

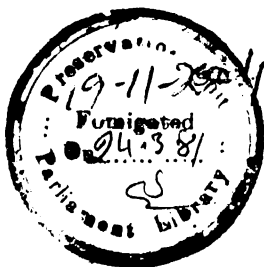
Wednesday, 14th September, 1927

THE
COUNCIL OF STATE DEBATES

VOLUME II, 1927

(29th August 1927 to 21st September 1927)

THIRD SESSION
OF THE
SECOND COUNCIL OF STATE, 1927



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COUNCIL OF STATE.

Wednesday, 14th September, 1927.

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

QUESTION AND ANSWER.

NUMBER OF MUSLIM INCOME-TAX PAYERS IN THE BOMBAY PRESIDENCY PAYING INCOME-TAX ON AN INCOME OF RS. 30,000 OR OVER.

188. THE HONOURABLE SIR EBRAHIM JAFFER: Will Government be pleased to state the number of Muslim income-tax payers, who paid income-tax on an income of Rs. 30,000 or over, during the years 1924-25 and 1925-26, in the Bombay Presidency proper ?

THE HONOURABLE MR. A. F. L. BRAYNE: The information asked for is not readily available and could not be collected without an expenditure of time and trouble which Government are not prepared to undertake as they are not satisfied of the necessity for the information.

RESOLUTION *RE* SLAUGHTER OF MILCH COWS, BUFFALOES, ETC.

THE HONOURABLE SETH GOVIND DAS (Central Provinces : General) : Sir, I beg to move the Resolution which stands in my name and which reads thus :

“ This Council recommends to the Governor General in Council to take immediate steps to prevent the slaughter of milch cows, buffaloes and draught animals used for agricultural purposes up to ten years of age.”

In connection with this Resolution, Sir, I want to make it quite clear at the very outset that I am not moving this Resolution on religious or humanitarian grounds. I am moving it purely on economic grounds. That is the reason, Sir, why my Resolution asks for the stoppage of slaughter of animals up to 10 years of age only and not for total prohibition. My Honourable friend Lala Sukhbir Sinha moved two Resolutions on the subject in 1921 and 1922. His first Resolution wanted the prohibition of the slaughter of all cows for food purposes, while my Resolution wants merely a partial prohibition. In the same years two deputations waited on their Excellencies, Lords Chelmsford and Reading, the first on the 25th February, 1921, and the other on the 27th March, 1922. These deputations contained representatives of all the communities of this country, Hindus, Muhammadans, Sikhs and Parsis, but nothing has been hitherto done in this respect. Therefore, Sir, I was compelled to reopen the question.

It is needless to say that the cattle problem in this country is becoming more and more serious every day as the slaughter of animals is not decreasing. In the memorial which was presented to His Excellency Lord Chelmsford it

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was proved that within these 50 or 60 years the slaughter has immensely increased, and as a result of the slaughter, the total number of cattle left in the country is totally inadequate for the population if compared with other countries. In proving the increase of slaughter, it was stated in the memorial that—

“Cattle are killed mainly for the following purposes, *viz.*, (a) for food, (b) for the export of the dried meat, and (c) for trade in hides. The figures that are available go to show that the number under all the three heads has been steadily on the increase. The income of Municipalities in British India from octroi on animals taken for slaughter as also from slaughter houses has increased about 70 per cent. in the course of the last 10 years, while the increase in export of hides has been 20 times more in the course of the last 50 years. The figures of slaughter that have been collected by the All-India Cow Conference Association indicate that the number of the cattle annually slaughtered for food within British India would amount to a figure of about 6 millions. With regard to the slaughter of the cattle killed for the purpose of the dried meat trade, it is difficult to obtain correct figures. The Honourable Lala Sukhbir Sinha of Muzaffarnagar, United Provinces, has collected figures from a number of districts in the United Provinces, and these alone amount to 1½ lakhs a year. The Association has collected figures of dried meat exported *via* Howrah from the Agent of the East Indian Railway Company, and this shows that about 2 lakhs of maunds of dried meat are annually exported *via* Howrah. The trade is largely carried on in other provinces as well, such as the Central Provinces, Bihar, Berar and Bombay, and there is every reason to think that the total figures amount to over 5 lakhs.”

Then, Sir, as regards the insufficient number of cattle in this country as compared to other countries, the deputation said in their memorial :

“The number of the cattle in the country is inadequate as is evident from a comparison of the proportion of the cattle to population in India with that in other agricultural countries of the world. Thus, while the number of the cattle per 100 of population in India is only 59, it is 74 in Denmark, 79 in the United States of America, 80 in Canada, 120 in Cape Colony, 150 in New Zealand, 259 in Australia, 323 in the Argentine Republic and 500 in Uruguay.”

Now, Sir, in reply to these arguments advanced by the deputation His Excellency Lord Reading said :

“It is hardly relevant to compare, as was done in your memorial, to Lord Chelmsford, the number of cattle per hundred of population in India with similar calculations in countries like Australia, Argentine and Uruguay sparsely populated and largely pastoral countries, one of whose main industries is cattle breeding for the export trade in meat.”

The argument advanced by Lord Reading seems to be a peculiar one. I cannot understand why His Excellency refrained from making a comparison of other countries like Denmark and New Zealand, which cannot be called pastoral countries. Perhaps because it was inconvenient to do so.

Then, Sir, it is often contended that the cattle which are slaughtered in this country are old and useless. His Excellency Lord Reading also thought in the same way when he said to the deputation :

“For the economic point of view let me ask you to credit with honesty the opinion of those persons who tell you that India perhaps suffers not from the fewness but from the multitude of her cattle. . . . Above all, what is wanted is not an increase in the number of cattle but an improvement in their quality. . . . I myself shall not get dismayed if an improvement in quality is accompanied even by a reduction in numbers and a saving in fodder and pasture, which is at present largely consumed by useless animals.”

Regarding this argument of His Excellency, Sir, I will not personally say a word whether useful or useless animals are slaughtered. I shall only quote

the Executive Councillor of Lord Reading himself. I mean Sir B. N. Sarma, who was in charge of Agriculture at that time.

Speaking in this House in 1921 on the Resolution of Mr. Sukhbir Sinha he said :

“ The cities of Bombay and Calcutta do not make a full use of their good cows they import, but send them to the slaughter house without making full use of them as milkers.”

I am further supported by many eminent authorities in this respect. From a report of the Superintendent of the Markets and Slaughter House, Bombay, in 1920, it can be seen that :

“ 32 per cent. of the animals slaughtered during the period of 15 days were from 3 to 8 years of age—the most useful age for milking animals.”

The report of the Committee appointed by the Bombay Government on this subject in 1922 contained the following :

“ To safeguard the supply of good milch cattle, it is essential to take steps to reduce their slaughter. Such cattle are reared in the country by one class of person and then purchased in the towns by another rich class who milk them for a short time and then sell them off to the butchers. In this way the best milch cattle in the country find their way to Bombay where they are soon slaughtered and their calves lost.”

Dr. Harold H. Mann, the Director of Agriculture, Bombay Presidency, says :

“ I think very strongly that the slaughter of the milch animals in Bombay and other large cities is endangering the future supply of the best milking animals and tending to deplete the best milking strains in the country, and the matter demands early and vigorous action.”

Mr. C. F. Payne, I.C.S., Chairman, Calcutta Corporation, writes :

“ The best cattle in the prime of their lives are sent to the towns where they are usually handed over to the butchers. Thus, instead of living a useful life of 10 or 12 years she is put an end to at the end of her first or second lactation period.”

Mr. R. C. Wood, M.A., Director of Agriculture, Madras, in his note on cattle says :

“ Most of these cows (which come to supply the demands of the Madras milk trade) go to the slaughter house as soon as they run dry and their calves are allowed to die of neglect.”

Mr. S. Milligan, Imperial Agriculturist, and Mr. C. M. Hutchinson, Imperial Agricultural Bacteriologist, Pusa, in their note on Dairying in India, write :

“ There is little doubt but that the town dairies are producing a serious drain on the best milking cattle of the country.”

Mr. Smart, Deputy Director of Agriculture, Bombay, and Mr. Hamilton, Director of Agriculture, the Punjab, confirm the same opinion from their experience.

And, Sir, what has been the result of this indiscriminate slaughter ? Bad agriculture on account of the smaller number of bullocks, bad physical condition of the people of this country because they are not getting sufficient nutrition for their bodies, and consequently terrible infant mortality.

Regarding the insufficient number of bullocks for the agriculture of this country, the Deputation pointed out :

“ The number of bulls and bullocks is not sufficient to bring properly under cultivation the arable land of the country. The maximum area which a pair of Indian plough

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cattle can till during a season is 5 acres; the cultivated area in British India is about 228 million acres, and the total number of the plough-cattle is about 49 millions: deducting 25 per cent. for draught and other like purposes, and 25 per cent. as old, infirm, sick and immature, there remain only about 24 millions of cattle available for cultivating about 228 millions of acres, that is to say, a pair of cattle has to till about 19 acres, whereas this would require in the ordinary course 4 pairs of cattle. This in a large measure accounts for the poor outturn of crops in India as compared with that of other countries".

As regards the crops, what do we find on account of this smaller number of cattle? We find that while in India the average return per acre is 11·5 bushels, in Denmark it is 33, in Spain it is 14, in France 13·15, in Great Britain 29·8, in Italy 13·7, in Norway 23, in the Netherlands 30, in Sweden 23, in Switzerland 32·5, Canada 17, in the United States 14, Japan 32 and Egypt 29. His Excellency in replying to the Deputation in this respect said:

"I think we must leave it to the cultivator to determine the number of cattle which he considers essential for the cultivation of his land."

A most astounding statement: When the question of political reforms comes, the Government and their representatives say that they are the trustees of the 320 millions of people of this land. But when the question of their welfare comes and when the question of the poor agriculturists arises, and when the question of the welfare of the 72 per cent. of the population which is dependent upon agriculture is brought up, the most responsible person on behalf of Government makes such an astounding statement. I hope His Excellency Lord Irwin, who is famous for his agricultural sympathies, will reconsider the statement which has been made by his predecessor, Lord Reading.

Then, Sir, as regards the health of the people it is needless to say that the bulk of the Indian population is both by custom and by religion vegetarian; it is also vegetarian on account of economic necessity. Even the Muhammadan population which has no objection to taking beef is, on account of the economic necessity, vegetarian to a great extent, at least in the mofussil.

