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COUNCIL OF STATE, 1925



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COUNCIL OF STATE.

Wednesday, the 16th September, 1925.

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

QUESTIONS AND ANSWERS.

APPOINTMENT OF INDIANS AS DEPUTY SECRETARIES TO THE GOVERNMENT OF INDIA.

THE HONOURABLE MR. PHIROZE C. SETHNA : Sir, I have given private notice to the Honourable the Home Secretary of the following question :

Will Government be pleased :

(a) to make a statement to show what effect has been given so far to the recommendation made in the Resolution moved by the Right Honourable Srinivasa Sastri in March 1923 that, as far as possible, at least one Indian be appointed as Secretary, Joint Secretary or Deputy Secretary to every Department of the Secretariat of the Government of India ?

(b) to state :

(i) how many permanent vacancies in the grade of Deputy Secretary have occurred since the date of the Resolution, and

(ii) if any such vacancies have been filled by Indians, and if not why not ?

THE HONOURABLE MR. J. CRERAR : (a) I would refer the Honourable Member to the orders, a copy of which I laid on the table on the 16th July 1923 in reply to his question No. 13. In pursuance of those orders, the names of qualified Indian officers, if any, have been considered whenever vacancies have occurred in the posts in question and the officer considered most suitable has invariably been chosen. A reference to the Statement No. I, which I have now laid on the table, will give some idea of the progress made. I would point out that an important aspect of the question is the extension of our sources of recruitment from the Provincial Secretariats. The position in this respect is indicated in Statement No. II.

(b) Including 5 posts of Director in the Railway Board which rank as Deputy Secretaries in the Government of India, there have been 17 permanent vacancies in this class of posts since the Right Honourable Srinivasa Sastri's Resolution was passed. Two of these have been filled by the appointment of Indians.

I

Statement showing the number of superior posts in the Government of India Secretariats held by Indians in February 1923 and August 1925.

Appointment.	FEBRUARY 1923.		AUGUST 1925.	
	Total.	Indians.	Total.	Indians.
Secretaries (including Joint and Additional Secretaries) and officers of similar status	17	3	17	2
Deputy Secretaries and officers of similar status	18	3	21	3
Under Secretaries and officers of similar status	11	3	12	9
Assistant Secretaries and officers of similar status	20	6	21	17
Total ..	66	15	71	31

II

Statement showing the number of superior posts in Provincial Secretariats held by Indians in October 1922 and August 1925.

Appointment.	OCTOBER 1922.		AUGUST 1925.	
	Total.	Indians.	Total.	Indians.
Secretaries (including Joint and Additional Secretaries)	74	5	74	9
Deputy Secretaries	13	1	23	7
Under Secretaries	44	15	39	15
Assistant Secretaries	45	26	44	35
Total ..	176	47	180	66

CLOSING OF THE GOALUNDO RAILWAY STATION, ETC.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY : I have given private notice of a question to the Honourable Mr. Hadow which he was good enough to accept. The question is as follows :—

1. Has the attention of the Government been drawn to the protest of the Narayanganj Chamber of Commerce regarding the closing of the Goalundo railway station and the opening of the new route. Would the Government please state :
 - (a) what the reasons of such closing are ; and
 - (b) what the changes of the new route would be both financially and from the point of view of passenger and goods traffic.
2. Is it a fact that the new arrangement will prove a considerable handicap to the jute houses represented in Narayanganj and would result in serious restriction of the work of a number of important firms and would tend to decrease the amount of business ?
3. Would the Government please state the amount of revenue derived by the Railway from the terminal charges levied both on goods and passengers at Goalundo for the last five years ?
4. Is it a fact that steamer companies assist by the levy of a tax on their own passenger traffic ?
5. Would the Government please state the annual cost of maintaining the connections at Goalundo as well as the amount of through and local traffic and the amount of revenue derived from levies imposed on passenger and goods traffic.

THE HONOURABLE MR. F. A. HADOW : Government are aware that the question of abolishing Goalundo has been raised because it is a specially difficult and consequently expensive station to keep open owing to its situation at the confluence of two very large rivers. Nothing has however yet been decided and it is recognised that the matter will have to be considered from all points of view before anything is settled. A copy of the question and of this reply will be sent to the Agent, Eastern Bengal Railway.

I regret, Sir, I cannot answer the Honourable Member's question more categorically as there was no time, but I understood he was prepared to accept an answer in that form sooner than not ask the question.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY : I would like to ask a supplementary question, Sir. Has the Honourable Member any information as to what the alternative route is ? Has that information reached the Government ?

THE HONOURABLE MR. F. A. HADOW : The alternative route under consideration is an elaboration of the existing route *via* Khulna.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

SECRETARY OF THE COUNCIL : Sir, a Message has been received from the Legislative Assembly. The Message runs as follows :—

"I am directed to inform you that the Legislative Assembly have, at their meeting held on the 15th September, 1925, agreed without any amendments to the Bill to supplement the Oudh Courts Act, 1925, which was passed by the Council of State on the 31st August, 1925."

BAMBOO PAPER INDUSTRY (PROTECTION) BILL.

● THE HONOURABLE MR. D. T. CHADWICK (Commerce Secretary) : Sir, I beg to move that the Bill to provide for the fostering and development of the bamboo paper industry in British India, as passed by the Legislative Assembly, be taken into consideration.

Sir, with this Bill I bring before the Council another of the recommendations of the Tariff Board. I propose to deal with it much on the lines of a company meeting and I hope the Council will take that report as read. That leaves me free to concentrate on the conclusions of that report and the reasons behind the Bill which I am now recommending to the Council. The Tariff Board came to three conclusions. The first was that the market in India for paper of the kind which could be made in India is limited. The Indian mills are entirely unable to make paper of a quality that is used for newspapers and known as newsprint. In fact the applicants for protection withdrew their claim for any protective duty on newsprint. Therefore from the Bill newsprint has been excluded. The next conclusion the Tariff Board came to was that in present circumstances with the prices at which imported paper enters India the industry cannot at present carry on without protection. The third conclusion which they came to was that those mills which use mainly grass have failed completely to make out their claim to protection. Therefore, Sir, had it not been for some very recent developments the whole case for protection of paper might have stopped at that point, and we would not have been asked to consider this Bill to-day. But during the last three years there have been striking developments. For some 15 to 20 years technical specialists have been at work trying to devise means for making paper satisfactorily on a commercial method from bamboo; and in 1922 a mill was completed and started at Naihati for using commercially one of these processes known as the sulphite process. That was only three years ago. The mill had new machinery but is described by the Board as an ill-balanced mill. It is not, as built at present, an economic mill. It requires another paper machine in order to get the best outturn of paper. Yet in those three brief years the results which have been obtained by that mill are sufficiently striking. In the first place, the quality of paper which has been made is of such a character that it is of more general utility than paper which is made from grass. In fact it is a paper more nearly allied in character to paper made from wood pulp. The second result, which is more striking, is that the bamboo mill has been able to get its works costs down to Rs. 50 a ton below the best that has been achieved by any of the grass mills since the War.

The last result, Sir, I think is a striking one. You have got a new process and a mill which the Tariff Board says is not a real economic unit—yet its working cost is Rs. 50 a ton below the best grass mill. Yet the case goes still further. As the Council knows the chief sources of raw material for paper are the coniferous woods of the northern latitudes and the consumption of paper is increasing in the world at such a rate that those woods are rapidly being cut into, so much so that many paper manufacturers are nervous and anxious about the certainty of the supply of the necessary raw material. It seems to be only a matter of time when other and alternative sources of raw material will be required. If by the time that happens—one does not know when it will be—the

methods of utilising bamboo have been thoroughly mastered, it is clear what this would mean to India with its extensive bamboo forests, at present of no commercial use. The Board is impressed by the results already attained by this small mill at Naihati and also by the potentialities which its ultimate success might mean to India. Yet they came definitely to the conclusion that, unless something was done to help the industry, the industry would fail under stress of foreign competition. As they put it the issues are clear. I shall read a passage from their report :

“The issue which the Government of India and the Legislature would have to decide is clear and well-defined. If no assistance is given it is probable that the manufacture of paper in India will cease, with a somewhat remote prospect of revival when wood pulp has grown very dear. The question for decision, therefore, is whether it is worth while to keep the industry going at what in all the circumstances is a moderate cost or whether it must be left to its fate. For our part we feel strongly that the disappearance of this industry at a moment when the use of bamboo shows every promise of development in the future would be very regrettable.”

That, Sir, is the issue ; but the Board was in a difficulty in making final recommendations. That difficulty arises from two sources : One, owing to the want of an additional paper machine at Naihati, the real economic works costs of producing paper in the best conditions from bamboo are not ascertainable, and secondly, the process which is still being used there is capable of further improvement ; and moreover the sulphite process is not the only one in the field. In these circumstances, they do not make final recommendations but they recommend assistance to enable the possibilities of bamboo to be tried out. They recommend protection for five years for writing paper and certain kinds of printing paper. The rate that they recommend is a specific duty of one anna per pound instead of the 15 per cent. *ad valorem* duty. They also recommend a loan of 10 lakhs to the Naihati Mill to enable it to erect a second paper machine. But as the sulphite process is not the only process they also recommend similar loans, gifts or subsidies, call them what you will, to other approved mills which might be prepared to try the other processes. They also say that these two separate portions of their proposals hang together ; one without the other is insufficient.

Government, Sir, accept the general conclusions of the Board that this is an industry worth going on with. But the proposals of the Board regarding loans presented great difficulties to Government, for many different reasons : firstly, the sulphite and soda processes are covered by patents which are the private property of the patentees who are private companies. Secondly, in both the sulphite and soda processes there might be many variations. We do not know how many there are—all of which may be covered by subsidiary patents. If we were to accept this loan proposal we would either be in the difficulty of distinguishing between the value of one patent and another on *a priori* grounds or of helping with cash everybody who produces a patent for treating bamboo. Where would it end ? Further, we should be placing the company which we assisted by such loan in an advantageous position in regard to its competitors. As far as the grass mills are concerned, the claim for protection has failed ; but that is no reason why they should be further handicapped by Government assisting their competitors with cash.

[Mr. D. T. Chadwick.]

Therefore, the Government do not consider that this general offer of loans or subsidies is an advisable policy to follow. Yet the Board definitely say that it is useless to give the protection recommended merely for five years. The proposal which is embodied in this Bill and which the Government therefore place before the Council is that the period of protection be extended up to the 31st March 1932. That should be a length of time sufficient for the owners of these patents to try them out if they are really serious about them and truly believe in them. It should also be sufficient to allow the Naitati mill, if it immediately installs its second machine, to earn an amount roughly equivalent to the loan suggested for it by the Board. It also gives time and opportunity to those who are interested in the soda processes to develop these.

But in making this recommendation the Government add very distinctly one reservation, and that is, that if none of these interests make serious attempts to develop the processes in which they are interested and which they own, within a reasonable time, then the Government will be free to come back to the Legislature and propose that this measure of protection should be withdrawn. This course appears to the Government the fairest and the justest course to all parties concerned in this industry. It is this principle which is embodied in this Bill, which I now recommend to the consideration of this Council.

