound, whichever is higher."

The Assembly divided :

AYES—44.

Acharya, Mr. M. K.
Agnihotri, Mr. K. B. L.
Aney, Mr. M. S.
Ayyangar, Mr. K. V. Rangaswami.
Bhargava, Pandit Thakur Das.
Birla, Mr. Ghanshyam Das.
Chaman Lal, Diwan.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Rai Bahadur S. C.
Farookhi, Mr. Abdul Latif Saheb.
Ghuznavi, Mr. A. H.
Gulab Singh, Sardar.
Haji, Mr. Sarabhai Nemchand.
Jayakar, Mr. M. R.
Kartar Singh, Sardar.
Kidwai, Sheikh Mushir Husain.
Kunzru, Pandit Hirday Nath.
Lahri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Malaviya, Pandit Krishna Kant.
Malaviya, Pandit Madan Mohan.

Mitra, Mr. S. C.
Mohammad Ismail Khan, Haji
Chaudhury.
Moonje, Dr. B. S.
Mukerjee, Mr. Saradindu.
Mukhtar Singh, Mr.
Neogy, Mr. K. C.
Pandya, Mr. Vidya Sagar.
Phookun, Mr. T. R.
Prakasam, Mr. T.
Rang Behari Lal, Lala.
Ranga Iyer, Mr. C. S.
Reddi, Mr. T. N. Ramakrishna.
Sarda, Rai Sahib Harbilas.
Shafee Daoodi, Maulvi Mohammad.
Singh, Kumar Rananjaya.
Singh, Mr. Gaya Prasad.
Sinha, Kumar Ganganand.
Sinha, Mr. Rajivaranjan Prasad.
Suhrawardy, Dr. A.
Talatuley, Mr. S. D.
Venkatakrishnayya, Choudhri, Mr. P.

NOES—60.

Abdul Aziz, Khan Bahadur Mian.
Abdul Matin Chaudhury, Maulvi.
Abdul Qaiyum, Nawab Sir Sahibzada.
Alexander, Mr. W.
Ayyar, Sir C. P. Ramaswami.
Bajpai, Mr. R. S.
Banarji, Mr. Rajnarayan.
Baum, Mr. E. F.
Chatterjee, The Revd. J. C.
Cocke, Sir Hugh.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Dalal, Dr. R. D.
Drake, Mr. J. C. B.
Ferrers, Mr. V. M.
French, Mr. J. C.
Ghazanfar Ali Khan, Raja.
Gidney, Lieut.-Colonel H. A. J.
Gwynne, Mr. C. W.
Haig, The Honourable Mr. H. G.
Hamilton, Mr. K. L. B.
Hardy, Mr. G. S.
Heathcote, Mr. L. V.
Hira Singh Brar, Sardar Bahadur,
Honorary Captain.
Howell, Mr. E. B.
Hyder, Dr. L. K.
Ismail Khan, Mr. Muhammad.
Jawahar Singh, Sardar Bahadur
Sardar.
Jehangir, Sir Cowasji.
Jinnah, Mr. M. A.
Lamb, Mr. W. S.

Lindsay, Sir Darcy.
Mitchell, Mr. D. G.
Mitra, The Honourable Sir
Bhupendra Nath.
Mitter, The Honourable Sir
Brojendra.
Mody, Mr. H. P.
Moore, Mr. Arthur.
Mukherjee, Rai Bahadur S. C.
Pai, Mr. A. Upendra.
Parsons, Mr. A. A. L.
Purshotamdas Thakurdas, Sir.
Rahimtulla, Mr. Fazal Ibrahim.
Rainy, The Honourable Sir George.
Rajan Bakhsh Shah, Khan Bahadur
Makhdum Syed.
Rau, Mr. H. Shankar.
Roy, Mr. K. C.
Ryan, Mr. T.
Sahi, Mr. Ram Prashad Narayan.
Sarfaraz Hussain Khan, Khan
Bahadur.
Sarma, Mr. R. S.
Schuster, the Honourable Sir George.
Scott, Mr. J. Ramsay.
Shah Nawaz, Mian Mohammad.
Siddiqi, Mr. Abdul Qadir.
Slater, Mr. S. H.
Yakub, Maulvi Muhammad.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.
Ziauddin Ahmad, Dr.
Zulfqar Ali Khan, Sir.

The motion was negatived.

Mr. President: Order, order.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadian Rural): Sir, can an absent Member's amendment be put to the vote?

Mr. President: The question is:

"That the amendment of Mr. Shanmukham Chetty be adopted, viz.:

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

"156A. Cotton piece-goods (other than tents 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."

The Assembly divided:

AYES—62.

Abdul Aziz, Khan Bahadur Mian.
Abdul Matin Chandhury, Maulvi.
Abdul Qayyum, Nawab Sir Sahibzada.
Ahmed, Mr. K.
Alexander, Mr. W.
Ayyar, Sir C. P. Ramaswami.
Bajpai, Mr. R. S.
Banarji, Mr. Rajnarayan.
Baum, Mr. E. F.
Bhuto, Mr. W. W. Illahibakhsh.
Chatterjee, The Revd. J. C.
Cocks, Sir Hugh.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Dalsl, Dr. R. D.
Drake, Mr. J. C. B.
Ferrers, Mr. V. M.
French, Mr. J. C.
Ghazanfar Ali Khan, Raja.
Gidney, Lieut.-Colonel H. A. J.
Gwynne, Mr. C. W.
Haig, The Honourable Mr. H. G.
Hamilton, Mr. K. L. B.
Hardy, Mr. G. S.
Heathcote, Mr. L. V.
Hira Singh Brar, Sardar Bahadur,
Honorary Captain.
Howell, Mr. E. B.
Hyder, Dr. L. K.
Ismail Khan, Mr. Muhammad.
Jawahar Singh, Sardar Bahadur
Sardar.
Jehanqir, Sir Cowasji.

Jinnah, Mr. M. A.
Lamb, Mr. W. S.
Lindsay, Sir Darcy.
Mitchell, Mr. D. G.
Mittra, The Honourable Sir
Bhupendra Nath.
Mitter, The Honourable Sir
Brojendra.
Mody, Mr. H. P.
Moore, Mr. Arthur.
Mukherjee, Rai Bahadur S. C.
Munshi, Mr. Jehangir K.
Pai, Mr. A. Upendra.
Parsons, Mr. A. A. L.
Purshotamdas Thakurdas, Sir.
Rahimtulla, Mr. Fazal Ibrahim.
Rainy, The Honourable Sir George.
Rau, Mr. H. Shankar.
Roy, Mr. K. C.
Ryan, Mr. T.
Sahi, Mr. Ram Prashad Narayan.
Sarfaraz Hussain Khan, Khan
Bahadur.
Sarma, Mr. R. S.
Schuster, the Honourable Sir George.
Scott, Mr. J. Ramaay.
Shah Nawaz, Mian Mohammad.
Siddiqi, Mr. Abdul Qadir.
Slater, Mr. S. H.
Yakub, Maulvi Muhammad.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.
Ziauddin Ahmad Dr.
Zulfikar Ali Khan, Sir.

Acharya, Mr. M. K.
 Agnihotri, Mr. K. B. J.
 Aney, Mr. M. S.
 Ayyangar, Mr. K. V. Rangaswami.
 Bhargava, Pandit Thakur Das.
 Birla, Mr. Ghanshyam Das.
 Chaman Lal, Diwan.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Dutt, Mr. Amar Nath.
 Dutta, Rai Bahadur S. C.
 Farookhi, Mr. Abdul Latif Saheb.
 Ghuznavi, Mr. A. H.
 Jayakar, Mr. M. R.
 Kartar Singh, Sardar.
 Kidwai, Sheikh Mushir Husain.
 Kunzru, Pandit Hirday Nath.
 Lahiri Chaudhury, Mr. D. K.
 Lalchand Navalrai, Mr.
 Malaviya, Pandit Krishna Kant.
 Malaviya, Pandit Madan Mohan.
 Mitra, Mr. S. C.

Mohammad Ismail Khan, Haji
 Chaudhury.
 Moonje, Dr. B. S.
 Mukerjee, Mr. Saradindu.
 Mukhtar Singh, Mr.
 Neogy, Mr. K. C.
 Pandya, Mr. Vidya Sagar.
 Phookun, Mr. T. R.
 Prakasam, Mr. T.
 Rang Behari Lal, Lala.
 Ranga Iyer, Mr. C. S.
 Reddi, Mr. T. N. Ramakrishna.
 Sarda, Rai Sahib Harbilas.
 Shafee Daoodi, Maulvi Mohammad.
 Singh, Kumar Rananjaya.
 Singh, Mr. Gaya Prasad.
 Sinha, Kumar Ganganand.
 Sinha, Mr. Rajivaranjan Prasad.
 Suhrawardy, Dr. A.
 Talatuley, Mr. S. D.
 Venkatakrishnappa, Choudhri, Mr. P.

The motion was adopted.

Mr. President: If no Honourable Member wishes to move any amendment to clause 2, I shall put the clause.

