

9th March, 1923

**THE
LEGISLATIVE ASSEMBLY DEBATES**

(Official Report)

VOL. III.

(21st February, 1923 to 14th March, 1923.)

THIRD SESSION

OF THE

LEGISLATIVE ASSEMBLY, 1923.



**SIMLA
GOVERNMENT CENTRAL PRESS
1923.**

Legislative Assembly.

The President :

THE HONOURABLE SIR FREDERICK WHYTE, KT.

Deputy President :

SIR JAMSETJEE JEEJEEBHAY, BART., K.C.S.I., M.L.A.

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MAULVI ABUL KASEM, M.L.A.

SIR CAMPBELL RHODES, KT., C.B.E., M.L.A.

SARDAR BAHADUR GAJJAN SINGH, M.L.A.

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Assistants of the Secretary :

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MR. L. GRAHAM, I.C.S.

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

MR. G. H. SPENCE, I.C.S.

Marshal :

CAPTAIN SURAJ SINGH, BAHADUR, I.O.M.

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LEGISLATIVE ASSEMBLY.

Friday, 9th March, 1923.

The Assembly met in the Assembly Chamber at Eleven of the Clock
Mr. President was in the Chair.

MEMBER SWORN:

Mr. Albert Frederick Lucas Brayne, M.L.A. (Finance Department :
Nominated Official).

QUESTIONS AND ANSWERS.

PILGRIMAGE TO HEJAZ AND ERAK.

506. ***Khan Bahadur Saiyid Muhammad Ismail:** (a) Will the Government be pleased to give the total number of pilgrims who went to Hejaz and to Erak, respectively during the years 1921 and 1922 and also to state how many out of them have been stranded for want of sufficient money on their return journey?

(b) Do Government contemplate directing the High Commissioner at Basrah and the Consul at Jedda to afford every facility to every intending Indian pilgrim to the shrines in Mesopotamia and Arabia and to afford them every opportunity of returning back to their respective residences in case they are stranded on account of any unforeseen circumstances?

The Honourable Mr. A. C. Chatterjee: (a) As regards the Hedjaz reference is invited to the reply given to Haji Wajihuddin's question on the same subject on the 5th instant. As regards Iraq information is being obtained and will be communicated to the Honourable Member in due course.

(b) The High Commissioner in Iraq and the British Consul at Jeddah do everything they can to help Indian pilgrims.

Mr. K. Ahmed: Will the Government of India be pleased to give the total number of pilgrims who went to Hejaz or to Iraq and who died, settled down, disappeared or otherwise whose whereabouts are not known at all?

The Honourable Mr. A. C. Chatterjee: I think the Honourable Member will realise that it is impossible for me to give information about people whose whereabouts are not known at all.

Mr. K. Ahmed: Can you give us at least the number of those who have come back to India?

LADY HARDINGE MEDICAL COLLEGE.

507. ***Mr. T. V. Seshagiri Ayyar**: 1. Will the Government be pleased to state:

- (a) whether it is true that the Lady Hardinge Medical College was founded in 1916 on the initiative of Her Excellency Lady Hardinge with the active co-operation of the Director-General, Indian Medical Service, Sir Pardey Lukis,
- (b) and whether with the exception of two members of the Women's Medical Service for India, all the other members of the Governing Body are officials of the Government of India?

2. Will the Government be pleased to state whether it is a fact that the Patron is the Vicereine for the time being and the President of the Governing Body, the Honorary Secretaries and the Honorary Treasurer are all officials either belonging to the Household of His Excellency the Viceroy or are holding responsible positions in the Secretariat?

The Honourable Mr. A. C. Chatterjee: (a) Yes.

(b) With the exception of two ladies the other members of the Governing Body at present happen to be Government officials.

2. The reply is in the affirmative as regards the Patron and the Honorary Secretaries. The President is the Director General, Indian Medical Service, and the Honorary Treasurer the Deputy Accountant General, Central Revenues.

Mr. K. Ahmed: I suppose these are all credits due to the Government officials who, without any help of the Delhi public and in spite of want of local patronage and the patriotic sympathy like that of the questioner's Indian public of Delhi, and others, had to undertake such a huge duty and discharge them to their credit for which India ought to be **thankful**?

LADY HARDINGE MEDICAL COLLEGE AND HOSPITAL BUILDINGS.

508. ***Mr. T. V. Seshagiri Ayyar**: Will the Government be pleased to state:

- (a) What sum have the College authorities allotted, in the current year, for the repair of the buildings attached to the Lady Hardinge Medical College and Hospital?
- (b) Is it true that these buildings constructed by public subscriptions are in a state of disrepair?
- (c) How much do the Government of India contribute annually for the maintenance of buildings erected at their own cost?

The Honourable Mr. A. C. Chatterjee: (a) Rs. 12,568.

(b) No.

(c) No college buildings have been erected at the cost of the Government of India. The Government of India make an annual recurring grant of Rs. 2,00,000 towards the maintenance of the Institution in addition to contributions (amounting in 1921-22 to Rs. 51,675) made through the Countess of Dufferin Fund.

Rao Bahadur T. Rangachariar: May I know when these two lakhs were fixed?

The Honourable Mr. A. C. Chatterjee: I think the two lakhs have been given since 1920-21. I was coming to that in answer to a subsequent question.

GRANT TO LADY HARDINGE MEDICAL COLLEGE.

509. ***Mr. T. V. Seshagiri Ayyar:** Will the Government be pleased to state:

- (a) Whether Government proposes to consider the necessity of giving a grant to the Lady Hardinge Medical College in order that it may not depend upon voluntary contributions?
- (b) In what stage does the proposal to affiliate the College with the Punjab University stand?

The Honourable Mr. A. C. Chatterjee: (a) The Government of India already contribute Rs. 2,00,000 out of a total budgeted income of Rs. 2,91,600. Also as stated in answer to the previous question they provide staff through the Countess of Dufferin Fund at an expenditure (in 1921-22), of Rs. 51,675.

(b) The college is affiliated to the Punjab University for the F. Sc. examination and for the M.B., B.S. degree.

Dr. H. S. Gour: May I ask, Sir, what is the number of students in the Medical College and what is the incidence of cost per student?

The Honourable Mr. A. C. Chatterjee: I should like notice of that question.

Mr. T. V. Seshagiri Ayyar: In regard to the first part of the question, as regards the grant made, will the Honourable Member state whether the grant is found sufficient for the maintenance of the institution and whether there has been any complaint that the grant is not sufficient for its maintenance.

The Honourable Mr. A. C. Chatterjee: I think it will be more convenient to answer that supplementary question when we come to 512.

Mr. W. M. Hussainally: Why can't the College be affiliated to the Delhi University now?

The Honourable Mr. A. C. Chatterjee: I don't think the Delhi University has got a Medical Faculty at present.

Dr. H. S. Gour: Hasn't the Delhi University got an Intermediate Science Faculty? Is the Honourable Member unaware of the fact that a proposal was made to affiliate the Science class to the Science Faculty of the Delhi University and that the offer was refused, entailing an additional cost for the maintenance of a separate establishment in the Medical College?

The Honourable Mr. A. C. Chatterjee: Who made the offer?

Dr. H. S. Gour: The Delhi University.

The Honourable Mr. A. C. Chatterjee: I think the Honourable Member's question should be addressed to the authorities of the College, Sir, and not to Government.

Dr. H. S. Gour: Well, the authorities of the College are empowered to manage the College and the Government has to pay the money for it.

The Honourable Sir Malcolm Halley: Not necessarily.

SCIENCE DEPARTMENT, LADY HARDINGE MEDICAL COLLEGE.

510. ***Mr. T. V. Seshagiri Ayyar:** Will the Government be pleased to state:

- (a) Whether it is a fact that the Government of India informed the Lady Hardinge Medical College authorities that they were unable to provide funds for starting in Delhi an intermediate science College for women?
- (b) Have the Government refused to give sufficient funds to the College authorities to maintain even an efficient preparatory science department for women?
- (c) Would Government be pleased to reconsider their decision on both these points?

The Honourable Mr. A. C. Chatterjee: (a) Yes, in view of the replies from local Governments and the financial stringency.

(b) The annual contributions made by the Government of India have been stated in the reply to a previous question.

(c) In view of the existing financial conditions the Government of India are unable to give further financial assistance.

Sir Deva Prasad Sarvadhikary: Does the Government consider that the College fulfils an all-India want?

The Honourable Mr. A. C. Chatterjee: Yes, so far as women are concerned.

Dr. H. S. Gour: Can the Honourable Member state as to how many women students from the whole of India attend the College?

The Honourable Mr. A. C. Chatterjee: I have already said, Sir, that I should like notice of that question.

MAINTENANCE GRANT TO LADY HARDINGE MEDICAL COLLEGE.

511. ***Mr. T. V. Seshagiri Ayyar:** Will the Government be pleased to state:

- (a) Whether it is a fact that the Government promised in 1915 to give a maintenance grant, rising by degrees to a maximum of two lakhs per annum to the Lady Hardinge Medical College?
- (b) Has that promise been kept?

The Honourable Mr. A. C. Chatterjee: (a) and (b) The Government of India have raised their annual recurring grant for the maintenance of the college from Rs. 1,00,000 in 1916-17 to Rs. 2,00,000 since 1920-21, and have given the further help, already stated, through the Countess of Dufferin's Fund.

Mr. T. V. Seshagiri Ayyar: Might I put a supplementary question, Sir, of which I gave notice a few minutes ago, as to whether the college authorities consider that the contribution made by the Government would be sufficient to maintain the College in an efficient manner?

The Honourable Mr. A. C. Chatterjee: Would the Honourable Member ask the question after 512?

CURTAILMENT OF EXPENDITURE IN LADY HARDINGE MEDICAL COLLEGE.

512. ***Mr. T. V. Seshagiri Ayyar:** Will the Government be pleased to state:

- (a) Whether any attempt has been made by the Lady Hardinge Medical College authorities—
- (i) to cut down expenses,
 - (ii) to increase the income of the College from internal sources, and
 - (iii) to secure grants from provincial Governments and Indian States?
- (b) Is it true that there has been a deficit in the finances of the College during the last year and that a further deficit is expected during the current year?

The Honourable Mr. A. C. Chatterjee: (a) and (b) The Government of India are informed that the reply is in the affirmative.

Mr. T. V. Seshagiri Ayyar: I put the question now, Sir. I do not think it is necessary to repeat it again.

The Honourable Mr. A. C. Chatterjee: I think it is quite clear from the reply I have given that there is a deficit.

Dr. H. S. Gour: Will the Honourable Member inquire whether the incidence of cost in this College is out of all proportion to the number of students trained in the College and out of all proportion to the number of students trained in the other Medical Colleges of India where women are admitted?

Rao Bahadur T. Rangachariar: May I ask my Honourable friend Dr. Gour if there is not a great deal of difference between women's colleges and men's colleges?

The Honourable Mr. A. C. Chatterjee: I do not think, Sir, that the Government of India are called upon to make any special inquiries of the nature referred to by the Honourable Dr. Gour.

Dr. H. S. Gour: What guides the Government in making grants to Medical Colleges?

The Honourable Mr. A. C. Chatterjee: I do not think the Government of India make any grants to any Medical College except this College.

Dr. H. S. Gour: Yes, but what guided the Government in making the grant to the Lady Hardinge Medical College?

The Honourable Mr. A. C. Chatterjee: The requirements of the College, Sir.

Dr. H. S. Gour: Irrespective of its efficiency?

The Honourable Mr. A. C. Chatterjee: The College is supposed to be efficient and the Government consider that it is efficient.

Dr. H. S. Gour: If the students were reduced to half their number would that be regarded as a sufficient test of efficiency?

The Honourable Mr. A. C. Chatterjee: I do not think I am required to answer a hypothetical question of that nature.

Mr. J. Chaudhuri: Is it not a fact that the Government of India and the Local Governments spend much more money in this country for the education of males than for the education of females?

Mr. President: I do not think that question arises.

Rao Bahadur T. Rangachariar: As regards the efficiency of the College is the Honourable Member aware that it has got a great reputation not only in India but also with the people from abroad who have visited the College?

The Honourable Mr. A. C. Chatterjee: I believe that is the case, Sir.

Mr. T. V. Seshagiri Ayyar: May I ask a question, Sir. Is it not a fact that although there is an efficient medical institution in Madras, it does not attract more than 2 per cent. of the female students, whereas this College has attracted as many as 14 women from Madras for its students.

Mr. President: The Honourable Member is giving information.

Dr. H. S. Gour: Does the Honourable Member regard the visitors' opinions as the true test of efficiency?

The Honourable Mr. A. C. Chatterjee: I do not know to whom the Honourable Member refers as the visitors.

Rao Bahadur T. Rangachariar: May I ask whether the Honourable Member is aware that Dr. Gour is the Vice-Chancellor of the University of Delhi which probably made the offer to the Lady Hardinge Medical College and which offer was not accepted?

The Honourable Mr. A. C. Chatterjee: I have said, Sir, that I am not aware of the circumstances regarding the offer which was mentioned by the Honourable Member from Nagpur.

Sir Deva Prasad Sarvadhikary: Is it not a fact that the costs of the College are to a certain extent increased by reason of the absence of an independent capable medical profession in Delhi and the absence of a medical atmosphere?

Mr. K. Ahmed: That is a matter of opinion, Sir.

The Honourable Mr. A. C. Chatterjee: I do not think this question arises, Sir.

SELECT AND OTHER COMMITTEES.

*513. ***Rai Bahadur Lachmi Prasad Sinha:** Will the Government be pleased to state:

- (a) The number of Select Committees on bills or other Committees summoned during the period intervening between the 7th of October, 1922, to the 6th of January, 1923?

- (b) The number of days each of such Committees held their meetings to finish the deliberations on matters for which they were summoned?
- (c) The amount spent on each of such Committees in the shape of payment of halting and travelling allowances for members?
- (d) The number of days with dates on which each of such Committees met for the purpose for which they were summoned?

Mr. E. Burdon: The information is being collected and will be laid on the table when complete.

APPRAISERS AND EXAMINERS, KARACHI CUSTOMS HOUSE.

514. ***Mr. Harchandrai Vishindas:** (a) Will Government be pleased to state if it is a fact that the Government of India had authorized the Bombay Government to give promotion of 50 per cent. maximum to the Appraisers and Examiners of the Karachi Customs House?

(b) Will Government be pleased to state what percentage of promotion has been actually given to Examiners and Appraisers of the Karachi Customs House?

Mr. A. H. Ley: I have been asked by the Honourable Member for Commerce to answer these questions, Sir.

I would refer the Honourable Member to the reply given to the question by Mr. S. C. Shahani, No. 158, dated the 7th September 1922.

FOOD-STUFFS AND PAY OF CUSTOMS DEPARTMENT.

515. ***Mr. Harchandrai Vishindas:** (a) Will Government be pleased to state by what percentage the prices of necessaries of life especially food-stuffs have risen in Karachi and Bombay respectively since the war?

(b) Will Government be pleased to state if it is a fact that Appraisers and Examiners in Bombay get more pay than their compeers in Karachi?

(c) If the reply is in the affirmative will Government be pleased to state the reason why there is difference of pay between the officers of the same grade in the two parts?

(d) Is there any difference of pay between the Assistant Collectors and Collectors at the two ports?

Mr. A. H. Ley: (a) The rise in the retail prices of food-stuffs at Bombay and Karachi, during the month of December, 1922, is estimated in the Bombay Labour Gazette issued in January last to amount to 77 and 56 per cent. respectively over those prevailing in July, 1914.

(b) Yes;

(c) The difference is explained partly by the greater expensiveness of living at Bombay and partly by the fact that the pay of the staff at each port is fixed independently with reference to local conditions of service which are not the same at all the ports;

(d) The Assistant Collectors stationed at Bombay are entitled to a local allowance of Rs. 75 a month.

ASSESSMENT WORKS ON PARCELS FROM ENGLAND.

516. ***Mr. Harchandrai Vishindas:** (a) Will Government be pleased to state if they have received any representation from the Chief Collector of Customs, Karachi, regarding increase in assessment work of parcels received from the United Kingdom?

(b) If so, what action have the Government taken on the matter?

Mr. A. H. Ley: (a) The reply is in the negative.

(b) Does not arise.

BOMBAY INCOME-TAX OFFICES.

517. ***Mr. Harchandrai Vishindas:** Will Government be pleased to state what was the pay of (1) Income-tax Officers, (2) Inspectors, (3) Examiners, (4) clerks of the Bombay Income-tax offices, before their pay was revised?

The Honourable Sir Basil Blackett: A statement giving the information asked for is laid upon the table.

Statement showing the pay of Income-tax Officers, Inspectors, Examiners and clerks of the Bombay Income-tax Office before re-organisation.

---	Designation.	Pay.
Bombay City	1st Income-tax officer	1,500—2,000
	2nd Income-tax officer	1,000—1,500
	Other Income-tax officers	Varying pay according to grade in Provincial Service cadre.
	Inspectors	16 on 150—225
		4 on 250—350
		2 on 375—475
	Examiners	2 on 250—350
		6 on 150—225
	Clerks, 1st Grade	80—100
	2nd Grade	60—75
	3rd Grade	40—55
	Examiners' Clerks	80—100

PAY OF INCOME-TAX OFFICERS.

518. ***Mr. Harchandrai Vishindas:** (a) Is it a fact that the pay of the Income-tax Officers, Inspectors and Examiners in Bombay city has been fixed at Rs. 300—50/2—900, 200—25/2—500, 225—25/2—500?

(b) Is it a fact that the pay of the Income-tax Officers, Inspectors and Examiners in Sind, has been proposed as under in the new organization—

300—50/2—900, 150—25/2—350, 175—25/2—350 against 390 to 1,000, 150 to 250, 150 to 250 of their present salary?

If not, what are the facts?