I know in many parts of the country in the mofussil more than three-fourths of the Muhammadans live on vegetarian food, and they do so because they cannot afford to get meat more than once or twice a month. In the villages where most of our population lives, it is needless to say that there is not a single house, be it of Hindus, Muhammadans, or of Christians, or of any other community, which does not require milk or its products. It has been pointed out not once, not twice, but times without number that the total supply of milk in this country is not adequate for even one-eighth of our population. We have about 50 millions of milch cattle in this country, which give about 60 million pints of milk every day, which comes to about $\frac{1}{4}$ pint per head, while it has been proved that at least 2 pints of milk per head is required for normal health. On account of this scarcity of milk, the price of milk has gone up beyond all proportions. His Excellency Lord Reading thought that the price of milk had risen in proportion to other articles when he said:

"The rise which has taken place in the price of milk is to be regretted, but there is no evidence that it is due to any deterioration in the quality or quantity of cattle. In point of fact, its price has simply risen in sympathy with that of other commodities."

But, Sir, the fallacy of His Excellency's argument will be apparent when we compare the prices of other articles of food and the price of milk. If we

compare the prices, what do we find ? In 1857 the price of wheat was 39 seers to the rupee, in 1890 it was 25 seers, and in 1918 it was 5½ seers per rupee. The price of gram in 1857 was 51½ seers, in 1890 it was 28 seers and in 1918 it was 7 seers. The price of rice in 1857 was 18½ seers, in 1890 it was 12 seers and in 1918, 4 seers to the rupee. The price of milk in 1857 was 4 maunds or 160 seers, in 1890 it was 64 seers and in 1918 it was 4 seers to the rupee. After 1918 the prices of wheat, gram and rice have gone down, but the price of milk is still 4 seers a rupee, or in fact it has increased as in big towns we cannot get pure milk even at the rate of 2 seers a rupee. Owing to this high price of milk the poor people cannot buy milk, and because they are not getting good nutrition for their bodies they are becoming weaker and weaker every day and therefore more amenable to diseases. That is the reason why to-day the mortality in India is much higher than that of any civilised country in the world. What do we find when we compare the Indian mortality with that of other countries ? The average annual death rate per thousand of population in India is 38·2, in Japan 20·9, in England and Wales 17, in Scotland 17, in Ireland 18, in Denmark 15·5, in Norway 15, in Sweden 16, in Holland 17 and in New Zealand 9·5.

Now, Sir, if we take the infant mortality of India in comparison the figures are appalling. It has been estimated that about 20 lakhs of babies die here mostly of preventible causes and specially owing to the scarcity of milk. When I say so, I am supported by no less an authority than Colonel Mactaggart, Sanitary Officer of the United Provinces. He says :

“ By cheapening the price of the milk so as to bring it within the reach of the poorer classes more would be effected towards reducing the infantile mortality than the presence of any number of trained *dais* would accomplish.”

Nowhere else in the world do so many children die as in India. What do we find when we compare the infant mortality of India with that of other countries ? The average annual death-rate, per 1000 of population of children under one year of age in India is 260, and between 1 and 5 years is 67·3, while in Japan the deaths between 1 and 5 years of only 31·99. In England and Wales between 1 and 5 years it is 22 and under one year it is 172. In Scotland, under one year it is 145 and from 1 to 5 years it is 22. The figures for under one year and between 1 and 5 years for other countries are as follows :—

	Under one year.	1—5 years.
Ireland	123	17
Denmark	136	11
Norway	102	12
Sweden	102	12
Holland	50	..
United States	58·8	..
New Zealand	32	..

What have the Government done to meet this most deplorable condition ? They have done nothing. Sir, the Government want to improve the quality of the cattle. I am one with them in this respect. I think the total milk supply will be enhanced by improving the breed and the quality of cattle, but

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where are the bullocks to come from for the agriculturists? If the agriculturists are not to be left to themselves according to His Excellency Lord Reading, the number of bullocks also must be increased and this can be done only by stopping this indiscriminate slaughter of cows. Regarding the slaughter His Excellency said :

“ The slaughter of cattle and especially of cows is a subject bristling with difficulties, owing to its close connection with the religious belief and feelings of a large part of the population.”

Further on he said :

“ The bitterness of religious differences has in modern times largely given way to a broad-minded toleration and I only ask that this spirit of toleration may be observed whenever the question of cattle slaughter is discussed. Respect one another's religious beliefs but while striving as far as possible not to offend against them, do not let any man try to force his own upon another man.”

The deputation which waited on His Excellency merely dealt with the question from the economic point of view. I do not know what was the underlying motive of His Excellency in touching on this matter from the religious point of view because, Sir, the deputation did not wait upon His Excellency to urge this point of view and it contained Muslim members also. His Excellency himself said :

“ Though I appreciate the motives which must have induced you to avoid the discussion on this aspect of the matter it is impossible for me to refrain from some mention of it.”

Because His Excellency mentioned something about this, I also want to say a few words in this respect. Let me at the outset tell the House that I am not a Maulvi or a Maulana, and when I speak of the Muslim religion I shall only quote a few Muslim authorities. The *Fatwa-i-Humayuni* in Volume I, page 307, says :

“ Slaughter of the cow is not included in the usages and religious practices of Islam .”

Then, Sir, the following fatwa was issued under the signature of Maulana Abdul Hasan, Mohammad Abdul Aye, Mohomad Abdul Wahab, Abdul Aya Mohammad, Abdul Hamid and Qazi Mohammad Hassain :

“ Sacrifice of the cow is not necessary : if a person gives it up, he does not commit any sin. It will make no difference in the faith of a Muslim who does not eat beef or kill a cow. There should be no slaughter of the cow when the intention is to avoid breach of peace, especially in the places where there is an apprehension of disturbance and creation of bad feeling, it is better to abstain from it in spite of one's conviction in his faith.”

History repeats the same thing. Even under Muslim rule the slaughter of the cattle was prohibited, and when I say so I am supported by an eminent Muslim authority, Dr. Syed Muhammad, Ph. D., who has said in his pamphlet “ Cow protection under Muslim rule ” .

“ From the very inception of Muslim rule a special tax was imposed on butchers for the slaughter of cows to the extent of 12 Jetal per cow.....

This tax continued for two hundred years after the establishment of Muslim rule in India right up to the time of Feroz Shah Tughlak.....

When the Moghuls established their rule in India and Baber ascended the throne, he wrote out a confidential will for his son Humayun, in which he exhorted him to prevent the killing of cows.....

The original copy of this document is preserved in the State Library at Bhopal . . .

Akbar issued orders totally prohibiting the slaughter of cows throughout his vast dominions. There is detailed mention of it in the Ain-i-Akbari and other books ”.

The famous historian, Sir Vincent Smith, says the same thing in his famous book “ Akbar, the Great Moghul ”. He says that cow slaughter was totally prohibited and capital punishment was imposed for the purpose of preventing it. Even to-day slaughter of cattle is prohibited in many Muslim States.

Even admitting for argument’s sake that cow slaughter is necessary for Muhammadans, my Resolution does not ask for the total abolition of slaughter. What I ask is that the indiscriminate slaughter of cattle should be prohibited and this is for the benefit of both Hindus and Muslims. In fact in my province, the Central Provinces, the executive order for not killing cattle up to 9 years of age is the outcome of the recommendation of a Muslim gentleman, who is respected both by the Government and the public, I mean Khan Bahadur Syed Zakar Ali who has vast influence in my province and who commands a large following of Muslims and who is a retired Deputy Commissioner of Government. In his report on the amendment of the Slaughter House Act in the Central Provinces he said :

“ It is necessary for the carrying out of the undertaking given by the Government to provide for the protection of animals useful for agriculture and milking purposes that the minimum age for slaughter of all animals except sheep and goats should be raised to nine years ”.

Further on he said :

“ In order to obtain a rule which can be worked with absolute certainty 9 years has been accepted as the proper limit up to which slaughter should be prohibited. It is considered that the greater proportion of useful animals now slaughtered will be found under 9 years of age and that the fixation of age at 9 will save the majority of the animals being sacrificed ”.

Then, Sir, in 1921, when my Honourable friend Lala Sukhbir Sinha moved his Resolution on this subject in this very House, my Honourable friend Sir Umar Hayat Khan supported the Resolution and said that the cutting down of shady trees and the killing of milch cows is prohibited in his religion. He voted for the Resolution along with two other Muslim Members of this House, Syed Raza Ali and Sir Zulfikar Ali Khan. That Resolution wanted to stop all slaughter for food purposes.

In most countries, Sir, there is a law for game preservation ; that is for the protection of birds and fishes and females of many animals. Good shikaris like my Honourable friend, Sir Umar Hayat Khan, and many others are keen on the preservation of wild animals in this country also. May I appeal to them to extend the same indulgence to the cattle which are of the greatest importance to this country both to Muhammadans and to Hindus ?

In conclusion, Sir, I would once more point out that I am not moving this Resolution on any religious or humanitarian grounds. I know, Sir, that at this time a conference for uniting the two great communities is being held in Simla and I know that this question is also being discussed by that conference. I have not moved this Resolution to embitter the feelings of Hindus and Muhammadans in any way. I am myself, Sir, a staunch advocate and believer of Hindu-Muslim unity, and I would never have brought this Resolution if I had not believed that it is for the equal good of both the communities. I have

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brought forward this Resolution purely on economic grounds and I appeal in the name of the agriculture of this country, in the name of crores of poor peasants, in the name of the vital health of the nation, and in the name of the millions of babies of all communities born and unborn, that this Resolution may be accepted, so that India may become once more a prosperous country, a land flowing with milk and honey. I am sure, Sir, that when my Muslim friends of this House voted for a Resolution which wanted total prohibition of slaughter for food purposes this Resolution will be carried in this House. With these words, Sir, I commend this Resolution for the acceptance of this Council.

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH (Education, Health and Lands Member): Sir, my objections against this Resolution may be summed up in three words: it is inexpedient, impracticable and premature. I say inexpedient and I use that word advisedly. From the trend of the speech of my Honourable friend, it is quite apparent that he has laboured to convince the Muslim Members of this House, and I take it the Muslims outside this House also, that in bringing forward this Resolution he was in no way actuated by any intention whatsoever of raking up feelings between the two communities. But, Sir, may I ask him whether he regards the present as an opportune moment for the purpose of starting a controversy over a subject which is, if I am informed rightly, one of the main issues for the consideration of the Unity Conference which is sitting now in Simla? May I not, in the interest of the fair name and the restoration of the reputation of the two communities for amity and goodwill and good fellowship, warn him with all the earnestness of which I am capable that he has unfortunately chosen a very bad moment for the discussion of this controversial subject? If the handful of my Muslim brethren who are gathered in this Chamber were the only judges of his intentions, I have not the least doubt that we shall acquit him of any intention of fomenting the ill feelings which now prevail and of which we have proof that they exist in an acute form. But, Sir, the man in the street has got to be kept in mind, and does he hope to influence him with his noble ideas that in bringing forward this Resolution he was by no means actuated to hurt the feelings of the Muslim community, that he did not want to prohibit the slaughter of animals for religious purposes but that his purpose merely was to secure the economic prosperity of India? I am sorry that he has read the conditions in India rather wrongly and that he is not conversant with the present day conditions and feelings prevailing in the country.