Before I sit down, Sir, there is one little point to which I wish to allude, because it has attracted attention both here and in another place. That is the proposal that super-calendered paper imported on reels should be excluded from the scope of the Bill. It was claimed that super-calendered paper imported on reels was only used by newspapers, and that since it is imported upon reels, it was easy of identification by the customs authorities. The Board went into this question of super-calendered paper very carefully and said that super-calendered paper as a whole could not be excluded from their proposals. However, this small question of reels seems to afford a method of distinguishing super-calendered paper which is used by newspapers from that which was used by the general public. There was something plausible about this proposal that super-calendered paper on reels should be excluded from the scope of the Bill. No sooner, however, did that proposal attain publicity than we heard from many quarters throughout India that many newspapers and publishers imported super-calendered paper in sheets. If this distinction had gone through it would simply have meant that one or two newspapers were likely to be favoured, to gain an advantage from the tariff over others. Consequently it was dropped; but an undertaking has been given by my honoured Chief in another place that the question whether super-calendered paper on reels should or should not be included within this Bill would be examined during the next two or three months, in consultation with paper manufacturers, newspapers and publishers. Their reports will be laid before the Advisory Committee in the Commerce Department and the conclusions reached will be communicated to the Legislature in the next Session. That seems to be the fairest way of

dealing with this question. With this additional explanation I commend this Bill to the consideration of the House.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces : General) : Sir, there are one or two points in connection with this Bill on which I should like to have some information. The tenour of the speech made by the Honourable Mr. Chadwick shows clearly that the Bill seeks to give protection to the paper industry generally. But I find that in the Preamble it is distinctly stated that this protection is extended for the purpose of fostering and developing the industry of making paper from bamboo by increasing the import duties leviable on certain kinds of paper. His speech also made it perfectly clear that not only paper manufactured from bamboo but also from grass and other materials would receive protection under this Bill. I cannot therefore understand these words of limitation in the Preamble. The Preamble is always a guide to the contents of the Bill, and as such, I am unable to understand why these words of limitation or restriction have been used. I should like to know if they have been deliberately used, and if so, for what purpose.

Secondly, Sir, I should also like to know what is the amount of revenue which the Government hope to raise by substituting one anna per lb. for the present rate of 15 per cent. *ad valorem* duty. The Council would have been in a better position to judge of the propriety of this Bill if this information was laid before it.

Sir, as regards the merits of the Bill itself, I may say at once that I am in full sympathy with this Bill. I am a protectionist, and I am always ready and willing to extend the measure of protection not only to indigenous industries, but I would welcome any measure of protection to industries established in this country even by foreigners. I think, Sir, that in the interests of the development of this country, foreign capital is indispensable, and I would not only like to have English capital, but I would welcome capital even from America, Germany, Italy or any part of the world, because I believe that if industries are freely started with foreign capital, they will conduce to the well being and prosperity of this country, not only by finding avenues of employment for the natives of this country, but they will also add to the general wealth and prosperity of this country. I therefore welcome this Bill. Though most of the paper mills, except one or two, have been started by English people in this country, I say that where protection is needed, it should be given cheerfully and readily as in the case of an indigenous industry.

Sir, the paper industry needs our special consideration. This industry, as far as I know, since the year 1916, has been asking for some sort of State aid or assistance. The Government were not in a position to help this important industry, because all these years we had not on the Statute-book any Act empowering the Government to render State aid to any decaying industry. Now this enactment which is on our Statute-book permits us to offer such assistance.

Another important consideration which entitles this particular industry to our sympathy is the fact that during the last war, it rendered a great service to the country. We are all aware that but for these paper mills

[Sir Maneckji Dadabhoy.]

which supplied paper to many of our newspapers during the war, it would have been impossible to carry on the journalistic business. Further, it has an educational value. If cheap indigenous paper is manufactured in this country and made available to the general public, independent of all foreign imports, it will help, in my opinion, in the general dissemination of knowledge, information and education. Further, Sir, it is a well known fact that most of the European countries which are now manufacturing paper are selling paper in this country not only at competitive rates but what I may call at cut-throat rates. What the foreign paper manufacturers do is, they manufacture paper in large quantities in their own factories in order to bring down their overhead charges, and when they get large accumulations of paper, they dump it into this country even at less than their cost price. It is this competition which India has to dread, and I think that this Bill rightly seeks to give protection to a very deserving class of industry. All foreign countries which are manufacturing paper to-day have extended protection to the industry. I find by a reference to the Directory of Tariffs that France, Germany, Italy, Australia, Canada, America, Japan, Scandinavia and even Belgium, all these places where paper is more or less manufactured on a large scale, have gone in for a policy of protection. I therefore see no reason why India also should not protect this industry. Of course, if State aid is not forthcoming at present, it will cause a serious disaster. I understand that if this paper industry fails at this critical juncture, the result will be that several thousands of people in Bengal will be out of employment. I find that the loss in wages alone will be nearly 30 lakhs of rupees annually and that the direct loss to Government of revenue will be something like 17 or 18 lakhs a year. Is it not necessary, therefore, considering all these matters, that we should extend protection to a very deserving industry of this nature? Sir, I have great pleasure in supporting this Bill.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY (West Bengal: Non-Muhammadan): Sir, if the protection that is sought to be afforded to the paper industry in this country really can be given, then I would gladly welcome this Bill. But I have my serious doubt as to whether such protection will be really forthcoming. In connection with the other industry which we have tried to protect so far, we have seen that, whatever the reasons may be, apart from exchange questions, the protection that we want to give is not adequate, because other countries that want to dump their goods here take steps against which we are powerless.

I do not attach much importance to the word "bamboo" in the Preamble. Preambles have been agitating us somewhat unduly of late. I do not however attach importance of the kind that my Honourable friend Sir Maneckji Dadabhoy apprehends in connection with this particular Preamble. My friend forgets his old botanical days when he must have been taught that bamboo and grass are of the same family, and I do not think that the lesser grass will necessarily be excluded by the big bamboo at the time of reckoning. All kinds of pulp require protection and the Preamble, I am sure, will not be allowed to stand in the way.

THE HONOURABLE SIR MANECKJI DADABHOY: I did not say anything. I wanted an explanation regarding it.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHĪKARY: Well, what I have suggested may be the botanical explanation. About the legal explanation we need not trouble ourselves because the officers concerned will not stay to examine what the origin of the pulp has been but will impartially exact the duty on the stuff coming from abroad. That will send up the price of paper in general.

Sir, we are beginning to be protectionists or free traders, as may suit the purpose of some for the time being. I do not really understand the difference between the two Schools, when particular questions affecting adverse interests come up for consideration. Be that as it may, the line must be drawn somewhere for the protection of the public also. It is not only the industries that require protection but the public also. We may go on amplifying the field of protection for steel, paper, cement, coal, textiles, and everything else that can find capable advocacy. But the people who have been accustomed to them at somewhat cheap rates are being gradually made to pay higher prices even regarding un-basic Industries, if one may so call them, without knowing when the *quid pro quo* will come.

Sir, the other day I tried to make a vigorous appeal for securing a larger measure of protection to steel because, having taken it up, we are bound to see it through and not be content with help of a kind that will do no good to it and will at the same time do a great deal of prejudice to the country's finances and prospects. I do not want to raise a discordant note on this occasion; but I do want to raise a warning voice as to how we go on extending the sphere of protection whenever a particular enterprise succeeds in getting its point of view taken up. Sir, the last observations of the Honourable Mr. Chadwick, though they may be reassuring to some, give me reason for some apprehension. Newspapers of the larger dimension want paper of a particular kind which it is proposed to exempt from the purview of the protective tariff after further examination. But I want the House very much in this connection to think of the case of the smaller papers which do not get their supplies on that large scale and may therefore not benefit by the exemption given under the protective measures that we are adopting with regard to it. It is the smaller papers and magazines really that reach the country; the vernacular papers have very great difficulties of their own. Added to them there ought not to be that of the higher price of paper which they can ill-afford to pay. If newspapers are to be taxed, I submit they ought to be taxed on the same basis and protection ought not to be allowed only to those which can without any serious difficulty pay the higher prices. That is a matter of prejudice that will seriously affect the smaller newspapers and magazines against which I want to have the country guarded.

THE HONOURABLE MR. G. A. NATESAN (Madras : Nominated Non-Official): Sir, I am one of those business men engaged in the printing and publishing line who will be hit by this measure. Though I suppose I would like to get ultimately what I pay in excess out of my consumers,—I mean those who purchase the books and periodicals that I produce—yet I feel that this is a measure which should get support at my hands as well as at the hands of others, because it is

[Mr. G. A. Natesan.]

an attempt to protect one of those industries which ought to be protected, quite apart from the fact whether a large share of the capital is held by Europeans or Indians. There are large numbers of people at present who buy and consume a lot of writing paper, note-paper, note-books, and these and others will no doubt be hit. But the question we have to ask is, whether ultimately this little sacrifice to which they are subjected to is for the benefit of the country or not? And it is because I am convinced that it will ultimately benefit the country that I consider that this industry which has great possibilities in the future ought to be protected, and that, apart from the fact that it gives work for thousands of people who work in the paper factories, it will ultimately be a great source of strength to the country.

My Honourable friend Mr. Chadwick referred to the fact that in the other place an attempt was made to exempt super-calendered paper imported in reels. I am glad subsequently nothing more was heard about it, and that even in the other place they have come to the conclusion that it is proper to leave this matter in the hands of the Commerce Department. I would like to point out, for the information of those who may not be aware of the fact, that, if you propose to exempt those who import super-calendered paper imported in reels, you will be benefiting perhaps only one section of publishers and you will lay yourself open to the charge that you are helping a monopoly. Those newspapers and publishers who can count several thousands of subscribers import paper on reels. Others too get this, who have the machinery to use imported paper on reels. But there are other business men, not only in my province, but in other provinces as well who, on account of inadequate machinery or perhaps a limited circulation, use super-calendered paper in reams. And therefore I am glad the Government have been able to persuade those who in the other place first put forward the suggestion to exempt super-calendered paper on reels. I think, Sir, that no obstruction or hindrance should be placed in the way of people who use paper in reams, but, if you propose to give the benefit, let it be given to all alike, the people who have a large circulation and the other people who have a small circulation and who perhaps are struggling with competition. Personally, I would welcome the exemption of super-calendered paper imported into this country. I should like to be spared this import duty, but, if you are going to do it at all, please give it to all so that the benefit will be felt by all. I have nothing more to say. I would only add that I am glad that my Honourable friend Sir Deva Prasad Sarvadlukary, who took objection to my statement on the last occasion that when we give protection to any industry we have always to remember that the money is being obtained out of the pockets of the tax-payers in some shape or form; to-day he has thought fit, in connection with this Resolution, to sound a similar note of warning. I think it is always useful in a country like this that, when protection is given, it should be given after very careful consideration, and I can further say that at present I am not averse to the suggestion that, when the State gives protection it should take care to see that a certain amount of check or supervision is exercised in the control and management of these industries which seek protection. They need not necessarily go and act as a sort of watch dog. It is not unreasonable to say that Government, which are parting

with a certain amount of money, are entitled to see that these great concerns which ask for protection must manage these concerns economically and efficiently, and this should always be borne in mind by the big capitalists who manage these concerns.