(c) Will Government be pleased to state why the pay of Examiners and Inspectors in Sind has been fixed at such a low figure as compared to

Bombay while no difference in pay has been made between the Income-tax Officers in Bombay and in Sind?

The Honourable Sir Basil Blackett: (a) Yes.

(b) A statement giving the actual figures is laid upon the table.

(c) The work of Income-tax Officers throughout the Presidency is identical. A higher pay has been fixed for the Inspectors and Examiners in Bombay City than in the rest of the Bombay Presidency owing to the more intricate and responsible nature of their duty. The pay fixed both for Inspectors and Examiners in Sind is higher than that fixed for Inspectors and Examiners in the rest of the Bombay Presidency excluding Bombay City. Examiners in Sind receive a pay of 175—325, while the other Examiners receive only 150—225. Inspectors in Sind receive 150—325; Inspectors in other areas outside Bombay City, 150—225.

Statement showing the previous pay and the proposed pay of the income-tax officers, Inspectors and Examiners in Sind.

Designation.	Previous pay.		Proposed pay.
	Rs.		
Income-tax officers	1 on 1,000—50—1,250	} Sanctioned temporarily for three years only.	300—50-2—900
	2 on 500—50—750		
	1 on 300—80—450		
Inspectors	1 on 175—10-2—225	}	150—25-2—325
	2 on 150—10-2—200		
	1 on 150		
Examiners	1 on 125	}	175—25-2—325
	1 on 150		
	1 on 125		
	3 on 175—225		
	3 on 200		

HOUSE RENT OF OFFICIALS IN KARACHI.

519. ***Mr. Harchandrai Vishindas:** (a) Will Government be pleased to state what house rent allowance officers of the same grade as Inspectors and Examiners get at Karachi?

(b) What house rent do Government propose to give to Examiners and Inspectors at Karachi, and what house rent is given to men in the Telegraph and Railway Departments at Karachi?

The Honourable Sir Basil Blackett: (a) If the Honourable Member refers to allowances granted to officers serving under the Provincial Government, I suggest that he obtain the information from the Provincial Government.

(b) It is proposed to give a local allowance of Rs. 30 per mensem to Inspectors and Examiners posted to Karachi, in the Income-tax Department. As regards the employees of the Telegraph and Railway Departments, I refer the Honourable Member to the statement laid upon the table in the proceedings of the Legislative Assembly for the 25th September, 1922, in reply to question No. 167, asked on the 7th September, 1922.

MUHAMMADANS ON SERVICES COMMISSION.

520. ***Mir Asad Ali Khan Bahadur**: (a) Is there any Muhammadan Member in the Royal Commission on Services to safeguard the interests of the Muhammadans?

(b) If not, do the Government propose adding a Muslim Member or two to the Commission?

The Honourable Sir Malcolm Hailey: (a) The personnel of the Royal Commission has not yet been settled.

(b) The Members of a Royal Commission are appointed by His Majesty the King-Emperor and not by the Government of India.

Munshi Iswar Saran: Will Government suggest the appointment of a Kayastha member to represent the interests of the Kayastha community?

Dr. H. S. Gour: Will Government appoint a member of the Kshatriya community?

Mr. S. C. Shahani: Will Government appoint a Sikh?

Khan Bahadur Abdur Rahim Khan: Will there be an objection to a Muhammadan being appointed?

Mr. K. Ahmed: Will that be confined to the class of pious Brahmins or to the class of people of his way of thinking?

Mr. President: It has been said already that the appointments do not lie with the Government of India.

Mr. Jamnadas Dwarkadas: Will Government take note of the fact that in spite of the demands made by the various communities to have representation on the Royal Commission the opinion of this Assembly does remain confirmed that there is no need for a Royal Commission.

EXPRESS MADRAS TO DELHI.

521. ***Mir Asad Ali Khan Bahadur**: (a) Is it a fact that Railway authorities are thinking of running a through express from Madras to Delhi, as was the case before the war?

(b) If not, will the Government influence the Railway authorities to start a through express from Madras to Delhi, *via* Wadi, Dhond and Manmad?

Mr. C. D. M. Hindley: (a) Government have no information.

(b) It is very doubtful whether the number of passengers travelling would warrant the running of such a train but the matter will be brought to the notice of the Railways concerned.

RETURN TICKETS.

522. ***Mir Asad Ali Khan Bahadur**: (a) Will the system of return tickets in railways be re-introduced in near future?

(b) If not, do the Government propose introducing the system to facilitate saving and convenience?

Mr. C. D. M. Hindley: (a) and (b). As promised in the reply to the supplementary question asked by Sir Deva Prasad Sarvadhikary in connection with question No. 145, dated the 17th January, 1923, Government have brought the matter to the notice of railways in order that they may consider whether now or at some later date they may be in a position to restore these concessions.

LALA GULZARI LALL.

523. ***Mr. Pyari Lal:** 1. With reference to the Government reply to my question, contained in the letter of the Army Secretary, No. 331-S., dated 20th February, 1923, will the Government be pleased to state if the period for which Lala Gulzari Lall was appointed as a member of the Committee was specified in his letter of appointment?

2. If so, what was the period?

3. Will the Government be pleased to state what is the ordinary term of a non-official member of a Cantonment Committee appointed under section 4 of the Cantonment Code?

4. Is there a uniform practice in all cantonments about such term of appointment?

5. If not, what is the determining factor of such a term?

Mr. E. Burdon: (1) Yes.

(2) One year.

(3) There is no statutory limit to the period of appointment of a non-official member of a cantonment committee. The period is usually stated in the order of appointment issued under section 4 of the Cantonment Code, 1912.

(4) No.

(5) Under section 4 of the Cantonment Code, the matter is left to the discretion of the nominating officer.

QAZI SIRAJUDDIN AHMED AND AMBALA CORRUPTION ENQUIRY.

524. ***Mr. Pyari Lal:** 1. With reference to the Government reply to my question regarding the engagement of Qazi Sirajuddin Ahmed, Bar-at-law, for assistance in Ambala Corruption Enquiry, has the attention of the Government been drawn to an article headed "Is the Government anxious to suppress Corruption"? published in the *Cantonment Advocate* of 10th December, 1922?

2. Is the Government aware that the All-India Cantonments Association in its telegram dated 27th November, 1922, to the Northern Command, made a clear offer to bear the expenses of Qazi Sirajuddin Ahmed's appointment?

3. If so, will the Government be pleased to state why this offer was not accepted?

Mr. E. Burdon: (1) Yes.

(2) Yes.

(3) Chiefly because at the time it had been found that the legal assistance previously contemplated was not required, and because it had been ascertained that if it should be required at a later stage, Government themselves were prepared to bear the cost.

TRANSFER OF LAND TO SOMDATT RAMLALL, AMBALA.

525. ***Mr. Pyari Lal:** 1. With reference to the Government reply regarding the transfer of a piece of land to Messrs. Somdatt Ramlall, given on 15th January, 1923, is the Government aware that the All-India Cantonments Association wrote to the Cantonment Magistrate, Ambala, and to the G. O. C., Ambala, about their readiness to substantiate the relationship between Somdatt Ramlall and Pandit Shugan Chand, head clerk of the Cantonment office?

2. Has the attention of the Government been drawn to a letter of the All-India Cantonments Association to the Cantonment Magistrate bearing on the subject published in the *Cantonment Advocate* of 10th November, 1922?

3. Will the Government be pleased to state how this letter was dealt with?

4. Will the Government now direct the Ambala Local Authorities to give the All-India Cantonments Association chance to substantiate this relationship now?

Mr. E. Burdon: 1, 2 and 3 Government have no information on the subject apart from the passage in the *Cantonment Advocate* mentioned in the second part of the Honourable Member's question, which the Government have seen.

4. The matter to which the Honourable Member refers is one of the matters dealt with by Colonel Lawrenson in the inquiry which he recently conducted in the Ambala Cantonment. Colonel Lawrenson's report is at present under the consideration of Government, and Government are not at present in a position to say what action will be taken in regard to it.

Mr. W. M. Hussanally: May I ask, Sir, if the Honourable Member will obtain the information and place it before the House?

Mr. E. Burdon: What information?

Mr. W. M. Hussanally: The information called for by Mr. Pyari Lal. The Honourable Member said just now that the Government had no information.

(No answer.)

GOVERNMENT GOLD AND STERLING OBLIGATIONS.

526. ***Mr. Harchandrai Vishindas:** Will Government be pleased to state:

- (i) what steps have the Government of India and the Secretary of State taken to limit, reduce or alter the extent of their large gold or sterling obligations, since the demonetisation of silver by European States in the seventies of the last century?

- (ii) what was the extent of such gold or sterling obligations (a) total, (b) in India, (c) in England in the years 1872-73, in 1900, in 1914, i.e., before the war, and in the year 1920-21?
- (iii) leaving aside borrowings on account of war expenses, what factors have operated in increasing our gold or sterling obligations?
- (iv) whether "charges" due to Exchange variations from time to time and Exchange Compensation Allowances have anything to do with this increase?

The Honourable Sir Basil Blackett: (i), (iii) and (iv). I am afraid this is too large a matter to be dealt with by way of answer to a question.

(ii) The obligations referred to are entirely in England. The direct sterling obligations amounted at the end of—

1872-73	to	£39 Millions.
1899-1900	to	£124 „
1913-14	to	£177 „
1920-21	to	£191½ „

Mr. W. M. Hussanally: May I, Sir, know if I cannot get any answer from the Army Secretary with reference to my supplementary question on No. 525?

Mr. E. Burdon: I was studying the first three parts of the question which were answered together.

Mr. President: The Honourable Member can raise the point again at the end of the questions.

REMITTANCES TO ENGLAND.

527. ***Mr. Harchandrai Vishindas:** Will Government be pleased to lay on the table figures for each year from the year 1872-73 up to date with regard to following:

- (i) total Remittance to England to cover Home charges and all other kinds of charges including interest, annuities, etc.
- (ii) charges or net loss due to Exchange variations on these remittances?
- (iii) charges due to Exchange Compensation Allowances?

The Honourable Sir Basil Blackett: (i) The Honourable Member is referred to supplementary account No. 1-A, on pages 370 to 374, of the "Statistics compiled from the Finance and Revenue Accounts of the Government of India from 1st April, 1912, to 31st March, 1920." These give the net expenditure in England for each year from 1814-15 to 1919-20. The corresponding figures for 1920-21 and 1921-22 are £28,200,250 and £27,747,795, respectively.

(ii) The figures required for the 8 years 1912-13 to 1919-20 will be found in accounts Nos. 51 and 51-A on pages 236 and 237 of the above volume. Figures for previous years will be found in the earlier issues of the same publication.

(iii) A statement is laid on the table giving the figures from 1912-13 to 1920-21. Figures for earlier years will be found in the Finance and Revenue Accounts.

Statement showing the charges for exchange compensation allowance.

Year.	Imperial.	Provincial.	Total.
	Rs.	Rs.	Rs.
1912-13	33,45,737	16,76,262	50,21,999
1913-14	33,48,223	16,91,747	50,39,970
1914-15	33,07,317	17,38,177	50,45,494
1915-16	33,84,993	16,64,659	50,49,652
1916-17	33,99,610	15,86,672	49,86,282
1917-18	30,71,623	13,03,832	43,75,455
1918-19	5,97,947	2,23,435	8,21,382
1919-20
1920-21	26,291	35,731	62,022

PAYMENT OF SALARIES OF GOVERNMENT EMPLOYEES.

528. *Mr. Harchandrai Vishindas: Will the Government be pleased to state:

- (i) whether it is a fact that under terms of contract, the Government pay salaries and emoluments of all their employees in rupees or sterling only?
- (ii) whether the terms of contract of persons recruited in England contain provision for Exchange Compensation Allowances?
- (iii) if not, the reasons why Government award such compensations on remittances made by their servants employed in India but resident in England?
- (iv) what is the extreme variation in points in the last thirty years, (a) in the value of gold, (b) in the value of silver?
- (v) maximum fall in pound sterling (or gold value) of the salaries of public servants resident in England?
- (vi) when were the salaries, emoluments, etc., last improved: (a) of members of the Imperial Services; (b) of members of Provincial and non-gazetted services?

The Honourable Sir Basil Blackett: I am afraid I cannot deal adequately with this matter in a reply to a question. Moreover, the collection of the information asked for would involve an amount of labour quite incommensurate with the results.

PAY OF BRITISH AND INDIAN SOLDIERS.

529. *Mr. Harchandrai Vishindas: Will the Government be pleased to state:

- (i) (a) why is it that the pay of the British soldier while he is in India is paid in terms of sterling, and that of the Indian soldier, even while he is taken abroad outside India is fixed in rupees?

- (b) whether the Exchange Compensation Allowance paid to the British soldier and other British employees on account of Exchange fluctuations has ever been paid to the Indian soldier and employees when they have been affected by these variations?
- (ii) when was it originally undertaken that the payments of retired servants of the Government resident in England should be paid in sterling?
- (iii) have the Government considered or do they propose to consider the desirability of modifying the above arrangements?

Mr. E. Burdon: (i) (a) The pay of the British soldier in India is based on a sterling rate and is disbursed in rupees, at a rate of conversion which does not vary with the fluctuations of exchange. The pay of the Indian soldier, which is fixed in rupees, is disbursed to him in the currency of the country in which he is serving.

(b) No exchange compensation allowance is paid to the British soldier. Compensation on account of fluctuations of exchange has, at various times, been paid to Indian soldiers when serving outside India in countries which do not have a rupee currency.

(ii) In June 1863.

(iii) In the opinion of the Government of India the arrangements described above are equitable and it is not proposed to alter them.

POWERS OF SANCTION OF SECRETARY OF STATE AND INDIA OFFICE.

530. ***Mr. Harchandrai Vishindas:** Will the Government be pleased to state:

- (i) whether it is a fact that the Secretary of State and the India Office enjoy absolute power and unchecked authority to initiate, control or sanction additional expenditure of almost every kind, over and above the budgetted one?
- (ii) how many times during the last thirty years has this authority been exercised by them?
- (iii) whether they would be pleased to lay a statement on the table recounting the nature of each item on which extra expenditure has been made by the Secretary of State or the India Office in the above manner?

The Honourable Sir Basil Blackett: I presume the Honourable Member means to refer to the powers of the Secretary of State in Council.

(i) The Honourable Member will find the financial powers of the Secretary of State in Council defined in section 21 of the Government of India Act.

(ii) and (iii) It is not possible to furnish the information desired by the Honourable Member without an elaborate investigation.

RAILWAY BOARD PASSES.

531. ***Maulvi Miyan Asjad-ul-lah:** (a) Will Government be pleased to lay on the table a statement showing separately the number of family and single passes as well as privilege ticket orders granted to each officer of the first, second and third class belonging to the Railway Board and the

Office of the Accountant-General, Railways, over the Company and the State-managed Railways respectively during the year 1922.

(b) What average additional emoluments does each class of officer get per month in the shape of passes and P. T. O.'s ?

(c) How does this rate compare with the rates of pay drawn by similar class of officers in other departments of the Government of India?

(d) What is the total annual cost of these passes and P. T. O.'s and to what accounts is this expenditure debited?

(e) What is the aggregate loss of profit to Government on account of the grant of these free passes?

(f) Do the conditions of service in these offices provide for the grant of these concessions or they are granted merely as a matter of convention?

(g) Who is the sanctioning authority and what is the criterion for eligibility for these concessions?

(h) Is it a fact that the pass holders are allowed to travel by the mail trains and this often causes inconvenience to passengers who travel on payment particularly during the X'mas and other holidays?

Mr. C. D. M. Hindley: (a) A statement showing the number of passes and privilege ticket orders issued is laid on the table.

(b), (c), (d), (e), (f) and (g). The Honourable Member is referred to parts (a), (c) and (g) of the reply given to question No. 446 on 5th March, 1923.

(h) Not always but in all cases ticket holders have preference for accommodation.

Statement showing the number of single passes and P. T. Os. issued to Railway Board's staff and Accountant General, Railways, during the year 1922.

Class.	Over State Railways.	Over Company-managed Railways.	Combined State and Company Lines.
First Class passes	95	95	87
Second Class passes	351	96	179
Inter Class passes	134	21	46
Third Class passes	185	3	25
Second Class P. T. Os.	24	14	2
Inter " "	69	54	19
Third " "	15	126	25

MEMORIAL FROM COORG.

532. ***Rao Bahadur C. S. Subrahmanayam:** 1. Will the Government be pleased to state whether a memorial dated September, 1918, addressed to His Excellency the Viceroy and Governor General by the leading inhabitants of Coorg, was received and were any orders passed thereon?

2. Will the Government be pleased to lay on the table a copy of the memorial and the orders thereon?

3. Have the Government under consideration the amalgamation of the Province of Coorg with the Presidency of Madras and thereby save a considerable sum now spent under separate Supervising and Controlling establishments?

4. Is not the area of the province of Coorg just about that of a Madras district?

The Honourable Sir Malcolm Halley: (1) and (2). A copy of the memorial referred to was received by the Government of India from the Chief Commissioner in 1919, but no orders have been passed on it. Government think that no useful purpose would be served by laying a copy of it on the table, but such a copy will be supplied to the Honourable Member, if he so desires.

(3) No.

(4) The area of the Coorg Province is 1,582 square miles, which is much smaller than the area of most districts in the Madras Presidency.

IMPORTATION OF SLEEPERS.

533. ***Mr. K. C. Neogy:** (a) Has the attention of Government been drawn to a statement dated Delhi, January 17 last, from the Associated Press of India, in which it is stated that "sleepers are only imported from outside India to make good the shortage of supplies in India"?

(b) Was the said statement issued under official authority?

Mr. C. D. M. Hindley: The answer to (a) is in the affirmative.

(b) The sentence quoted forms part of information furnished by the Railway Board to the Press which represented the position as known to them at that time.

Mr. K. Ahmed: May I enquire, Sir, the names and particulars of those who are the suppliers of these sleepers from outside India?