I said, Sir, it was impracticable and I emphasise that word. What is it that he asks the Governor General in Council to do? He asks the Governor General in Council to take immediate steps to prevent the slaughter of milch cows, buffaloes and draught animals used for agricultural purposes up to ten years of age. There is to begin with the objection which the present constitution provides, namely, that veterinary and agriculture are provincial transferred subjects. Not only that: the slaughter of animals is entirely a matter provided for by Municipal and Local Board Acts. The slaughter of animals is controlled and regulated by bye-laws framed by municipalities and local bodies. The Governor General in Council, therefore, does not come into the

picture at all. Then, has he paused to consider the scheme which he has to devise for the purpose of giving effect to this Resolution? Has he for a moment considered what an army of staff he would ask India to entertain for the purpose of carrying into effect this Resolution? Does he contemplate that this order should go forth from the Governor General in his executive capacity, or does he intend that this order should be the result of any legislative enactment which should be passed prohibiting the slaughter of milch cows, buffaloes and draught animals used for agricultural purposes up to ten years of age? If the former, I shall be glad to know under what authority the Governor General in Council can do so? Assume that an executive order is issued under the terms of the Resolution and assume again that it is violated. What will be the penalty against those who violate the order? Then assume that we do it by legislation. What is the organisation which exists at the present moment to see to it that this large order which is conveyed by means of this Resolution is duly carried into effect? Before a single cow, buffalo, or draught animal is proposed to be slaughtered, three facts have got to be certified to, firstly, that it is not a milch cow, secondly, that the buffalo or draught animal is not used for agricultural purposes, and, thirdly, that neither of these animals is more than ten years of age. Well, have I to summon a board of veterinary officers for the purpose of deciding the age of the animal before it is slaughtered? Have I to call upon every individual who wishes to slaughter an animal for any necessity to arm himself beforehand with a certificate from some competent authority that it is not a milch cow, that it is not an animal used for agricultural purposes and that it is not above ten years of age? I merely mention these things to show that my Honourable friend has not carefully thought out his Resolution and that he asks us to give our support to a motion which, on the face of it, appears to be impracticable. Lastly, I said, Sir, the Resolution was premature. I am not quite sure whether Honourable Members of this House are fully aware of the steps that are being taken from time to time by the Government of India and the Provincial Governments to tackle this very important problem of improving the stock and the breed of cattle and the value of cattle and milk produce to the people. I shall just enumerate a few instances to show that the Government of India are fully alive to their sense of responsibility in this matter and that they have already set their hearts on the improvement of the stock of animals used for agricultural purposes and for milk purposes. In the first instance, I would invite the attention of the House to the fact that the Imperial Department of Agriculture has been for some years past concentrating on the improvement of dual-purpose breeds at Pusa by a system of selection based on milk records. By a dual-purpose breed I mean a breed in which there is a guarantee that the female possesses useful milking qualities and the male good draught qualities. The same procedure is now being followed at the Bangalore, Wellington and Karnal farms. Bulls of good pedigree are being supplied to cattle owners for stud purposes, and the Imperial Department of Agriculture distributes through its annual sales pedigree cattle of high milking capacity. Work on these lines is also being done at numerous Provincial Government farms. The Government of India have, as Honourable Members may be aware, recently introduced training classes in Bangalore, in dairying and animal husbandry. They are also tackling the problem of stock raising and of condensation of milk at the Karnal farm, and with a view to seeing that their steps in this direction are

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systematised and there is something like continuity of interest evinced, and more particularly, to co-ordinate the efforts of the various Provincial Governments and others who take an interest in cattle breeding, they convened a Cattle Conference at Bangalore recently and have, on its recommendation, established a Central Bureau of Animal Husbandry, under the control of the Agricultural Adviser to the Government of India. The functions of this Bureau briefly put are these,—the collection and dissemination of information concerning cattle breeding and allied subjects; to assist in the disposal of surplus pedigreed stock, especially from Government herds; the standardisation of method of milk recording and breed records to be adopted by Local Governments and Indian States; the maintenance of general herd books of breeds or of milch cattle as distinct from specific breeds found in more than one province or State; the encouragement of the sale and use of pedigreed stock; the keeping of the cattle breeding departments of Local Governments and Indian States and those interested especially in scientific cattle breeding in touch with each other. Subsequently, questions in regard to improvement of cattle and kindred matters were fully discussed by the Board of Agriculture in Pusa in 1925, and they have made a set of recommendations in that direction. Some of these recommendations related to the steps to be adopted by Provincial Governments in that direction, and the Government of India have communicated those recommendations to the Provincial Governments concerned for necessary action. There are a few recommendations on which probably the Government of India themselves will have to take action, and consideration of these recommendations has had to be postponed pending the report of the Royal Commission on Agriculture which we expect to receive in the near future.

Then, Sir, my learned friend has tempted me by quotations of statistics and by instituting a comparison thereon between one country and another, to quote a few figures myself. His general complaint was, if I understood him aright, that as a result of this slaughter of animals for food purposes, which include of course export of meat to other countries, the number of cattle in the country is diminishing from time to time. But, Sir, he is speaking without the book. I may at once appease his anxiety by convincing him that that is not so, but that the cattle population in India has been showing a steady increase in spite of the factors which he deplors. In the year 1901-02 for which figures are available, the total cattle population of India—I am not including Indian States—was 65 millions. This did not include figures for Bengal as they were not available. Even assuming that we could include the figures for Bengal, it could not go beyond 80 millions all told.

Well, as the system of recording statistics in regard to the cattle wealth of India was not very satisfactory in the past, the Government of India instituted a regular system of taking a census of the cattle, and in the year 1919-20 we had the first cattle census. The figures then showed that the total number of cattle in India was 146 millions. A second census was taken in the year 1924-25, and the cattle wealth of India then stood at 151 millions. Is it, therefore, fair to argue that the number of cattle in India is steadily decreasing, and that this decrease is due to the fact that a few cattle are being slaughtered here and there?

Then, my Honourable friend instituted a comparison with other countries in regard to the number of cattle which the landholders possess on an average. Somehow, I anticipated that my Honourable friend would do so, and I therefore took the trouble to prepare a very instructive table which furnishes this information and proves that, barring South Africa and Australia, for which special reasons exist, and which I think my Honourable friend himself referred to, namely, that these two countries are sparsely populated, that a large portion of the country has still to be developed for which purpose immigrants are being attracted thereto and that cattle breeding is resorted to in those countries more or less as a national industry; therefore barring these two countries, we are happy to find that India stands almost first. I have divided the table into two heads. The first refers to the number of cattle to every 100 acres of culturable land, and the second shews the number of cattle to every 100 people.

Country.	Number of cattle to every 100 acres of culturable land.	Number of cattle to every 100 people.
Germany	24	27
Italy	12	15
France	17	36
Canada	13	99
United States	17	51
Japan	9	2
India	35	57

There is thus no reason to deplore either from the standpoint of the total cattle wealth of India or from the standpoint of the number of cattle to the culturable land or to the total population, that we are in any way inferior to other countries which I have enumerated.

Well, Sir, after having said that, I think I must emphasise the fact that it is the opinion of many experts who have thoughtfully considered the problem, that what India is suffering from is not a numerical scarcity of cattle, but a superfluity of useless cattle. The remedy, therefore, is not the prohibition of slaughter, as no sane man will slaughter a useful animal, but an improvement of stock on the lines that I have indicated above. As my Honourable friend has quoted certain opinions from the Bombay Presidency, I might be permitted to draw his attention to a very interesting and useful book which has been published by Mr. Keatinge on the "Rural Economy of the Bombay Deccan". I would only make one small quotation from that very useful book to indicate that the position, whether in Bombay or anywhere else, is not that the agriculturists are suffering actually from want of cattle, but that they are maintaining more cattle than they could reasonably maintain, and that a good proportion of them, at any rate, happen to be useless cattle which have served their time. This is what Mr. Keatinge says regarding cattle taken to the Slaughter House :

"Almost exceedingly worn out, old bullocks, maimed and malformed beasts, and barren cows. It will be realised that it is not the 50,000 Deccani which are slaughtered.

[Sir Muhammed Habibullah.]

anqually that cause loss to the cultivator, but the 80,000 useless beasts which are not slaughtered."

Finally, Sir, I again emphasise that the Resolution is premature, because, as the House will remember, this is a question which is engaging the attention of the Royal Commission on Agriculture, and I hope Honourable Members will remember the terms of reference on which that Commission was constituted and on which we are expecting its report. According to clauses (a) and (d) of the terms of reference to that Commission, we are hoping that it will favour us very soon with its recommendations in regard to the whole question of the cattle wealth of India. We were discussing in this House the other day a cognate question, namely, the conservation of the manurial wealth of India, and intimately connected with that problem is the question of improving the stock and breed of the cattle wealth of India, and when those recommendations are received we shall give the matter that attention which its importance deserves. In the end, I once more appeal to the Honourable Mover that after having heard the efforts—the serious efforts—nay the sincere efforts which are being made by the Government of India and the Provincial Governments in that direction, and the few remarks which I have made showing that from time to time the necessary remedies which should be applied for the purpose of safeguarding the cattle wealth of India are being resorted to by the authorities concerned, and furthermore in view, particularly, of the very delicate nature of this Resolution and the repercussions that are likely to result therefrom, I hope that my Honourable friend will not press this Resolution.

THE HONOURABLE MR. G. A. NATESAN (Madras: Nominated Non-Official): If I intervene at this early stage of the discussion, I do so deliberately and with a view to request my Honourable friend, Seth Govind Das to whom I have already made a private appeal, to see that this discussion is not continued. I wish all people who handle this question were able to do it in the exceedingly tactful, clever and able manner in which my Honourable friend has dealt with the subject. Even though he has been able to quote my gallant friend, Sir Umar Hayat Khan, in support of this Resolution. . . .

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (Punjab: Nominated Non-Official): I do not think so. He should show me.

THE HONOURABLE MR. G. A. NATESAN: I was going to say that even if there was an assurance that my gallant friend was going to take a very reasonable and serious view of this question,—even with that support I would not like that the discussion of this question should be continued.