THE HONOURABLE MR. V. RAMADAS PANTULU (Madras : Non-Muhamadan) : Sir, in according my support to this Bill, I beg to associate myself with what my Honourable friend Sir Deva Prasad Sarvadhikary has stated with reference to the doubts that exist in regard to the adequacy of the protection that is proposed and the probability of its achieving the purpose in view. In addition to that I wish to point out one thing, namely, that I do not share the view expressed by the Government regarding the grant of loans and subsidies in the Statement of Objects and Reasons to this Bill. However, I hope that the Government will be able to reconsider the principle of loans and subsidies in the light of the suggestions made by the Tariff Board. I think in developing the infant industries of India, loans and subsidies are as important as protective duties, and I hope the Government will be able to see in future the necessity for at least helping some of these industrial concerns. I would draw the attention of the Government particularly to a company in my part of the country. In paragraph 140 at page 90 of the Tariff Board's report it is said :

“ If the results of the inquiry we have suggested are satisfactory, it would be reasonable, we think, that the Carnatic Paper Mills, Limited, should receive either a loan or a Government guarantee of the extra capital required for the manufacture of bamboo paper at Rajahmundry. What the amount necessary would be we are unable to say, but the assistance given should be limited to Rs. 10 lakhs as a maximum as in the case of the India Paper Pulp Company. If, on the other hand, an unfavourable verdict is returned and the grant of assistance to the Rajahmundry mill is held to be undesirable, it is difficult to see how the soda process, as applied to bamboo, can be tested on a commercial scale in the near future.”

I wish to draw pointed attention to this recommendation, and I hope the Government will be pleased to revise their opinion as to the grant of loans and subsidies and do something for this industry, as well as for similar industries which are in a developing state in this country.

THE HONOURABLE SIR ARTHUR FROOM (Bombay Chamber of Commerce) : Sir, I listened with much interest to the speech of the Honourable the Secretary of the Commerce Department, but charmed he never so sweetly he did not convince me of the policy of protection. No doubt he will be followed by the Honourable the Commerce Member with suave plausibility. I will not say that he will not be able to convince me because he has not yet spoken, but what I should like to bring before the Members of this Council is a warning, and this warning arises from the policy of protection. Protection means payment of money, and somebody has got to produce the money. Who produces it ? The consumer every time. You may listen to any amount of speeches about protection, but protection means payment and the money has got to be found from somewhere and the consumer pays. This Bill may not be of very paramount importance, but of course we have all got to pay more for our paper individually. It may not be a very severe strain in this case, but I would just like to emphasise my warning, because once the thin end of the wedge is inserted we may not know where it is going to stop. The

[Sir Arthur Froom.]

cry is for protection, protection, protection, and where will it land us? It will land India where protection has landed many countries before, and that is a very considerable increase in the cost of living for the inhabitants of that country.

THE HONOURABLE MR. MANMOHANDAS RAMJI (Bombay: Non-Muhammadan): Sir, I rise to support the motion. I am a protectionist qualified, not out and out. The Honourable Sir Arthur Froom told us just now that it is the consumer who pays. Quite right. Either the consumer should pay or the country should remain dependent. Now I would like to ask Honourable Members whether they would like dependence or they would like a little contribution to make one independent. This is the question, Sir, which ought to weigh, and rightly weigh, with the country and with the Members of this House.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (West Punjab: Muhammadan): Sir, as we have to vote later on I do not want to give a silent vote. The House knows that last year I was strongly opposed to protection for steel. If I have changed my views this year it is simply from sheer necessity, that in the event of a crisis we cannot get steel from outside and we may have a reserve to fall back upon. If I vote for paper protection also, I will only do it for this—that if any day our supplies are cut we may have to fall back upon some other supply in connection with this industry also. But I think, Sir, that on the whole we should be at any rate free traders within the Empire. What is the good of calling ourselves one Empire if we are not one. If there is a man who does one thing, for instance, he is a shoemaker, to be an independent man he need not become a blacksmith also and everything else. I think if within the Empire we can turn out things cheap in one place we ought to get the benefit of it. So generally I want to say this, that I am a free trader and if I vote to-day for protection it is only from sheer necessity.

THE HONOURABLE SIR CHARLES INNES (Commerce Member): Sir, as usual I have to begin my speech in this Council with an apology. Not many days ago a very important Bill which I introduced in the Legislative Assembly came up to the Council of State and it was a matter of very great regret to me that I was unable to be present in the Council of State when it considered that Bill. I hope the House will accept my apology when I say that my absence on that occasion was due to circumstances over which I had no control and to very important preoccupations elsewhere.

Now, Sir, I do not think that in this debate there have been many points to which I may reply. My Honourable friend from Bombay, Sir Arthur Froom, suggested that possibly I might be able to convince him as to the merits of this Bill. Sir, I know my Honourable friend too well. I know it is quite useless to attempt to convince Sir Arthur Froom against his will; and if the Tariff Board's report has not convinced Sir Arthur Froom, then I am quite sure it is useless for me to attempt to do so. But I should like to say that I welcome very much the sort of speeches that we have had from Honourable Members in this Council. They have made speeches in which they sounded a note of warning in regard to this policy of protection. I quite agree that it is a

policy which is fraught with very important consequences for India, but what I do claim for the policy of the Government of India in this matter is that at any rate we are going about the matter on the right lines. No industry can get protection from the Government of India without laying its claim before the Tariff Board. It is there subjected to an impartial examination in detail and it has to make good its claim. When we get the Tariff Board's report, if we accept its recommendations, we embody them in a Bill; then that Bill is subjected to the criticism of the Legislative Assembly and of this House; and I think that at any rate the House will agree with me that we do adopt every possible safeguard and that we do advance with the utmost caution in this matter.

As regards this particular Bill, Sir, I agree that we are asking the consumer to bear a burden which is estimated at 20 lakhs a year. But, Sir, we are satisfied, after very careful consideration of what I make bold to say is a very excellent report, that we are right in asking the consumer to bear that burden as a temporary measure. I myself hope that the time may not be far distant when India will not only be able to supply her own requirements of paper from her own resources, but will be able to build up a very important export trade in bamboo pulp. I do not think that the Tariff Board have gone a bit too far in what they have said about the depletion of supplies of wood pulp. They have pointed out, as the Honourable Mr. Chadwick has told us, that it is a well known fact that supplies of coniferous woods are getting less and less in comparison with the very greatly increased demand—not only for timber but also for pulp—and that every paper manufacturing association has been regarding with serious apprehension the prospect of these supplies becoming more and more depleted and the prices of wood pulp becoming greater and greater and the price of paper increasing. Sir, that is our main justification for placing this Bill before this Council. We admit that it will increase the price of paper for a period of years, but we do it in the hope that it will secure the supply of paper for India at a reasonable price for all time, whereas if we do nothing the time may come—and it may not be a very far and distant date—when we shall have to pay more and more for our supplies of imported paper without being able to supply our requirements from our own resources; and that, Sir, is the main justification of this Bill to-day.

The Honourable Sir Maneckji Dadabhoy asked why it was that the preamble of this Bill limited the scope of the Bill to bamboo pulp. Now, it is perfectly true that the operative part of the Bill, namely, the Schedule of import duties, operates in favour of all kinds of paper made in India, whether made from grass or made from bamboo. But the Honourable Member will observe that the Tariff Board have definitely told us that subject to one reservation, namely, the mill that is projected in Saharanpur in the United Provinces, the existing grass mills in India have not made out their claim to protection. They said that in so far as the paper industry in India depends upon grass, its prospects are not very bright and a case for protection had not been made out because the Tariff Board do not see any prospect when the time would ever come when those mills would be able to subsist without protection. But it was different in the case of bamboo for reasons

[Sir Charles Innes.]

which Mr. Chadwick has already explained when he examined the question whether we could not protect the bamboo pulp industry by giving subsidies to the bamboo mills. However, for the reasons explained in their report, they came to the conclusion that that was not possible, and therefore they came down in favour of the opinion that, if we are to protect bamboo paper at all, it must be by means of enhanced import duties; and from the nature of things when you enhance your import duties you send up the prices of paper imported into India, and that means that all mills in India, from whatever material they make their paper, must get the benefit of that increase. But, Sir, I would like the Council to observe that there is a real point of substance in our action. We make it perfectly clear in the Preamble that our object and our intention is to protect the bamboo paper industry, because as the Honourable Mr. Chadwick has told us, the Tariff Board made out a complete scheme. Their idea was that we should by means of enhanced import duties give a temporary protection to the bamboo paper industry in order that certain experiments in regard to making paper from bamboo, whether by the sulphite process or the soda process, might be tried out. Now, Sir, that is one of the main objects of this Bill and as Mr. Chadwick has said, if in a reasonable period of time we find that the bamboo mills in India are not making any effort to try out those experiments, then we in the Government of India will hold ourselves free to go to the Legislature and say that we propose that this Bill should be repealed. We cannot do that of course without coming to the Legislature and the whole case will then be threshed out. But that is the reason why we have limited the scope of the Preamble to bamboo paper.

The Honourable Sir Maneckji Dadabhoj then asked what amount of extra revenue we expected to get from these enhanced duties. The answer to that question is contained in paragraph 161 of the Tariff Board's Report, where it will be found that the Tariff Board, making the best estimate that they could, think that the amount of extra revenue we shall get will be about Rs. 3·4 lakhs a year.

THE HONOURABLE SIR MANECKJI DADABHOY : What is the Government estimate?

THE HONOURABLE SIR CHARLES INNES : We accept that estimate as being the best estimate that can be made. Sir Deva Prasad Sarvadhikary made a special plea for the small newspaper. Well, Sir, both the Government and the Tariff Board have, we think, met the requirements not only of the small newspaper but of all newspapers by excluding from the scope of these enhanced duties newsprint, that is to say, this Bill of ours should not send up the cost of newspapers in any way at all.