Mr. President: The question that arises is the authenticity of the statement made regarding the importation of sleepers from outside, not whence those sleepers come.

SLEEPERS AVAILABLE IN INDIA.

534. ***Mr. K. C. Neogy:** Are Government aware that there are several lakhs of deodar and other sleepers available in India at present?

Mr. C. D. M. Hindley: Yes. But the relative price has also to be taken into consideration.

Dr. H. S. Gour: What is the relative price which has to be taken into consideration? What is the difference between a country-made sleeper and an imported sleeper?

Mr. C. D. M. Hindley: I am afraid I am not able to give exact figures in reply to that question, but, obviously, in purchasing sleepers we have to take into consideration the price at the point at which they are landed.

JARRAH SLEEPERS FOR G. I. P. RAILWAY.

535. ***Mr. K. C. Neogy:** (a) Are Government aware that the Great Indian Peninsula Railway has recently called for tenders for one lakh of Jarrah sleepers?

(b) Is it a fact that the Great Indian Peninsula Railway has called for these tenders in spite of the fact that it was offered deodar and other sleepers available in India?

Mr. C. D. M. Hindley: The answer to (a) and (b) is in the affirmative.

Mr. S. C. Shahani: Are Government prepared to forbid the importation of sleepers from outside India?

Mr. President: That question does not arise.

Mr. Jamnadas Dwarkadas: Will Government kindly state whether they have tried to obtain sleepers from the Canara forests?

Mr. C. D. M. Hindley: I am afraid I have no information. I should like notice of that question.

Dr. H. S. Gour: What were the tenders for the deodar sleepers referred to in clause (b), and what was the price of the jarrah sleepers ordered by the Great Indian Peninsula Railway?

Mr. C. D. M. Hindley: I should like to have notice of that question.

Mr. R. A. Spence: Would Government be pleased to give the reasons for the decision of the Great Indian Peninsula Railway in this case?

Mr. C. D. M. Hindley: The Great Indian Peninsula Railway, like all Companies' Railways, are exercising their own competence in the matter.

Dr. H. S. Gour: Is it not a fact that the Great Indian Peninsula Railway, being a subsidized railway, acts under the direction and control of the Railway Board?

Mr. C. D. M. Hindley: Not in the matter of making contracts for sleepers, Sir.

Dr. H. S. Gour: Could the Great Indian Peninsula Railway pay more than the current rate for sleepers, and the Railway Board be powerless to check them?

Mr. President: That is a hypothetical question.

THIRUMALVASAL PORT.

536. ***Mr. Narayandas Girdhardas:** (a) Has the attention of the Government been drawn to the written memorandum submitted to the Acworth Committee (Railways) by Lieutenant-Colonel E. Barnardiston, regarding the agreement between the South Indian Railway and the British India Steam Navigation Company, about Thirumalvasal Port, in Tanjore district, and to the annexure to the oral evidence of Messrs. Ross Logan and C. S. Rowbotham, relating to the same subject?

(b) Are the Government prepared to consider the question of getting the said agreement cancelled or of taking any action in the matter?

Mr. C. D. M. Hindley: (a) The reply is in the affirmative.

(b) Government already have the matter under consideration in communication with the South Indian Railway.

INDIAN COMPANIES AND PROVINCIAL REGISTRATION DEPARTMENTS, MADRAS.

537. ***Mr. Narayandas Girdhardas:** 1. Will the Government be pleased to state whether a representation was made to the Honourable the Commerce Member when he visited Madras in December last, by the Southern

India Chamber of Commerce, urging the separation of the Indian Companies Department in the Presidency from the Provincial Registration Department on the score of—

- (a) Economy to the Central Government,
- (b) Greater efficiency in the administration of the Companies Department, and
- (c) The desirability of dispensing with a number of Assistant Registrars in the districts?

2. Will the Government of India consider the desirability of placing the Indian Companies Department in the Madras Presidency on an independent footing as is the case in Bombay and Calcutta?

Mr. A. H. Ley: 1. Yes.

2. The question raised by the Honourable Member was fully considered in 1913, and again only last year in consultation with the Local Government and it was decided that the existing arrangements were the most economical. An establishment of the nature of that retained in Calcutta and Bombay would be more costly than the present separate establishment now entrusted with this work in Madras City. The existence in the mofussil of Madras of a large number of nidhis or mutual loan associations necessitates a district staff which can only be economically supplied by utilizing the services of some of the officers of the Local Government. In Bengal and Bombay such conditions do not exist and there is no need for any officers in the districts. The Government of India do not therefore propose to disturb the existing arrangements.

Sir Deva Prasad Sarvadhikary: May we have your indulgence, Sir, in getting from the Honourable the Finance Member some . . .

Mr. W. M. Hussanally: Sir, I wanted to know from the Honourable the Army Secretary if he would call for the information which I asked for and place it before the House—the information which he said the Government of India had not got.

Mr. E. Burdon: Parts, 1, 2 and 3 of Mr. Pyari Lal's question No. 525 deal with certain not very important details of a matter, which as I have said in reply to part 4, of same question was one of the matters dealt with by Colonel Lawrenson in an inquiry which he recently conducted in the Ambala Cantonment. I explained also that Colonel Lawrenson's report is under the consideration of Government, and it is only when consideration of the report has advanced further that Government would be able to say whether it is necessary to call for further information in regard to the details dealt with in the first three parts of the question and any other details which may be thought relevant.

Mr. President: I have allowed the Honourable Member from Sind to re-open a question after we passed the substantive question. It would be improper to allow reference back to questions after we pass the answers unless, as in this case, the supplementary question had already been put and the answer was not ready. Solely because the answer was not yet ready, I allowed the Honourable Member to go back, which otherwise would not be proper.

UNSTARRED QUESTION AND ANSWER.

INDIANIZATION OF EIGHT INFANTRY UNITS.

228. **Rai Sahib Lakshmi Narayan Lal:** 1. (a) Will the Government be pleased to state whether any scheme or programme has been prepared for the Indianization of the eight infantry units of the Indian Army for which His Excellency the Commander-in-Chief announced steps would be taken immediately?

(b) If so, will the Government be pleased to lay the same on the table?

(c) If not, will the Government be pleased to state when the scheme or the programme is likely to be ready?

(d) In what time do the Government propose to complete the Indianization of the said units?

2. Do the Government propose not to undertake the Indianization of any other unit before the completion of the Indianization of the said eight units?

Mr. E. Burdon: A statement will be laid upon the table of this House to-morrow; which will deal fully with all the points to which the Honourable Member's question is directed.

PARTICULARS RE LUMP RETRENCHMENT FIGURES.

Sir Deva Prasad Sarvadhikary (Calcutta: Non-Muhammadan Urban): Sir, we ask for your indulgence in getting some very necessary information from the Honourable the Finance Member. The lump retrenchment figures distributed under the various budget items are not yet available and without those figures, anything like reasoned and reasonable proposals in connection with the Demands for Grants would not be possible. Therefore, the first thing that I should like to know is as to when those figures will be available, and the second thing is whether the two days rigid limitation about proposals will be insisted on, having regard to the fact that the figures are not yet available. After we get the figures, they will have to be studied in connection with the Inchcape Report as well as the original Demands for Grants, and then and then alone can we frame anything like proposals that will be helpful to the department, if they ever can be.

The Honourable Sir Basil Blackett (Finance Member): Sir, I recognise that the House has been put to a considerable amount of difficulty owing to the way in which it has been necessary first of all to circulate the detailed estimates for the Demand for Grants without the special cuts and then to follow that up by a new paper showing the special cuts. I hope to be in a position to distribute either this evening or early to-morrow morning the further paper promised showing the distribution over the various heads of the special cut of 4 crores. I hope very much that that will be in the hands of Honourable Members first thing to-morrow morning. We are doing our best. We, like them, have been in a certain amount of difficulty over that matter.

As regards the second point raised, speaking for myself, I should certainly not desire to raise a formal objection, because an amendment has been put in in regard to which the notice required under the rules has not been given, such notice not having been given because of the absence of the paper showing the detailed reduction.

MESSAGES FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, two Messages have been received from the Secretary to the Council of State. The first one is as follows:

" Sir, I am directed to inform you that the Council of State has, at its meeting held on the 8th March, 1923, agreed without any amendments to the following Bills which were passed by the Legislative Assembly:

- (i) *A Bill to provide for the creation of a fund for the improvement and development of the growing, marketing and manufacture of cotton in India.*
- (ii) *A Bill to amend the Indian Income-tax Act, 1922.*
- (iii) *A Bill further to amend the Government Savings Banks Act, 1873."*

The second Message runs as follows:

" Sir, I am directed to inform you that the Bill to consolidate and amend the law in British India relating to official secrets, which was passed by the Legislative Assembly at its meeting of the 24th February, 1923, was passed by the Council of State at its meeting on the 8th March, 1923, with the amendments indicated in the attached statement.

The Council of State requests the concurrence of the Legislative Assembly in the amendments."

Sir, I lay on the table the Official Secrets Bill as passed by the Council of State.

Statement showing the amendments made in the Indian Official Secrets Bill by the Council of State.

" 1. In part (e) of sub-clause (1) of clause 6 of the Bill, for the words 'or uses' the words 'or knowingly uses' were substituted.

2. In part (b) of sub-clause (2) of clause 6 of the Bill, for the words 'neglects or' the word 'wilfully' was substituted."

THE CRIMINAL LAW AMENDMENT BILL.

The Honourable Sir Malcolm Hailey: I beg to move:

" That the amendments made by the Council of State in the Bill further to amend the Code of Criminal Procedure, 1898, the European Vagrancy Act, 1874, the Indian Limitation Act, 1908, and the Central Provinces Courts Act, 1917, in order to provide for the removal of certain existing discriminations between European British subjects and Indians in criminal trials and proceedings be taken into consideration."

The amendments made by the Council of State are before the House. They will be found to be few in number, and with one exception, formal in nature. The exception to which I refer is the amendment which we introduced in order to give effect to the vote in this House on the subject of appeals in cases where sentence of whipping was given without a sentence of imprisonment. I shall not refer further to that matter now as an opportunity for discussion will arise, if discussion is necessary, when you place that amendment before the House.

The motion was adopted.

Mr. President: Amendment made by the Council of State:

"That clause 1 be re-numbered as sub-clause (1) of clause 1 and to that clause the following sub-clause be added, namely:

'(2) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint."

The question is that this Assembly do agree with the Council of State in that amendment.

The motion was adopted.

Mr. President: Further amendment made by the Council of State:

"For sub-clause (2) of clause 2 the following be substituted, namely:

'(2) In clause (j) of the same sub-section, after the word 'Rangoon' the words 'and the Courts of the Judicial Commissioners of the Central Provinces, Oudh and Sind' shall be inserted'."

The question is that this Assembly do agree with the Council of State in that amendment.

The motion was adopted.

Mr. President: Further amendment made by the Council of State:

"After clause 4 the following clause be inserted, namely:

'4A. In sub-section (1) of section 29 of the said Code, for the words and figures 'provisions of section 447' the words 'other provisions of this Code' shall be substituted'."

The question is that this Assembly do agree with the Council of State in that amendment.

The motion was adopted.

Mr. President: Further amendment made by the Council of State:

"In clause 5, in the proposed new section 29A, the words 'Notwithstanding anything contained in section 28 or section 29' be omitted."

The question is that this Assembly do agree with the Council of State in that amendment.

The motion was adopted.

Mr. President: Further amendment made that:

"For clause 11 the following clause be substituted, namely:

'11. In section 266 of the said Code, after the word 'includes' the following words shall be inserted, namely:

'the Courts of the Judicial Commissioners of the Central Provinces, Oudh and Sind, and'."

The question is that this Assembly do agree with the Council of State in that amendment.

The motion was adopted.

Mr. President: Further amendment made:

"After clause 19 the following clause be inserted, namely:

'19A. In section 390 of the said Code, after the word 'shall' the words 'subject to the provisions of section 391' shall be inserted'."

The question is that this Assembly do agree with the Council of State in that amendment.

The motion was adopted.

Mr. President: Further amendment made:

"After clause 19 the following clause be inserted, namely:

'19-B. In sub-section (1) of section 391 of the said Code, for the words 'is sentenced to whipping in addition to imprisonment in a case which is subject to appeal' the following shall be substituted, namely:

'(a) is sentenced to whipping only and furnishes bail to the satisfaction of the Court for his appearance at such time and place as the Court may direct, or
(b) is sentenced to whipping in addition to imprisonment.'

Dr. H. S. Gour (Nagpur Division: Non-Muhammadan): Might I suggest in this connection a slight improvement in order to bring the provisions of clause (a) into conformity with the general Code of Criminal Procedure. I suggest that the words "or executes recognizances" be added after the word "bail". The sentence, as amended, would then read:

"is sentenced to whipping only and furnishes bail or executes recognizances to the satisfaction of the Court for his appearance at such time and place as the Court may direct."

Mr. President: Amendment moved:

"After the word 'bail' insert the words 'or executes recognizances'."

The Honourable Sir Malcolm Hailey: I think the House will agree with me that, when an offender has been sentenced and it is proposed to release him pending appeal against that sentence, the right form is bail. The House will remember that we considered that point, when we discussed the question relating to an appeal against whipping, and the suggestion made to us in this House was bail. That is the suggestion we have accepted and to which we have given effect.

The motion was negatived.

Mr. President: The question is that this Assembly do agree with the Council of State in the said amendment.

The motion was adopted.

Mr. President: The question is that this Assembly do agree with the Council of State in the re-numbering of the said clauses.

The motion was adopted.

THE INDIAN PENAL CODE (AMENDMENT) BILL.

The Honourable Sir Malcolm Hailey (Home Member): Sir, I move:

"That the Bill to amend sections 362 and 366 of the Indian Penal Code, as amended, be passed."

The House will remember that when we dealt here with this Bill, which was known as the White Slave Traffic Bill, I did not at the time put the final motion for passing, as we wished to have an opportunity to consider the effect of the amendment which was made in this House, namely, the amendment which raised the age from 16 to 18. I now propose to ask the House to pass the Bill. At the same time I think the change made is one which will require consideration. As will be remembered, we pointed out on a previous occasion that the age in other parallel sections of the Indian Penal Code was 16, sections which in themselves involve what seem to be more serious offences. We desire to have an opportunity of considering

[Sir Malcolm Hailey.]

with the Local Governments whether it will be possible to allow these two differing ages to stand side by side in the Penal Code. What I propose to do, therefore, is to ask that the Bill be passed, but subsequently to take an opportunity of suggesting elsewhere the provision of a commencement clause which will give us time to consider the effect of the change that has been made. The House will, I think, appreciate my point in this matter. It is inconsistent in itself to have two different ages in the Indian Penal Code applied to offences which may be described as more or less parallel, and it is advisable that we should have an opportunity of discussing with Local Governments whether any other changes may be advisable in the Indian Penal Code before we proceed further in the matter. It is for that reason that I shall propose elsewhere the introduction of a commencement clause. That is a very usual feature in these Bills. We have had to introduce a commencement clause, for instance, in the Bill which the House has just passed. Subject to this understanding, I now ask that the Bill be passed.

Mr. T. V. Seshagiri Ayyar (Madras: Nominated Non-Official): Sir, I do not quite follow the Honourable the Home Member when he says that a commencement section will be introduced later on. I take it that those sections which are in the Indian Penal Code already are now amended and that they will stand part of the Code. Is it intended that before these provisions are given effect to, a commencement clause will be introduced later on and that meanwhile these clauses will not be operative. If the meaning is that it is not to be operative until the commencement clause comes in, I do not see the object of passing the Bill now, and then trying to introduce a commencement clause later on. Is it intended that the commencement clause should be introduced in another place?

The Honourable Sir Malcolm Hailey: Yes.

Sir Deva Prasad Sarvadhikary (Calcutta: Non-Muhammadan Urban): I do not quite agree with Mr. Seshagiri Ayyar that there is no object in passing the Bill now. On the other hand I think this is quite a good opportunity. When we parted on the day that the Bill was considered clause by clause, we parted under a sense—I do not mind calling it so—a sense of disappointment. The usual thing on these occasions is for the Honourable Member in charge of the Bill to ask that the Bill be passed, and when the motion was not made some of us got the impression that there was a rift in the lute that did not quite conduce to the usual procedure being adopted. It has been explained to-day that the Government wanted to consider how the passing of such a measure as raising the age limit for the limited purpose in view was likely to affect the other sections in the criminal law of the land. Much does not seem to have been done in the meantime and we are about where we were when we parted on that occasion. The Honourable the Home Member is at liberty to take any steps he desires or thinks necessary, elsewhere; but I should like to press again a point of view that some of us tried to press the other day, this particular measure stands on a footing all its own. The other sections are more or less different and can be differentiated. This section deals with the creation of a new offence as it was put, in whatever sense that might have been intended; we were recognising that a crime that had so long escaped was being dealt with now and in the light of advancing knowledge and facts the Assembly thought that the age limit should be higher. Even if it takes some time

to bring the other sections into line—and we suggest again that that is the remedy that should be invoked in the case of the other sections—there is no reason why effect should not be given to the provisions of this measure pending the remedying of the other sections. From that point of view the Assembly would, I think, be of the same mind as it was when the clauses were considered one by one, *viz.*, that as soon as possible effect should be given to what has been enacted. That would be somewhat in line with the undertaking that we have practically given in Europe, following up which lead we have taken up this matter. One does not know how long it may take to get the other sections into line with the present section; but in the meantime there seems to be not much reason why the matter should be held up in the way that is suggested. In giving our accord to the passing of the measure, I am sure we should like to put that point of view before the Honourable the Home Member so that he may see that the enforcement of this measure may not be unduly delayed. On the other hand the other sections should be brought into line as soon as possible.