I think the object with which he brought forward this Resolution has been attained, and after the very clear and exhaustive explanation given by the Honourable the Leader of the House, who is in charge of this subject, I do not think it will serve any useful purpose to continue the discussion. As a publicist, it has been my lot to be connected with, and to take an active part in, this Hindu-Muslim question in some way or other, and any one who knows something of the history of this question ought to feel convinced that of all times, the present is the least fitted to take up a discussion of this character. It so happens that I come into close touch with people who are daily attending the Unity Conference which is being held

12 Noon.

here, and any one who has bestowed the slightest attention to this question ought to realise the enormous difficulty that the leaders of both communities have to contend against in discussing some of these questions with that calmness, deliberation and judicial temperament that is required. Though both sides are influenced by patriotic considerations, still passions are roused and the best efforts of all are needed to arrive at a satisfactory solution of the difficult questions involved. I believe my Honourable friend Seth Govind Das was also present at the Joint Session of the Council of State and the Assembly when His Excellency the Viceroy made a very passionate and noble appeal for the settlement of these communal differences. He made one significant remark, namely, that even if we fail there is no harm because these questions have to be discussed again and again.

As I said before, my Honourable friend, Seth Govind Das made an admirable speech. Though he said at the outset that he will not draw religion into the discussion, he could not resist the temptation to do so, a temptation which is so natural. If I attempted it, I should have fallen a victim to that temptation. In most of these matters there is an opposite view. As the Honourable the Leader of the House said, there is an opposite view about statistics. There is an opposite view about the Koran and even Sir Umar Hayat Khan, my esteemed and gallant friend, now says that he did not say what he is supposed to have said. In these circumstances no useful purpose would be served in pursuing this discussion. I appeal to my friend Seth Govind Das once again. In so far as his object was to draw attention to the subject he has succeeded. If the Honourable Member likes he can meet the Honourable the Leader of the House in his office privately and contest his facts and figures, but having regard to the enormously difficult and delicate nature of the subject, it would not promote amity if we pursue this subject. May I add one word? If the problem of Hindu-Muslim unity is solved, this question would have been half solved.

THE HONOURABLE SETH GOVIND DAS: Before I withdraw this Resolution, I wish to say a few words in reply. . . .

THE HONOURABLE THE PRESIDENT: If the Honourable Member wishes to make a reply, he will understand that the debate will have to continue. The suggestion has been made to him twice already, a suggestion which I gather from the applause I heard has met with approval from all sides of the House that he should withdraw the Resolution. The object which the House has in view is not so much, I understand, a desire to avoid coming to a decision on this important and somewhat controversial matter as a desire to avoid this discussion altogether at this time. Therefore, if the discussion is prolonged, the object of the House is not achieved. If the Honourable Member wishes to withdraw, he should ask the leave of the House to do so, but he cannot reply so long as several other Members are rising to continue the debate.

THE HONOURABLE SETH GOVIND DAS: Under these circumstances I have no objection to withdraw the Resolution.

The Resolution was, by leave of the Council, withdrawn.

RESOLUTION *RE* CHEAP TRANSPORT OF AGRICULTURAL AND OTHER PRODUCE THROUGH WATERWAYS.

THE HONOURABLE RAO SAHIB DR. RAMA RAU (Madras : Non-Muhammadan) : I beg to move :

“ That this Council recommends to the Governor General in Council that an expert Committee be appointed at an early date to enquire into the possibilities for cheap transport of agricultural and other produce through waterways in India and suggest ways and means to provide and improve such communications.”

India is a country of vast distances and is endowed by Nature with many navigable rivers and streams, which can be turned to advantage for purposes of irrigation, as a means of communication and to generate electric power for industrial advancement, etc. Unfortunately, the Government have not been able to show any rapid and substantial improvement in any one of these directions in the past. The irrigation projects are scanty, while the Hydro-Electric schemes are in embryo. The waterways, as means of communication have, on the other hand, been woefully neglected. It has always been recognized that water transport is cheaper than land transport, but the Government's apathy—not to use a stronger expression—which has even allowed some of the previously navigable ports to be silted up, has deprived this country of developing to its full the natural and economic outlets for its trade on its very long coastal lines. The railway as a means of transport has not yet penetrated into the interior of India. Moreover, we cannot depend entirely on railways for transport purposes. It is too costly for the poor people of this country. The roads are poor and insufficient and transport through them is costly and risky too. According to the census of 1921, in Bengal 1 mile of road serves an area of 2·3 square miles, in the United Provinces, the area served by the same length is 3·1 square miles, in the Punjab 4·0, in Bihar and Orissa 4·4, in Bombay 4·5, in Madras 5·3, in Assam 5·9, in the Central Provinces 12·5, and in Burma 18·4. So, except in Bengal and perhaps in the United Provinces the road transport is not so easy nor so cheap. Waterways are best suited for India as the cheapest means of communication. We have got an abundant coastal line and we have got also abundant rivers which, if judiciously manipulated, will yield good results. But the railways are the worst rivals of waterways.

“ Some of the railways have initiated the deliberate policy of heavily reducing the railway rates from port to port with a view to divert the sea-traffic to the route. If the railways were to reduce the rates not only from the port but also from the interior, one could understand their object of giving a cheaper service for the purpose of seeing the interests of trade and consumers. But when we consider that the rates were reduced from port to port only and are kept at a very high level from the interior, the natural conclusion cannot be resisted that the policy has been deliberately laid down for the purpose of killing the water transport by diverting the sea traffic to the rail route. Once the railways are successful in their design, they would again raise the rates from port to port with the result that the country would be deprived of the services of the more economic water transport for years to come.”

This was what Mr. Norattam Mooraji had said at the annual meeting of the Scindia Steam Navigation Company, and he is not far from the truth. It is now almost two years since the Report of the Mercantile Marine Committee was submitted to the Government, and nothing could be a more eloquent testimony of the way in which Government move slowly, if they move at all,

when the larger interests of the Indian industries are concerned than their continuous neglect even to form their conclusions on the recommendations of this important Committee.

In my own province, the fate of the Swadeshi Steam Navigation Company, at Tuticorin several years ago is sufficient proof, if proof were needed, of the way in which Indian nautical enterprise has been crushed by the combined efforts of British capitalism and British Imperialism. As an example of neglect of an inland waterway, we have the sad tale of the Buckingham Canal to tell. This canal was constructed by Government at a capital outlay of about 136 lakhs. The foresight of a kindly satrap gave Madras that highly useful link between North and South of this Presidency and this canal was intended to serve as a useful means of transport between Cuddalore and Cocanada. From the figures available between 1892-93 and 1901-02, the cost of maintenance of this canal came down from Rs. 80,000 to Rs. 50,000 per annum, while the income during the same period went up from Rs. 47,188 to Rs. 1,14,785. Since 1901-02 the income began to decline while the expenditure mounted up. The expenditure is now over 2 lakhs on this canal, while the income is about Rs. 80,000 per annum. The decrease in the income is due to difficult navigation as a result of its having been horribly silted up and not being used for many months in the year. The present system of removing the silt by manual labour is extremely unsatisfactory and is not at all conducive to economy. Dredging has not been resorted to, though it is absolutely necessary to maintain the canal with about 3 feet of water. That this canal runs counter to the railway interests is, I am afraid, the sole reason for its neglect by Government. Owing to gradual disuse of this cheap means of communication, the prices of some of the commodities in the areas served by this canal have gone up. The railway line is situated at a distance of 10, 20 and even 30 miles from this canal area, and naturally transport charges must be higher and the prices of food-stuffs, heavier. The plight of the Buckingham Canal to-day is simply heart-rending. It is high time, therefore, that greater attention should be paid to the waterways. In all civilized countries waterways as the cheapest means of transport have come to be recognised. The French President recently opened a historic canal linking the seaport of Marseilles with the Rhone. India alone is stagnating and even moving backwards in the matter of transport facilities. Its railway system is still imperfect, its roads are insufficient, its waterways neglected, and its aerial service is yet to commence. Since the reforms, the Central Legislatures have been taking very keen interest in the matter of the development of railways. Last Session, this Council passed a Resolution for the formation of a Road Board, to look to the development of roads. The time has come when we should look round and see whether our waterways should not also be taken in hand at once, and developed side by side. It is with this end in view that I am moving this Resolution to-day, and I hope the Council will unanimously accept it.

THE HONOURABLE MR. A. C. MCWATTERS (Industries and Labour Secretary): Sir, the Resolution which has been moved by my Honourable friend certainly raises a subject of very great importance for India. I agree with him that where nature has provided natural waterways and where they can be kept up at reasonable expense they are probably the cheapest form of transport; and even

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in these days with the development of motor transport and railways there still is a great field in India for the preservation and development of waterways. But the subject before the House is whether the time is now ripe for the appointment of a central committee to deal with waterways, and I listened with some attention to the Honourable Member's speech to see what reasons he gave for suggesting the appointment of such a committee by the Central Government.

I think it is important that we should get this subject in its proper perspective, and with that object I hope the House will allow me to mention one or two matters of local interest in connection with this subject, because most of these waterway questions are local and in some cases they have roused a good deal of local feeling. There are, I think, three provinces in India where transport by internal waterways is of the first importance. Over the greater part of northern India, with the development of irrigation, internal water transport has naturally become less important. But the first great province which is intimately concerned with this question is naturally Bengal. The whole series of waterways at the mouths of the Ganges, the Brahmaputra and the Meghna forms the main channel of communication between Eastern Bengal and Calcutta. The history of those waterways and the discussions regarding them are probably well known to many Members of this House. It was in the year 1921 that, in response to a question by the Honourable Sir Dinshaw Wacha, papers were laid on the table of this House giving the correspondence which had taken place in 1919 and 1920 between the Government of India and the Secretary of State with regard to the question of forming a waterways board for India as a whole, or for Bengal in particular. That correspondence gave the previous history of the Bengal waterways question and the decision come to then was that it was not desirable to form a waterways board for the whole of India or even for Bengal, but that the best line of action was to strengthen the Waterways Committee which existed and had existed for some time in Bengal by adding to it certain extra-provincial representatives so that the interests of provinces outside Bengal should be represented. Since that date the Bengal problem has mainly centred round the question of the construction of the Grand Trunk Canal. It is a question which has aroused a good deal of discussion in business quarters in Calcutta, and I may mention that at this very moment a Committee is sitting, which was appointed a few months ago by the Bengal Government, under the chairmanship of Sir Alexander Muir and representing practically all the big commercial interests in Bengal to consider this question of the Grand Trunk Canal and its relation to the improvement of waterways communication with Eastern Bengal. The problem is, I understand, a very acute one. The waterways are silting up and this big project of connecting Calcutta more directly with Khulna is one of the methods which have been proposed for putting this waterways communication again on a more satisfactory footing. But, Sir, as I have said it is a local question and has aroused a great deal of local feeling and local opposition, and it is certainly I think an instance of a case where local interests must certainly have the first say.

The next great province which is intimately concerned with waterways is Burma, and there the Burma Government have since 1923 had a Communications Board which has its own Waterways Committee. I received the other day

a communication from Burma giving me the latest information regarding the activities of the Waterways Committee. That Committee has held 13 meetings and has considered 33 proposals since it was constituted, in every one of which its advice was accepted by the Local Government. Among the schemes which have been accepted and put into force are included seven new works for the improvement of waterways costing Rs. 42 lakhs.