There is only one other point that was raised in the debate and that was the point raised by my Honourable friend, Mr. Ramadas. When I heard the Honourable Member's speech I realised that the Honourable Member came from the Northern Circars, and I think, Sir, that it was a very natural sense of local patriotism that induced the Honourable Member to put in a special plea for the

Rajahmundry Mill. Well, Sir, I should just like to say this. As Mr. Chadwick has explained, we were definitely of opinion that as the Government of India we could not agree to the subsidies proposed by the Tariff Board, nor to the proposed subsidy for the Indian Paper Pulp Company, nor to the conditional subsidy proposed for the Rajahmundry Mill. Mr. Chadwick gave the main reason that we did not think it was right for the Government of India, when you have several mills competing with one another in one market, to come down, on whatever plausible reasons, and give special assistance to two of those Mills. We did not think that was fair. There was another reason which Mr. Chadwick did not mention and which I shall therefore mention now. There was another reason why we came down in favour of that conclusion, and that is, that we felt that if we gave those subsidies to these particular mills, we could hardly stop there. No sooner had the report of the Tariff Board come out than we received telegrams from certain grass mills saying that they also proposed to change to bamboo and that since we were going to give assistance to the Indian Paper Pulp Company we should also give assistance to them. Sir, in another place I had some Members from the Punjab getting up and asking Government to give a loan to a Punjab mill, and Members from Bombay getting up and asking "Are you going to assist the Deccan Mill"? I am quite sure that if we had agreed to these subsidies, great pressure would have been put upon us, not merely to subsidise these particular mills, but to go farther and support practically every mill in India.

But, Sir, I should just like to say that though we in the Government of India are bound to take that view, because we have to look at the paper mills in all parts of India, I would remind the Honourable Member that his own Government has got an Act which enables them to assist particular industries; and if the Madras Government desire to give any assistance to the Rajahmundry Paper Mill there is nothing in this Act that will prevent them from doing so.

Sir, before I sit down may I just take this opportunity, since this is the last time that I shall probably address this Council, of expressing my great gratitude to the Council for the patience with which they have always heard me and for the very helpful criticism that I have got in respect of every proposal that I have placed before this Council.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: (Punjab: Non-Muhammadan): Sir, I rise to support the Bill and I welcome every measure which goes to protect Indian industries. I had no mind to speak to-day, but as the Honourable the Commerce Member is here I might make one suggestion as far as the paper industry is concerned, which I think will be found very useful to the Government as well as to the industrial public. My suggestion is that, in the interests of the paper industry, Government which have practically the monopoly of the forests in this country, should start pulp making by mechanical process from Silver Fir and similar kinds of trees which are available in abundance in the Punjab forests and which are of not much commercial value then I think the paper industry will flourish and people will welcome it. The pulp thus made from these trees will make very good paper, and its cheapness will be a very great factor in encouraging and developing the paper industry.

12 NOON.

THE HONOURABLE THE PRESIDENT : The question is :

“ That the Bill to provide for the fostering and development of the bamboo paper industry in British India, as passed by the Legislative Assembly, be taken into consideration.”

The motion was adopted.

Clause 2 was added to the Bill.

The Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. D. T. CHADWICK : (Commerce Secretary) : Sir, I beg to move that the Bill, as passed by the Legislative Assembly, be passed.

The motion was adopted.

INDIAN LIMITATION (AMENDMENT) BILL.

THE HONOURABLE SIR NARASIMHA SARMA (Law Member) : Sir, I beg to move that the Bill further to amend the Indian Limitation Act, 1908, as passed by the Legislative Assembly, be taken into consideration.

This is a very short Bill dealing with the law of limitation. The objects of this Bill are mainly two-fold. Firstly, to remove certain doubts which have arisen as to the exact period of limitation for suits instituted under the summary procedure under Order XXXVII of Schedule I to the Civil Procedure Code. These doubts have arisen from a drafting defect which crept in when the Limitation Act of 1908 was enacted. The second is to extend the period of limitation prescribed for such suits from six months to one year. Sir, the Civil Procedure Code prescribes a special summary procedure for the recoveries of monies due on negotiable instruments. Such suits were specifically dealt with under Chapter XXXIX of the Civil Procedure Code of 1882. Those provisions were relegated to Order XXXVII, Schedule I, of the Civil Procedure Code of 1908. About the same time, the Limitation Act of 1877 was amended, and an amended Act was passed in 1908. The period of limitation prescribed for suits brought under the Chapter of the Civil Procedure Code of 1882 was six months. The amending provision of this Limitation Act as drafted provided that where a suit is instituted under the summary procedure, the period is to be six months. But the two Bills had been taken into consideration at the same time, and inasmuch as a special provision was made in section 128 (2) (f) of the Civil Procedure Code, Part X, enabling the High Court under certain conditions to prescribe a summary procedure in the case of suits generally for the recovery of a debt or liquidated demand and also in a certain class of suits between landlords and tenants, the Limitation Act provided that in the case of suits for which a summary procedure is provided under that section and where a summary procedure is sought, the period should be six months. It was later discovered that there was an omission of Order XXXVII of the Civil Procedure Code. That is the drafting defect to which I have already referred, and that has been rectified in the present Bill by the inclusion in Article V of suits dealing with the special procedure under section 128 as well as with suits falling

under Order XXXVII, this has been done merely for removing doubts which have been raised in several quarters as to the exact effect of the provisions of the Limitation Act. Well, when this question was taken up some time before the Civil Justice Committee sat or came to its conclusions, the Government asked for the advice of the various Local Governments and the High Courts as to whether the period of limitation for such suits should be only six months or it should be higher than six months. There was a difference of opinion, and the Government came to the conclusion that in order to encourage suitors to bring suits under the special procedure and in order to encourage also the framing of rules under the Civil Procedure Code prescribing a summary procedure in the case of suits other than suits under the Negotiable Instruments Act, it was desirable to extend the period from six months to one year. But they felt that it was undesirable to proceed further, because where a suitor desires to seek the benefit of the specific provisions providing a summary procedure, there was no reason why he should not come in within one year from the date his claim falls due. We were not therefore in a position to accept the exact recommendation of the Civil Justice Committee with regard to the period of limitation. But we have made it clear by an amendment in this Bill that this period of one year is prescribed only in the case of suits where the ordinary procedure is not shut out and the benefit of the summary procedure is sought. Therefore, it is perfectly open to a suitor to come in within the ordinary period of limitation provided in the Limitation Act, if he chooses the ordinary procedure, or he can come in within one year if he wishes to have the benefit of the provisions of the summary procedure. The Bill has been approved and accepted, after reference to a Select Committee by the Legislative Assembly, and I commend it to the favourable consideration of this House.

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE SIR NARASIMHA SARMA : Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

The motion was adopted.

RESOLUTION *RE.* STANDING COMMITTEES TO DEAL WITH BILLS RELATING TO HINDU LAW AND MUHAMMADAN LAW.

The HONOURABLE MR. J. CRERAR (Home Secretary) : Sir, I move :

“ That this Council recommends to the Governor General in Council that in order to give effect to the recommendation in paragraph 120 of the Report of the Reforms Inquiry Committee the Indian Legislative Rules and the Standing Orders of this House be amended so as to provide as follows :

- (a) two Standing Committees, one to deal with Bills relating to Hindu Law and the other with Bills relating to Muhammadan Law shall be appointed ;

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- (b) appointments to these Committees shall be made by a Committee of Selection the Members of which shall be appointed at one of the first meetings of the Council to be held in each year and should hold office for one year from the date of nomination ;
- (c) the Committee of Selection shall consist of the President, and the Leader of the House supplemented up to a total number of 6 members on a motion moved by the Leader of the House so as to represent the main divisions of opinion in this House ;
- (d) the Standing Committee for Bills relating to Hindu Law shall consist of the Honourable the Home Member, the Honourable the Law Member, if they are Members of the Council, and 15 Hindu Members nominated by the Committee of Selection, so as to include persons well versed in Hindu Law and representatives both of the orthodox and reforming sections of the Hindu Community ;
- (e) the constitution of the Standing Committee for Muhammadan Law shall be similar to that of the Committee on Hindu Law except for the substitution of 10 Muhammadan Members for the 15 Hindu Members ;
- (f) the Members of each Standing Committee shall hold office for one year but may be renominated by the Committee of Selection in successive years ;
- (g) a Bill which has been referred to the Standing or a special Select Committee in one House shall not be referred to the Standing Committee or a special Select Committee in the other House ;
- (h) as soon as leave is given to introduce a Bill other than a Government Bill and subject to paragraph (g) as soon as a Bill other than a Government Bill which has been passed by the other House is laid on the table of this House, if the Bill is certified by the President to relate to Hindu or Muhammadan Law, it shall be referred to the Standing Committee concerned without further motion ;
- (i) the Standing Committee shall have power to examine witnesses and to circulate a Bill, but when it directs circulation the fact shall be reported to the Council ;
- (j) the further procedure in the Council after the report of the Standing Committee is received shall be the same as the procedure on receipt of the report of a Select Committee."

This, Sir, is a somewhat lengthy Resolution and raises a question of great practical importance, but nevertheless it is not one on which I need detain the House at any very great length. The origin of the recommendation which was made by the Reforms Inquiry Committee and which is now put in precise and detailed form before the House really goes back to a condition of things which has long been the cause of concern and attention to those interested in our legislative processes. It has frequently been complained by members of nearly every community in India having a special code of religious rites and usages or of social rites and usages that the safeguards provided by our constitution for premature and ill-considered legislation are in some respects defective. Those safeguards, as Honourable Members are aware, are principally two : first of all, the necessity, in the event of any measure involving the rites and usages of communities in India being

moved, of obtaining the sanction of the Governor General. Furthermore, in respect of provincial measures having the same bearing on social or religious rites and usages, there is a certain provision for reservation. That, however, it has been contended by the critics of our legislative procedure, is not enough. Government have been diversely criticised from two points of view. They have been criticised by advanced opinion for an alleged hesitation and reluctance themselves to bring forward important measures of social reform affecting the usages of Indian communities. They have been criticised and perhaps even more stringently criticised for acquiescing in, or promoting, what has been represented as premature and ill-considered attempts at innovation in these matters. Now, Sir, it is not for me at this stage—nor am I concerned at this stage—to pronounce upon the rights and wrongs of that particular controversy, but it is a difference of opinion which is reflected in almost every great community of Indian society and in almost every phase of opinion. It is reflected even in this House. I have myself been reproached by my Honourable and learned friend opposite with the fact that Government legislation in these matters no longer recalls those spacious days when drastic and summary legislation was brought in to abolish such usages as *sati* or female infanticide. On the other hand, it was only a few days ago that my Honourable friend, Lala Ram Saran Das, took entirely the opposite point of view. Well, Sir, the real solution of these two divergent points of view will necessarily be a matter of time and development. It will be necessary I think for the zeal of the more ardent reformers to realise—as Government have themselves realised—that they like Government must accommodate themselves to the forces of public opinion. Legislation on these matters may be easy enough to put upon the Statute-book, but it will not become really effective unless it is supported by a reasonable preponderance of effective public opinion in the communities concerned. On the other hand, those who take the strictly orthodox point of view will, I think, in due course learn that they also will be compelled—I will not say entirely—to abandon their position and to move with the times. Perhaps the solution will be that orthodox opinion will in the end be best exercised, not in obstructing but in guiding and moderating the activities of those who desire more rapid reforms, and this will perhaps in the end give us as a resultant progressive but at the same time prudent legislation.