Mr. M. K. Acharya (South Arcot *cum* Chingleput: Non-Muhammadian Rural): Sir, I have an amendment* on clause 2.

Mr. President: That amendment is now out of the way in view of the decision reached by the House.

Mr. B. Das: Sir, I wish to move my amendment which runs as follows:

"In sub-clause (1) of clause 2, in the proposed Item No. 156A the words 'not of British manufacture' occurring in the second column be omitted."

Mr. President: Does this amendment still hold the field in view of the decision just reached?

The Honourable Sir George Rainy: I submit that, after the decision just reached by the House on Mr. Chetty's amendment, this amendment would be inconsistent with that decision. In fact, the amendment would have to be redrafted before it could have any effect. The omission of the words 'not of British manufacture' in the clause as it originally stood would have the effect desired by the Honourable Member, but if it is omitted from the clause as it stands after the adoption of Mr. Chetty's amendment, it would become meaningless altogether.

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

"156A Cotton piece-goods—

- | | | |
|---|-------------------|--|
| (a) plain grey, that is not bleached or dyed in the piece, including bordered grey dhotis, if imported in pieces headings (British or non-British). | <i>Ad valorem</i> | . 15 per cent. or 3½ annas per pound, whichever is higher. |
| (b) others— | | |
| (i) of British manufacture | <i>Ad valorem</i> | 15 per cent. or 3½ annas per pound, whichever is higher. |
| (ii) not of British manufacture | <i>Ad valorem</i> | 20 per cent." |

Mr. President: The question is :

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Mr. President: The question is :

"That clause 3 stand part of the Bill."

Mr. Das.

Mr. B. Das: Sir, I beg to move :

"That clause 3 be omitted."

Sir, I have very few words to say. I only want to define my position in one sentence and place it before the House. I only want that the handloom weavers should be protected. Now that the millowners have sold the country and have got what they want, let the millowners stand by and afford some protection to the six lakhs of handloom weavers in the country. If the clause is allowed to stand as it is, it will work great hardship for three years more to the handloom weavers. May I remind the Honourable Muslim Members, who are so much supporting the Government in this scheme of Imperial Preference, that the majority of the handloom weavers are Mussalmans? The Cotton Yarn Protection Act of 1927 reduced the daily wages of the handloom weavers and you are placing them again at that disadvantage. If you want to reduce their bread, do it by all means with your conscience in your soul!

Mr. President: The question is :

"That clause 3 be omitted."

(Mr. B. Das demanded a division.)

Mr. President: I do not think your party wants a division.

Mr. B. Das: I do not think there is any decision of the party not to vote.

Mr. President: The question is :

"That clause 3 be omitted."

The Assembly divided :

AYES—35.

Abdul Matin Chaudhury, Maulvi.
Acharya, Mr. M. K.
Agnihotri, Mr. K. B. L.
Aney, Mr. M. S.
Ayyangar, Mr. K. V. Rangaswami.
Bhargava, Pandit Thakur Das.
Chaman Lall, Diwan.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Rai Bahadur S. C.
Farookhi, Mr. Abdul Latif Saheb.
Ghuznavi, Mr. A. H.
Gulab Singh, Sardar.
Kartar Singh, Sardar.
Kidwai, Sheikh Mushir Husain.
Lahiri Chaudhury, Mr. D. K.
Malaviya, Pandit Krishna Kant

Mitra, Mr. S. C.
Mohammad Ismail Khan, Hajf
Chaudhury.
Mukerjee, Mr. Saradindu.
Neogy, Mr. K. C.
Pandya, Mr. Vidya Sagar.
Phookun, Mr. T. R.
Prakasam, Mr. T.
Rang Behari Lal, Lala.
Reddi, Mr. T. N. Ramakrishna.
Shafee Daoodi, Maulvi Mohammad.
Singh, Kumar Rananjaya.
Singh, Mr. Gaya Prasad.
Sinha, Kumar Ganganand.
Sinha, Mr. Rajivaranjan Prasad.
Suhrawardy, Dr. A.
Talatuley, Mr. S. D.
Venkatakrishnayya, Choudhri, Mr. P.

NOES—49.

Abdul Aziz, Khan Bahadur Mian.
 Abdul Qaiyum, Nawab Sir Sabibzada.
 Alexander, Mr. W.
 Ayyar, Sir C. P. Ramaswami.
 Bajpai, Mr. R. S.
 Banarji, Mr. Rajnarayan.
 Baum, Mr. E. F.
 Chatterjee, The Revd. J. C.
 Cocke, Sir Hugn.
 Cosgrave, Mr. W. A.
 Crawford, Colonel J. D.
 Dalal, Dr. R. D.
 Drake, Mr. J. C. B.
 Ferrers, Mr. V. M.
 French, Mr. J. C.
 Gidney, Lieut.-Colonel H. A. J.
 Gwynne, Mr. C. W.
 Haig, The Honourable Mr. H. G.
 Hamilton, Mr. K. L. B.
 Hardy, Mr. G. S.
 Heathcote, Mr. L. V.
 Hira Singh Brar, Sardar Bahadur,
 Honorary Captain.
 Howell, Mr. E. B.
 Jawahar Singh, Sardar Bahadur
 Sardar.
 Jehangir, Sir Cowasji.

Lamb, Mr. W. S.
 Lindsay, Sir Darcy.
 Mitchell, Mr. D. G.
 Mitra, The Honourable Sir Bhupendra
 Nath.
 Mitter, The Honourable Sir Brojendra.
 Mody, Mr. H. P.
 Moore, Mr. Arthur.
 Mukherjee, Rai Bahadur S. C.
 Munshi, Mr. Jehangir K.
 Pai, Mr. A. Upendra.
 Parsons, Mr. A. A. L.
 Purshotamdas Thakurdas Sir.
 Rahimtulla, Mr. Fazal Ibrahim.
 Rainy, The Honourable Sir George.
 Rau, Mr. H. Shankar.
 Ryan, Mr. T.
 Sahi, Mr. Ram Prashad Narayan.
 Sarfaraz Hussain Khan, Khan
 Bahadur.
 Sarma, Mr. R. S.
 Schuster, The Honourable Sir George.
 Scott, Mr. J. Ramsay.
 Slater, Mr. S. H.
 Yamin Khan, Mr. Muhammad.
 Young, Mr. G. M.

The motion was negatived.

The Honourable Sir Brojendra Mitter (Law Member): Sir, I beg to move:

"That for clause 3 the following be substituted, namely:

'3. (1) In Item No. 44 of the Second Schedule to the Indian Tariff Act, 1894, after the figure and words "5 per cent." Amendment of the Second Schedule, Act VIII of 1894. the figure and words "or 1½ annas per pound, whichever is higher" shall be added.

(2) The amendment made by this section shall have effect only up to the 31st day of March, 1933.'

Sir, this amendment is a formal one, and is necessary by reason of the fact that the Cotton Yarn Amendment Act of 1927 expires today, and if the clause stood as it is in the Bill, it would be referring to a dead Act. Sir, I move.

Mr. President (to Mr. M. K. Acharya): Does the Honourable Member wish to move an amendment to this amendment?

Mr. M. K. Acharya: It is a very small amendment, Sir.

Rai Bahadur S. O. Dutta (Surma Valley *cum* Shillong: Non-Muhamadan): Sir, I have an amendment to the same effect.

Mr. President: Mr. Dutta's amendment is the same as Mr. Acharya's.

Rai Bahadur S. O. Dutta: Sir, I move that:

"In sub-clause (2) of the proposed amendment by the Honourable Sir Brojendra Mitter to clause 3 of the Bill, for the figures '1933' the figures '1931' be substituted."

[Rai Bahadur S. C. Dutta.]

I only want to draw attention to this fact that in the Statement of Objects and Reasons, it is stated that the object of the original amendment to the Tariff Bill that was made in 1927 was protection as against Japan. It is now admitted in the Statement of Objects and Reasons that that unfair competition with Japan has ceased to exist, but it is added that the import of yarn from China has increased, and that, until lately, labour conditions in China were also unfair, but that:

"Information has very recently been received that on the 16th January, 1930, a law was promulgated in China which prohibits child labour and the night work of women, and limits the hours of work generally, but no evidence is forthcoming to show that any steps have been taken to make this law effective."

If this be the condition, then I submit that an extension of this duty for a further one year is all that is necessary, because we do not know what will happen, and it cannot be said that the conditions in China would not improve, and that the law will not be enforced. If that law in China, which was recently made, be enforced, then there would be admittedly no reason for this specific duty. I therefore think it should be confined to one year.

Mr. President: The original question was :

"That for clause 3 the following be substituted, namely :

'3. (1) In Item No. 44 of the Second Schedule to the Indian Tariff Act, 1894, Amendment of the Second Schedule, Act VIII of 1894. after the figure and words "5 per cent." the figure and words "or 1½ annas per pound, whichever is higher" shall be added.

(2) The amendment made by this section shall have effect only up to the 31st day of March, 1933."

Since which the following amendment has been moved :

"That in sub-clause (2) of the proposed amendment by the Honourable Sir Brojendra Mitter to clause 3 of the Bill for the figures '1933' the figures '1931' be substituted."