Further, there has been expenditure on five existing works costing 16 lakhs. There have been three experiments for the eradication of water hyacinth, a subject we were discussing the other day, on which the Local Government has spent 3½ lakhs. Another scheme relates to a headway under a railway bridge costing 7 lakhs and there are five further proposals for improvement of waterways now under consideration, costing 8 lakhs. I think that this summary indicates the activity shown by the Local Government and it also indicates that this is very largely a local question. I have no doubt that the advice of that local Waterways Committee which was accepted by the Local Government was the best advice possible.

A third province, perhaps not quite so important as the others in this respect, is the Honourable Mover's own province of Madras. There are three areas there in which waterways are important. First is the network of canals at the mouth of the Godavery and the Kistna, second is the Buckingham Canal to which the Honourable Mover referred—and here it may interest the Honourable Mover to learn that I received information only the other day from Madras that estimates for the improvement of the Canal are now under consideration by the Local Government—and third there is the canal system on the West Coast. In the old days this canal system used to run from Cannanore down to the boundary of Cochin. The northern part of this canal system from Cannanore to Tirur has been rendered more or less obsolete by the development of the South Indian Railway and is now practically in disuse, and the Railway carries the whole of the traffic. The southern part from Tirur to Cochin and the line of backwaters connected with the canals are still of great importance, and I am informed by the Local Government that these canals are now being deepened and a scheme for locking some of the sections is under consideration.

From this brief summary which I have given in order to put the whole subject in its proper perspective, I think the House will agree that most of these questions are strictly local questions. Indeed, the whole subject of inland waterways is a provincial subject, but I am not stressing the constitutional point, because one of the main reasons why the Government of India do not desire to accept this Resolution at the present moment is because it relates to a subject which has been definitely referred to the Royal Commission on Agriculture which is now sitting. The terms of reference to that Commission were fairly widely drawn, and among the subjects which they were asked to investigate in particular was "the existing methods of transport of agricultural produce," and until that Commission reports, the Government of India do not consider that they would be justified in superimposing a further expert committee to examine this question. As I have shown, there is a Board of Communications with a Waterways Committee in one province, and there is a Committee actually sitting to deal with one great project in another, and I think the Honourable

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Mover might rest content for the moment and await the result of the inquiry by the Royal Commission on Agriculture. I might just add that the terms of referéce to that Commission did contemplate that, although they may not consider the distribution of subjects between the Central Government and the provinces, they would be at liberty—I am quoting the exact words—they would be at liberty “ to suggest means whereby the activities of the Governments in India may best be co-ordinated, and to indicate directions in which the Government of India may usefully supplement the activities of Local Governments.”

If, therefore, on this subject of transport, they are able to make suggestions which would necessitate action by the Government of India, they will be perfectly at liberty to make these suggestions. I think that, in these circumstances, the Honourable Mover might agree not to press his Resolution at the present moment.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAU : In these circumstances, Sir, I do not press my Resolution.

The Resolution was, by leave of the Council, withdrawn.

RESOLUTION RE PRIVILEGES AND IMMUNITIES OF THE CENTRAL AND PROVINCIAL LEGISLATURES.

THE HONOURABLE MR. V. RAMADAS PANTULU (Madras : Non-Muhammadan) : Sir, the Resolution which stands in my name runs as follows :

“ That this Council recommends to the Governor General in Council to urge upon His Majesty's Government to take steps to incorporate in the Government of India Act, when it is next amended, the privileges and immunities of the Central and Provincial Legislatures.”

My Resolution, Sir, has a short history. When the constitution of the Government of India was revised by the Government of India Act of 1919, the privileges of the Legislatures as a whole were not dealt with by the Act except in one particular. Section 67, sub-section (7) of the Government of India Act, 1919, secures freedom of speech to Members of the Legislature. Beyond that, the matter was not dealt with by the Government of India Act in any way. But the question of privileges and immunities of Members of the Legislature was brought before the Reforms Enquiry Committee over which your distinguished predecessor, Sir, Sir Alexander Muddiman, presided, and of which you also, Sir, were a member. I find that that Committee failed to deal with the question of privileges and immunities in a satisfactory manner. At page 75 of their report it is stated :

“ It has not been suggested to us from any source that the Legislatures in India should be provided with a complete code of powers, privileges and immunities as is the case with most of the Legislatures in other parts of the Empire. The matter has been generally dealt with by the enactment of a provision in their Acts of Constitution enabling the Legislatures to define their own powers, privileges and immunities, with the restriction that they should not exceed those for the time being enjoyed by the British House of Commons. Eventually no doubt similar provision will be made in the constitution of British India. But we are of opinion that at present such action would be premature.”

The Committee went on to make recommendations on one or two small matters, exemption of Members of Legislature from sitting as jurors or assessors, immunity from arrest in civil cases during a Session of the Legislature and a week before and after.....

The HONOURABLE MR. S. R. DAS (Law Member) : 14 days.

THE HONOURABLE MR. V. RAMADAS PANTULU : The recommendation was for a week. Subsequently, when this matter was put through, it was extended, as my friend the Honourable Mr. S. R. Das has pointed out, to 14 days. With the exception of these small changes the question of privileges and immunities was not dealt with. But in one very important matter, a privilege enjoyed by the other Legislatures was sought to be interfered with by a piece of legislation through the Central Legislature itself. A Bill called the Corrupt Practices Bill, making it a penal offence for Members of the Legislature, either to offer a bribe or to accept a bribe in the course of the discharge of their functions as Members were sought to be enacted. With reference to that matter, the Committee, I am sorry to say, made a very retrograde recommendation. They said :

“ We are given to understand that there are at present no means of dealing with the corrupt influencing of votes within the Legislature. We are unanimously of opinion that the influencing of votes of members by bribery, intimidation and the like should be legislated against. Here again we do not recommend that the matter should be dealt with as a breach of privilege. We advocate that these offences should be made penal under the ordinary law.”

One or two matters like this were dealt with and certain opinions expressed, but no attempt was made to deal with the main privileges usually enjoyed by Members of the Legislatures in this report. Later on, Sir, I sought to bring up this matter before the Committee of this House which was appointed on the motion of my friend Mr. K. C. Roy, who is now in another place, to inquire into the privileges of Members of this House as individual members. That Committee met on the 30th August, 1926, and made its report on the 21st September, 1926. I raised the whole question of privileges and immunities before that Committee, but they disposed of my proposals in one small paragraph, which runs as follows :

“ It was decided by a majority that questions of general powers, privileges and immunities should not be discussed, but that the Committee by its terms of reference was only authorized to consider the question of privileges enjoyed by Members of the Council as distinct from the privileges of the Council as a body. The above two suggestions were therefore not considered.”

Therefore, I have thought fit to bring up this matter in the form of this Resolution, so that the matter may be placed before the Royal Commission or any other agency which will inquire into the revision of the constitution of the Government of India Act. Of course I am not now asking for any enunciation of definite principles or a catalogue of any particular privileges in the course of this debate. I am aware that even in England, it is not ordinarily possible for a casual reader or even a careful student of constitutional history to know exactly what the privileges are of the Legislature in England except in so far as they are either defined by Statute or decided by courts of law. Except in that way I am not able to gather all the customary privileges which are enjoyed by the House of Commons and the House of Lords in England.

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But there are certain very well-defined privileges with a few of which I shall deal and urge upon the attention of Government the need for embodying some of them, in such form as may be finally decided upon, in the Statute to safeguard the rights and the privileges of the Legislature.

The privileges enjoyed by the House of Commons may be divided into two classes—those which are claimed by the Speaker and conceded by the Lord Chancellor on behalf of the Crown and those not claimed but enjoyed as of right. At the commencement of every parliamentary session the practice is for the Speaker to claim some privileges as being—I suppose the words are the “ancient and undoubted rights” of the members of the Legislature, and the Lord Chancellor very readily concedes them as being granted by the Crown. Among these privileges which are so asked are, first of all, privileges classed as formal privileges, which deal with the manner and the matter of the debates in the Parliament, accession to the Sovereign and so forth. They are mere matters of formality. Then there is the privilege which is asked for, and which is of very great importance, namely, “freedom from arrest, detention or molestation”, that is how it is described in the constitutional books. This is asked for by the Speaker, and it is granted by the Lord Chancellor. This privilege is a very ancient one; and in a very illuminating document recently issued to the press by my distinguished and esteemed countryman, Mr. Subash Chandra Bose, in connection with the violation of his own rights as a Member of the Bengal Legislature by the Bengal Government, he traces the history of this privilege from the time of King Ethelbert. I took some pains to verify whether the statements contained in that very informing document were accurate. Sir, I have consulted such eminent authorities as Sir Erskine May and Sir William Anson on Parliamentary Practice and Procedure. I find that Mr. Subash Chandra Bose's statements were borne out by English precedent, Statute and decisions. This privilege is a very greatly valued one. Now, in India what do we find? We find that Members of the Legislature who are not disqualified, even under the Government of India Act or the legislative rules, from standing for election are prevented from attending the Sessions of the Legislature by executive orders. I know that in England the privilege has been cut down to the extent of depriving a member of the privilege of attending the House if he is convicted of an offence by a judicial tribunal, by a court of law, for treason, felony, seditious libel, or any other indictable offence; but short of that, no power in England can prevent the attendance of a member of the Legislature or prevent him from discharging his functions in the House. Let me refer to some instances to show how we stand in India in the matter of this privilege. Two Members of the Legislative Council of Bengal, Messrs. Anil Baran Roy and S. C. Mitra, were actually under arrest when they were elected Members of the Legislature. Afterwards their seats were declared vacant by the Bengal Government on the ground that their electorate must be afforded an opportunity of returning others who could represent them and attend the Legislature. But the electorate chose to re-elect those very same gentlemen in spite of the orders of the Government declaring their seats vacant. The Government thereupon found that they could not take any action, because, rightly enough, there is no disqualification either under the Government of India Act or the Electoral Rules, prohibiting persons

who are spirited away by executive orders from standing for, or contesting at, elections. Government had to submit to the vote of the electorate. Normally, at the commencement of every Session, the Governor or the Governor General sends a summons to every Member to attend the Session. In this case the summonses were sent, but those Members were not allowed to attend the Session because they were under detention. One of them, Mr. S. C. Mitra was subsequently returned to the Legislative Assembly. From answers to Questions put in the other place, it appears that Mr. Mitra sent a requisition to the Secretary to the Legislative Department of the Government of India, asking him to place his case before His Excellency the Governor General, setting out all the facts connected with his case and pleading that he has a right to attend the Session of the Legislative Assembly to which he was duly summoned under the rules. But, Sir, the rights of Members of the Legislatures in this country are so ill-defined, that the Secretary to the Legislative Department, in his own discretion, thought fit to say that he did not consider the matter to be one of sufficient importance to be placed before His Excellency the Governor General. He merely passed it on to the Government of Burma where Mr. Mitra was interned. The Government of Burma themselves doubted whether they had any jurisdiction in the matter, but nevertheless decided that he should not attend. And there ended the matter. I submit that such a state of things would be certainly unimaginable in any civilised country. Where there is no disqualification for an intended candidate to stand, where there is no prohibition on an electorate to return such a person, and where there is nothing either in the Act or the rules which can prevent such a person from attending or taking part in the normal functions of the Legislature, that he should, only by reason of executive order, be prevented from attending and taking part in the deliberations of the House is a gross abuse of executive power and a very serious infringement of the elementary privileges which every legislator enjoys in England and the Dominions.