Now, Sir, the proposition which I have to lay before the House, as I have explained, does not purport to offer any solution, or at least any complete solution, of that fundamental controversy. But it does afford a practical means of ensuring that some of the complaints which have been made with regard to our legislative methods and with regard to some of the measures which have actually come before us—of ensuring that these measures will receive an expert examination by persons really qualified to examine and to pronounce upon their merits. It will ensure further that all opinion—I will not say enlightened opinion, nor will I say obscurantist opinion,—but all opinion legitimately concerned in these matters will have a full, a fair, and an impartial hearing. The procedure which we propose is borrowed from the procedure of the House of Commons. Briefly speaking, it involves the appointment by this House of a Selecting Committee on the

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notice of the Honourable the Leader of the House. That Selecting Committee will be charged with the duty of nominating two Committees who will be concerned respectively with Muhammadan and with Hindu Law. The members of those Committees will hold office ordinarily for one year, but may be continued in their membership if it is considered desirable by the Selecting Committee.

The procedure proposed will refer only to Bills brought in by private Members, that is to say, Government measures for reasons which I do not think I need enlarge upon,—will not come within the operation of these rules. It does not follow that, if a Government measure is brought in which does impinge upon matters of religious or social usage, such a measure will not or cannot be referred to a Committee of this kind. In the ordinary process of reference to Select Committee it might be perfectly practicable in any particular case to arrange that a Select Committee should be the same body though under a different title as the Standing Committee for which these proposals provide.

I have only one word more to say and it is this. It will be observed that these proposals are intended to apply in the first instance only to the Indian Legislature itself. It will depend a great deal upon the result of the experiment whether we shall proceed further and suggest that the same procedure should also be adopted in the Provinces. The principles however of the measure are such as to promise that the experiment will attain a very considerable degree of success. It is in that hope and in the hope that the House will concur in my general conclusions, that I leave the matter entirely open. I only wish to ascertain the sense of the House in this matter, and I hope it will concur both in my anticipations and in my conclusions.

THE HONOURABLE MR. V. RAMADAS PANTULU (Madras: Non-Muhammadan): Sir, after listening to the very careful and able speech of the Honourable Mr. Crerar I regret I cannot accede to the principle of this Resolution. First of all, Sir, I am frankly and very strongly opposed to the creation of these communal compartments in the Legislature. I do not concede for a moment that in matters of legislation on Hindu and Muhammadan jurisprudence, these committees which are to be constituted should consist of either wholly Hindus or wholly Mussalmans. I should certainly not forego the services of eminent Muhammadan lawyers in matters relating to Hindu law, nor do I think that our Muhammadan friends could be so exclusively communal in their outlook as to deny themselves the services of such Hindu jurists as their committee may need. After all the Legislature has to act as a whole and ought not to set up expert bodies on communal lines. I know enough of such experts in various bodies on which I serve and I do not want to see the principle applied here.

Secondly, Sir, if the Honourable Mr. Crerar hopes that representative opinion will be secured by a sort of double distillation—the House appointing 6 gentlemen to constitute a selection committee and the 6 appointing 15 members of the Hindu community in their turn, who will be representative of the

Hindu community—he is very much mistaken. It depends on who the 6 gentlemen on the Selection Committee are and which 15 members they will select for the Standing Committee. If he thinks that either those 6 gentlemen on the Selection Committee or the 15 gentlemen they choose will command the confidence of the country, I should say he is not calculating aright. Only the other day we passed a very important measure dealing with testamentary and intestate succession which affected most largely Europeans and Indian Christians. That emanated from a committee of Hindu and Muhammadan lawyers and there was not a single complaint about the value of the work turned out by them. Therefore I think on principle this thing is very vicious. I have read very carefully paragraph 120 of the Reforms Inquiry Committee's Report which deals with this question and the reasons they adduce there are not convincing. They point out at page 98 :

“The existing constitution does already contain general protections against legislation affecting the religion or religious rites and usages of any class of British subjects in India. Previous sanction for the introduction of any such measure in the Central Legislature is required by section 67 of the Act. If it has not been previously sanctioned any such measure passed in a local Legislature must be reserved for the consideration of the Governor General under the Reservation of Bills Rules.”

They go on to say however :

“The further provisions which we consider are required are provisions to secure that such legislation shall not be passed without thorough examination by persons well versed in the law of the community concerned.”

I cannot follow this later statement. Their recommendation about the constitution of Committees is not followed. The majority report says :

“It might be found advisable for the Standing Committee and the Selection Committee to be Joint Standing Committees and a Joint Selection Committee of the two Chambers.”

I do not think that is proposed now. I think each House is to have its own Standing Committees and its own Select Committee. If the proposal was that of the Reforms Inquiry Committee, that the Standing Committees and the Selection Committees should be set up at least as Joint Committees of both Chambers, there might be some sense in the proposal ; but if the two Houses are to have their own Selection Committees and their own expert bodies, I think the result will be really disastrous. Then I may also point out that the minority, which consisted of such very eminent jurists as Sir Sivaswamy Aiyer, Mr. Jinnah and Dr. Sapru, were opposed to this. At page 193 of the report the minority oppose this proposal and say :

“As regards the recommendations of the majority in paragraph 120 of their report, we have considered their recommendations. While we appreciate the importance of the subject we feel that under the present Constitution section 67(2) provides a sufficient safeguard against any hasty or ill-advised measure affecting the religion or religious rites and usages of any class of British subjects in India. We recognise that, having regard to the conditions in India, it is not easy at all times to draw a sharp line between social and religious usages. While we understand the spirit of caution which has led the majority of our colleagues to recommend the appointment of Standing Committees of the Legislature for social legislation, we do not feel ourselves justified in committing ourselves, more particularly because we think the subject has not been sifted in the manner in which it might have been. We think that the importance of the subject should be borne in mind when the Constitution is revised and the Legislature are made truly responsible.”

[Mr. V. Ramadas Pantulu.]

I entirely associate myself with these weighty observations of the minority report and this attempt to legislate piecemeal, to give effect to the recommendations of the majority report according to the resolution brought forward the other day which some of us very seriously opposed, is I think a procedure which ought not to commend itself to this House.

Coming to the details of this Resolution, I will only deal with two of its clauses. Clause (g) is one to which I am particularly opposed.

Clause (g) says :

“ a Bill which has been referred to the Standing or a Special Select Committee in one House shall not be referred to the Standing Committee or a Special Select Committee in the other House ; ”

I really do not see why it should be so. Supposing a Bill originates in this House and is referred to a Standing Committee of this House, I do not see why the Assembly should forego the advantage of having a Select Committee of its own or a Standing Committee of its own to consider a Bill which may be of considerable importance. It is a matter of opinion and I know that in this matter the Honourable Sir Maneckji Dadabhoy and myself differ very greatly. He has very great faith in this House, I have little or none. Sir Maneckji Dadabhoy may not attach any importance to a report of a Committee of the other House. He said so on many occasions. On the other hand I have faith in the Committees of the other House. But when it comes to a difference of opinion between a man like myself and Sir Maneckji Dadabhoy, the House may probably agree with him. But there is no reason to deprive each House of the benefit of the advice of its own Committee. So it is a provision which will not work harmoniously and will not be in the interests of the Legislature. Indeed I am unable to see what was at the back of the mind of the Honourable mover of the Resolution. I for one do not see the principle involved in the suggestion.

Then again, Sir, in clause (h) there is one matter to which I take serious exception. It says :

“ As soon as leave is given to introduce a Bill *other than a Government Bill* and subject to paragraph (g) as soon as a Bill *other than a Government Bill* which has been passed by the other House is laid on the table of this House, if the Bill is certified by the President to relate to Hindu or Muhammadan Law it shall be referred to the Standing Committee concerned without further motion ”.

Sir, the object of this I understand is that in matters of social legislation the matter would be sifted by the Standing Committees. Even if Government undertake social legislation I do not see why they seek to exempt themselves from the operations of this Resolution. In fact the people object more strongly to legislation by Government in social and religious matters than to legislation by private individuals. If my Honourable friend Sir Deva Prasad Sarvadhikary brought forward a Bill relating to Hindu law it would necessarily go to the Standing Committee although my Honourable friend knows the position and knows the sentiments of the Hindus and their customs and usages ;

yet if my Honourable friend Mr. Crerar brings in a Bill on behalf of the Government in this House, it need not go before this Committee. Therefore all the advantages that are claimed for this Committee and all the benefits which are said to be secured by this representative opinion of the experts on this body, are cast away to the winds as soon as Government try to legislate in social matters. If there is any sense in this Resolution, it is the Government that ought to protect themselves by the opinion of experts in Hindu and Muhammadan law when they seek to legislate on these matters and should be anxious to strengthen their hands by the opinions of experts sitting in these Committees. Instead of doing that they exempt themselves from the operation of these Committees and they claim a right to proceed with social legislation without the necessity of reference to the Standing Committees. I think that is putting things in the reverse order.

Further, Sir, I do not like this compartmental system in the Indian Legislature and this kind of piecemeal legislation. I have already said that there are safeguards in the Government of India Act in matters of social and religious legislation. If the Government do legislate, then the Legislature must act as a whole even in Committee stages and should not function in communal compartments as is proposed in the piecemeal legislation. I do not like the exclusive character of this so-called expert opinion; moreover the way in which the Committees are to be formed is also very objectionable. For all these reasons, Sir, I strongly oppose this Resolution.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY (West Bengal: Non-Muhammadan): Sir, this Resolution is not covered by the canon that I tried to suggest to this House and which I sought to lay down, that where the majority and minority reports agree action should be taken by Government forthwith. In some ways, Sir, the Resolution is too late, in others it is too early. For five years what the Hindu community has strongly objected to has gone on since the new regime came into existence, and legislation interfering with the religious rites, ceremonies and convictions of the people has been passed by both the Houses unmindful of their wishes in the matter. It is therefore too late, so far. From the point of view of this House, Sir, this Resolution is too early, for it can be of no practical assistance to us, we who will soon disappear. Our successors might have taken up and shaped this work as they thought fit. From these points of view possibly it would have been better if the Resolution had been brought forward for consideration later and after the matter had received fuller consideration.

From another point of view, however, although it is not covered by the canon that I indicated before, the Resolution is helpful, whether it is carried here to-day or not. It will in some measures assure my co-religionists, who are beginning to be very nervous about the future of their religious rites, ceremonies and convictions, and give them the feeling that after all an intermediary body consisting of Hindus or Muhammadans, as the case may be, is likely to be set up, representing all their points of view, whether orthodox or advanced, which will be expected to bestow more considered deliberation upon legislative measure affecting them than has hitherto been possible. I do not agree with my friend, the Honourable Mr. Ramadas, that

[Dr. Sir Deva Prasad Sarvadhikary.]

such a measure is to be deprecated. The Honourable Member will have noticed that so far as further procedure in Council after the report of the Standing Committee is received is concerned, it will be the same as the procedure on the receipt of the report of the Select Committee under the present practice. Therefore, the larger consideration that he wants to be ensured for these measures, which he has wrongly called communal measures, will still be there for what it is worth.