Dr. H. S. Gour (Nagpur Division: Non-Muhammadan): Sir, there is another aspect of the question upon which I should like to address the House. It is this: supposing this House passes this Bill with the clauses inserted in another place for postponing its commencement to such date as the Governor General in Council may notify. In the meantime the Government of India consult the local Governments and public opinion on the subject of the other cognate sections of the Indian Penal Code being brought into line with the amendment made in this section; and suppose the local Governments and public opinion oppose any changes in those sections. What will then be the attitude of the Government of India regarding the commencement of this solitary section? Will they then never bring it into force at all? If so, the result would be a measure passed by both the Houses and ripe for enforcement immediately might be indefinitely deferred by the executive action of the Government of India. Now, that is a contingency which we in this House should certainly deprecate and we want an assurance from the Honourable the Home Member that suppose public opinion and the local Governments do not support the enhancement of age in the other sections of the Indian Penal Code, what would be the attitude of the Government regarding the measure which is to pass into law with the vote of this House and of the other House? The Honourable the Home Member is no doubt aware that the Government opposed the raising of the age limit and supported its attitude by a reference to the opinions of the local Governments and certain public bodies. The local Governments and public bodies who have opposed the enhancement of age under this section are not likely to change their views regarding the enhancement of age under the two or three other sections to which the Honourable the Home Member made reference on the last occasion, and therefore I submit the contingency I have pointed out is by no means a remote one, namely, that it may be that the local Governments and public opinion may not support the raising of age in respect of the other cognate sections. In that case I should like to have a definite assurance from the Honourable the Home Member that it would not jeopardise the enactment of the measure which we are about to pass.

Colonel Sir Henry Stanyon (United Provinces; European): Sir, I strongly support the proposal to introduce a commencement clause. I think it is necessary from every point of view, and chiefly from the point of view of legislative consistency in this House. In a number of sections

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relating to offences against minor girls, the Indian Penal Code fixes the maximum age at 16 years. In the case of this one particular section which we are now engaged in passing into law, this House has decided the limit of age to be 18 years. That is to say, this House has in a sensible and correct way decided that a minor girl under this law shall be in accordance with the law of majority in India. (*Sir Deva Prasad Sarvadhikary*: "And for this purpose".) Now, I do not at all share the apprehensions of my learned friend Dr. Gour. He thinks that if this Bill is held up, public opinion in India may insist on retaining 16 as the proper limit of age. I am not for one moment prepared to admit that the decision of this House, fixing the limit at 18 years, is not in accordance with the public opinion in India. If, in fact, on further reference it is found to be against the general body of public opinion in India, then this House will have to recognise that it has come to a decision which is contrary to the public opinion which it is supposed to represent; but I have no such fear. I think that, without any delay, while this Bill is held up so as to secure consistency, a measure should be introduced officially,—and if not officially, then non-officially,—to bring the limit of age up to 18 years in all the cognate sections of the Indian Penal Code; and I feel sure that public opinion, and any future Assembly which may represent us who are here to-day, will sustain a measure of that kind; but it certainly would be confusing and undesirable that one of the same class of acts should be an offence when committed against a girl who has not yet attained 18 years, while in all other cognate offences the age limit should be 16 years. That would be legislative inconsistency. I therefore think that on these grounds the House will be well advised to accept the proposal that a commencement clause should for the present be introduced.

Mr. J. N. Mukherjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, I also wish to add a word or two in support of the Government position, and in doing so I venture to point out the position in which the House finds itself at the present moment. As has been explained by the Honourable the Home Member out of a group of cases of a similar nature those of a less serious character with which we are at present concerned in connection with the present Bill, this House has fixed the age limit at 18 years, in constituting an offence under the Bill. Therefore, the position is something like this. Where a person deals in the traffic of sale or hire of girls for immoral purposes, the age limit at present is 16 years under the Penal Code. Whereas in the present Bill where single cases of behaviour may be contemplated, where say, by an abuse of authority, a person induces a woman just on one occasion, to go from any place with a certain intent, the age is fixed by the Bill at 18 years. That is, a larger class of cases of a less heinous character but punishable with the same punishment as in the more heinous offences say, for example, under section 372, Indian Penal Code, have been brought within the operation of this Bill. Therefore, as has been pointed out by my Honourable friend, Sir Henry Stanyon, there will be a real inconsistency in the Indian Penal Code, as soon as the Bill is passed and that is the position in which we are placed by the passing of the present Bill. The House is not at present concerned with the means by which it can get rid of this inconsistency because, after consideration of the whole situation, and of the opinions of local Governments, etc., some means may be devised by which this inconsistency can be got rid of. We are not concerned with that. The question, at the present moment, is whether time should be

taken in the manner proposed to consider the situation and to obtain the opinion of the local Governments on the point. The present Bill is a Bill to give effect to the International Convention held at Paris and in that view it has become necessary to pass legislation in this country. The initiation of the Bill did not commence in this country but it was from outside, and therefore the country can wait in a matter of this kind and, as has been pointed out, it may be necessary in order to avoid the inconsistency to raise the age limit of 16 years, in section 372 and the next section of the Indian Penal Code where the sale or hire of girls for immoral purposes and so forth, are dealt with to 18 years. So that, that is the broader question with which the House is faced, not the exact way in which this Bill is to be dealt with in future. There are means, no doubt, in the Government of India Act itself by which situations like the present, in which the House now stands, can be dealt with. Therefore, I submit, Sir, that the House need not now worry to consider in anticipation the measures it may have need to take after opinion of the Local Governments shall have been taken on the matter, and after considering the situation further. I therefore, Sir, support the observations which have been made by the Honourable the Home Member in connection with the passing of this Bill.

The Honourable Sir Malcolm Hailey: I should like to make clear the attitude of Government on this subject. It is necessary that I should do so, because Dr. Gour has asked me a definite question on the matter and asked for a categorical undertaking. He asks whether, if as a result of our inquiries from Local Governments and the public it appears that the latter is opposed to any change in other sections of the Indian Penal Code, that in itself will cause us to delay the application of the Bill which is now before the House. I think Sir Henry Stanyon has already given him the answer. It would be impossible for me to give that categorical undertaking for which he asks. If it really appears that the country at large, when the definite issue in its net form is before it (as it never has been put before it yet) is opposed to raising the age from 16 to 18 in those other sections, 373 and the like, then I think Government would be justified in considering that the House had made an error in raising the age from 16 to 18 in regard to the procurement offences and would be justified in reconsidering the question whether it should give effect to the Bill which is before the House. I may point out that the fact that a Bill has been passed in both Houses of the Legislature, even the fact that it has been passed by an overwhelming majority, which would certainly not be the case in this particular Bill, cannot deprive the Executive Government of a certain responsibility in regard to it. If it were made abundantly clear from subsequent inquiries, that the matter needed reconsideration, and that the public voice of the country itself demanded delay and reconsideration, then it would be the duty of the Governor General to refuse his assent to the Act in order that such reconsideration might take place. That position is a perfectly constitutional one; but is of course one with which I have not desired to confront the House in the past and do not desire to confront the House with now. I have suggested a more reasonable remedy, one which, I think, has been approved by speakers this morning, namely, that we should ask the Council of State to put in a commencement clause in this Bill, as we sometimes do in regard to other Bills; that would give us the opportunity of putting the whole matter before Local Governments and the public in a clear and definite form. I claim that so far the problem never really has been before them. What was before them was

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a somewhat mixed problem connected with the ratification of the convention to which the representatives of India had agreed to adhere. But we have now a definite Bill, which shows exactly how the matter will stand under the criminal law and enables the public to make a comparison with other sections of the Code. If it appears that there is a general consensus of opinion that the age generally should be raised to 18, then of course we shall take it that the public agrees with the view expressed by a majority of this Assembly. If it appears, on the other hand, that there is a general consensus of opinion throughout the country that the age throughout should remain at 16, then we have very good ground for re-considering the whole matter. I have stated the case to the House frankly in order that it might be under no misapprehension as to our attitude on this subject. But I can only claim that I think that attitude is a reasonable one in itself.

Mr. President: The question is that the Bill, as amended, be passed. The motion was adopted.

RESOLUTION *RE* EMIGRATION OF UNSKILLED LABOUR TO MAURITIUS.

Mr. J. Hullah (Revenue and Agriculture Secretary): I move, Sir:

"That this Assembly approves the draft notification which has been laid in draft before the Chamber specifying the terms and conditions on which emigration for the purpose of unskilled work shall be lawful to Mauritius, and recommends to the Governor General in Council that the notification be published in the Gazette of India."

I am sorry, Sir, that we have to ask the House to discuss this Resolution at such short notice, especially at a time when they have many other important matters to consider. But our negotiations with the Mauritius Government continued until a few days ago, so that we could not put the Resolution before the House sooner. On the other hand the state of business before the House for the rest of the month is, I understand, so congested that it would have been perhaps impossible to put the Resolution before the House later in the month. We have however done our best and have supplied Honourable Members with a full copy of the papers.

I come now to the subject of the Resolution. So far as the composition of its population is concerned, Mauritius may fairly be described as an Indian Colony. No less than 70 per cent. of the population of the island consists of Indians who have either emigrated from India or are the descendents of persons who have done so. And we may dismiss completely and immediately from our minds the troublesome question of equality of status. Indians in Mauritius have complete equality of status in every particular with all classes and communities in the island. Mauritius is a small place, but has a revenue, I understand, of not less than 2 crores of rupees. In area it is good deal smaller than many a tahsil or taluka in India, and I doubt whether anywhere in the world you could find an area of similar size, and dependent on a single agricultural industry, so rich or so prosperous. The cause of this prosperity is the sugar industry, almost the sole industry of the island, and one that is carried on certainly with very great success and, I believe, with very great efficiency. But the industry is now threatened seriously by a shortage of labour. There are two causes

of this shortage. Although the area under cane has increased by 26,000 acres in the last few years from 146,000 to 172,000 acres, the increase of the population has been very slow. The causes of this are firstly that Mauritius suffered very severely from the epidemic of influenza three or four years ago and secondly that the capital and chief sea-port, Port Louis, is very insanitary and has a high rate of mortality. The number of able bodied labourers is less by 9,000 than it was 10 or 12 years ago. But there is another and a more important cause of the shortage of labour. When I spoke about a month ago on the question of emigration to Ceylon, I was chaffed for having been so enthusiastic that I might have been speaking as a planter. If I am accused to-day of speaking with the voice of a planter, I can at least claim that 46 per cent. of my voice is Indian. The Indians who went out to Mauritius many years ago as poor labourers have now by thrift and consequent prosperity acquired no less than 46 per cent. of the sugar area in Mauritius and hold this area, not as tenants of the bigger estates but in full proprietary right, to dispose of as they please and to do whatever they like with it. But, as Honourable Members will have seen from the papers before them, it is not merely for the planting industry that labour is needed. Even more it is needed, and in the forefront of the Governor's proposals is a demand for labour, for large Government works, sanitary works and water-works, to improve the admittedly unsatisfactory health of the island and particularly of Port Louis. No less than one crore and 40 lakhs of rupees are lying in the treasury in Mauritius because they cannot be spent, owing to the want of labour, on a programme of works which will above all benefit the town of Port Louis, which is very largely, I believe mostly, populated by Indians.

Emigration from India to Mauritius has a very long history, but we need not go back very far. I go back to 1910 when a Committee, known as the Sanderson Committee, appointed to inquire into the question of emigration from India to the Protectorates and Crown Colonies, recommended that there should be no further emigration. It was said that the population was already dense; it was said that the supply of agricultural labour at the time was sufficient and there would come a time when the Indian labouring population, then unwilling to work, would be forced by dire stress of circumstances to do so. That prophecy has not been fulfilled. It was also said that pauperism was growing in the island. After this on several occasions, chiefly before the war, the Mauritius Government re-opened the question and asked the Government of India to resume emigration from this country. But those negotiations came to nothing, until in 1921, the Governor of Mauritius again opened the question and asked us to let him have 1,000 Indian labourers for public works and 200 artisans. We told him that a change had come over our emigration law and that the Government of India had no power to allow emigration without the consent of both Houses. We also told him the points on which the Legislature would no doubt want to be satisfied and the conditions that the Legislature would probably demand if Emigration was to be allowed. In every respect the wishes of the Government of India have been readily acceded to by the Government of Mauritius. And this has not been done as part of a bargain. They have not said to us "If we do this will you allow emigration?" They have acted first and have left it to us and to the Assembly to allow emigration if we please. Of the conditions which are before the Assembly in the Draft Notification, several have already been incorporated in the law of Mauritius. They are numbers 2, 4, 6, 7, 8 and 11. The rest either do not require to be incorporated in the law or

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are the result of our most recent negotiations. Finally, at our invitation a deputation came from Mauritius to Delhi, and here I should like to acknowledge on behalf of the Government of India and, I feel sure, on behalf of the Standing Emigration Committee, the fullness, the clearness and the frankness with which they stated their case and supplied us with all the information that we desired.

The Standing Committee was exercised over only one point,—as in the case of Ceylon, the question of wages, but for a very different reason. Whereas it was thought that in Ceylon wages were certainly too low, there was no question but that in Mauritius wages were high, very high indeed. But it was feared by some members of the Committee that to allow an influx of Indian labour into Mauritius would depress the high rates of wages already prevalent there. It was pointed out, on the other hand, that we proposed, as we do in the Notification, to allow only 1,500 labourers to go, and that this small number could have no appreciable effect in depressing wages.

Dr. H. S. Gour (Nagpur Division: Non-Muhammadan): What is the total number of labourers there already?

Mr. J. Hullah: The number of labourers, I think, is about 40,000. (*Mr. J. Chaudhri:* “59,000.”) The agricultural population is very much bigger, and my point is that the agricultural population has grown at the expense of the labour population. It was also pointed out that the planters would certainly not import more labour than they needed on account of the very great expense of importing; it will cost about Rs. 300 to import a single labourer; if he takes his wife and children with him, it will cost of course very much more. Moreover, under the new Emigration Act and Rules, the Government of Mauritius will have to maintain an Emigration Commissioner in India and an emigration staff at very considerable expense, all of which goes to swell the cost of the labourer. Thirdly, we were reminded of the very large scheme of improvement which I have mentioned and which the Government has in hand—that works that are going to cost a crore and 40 lakhs can obviously provide labour for 1,500 persons and indeed a very great deal more. Nevertheless we negotiated in order to get and to secure a really sufficient wage. We had been shown a schedule of the cost of living, based on prices in 1921, which showed that the cost of living for a labourer, his wife and three children amounted to about Rs. 38. At the same time we were left under the impression that the present rate of wages for day labourers was Rs. 2 a day for a month of 26 days,—Rs. 52 a month. We were confirmed in this, we thought, by a telegram from the Government of Mauritius which was sent to us in June last year in which they stated:

“The normal rate for day labourers on estates does not now exceed Rs. 50. This Government is fully prepared to engage for labour at local market rates and to consider payment of such wages and under such conditions as the Government of India may suggest, subject to this being comparable with those now paid and afforded locally.”

The meaning and intention of that telegram is not very clear to us, but at first we proposed to the Mauritius Government that they should pay wages which would be roughly equivalent to Rs. 50 per month, and we therefore asked that they should guarantee a wage which would provide the cost of living according to the schedule, which was then put at Rs. 38, plus a margin of Rs. 12 a month, in all Rs. 50, with free housing and medical attendance. Failure to obtain this wage was to be a condition of repatriation.

Any labourer who within two years could show to the Protector of Emigrants, or to our agent when appointed, that he could not obtain this wage including this margin was to be entitled to repatriation immediately. The Mauritius Government could not accept this proposal as it stood and replied " that they consider the fixed margin of 12 rupees to be excessive."

" This ", they said,

" would bring wages with the cost of living calculated on a liberal scale, above the actual market rates, and such wages paid to newly landed immigrants would have a disturbing effect on all classes of labour in the island. With regard to the rate of Rs. 50 referred to in my telegram of the 20th of June, this referred to day labourers on estates not getting housing or medical attendance and is the rate paid during the crop season when wages are at their highest owing to the demand for labour. Even at that date lower rates were being paid for labour engaged on roads, etc. It should be realised that rates vary considerably in and out of the crop season. On estates at present a labourer with family receives besides free housing and medical attendance 28 to 30 rupees in cash and rations."

So we had another meeting of the Standing Emigration Committee and it was admitted by the majority that it was hardly reasonable to demand from the Mauritius Government a fixed wage irrespective of the cost of living at the time and one stated to have been in force last year at the very height of the busy season of the sugarcane crop. So our final proposal to the Government of Mauritius was that as the condition of repatriation there should be a wage equivalent to the cost of living for a man, his wife and 3 children, *plus* a reasonable margin, to be determined in consultation between the Government of India and the Government of Mauritius. That proposal has been accepted by the Mauritius Government and it appears in the conditions that we have placed before the House. It is very liberal, I think; if a man goes all by himself and does not take his wife or any children, he will, nevertheless, get a wage equivalent to the cost of living for a man, a woman and three children *plus* a margin to be determined by discussion between the two Governments. The notification further provides that emigration to Mauritius shall be lawful with effect only from a date to be notified in the " Gazette of India " by the Governor General in Council after the matters requiring determination under clause 10 of the notification shall first have been determined, so that if the Assembly passes the notification to-day, it does not mean that emigration begins forthwith. This Government and the Government of Mauritius have to discuss and settle what shall be the wage and what shall be the margin, and we ask the Assembly to leave this matter in our hands.