It is not necessary for me to trace the history of this privilege, because it was so well traced in the document which is already referred to by me and which is before the public, and I dare say it is also before the Government of India and the Government of Bengal. I would only cite a famous passage from the speech of King Henry VIII which is reproduced in almost all constitutional treaties to show how greatly this privilege was valued in England :

“ We at no time stand so highly in our Estate Royal as in the time of Parliament, where we as head and you as members are conjoined and knit together into one body politic. So as what ever offence or injury is offered to the meanest member of the house, is to be judged as done against our person and the whole Court of Parliament: which prerogative of the Court is so great as all acts and processes coming out of any other inferior Court must for the time cease and give place to the highest.”

That is how King Henry VIII described it, and although there were later attempts to infringe this valuable right, matters have been set right, and I think now the members of the British Parliament enjoy immunity from arrest, detention or molestation by executive action. This is not merely a sentimental right. This is a right which is based upon the fundamental principle that the three branches of Government, the executive, the judiciary and the Legislature, ought to have powers of independence, and one branch ought not to be allowed to trample under foot the privileges of another branch. That is

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the principle upon which this privilege is based. The right in England is recognised to the extent of nullifying any detention which is not in consequence of a conviction by a court of law. I will therefore urge that the Government of India should take into serious consideration the question of embodying in the Government of India Act, when it is next revised, a clause providing for this privilege. If they think that India should continue to be governed on uncivilised lines and that Regulations, Ordinances and other executive weapons of oppression ought to continue, they may continue to do so, but they should allow such members as are detained under executive action, to attend the Legislature and take part in its proceedings and then take them back to their detention. They may be released before the commencement of the Session and taken back at the close of the Session to their place of internment. That is the greatest concession which people in India can make to the arbitrary, high-handed powers of the executive in this country. If they are not willing to do even that, then it amounts to setting at naught the elementary Parliamentary privilege which is enjoyed in every other civilised country and reducing Legislatures to executive subordination. With regard to the Dominions, Sir, the position is that in every Act, by which self-government is given, there is a provision saying that they shall enjoy the privileges which the House of Commons enjoys and that in course of time every Legislature can provide for its own privileges. I will only quote, for example, what is contained in the Australian Commonwealth Act and it is practically copied in other Acts :

“The privileges of Parliament are to be such as are appointed by Parliament by Legislature. Until then they are to be those enjoyed by the Imperial House of Commons.”

That is the position which other countries occupy with regard to this valuable privilege. Therefore, I once more beg to urge upon the Government our anxiety to insist on providing for freedom from arrest, molestation and detention by executive action.

Then, Sir, there is another privilege, which is the privilege of freedom of speech. I have already dealt with that question. It is provided for in section 67 of the Government of India Act though it is hedged in by a reservation making the freedom subject to the standing orders and the regulations made by the Government of India. I think it is a serious limitation upon the privilege and there ought to be no such restriction on our freedom of speech. I wish to tell my colleagues that when we secure this freedom of speech we are not allowed to abuse it, for this reason. Even in England freedom of speech within the Legislature is not carried to the extent of members being allowed to publish their speeches outside Parliament. A speech made here is protected so long as it is in the proceedings of this Council, but if it is published by the member privately it is not protected. Any statement contained therein, if it is sedition or libel, will become indictable or actionable in a civil court or a criminal court. The well-known case of Lord Abingdon is one of the classical examples. Lord Abingdon having made a speech in the House of Lords accused an attorney of unprofessional conduct and later on he had the speech published privately in a paper and the courts dealt with him, and I think it was Lord Kenyon who decided that case. He gave His Lordship three

months' imprisonment and £100 fine and the House of Lords said that the punishment by the court was not a breach of the privilege of the House of Lords. There is also the case of Mr. Creevey. In that case wrong reports of his speech appeared in the newspapers. All that he did was to correct the reports by sending to the papers a correct copy of the speech he had made. The speech was published, but in the course of the speech there were some statements which were defamatory of an individual. On an action for libel he was fined £100 and he brought the matter before the House of Commons. He said: 'I merely corrected the report of the speech I made in the house and I am therefore protected' but the House of Commons said that there was no breach of the House's privileges and he was rightly tried. Therefore I assure you, that while the privilege of freedom of speech in this House may be safeguarded, it is not liable to be abused, because outside this House we are not to enjoy any protection of publishing broadcast a speech so as to injure the reputation or character of any citizen. Therefore, it is a privilege which will be confined to the proceedings of this House and it ought not to be hemmed in by the proviso which now occurs in sub-section (7) of section 67 of the Government of India Act. *Bonâ fide* reports of our proceedings are of course protected.

Then, Sir, there is another privilege which is enjoyed by the House of Commons and other Legislatures, and that is the privilege of taking cognisance of matters arising within the House. That is a privilege which we greatly value. Any misconduct of any member of this House ought not to be punished in courts of law except when it amounts to an offence under the ordinary penal law and the misconduct of the Member in the discharge of his duties ought not to be made an offence to be taken cognisance of by the criminal courts. On this matter the House of Commons and the House of Lords have expressed themselves very often and very clearly. One very interesting case which was decided was that of Bradlaugh. Bradlaugh was prevented by the House of Commons from taking the oath which he was entitled to take under the Parliamentary Oaths Act. Then he wanted to create a disturbance by insisting upon his right to take the oath. Then the House directed that the Sergeant at Arms should take him into custody and send him out. Then he was prevented from taking the oath and also turned out of the House. He brought the matter before the law courts but the law courts said they could take no cognisance of anything which was done within the walls of the House short of criminal offence, and that decision was approved by the Legislature. That is a decision of considerable importance. If there is any disorderly conduct on the part of any Member the matter ought to be dealt with by the House itself and by the Speaker who has ample powers to prevent mischief and it ought not to be made the subject of action in the criminal courts.

Then, Sir, there is the power of inflicting punishment on persons who commit a breach of privilege, whether they are members or outsiders. It is a valuable privilege which the House of Commons and the House of Lords have enjoyed, whether the punishment be reprimand or expulsion or commitment. It has been held that such punishments will not disqualify a man from seeking re-election. In a case where expulsion was resorted to for misconduct and subsequently it was pleaded that expulsion from the House created a

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disqualification, it was held that the electors could sit in judgment over the House; if the electors were not satisfied that the expulsion was on proper grounds they could reject the decision of the House and re-elect him. Therefore, it is a valuable right controlled only by the electorate.

Then, Sir, there is another privilege which is of great importance. That privilege is the limitation of the powers of courts of law. It is no doubt a controversial matter. Whenever a privilege of this House is broken we contend that the ordinary law courts should not have any power to deal with the matter and that the House should deal with that. Two interesting cases can be cited on this matter, which have settled the law in England. They are firstly *Ashley v. White*. In that case a voter brought a suit against the returning officer for having prevented him from exercising the vote. And then the court went into the whole question and held, the Chief Justice Holt dissenting, that it was a breach of the privilege of the House, and therefore the ordinary law courts could not deal with it or entertain the case. But I think the case went later before the House of Lords on a writ of error and the House of Lords reversed the judgment and upheld the view of the Chief Justice that the courts could deal with the matter. This subject became one of prolonged conflict between the Houses—the House of Commons deciding that there was breach of privilege in the particular case and the House of Lords holding that there was not, but nothing was ultimately done and the matter rested there.

There was one other case which I shall cite and it is also an interesting case—*Stockdale v. Hansard*. In that case the House ordered the publication of a report which contained defamatory matter against an individual. In the proceedings of the House there was defamatory matter in a speech and nevertheless the House of Commons ordered the publication of that. The defamed individual brought a suit to restrain the publication and for other relief; and in that case Lord Denman addressing the jury said there could be no authority in the House to authorise the publication of a libel upon a man outside the proceedings of the house. On the facts, however, the jury found that the libel was justified because it was true and in the public interests and therefore no damages were given; but still the judge's address to the jury was seriously resented by the House of Commons which thereupon passed the following resolutions:

- (1) That the order of the House of Commons affords a justification for the sale of any papers whatever which they may think fit to circulate.
- (2) That no court of justice has jurisdiction to discuss or decide any question of Parliamentary privilege which arises before it directly or incidentally.
- (3) That the vote of the House of Commons declaring its privilege is binding upon all courts of justice in which the question may arise."

That stands there to-day. These are all highly prized privileges of great importance, and they have got to be discussed and put into the Statute. The rights of the Legislatures are already very precarious, because the executive here is so powerful as to trample under foot popular rights and liberties, and I am therefore anxious that the whole matter should be discussed both in this Council and outside and pressed on the attention of any authority which is vested with

power to revise the constitution. I have sought to bring this matter before the House in this form so as to draw the attention of Government to the necessity of incorporating in the Government of India Act all the privileges and immunities which the Members of the Central Legislature and the Provincial Legislatures are entitled to have. As I said, I am not now committing myself to any particular privileges. I am only asking for an investigation into the privileges with a view to incorporating them in the Statute. I am not asking for any new privileges or even for all the privileges that the House of Commons enjoys. The recent instances in which the rights of legislators were trampled under foot with regard to their right to attend the local Councils and Assembly when they were detained by executive authority are very serious infringements which must be put an end to. With these words I move the Resolution and ask the Government of India to give sympathetic consideration to this question, even if they are not willing at present to accept my Resolution. If they promise that they will consider this question and urge upon the Royal Commission that the matter should be taken up seriously, I shall be satisfied for the time being.