As a point of principle, therefore, as a reassuring gesture, I welcome this Resolution although for the reasons I have stated I do not see eye to eye with the Honourable Mr. Crerar with regard to all the points of the Resolution. I quite agree for example with the Honourable Mr. Ramadas that there is no reason why Government measures should be excluded from the survey of this body if it comes into existence. I find nothing in paragraph 120 of the majority report which will support that point of view and the minority report certainly does not.

Then, Sir, with regard to one Standing Committee in one House excluding consideration of the contemplated kind in another House, it is a matter seriously to be objected to. I have had frequent occasions of inviting your attention and the attention of this House to the handicap under which we are labouring, when a Select Committee is appointed in one House and when thereby under the present rules, the other House absolutely loses all basis with regard to the Bill unless it can successfully resort to dilatory measures of an undesirable kind when the Bill comes up for consideration. I do not want to see that handicap and disability repeated in these rules if they are to be adopted. A Joint Committee or Joint Standing Committee of both the Houses with regard to these matters would be an ideal more to be aimed at than these water-tight compartments excluding the one House by reason of the other House having more enterprise.

There is one objection also, Sir, to the indirect election or nomination that is provided in clause (d) of the rules to which my Honourable friend, Mr. Ramadas has already referred. If it is to be a Committee of the House, let it be elected by the House itself. This further intermediary body for the purpose of bringing a new special body into existence introduces complications of a kind that I do not quite understand, and the necessity and justification for which have not been made quite clear. No doubt Parliamentary procedure has been followed, but these questions of this kind are not dealt with. Questions of the peculiar kind attempted to be dealt with by these rules do not exist there and therefore that analogy will not help us.

These rules are however a reassuring gesture welcome to my community and I believe with due amendments at a later stage—because there is no time for them now—they may be made more acceptable than they appear to be at present. I quite realise that the minority has not been able to see its way to recommend this measure, but reading between the lines of the last paragraph at page 193 of the minority report, the minority does not appear to be wholly opposed to the idea. They appreciate the importance of the subject; at the

same time they feel, what many of my co-religionists do not, that under the present constitution the Law provides efficient safeguards against any hasty or ill-advised measure affecting the religion or religious rites and usages of any class of British subjects in India. There ought to be no objection to an intermediate body of the kind suggested being set up, which will calmly and dispassionately review the whole situation as legislators and will advise their fellow-legislators who do not happen to be cognisant of the whole of the difficulty of a particular question.

In any event, these rules are bound to be of a temporary and tentative character, and I think that, as an experiment, there should be no objection to accept them within the limitations I have indicated.

THE HONOURABLE MR. G. S. KHAPARDE (Berar : Nominated Non-Official): Sir, when I first read this Resolution, I thought there was nothing objectionable in it, but I have been somewhat surprised by the objections raised by my friends here. The first of the objections is that by appointing these Committees we shall be scattering the Legislature. I do not see where the scattering comes in. In my own time, Sir, I have seen that laws were wholesale abolished or new laws have been made legalising inter-caste marriages and so on, and it was very difficult to deal with those questions. Fortunately, the advocates of such reform did not completely succeed in all cases, though sometimes they did succeed. Therefore, I think the present proposal for the appointment of Select Committees or rather communal committees, as they have been called, is very welcome to me. For this reason, that it is in the nature of all reformers, whether in this country or elsewhere, to be rather over-enthusiastic about their reforms, and when they conceive a reform, they try to push it through as fast as possible. I have personally, so far as it lay in my power, opposed the rapidity or the tremendous pace at which some of these reformers want us to go. My idea is that they should concentrate their attention on impressing their views on the society, because when the society agrees, the measure can easily be brought to the Legislature, and the Legislature will be glad to pass it. Instead of that, a good many of our reformers have at present forced on us by legislation some reforms, but as I mentioned previously in another connection, when a reform is enforced by the Legislature on the society, it raises a great deal of opposition and spreads a great deal of discontent. As to the first objection about scattering the Legislature, I do not think it is correct. I think the Legislature will be concentrating its attention on one point.

Then the next objection advanced is as to who is going to elect the Select Committee. Of course the House will elect the Select Committee. But again the question asked is, why should a Select Committee consisting of a few members, say five or six, nominate 15 members? I say it is for the very obvious reason that you will get a few people who understand the case, and then they would like to have the assistance and opinions of others, and there will be others who will be able to help the Committee by putting forward their views and opinions so as to enable the Committee to arrive at right conclusions.

Then the third objection raised was that there should be a Joint Committee of both the Houses. This objection has been raised by some, though

[Mr. G. S. Khaparde.]

two of my Honorable friends have commended it. But to me it appears that in the present state of things a Joint Committee would not be a useful body. It has become customary now in the House of Commons in England to appoint Joint Committees consisting of an equal number of Members from both the House of Commons and the House of Lords. But here in India—I do not know if it is an accident,—it has become the custom to nominate fewer Members from this House and a far larger number from the other House. It comes to this, that the Members of the Council of State will be always in a minority, and therefore, however, opposed we may be to a measure, it will still be carried against us. Therefore, Sir, unless the convention which obtains in England is established here also, the Joint Committees would be of little use. In England whenever Joint Committees are formed, an equal number of Members is chosen from both the House of Lords and the House of Commons. Therefore, unless that convention establishes itself here, I for one am unwilling that there should be Joint Committees for these matters.

Then the other objection taken was why discrimination should be made in regard to legislation introduced by Government. The reason which strikes me is that Government generally consult the Local Governments in the first instance before social legislation is undertaken. The Local Governments consult a number of persons within their jurisdiction. Thus when the Government of India introduce legislation, they have always got a great body of opinion before them, they exercise their mind over it, and then the Bills are drafted by trained draftsmen. In that way when Government undertake legislation of this character, there are a great many advantages which private Members do not enjoy. Now, what happens usually in the case of a private Member is this. I know of at least one Member who had conceived the idea of legalising marriages between Brahmins and Sudras; he sat down and drafted a Bill containing only one section saying that all inter-caste marriages should be valid and lawful, and that Bill was brought before the old Council. When it came there, I opposed it as much as I could. Eventually it was referred to a Select Committee of the old Council, but the whole Council went into a Committee. Then the Government said that they would give the assistance of their ablest Civil Servant and so on. We agreed to the proposal and we had a large Committee. When the Bill came before it, I again raised my objections, and ultimately the gentleman who had drafted the Bill consented to withdraw it, and we parted with very amicable relations. Such a thing should not be permissible. Private Members are generally prone to bring in their measures without consulting anybody, without consulting the convenience of anybody, and probably bring in their measures at a time when their opponents are not present, and therefore the measure is passed with what is called "unanimous" consent. Government cannot do this, because they consult all classes of people, the various Local Governments and other bodies, some discussion takes place in the public Press, and then only Government bring forward their measures. In my opinion, Government Bills are properly discriminated; they do not do anything in a hurry; especially in social legislation they are rather slow to move. Many reformers may say that the Government is a tyrant and so on because it is slow to accept their proposals. I have

heard these objections up to this time, but I have not changed my opinion of the favourable impression which this Resolution made on me when I read it at home. The more I read this Resolution the more I welcome it. I think this is exactly the Resolution which we should pass unanimously, for this reason that we shall be able to moderate the enthusiasm of some of the ardent reformers.

Then the next thing is that, after all, this is an order of our own making, and if we find it is inconvenient to us, it will always be possible for us to amend our own orders. There will be no difficulty in that matter. It is not a piece of legislation which will require sanction before it is amended, nor does it require any very great formality.

Lastly, and the most important reason is that both in this House as well as in the other there will be a certain number of persons directly concerned with Hindu and Muhammadan law. In the case of Hindu law, there will be Hindu Members, and in the case of Muhammadan law, there will be Muhammadan Members who will sit together, and if they approve of a Bill, then there will be something for the Legislature to go upon. That will be a Committee appointed by both the Houses which will approve of these Bills previously, and therefore once a Bill is approved by the Select Committee, it need not go again to another Select Committee, because it will mean delaying the measure. It is one of those things which carries things much further than we want them. Room left must be for progress. For all these reasons, Sir, I am very strongly impressed with this Resolution, and I therefore heartily support it.

THE HONOURABLE SAHYID RAZA ALI (United Provinces East : Muhammadan) : Sir, only last night talking to a friend I came to know that the Committees which the Resolution before this House proposes to set up were known in certain circles, in certain quarters, as communal committees. We, Sir, afterwards had a short discussion, but I am glad to say that the objections taken by the school of thought which had characterised these Committees as communal committees have been succinctly set forth by the Honourable Mr. Ramadas Pantulu. Sir, let me say in passing that, without committing myself to every detail that is contained in the Honourable Mr. Crerar's Resolution, I find myself in agreement with the broad principles that have been embodied therein. No doubt, criticism has been made, and serious criticism has been made, as to certain details that we find in the Resolution. But quite apart from that criticism, let us see whether we can have something like a consensus of opinion or the majority of this Council can give support to the Resolution as it is, leaving it to Government to modify its terms hereafter in the light of experience that may be gained afterwards. Sir, to me it seems that the words "communal representation," "communal rights," "communal share in the services" and "communal committees," are unfortunately in these days to certain people what a red rag is to a bull. People unfortunately take pleasure in introducing these expressions even when there are no communal questions involved. If I followed my Honourable friend, Mr. Ramadas Pantulu, correctly, he is opposed to the setting up of these Committees because he thinks that they will be communal committees which will not lead to the fostering of a spirit of nationalism in the country or to the fusion of communities. His point was, if I followed him correctly, "Why have two Committees ?

[Saiyid Raza Ali.]