The question is that that amendment be made.

The motion was negatived.

Mr. President: The question is :

"That for clause 3 the following be substituted, namely :

'3. (1) In Item No. 44 of the Second Schedule to the Indian Tariff Act, 1894, Amendment of the Second Schedule, Act VIII of 1894. after the figure and words "5 per cent." the figure and words "or 1½ annas per pound, whichever is higher" shall be added.

(2) The amendment made by this section shall have effect only up to the 31st day of March, 1933."

The motion was adopted.

Clause 8, as amended, was added to the Bill.

Clause 1 was added to the Bill.

Mr. President: The question is :

"That this be the Title and Preamble of the Bill."

The Honourable Sir Brojendra Mitter: Sir I beg to move:

"That in the long title the words and figures 'and to amend the Indian Tariff (Cotton Yarn Amendment) Act, 1927', be omitted."

The motion was adopted.

The Honourable Sir Brojendra Mitter: Sir, I beg to move:

"That in the Preamble, the words and figures 'to amend the Indian Tariff (Cotton Yarn Amendment) Act, 1927', be omitted."

The motion was adopted.

The Title and Preamble, as amended, were added to the Bill.

The Honourable Sir George Rainy (Member for Commerce and Railways): Sir I move that the Bill, as amended, be passed.

Pandit Madan Mohan Malaviya: Sir, I rise to offer once more, and for the last time, my opposition to the Bill which is before the House. It is not necessary, Sir, to take up the time of the House in expressing that opposition. Arguments have been exhausted, but they have been lost upon the Government. I have been a Member of the Imperial Legislative Council and of the Legislative Assembly for twenty years, excepting the period of the first Assembly, and I have never known the Government adopt a more unreasonable attitude than they have adopted on this occasion. I feel, Sir, that while we have tried to work the constitution, even though it is defective and unsatisfactory, the performance of the Government today in connection with this Bill has carried us to the utmost limit. The action of the Government in disregarding the fiscal autonomy convention, and in not thankfully acting on the opinion with which you helped them today, has shown, Sir, that it is not only no use staying here to discuss the third reading of the Bill, but that we shall be guilty of not emphasising our protest to the utmost extent we can by continuing to take part in any further discussion. The voting has shown that those who think that they have won have lost. Sixty votes were recorded for the Government on the first motion. Twenty six among them were officials, paid servants of the Government. If you eliminate 26, only 34 Members voted against my amendment. On the other hand forty-four non-official Members have recorded their votes for it. On the second voting too, of the 62 votes recorded for Mr. Chetty's amendment, eliminating 26 officials, there were only 36 in favour of it while there were still 42 votes of non-official Members recorded against that amendment. Those who think that the Government have won, may flatter themselves with that belief, but they have actually lost. Those on this side, who have lost by the counting here, have gained; of those who have voted for the Government proposal, many have done so under a sense of coercion and the country will know that this Bill has not been passed by the free vote of the Assembly. (Hear, hear, and applause.) I consider, Sir, that, at this time when the country is passing through a very serious crisis, when there is a good deal of suffering throughout the country, when from all directions we hear stories, sad tales of the sufferings which the people are undergoing, the action of the Government in imposing this heavy burden upon the consumer is utterly unjustified. I still hope that there is some authority which might help the Government to avoid walking in the path of evil. But I do not know whether that hope will be realised

[Pandit Madan Mohan Malaviya.]

or not. And we feel, Sir, that having made our strongest protest, having done all that we could by way of argument to convince the Government of the injustice of their proposal after having done all that we could to record our strong conviction that the Government are acting wrongly, I feel, Sir, that it would be a sin on my part to continue to take any further part in the discussions over this Bill. We therefore retire and leave it to the Government and its supporters to pass the Bill.

(The Members of the Nationalist Party accordingly left the Chamber.)

Mr. President: The question is:

"That the Bill be passed."

Diwan Chaman Lall: I wish to say just one word. I want to clear the position that I have taken up in this matter.

Mr. President: If every Honourable Member wishes to clear his position . . .

Diwan Chaman Lall: I am only exercising my right to speak.

Mr. President: If the Honourable Member wants to exercise his right, I cannot prevent him.

Diwan Chaman Lall: All that I wish to submit is this. I have from the beginning held that the House, constituted as it is to-day, has no right to impose this additional burden upon the consumer in the manner in which this House has arrogated to itself the right to do so. I wish to state categorically that the votes some of us, who do not believe in protection, have given on Pandit Madan Mohan Malaviya's amendment, were for the definite purpose of making an attempt to wreck this Bill. We have not succeeded in doing that and I and my party endorse every word that Pandit Madan Mohan Malaviya has uttered. We will follow the lead that he has given and we have therefore decided to take no further part in the proceedings as far as this Bill is concerned.

(The Honourable Member with Members of the New Swaraj Party then left the Chamber.)

Mr. President: The question is:

"That the Bill be passed."

The motion was adopted.

THE SILVER (EXCISE DUTY) BILL.

The Honourable Sir George Schuster (Finance Member): Sir, I beg to move:

"That the Bill to provide for the imposition and collection of an excise duty on silver be taken into consideration."

This House is already aware of the purpose and genesis of this Bill, which is clearly explained in the Statement of Objects and Reasons. I therefore feel that no explanation from me is required.

The motion was adopted.

Clauses 2 to 6 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir George Schuster: I move that the Bill be passed.

Mr. President: The question is:

"That the Bill be passed."

Mr. W. S. Lamb (Burma: European): Sir, you seem very anxious, and Honourable Members too are anxious, to adjourn now. But I think it is right that I should occupy some few minutes at least to speak up for the producers of silver in Burma, who produce 99 per cent. of the silver made in India. Sir, this Bill gives evidence of what might be described as premature birth, and that is hardly surprising, considering that it was conceived and evolved during the period when my Honourable friend, the Finance Member, was in this House doing all he could to apprehend what Honourable Members had to say about his Budget. As for the Bill itself as I am not a drafter or a lawyer, I cannot say whether it is any better than the Marriage Amendment Bill, to which our Honourable friend, Sir Hari Singh Gour, took considerable exception. But where I think you find evidence that the Bill has not been sufficiently considered, as it should have been, is in the Statement of Objects and Reasons. Sir, in the Statement of Objects and Reasons, you will find it is said:

"If this proposal is accepted, the effect will be to raise the internal price of silver, which will give a corresponding bounty to local producers of silver on so much of their output as is sold in India."

Now, Sir, I suggest to the House that there is, in that remark, evidence that the proposition has not been so carefully considered as it should have been, for, if the Honourable the Finance Member, or his Department, had only taken cognisance of the fact that a good deal of silver was produced in India, they would have discovered that this Company, to which they refer, has sold every single ounce of its production of silver in India, no doubt to the very considerable benefit of trade and commerce in India. Now I venture to suggest that, if the Honourable the Finance Member had been aware of this fact, he would have considered whether this Company, from whom he proposes to take Rs. 18 lakhs, was entitled to special consideration. I do not ask for what Honourable Members might call protection; all I want for this Company is a square deal.

Now, Sir, the situation is such as India has never seen before. We have the spectacle of the Government of India, with large stocks of silver which they are desirous of selling, and selling it in a market which they control, possibly to the loss of the indigenous producer. If Honourable Members remember the history of the silver duty, on a previous occasion when there was a duty, the production of silver in India was negligible; now it is no longer negligible. At the same time, it is not of such a large quantity that, being sold in India, it can have any real effect upon the price in India. We are aware, I think, that during last year the Government of India sold some 30 million ounces of silver. Now we have the declaration of the Honourable the Finance Member that their policy will be to make future sales in India—it may be 30 million ounces, it may

[Mr. W. S. Lamb.]

be 40 million ounces, I am not very well acquainted with these matters, but as they had a big sale last year of 30 million ounces, one may assume that they are going to sell very considerable quantities in years to come. Well, I suggest, Sir, that there is no certainty that this Company which will be called upon to pay this 4 annas per ounce, which comes to Rs. 18 lakhs, to the Government of India—there does not appear to be any certainty that the Company will, in the selling price, secure the full amount. Here we have the Government of India with stocks which they are selling, stocks of course upon which they have not got to pay this 4 annas, and there seems at least to be a possibility—I do not know to what extent with the limited knowledge I have, I cannot put it more strongly than that—but I believe there certainly is the possibility that the price the Company secure will fall short of the London price *plus* 4 annas. It may occur to the Honourable the Finance Member and to the Finance Department to say that, if the Company is meeting a loss in India, they can of course go and sell elsewhere; but as I have pointed out, here is a Company which has up to the present sold every ounce of its production of silver in India; it is a Company established in India, registered in India with rupee capital, a Company which pays many lakhs yearly in the shape of royalty to the Provincial Government, which makes great purchases locally, and pays large sums in wages, income-tax, royalty and other things such as police. During the last completed year the Company paid thus well over Rs. 2 crores. Therefore I suggest to this House and to the Honourable the Finance Member that this is truly an Indian Company and that it will be quite unfair and improper to suggest that, "If you are not satisfied with things as they are in India, you ought to go elsewhere". It seems to me that they are entitled to that much consideration that they should be held to be entitled to continue to sell their production of silver in India. As I have said, Sir, I am not suggesting, at this minute, that they require protection; possibly in the years to come that is a question which may have to be considered, for they have lost money, I may say, in the three months to the end of December 1929, they had sold silver at an average of 22d.; the price now is 19d.; each penny of fall in the price of silver means a difference in the Company's revenues of £30,000. If you put it in annas, a fall of one anna in revenue means Rs. 6 lakhs. It is not only silver that is depressed; all other metals are depressed, and naturally the silver market and other markets, being in the condition they are now, naturally the Company view with very considerable, if not grave, concern, this imposition of an additional Rs. 18 lakhs to add to the royalties, income-tax and super-tax.