THE HONOURABLE MR. S. R. DAS : Sir, I do not agree with my Honourable friend that the Reforms Inquiry Committee did not go into this question of privileges and immunities and the incorporation of these privileges and immunities in the Government of India Act fully. On the other hand, I think I shall be able to satisfy the House that they went very fully into the matter. They appointed a Sub-Committee consisting of Sir Muhammad Shafi, Sir Tej Bahadur Sapru, who was not then a member of the Government, Mr. Jinnah and our present President. The question referred to the Sub-Committee, I find, was this : What powers, privileges and immunities should be conferred on the Legislatures in India and their members ? That is, the powers, privileges and immunities not only to Members of the House but of the House itself. Now, that Sub-Committee went very fully into the matter, and I would just place before the House what they actually did. They went into the question of all the privileges and immunities and powers possessed by Parliament and by the different Colonial Legislatures, and amongst them they made out a list of the powers and privileges which were enjoyed by Parliament. These are the powers and privileges which they took into their consideration :

- (i) The power to order the attendance at the bar of the House of persons whose conduct has been brought before the House on a matter of privilege.
- (ii) The power to order the arrest and imprisonment of persons guilty of contempt and breach of privilege.
- (iii) The power to arrest for breach of privilege by the warrant of the Speaker.
- (iv) The power to issue such a warrant for arrest, and imprisonment for contempt and breach of privilege, without showing any particular grounds or causes thereof.
- (v) The power to regulate its proceedings by standing rules and orders having the force of law.
- (vi) The power to suspend disorderly members.

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- (vi) The power to expel members guilty of disgraceful and infamous conduct.
- (vii) The right of free speech in Parliament, without liability to action or impeachment for anything spoken therein; established by the 9th article of the Bill of Rights.
- (ix) The right of each House as a body to freedom of access to the sovereign for the purpose of presenting and defending its views.

Then they went into the question of what constitutes a breach of the privilege of Parliament, and these are the breaches of privilege they considered :

- (i) Wilful disobedience to the standing rules and orders of the House passed in the exercise of its constitutional functions.
- (ii) Wilful disobedience to particular orders of the House, made in the exercise of its constitutional functions.
- (iii) Wilfully obstructing the business of the House.
- (iv) Insults, reflections, indignities and libels on the character, conduct and proceedings of the House and of its members.
- (v) Assaults on members of the House.
- (vi) Interference with the officers of the House in the discharge of their duties.

They took all these into consideration. So far as immunities are concerned, they found that the immunities possessed by the House of Commons and certain Colonial Legislatures were these, which they also took into consideration :

- (i) Immunity of members for anything said by them in the course of Parliamentary debates.
- (ii) Immunity of members from arrest and imprisonment for civil causes whilst attending Parliament, and for forty days after every prorogation, and for forty days from the next appointed meeting.
- (iii) Immunity of members from the obligation to serve on juries.
- (iv) Immunity of witnesses, summoned to attend either House of Parliament, from arrest for civil causes.
- (v) Immunity of Parliamentary witnesses from being questioned or impeached for evidence given before either House.
- (vi) Immunity of officers of either House, in immediate attendance and service of the House, from arrest for civil causes.

Honourable Members will note that they took into consideration practically every privilege and every immunity enjoyed by the House of Commons including those to which special reference has been made by the Honourable Mover. Now, the Report of the Sub-Committee was unanimous and the House will remember that the Sub-Committee consisted amongst others of Sir Tej Bahadur Sapru and Mr. Jinnah who were not members of the Government.

Now, we find that on page 103 of the Report of the Reforms Inquiry Committee in paragraph 124 they state this :

“ It is necessary to point out that the recommendations in paragraph 91 ”

that is the paragraph which the Honourable Mover referred to in his speech :

“ were the result of an examination of the subject by a Sub-Committee consisting of Sir Muhammad Shafi, Sir Tej Bahadur Sapru, Sir Moncrieff Smith and Mr. Jinnah, and were unanimously accepted by the Committee as a whole.”

Now, the Committee, in paragraph 91 of their report, to which reference has already been made state this—and you will notice

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that it was accepted by the whole Committee unanimously.

There was no minority report with regard to this portion, nor was there any dissenting minute with regard to this. After going very fully into the whole question this is what they stated : (I will not read the portion which has already been read by the Honourable Mover.)

“ But we are of opinion that at present such action would be premature. At the same time we feel that the Legislatures and the members thereof have not been given by the Government of India Act all the protection that they need. Under the statute there is freedom of speech in all the Legislatures and immunity from the jurisdiction of the Courts in respect of speeches or votes. Under the rules the Presidents have been given considerable powers for the maintenance of order, but there the matter ends.”

They then go on to say :

“ We think that members of the Legislatures in India should be exempt from sitting as jurors or assessors in criminal trials. This can be secured by the ordinary law under which Local Governments already possess power to exempt classes of persons. The position may be made even more secure by an amendment of section 320 of the Code of Criminal Procedure, 1898, so as to include members among the permanent exemptions.”

That has been done since.

“ Similarly, we think that the Code of Civil Procedure, 1908, might well be amended for the purpose of granting to members immunity from arrest and imprisonment for civil causes during the Sessions of the Legislature and for periods of a week immediately preceding and following actual meetings.”

This has been done and the immunity has been extended to 14 days before and after the sittings instead of a week.

“ Derogatory comments on the proceedings and conduct of the Chambers in India will probably be regarded from the point of view of the British Houses of Parliament as the most common form of breach of privilege at the present time. No party, whether Government or non-official, is exempt from strictures of this character. As the Government and the Legislature become more truly responsible, it may be necessary to provide some check on the liberty of the press in this respect. But we are not at present prepared to advocate any step in this direction.”

If I may say so, in my own view, the Committee were entirely right in their statement to this effect. At the present moment, when the Legislatures are forming their traditions and conventions, it is only right that the public should have absolute freedom to comment on their proceedings and point out where we are in defect. Any restrictions of that power at the beginning of our Legislatures, when we are forming our own traditions and conventions, would, in my opinion, be a great mistake. They then go on to say :

“ We are given to understand that there are at present no means of dealing with the corrupt influencing of votes within the Legislature.”

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That is one of the points referred to by the Honourable Member.

"We are unanimously of opinion that the influencing of votes of members by bribery, intimidation and the like should be legislated against. Here again we do not recommend that the matter should be dealt with as a breach of privilege. We advocate that these offences should be made penal under the ordinary law."

So that, after considering all the matters of privileges and powers and immunities, this was the recommendation made unanimously by the whole Committee. Therefore, I think my Honourable friend was wrong in saying that they did not go fully into the matter. They did go fully into the matter and they made such recommendations as they thought should be made at the present moment. I do not think that sufficient time has elapsed since the report of the Reforms Enquiry Committee to necessitate any change of view from that put forward by them.

I do not propose to deal at any length with the question of the prevention of Mr. Subash Chandra Bose, Mr. Satyendra Chandra Mitra and Mr. Anil Baran Roy from attending the Legislative Councils after their election. I should only like to point out this. I do not think my friend was entirely correct when he stated that they were prevented from attending by executive orders. After all, my friend has admitted that even in England, if a person who is elected is under detention, by reason of conviction, there is no breach of privilege. Here, the executive action by which these gentlemen were detained was after all action taken by the executive under legislative enactments empowering them to do so. Mr. Subash Chandra Bose and Mr. Satyendra Chandra Mitra were detained under powers conferred on the executive by the Bengal Criminal Law Amendment Act, and I submit, with great respect, that it is wrong to say that they were detained under executive orders.

THE HONOURABLE MR. V. RAMADAS PANTULU: Without trial, Sir, in a court of law.

THE HONOURABLE MR. S. R. DAS: May be, but the power was given to the executive by legislative enactment to detain them without trial. No doubt it is a very serious power. I admit that. But from the legal point of view, it is no more than the right of a Magistrate under the Criminal Procedure Code to issue a warrant for arrest. Both powers are derived from legislative enactments. It may be said of course that it is an extraordinary power given to the executive to detain a person without trial. But after all, it is the Legislature, rightly or wrongly, which has given that power. You may say: "Oh well, it was forced from the Legislature." You may say anything you like. But from the legal point of view, that law is an existing law, and under that law, the executive is given the power to detain without trial, and from the legal positions, whether it is a breach of privilege of the House to detain a person and prevent him from attending—from that point of view it makes no difference whether he is arrested under a warrant of a Magistrate under the Criminal Procedure Code or whether he is detained by an executive order which the executive has power to issue under a legal enactment. I am talking of it from the point of view of breach of privilege. I do not want obviously to go any further into that matter. The position, therefore, that we take up is this, that this question of privilege and immunities was gone into very fully by the Reforms

Enquiry Committee and by the Sub-Committee appointed by them, and that the time has not come to go beyond the recommendations of the Reforms Enquiry Committee. I therefore oppose this Resolution. But I am prepared to say this, that Government is quite willing to place the result of the debate in this House before the Statutory Commission, if that will satisfy the Honourable Member.

THE HONOURABLE MR. V. RAMADAS PANTULU : Sir, I am somewhat surprised at the reply given by the Honourable the Law Member. I expected him to throw some light on his attitude towards the question of privileges. The Sub-Committee appointed by the Reforms Enquiry Committee made a catalogue of the privileges, which would not take more than 30 minutes to do. There is a particular Chapter devoted to the privileges in every constitutional treatise, and it will not take normally more than half an hour to merely summarise those privileges. The Committee did nothing more than that.

THE HONOURABLE MR. S. R. DAS : That is not fair.

THE HONOURABLE MR. V. RAMADAS PANTULU : It is absolutely fair. It did nothing more than write a catalogue. What did the Committee do with regard to the privileges? Their whole discussion is confined to one short page, page 75 of the report.

THE HONOURABLE MR. S. R. DAS : May I explain? The Honourable Member is referring to the report which really summarises the recommendations of the Committee, but he has not got before him the report of the Sub-Committee which will show that they went fully into every one of these privileges and immunities.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces : Nominated Non-Official) : What about yourself, Sir? We all knew since our college days what you have been saying to-day.

THE HONOURABLE MR. V. RAMADAS PANTULU : Once more I must, with due deference to the conclusions of the Committee, state that they have done nothing more than write a catalogue of the privileges. We expected to find in this report some reasons why the other privileges were not conceded. We wanted some indication of that. All that it says is :

“At the same time we feel that the Legislatures and the members thereof have not been given by the Government of India Act all the protection that they need.”

There is one more sentence; it is this :

“Eventually no doubt provision will be made in the constitution of British India. But we are of opinion that at present such action would be premature.”

After stating these two things, what they do is they exempt members from attendance on juries and give them immunity from arrest in civil cases. With the exception of these two trivial matters they did nothing at all. Therefore, to say that the Sub-Committee has gone fully into the matter is not correct and does not meet my demand.

Then, with regard to my Honourable friend's ingenious defence of the action of the Government of India, namely, that what the Government of India did was under an enactment of the Legislature. Who does not know it? We know that the executive has armed itself with all sorts of extraordinary powers

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under so-called legal enactments. If, what the Honourable the Law Member says, is to be taken as the correct constitutional position, may I ask why a person who is detained by the executive under these extraordinary provisions, is nevertheless entitled to stand for election and contest a seat and why the electorates have got the privilege of re-electing him even after the Government have once declared his seat vacant, and why he is summoned to attend the Legislature? Because the Government are helpless under the law to act otherwise.