Why not have one Committee and entrust both tasks to that Committee?" Now, I am free to admit that there is some force in that argument, but I think my Honourable friend is entirely wrong when he says that under the terms of the Resolution one Committee will consist exclusively of Muhammadans and the other of Hindus. If my Honourable friend will look at the terms of the Resolution, he will find that it will be open to the Committee that is to deal with Hindu law to have one or two Muhammadans. Similarly, it will be open to the Muhammadan Committee to have one or two Hindu members. In fact, it may be that some of those members will be officials. All the same it is not correct to say that they will consist exclusively of Hindus and Muhammadans. But making a present of that fact to my Honourable friend, I ask— is there any great harm really if Hindus are appointed to deal with Hindu social rites and customs and usages and Muhammadans to deal with Muhammadan rites and customs and usages? I do not think my Honourable friend will find that these Committees on the whole, if they are constituted on these lines to which he is opposed, will work less satisfactorily than would be the case if his objections were to find acceptance at the hands of the Council. My Honourable friend is strongly opposed to the constitution of these Committees as foreshadowed in the Resolution. The Honourable Sir Deva Prasad Sarvadhikary accorded his strong support to him on that point. The short point, Sir, is this. It appears from the terms of the Resolution that these Committees will be appointed in all likelihood—the point is not clear— by the Government and that the elective principle will not be put into force so far as the constitution of these Committees is concerned. Now I am free to admit that the terms of the Resolution are rather vague. It may be that the personnel of the Standing Committees will be in the hands of the Committee of Selection and they will fill all the posts by a process of selection and appointment, or it may be that the Government will give the right to this Council to elect a large proportion of the members of the Committee. As I have submitted, the point is rather vague, but so far as I am concerned I am for the two Houses of the Indian Legislature being certainly given the right to elect at least half of the members of the Standing Committee or Committees as the case may be. The Honourable Mr. Khaparde also made that point. Sir, it is very important that all these Committees should not be appointed either by Government or by the Selection Board or by any other body, but the two Houses should certainly be given a right to elect a large proportion of the members. In the third place, objection was taken by two of the Honourable Members, the Honourable Mr. Ramadas Pantulu and the Honourable Sir Deva Prasad Sarvadhikary, as to how these two Standing Committees will set to work. The question was put, I believe, by the Honourable Mr. Ramadas Pantulu very clearly, " Will each House have Standing Committee of its own or will there be a Joint Committee of the two Houses? Now, Sir, if each House is going to have its own Committee, we could no doubt make a beginning, but for obvious reasons difficulties will certainly be experienced in the working of the system. It would be much better if we were to have a Joint Standing Committee of the two Houses for each system of laws. And I think each House would be in a better position to help to improve all rude, crude, and undigested matter that is sometimes put forward before this House and especially before

the other House by some Members in the form of Bills. I for one, Sir, would suggest to the Government to give careful consideration to the last words of the majority report contained in paragraph 120. They say :

"It might be found advisable for the Standing Committees and the Selection Committee to be Joint Standing Committees and a Joint Selection Committee of the two Chambers."

I find that that particular portion of the recommendation has not been given effect to in the Resolution proposed.

One objection put forward by my Honourable friend, Mr. Ramadas Pantulu, was that this Resolution should not find acceptance at our hands because the minority portion of the Muddiman Committee was opposed to it. He cited a certain passage from page 193. Now, Sir, on looking into the report of the minority it appears that the minority made some casual remarks on this suggestion which was definitely made in a careful manner by the majority. The reason why the minority was opposed—if my Honourable friend will look at page 193—is that according to the minority, the majority had not sufficient material, had not sufficient evidence at its disposal to make any specific recommendations on the subject. We are not bound by the report either of the majority or the minority. We are to go into the grounds on which their opinions are based. Now, if Honourable Members will analyse the grounds, they will find that that is the sole ground that has been assigned. I for one am not prepared to accept this particular suggestion of the minority. After all, these committees are going to be an experiment and as my Honourable friend, Sir Deva Prasad Sarvadhikary has pointed out, we have allowed five years to elapse without doing anything. It is high time that we set ourselves to work in right earnest. If this experiment works out all right, so far so good. It will be open to us to consider improvements on it. If it works to the disadvantage of the community we will certainly discontinue it.

1 P.M.

Another objection was taken by my Honourable friend Mr. Ramadas Pantulu particularly to clause (g) which says :

"A Bill which has been referred to the Standing or a Special Select Committee in one House shall not be referred to the Standing Committee or a Special Select Committee in the other House."

He said that was very unsatisfactory and it would work to the prejudice of the other House. Now my Honourable friend will see that this recommendation in all likelihood is based on Rule 29 of the Legislative Rules which are in force to-day. That particular rule, rule 29, says that any member may move as an amendment that the Bill be referred to a Select Committee, and, if such motion is carried, the Bill shall be referred to a Select Committee provided that the Bill has not already been referred to a Select Committee of the originating Chamber or to a Joint Committee of both Chambers. I believe that is the principle that has been accepted : that is the principle I believe on which the Resolution is based. Then as regards the troubles of private Members who are used to promoting Bills my Honourable friend has pointed out that this Resolution will work hardship so far as they are concerned, whereas it would leave intact the arena of legislative activities of Government. This point has already been answered by my Honourable friend Mr. Khaparde. Government

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legislation as a rule is undertaken with great care and after consultation with public opinion and certainly with Local Governments ; whereas if a private Member takes it into his head to bring forward any legislative proposal, he sometimes drafts his Bill on a postcard. Bills have actually been drafted on postcards and have been sent to the Legislative Department ; and if he gives one month's notice to the Legislative Department he has the right to bring it forward. For that reason it is by no means unreasonable that the activities of private Members be included in the scope of the Resolution. Sir, I think on the whole the Resolution seeks to introduce an improvement on the existing system. It may be that some of the provisions can certainly be improved and bettered. Yet I think looking to the fact that this is the last but one day when we are sitting, I hope my Honourable colleagues will give their support to this Resolution, leaving it open to Government and this Council to modify its scope in the light of the experience that may be gathered after it has been in force for some time.

THE HONOURABLE MR. G. A. NATESAN. I move, Sir, that the question be now put.

THE HONOURABLE MR. J. CRERAR (Home Secretary): Sir, I do not propose to detain the House for more than a very few minutes ; but I wish to explain rather more explicitly than I did in my opening speech that if there had been any considerable opposition to this Resolution it was not my purpose to have pressed it. But in view of the preponderance of opinion on behalf of the Resolution which has been clearly shown by the House, I think I can properly and in accordance with the preponderance of opinion expressed, ask the House to adopt the Resolution.

I have only one or two words to say in reply to the criticisms which have been made on the Resolution by my Honourable and learned friend opposite. I have only a few words to say because the work of replying to the greater part of these criticisms has been taken off my shoulders by the speeches of my Honourable and learned friends Mr. Khaparde and Saiyid Raza Ali, and I gather that my Honourable friend Sir Deva Prasad Sarvadhikary was on the whole disposed to accept the general proposition without committing himself to the particular details. Indeed, Sir, a course we at one time contemplated was to submit to the House a Resolution merely endorsing in general terms the recommendations of the Majority Committee ; and from the course of the discussion I think I may infer that a proposition of that character would have been adopted practically unanimously and practically without modification. We took the other course of putting a more detailed scheme before the House because we deemed it fair that the House should have a very clear conception of what they committed themselves to in modifying and regulating their own procedure. With regard to the suggestions which have been made on the matters of detail I am very much indebted to Honourable Members who have made them, and I can assure the House that in any further action which we may take upon the Resolution, assuming as I venture now to assume that the House will adopt it, we shall pay very close attention to all these criticisms and all those suggestions.

THE HONOURABLE THE PRESIDENT: The question is:—

“That the Resolution* on the paper be adopted.”

The motion was adopted.

* “This Council recommends to the Governor General in Council that in order to give effect to the recommendation in paragraph 120 of the Report of the Reforms Inquiry Committee the Indian Legislative Rules and the Standing Orders of this House be amended so as to provide as follows:—

- (a) two Standing Committees, one to deal with Bills relating to Hindu Law and the other with Bills relating to Muhammadan Law shall be appointed;
- (b) appointments to these Committees shall be made by a Committee of Selection the members of which shall be appointed at one of the first meetings of the Council to be held in each year and should hold office for one year from the date of nomination;
- (c) the Committee of Selection shall consist of the President, and the Leader of the House supplemented up to a total number of 6 members on a motion moved by the Leader of the House so as to represent the main divisions of opinion in this House;
- (d) the Standing Committee for Bills relating to Hindu Law shall consist of the Honourable the Home Member, the Honourable the Law Member, if they are Members of the Council, and 15 Hindu Members nominated by the Committee of Selection, so as to include persons well versed in Hindu Law and representatives both of the orthodox and reforming sections of the Hindu Community;
- (e) the constitution of the Standing Committee for Muhammadan Law shall be similar to that of the Committee on Hindu Law except for the substitution of 10 Muhammadan Members for the 15 Hindu Members;
- (f) the Members of each Standing Committee shall hold office for one year but may be renominated by the Committee of Selection in successive years;
- (g) a Bill which has been referred to the Standing or a Special Select Committee in one House shall not be referred to the Standing Committee or a Special Select Committee in the other House;
- (h) as soon as leave is given to introduce a Bill other than a Government Bill, and subject to paragraph (g) as soon as a Bill other than a Government Bill which has been passed by the other House is laid on the table of this House, if the Bill is certified by the President to relate to Hindu or Muhammadan Law, it shall be referred to the Standing Committee concerned without further motion;
- (i) the Standing Committee shall have power to examine witnesses and to circulate a Bill, but when it directs circulation the fact shall be reported to the Council;
- (j) the further procedure in the Council after the report of the Standing Committee received shall be the same as the procedure on receipt of the report of a Select Committee.”

VALEDICTORY SPEECHES ON THE IMPENDING RETIREMENT OF THE HONOURABLE SIR NARASIMHA SARMA.

THE HONOURABLE THE PRESIDENT: With that decision this, the first Council of State constituted under the Government of India Act, has disposed of the last item on the last list of business which will be laid before it for its consideration and disposal. Before the Council of State reassembles for the transaction of business it will have gone through the turmoil of a general

election. I should like to take this opportunity of wishing Honourable Members goodbye and all happiness whatever they may be doing and wherever they may be. No one can foresee what will be the constitution of this House when it reassembles, but I for my part would like to say that if I am here myself, the more old friends and the more familiar faces I see on these Benches, the happier I shall be. Whatever may be the constitution of the House on that occasion there will be so far as we know one notable absentee. I think I am correct in saying that the record created in this House by the Honourable Sir Narasimha Sarma is in one respect unique. He is at all events the only official who from the day of the inception of this Council has without a break to the day of its dissolution been a Member of the House. I do not intend to detain the House but I think Honourable Members will agree with me that they individually and the House as a whole owe to the Honourable Sir Narasimha Sarma a deep debt of gratitude. I think that it is largely due to his sober and dignified demeanour, to the invariable courtesy which he has shown towards the House and towards individual Honourable Members, and I should like to add also towards the Chair, that this House has acquired a reputation for possessing a calm and dignified atmosphere. I think the House would agree with me if I say that some time we should like to see the Honourable Sir Narasimha Sarma back here. (Hear, hear.) As to that he knows his own mind. I wish the Honourable Member and our Honourable Leader goodbye and all prosperity and happiness in the life to which he is now retiring.

THE HONOURABLE D^r. SIR DEVA PRASAD SARVADHIKARY (West Bengal: Non-Minamada): Sir, but for your concluding remarks I was going to have the temerity of differing from the Chair, which we are not permitted to do on questions of rulings, though at times my reasoned private inclinations are to question them. I did not want to agree with you, Sir, that that notable absence to which you have referred should materialise, but taking the cue from what you concluded with I sincerely trust that Sir Narasimheswara Sarma, to give his full name, will once more be, I shall not say, with us,—for “few few shall part where many meet”—but will once more come back, not on those Benches that he now adorns but with those who will be taking our places on this side of the House and give the House that lead that it sometimes lacks.