Sir, I trust that I have the sympathy of the House, and I desire to have from the Honourable the Finance Member a clear statement of his appreciation of the situation of this Company. That is, I should like from him a promise that, after reviewing the situation and the course of the market for silver in India during the first year he will consider with sympathy, real sympathy, any representations which the Burma Corporation may feel it proper to submit to him.

The Honourable Sir George Schuster: Sir, I think my Honourable friend is under some confusion on this matter, in regarding this duty as representing a burden of Rs. 18 lakhs on the company; rather I should say

the Rs. 18 lakhs, if a sufficient quantity of silver is produced by the Company and sold in India, will be paid by the consumer, just in the same way as the import duty falls on the consumer. The main point is brought out if one looks at the other alternative, that is to say, if we did not impose this silver excise duty, we should be conferring upon that Company a very substantial bonus. Whether the amount of that bonus would be exactly equivalent to the amount of the duty is a matter for experience to show, but at present the evidence before us is that the internal price of silver has improved practically to the extent of the duty. I am afraid, Sir, I can offer my Honourable friend no more than sympathy. I do not feel that at present he has established any case for special treatment, but if real hardship could be demonstrated or a case made out for an inquiry by the Tariff Board, then of course it would always be open to him to put up a proposal to the Government. But at present, Sir, I have no option but to proceed with the Bill and to ask this House to pass the Bill.

Mr. President: The question is:

"That the Bill be passed."

The motion was adopted.

THE INDIAN COMPANIES (AMENDMENT) BILL.

The Honourable Sir George Rajny (Member for Commerce and Railways): Sir, I move that the Bill further to amend the Indian Companies Act, 1913, for certain purposes, as reported by the Select Committee, be taken into consideration. Sir, I explained the object of this Bill pretty fully at the time when I moved its reference to Select Committee. The Bill has come back from the Committee with certain minor amendments in drafting, but with no changes of substantial importance. In these circumstances, Sir, I do not think I need take up the time of the House by making a long speech in making this motion.

Mr. President: The question I have to put is:

"That the Bill further to amend the Indian Companies Act . . ."

Mr. Vidya Sagar Pandya (Madras: Indian Commerce): Sir, I want to make a few observations on the Bill

Mr. President: Has he any amendment to move?

Mr. Vidya Sagar Pandya: I have an amendment, but I now want to speak on the Bill itself. I will take half an hour.

Mr. President: Take one hour if you please.

Mr. Muhammad Yamin Khan (United Provinces: Nominated Non-Official): When the Honourable the Leader of the Opposition and his Party walked out, they said that they did not want to take any further part in the Tariff Bill, but they did not say that they did not want to take any part in the other Bills

Mr. President: They can come in; I have no objection.

Mr. Muhammad Yamin Khan: I find there are certain amendments . .

Mr. President: Any matter that is controversial will be postponed.

Mr. Muhammad Yamin Khan: There is Mr. Aney's amendment* on this Bill.

Mr. President: I understand Sir Hugh Cocke is going to move a similar amendment. Am I right?

Mr. Muhammad Yamin Khan: But the House will be deprived of the views of the Members who have withdrawn from the House.

Mr. President: Order, order; I can't help it.

Mr. Vidya Sagar Pandya: Sir, first of all, let me express my thanks . .

Mr. Jehangir K. Munshi (Burma: Non-European): Sir, I espy two strangers in the House—I mean on the Nationalist Benches. I do not know whether it is in order for my Honourable friend, Sir Cowasji Jehangir and Sir C. P. Ramaswami Ayyar to continue to sit on the Nationalist Benches after the Nationalist Party has walked out of the Chamber. (Laughter.)

Mr. President: They are the seats allotted to the Honourable gentlemen by the Chair.

Mr. Vidya Sagar Pandya: Sir, let me express my thanks to the Honourable the Commerce Member for having brought in this Bill at this Session. His original idea was to circulate the Bill for public opinion, and if he had done so, it would have taken a much longer time, and much valuable time would have been lost for bringing this very useful reform into practice. As such, the thanks of the accountancy profession and the auditors in India are due to the Honourable Sir George Rainy for having brought up this Bill at this Session. My only regret is that, instead of bringing the Bill at the beginning of the Session, when it would have received better attention, it has been brought at the fag end of the Session, and especially at a time when almost all Members on one side of the House are absent. Now, to proceed further, I may say the Indian Companies Act was passed in 1913, but the subject of forming an autonomous body of Chartered Accountants in India has been delayed so long. Originally it was intended that this matter should be brought up much earlier, but now it is hoped that, when the Bill becomes an Act, action will be taken early enough after it is passed, and that no undue delay will take place in drafting the rules and setting up the machinery to work out the details, and that when the draft rules are framed, the Government will not depart from the original good intentions to make the scheme a success and bear in the mind the views of the Indian Societies of Accountants and Auditors in India and of other public commercial bodies who have been consulted in the matter.

Then, Sir, the measure is said to be to prepare way for advance towards the ideal system of an autonomous Association of Accountants as stated

*"That for the second proviso to sub-clause (1) of clause 3 the following be substituted :

'Provided further that any person residing in India on the date of the commencement of this Act who immediately before such date was entitled to be appointed and to act as an auditor of companies throughout British India shall, subject to the provisions of this Act and the rules made thereunder, be eligible for enrolment on the Register of Accountants referred to in sub-section (2A) of section 144 of the Indian Companies Act, 1913.'

in the Statement of Objects and Reasons. I hope the Government of India will not lose sight of it. In the case of similar other professional Associations, such as Medicine, Law, Engineering, etc., they do not admit any persons other than those who belong to the profession in forming a Board. In this instance also, though I realise the difficulties of the Honourable Sir George Rainy in the matter, I hope Government will not lose sight of this point, but progressively introduce more and more Members on All-India and Local Accountancy Boards elected out of the registered accountants and auditors within the near future, to convert it entirely into an Indian institution of Chartered Accountants and Auditors.

Now, Sir, regarding the clauses of the Bill, I have received certain telegrams and representations from several Societies of Accountants in Bombay, Lahore, Madras, and the Southern India Chamber of Commerce. I shall not weary the House with any long quotations, but I will read out only a few of them. At an informal meeting of Accountants practising in Lahore, held on Wednesday the 5th March, the Bill was considered with the following results:

- (1) The Bill was approved in general terms, and it was noted specially that the ultimate aim was an autonomous Association of Accountants in India.
- (2) Exception was taken to the provisions of section 2A (e). Primarily it was considered that the Indian Accountancy Board should include no persons other than those who would be eligible for registration under the Bill, but if this suggestion be not acceptable, as an alternative, it was considered that the period for which any persons not eligible for registration under the Bill should be appointed to, and remain members of, the Board, should be limited to the first term of the Board's existence.

Then I come, Sir, to the Resolution passed at the meeting, held on the 15th instant, of the Society of Auditors in Madras, who considered the Report of the Select Committee, and they state thus:

"(1) That this society is of opinion that the proposed proviso to section 2 (2) (b) of the amending Bill, 'Provided that nothing contained in such rules shall preclude any person from being granted a certificate merely by reason that he does not practise as a public accountant' be dropped as the Indian Accountancy Board alone when constituted will be in a better position to consider this question if there should be any distinction between practising and non-practising accountants and the proviso if enacted would preclude the consideration of this question by that Board."

"(2) That this Society is of opinion that, in the interests of the profession generally, there should not be two classes of auditors and therefore persons holding restricted certificates should also be brought on the said register and under the same control."

Then comes a telegram from the Restricted Certificate Holders from Madras, who wire as follows:

"Auditors holding restricted certificates are now leading practitioners in several provinces. Please press their claims in Assembly for equal privileges with Government Diploma Holders."

Then comes a telegram from the Southern India Chamber of Commerce, Madras:

"Companies Bill considered. Non-practising Accountants to be covered by rules and omitted in statute. Discrimination against registered Auditors to be omitted."

This is the reason, Sir, why I have tabled an amendment, and on that I shall speak later on.

[Mr. Vidya Sagar Pandya.]

For the present, I may say that I am glad that some of the suggestions made by the Indian Society of Accountants and Auditors, Bombay, have been adopted by the Select Committee, but the restricted Accountants have not been allowed to be enrolled on the Register of Accountants as urged by them as well as by other bodies.