I have now shown, Sir, I hope to the satisfaction of the Assembly, that Mauritius is a country to which we can confidently allow Indian labourers to go. When they get there they will find themselves among thousands and thousands of their brethren who speak the same language as themselves. They will find that they are equal in status with every section of the community. They will find themselves getting wages equal to what is required for the subsistence of a family of five. They will receive free housing and free medical attendance. They will not be able to make contracts of service for a period exceeding one month, so that nothing like the indenture system can arise. They will have extraordinarily liberal conditions of repatriation. Up to two years a man can secure repatriation for any reasonable cause, including the very liberal condition that he shall be repatriated if he cannot obtain work suitable to his capacity, and after two years he has an absolute right to repatriation without assigning any reason whatsoever. I have also told the

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Assembly of the readiness with which the Mauritius Government have accepted all the terms which we put before them during the course of the earlier negotiations and how without bargaining they have gone ahead and actually embodied these conditions in their law. I think there is no real fear that the addition of this small number of 1,500 persons to the labouring population of Mauritius can possibly operate to depress wages, for there will be sufficient work for them on the large sanitary works of improvement, which will benefit the whole island and especially the present Indian population. And I believe that if we allow this small body of labourers to go to Mauritius, they will find themselves in a country where the conditions of life for them are happier and more prosperous than anything that they know in their own. Sir, I commend my Resolution to the Assembly.

Rao Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): Sir, I beg to move an amendment which stands in my name to the Resolution moved by the Honourable Mr. Hullah:

"That for the original Resolution the following be substituted:

"This Assembly recommends to the Governor General in Council that the consideration of the draft notification specifying the terms and conditions on which emigration for the purpose of unskilled work shall be lawful to Mauritius be postponed pending investigation on the spot by an officer of the Government of India of the probable effects of emigration of fresh labour into the colony on the Indian labour population already settled there."

Sir, the Honourable Mr. Hullah, in moving this Resolution, has given a pretty accurate account of the conditions prevailing in Mauritius. In fact, speaking once or twice before in this Assembly, I referred to Mauritius as a colony where conditions were quite favourable for the people who were already settled there. There are one or two aspects of the question which require careful consideration at the hands of the Assembly. In the first place we have already got there, settled in this very small colony, which as has been described to us, is no bigger than a taluka or frika even in many parts of the country, only about 520 square miles, has a population and a very large population indeed of Indians, who went there as indentured immigrants and of whom now about 40 per cent. have become peasant proprietors of small quantities of land. I may mention for the information of the House that there is no land available for purchase for new goers there, unless it be that the owners of big estates parcel out pieces and sell them. In fact the Indian settlers acquired property only in this way from owners of big estates parcelling out their estates and selling them at various prices. There is no land available to the Government which can be placed at the disposal of these new settlers there. That is one aspect of the question which has to be remembered.

Another aspect of the question which has to be remembered is that there are about 50,000 Indian labourers who have to depend upon the market conditions of labour prevailing there. An influx, therefore, of Indian labour to compete with Indians already settled there is a matter which requires very careful consideration at the hands of the Assembly. We have not to look at it from the point of view merely of the new goers there. If you look at it only from that point of view, I have no doubt myself that these people will lead a better life than they do in their own homes. On that subject I have not the least doubt, because the wages in Mauritius are better than the wages prevailing in rural areas and

slightly better than the wages prevailing in urban areas; but the question of emigration to Mauritius stands on a new footing in view of the past history of emigration to that Colony. The matter was thoroughly investigated by a Committee appointed by the Government of India in 1909 and in 1910 it was resolved on the report of that Committee, as Honourable Members will see, that emigration should not be permitted to Mauritius on the grounds, as Honourable Members will find on page 3, "that the Indian population there was large enough to supply all the necessary demands and that a state of things was approaching in which the pressure of existence would compel them to do so. They also considered that, as the Indian population increased, and the amount of undeveloped land diminished by the steady growth of peasant proprietorship, the openings for the immigrants whose term of indenture had expired would constantly diminish, with the result that the free labour market would become overstocked."

That was in 1910. Immediately afterwards, in 1912, within two years, the Governor of that Colony tried to re-open the question more or less on the same grounds as are now urged for re-opening that question, namely, that there is a dearth of labour, that there is not so much congestion, and in fact the Committee were misinformed and came to wrong conclusions. Almost the identical grounds which are urged now in support of allowing emigration were urged within two years of that Committee. It is not that the conditions are alleged to have changed after 10 or 12 years; it was alleged even within two years that the conditions were changed and in fact that the Committee came to wrong conclusions. That was the ground on which the Governor tried to re-open the question, but both the Government of India and the Secretary of State were satisfied that they could not allow emigration. Again, in 1915, the Governor tried to re-open the question and then he wanted only 200 or 300 labourers at that time. The Government of India however stood firm and said they would not allow emigration because the effect on the Indian population there would be mischievous by the introduction of fresh Indian labour. In fact, the Government of India have persistently refused to grant the request for the following reasons which Honourable Members will find at page 6. I emphasise grounds 3, 4 and 5:

"(3) If additional labour is introduced, the congestion in the country will not be removed by the opening out of waste land.

(4) Indian opinion in Mauritius is opposed to the introduction of additional labour.

(5) The gain to prospective emigrants is negligible, as high wages can be earned in the principal towns of India."

These are the grounds on which the Government of India strenuously refused to re-open that question. Now the Government of the Colony in 1921 renewed the request by making an appeal to the Government of Madras which was transmitted to this Government. At that time we were considering the Emigration Act. Honourable Members are aware of the policy which underlies our Emigration Acts, that assisted emigration should not be permitted unless we are satisfied that the conditions in the place where we send our labour population are satisfactory, and that is why we took the control of emigration into our hands. Now Honourable Members will find that in May 1922 the Government of this Colony made an offer, or rather proposed to this Government, that we should allow emigration for Government works, and they were prepared, as Honourable

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Members will see from the telegram just read to us this morning which appears at page 21,—which is dated the 20th June 1922, they state:

“The normal rate for day labourers on estates does not now exceed Rs. 50. The Government is fully prepared to engage day labour at local market rates and to consider the payment of such wages and under such conditions as the Government of India may suggest, subject to these being comparable with those now paid and afforded locally.”

So that they were prepared to pay a little over Rs. 50, which was then the prevailing normal rate. This was confirmed in their letter, dated 14th August 1922:

“As stated in my telegram of 20th June, this Government is fully prepared to engage labourers at local market rates and to consider the payment of such wages and under such conditions as the Government of India may suggest, subject to those wages and conditions being comparable with those obtaining locally.”

That was in August 1922. The deputation left the Colony about the end of December 1922 and arrived here in the middle of January. The deputation met us about the last week of January, and at the first meeting of the Committee, as Honourable Members will see at page 32, the deputation informed this Committee; speaking in January 1923, the deputation stated—that is the non-Indian portion of the deputation stated:

“Current wages for day labour are approximately Rs. 2 per head for 26 working days.”

Therefore that comes to Rs. 52 a month. *Current* wages, Honourable Members will note the language. Therefore in January, 1923, the Committee were informed that the current wages were Rs. 2 a day:

“The Estate supplies quarters for married people, etc., and Government are prepared to pay the market rate for labour, which is at present Rs. 2 per head for efficient labour but are unable to offer a guarantee.”

The two Indian members of the deputation, who are now big planters, stated, as Honourable Members will find at page 33:

“All daily labourers can get Rs. 2, Rs. 2/8 and Rs. 3 at the present daily rates, the higher rate being paid at harvest time.”

So that the lowest rate was Rs. 2

Dr. H. S. Gour: No, the lowest was Rs. 1/8.

Rao Bahadur T. Rangachariar: The lowest for road-making was Rs. 1/8. Then the secondman, the Sardar says that he had to pay labourers Rs. 3, Rs. 4 and even Rs. 5. On this information the Committee acted; I think it was in the second meeting, with due regard to the cost of living as given to this committee—which Honourable Members will find at page 53—*viz.*, Rs. 38 which includes Rs. 3 as rent for the quarters which these people allow—the rent of these quarters which is now Rs. 3 was only one rupee in 1914 for the same accommodation—a calculation was made. Now we argued: well, the cost of living is Rs. 38 and people have to perform a journey of twenty days from Calcutta as Honourable Members will remember. And having to go such a long distance and having regard to the wages in the presidency towns like Bombay, Calcutta and other places and having regard to the cost of living in the locality, we thought that a margin of Rs. 12 for saving in this distant place was only proper, also having regard to the wages prevailing there,

which was admitted, *viz.*, that in January 1923 the current wages were not less than Rs. 2 per diem; therefore, taking 25 days' work in a month or Rs. 50 per month a safe margin had to be allowed for the people who go there to make a decent living and saving. Although Honourable Members may be struck with the fact that these people get nearly Rs. 2 a day, they have to remember also the cost of living in that place which is Rs. 38, so that only Rs. 12 is left as a margin for their festivities and for old age and sickness and other things; so that the Committee thought that if they fixed this condition, that is, if any labourer is unable to get this wage then he should be repatriated, that is how we resolved unanimously on the 30th January as Honourable Members will find on page 37, it would be the proper course; the permission should be subject to the condition that if any labourer now imported is unable for a period of two years after landing to obtain a wage of Rs. 2 a day which shall not include medical relief or quarters and satisfies our agent of this and wishes to return to India, he shall be entitled to repatriation free of charge. That was a very reasonable proposal we thought. Honourable Members will remember that at about that time the Ceylon and Malay States question came up for consideration in this Assembly and I am afraid that the attitude of this Assembly in reference to those colonies has influenced a slight backing away or back-sliding of this colony and going back upon the terms which they were prepared to offer at that time. Now, what has happened? Those who formed the deputation told us in January 1923, the Government told us in August 1922 and also in June 1922 that the current normal rate was Rs. 2 a day; we did not want to interfere with the market conditions in that place by putting in 1,500 families there. Honourable Members will notice the proposition is to send 1,500 adults; adults includes dependants and therefore you are sending 1,500 families which means nearly 3,000 or at least 2,500 labourers; so that you are introducing in a place where there is an Indian labour population an additional labour population of 2,500. Therefore it will have its economic effect on the law of supply and demand. Honourable Members will remember that in 1921 the average rate of wages was Rs. 82; in 1922 it fell to Rs. 50; so that the wages have already shown a tendency to fall and we do not want to introduce another factor to put pressure in the labour market and make the wages go further down. Therefore we thought it was a very good condition to impose, so that the people who go there will have something to save and it will not adversely affect the labour market there. That is what they say themselves; they say "If you fix this condition it will have a tendency to keep the wages at that level." I quite admit it. But you yourself admitted that that is the normal rate and therefore we are not introducing any new rate. You yourself having admitted that is the normal rate and that is the rate which you were prepared to offer, we do not want to reduce it. Then we met a second time; and although I was for taking a different course the majority of the members resolved, as Honourable Members will find at page 39:—"The remaining members considered that the criterion for repatriation should be the cost of living, calculated in the manner, and on the scale shown by Mr. Walter, *plus* Rs. 12". Very well, I did not object to that very much, although I was for fixing Rs 50 per mensem. Now this was about the 3rd of February. On the 10th of February we passed our Resolution about the Ceylon and Malay Settlements. Of course, they went on pressing and we went on yielding. So it was a question of bargain; it depends upon who is able to stand firm. So the deputation perhaps thought that this Assembly was quite prepared to agree to whatever people from other

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Colonies said, and they put more pressure on us, and subsequently they began to take a different attitude. Having told us on 23rd January that the current rate was Rs. 2 per diem, on the 12th and 14th February, Honourable Members will find we were told that the current wages had shown a tendency to go down. The deputation left in December, and met us in January. They told us that the current rate was Rs. 2 per diem, but on the 12th and 14th of February a new tale was unfolded which Honourable Members will find in the telegrams at pages 26 and 27 (12th February and 14th February, Nos. XV and XVI). We see there wages are going down further to Rs. 32, Rs. 30 and so on. This took us aback. We were told that Rs. 2 was the current normal wage, and we were told within a few weeks that the wages are showing a tendency to go down. I for my part am afraid that this negotiation itself for importing fresh labour after so many years' cessation is having its effect on the labour market there. I am afraid pressure is being put on the labour market there on the ground that new labour is coming there, and if the statements contained in the telegrams of the 12th and 14th February are correct, then that shows clearly that the tendency for the wages to go down is due to some extraordinary cause. It went down from Rs. 82 to Rs. 50 between 1921 and 1922, and again it went down from Rs. 50 to Rs. 38 which is the cost of living, and before we send our people there and place the people who are already there in a difficult position by adding this additional labour in the market there, the matter should require some consideration; it is true we are perfectly satisfied with the political conditions—the qualifications are equal—Honourable Members will see that no Indian has sought a place in the Legislative Council there because of their apathy, because of the nature of the population who are mostly coolies who went there. Although the Indian voter's list is 2,600 strong, out of about 8,000 no Indian was elected and only 2 Indians are nominated, and no Indian has been elected to the Council although there is nothing to prevent them from standing for election. All this is by the way. Now one Committee has already said that we will be affecting the Indians who are already there, and so far as the Indian population is concerned, we have no definite data to go by. The Indian population there did not like any new immigration; in fact there was a conference held there and only 2 Indians of those who are present, said that they did not like any new immigration. There is a queer reference to it in the Government's letter that the Indians are anxious to keep the wages high. Now what is the meaning of this reference in the Government's letter that the Indians are anxious to keep the wage high.

Mr. J. Hullah: Did the Honourable Member say there were only two Indians at that meeting?

Rao Bahadur T. Rangachariar: I did not say that.

Mr. J. Hullah: I am sorry; then I misunderstood.

Rao Bahadur T. Rangachariar: Two Indians accompanied the Deputation but they were planters, big planters as I have already said. What we are now concerned with is to find out how the small proprietors there will receive this and what effect this new addition to the labour market will have upon the large labour population who have to depend upon labour alone. This will have to be carefully investigated, and therefore I suggest that we may allow this emigration provided we are satisfied

that we do not affect the population there materially. We do not want a guarantee that they should get this rate of wages there. What we want is a guarantee that they should get a margin of Rs. 12 over the cost of living,—that is as per schedule, which they themselves have furnished. But that they are not willing to undertake. They want to take advantage of the fact wages are going down and this I think you should not allow to take place without a fresh inquiry by a responsible officer of the Government of India on the spot. Because real Indian opinion on the part of the labour population has not found any facility to come here and represent their side of the question. And, moreover, one or two Indians coming over here will not be able to give us that impression which an examination on the spot will disclose. There is a great deal therefore in allowing this matter to lie over. After all, it is now over 13 years since emigration was stopped and the matter was said to be urgent from 1921, so that a few months' delay will not in any way affect the question. On the other hand, we will be able to consider this question with our eyes open after a report from a responsible officer of the Government of India. Therefore, I think that, having regard to this sudden fall in wages, from Rs. 82 in 1921 to Rs. 50 in 1922, in January 1923, and all of a sudden to Rs. 35 or Rs. 36 in February, and whereas we have to pay higher wages, they show a tendency to rise here, there is not that fall, my own fear is that this very negotiation going on for the last two or three months or six months has had this effect and this is being used as a lever to force the Indian population there to accept smaller wages than they have hitherto been getting. That is my fear and reading of the situation. I therefore submit, Sir, that there should be an investigation of this part of the question. While I am in entire agreement with regard to the other matters mentioned by the Honourable Mr. Hullah, there is nothing lost by leaving this notification to stand over till an investigation has been made. I move my amendment, Sir.

The Honourable Mr. B. N. Sarma (Revenue and Agriculture Member) :

Before I proceed to the main question that has been argued with much ability by my Honourable friend, Mr. Rangachariar, I will make a few preliminary remarks. I do not think it is necessary for me to enter into any full discussion because we are all agreed that, so far as the past history of this Colony is concerned, it has been very satisfactory. It is satisfactory, I say, for this reason, that those who have settled down there have been able to acquire considerable property and a rate of wage which compares very favourably with that prevailing in other parts of this country as well as in other Colonies a wage higher than a living wage, taking the low standard into consideration. If a Colony can make labourers peasant proprietors, if it can give guarantees of ample food and clothing and also afford us a practical assurance that in a short time they would be able to become peasant proprietors in their own turn, I think it cannot but be said that the past history is a satisfactory one. But I do not think it is necessary to labour the point because the issue is somewhat differently put. There are no racial discriminations, there are no constitutional differentiations. The real point is, is there any need for labour in that Colony? Are labourers being demanded or being asked for, in order to depress the wage there or to satisfy the absolute imperative needs of the Colony which cannot be met with the assistance of the existing labour population? And what will be the result of our denying the assistance which is demanded by the Colony? I agree that the Government of India on previous occasions, accepting the recommendations of the Sanderson