Sir, in dispersing to-day we do not disperse with the assured conviction and firm assurance that those of us who came here on behalf of our constituencies have been able to do our duty by them according to our lights. Our defeats have been many, our victories few; but the defeats have had environments that gave them the credit of more than victory. We have done our best to discharge difficult and delicate duties and if we have failed oftener than not it was because of odds over which we had no control. With regard to Sir Narasimheswara Sarma's services I have had occasion during the last few days to refer to them not merely by way of farewell laudatory remarks but as a business proposition. Not merely as the amiable gentleman, and the hospitable host that we have known him to be, will this House miss him but much more. The Departments of which he has so successfully been the

Chief for a long time will miss him much. Though he is not in the Agricultural Department now, his achievements there still inspire it. His services with regard to agriculture, to forest research, and veterinary research have been considerable, and last but not the least his loyal, noble and strenuous efforts to get India better honoured and more respected abroad though they will never be known to their fullest extent have been invaluable. Even what little we are permitted to know entitles him fully to the gratitude which you have already bespoken on our behalf. We wish him goodbye and all success and prosperity, not merely in his distant home, but once more in the turmoil of public life from which he had been absent for some few years, but to which he will assuredly come back.

Sir, I referred to his full name. I have now and again looked upon him in the way that our philosophers contemplated his tutelary deity after whom he takes that name "Ugram, Veeram, Mahavishnum, Jwalanlam, Sarvatomukham—Nrisenham Vishanam Vadram Rudra Murtim Namamyahani. Gentle yet firm, looking at all sides, fearsome at times but quiet, he watches all interests. That was how the devotion of man conceived his tutelary deity and he has been true to the ideal.

We thank you, Sir, for the kind wishes that you have extended to us. Those of us who will come back will, I am sure, be pleased to see you in the Chair, helping us in the difficult duties here.

THE HONOURABLE MR. PHIROZE C. SETHNA: (Bombay: Non-Muhammadan): In the lives of all of us there comes a time of sorrow and also of great joy. All those who have worked in this Council with Sir Narasimha Sarma have regarded it as a matter of joy to have been associated with him and naturally there is sorrow to-day at losing him from the Official Benches. One who has led so active a life as has Sir Narasimha Sarma is bound to return to public activities after a few months of well deserved and well earned rest, and those of us who may be able to recapture our seats at the coming election or may secure recommendations will be more than delighted to welcome Sir Narasimha Sarma to the non-official Benches of this Council, for by his presence on this side of the House he will greatly strengthen our ranks. Sir Narasimha Sarma is one of those who has always endeavoured to go to the furthest length he can to meet the non-official Members in their opposition or in their demands. He is one who to the virtues of firmness and of judgment adds the companion virtue of fairness of dealing. To him service rather than self-interest has been the watchword of life. He has a sweet tolerance and a kindly courtesy which has greatly endeared him to us all. In the delineation of one's character it is perhaps well to eliminate "ifs" and "buts". The "ifs" and "buts" in Sir Narasimha Sarma's case are negligible. He has throughout been an unostentatious worker and has believed in doing his duty with a sincerity of purpose and according to his best lights. Life's greatest joy is in the anticipation of each day's accomplishments and the truest contentment comes in the momentary satisfaction of work well done. Such satisfaction must have come to Sir Narasimha Sarma from day to day during the six strenuous years of his Membership of the

[Mr. Phiroze C. Sethna.]

Executive Councillorship of the Government of India, where he will leave behind the impress of his good work. Sir Narasimha Sarma has still many years of great usefulness before him. We trust all his hopes and expectations will be realised and we wish him all that he wishes himself.

THE HONOURABLE MR. J. CRERAR (Home Secretary): Sir, I desire to say only a few words on this occasion simply to associate myself as a European official member of this House and on behalf of my colleagues with everything that has been said regarding the parting which we so sadly apprehend with our Honourable Leader. An official Member of this House, especially a Secretary to the Government of India, is necessarily brought into very close contact with Members of Government, and more particularly with the Member of Government who is the Leader of this House.

And, Sir, if I may do so without presumption or impertinence, I should like to say that we, who have been brought so closely into contact with Sir Narasimha Sarma, not only in this House but in the discharge of his great responsibilities in the Government of India, have been most profoundly impressed by his consistent and unfaltering sincerity of purpose. (Applause.) It has necessarily happened,—and I reveal no secrets of State,—that a Secretary to Government and an Honourable Member of the Executive Council,—do not always see eye to eye. But if on any such occasion we had differences of opinion with Sir Narasimha Sarma, whichever view prevailed, we have never had the slightest doubt that the view for which he contended was a view on which he had long and deeply reflected, and that it honestly and deliberately arrived at on conviction. On the other hand, we have come very closely in contact with Sir Narasimha Sarma in his private life owing to his lavish and kindly hospitality. (Applause.) As a near neighbour of Sir Narasimha Sarma, I have constantly shared, and I may particularly mention, if I may be permitted to mention that, my small family has regularly shared, in Sir Narasimha Sarma's hospitality. That is a characteristic which those who have met him frequently will never forget. Strong, honest, persistent and sincere in his public life, Sir Narasimha Sarma has also held up to us a high ideal of private life.

“His life is gentle and the elements so mixed in him that nature may stand up and say to all the world ‘This is a man’”.

THE HONOURABLE SAIYID RAZA ALI (United Provinces: Muhammadan): Sir, I associate myself with the remarks that have fallen from you and from my Honourable colleagues as regards the Honourable Sir Narasimha Sarma. The only additional remark that I can perhaps usefully make on this occasion is that at Delhi and Simla, when Sir Narasimha Sarma leaves us, he will leave a host of friends and enemies hardly any. (Applause.)

THE HONOURABLE SIR NARASIMHA SARMA (Law Member): Sir, I am deeply touched by the generous manner in which very kindly references of appreciation have been made to me by you, Sir, and by all sections of the House, official as well as non-official, and I do not know how in adequate terms to convey my grateful feelings to the House and to its President for all the good things they have been pleased to say of me. If I were a vain man,

I should certainly think that there is something in me which entitles me to the generous consideration of my friends and fellow-workers. But I know the innate, gentle and cultured disposition of both the Indian and the European Members of this House, and I shall not be certainly so vain as to imagine that I deserve even a fraction of what has been said about me. But, Sir, I appreciate in the fullest degree the generosity of disposition, the warmth of heart, and the kindliness of manner which have dictated the expression of those sentiments. I am proud indeed to have been associated with the work of this Council throughout its life, during the first term of its existence. The Council has eminently fulfilled the functions for which it has been designed. It has been designed to be a revising Chamber, to be a reflection of India as she is, to bring within a small focus all interests, commercial, landholding, intellectual, official and otherwise, in their true proportions, so that, when the work of the Assembly comes up to it for revision, it may exercise its judgment in such a manner as will secure confidence in every one interested in the stable progress of this country. We have had distinguished soldiers—we have now a distinguished soldier sitting on these Benches,—need we say that we are proud to own a Field Marshal, the first Field Marshal belonging to the Indian Army (Applause),—we had the late Lord Rawlinson, one of the most distinguished soldiers who adorned these benches, we have a Colonel and a Major who are unofficially in charge of the protection of the frontiers. We have had commercial magnates from Calcutta, Bombay and Madras, reflecting the commercial opinion of all classes, European and Indian alike. And the Government have not failed to notice, I may assure the House, the rising patriotic sentiment amongst the commercial classes, both European as well as Indian, which makes them unite in the defence of their interests and what they conceive to be the national interest. We have had distinguished lawyers in the past, and we have them now; we have many eminent officials who work the real machinery of the Government of India and of the provinces, and we have representatives of the Press notable for their achievements.

Sir, the landholding interests are, I think, one of the stable factors of society in this country, and they cannot complain that they have been omitted. I am referring to these factors merely for the purpose of showing that India, as she is, is represented in true proportions, and, if sometimes Members as a whole are unable to see eye to eye with others, who wish to see the pace of reform a little more brisk and forward, the country is likely to regard that the deliberate judgment of this House truly reflects Indian opinion as it is, although some may think that Indian opinion as it is is not as progressive as perhaps they may wish it to be. Men from this House have been chosen by the Government to fill distinguished places and have earned distinction for this House. The Right Honourable Srinivasa Sastri has been sent by the Government from this House on a mission abroad and has brought notable distinction to this House. Sir Alexander Murray, Sir Maneckji Dadabhoy, Mr. Kale and others have served upon committees directly interested in the future material progress of this country. There have been others who have been appointed to do work in other directions. Sir Arthur Froom has been appointed Member of a Committee which sat to evolve a progressive line of policy with regard to constitutional reforms. Mr. Phiroze Sethna, I am sure, will distinguish himself on the

[Sir Narasimha Sarma.]

Skeen Committer and elaborate for our benefit a progressive line of policy, to which I hope His Excellency the Commander-in-Chief will be able to give his consent. These are distinctions of which any House may be proud, and I am sure that those who have adorned these Benches will have the good fortune to be returned to this House to work for the benefit of the country. May I, Sir, join you in wishing them God-speed in their endeavours, in wishing them success in their efforts to come back here to serve their country and their constituencies, and I hope that when the House next meets, the House will under your able guidance be able to show even greater progress than it may be able to claim during the past five years of its activities.

As a Member of the Government who was for sometime in charge of Education and Agriculture, let me say, Sir, that I have derived the greatest assistance possible from this House—greater perhaps than has been possible for the other House amidst its manifold activities to give for the constructive regeneration of this country. The criticisms, the constructive help given by the Members, have been very helpful to me in securing funds from that hard-hearted Finance Department, whose representative sat here, a few minutes ago. I cannot complain of Mr. McWatters. He has been very generous to us in our attempts to advance the sugar industry. I may repeat that your criticism has always been helpful and I welcomed it and it is one of the most notable achievements of this House, of which I am distinctly proud, that they have been able in this constructive field to do far more than has been possible elsewhere, and I hope that in its future activities this House will devote its attention even to a larger degree than in the past to spheres of activity, which are calculated to promote the economic development of this country. There are men and there will be men here eminently suited for that task and if only the commercial men, the landholders and the representatives of all other classes put their heads together to evolve constructive schemes of progress, I think this House will, in addition to discharging their function of a revising Chamber, be undertaking tasks which will ensure far more for the benefit of this country than may be recognised in other quarters.

Sir, I have taken up your time and the time of the House rather unduly. I thank you all once again from the bottom of my heart for all your kindly feelings so eloquently expressed and I wish you once again success in your endeavours to employ yourselves usefully as Councillors for the benefit of the State. With regard to myself, the Councils have had a peculiar fascination for me. I have lived in their midst for the last twenty years and I am sure that with a little rest that fascination will come over me again, and I shall be enabled to toil and work for the benefit of the country along with you and side by side with you. I have been a servant of the public for sometime and I hope during the few short years that may remain to me I shall continue to serve my country and the Crown in the same humble capacity as I have done in the past.

The Council then adjourned till eleven of the Clock on Thursday, the 17th September, 1925.