The Society of Indian Accountants and Auditors urge the following points for the consideration of Government: (1) Under the Bill the Governor General in Council will grant recognition as heretofore to the members of such non-Indian bodies of accountants and auditors as he chooses, and thus enable them to act as auditors of companies throughout British India. This recognition has been given for the last more than fifteen years to six British bodies of professional accountants, and it may safely be presumed that it will be given once again to these bodies under the new Act. Thus, the members of those bodies enjoy certain rights and privileges in India under Indian laws which they do not seem to enjoy at present in the same way in the other parts of the British Empire or elsewhere and do not enjoy even in the United Kingdom by reason of their membership of such recognised Societies. It is not at all objected that members of any reputable non-Indian body of professional accountants and auditors may enjoy in India the privileges enjoyed by the other members of the accountancy profession in the country. If, however, recognition is to be granted to these bodies, or any other body of accountants under the new Act, then it is incontrovertible, that Government should first insist, that these non-Indian bodies of accountants, who seek recognition in India, shall not once again pass over, under some excuses, the just and reasonable claims of Indian students and Indian accountants and auditors, trained and qualified in India, for getting due reciprocity of treatment and recognition and proper educational facilities as are being given by these bodies to the nationals of the other parts of the British Empire. With this end in view it is suggested that an unequivocal assurance be given by the Government on the floor of the House now, when the Bill has come up for discussion before it, that the Governor General in Council shall grant recognition only to the members of such reputable bodies of accountants and auditors as would give due reciprocity of treatment and recognition, and proper educational facilities to Indian students and Indian accountants and auditors trained and qualified in India as far as the same can possibly be given under their Acts, charters, articles, rules, bye-laws, etc. It will be admitted that such a demand for reciprocity of treatment is quite fair and reasonable.

The second point is this. Under the Bill in question, the names of those persons who at present are eligible to act as auditors of companies throughout or any part of British India, will be enrolled on the proposed register of Accountants when it is first opened, and auditors' certificates will be issued to them as laid down in the Bill. As to the future, however, it is quite necessary that entrance to the accountancy profession in India should be given only to those who pass the test prescribed by the Governor General in Council, or who have obtained a qualification which has been formally recognised by the Governor General in Council, or who have obtained a qualification which has been formally recognised by the Governor General in Council under the rules to be framed by him as equivalent to the prescribed test. Government have, however, been given a hint in the draft scheme which they have prepared and on which they invited public opinion some time ago that the proposed Indian Accountancy Board shall be free to admit any person they like to the profession in future, even though he

may not have passed the prescribed test, or may not have obtained a qualification which is recognised by the Governor General in Council as equivalent to the prescribed test. It can be easily understood that such a procedure may lend itself to many undesirable results which may have an adverse effect on the efficiency, status and morale of the accountancy profession in India. Moreover, in the interests of the public, it is quite desirable that those whose names will be enrolled on the proposed Register of Accountants should be persons who have passed some recognised professional tests of a high standard which would enable them to discharge their onerous duties as auditors with confidence and in the best interests of the public and their clients. Nobody can have a reasonable objection if an aspirant to the profession has passed a test which is publicly recognised in India by the Governor General in Council under the rules to be framed by him. What is strongly opposed by the Accountancy profession is that the proposed Indian Accountancy Board should have any unrestricted power in its hands which would leave it free under the patronage of the Governor General in Council to discriminate individually between persons and persons who may desire to enter the profession. It is for these reasons that an assurance should be given by the Government on the floor of the House now that under the proposed scheme nothing shall be done which would enable an unqualified person or persons with dubious qualifications to enter the accountancy profession in India by the back door.

The third point which is more important is this. The proposed scheme under the Bill in question for the regulation of the profession of accountants and auditors in India is only a transitional one, the goal being the establishment in India of a strong autonomous body of accountants and auditors as they have in the United Kingdom, in the British Dominions, in the United States of America and in other European countries. The arrangements that are in vogue at present for the training of auditors in India came into existence after the commencement of the Indian Companies Act, 1913, and they were meant to be revised after five years' trial. Yet it took approximately fifteen years for the Government of India to do the needful in the matter, and that too in spite of the unanimous report of the External Capital Committee and the persistent demands of the commercial community and the accountancy profession in this direction. If the proposed arrangements under the Bill are to be transitional, and if India is to have its own autonomous body of Chartered Accountants and Auditors at an early date, then it is very necessary that after a period of five years' trial, the whole question of regulating the professional of accountants and auditors in India should be re-examined by a representative committee mainly consisting of persons having special knowledge of the profession of public accountants and auditors in India. Hence an assurance should be given by the Government on the floor of the House that after a lapse of five years they would appoint a representative committee to review the whole question.

So much as regards the representations which I have been asked to press in this House in connection with this matter. Now, I would not like to take much time of the House. I have I am afraid already wearied the House by reading long extracts. All I need say is that nothing should be done to give preference to any non-Indian society, or to slacken the control of the Indian Accountancy Board on the members of any non-Indian body of professional accountants, for such laxity will prove fatal to the public interest and undermine the authority of the Indian Accountancy Board to enforce discipline on all auditors without discrimination.

5 P.M.

[Mr. Vidya Sagar Pandya.]

Then, Sir, under the scheme proposed by Government there is the question of representation of the various provinces on the Indian Accountancy Board. I am not quite satisfied with that. I hope Government will give due representation to the various provinces. Under the scheme Bombay and Bengal get too much representation on the Board. Of course we have to realise their importance and take into consideration the number of joint stock companies and other commercial or business concerns that are working in these places. But the representation for Madras and especially for Northern India on the Indian Accountancy Board is very scanty.

Finally, I will say that the majority of members of the All India Accountancy Board and the Local Boards should be Indians who are not under the thumb of any foreign body of accountants. Under the old system of general permission to the members of certain recognised foreign societies, as I had occasion to point out to the Government of Madras, certain undesirable persons, who represented themselves as members of those bodies, were allowed to practise in India. Take for instance the legal profession. Even if a man has qualified himself as a barrister, he has to enrol himself in the High Court, but there is no such thing in the case of the members of these recognised non-Indian societies, with the result that, in Madras, we came across one or two instances in which certain Europeans passed off as members of the societies and there was no power reserved in the Indian Companies Act to prevent them from practising in India. When they were asked to produce the certificates of membership they said they had lost the original certificates, and in spite of their failure to produce credentials, they were allowed to practise, with the result that the bodies in England could not, owing to distance, take any disciplinary action against such persons practising as auditors in India. At the same time, Government had not retained any powers in their hands to disqualify them from practising. The Government could not take any disciplinary action against these persons simply because they were members of those bodies and they were thus free to practise though it was possible for the Government to take action against the other persons and they did take action against those who were given certificates by the Local Governments. In the case of the Members who belong to these non-Indian recognised societies the Government had absolutely no control. I hope, in framing the rules, the Government will at least now bear in mind that nothing is done which will give any undue prominence to any members of non-Indian societies who are practising in India. With these remarks I once more thank the Honourable Sir George Rainy for his having brought up the Bill for the consideration of the House in the present Session and not sending it for circulation for public opinion.

The Honourable Sir George Rainy (Member for Commerce and Railways): I wish to say only two sentences. I thank the Honourable Member for what he has said about myself, but the real thanks are due to Sir Charles Innes rather than to me, because it was in his time that most of the spade-work was done. The Honourable Member has asked me to give him, on the floor of the House, a number of assurances. I am afraid the only assurance I can give him is that everything that he has said will be fully considered at the time when we are framing the rules. I cannot do more than that, because I am bound, if the scheme of the Bill is accepted by the House, to act mainly on the advice of the Accountancy Board, and I cannot now give pledges that would tie my hands as regards

the future. I have, however, no reason to apprehend that the Accountancy Board will give the Government of India advice which the Honourable Member would not consider to be a good advice.

Mr. President: The question is:

"That the Bill further to amend the Indian Companies Act, 1913, for certain purposes, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Mr. President: The question is:

"That clause 3 stand part of the Bill."

Sir Hugh Cocks (Bombay: European): Sir, there are two amendments on the paper in connection with this clause, Mr. Aney being called away and Mr. Vidya Sagar Pandya does not desire to move his amendment.

Mr. Vidya Sagar Pandya: May I just interrupt my Honourable friend. I had a talk with the Honourable Mr. Aney, and he said he would withdraw his amendment, and he would be very glad to allow me to move my amendment, which is more comprehensive. I hope my friend, Sir Hugh Cocks, will permit me to move my amendment.

***Sir Hugh Cocks:** It is not for me to prevent the Honourable Member, but my amendment is an amendment which has been drawn up in consultation with Government and is supposed to include his. I therefore propose, with your permission, Sir, to move it. It runs as follows:

"For the second proviso to sub-clause (1) of clause 3, the following be substituted:

'Provided further that any person who—

- (a) was entitled immediately before the commencement of this Act by reason of any such certificate or declaration to be appointed and to act as an auditor of companies throughout British India, and (b) has at any time, after he became so entitled and before the commencement of this Act, resided in India,

shall, if he possesses such qualifications as to good character and on payment of such fee as may be prescribed under clause (b) of sub-section (24) of section 144 of the Indian Companies Act, 1913, be entitled to be enrolled on the Register of Accountants referred to in that sub-section."