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Committee, were unable to see their way to sending labourers to Mauritius. But the Government of India as well as the Committee have fully examined again the question as to what the existing conditions are in order to see whether there is any demand for new labour or whether this demand is put forward only to depress the labour conditions in Mauritius and they have come to the conclusion that more labourers are needed for the purposes of that Colony. It has been proved to us—and Honourable Members will see that—that the area under sugarcane cultivation has gone up between the years 1911 and 1922 and that the number of labourers who are available for the sugarcane cultivation has been reduced. It has been said that at least one labourer would be required for 3 acres. There are at present 162,000 acres under cultivation. 54,000 labourers are therefore said to be the proper requisite for getting the best out of those 162,000 acres—for getting the proper yield and for proper cultivation, whereas the number of labourers has been reduced by about 9,000 as between 1911 and 1922. That is, there were more labourers available in 1911 for the cultivation of a smaller area and the Committee was satisfied therefore that a larger number is required to carry on efficiently the sugarcane cultivation which is the main staple crop of that Colony. Honourable Members might ask why the number of male labourers should have been reduced as between 1911 and 1922. The reason is simple. A number of the old indentured labourers have in the ordinary course of nature disappeared from the scene of their labours. The number of adult labourers therefore has been reduced considerably. Some of them have also taken to other occupations and the net result is that the number of labourers between the ages of 20 and 49 is at present only 30,907 and the members in charge of the agricultural department from Mauritius have told us that about 54,000 would be the proper number for the adequate cultivation of that area, but I shall not labour this point further. There were one or two reasons which induced the Government of India and the committee to consider that there was a real need for labour. Large irrigation works have to be undertaken. A sum of 1 crore 40 lakhs which is available for public works including irrigation works has to be spent, and it is proposed to be spent over a period of ten years, it has been proved that the existing labour population is inadequate to carry on efficiently even the present area under sugarcane cultivation. Therefore if another additional 50 thousand acres of waste land are to be brought under cultivation and if these public works are to be undertaken, the existing labour population would certainly be inadequate, inadequate as it is considered even for present purposes. The main point that was urged was that the new labourers might take out of the mouth of the existing labour population their bread, may compete with them and consequently depress the labour market. We feel that there will be no such danger whatsoever because the men that are to go from here would not be engaged on the same work, except that they would be free to do so if they liked, but have got new work allotted for them and consequently for the same quantity of work an additional number would not compete and we therefore felt that there was no danger whatever in allowing a small number to go from India. What would be the result of our refusing to grant assistance that is so sorely needed by the colony. I think the effects would be disastrous from the point of view of the Indians themselves who are settled there. It may be that the ignorant labour population may grumble. It may be so. I am not stating that it is so. Let us take a long view of things and consider as to whether it would not be to the advantage of the

existing Mauritius Indian population to enable them to live under healthier conditions, to enable public works to be built when the money is there, to bring new land under cultivation which would be shared by them and possibly by the new emigrants from India and consequently the Government have felt and the committee have felt in the earlier stages that they would be doing the right thing to assist the colony by the supply of a small labour force and that they would be jeopardising the true interests of the existing population itself by refusing the assistance that has been asked for. Now, Sir, I come to the question as to whether Government should really ask and this House can ask for different terms than those proposed in this notification. Honourable Members will remember that we are no longer dealing with an indenture system. If we could guarantee the labourers that go from here to the Government then a different set of considerations would arise. The Government could say, we will pay the 45, or 50 or 60 rupees per labourer and we can fix him by means of a contract. But we have deliberately set our face against the continuance of the indenture system. The labourer is now a free man. When he lands there he can work under the Government or under a planter or earn his living in any way he likes. There is nothing to tie him down to Government work or to work for a planter. Consequently, it will not be possible for this House or for the Government of India to fix any rate of wage which must be guaranteed over a period of years. Honourable Members will see the difficulty under which we have to work the new system. That being so, we have to satisfy ourselves whether when these 1,500 men go there they will really be confronted with a situation in which they would not only be unable to seek their living on proper lines but would be compelled to accept such a low wage as would really handicap them. The only way out was to stipulate with the Mauritius Government that they would repatriate unconditionally any labourer whenever such a state of things obtains in that colony as would compel a labourer to work without getting a living wage with some reasonable margin. The only way out therefore was to provide a repatriation clause under which this would be guaranteed to the labourer who goes from here, and such a repatriation clause has been provided for. At the end of two years a labourer will be entitled to demand repatriation, whether he can earn a living wage plus a reasonable margin or not. And further, before the end of the two years if he can satisfy our agent whom we hope to employ there that he cannot earn a living wage plus a reasonable margin, then also he would be entitled to be repatriated at the expense of the Colony. I suggest to the House that that is a very reasonable position, while the fixation of a definite sum, such as Rs. 12, would not be quite the best thing to do, especially since we have to deal in this Assembly with broad principles and not details. Honourable Members will understand that we have to determine the principles here and leave the working out of the details to the Executive Government. And any principle which we may apply to this case would ordinarily be applicable to the other Colonies also. We cannot fix as a Legislature Rs. 12 in the case of Mauritius, Rs. 5 in the case of Ceylon, Rs. 3 in the case of the Straits Settlements and Rs. 4 in the case of Fiji—I am only giving hypothetical figures. What we can insist on is a living wage plus a reasonable margin and here I think the Committee have done as much as they could in asking for a living wage not only for the man himself but sufficient for a wife and three children besides. That is a new principle and a principle I think which would help the labourer considerably in his struggle in this as well as in other Colonies, and I would draw the attention of the House to the supreme importance of the acceptance of this

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principle as a line of policy which we are initiating for the first time in dealing with Mauritius.

Now, coming to the question whether the negotiations which have been taking place here have not really depressed the labour market there and are not calculated to depress the market further, and whether the reason for the Colonial Government stating that they would not be able to agree to Rs. 12 wage is the one suggested by the Honourable Mr. Rangachariar, we shall have to take two or three points into consideration.

We have been told by Mr. Walter and the other Members as well as by the Indians who came here that the wages fluctuate remarkably in that colony in the busy season and in the busier season. The fluctuation is between Rs. 1½ and Rs. 3½ and even Rs. 4. At the time when the Colonial Government addressed us, it was about Rs. 50, and we were told that the cost of living as then computed in 1921, was Rs. 38-8. We have asked the Colonial Government as to what this means as to what the state of prices is at the present moment, and we have got information to show that during this period there has been a fall in prices to the extent of about Rs. 10—that between 1921, when it was stated that it was Rs. 38-8 and the period we are now thinking of, that is at the present moment, the cost of living of a man, woman and three children, we are told now, has fallen from Rs. 38-8 to Rs. 28-8. That accounts really

Rao Bahadur T. Rangachariar: May I draw the Honourable Member's attention to page 51, the fact is, the note is added on the 20th February, 1923, to the table,—page 51, at the bottom, the note added on the 20th February? This explanation is only added after the meetings were over.

The Honourable Mr. B. N. Sarma: I was anxious to know as to what these fluctuations mean, and before I came to this House I wanted the Colonial Government to supply me with figures showing what the actual cost of living is at the present moment because I wanted to be satisfied as to why it was that they stated that the wages obtaining in the market at that time were about Rs. 30 or Rs. 32, and in answer to my query the Mauritius Government has kindly supplied us with information which would show that this fall in prices has been due to . . . (*An Honourable Member:* "Since when"?) The papers were put up to me yesterday; I think Mr. Hullah obtained the information only very recently, it must have been two or three days ago. I think it was after those papers were printed off,—that is the reason I had this information given to me last evening; and I am mentioning them to show that the Colonial Government have not assumed an unreasonable attitude in the matter and that the effect of the discussions on the Ceylon question were not really the factor which influenced or could have influenced the attitude of the Colonial Government in this respect. Honourable Members will find at page 53, that there is a fall of nearly Rs. 5 in the price of rice—it is no wonder—what Mr. Walter gave us was the prices in 1921, and Honourable Members will realize that there has been a considerable fall in the price of rice since 1921; so then we were proceeding on the basis of the 1921 prices, and we are now proceeding on the basis of the 1923 prices; there has been a fall of Rs. 5 there, a fall in the price of *dhal* of about Rs. 1½; I need not go into all the details, the total works out at

Rs. 10 less, so the cost of living for a family is Rs. 28-8 as against Rs. 38-8. That accounts really for the Colonial Government being cautious in their attitude as regards the fixation of a specific sum which must be guaranteed as a condition of repatriation. They are willing to accept the principle, and we can proceed only on general principles, so long as we are satisfied that the acceptance of the principle, if translated into action, is not likely to prejudice either the existing labour population in Mauritius or the man that goes from here. There is one point, Sir, I would ask the attention of the House to, and that is this. What we are now dealing with is the question of minimum and not the question of maximum or the question of the wage which would be earned by the labourer hereafter in Mauritius. The minimum was Rs. 1½ as Honourable Members will notice. The maximum was Rs. 3½ or Rs. 4. That is, when there is the stress, when there is demand for labour, labour is able to dictate a higher wage and it gets it. It will be able to do so exactly in the same way hereafter also, because there is nothing to prevent the labourers, either now there or those who will be going there hereafter, from dictating the wage on which alone they would work, provided we do not over-stock the labour market. But we have already tried to show that we are not likely to over-stock the labour market, because if the Mauritius Government are going to undertake the new works costing Rs. 140 lakhs, if they are going, by means of irrigation works, to bring in another 50,000 acres of waste under sugarcane cultivation, surely it follows necessarily that these men, small as they are, only 1,500, would not be able to do even the new work that lies before them. Therefore, the labour market would be exactly in the same position, it will perhaps be in a better position, by reason of the new works which are contemplated by the Colonial Government. I would therefore put it to the House that the conditions that are adumbrated are likely to improve the condition of the existing labourers and the labourers that are going from here, and that what we have to see is that the labour market is not over-stocked. Then, if we cannot fix a wage because we cannot guarantee that these labourers would work only for the Government or would work for the planters, what is the other course open to this House and to the Government? The provision of a minimum, the non-receipt of which would entitle them to repatriation. The only point, then, before the House is whether it ought to be Rs. 12, or Rs. 10 or some indefinite sum which is to be fixed by the Government; it may be in excess of 12, it may be smaller than 12, but it will be some sum which ought to be determined in relation to some accepted principles. If the Government of India find that it should be more than Rs. 12 and the Mauritius Government are not going to accept it, then no emigrants will go from here. I am not suggesting that there is that possibility or probability. All that I am saying is that we shall have to accept the margin as a margin for what?—for sickness and for old age and such other things. We shall, therefore, have to proceed upon some data, some scientific data, which would give us on an insurance basis the amount that would be required in the case of these labourers as a provision for sickness, old age and other contingencies. The Government of Mauritius or the agent of the Government of India would communicate to us, what the margin ought to be, and it would be determined between the Mauritius Government and the Government of India. It is impossible for us as a House to determine what the margin should be. Honourable Members will also see that this has a very great bearing upon the determination of the margin with reference to various other colonies also. What is the ground upon which this Rs. 12 has been asked

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for? This Rs. 12 has been asked for because Rs. 38 was the living wage and Rs. 50 was the wage of the labourer at that particular moment. Therefore, Honourable Members said that Rs. 12 shall be the reasonable margin. But it may not be a reasonable wage, reasonable margin, supposing insurance money for sickness and old age happens to be a larger sum having regard to the fall in the living wage.

My position really is that the question of a margin should be determined by some scientific principles. I will not say there is anything very scientific in this matter, but I mean some basic principles of action which would be applicable to all colonies alike, and that the House would be doing the right thing if on a matter of that kind they left the margin to the Government to settle. It is always open to this House if the Executive do not exercise their discretion correctly, to take the necessary measures for the purpose of preventing any evil which may be growing up. After all I would suggest that the cost to the Government of Mauritius of employing an agency and of taking these 1,500 men will be a very large sum. They are not likely to pay as much as 150 or 200 rupees per labourer unless they are really wanted there. That is a point I would like to press upon the House. The Mauritius Government is not likely to spend Rs. 200 or 250 per labourer at the risk of having to repatriate them at their own cost within two years, and certainly after two years, unless there is real work which has to be given to them the moment they go there. And if there is new work to be given to them, I would suggest to the House that there is no danger whatsoever of the labour market being depressed by this small number being allowed to go there. What is the Government Officer going to report on at the present moment? It is only experience that will tell us whether our expectations are going to be realised or not. If the fluctuations in the market price of labour are as wide as a rupee and a half and three and a half rupees, a few months' stay in the island would not enable him to tell us what it is going to be. Therefore the Committee fixed on the small number of 1,500 and that only for one year in order to watch the effect of the new immigration upon the existing local market. They have deliberately given to the Mauritius Government only a small number with a view to watching the effect on the labour market there before a larger number is sent of the 7,000 men that were asked for. Government are as anxious as any Member in this House to see that the Indian population there is not prejudiced. We do not want to get rid of labourers from here. That is not in the slightest degree the wish of the Government or of any Member of this House. We want to safeguard the interests of the existing population of Mauritius, which may be truly said to be an Indian colony, and we feel that it would be prejudicing the interests of that colony if we did not supply the small number which that Government has been asking for continuously for the last many years. 1,500 is not a large number. The effect thereof will be watched with care by the Government and, as already stated, we are not going to agree to a single labourer leaving the shores of India until we are satisfied that the wage he would be able to get is a fair wage. All that we are asking is that this House should accept the principle and leave the working out of these principles to the Executive Government, and having regard to the observations made in this House, the Government would endeavour their level best to ascertain the conditions in Mauritius before they took action

Mr. B. S. Kamat (Bombay Central Division: Non-Muhammadan Rural): How?

The Honourable Mr. B. N. Sarma: How? By means of such inquiries as may be possible. It may be that if on further inquiry we feel it is necessary, we may have to send an officer. I am not going to say that the Government will not find on further examination that it is necessary that they should know the exact state of things. All that I am asking is that we should not be bound down to a particular policy. We have got the interests of the labouring population at heart and if we are not satisfied with these wide fluctuations, we shall ourselves embark upon an examination of the question by sending such officers as we desire to see that neither the new immigrants nor the existing labouring force is prejudiced by any action that this House may leave it to the Government to decide. The reason why we have been obliged to place this question before this House at such short notice is that we may not have an opportunity in the near future of asking the House to agree to this notification, and it may be a very long time before we might be able to do so. It is undesirable, especially having regard to the fact that we shall have to postpone indefinitely the execution of public works in Mauritius, which would be very helpful to the Colony, to delay, if delay can be avoided; but Honourable Members may rest assured that we will not hurry in this matter so as to prejudice the interests of Indians already in that Colony.

Mr. President: If Honourable Members wish to continue the debate, I think we had better adjourn now till Twenty Minutes to Three.

The Assembly then adjourned for Lunch till Twenty Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty Minutes to Three of the Clock. Mr. President was in the Chair.

Mr. B. S. Kamat: Sir, with reference to Mr. Rangachariar's amendment, I am sorry I cannot agree with him either in his motion or his arguments and inferences. What he wants is that this question should be postponed pending an investigation on the spot by an officer of Government with an idea of finding the probable effects of immigration of fresh labour into the Colony of Mauritius. He bases his argument for postponement chiefly on the ground that he apprehends an influx of labourers that is affcoding from India to Mauritius.

That raises, Sir, two or three distinct issues: in the first place, whether there would be really an influx; in the second place, whether this stage of the negotiations is an opportune moment—whether it is not too late at this stage, I mean, to open up that point; and thirdly, whether we have to look at the whole question from the point of view of the inconvenience to the settlers in Mauritius or whether we have also to look to the prospects and the interests of the labourers who will go from India to Mauritius.

Now, taking one of these points first, namely, about the propriety of starting this issue at this stage, I for one, Sir, think that Mr. Rangachariar, who was a Member of the Emigration Committee, should have raised this point about the influx and its probable effects much earlier. These negotiations have been going on for something like two years, I

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believe. From the correspondence it would appear that the Government of Mauritius re-opened negotiations about fresh labour from India so far back as April, 1921, and the matter has been pushed backwards and forwards—telegrams, cables, correspondence, etc., passing between the two countries for nearly two years. They also called out a deputation to meet this Emigration Committee, and it seems to me, if at all, Mr. Rangachariar wanted to raise this question of whether 1,500 labourers would flood the country to the detriment of the settlers there, he should have started this point as a preliminary point in the Emigration Committee before calling a deputation to come all the way here. If for any reason, either political or general, he thought it was undesirable to send even 1,500 people from here to Mauritius, well, he should have said it was undesirable to do so at the very beginning, and by a stroke of the pen it is open to us to say we shall send no more labourers to that country. It is too late in the day in my opinion for this Government or for this Assembly to open up that point now after all these negotiations and after practically coming to a definite conclusion with the Government of Mauritius now to say that we wish to hold another inquiry into that subject is, I believe, to make the position of this Assembly and even of the Government of India rather—well, if not ridiculous, at least unfavourable in the eyes of the world.

Rao Bahadur T. Rangachariar: Sir, will you permit me to make a correction. If my Honourable friend will refer to page 37, he will find that even at the very first meeting we raised this question and that we were very apprehensive of the influx of this labour and that is why clause 4 was added at page 37.

Mr. B. S. Kamat: If that question was raised, still, as further negotiations were carried on I take it that the question of the result of this influx was waived, and that these 8 or 9 conditions were acceptable to the Committee. The Committee cannot now go back to the first preliminary issue and raise that point again here.

Now, secondly, he wants to find out the probable effects of this influx into Mauritius. I wonder how that is practicable at all. Even if a Committee goes there, or a Government officer goes there, how can they in a week, in a month or even in two months find the probable effects of the influx of 1,500 people on the market rates of labour there? If such a Committee or a Government officer examines the labourers there they will probably give him one view; they will naturally say "we do not want any more labour to come in at all" and if the Committee examines on the other hand the capitalists, the employers of labour there, they would desire as many more as is possible. In fact, it would be very difficult for any man or any committee to gauge approximately and forecast the result of 1,500 people going there, whether it would be adverse or favourable. In fact any opinion formed would be so vague, so indefinite, and without any practical value that I do not think it is possible to gauge the probable effects of it even supposing we decide to have a committee of inquiry into Mauritius conditions. Therefore I do not think it is necessary to press for an inquiry at this stage. The results of such inquiry would be impracticable and of no earthly use whatever for the determination of the question we have in view. Mr. Rangachariar further told us that he looked at this question from the point of view of those who have settled in Mauritius. I beg to differ from him. The Government of India and

the Legislative Assembly must not take only a one-sided view about what would be the effect on the settlers there; we have also to look to the interests and the prospects of the people who will go from here. We must keep an open mind on this question. Mr. Rangachariar thought that there would be a depression of rates there and probably these 1,500 labourers who would go to Mauritius would find themselves in a very bad plight. I for one think that the position of the settlers in Mauritius at the present moment—at least looking at this report—so strong that there will hardly be any effect by the addition of only 1,500 labourers. Mr. Rangachariar has only to look at one or two figures in this report to see in what strong position the settlers are at the present moment in Mauritius. We are told here that the real property which changed hands, that is which was purchased by the Indian population there during 1921 was no less than a crore of rupees in value. Now if a population of say 260,000 can really buy property worth a crore of rupees in one year they must be in a very strong position indeed; I doubt, Sir, whether even in South India or Madras Presidency one district or two districts or even three or four districts put together can show such a good result and such a very strong position of the coolies there. If that is the state of things,—why even further on there is another statement in this report that during the last five years ending 1920 the settlers in Mauritius have bought land which is worth Rs. 29½ millions, or nearly Rs. 3 crores. I doubt I say whether in Southern India you can show such a strong position among the labouring classes, that they can purchase in five years Rs. 3 crores worth of land. If that were to be so, I am sure many of the representatives from Madras would not come here, moaning and beseeching this Assembly for a reduction in the provincial contributions.