The alteration between the proviso in the Bill, as inserted by the Select Committee, and this proviso is mainly verbal and I do not wish to say any more.

Mr. Vidya Sagar Pandya: Sir, we have not got a copy of the amendment moved by Sir Hugh Cocks.

(The Honourable Member was supplied with a copy.)

Mr. President: Does any Honourable Member wish to speak on this amendment?

(No Honourable Member rose to speak.)

The Honourable Sir George Rainy: I would suggest, Mr. President, that if Mr. Vidya Sagar Pandya is going to move his amendment, it might be perhaps convenient to have it moved so that we may have one discussion on both the amendments.

Mr. President: I was waiting to see if he would like to move his amendment.

Mr. Vidya Sagar Pandya: Sir, I beg to move my amendment which runs as follows:

"For the second proviso to sub-clause (1) of clause 3 the following be substituted:
 "Provided further that any person residing or practising in India on the date of the commencement of this Act who immediately before such date was entitled to be appointed and to act as an auditor of companies throughout British India or within a province in British India shall, on payment of any fee prescribed under clause (b) of sub-section (2A) of section 144 of the Indian Companies Act, 1913, be eligible for enrolment on the Register of Accountants referred to in that sub-section."

Now, Sir, in pressing my amendment, I have to bring to your notice that a representation has been made on this matter to the Government by the Society of Accountants and Auditors of Bombay. I will only read a small portion of it, which pertains to my amendment. It runs thus:

"It is however felt that the newly inserted proviso is so worded that not only that all those auditors who are already qualified for the profession in India shall be enrolled on the proposed Register of Accountants when it is first opened, but even such persons who at the date of the commencement of the proposed Act cannot be auditors of public limited companies in India but who on some future date may become members of some non-Indian bodies of accountants (over which the Indian Legislatures or Government have no control whatever) shall *ipso facto* be entitled to enrolment on the proposed Register of Accountants on the ground that persons of their class were entitled in the past under a declaration made by the Governor General in Council in 1914 to act as auditors of companies throughout British India. It is also doubtful whether owing to the present wording of the proposed proviso the name of any miscreant who happens to be a member of a recognised non-Indian body of professional accountants can be refused by the proposed Indian Accountancy Board for enrolment on the proposed Register of Accountants in spite of his professional misdemeanour, or owing to any substantial reason in the interests of the public. In short, the proviso in question as at present worded is likely to put the members of some non-Indian (British and other) bodies of accountants out of the effective control of the Government of India or the proposed Indian Accountancy Board. Surely that would amount to the negation of the fundamental principle of the Bill which seeks to bring all auditors under the direct and effective disciplinary control of the Governor General in Council and the proposed Indian Accountancy Board. Under the existing provisions of section 144 (1) of the Indian Companies Act, 1913, the Governor General in Council is authorised to give, withdraw or withhold recognition, at his discretion to any non-Indian institution or association, whereas under the proposed proviso it is sought to establish by the Act itself that all the present and would-be members, including even those yet unborn, of the six non-Indian bodies of accountants that have hitherto been recognised by the Governor General in Council shall have a perpetual statutory right to be enrolled on the Register of Accountants. Such an extraordinary step is without any parallel among the legislative measures so far enacted to regulate the accountancy profession in various countries of the world where foreign bodies of accountants are recognised, if at all, only under the rules or bye-laws framed under the provisions of the relative Acts or charters. In this country too members of institutions or associations of accountants have been recognised so far under the rules framed under the Indian Companies Act, 1913, and it is very desirable in the interests of the public and the profession alike that the same procedure be followed in future whenever necessary. It is not at all objected that the members of a reputable non-Indian body of accountants and auditors may have the same privileges in India as the other members of the accountancy profession who are educated and trained in the country itself. It however appears from the wording of the proviso as if it is sought to create perpetually a vested interest in the accountancy profession in India for all those who are at present, or who may become even in remote future, members of any of the six recognised British and other bodies of professional accountants. The proviso as at present inserted in the Bill is likely to deprive Government and the public in this country of their legitimate right to enforce without any hindrance a high standard of qualification, discipline and conduct on all professional accountants and auditors in India because it purports to enact that members of certain non-Indian bodies of professional accountants and auditors over which Government or the legislatures in this country have no direct control whatever, shall always be enrolled *ipso facto* on the proposed Register of Accountants. Such an extraordinary provision in the Act is against the ideal of the whole

measure, namely, the creation in India at an early date 'of an autonomous association of accountants able to assume complete responsibility for the maintenance of the requisite standard of professional qualification, discipline and conduct of its Members.'

Thus, Sir, those persons who at present hold only restricted certificates will go out of it as such, but they should be allowed to enrol on the Register of Accountants just like any other persons at present entitled to act as auditors of companies throughout British India.

The Honourable Sir George Rainy: Sir, I should like to explain as regards the amendment moved by my Honourable friend Sir Hugh Cocke, that, after the submission of the Report of the Select Committee, Mr. Aney, Sir Hugh Cocke and the Society of Accountants which has been mentioned, drew the attention of the Government to the fact that this new proviso to sub-clause (1) of clause 3 of the Bill did not fully carry out its object and that there were certain defects in it. In particular it was pointed out that there was a possible interpretation of the proviso by which any one who might in future become a member of one of the institutions and associations now notified would be entitled to enrolment in the Register of Accountants. That was not at all our intention, and as soon as we realised that that was so, we agreed that steps must be taken to put it right.

The second point is the one mentioned by my Honourable friend, Mr. Vidya Sagar Pandya, namely, that, under the proviso as it stands in the Bill, and as submitted by the Select Committee, a person who held an unrestricted certificate, or who was a member of one of the notified institutions, would be entitled to enrolment on the register, even though he might be considered undesirable on account of his past record, for definite reasons. In that respect also it was thought that steps should be taken to put the matter right.

In the third place, a member of a notified institution would be entitled, under the proviso as it stands, to enrolment, even though he had never been in India at all and that obviously is not the intention of Government. We believe that the proviso, as it has been drafted in the amendment of Sir Hugh Cocke, puts these three matters right, and in so far as it does so, I have no doubt that it will have the support of my Honourable friend Mr. Vidya Sagar Pandya. But in two respects he goes further. I am not quite clear that I understand fully his reasons for one of the changes. Whereas the Select Committee said, "shall be entitled to be enrolled" the words used in his amendment are "shall be eligible for enrolment". I do not know whether anything particular depends upon them, but I have no doubt in my own mind myself that, after a great deal of discussion in the Select Committee, the phrase "entitled to be enrolled" was adopted for definite reasons. Finally the difference between Mr. Pandya's amendment and the amendment of Sir Hugh Cocke is this, that Mr. Pandya wishes that there should be included a provision in the Bill by which those auditors who hold only restricted certificates, that is who can only practise in a particular province and not throughout India, should be eligible for enrolment on the register and for the grant of certificates which would be in force throughout India. I am afraid the Government of India cannot accept that amendment, because the reason why these men hold only restricted certificates at present is that they are not considered to possess the qualifications which, if they are to practise throughout India, they should possess. They will not be debarred from practising altogether.

Mr. Vidya Sagar Pandya: In the scheme which the Government circulated for opinion, it was suggested that all those persons who hold restricted auditors' certificates have their certificates made permanent instead of being renewed periodically.

The Honourable Sir George Rainy: The matter was very fully considered and the decision we arrived at was that, under the Bill, it will be possible to make arrangements for each of the men who hold restricted certificates to continue the work as auditor in the province for which he holds the certificate. We came definitely to the conclusion that it was not right that he should be enrolled in the Register and then granted a certificate which would enable him to practise throughout British India. I am afraid that, on that point, I cannot agree with my Honourable friend. It is for that reason mainly that, while I am quite ready to accept the amendment of my Honourable friend Sir Hugh Cocke, I am afraid I cannot accept the amendment moved by Mr. Vidya Sagar Pandya.

Mr. Vidya Sagar Pandya: May I read that portion of the Government statement in the matter which is relevant to the discussion?

Mr. President: Order, order. The Honourable Member has no right of reply.

Mr. Vidya Sagar Pandya: Only to correct the Honourable Member in what he has said.

Mr. President: The Honourable Member does not need any correction.

The question is:

"That for the second proviso to sub-clause (1) of clause 3 the following be substituted:

"Provided further that any person residing or practising in India on the date of the commencement of this Act who immediately before such date was entitled to be appointed and to act as an auditor of companies throughout British India or within a province in British India shall, on payment of any fee prescribed under clause (b) of sub-section (2A) of section 144 of the Indian Companies Act, 1913, be eligible for enrolment on the Register of Accountants referred to in that sub-section."

The motion was negatived.

Mr. President: The question is:

"That for the second proviso to sub-clause (1) of clause 3 the following be substituted:

'Provided further that any person who—

(a) was entitled immediately before the commencement of this Act by reason of any such certificate or declaration to be appointed and to act as an auditor of companies throughout British India, and (b) has at any time, after he became so entitled and before the commencement of this Act, resided in India,

shall, if he possesses such qualifications as to good character and on payment of such fee as may be prescribed under clause (b) of sub-section (2A) of section 144 of the Indian Companies Act, 1913, be entitled to be enrolled on the Register of Accountants referred to in that sub-section."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir George Rainy: Sir, I beg to move that the Bill, as amended, be passed.

Mr. Fazal Ibrahim Rahimtulla (Bombay Central Division: Muhamadan Rural): Sir, I would like to say a few words even at this late hour. I might inform the Honourable the Commerce Member

Mr. President: Do.

Mr. Fazal Ibrahim Rahimtulla: that when he considers the question of the reconstitution of the Board after nomination, he will consider the question of giving representation to the Bombay Shareholders Association. I had drawn the attention of the Honourable the Commerce Member to this point at the meeting of the Select Committee and now that the Bill is about to be passed, I wish to put it on record that, when Government, after the fixed period to which the Select Committee has agreed, constitute on an elective basis, a certain Central Local Advisory Board, he will consider the question of giving representation to the Bombay Shareholders Association. That is a body which has taken a very keen interest in this question, and I think, Sir, representation to that body would prove useful even from the point of view of Government. We want independent critics, and those who have made a special study. Both these tests will be adequately filled if my suggestion is accepted.

The Honourable Sir George Rainy: I will certainly consider that fully. The facts are not present to my mind at the moment and therefore I cannot say more than that.

Mr. President: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

THE INDIAN INCOME-TAX (AMENDMENT) BILL.

(AMENDMENT OF SECTIONS 2, 28, ETC.)

The Honourable Sir George Schuster (Finance Member): Sir, I beg to move:

"That the amendment made by the Council of State in the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes (Amendment of sections 2, 23, etc.) be taken into consideration."

Sir, the amendment made by the Council of State is on a purely technical matter. A certain confusion arose because we had two Bills dealing with the subject of income-tax, both of which set out to amend section 66 of the Indian Income-tax Act, and as the two Bills were originally drafted, the amendments were not mutually conflicting. But in the course of the passage of one of the Bills in this Assembly a slight amendment was made in the amending section, and that made one of the sections inconsistent with the other. That error has now been put right in the Council of State and that is the amendment to which reference is made in my motion. Sir, I move.

Mr. President: I shall read the amendment made in the Council of State:

"For clause 11 of the Bill the following clause was substituted, namely:

11. In sub-section (2) of section 66 of the said Act,—

- (a) after the word and figures "section 32", the words and figures "or of a decision by a Board of Referees under section 33A" shall be inserted; and
 (b) after the words "order" in the second and third places where it occurs, the words "or decision" shall be inserted."

The question is that that amendment be adopted.

The motion was adopted.

THE INDIAN INCOME-TAX (AMENDMENT) BILL.

(AMENDMENT OF SECTIONS 14, 25A, ETC.)

The Honourable Sir George Schuster (Finance Member): Sir, I beg to move:

"That the amendment made by the Council of State in the Bill further to amend the Indian Income Tax Act, 1922, for certain purposes (Amendment of sections 14, 25A, etc.) be taken into consideration."

The amendment in this case consisted simply in inserting the word "Second" in the title before the word "Amendment" so as to distinguish this Bill from the Bill dealt with in the preceding motion.

Mr. President: I will read the amendment made by the Council of State:

"In clause 1 of the Bill, for the brackets and word '(Amendment)' the brackets and words '(Second Amendment)' were substituted."

The question is that that amendment be adopted.

The motion was adopted.

THE TRANSFER OF PROPERTY (AMENDMENT) SUPPLEMENTARY BILL.

The Honourable Sir Brojendra Mitter (Law Member): Sir, I beg to move that the Bill to amend the Transfer of Property (Amendment) Supplementary Act, 1929, for a certain purpose, as passed by the Council of State, be taken into consideration.

The Bill is designed to rectify an inadvertent error and an inadvertent omission in the Transfer of Property Supplementary Act of 1929, which were not discovered when that measure was before the Legislature in 1929. The Statement of Objects and Reasons explains the error and the omission.

Sir, I move.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Brojendra Mitter: Sir, I move that the Bill, as passed by the Council of State, be passed.

The motion was adopted.

THE DESTRUCTIVE INSECTS AND PESTS BILL.

Sir Frank Noyce (Secretary, Department of Education, Health and Lands): Sir, I beg to move that the Bill to amend the Destructive Insects and Pests Act, 1914, for a certain purpose, as passed by the Council of State, be taken into consideration.

The necessity for this measure is very fully explained in the Statement of Objects and Reasons and it is unnecessary for me to say more than a very few words. At the time the Destructive Insects and Pests Act, 1914, was passed, the possibility that pests might be introduced into this country by air was naturally not foreseen. The introduction of a regular Air Mail Service has however made this possibility a very real one and in these circumstances it is necessary to close this gap in our defences. The pest that we have particularly in mind is the Mediterranean fruit-fly, which exists not only along the coasts of the Mediterranean, but also in Australia. So India is exposed to attack from two quarters. What it would mean if this pest were once introduced into this country can be illustrated by the experience of the United States of America. The pest has recently been found in Florida, and Congress has had to authorise the expenditure of a sum of no less than 2½ crores of rupees in efforts to eradicate it. Prevention is obviously better than cure, and it is for that reason that this measure has been brought forward.

Sir, I move.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Sir Frank Noyce: Sir, I beg to move that the Bill, as passed by the Council of State, be passed.

The motion was adopted.

RESOLUTION RE PREVENTION OF INDUSTRIAL ACCIDENTS.

Mr. President: I understand the next Resolution standing in the name of the Honourable the Leader of the House will be moved and then he will agree to postpone its further discussion till the next Session.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): If there is any desire to that effect, I am quite willing to do so.

Mr. President: The Honourable Member knows that such a desire cannot be expressed by any one under the conditions in which we are placed. For instance Members like Diwan Chaman Lall and others, who take an interest in it, are not present; and I would suggest to the Honourable Member whether he should merely move his Resolution and then postpone it, so that other Honourable Members may have a chance of giving their views at the next Session.

The Honourable Sir Bhupendra Nath Mitra: I am quite willing to accept that suggestion. But this Resolution was drawn up in consultation with the Standing Advisory Committee on which there is at least one representative of labour. If you will kindly read the Resolution, you will find that it contains a provision that certain things should be done and the matter again brought before the House within 18 months. The more we postpone the passing of the Resolution, the greater will be the delay in taking that action. That is my only point. If anybody had stood up and said that he wanted this discussion to be postponed, I would immediately agree to that. Otherwise Government may be accused of simply postponing the taking of any action.

Mr. President: But Government are postponing it at the suggestion of the Chair.

The Honourable Sir Bhupendra Nath Mitra: If the specific suggestion comes from you, I would not oppose it; because in that case no responsibility would rest with Government. Shall I move it now?

Mr. President: Yes, formally.

The Honourable Sir Bhupendra Nath Mitra: Sir, I beg to move the following Resolution:

"This Assembly, having considered the Recommendation concerning the prevention of industrial accidents and the Recommendation concerning responsibility for the protection of power-driven machinery adopted at the Twelfth Session of the International Labour Conference, recommends to the Governor General in Council that he should examine the possibility of giving effect to the Recommendation concerning the prevention of industrial accidents and that the results of this examination should be placed before this Assembly within eighteen months from this date."

Sir, the Twelfth Session of the International Labour Conference which was held at Geneva in May-June, 1929, adopted *inter alia* the following recommendations:

"(1) Recommendation concerning the prevention of industrial accidents.

(2) Recommendation concerning responsibility for the protection of power-driven machinery."

The full text of these recommendations is contained in a White Paper which was circulated among Members of the Legislative Assembly a few days ago. The Recommendation concerning the prevention of industrial accidents covers a very wide field. It is intended to be applicable, not only to mines and industries involving manufacture, but also to agriculture and to all forms of transport. Certain parts of the Recommendation are not entirely suitable to Indian conditions, and they postulate a degree of organisation and education which Indian workers do not at present possess. Some parts of the Recommendation are in accordance with existing legislation, and certain other parts can be given effect to in India without further legislation, but fresh legislation will be necessary if the Recommendation as a whole is to be adopted. The Government of India intend to consult the Provincial Governments in regard to the possibility of giving effect to the Recommendation as a whole, and to place the result of this examination before this Assembly within 18 months from the date on which this Resolution is adopted by the House.