That being the strong position in which labourers settled in Mauritius are, I doubt whether 1,500 more people would ever affect their position at all; they would be a drop in the ocean; and therefore the fears of my friend, Mr. Rangachariar, are rather misplaced.

He further went on to show that he has a shrewd suspicion that there was the change of front or change of attitude either on the part of the deputation or on the part of the Government of Mauritius with reference to the fixing of a standard minimum wage. I do not know what basis he has for drawing that inference or having that suspicion. I do not know any of the Members of that deputation here, neither was I on the Emigration Committee; but reading this report carefully I find no such ground for believing that there was any backsliding or anything to draw a definite inference that there has been a change of front. Mr. Rangachariar laid stress on the fact that a telegram from the Government of Mauritius came to the Government of India dated the 12th February, and that probably this being after the debate in this House on the 10th of February there was some sort of hidden connection between the event which occurred on the floor of this House on the 10th February and the receipt of that telegram dated the 12th. If Mr. Rangachariar sees that the Government of India had sent a telegram to the Mauritius Government on the 6th February and that this telegram of the 12th is in reply to that telegram of the 6th, I do think that it is not possible to draw any inference from those dates adversely to the Government of Mauritius. Indeed, I doubt whether the deputation could send a telegram after the debate here on the 10th which would be on 11th, and the Government of India could get a reply from the Government of Mauritius on the 12th. Therefore, too much stress cannot be laid on the two dates of 10th and 12th February.

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Then my friend Mr. Rangachariar went on to show that the deputation at one time told the Committee here that the minimum amount of wages which labourers earned in Mauritius, was Rs. 82, subsequently they came down to Rs. 50, and that at present they are not prepared even to accept Rs. 50 and therefore he seems to think that there was some mysterious sort of attitude on the part of the deputation here. In reference to this, Sir, I find on page 33 that the deputation had distinctly told the Emigration Committee that all adult labourers can get Rs. 2, Rs. 2-8-0 and Rs. 3 at present as daily wage, the higher rate being in harvest time. They went on however to make it clear and to say further that the lowest rate was Rs. 1-8.

Rao Bahadur T. Rangachariar: For road making.

Mr. B. S. Kamat: At any rate, they had not concealed that the rate was Rs. 1-8, and if this is a fact, and if the deputation had distinctly given the Committee to understand that the lowest rate in one particular trade at least was Rs. 1-8, I do not think it is fair to accuse the deputation that they did not give us proper information.

Then Mr. Rangachariar quoted another paragraph about the current wages. There again the deputation had distinctly said that Rs. 2 was approximately the current wages per day for 26 working days in the month for daily labour and Rs. 32 per month for engaged labour. Here also they had told the Committee that Rs. 32 was the current wage in Mauritius under certain circumstances. Taking all these things into consideration, I do not think there is room to say that there has been back-sliding on their part at the present moment.

I now come to the question what is the desirable thing to do. Mr. Rangachariar says that he is in favour of a fixed scale. He wants the Mauritius Government to be committed to Rs. 50 as the minimum standard, Rs. 38 to cover the cost of living and Rs. 12 to be the margin of saving. I put it to the House which is the better course? Should we insist on a minimum wage and arbitrarily fix the sum of Rs. 50 under the idea that the present cost of living being Rs. 38 a man will be able to save Rs. 12, or should we go in for elasticity? The question to be decided is whether it should be a fixed scale or elasticity, which is the better principle? I for one think that elasticity is a better principle. If we arbitrarily fix that Rs. 50 should be the minimum wage, it will depend entirely on the cost of living for the moment. The cost of living may go up or go down, so also the margin of savings. After all, whatever one's expenses per month may be, what I look to is how much one has saved. If I get Rs. 500 per month, and if I spend Rs. 450, I consider that my net gain is Rs. 50. If in the next month I earn Rs. 600 and if I have to spend Rs. 550, the net gain is still Rs. 50

Rao Bahadur T. Rangachariar: There again I must correct my friend. The proposal is not to fix Rs. 50. It must be the cost of living *plus* Rs. 12.

Mr. B. S. Kamat: Whatever it is, the principle remains. The Government of Mauritius are prepared to commit themselves to fixing the basic wage *plus* a reasonable margin for saving. Mr. Rangachariar wants a definite figure—which might be Rs. 50 or anything—he wants a definite figure to be laid down for all time to come as a limit.

Rao Bahadur T. Rangachariar: No, no. That Rs. 12 is the margin of saving.

Mr. B. S. Kamat: I don't think there is any advantage in committing oneself to any set figures in respect of the cost of living and a particular margin of saving. We should leave it elastic. Supposing a Government officer who is to be sent to Mauritius says that the margin of saving should be one-fourth of monthly earnings and if at any particular time the man is able to earn, say Rs. 60, if one-fourth is fixed as the margin of saving, he will be able to lay by Rs. 15 instead of Rs. 12. Why fix Rs. 12? In any case, therefore, I am for elasticity rather than fixity even in the matter of the margin of savings for these people. And then again, as the Honourable Mr. Sarma put it, when we are sending these people for Government work, we must remember that, after all, those settlers for whom Mr. Rangachariar is speaking will be benefited by the labour of these 1,500 additional men, in the shape of the sanitary works and other things for the development of Mauritius in which they will participate. After all, what Mr. Rangachariar now wants to do is to keep the standard of living of the settlers there in precisely the same position as they now have without improving them whatever. What the Government of Mauritius want to do is to have large development works with the assistance of 1,500 men from here so as to give a better standard of living for all those settlers already there. I think we ought to send these 1,500 men not only in their own interests but also in the interests of the settlers because they will be able to develop the country, so that the standard of living of the settlers will be much higher than it is at the present moment. For these reasons I think we ought to accept this Draft Convention as proposed by Government in the precise form in which it is put forward.

Mr. K. B. L. Agnihotri (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I gave notice of an amendment more or less similar to that of the Honourable Mr. Rangachariar, but with this difference that Mr. Rangachariar proposes to send out a Government officer to inquire into the condition of Indians in Mauritius, while I propose a Committee of inquiry consisting of two or three or such number of persons that the Government may think proper. Therefore, Sir, with your permission, I would rather like to amend the amendment of Mr. Rangachariar than to amend the Resolution as I gave notice. I move the amendment in this form:

"In Mr. Rangachariar's amendment omit the words 'an officer of the Government of India' and insert the words 'a committee into the conditions of the existing Indian labourers in Mauritius and'."

The Honourable Mr. Sarma, while defending the attitude of the Government in permitting emigration of 1,500 people to Mauritius, said that the number of labourers we propose to send was not so large as to affect the labour conditions of Indians already settled in Mauritius. But I venture to submit that he seems to have forgotten the economic principle of supply and demand. May be that this emigration may not affect their condition to such an extent as to be described as disastrous to the interests of the Indians there, but I cannot believe that the emigration of these 1,500 or even a thousand persons would not affect their condition at all. The Honourable Mr. Sarma went on to say that in Mauritius there was a very great need for the labour from this country. I may take the liberty to inform him that, even in this country, the Assam Tea Garden and other planters who require labour for their work are always in constant need of labourers, so much so that they also have to pay very large sums for recruitment of labour for their plantations. This would not mean that

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India had not sufficient labour to supply to the Assam Tea Gardens or the planters in Bihar or other places in India. It is thus fallacious to argue that because there was a demand for Indian labourers from this country or that there was need for labourers there. The conclusion should necessarily be that there are not enough men in Mauritius to do the work of Government or in the sugar factories.

Sir, the Honourable Mr. Sarma as well as the Honourable Mr. Kamat have based their opinion as to the need and desirability of sending labourers from this country on reports and evidence supplied to us by the Honourable gentlemen who came down from Mauritius as well as on the Despatches of the Governor of Mauritius, but we seem to forget that the Government of Mauritius as well as these gentlemen who came to this country to give evidence were all interested persons and none

of them represented any independent body of Indians in Mauritius. 3 P.M. Mr. Kamat also said that "How would it be possible for the Committee or any Government officer to find out the actual condition of Indians in Mauritius within a short space of a week or 10 days or a month's stay". I would only reply to Mr. Kamat by a counter question as "How could it be possible for us to form any opinion on the mere evidence and reports of interested persons as to the actual condition of people who have gone over from this country to that country?" We should not be led away by the evidence of interested persons and the papers that have been put before us. It is desirable that some further inquiry be made before we can allow any emigration from this country. As to the need for an inquiry the Honourable Mr. Rangachariar has also spoken at very great length and made out a case which has not been successfully refuted by the Honourable Mr. Sarma. How do we lose if we allow an inquiry to be held in that country by a deputation or by a Government Officer, it may not take more than, say, 2, 3 or 4 months? If these people in Mauritius could wait for so many years from 1915 to 1923, they can very well afford to wait for about four months more and moreover the inquiry will give us a more satisfactory idea of the condition of Indians in Mauritius and we shall not be committing a mistake if thereafter we were to send our people to work for the benefit of the Government or the settlers in that country. I am of opinion that an inquiry is absolutely essential before we go against the principle which we adopted so far back as 1909 of stopping all emigration from this country to that country. Sir, it is common knowledge that Indians in general deprecate the idea of emigration from this country to any place whether they find that Indian labourers will not have better wages and better conditions than what they are getting in this country. It has been pointed out by some gentlemen that Indian labourers would be better off in that country because there was a possibility of their getting wages of Rs. 2, 3 or even Rs. 4 a day. But I am afraid those gentlemen forget to compare the difference in the cost of living in this country and in that country. It may also be said, as was said on the last occasion when we permitted emigration to Malay and Ceylon, that people would not migrate to that country if they thought that the conditions there were not favourable to them or that they would only migrate when they were satisfied that the conditions were much better and superior to those prevailing in this country. But I think that this is not a proper thing to rely on, because, we have seen from our experience in the past that the people from this country went to that country on similar considerations that they would be better off there, but what was the result? We found their conditions actually much worse, than what it was here or that the further

emigration would make it worse and we had to stop emigration. There was a very strong opinion in this country against emigration to countries like Fiji, Mauritius and so on.

On the other hand it may equally be said that persons who want the labour to migrate to their country, be it Fiji, be it British Guiana, be it Canada or be it any other place, are sure to paint very bright pictures of the condition of the people settled there and it is not only the poor and illiterate persons that are carried away by such bright prospects and conditions but even the educated people are sometimes duped by the propaganda work done by a interested group of persons. It may just as well be possible that the evidence before us be only a one-sided and a garbled version and be quite different from the actual state of things in that country. It will do no harm to anyone if we were to ask for a deputation to be sent to that country to find out the actual conditions there. Sir, I would be satisfied if even one Government officer or a non-official Indian were to go to that country to find out the conditions of Indians and the possible effect of emigration, but I think that the country in general will not be satisfied with the deputation of a Government official alone. I do not mean to say that the Government officials who were deputed in the past to inquire into the conditions of labour and Indian settlers overseas have done in any way any harm to the Indian interests or have not done so well as an Indian would have done while on the other hand we are deeply grateful to those Government officers like Sir Benjamin Robertson or Mr. Corbett who went in the past from this country to South Africa and other places and who have done their best to better the conditions of Indians, they had as much interest of Indians at heart in all their inquiries as any Indian could have, but in order to pacify the strong public opinion against emigration and also as a sort of propaganda work and to remove the prejudice against emigration which exists in the minds of people in this country, it is more desirable that a deputation consisting of an official and non-officials be sent to make the necessary inquiries. There is also some principle involved in it. We find in the courts of law that a judgment of a Bench or even the judgment of opinions of two or more persons is generally considered more weighty and in many respects is more acceptable than the judgment or opinion of a single person however good and sound that opinion may be. It is therefore desirable and necessary, that a deputation of two or more persons should go instead of only one Government officer as proposed by Mr. Rangachariar.

It may be said that in the case of Ceylon and Malaya we did not insist on sending out any officer or deputation to inquire into conditions of Indians there, but the case of Ceylon and Malaya is different from Mauritius. Ceylon and Malaya are close to India. Everyone here more or less knows the conditions of Indians in those places whereas in the case of Mauritius it is far away from India and it is very difficult to find out the actual conditions from here. The Honourable Mr. Kamat asked how can an officer or deputation find out such conditions simply by examining the representatives of labour or the representatives of capital? I would reply that it is more possible that by closer contact with the persons there they would be better able to find the actual state of affairs in that country as to how the labourers will benefit by emigration and how the Indians already settled will be affected. It is necessary therefore that a deputation should go. I just remarked a few minutes ago that I would rather prefer an Indian to an European for such inquiry. I do not thereby mean to imply that an European officer would not look to our interests better than an Indian but I

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think that the Indian labourers will be more confiding and will have more confidence in an Indian officer or an Indian deputation consisting of Indians than in Europeans. They would not have the courage to approach the European officer and will hesitate to speak out their grievances freely to him. Moreover the Indian going there and knowing as he does the customs and habits and manner prevailing in this country will be in a better position to understand the conditions there than the European. I therefore submit that it is desirable that a Committee of inquiry be sent to Mauritius rather than an individual to inquire into the conditions of people and the effect of any fresh emigration before we permit the emigration of persons from this country to that country. With these words, Sir, I move my amendment.

Mr. President: The question is that the following amendment be made:

“ In Mr. Rangachariar’s amendment omit the words ‘ an officer of the Government of India ’ and insert the words ‘ a committee into the conditions of the existing Indian labourers in Mauritius and ’.”

Maulvi Abul Kasem (Dacca Division: Muhammadan Rural): Sir, I have heard with interest and attention the speech of my Honourable friend, Mr. Agnihotri, and I do not at the present moment propose to take the House into the details of the various letters and telegrams that have passed between the Government of India and the Mauritius Government. That I leave in better hands. I will only draw the attention of the House to certain broad facts which are admitted on all hands. The facts are that the terms under which it is proposed in the Government Notification to permit the emigration of 1,500 adult labourers to Mauritius are that the Government of Mauritius undertake to provide the food and clothing of the labourer, his wife and three children, *plus* some margin of profit or saving if you like to call it. This much is admitted. The bone of contention is whether we should fix the margin at Rs. 12 more or less or leave it to the Government of India to decide the point. I would like to ask my Honourable friend, Mr. Rangachariar and Mr. Agnihotri, if they can say whether in their opinion or in their experience they have found any unskilled labourer in this country earning sufficient wages even to maintain himself, his wife and one child, not to speak of three or four. The question we are to consider is not what will be the effect of this emigration on the people who are settled in Mauritius, but what will be the effect on the people whom we are sending from this country to that. There is another question, Sir. From the speech of Mr. Agnihotri I understood that the question before the House was the condition of labour and capital in Mauritius itself and not whether we are to send 1,500 men or not. If conditions are bad in Mauritius that is not our business. So far as this House and this question is concerned, that is not under consideration . . .

Mr. President: I would draw the Honourable Member’s attention to the fact that that is the proposal in the amendment moved, and that the issue before the House now is the method by which that inquiry is to be conducted. So long as Mr. Rangachariar’s motion and the original Resolution were alone before the House, the whole question was open for discussion. But once the additional amendment by Mr. Agnihotri was moved and put from the Chair, then the issue was narrowed down to the method by which the inquiry is to be conducted. If the House does not wish to discuss that issue I had better put the question.

Rao Bahadur C. S. Subrahmanayam (Madras ceded districts and Chittoor: Non-Muhammadan Rural): Sir, I do not understand what this inquiry would elicit and what light it would throw on the matter. Now . . .

Mr. President: The Honourable Member has not quite understood. We must assume for the purposes of the discussion as restricted by Mr. Agnihotri's amendment that there is going to be an inquiry. That is only assumed for the purpose of debate. The question is whether it would be better carried out by an officer of the Government of India or by a Committee. I think I had better put that question. Does the Honourable Member wish to discuss it?

Rao Bahadur C. S. Subrahmanayam: Yes, Sir. The question is what is going to be the constitution of the Committee? How many are to go from here? What is to be the cost of the Committee? Have we not in the Retrenchment Committee's report the remark that too many Committees have been appointed and something like 60 lakhs spent on them, and with what results? Is not that a fair question? Besides, suppose a Committee, that is, a number of men go from here to Mauritius, what are they to do? Go and examine the coolie lines and ascertain the wages drawn there? Can we not get all that information through a single individual going there? Why do we want a Committee to sit on this matter? I think time was when we were very fond of Committees, but now it appears that we are not very much in favour of Committees. A good many people are not satisfied with the labours and the results of Committees or the fruits of those labours. Therefore, Sir, from that point of view I do not think this question of a Committee should be pressed. As that is the only narrow point on which I am now allowed to speak . . .

Dr. H. S. Gour: May I rise to a point of order? I understood the Chair to rule that only the narrowed question as to whether it is going to be an official inquiry or a non-official inquiry is now before the House. May I point out to you, Sir, that if the House decides on Mr. Rangachariar's main amendment, that there should be no inquiry at all, it will be supererogatory to go into this further question raised by Mr. Agnihotri, and I therefore suggest that the main question should now be debated and decided upon, and if it is decided by this House that there should be an inquiry, then it will be open to the House to discuss the further question as to the form of that inquiry. I therefore suggest, Sir, that it would be convenient to the House that we should discuss the broad question whether there should be an inquiry or not, and then go into the further question if necessary.

Mr. President: There can be no decision as to whether there shall be an inquiry or not until I put the issue raised by Mr. Rangachariar's amendment against Mr. Hullah's original Resolution. After that is once decided, no further debate can arise, and therefore, as I said, we must assume that there will be an inquiry for the purposes of the debate on Mr. Agnihotri's amendment; as to whether that inquiry should be conducted in one form or another, the Honourable Member will understand that the debate will be closed if I put Mr. Rangachariar's amendment against the Resolution.

Dr. H. S. Gour: That is exactly, Sir, what I suggest should be done, and under the Standing Orders . . .

Mr. President: If the Honourable Member's meaning is that, he had better move that the main question be now put, and the debate will come to an end.

Rao Bahadur C. S. Subrahmanayam: So I understand, after the decision of this simple matter, there will be a further discussion of the question whether there shall be an inquiry by a Committee or not, but so far as this point of inquiry is concerned, I think many of my friends will agree that there is no magic in a Committee of inquiry into this matter; we can get all the information by one single officer going there and giving us the fruits of his labours.

Mr. J. Chaudhuri (Chittagong and Rajshahi Divisions: Non-Muhamadan Rural): May I move that the main question be put.

Dr. H. S. Gour: I move that Mr. Agnihotri's amendment be put.

Mr. President: The question is that the question be now put—the question refers to Mr. Agnihotri's amendment. Amendment moved:

"Omit the words 'an officer of the Government of India' and insert in their place the words 'a Committee into the conditions of the existing Indian labourers in Mauritius, and'."

The question I have to put is that that amendment be made.

The motion was negatived.

Sir Deva Prasad Sarvadhikary (Calcutta: Non-Muhammadan Urban): Sir, some innocent-looking things have at times such an aptitude of sprouting into unexpected dimensions that in dealing with them one does not know where one is. Quite gratuitously have we heard of people coming here, moaning and beseeching for reduction in their Provincial contribution. I am sorry I am one of them, and I or my successor in this seat in the Assembly will have to go on moaning and beseeching till justice is obtained and right done. Mine happens to be also, Sir, a province where the emigration question, inland emigration was at one time very acute and one should have thought that to-day on the floor of this House we were in all seriousness discussing the old Assam slavery laws and trying to get rid of it and of all they stood for. There is however a change and a considerable change, and emigrant labour is now able more or less to lay down the law where it can. Sir, I should not like the proceedings of this House to go forth to the world, and if you had power of keeping them confidential and secret, I should have appealed to you to exercise that power. I should not like these proceedings to get into the hands of unsuitable people say in Canada or in Australia or other places where the Right Honourable Mr. Sastri would have a warmer reception in another sense, when he goes next and when he will be confronted with what some of us have been trying to lay down here to-day. What is it we are trying to do? There are some people comfortably settled down in the land of Paul and Virginia, the land of honey and everything nice and good. We do not want to have them upset or unsettled. They are our own people and are able to dictate the law there, they are able to get good terms and other things which they think they ought to have. Why send another 1,500 men and say they bring in questions of rate-cutting, wage-cutting and other uncomfortable things that unsympathetic people in other parts of the Empire try to press against us when we go to them. I should not like to envy the Right Honourable Mr. Sastri during his next world tour, when these proceedings are hurled at him. He will in pleading again for justice for his countrymen, in other parts of the Empire, have the ethics now advocated, relentlessly quoted against him?

Sir, Mr. Rangachariar has reminded us that the Assembly must not vote away our people to other parts of the world, and he has told us that because of some things that this Assembly was guilty of not many weeks ago, in connection with Malaya and Ceylon emigration question, the Mauritius Government has taken advantage. In reply to a telegram of the 6th of February and relying on what had happened here on a later date between the 6th and the 12th of February, they changed their mind and resorted to other tactics and tried to beat us down. That may or may not be so. My reading of the correspondence is not that. On the other hand, I should have thought that a trained and practised special pleader like Mr. Rangachariar would have laid some stress on or tried to get rid of the closing sentence of the letter of the Mauritius Government of the 12th of February which I find translated in term No. 10 of the Notification before us. What do they say there? Mr. Kamat has very rightly reminded the House that in these matters it is better to have something elastic to go upon than to have a rigid, hard and fast hide-bound limit of Rs. 12. Who knows that Rs. 12 may not be insufficient later on? Mr. Rangachariar interrupting him said "Oh, this Rs. 12 is *plus* the food, medical treatment, housing and everything else." But Rs. 12 as savings may not be quite enough for all time. The sugar industry may be doing much better than it has been doing of late, and Government probably may be able to induce employees to give more. The Government of India has accepted, as far as the draft notification goes, what the Government of Mauritius state in its letter of the 12th February. It says:

"As stated in telegram of June 20th, this Government fully prepared to pay for imported labour at prevailing local rates."

That is supposed to be where the mischief of the situation comes in. They go on:

"Government suggest that figure for margin should be determined by your Agent or in his absence Protector of Immigrants. Government further undertake to agree to pay a wage to be determined in relation to cost of living and satisfying such authority' (that is our agents) 'and to repatriate if such wage cannot be obtained.'"

That is what I find translated in term No. 10, as follows:

"The Government of Mauritius, in consultation with the Government of India or the Agent appointed under section 7 of the Act, shall from time to time determine the amount of wage which is sufficient to meet the requirements laid down in clause 9 of this notification."

Here, perhaps, Mr. Agnihotri's amendment, if it does come on, will be useful, that is fixation of wages shall not only be determined, but also reported to the Government of India, so that the Assembly may from time to time itself determine as to whether the right thing is being done or not and whether anything further is needed. Sir, on this occasion, we ought to congratulate the Government on achieving the reverse of what it did on a recent occasion—unlike on the previous occasion they have been good enough to circulate papers. They had also the advantage of a deputation which met the permanent Committee, of which Mr. Rangachariar himself is a member. We have made considerable advance in this direction we have had the question examined not only by the Government, but by the permanent Committee, which by a majority has passed in substance the terms of this notification, and it is to be in force for not more than a year. Supposing we are not quite satisfied with the state of things in Mauritius because of the factors Mr. Agnihotri has referred to affecting Ceylon and Malaya, further information can be necessary only from the point of view of future action.

[Sir Deva Prasad Sarvadhikary.]

From that point of view I quite see the necessity and reasonableness of inquiry of the kind adumbrated by Mr. Rangachariar. It has been abundantly made clear that no inquiry can be usefully held while the materials upon which the inquiry should proceed are wanting. How this fresh labour emigration is going to affect the labour situation there cannot be determined either by an individual or a Committee unless progress has been made to a certain extent and materials are available upon which a reasoned opinion could be given. Therefore if I have your leave, I should like to move a rider to Mr. Hullah's Resolution somewhat in the following terms:

"That the Assembly further recommends to the Governor General in Council that a competent person be immediately deputed to inquire and report within six months the effect of importation of further labour on the labouring population already settled in Mauritius."

This should have the advantage of leaving things open to the Government either to send one of its officers or such other person as the Government might think fit; after six months' trial of the present measure it would be possible for that person or persons to report to the Government of India; and when later on, after a year, if there was an indent for further labour, we might go into the question upon some basis that would be intelligible and upon which we could base any further action. I do not think that upon the materials that the Government have placed in our hands, or upon which the debate has proceeded so far, there is a case for throwing out Mr. Hullah's Resolution. Well, I am not concerned with what Mr. Hullah has said about there being no Assembly sitting when the result of the inquiry comes in later and giving sanction. It is the look out of the Government whether the Assembly will be sitting or not. It is not a matter in our hands

Mr. J. Hullah: I really have never made any remark of the kind.

Sir Deva Prasad Sarvadhikary: I beg Mr. Hullah's pardon. The Honourable Mr. Sarma's remarks were to this effect. I do not agree with people who are saying that we are possessed with a megalomania. I am not going to characterise our present discussion in that fashion. It is quite right that we should do what we can for our people leaving India; they are not quite free agents. About this assisted emigration, people apply a stronger name, which I do not wish to use on the present occasion. But it is up to this Assembly now that it has opportunities, to use all possible circumspection and at the same time not to be guilty of endlessly blocking where no real danger exists. I do not want to ask myself or any one in this connection the question as to how much India pays its own labourers. Those are somewhat awkward questions and questions difficult to answer. We have had elaborate inquiries into prices by Mr. K. L. Datta and Mr. Shirras, who went into the thing. We never knew however where we were. It is impossible without proper appreciation of all difficulties to fix down these things by hard-and-fast rigid rules. If the notification errs at all, it errs on the side of caution and in the interests of the labourers themselves. It leaves the whole thing open. The Government of India will have its own agent and, added to that, if my rider is accepted as an addition to Mr. Hullah's motion, the Government of India representative will investigate the question on the spot and then we can have further materials on which later action can be taken.

Mr. President: I understand the purpose of the Honourable Member's amendment is to accept the publication of this draft notification, but to

add an inquiry thereafter. In that case, the amendment must come after we have disposed of Mr. Rangachariar.

Dr. H. S. Gour: Sir, we have been reminded this afternoon of a very salutary principle that we must be guided by in the determination of this principle, namely, the economic principle of supply and demand. Now, do Honourable Members and particularly the Member who used that expression realise the full effect of that expression. If we are to be guided by that principle of supply and demand, we have no business to interfere and should let the labourers go out as they choose and come back when they so desire and if they can. The principle which underlies the notification is a Socialistic principle, in which the State guides and controls the emigration of labour. The question, therefore, is how far will the State be justified in interfering with the free emigration of labourers from this country. Now, Sir, it is a well-known principle that, when the State does interfere, its interference must be limited to the very minimum, and for that purpose it must pay due regard not only to the welfare of the out-going labourers but to the general condition of the labouring population in this country and the country to which the labourers emigrate. Now, if I ask the House to advert for a moment to the condition of labour in Mauritius, what will they find? The Census Commissioner at page 42 of this compilation tells us that there were in 1921 only 39,185 labourers available against a demand for 57,185. We thus find that in 1921 Mauritius wanted 18,000 more labourers than were available in the country, added to which we have been told that, due to the expansion of further works and the initiation of irrigation and other projects taken on hand or about to be taken on hand by the Mauritius Government, the labour market would require more labourers than it is able to obtain in the Island. Consequently, the first question raised, by my friend the Mover of this amendment that we might dump Indian labourers on to Mauritius and depress the local labour market is, I submit, entirely unjustifiable, so far as the facts and figures given in this compilation disclose, and there is ample room not merely for the emigration of 1,500 labourers but I think two or three times as many as 1,500.

Then comes the next question—the question of wages. It has been pointed out by the Honourable Mover of this Resolution that the wages in the island of Mauritius fluctuate according to the season, and I find from this book that they fluctuate between Rs. 82 and Rs. 30. Now, that is a fact we cannot ignore. The labourer who goes out from this country stands to make as much as Rs. 82, and he equally is exposed to the chance of making as little as Rs. 30. Now, I ask Honourable Members of this House, if one of their labourers was to ask them and say “I want to go out to Mauritius: I stand to gain as much as Rs. 82, though there is a risk of my making as little as Rs. 30,” what would be their answer? I am perfectly certain, Sir, there is not one Member in this House who would, if one of his men were going out on these conditions, dissuade him from doing so. The contingencies of the labour market are such as exist everywhere. During the busy season labourers make more; during the slack season they make less; and I do not think that we can fix a rule, such as has been suggested, that we must fix Rs. 12 and the cost of living as the irreducible minimum to entitle a labourer to go out of this country.

Then, Sir, we pass on to the third question. My Honourable friend, Mr. Rangachariar, could not have forgotten the fact that a very large number of people who have settled down in the island of Mauritius and

[Dr. H. S. Gour.]

acquired fortunes were originally labourers, and that there is a prospect before the labourers of this country going out to Mauritius to get plots of land and become proprietors. The Honourable Mr. Sarma has pointed out that about 50,000 acres of virgin soil will be shortly irrigated and brought under the plough, and that I submit is a hopeful prospect for the would-be emigrant; and I think we should not lose this opportunity of endorsing the Government Resolution in view of the fact that the Government undertake to institute an inquiry as time and convenience may permit in the interests of the labourers; and we know for a certainty that the Government will keep an eye upon the condition of the labourers who go out from India. That, I submit, is as much as this House should ask and expect the Government to do.

Then, Sir, it has been said, and said with a certain degree of force, that 1,500 people going out from this country would not affect the labour market in Mauritius. We know that about 57,000 odd labourers are there, and as I have pointed out, the demand for labour in Mauritius is expanding every day and I do not think that there is the slightest possibility of these labourers getting stranded upon landing at Mauritius. If they did, the Government of India have provided that they would be entitled to repatriation for any reasonable cause, and the fact that they are not able to make a sufficient living in that colony would be regarded as a sufficient cause. I therefore submit that on every ground, due regard being had to what has been said by the Honourable Mover of this amendment, we should not be justified in delaying the emigration of these labourers to Mauritius which would be only possible if we supported the Government Resolution. My friend, Mr. Rangachariar, no doubt moved by humanitarian motives wants that an inquiry should precede the emigration. Now, Sir, if such an inquiry were to be taken in hand there can be no doubt that it will be a matter of six or eight months, or perhaps even a year. The result would be that this notification would be delayed for another twelve months or perhaps more. Has a sufficient case been made out to the House for delaying publication of this notification for twelve or more months? There is an underlying suspicion in the mind of the Honourable Mover of the amendment, reiterated by my friend, Mr. Agnihotri, that all that is written here is by the people who are interested in emigration and consequently we cannot trust all we read in their report . . .

Mr. K. B. L. Agnihotri: No, I never meant it.

Rao Bahadur T. Rangachariar: Speaking for myself I did not have that suspicion underlying my remarks.

Dr. H. S. Gour: I am extremely glad to hear that there was no suspicion in anybody's mind—overt or suppressed. Consequently, the only ground upon which this Resolution could be resisted does not exist and I therefore submit that this House should support the Government Resolution.

The Honourable Mr. B. N. Sarma: May I make an explanation, Sir? The Government do propose to send an Agent at as early a date as practicable and get reports from time to time as to the working of this emigration, and I think there is no necessity for Dr. Deva Prasad Sarvadhikary to propose a rider at all, because the Government do contemplate to get a report and the substance of it will be communicated to the House . . .

Mr. T. V. Seshagiri Ayyar: As early as possible?

The Honourable Mr. B. N. Sarma: As early as practicable. We have taken power under section 7 and I therefore do suggest that Mr. Rangachariar might in view of that assurance withdraw his amendment.

Sir Deva Prasad Sarvadhikary: Having regard to the assurance given by the Honourable Mr. Sarma which really is what I wanted to elicit, I do not propose to press my rider.

Rao Bahadur T. Rangachariar: I think, Sir, having regard to the turn the debate has taken I will place more faith in the Government and therefore I shall withdraw my amendment with the leave of the House.

The amendment (of Mr. Rangachariar) was, by leave of the Assembly, withdrawn.

Mr. W. S. J. Willson (Bengal: European): Sir, I would like, if I may, to make one point in connection with the amendment—to correct a statement

Mr. President: The amendment has now been withdrawn. The discussion must turn on the main proposal contained in Mr. Hullah's Resolution.

Mr. R. A. Spence: I move, Sir, that in view of the Government statement, the question be now put.

Mr. W. S. J. Willson: May I have the permission of the House, Sir, to mention one point before the question is put? Being a Member of the Emigration Committee, I would not like the statement which was made this morning to go out of this House that the deputation from Mauritius had been guilty of back-sliding. I do not like the impression to get abroad from the statement made that a responsible deputation from a Colonial Government has been accused of back-sliding, and that it had not been challenged in the House.

Sir Deva Prasad Sarvadhikary: It was the Mauritius Government that was so spoken of and not the deputation.

Mr. W. S. J. Willson: A statement was made that the deputation went back on their promise that they would pay a wage of Rs. 50, and with the permission of the House I would like to call the attention of Members to page 21 of the Note prepared by the Revenue and Agriculture Department on Indian Emigration to Mauritius in which the telegram from Mauritius quotes "Normal rate for day-labourers on estates *does not exceed now* Rs. 50." At page 23 Honourable Members will find the letter from the Mauritius Government confirming their telegram which says "As stated in my telegram of the 20th June, this Government is fully prepared to engage labourers at local market rates." I think, therefore, there should be no question about back-sliding, I would like to associate myself, on the other hand, with all Mr. Hullah has said about the extremely nice way in which the Mauritius deputation have met us in every way after the heavy expense they had incurred, and I think it is only fair to admit and not to dispute any statement they have made.

Mr. K. B. L. Agnihotri: I do not wish to say anything more, Sir.

(Several Honourable Members: "The question be now put.")

Sir Montagu Webb (Bombay: European): Sir, I should like to mention one little matter for the information of the House which I find in the

[Sir Montagu Webb.]

Mauritius Year Book,—the last issue of the “ Mauritius Almanac, 1922 ” to which no reference has so far been made; and it is this (on page A. 5). In the year 1920 the whole of the Mauritius sugar crop was purchased by the British Government for twenty-five crores of rupees. At the suggestion of the Governor of Mauritius a portion of this sum was utilised to create a fund for the carrying out of the much-needed improvements in sanitation, dock accommodation, etc. Therefore, it is that the Government there require the labour for this new work of improving the harbour, for carrying out irrigation developments, and other matters of which Members have heard. Here is this enormous sum of money in the hands of the people and Government of Mauritius; and as nearly one half of the land in Mauritius belongs to Indians, I presume that a substantial portion of this enormous sum is in the hands of Indians. Some of it is now about to be spent in improvements and extensions. Therefore it is, Sir, that I have heard with amazement to-day the proposal that we should prevent Indian labourers from going over to Mauritius and sharing in the great prosperity there.

(Several Honourable Members: “ The question be now put.”)

Mr. President: The question is:

“ This Assembly approves the draft notification which has been laid in draft before the Chamber specifying the terms and conditions on which emigration for the purpose of unskilled work shall be lawful to Mauritius and recommends to the Governor General in Council that the notification be published in the Gazette of India.”

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 10th March, 1923.