The second Recommendation, namely, that concerning responsibility for the protection of power-driven machinery, requires that it should be prohibited by law to supply or instal any machine intended to be driven by mechanical power, unless it is furnished with the safety appliances required by law for the protection of machines of that type. There are two main difficulties in India in the way of giving effect in full to the principle embodied in this Recommendation. Firstly, because the bulk of the machinery in use in India is imported machinery and it would be impracticable to enact Indian legislation imposing a penalty on a foreign supplier resident abroad. Secondly, many of the safety regulations relating to machinery are framed by Local Governments under the Indian Factories Act and vary to some extent from province to province. Thus, imported machinery, which would comply with the regulations of one province, may be contrary to the regulations of another province. As far as the employer himself is concerned, the occupier or manager of a factory who does not satisfy regulations imposed in respect of machinery installed in his factory is already liable to a penalty under the existing law. It does not therefore appear that any useful purpose would be served in India by the adoption of this Recommendation. Sir, I move:

Mr. President: "The Resolution moved is:

"This Assembly, having considered the Recommendation concerning the prevention of industrial accidents and the Recommendation concerning responsibility for the protection of power-driven machinery adopted at the Twelfth Session of the International Labour Conference, recommends to the Governor General in Council that he should examine the possibility of giving effect to the Recommendation concerning the prevention of industrial accidents and that the results of this examination should be placed before this Assembly within eighteen months from this date."

Sir Cawasji Jehangir (Bombay City: Non-Muhammadan Urban): I understand that the further discussion of this is to be adjourned. I move formally that the further discussion on this Resolution be postponed till the next Session.

The motion was adopted.

AMENDMENT OF STANDING ORDERS.

The Honourable Sir Brojendra Mitter (Law Member): Sir, I beg to move:

Mr. Jehangir K. Munshi: Sir, may I draw your attention to the fact that there is no quorum?

Mr. President: More than a quorum, I am afraid. Perhaps the mathematics of the Honourable Member are very very defective. There is a quorum for two Houses.

The Honourable Sir Brojendra Mitter: Sir, I beg to move:

"That the amendment to the Standing Orders, as reported by the Select Committee, be taken into consideration."

[Sir Brojendra Mitter.]

Sir, the object of the amendment is to make it possible for more than one Select Committee to sit at the same time and is fully explained in the Report. Sir, I move.

The motion was adopted.

The Honourable Sir Brojendra Mitter: Sir, I beg to move:

"That the amendment to the Standing Orders, as reported by the Select Committee, be passed."

The motion was adopted.

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

The Honourable Sir George Schuster (Finance Member): Sir, I beg to move:

"That the Report of the Public Accounts Committee on the accounts of 1927-28 be taken into consideration."

Sir, this is a subject in which this Assembly has taken a good deal of interest in the past and I think it is regrettable that there should be such a small attendance now when it is put down for discussion.

Mr. President: There is Sir Cowasji Jehangir, who will move an adjournment.

The Honourable Sir George Schuster: I shall be very pleased to accept that motion.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): I beg to move that the consideration of this subject be postponed to the next Session.

The motion was adopted.

DEMANDS FOR EXCESS GRANTS FOR 1927-28.

GENERAL ADMINISTRATION—MISCELLANEOUS.

The Honourable Sir George Schuster (Finance Member): I beg to move:

"That an excess grant of Rs. 231 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1927-28 in respect of 'General Administration—Miscellaneous'."

The motion was adopted.

ADMINISTRATION OF JUSTICE.

The Honourable Sir George Schuster: I beg to move:

"That an excess grant of Rs. 9 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1927-28 in respect of 'Administration of Justice'."

The motion was adopted.

MISCELLANEOUS ADJUSTMENTS BETWEEN CENTRAL AND PROVINCIAL
GOVERNMENTS.

The Honourable Sir George Schuster: I beg to move:

"That an excess grant of Rs. 3,431 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1927-28 in respect of 'Miscellaneous Adjustments between Central and Provincial Governments'."

The motion was adopted.

REFUNDS.

The Honourable Sir George Schuster: I beg to move:

"That an excess grant of Rs. 1,57,481 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1927-28 in respect of 'Refunds'."

The motion was adopted.

COMMUTED VALUE OF PENSIONS.

The Honourable Sir George Schuster: I beg to move:

"That an excess grant of Rs. 1,06,529 be voted by the Assembly to regularise the expenditure chargeable to Capital actually incurred in excess of the voted grant in the year 1927-28 in respect of 'Commuted Value of Pensions'."

The motion was adopted.

LOANS AND ADVANCES BEARING INTEREST.

The Honourable Sir George Schuster: I beg to move:

"That an excess grant of Rs. 6,12,971 be voted by the Assembly to regularise the expenditure actually incurred in excess of the voted grant in the year 1927-28 in respect of 'Loans and Advances bearing interest'."

The motion was adopted.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

The Honourable Sir George Schuster: I beg to move:

"That an excess grant of Rs. 8,08,768 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1927-28 in respect of 'Indian Posts and Telegraphs Department'."

The motion was adopted.

RAILWAYS.

WORKING EXPENSES—ADMINISTRATION.

The Honourable Sir George Schuster: I beg to move:

"That an excess grant of Rs. 20,93,000 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1927-28 in respect of 'Working Expenses—Administration'."

The motion was adopted.

APPROPRIATION FROM DEPRECIATION FUND.

The Honourable Sir George Schuster: I beg to move:

"That an excess grant of Rs. 75,11,000 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1927-28 in respect of 'Appropriation from Depreciation Fund'."

The motion was adopted.

REVENUE—STRATEGIC LINES.

The Honourable Sir George Schuster: I beg to move:

"That an excess grant of Rs. 1,38,000 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1927-28 in respect of 'Strategic Lines'."

The motion was adopted.

NEW CONSTRUCTIONS.

The Honourable Sir George Schuster: I beg to move:

"That an excess grant of Rs. 1,44,80,000 be voted by the Assembly to regularise the railway expenditure chargeable to Capital actually incurred in excess of the voted grant in the year 1927-28 in respect of 'New Constructions'."

The motion was adopted.

OPEN LINE WORKS.

The Honourable Sir George Schuster: I beg to move:

"That an excess grant of Rs. 53,45,000 be voted by the Assembly to regularise the railway expenditure chargeable to Capital actually incurred in excess of the voted grant in the year 1927-28 in respect of 'Open Line Works'."

The motion was adopted.

CAPITAL—STRATEGIC LINES.

The Honourable Sir George Schuster: I beg to move:

"That an excess grant of Rs. 50,000 be voted by the Assembly to regularise the railway expenditure chargeable to Capital actually incurred in excess of the voted grant in the year 1927-28 in respect of 'Strategic Lines'."

The motion was adopted.

Mr. President: Does the Honourable the Finance Member want any more grants?

The Honourable Sir George Schuster: No, Sir.

Mr. President: Has the Honourable the Leader of the House any more Government business to carry out?

The Honourable Sir Bhupendra Nath Mitra: No, Sir.

Mr. President: The time has come when I should adjourn the House *sine die*. Before I do so, I should like to shake hands with each Honourable Member of this House. We do not know whether the next Session will be held or not, and even if it is held, we do not know how many of us will be here. Therefore I should like Honourable Members, one by one, to come and shake hands with me.

(Mr. President shook hands with all the Members present.)

The Assembly then adjourned *sine die*.

CORRIGENDA.

In the Legislative Assembly Debates, Delhi Session, 1930.—

- (1) No. 4, dated the 23rd January, 1930, page 263, line 14 from the bottom (in the subject-heading), for "The Indian Steam-Vessels (Amendment) Bill" read "The Inland Steam-Vessels (Amendment) Bill."
- (2) No. 7, dated the 28th January, 1930, page 305, line 23, for "have not been" read "have not seen".
- (3) No. 15, dated the 13th February, 1930,—
 - (i) page 661, line 11 from the bottom, for "hearsay" read "heresy".
 - (ii) page 668, line 14 from the bottom, for "scare" read "score".
- (4) No. 17, dated the 18th February, 1930, page 745, from the subject-heading, delete the word and brackets "(Amendment)".
- (5) No. 20, dated the 21st February, 1930, page 874, line 18, for "Neither you.....Mr. Aney" read "Neither you nor I suffer, Mr. Aney."
- (6) No. 23, dated the 25th February, 1930, page 1048, line 14 from the bottom, for "diatribe" read "distribute".
- (7) No. 27, dated the 5th March, 1930, page 1253, insert the following footnote :

"For question and answer to starred question No. 443, see pages 1233-84."
- (8) No. 31, dated the 10th March, 1930, page 1524, line 3, for "and subsequently suffered" read "had subsequently suffered."
- (9) No. 33, dated the 12th March, 1930, page 1602, in the subject-heading to starred question No. 513, for "Change for Water Meters" read "Charge for Water Meters".
- (10) No. 38, dated the 20th March, 1930, page 2074, line 9, for "Government of India" read "Gate of India".
- (11) No. 40, dated the 22nd March, 1930,—
 - (i) page 2202, line 7, for "presentation" read "representation".
 - (ii) page 2274, line 17 from the bottom, for "I ask him now" read "I ask him how".
- (12) No. 41, dated the 24th March, 1930,—
 - (i) page 2312, lines 6 and 7 (reply by Mr. G. M. Young to starred question No. 827), for "its value result" read "its value".
 - (ii) page 2395, line 19, for "tool that the" read "tool that he".
- (13) No. 45, dated the 28th March, 1930, page 2637, for the second line from the bottom, read "That would mean nothing short of abdication by the Government of its obligation".

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