THE HONOURABLE MR. S. R. DAS: May I interrupt the Honourable gentleman? The same thing might happen, if these two gentlemen instead of being detained under the Criminal Law Amendment Act, had been detained in jail under a conviction by a criminal court. There was nothing to prevent those persons convicted and arrested and detained after conviction from being elected. Exactly the same position.

THE HONOURABLE MR. V. RAMADAS PANTULU: Under the electoral rules a person who is convicted by a court of law is prevented from standing for election to a seat. He is disqualified. The rules are very clear. The position is not as the Law Member says.

THE HONOURABLE MR. G. A. NATESAN (Madras: Nominated Non-Official): That depends upon the nature of the offence.

THE HONOURABLE MR. V. RAMADAS PANTULU: My point however is this. Except in those cases in which a man is under a legal disability owing to a conviction by a court of law, my contention is that the Executive ought not to have the power to prevent a member from functioning as a member of the Legislature. The rule in England is based upon the well-known constitutional principle that "service in Parliament is paramount to every other call". That is the constitutional position accepted in all other countries except India. I venture to assert once more that it is a travesty of Parliamentary privilege and an outrage upon the elementary liberties of the subject to say that the executive can prevent a member functioning as a part of the Legislature, even though he is qualified under the law to allow and take part in the work of the Council and he has been summoned to attend a Session. That extraordinary power ought to be wiped out and removed as soon as possible. Otherwise, the Legislature will be reduced to a mere farce. I do not think the Honourable the Law Member has said anything to convince me that the Government of India is doing the right thing. What they are doing is absolutely wrong and unprecedented. I hope that agitation would be set up by Members of this House, as well as members of the other place, to see that their rights and privileges are made secure under a Statute and not left to the tender mercies of the executive. As, however, the Honourable the Law Member has said that the debate will be circulated to the Royal Commission, and as I have not formulated the precise privileges that ought to go into the Statute, I do not wish to press the motion to a division. I only wanted to draw the attention of the Government to the iniquitous way in which our privileges are being violated and the liberties of the Members of Legislatures in India are being trampled under foot. I maintain that the privileges enjoyed by the Legislatures in Great Britain and the Dominions should be vouchsafed to India. I think my

present purpose is satisfied by drawing the attention of the Government to these matters and I beg leave of the House to withdraw the Resolution.

The Resolution was, by leave of the Council, withdrawn.

THE HONOURABLE THE PRESIDENT : I presume the Honourable Member (Mr. Kumar Sankar Ray Chaudhury) intends to move his Resolution.

(The Honourable Mr. Kumar Sankar Ray Chaudhury nodded assent.)

The Council then adjourned for Lunch till Twenty-five Minutes to Three of the Clock.

The Council re-assembled after Lunch at Thirty-five minutes to Three of the Clock, the Honourable the President in the Chair.

RESOLUTION *RE* RECONSTITUTION OF THE LOCAL ADVISORY COMMITTEES FOR RAILWAYS.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAU (Madras : Non-Muhammadan) : Mr. President, I beg to move :

“ That this Council recommends to the Governor General in Council to take necessary steps to reconstitute the Local Advisory Committees for Railways in India with a view to give them larger powers and responsibilities and make them more thoroughly representative of the people.”

Sir, the Local Advisory Committees on Railways were constituted in 1923 in compliance with the recommendations of the Acworth Committee contained in paragraphs 139 to 142 of their Report. The object of these Committees is to bring public opinion into close touch with the administration of the various Railways. In paragraph 139, the Committee observe :

“ No scheme of reform can attain this purpose of fitting the Railways to the views of the Indian public, unless that public has an adequate voice in the matter.”

Again, in paragraph 142, they say :

“ The Indian public is deeply and justifiably incensed by the conditions to which both passengers and traders have long been subjected and it is desirable that their representatives should at the earliest possible moment be acquainted with the steps that are being taken for the redress of grievances.”

Sir, let us now find out how far the Government of India and the Railway Administrations have satisfied the wishes of the Acworth Committee and quenched the wrath of the public. So far as I can gather, the Advisory Committees formed on all the Railways are more or less official-ridden or are aristocratic bodies, the democratic element being sparsely represented or not at all. Taking the Madras and Southern Mahratta Railway Company, 7 members are nominated members and 4 elected, of whom only one member represents the Indian Passengers Association. The rural interests are represented indirectly by the members of the Legislative Councils and that too very inadequately. The vast hordes of the Indian Mercantile community are represented by only one member from the South Indian Chamber of Commerce. The Advisory Committees, to function effectively and to thoroughly represent public opinion, should be democratized and the official and aristocratic element weeded out and brought down to the lowest possible minimum.

[Dr. U. Rama Rau.]

A thorough overhauling of the constitution of these Committees is therefore essential. The rural interests must be represented on the Committee not indirectly through Legislative Councils but by allowing the District Boards, Provincial Co-operative Societies and Agricultural Associations to elect one member each to the Committee. This will give a real voice to the rural population. The travelling public have at present only one representative on the Committee. It will be a decided improvement if, in addition to one permanent member, Passengers' Associations at different centres are allowed to elect a member to be co-opted with the Committee when meetings of the Committee are held in different parts of the Presidency. The needs of the districts or sections will then receive better attention.

The same system should be adopted for the representation of the Indian mercantile interests in the Presidency. One member elected by the South Indian Chamber of Commerce cannot effectively represent their interests for want of local knowledge. The members of the Standing Finance Committee for Railways in the Legislative Assembly should be ex-officio members of the local Advisory Committees in the areas which they represent. This will serve to secure more intimate touch between the Central Legislature and the Railways. This proposal was made some time ago by one of the members of the Standing Finance Committee, but was discarded by the Railway Board and the Government of India for no valid reason. I would go even further and suggest that one Member from the Legislative Assembly and another from the Council of State elected from among the elected members of both these bodies, resident within the area served by each Railway, may be put on the Committee for that particular Railway, so that all matters which are of a local nature may be dealt with by them, directly in the local Committees instead of bringing them to the notice of the Central Legislatures, thereby swelling the volume of work here. These are the lines on which I would like the Advisory Committees to be remodelled.

The other part of my Resolution deals with the enlargement of power and the vesting of real power in the Local Advisory Committees. As matters stand at present, the members of the Local Advisory Committees are more often advised by the Railway Administrations than tender advice to them. According to the present system the members have no voice, no power to control, nor are they given any chance to visit the line or inspect the works. The Agent does a certain thing and informs the Committee of his having done so. Some Agents do not allow the members of the Committee to propose subjects for the Agenda. Other Agents let the Committee discuss only questions brought by the members and do not consult them on matters concerning the passengers' and merchants' facilities beforehand and before submitting their proposals finally for approval by the Railway Board. It is necessary that the Agents should consult their Advisory Committees on all matters coming within their purview before taking action. They should include in the Agenda all subjects proposed by members, provided they are within the powers of the Committee, which they seldom do. The work done by the Committee is neither open to the Press nor to the public. The only reports which the public can have is a summary of the work done in the Committee which is officially sent by the Railway Company to the Press. These reports are so short and so meagre that the

public are unable to understand and appreciate them. Meetings of the Committees should be held as often as possible and in different centres through which the Railway runs. This will afford ample facilities for a fuller discussion of the subjects and for learning local conditions at first hand. It will be remembered that while the State-owned Railways, such as the East Indian Railway and the Great Indian Peninsula Railway held meetings varying from 10 to 20 in a year, the South Indian Railway and the Madras and Southern Mahratta Railway held only 3 to 7 meetings. The members should have a right to interpellate and get replies, and they must also have a right to vote on all proposals proposed by the Committee and the majority recommendation should be binding on Railway Companies. These then are some of the defects in the existing constitution and, unless the Government of India invest these Committees with real power, they are nothing but a farce and serve no useful purpose. I know the explanation is contained in that one word "Advisory", but if the Railway Companies are not bound to take the considered views and advice of the majority of the Committee, what is the good of tendering such advice at all? So much of the time and energy of the Committee members could be saved and the Railway Companies could be spared also the bother of this meaningless formality of having to call for a meeting of the Committee only to spurn its proposals. I am convinced, as I hope you will also be, that the time has arrived that these Local Advisory Committees should be thoroughly reconstituted, if they have to serve any useful purpose at all, and with this end in view, I have tabled this Resolution.

I am quite sure, Sir, that some Members of this Council may be members of some Local Advisory Committee. Their experience of the working of the Local Advisory Committee will be of immense use to us. If I am not mistaken, my Honourable friend to my right, Mr. G. A. Natesan, is a member of the Advisory Committee in Madras, and I appeal to him through you to give us the benefit of his experience and to say whether he does not agree with my observations. I commend this Resolution for your kind acceptance.

THE HONOURABLE MR. G. A. NATESAN (Madras : Nominated Non-Official) : My Honourable friend Dr. Rama Rau has made an appeal to me to give my experience. I have the honour to represent the Southern India Chamber of Commerce on the Local Advisory Committee in Madras for the last three years. I may say at once in response to his appeal that my experiences have on the whole been pleasant. I welcome Dr. Rama Rau's Resolution however for more than one reason. My first reason is this. I have been very much astonished to see the number of interpellations that have been put in the Central Legislature by Members here and elsewhere, which are really matters to be submitted to the Local Advisory Committee. I may say to my colleagues here, and those particularly who put a number of interpellations regarding railway matters, that these are purely provincial and most of these subjects, I say so advisedly, could be brought to the notice of the respective Advisory Committees in the provinces. As my friend Dr. Rama Rau has referred to the constitution of these Boards, and as I possess some experience and knowledge of the working of one Railway Advisory Board, that is of the Madras and Southern Mahratta Railway, I may say at once that the Committee has full power to deal with a number of important subjects which are really of use

[Mr. G. A. Natesan.]

to the public. The rules for instance state that the Committee shall be authorised to discuss and record its opinion on the following subjects :

- (1) alterations in the time table of passenger services ;
- (2) alterations in rates and fares and changes of goods classification ;
- (3) proposals in regard to new projects and extensions, proposals in regard to new rolling stock ; and
- (4) any matters affecting the general public interest or convenience.

It is possible to improve upon the scope of the Committee, but I do think that a number of questions with which the Central Legislature is often asked to deal could be brought before these Boards. I rather feel that the existence of these Advisory Boards and their power for doing good are not properly well known and I advised the Madras Railway Advisory Committee the other day that, as far as possible, they should give wide publicity to their proceedings so that the public might know at once what is going on instead of getting scanty news in the newspapers or getting answers in the Central Legislature long after the event. If this were done it would be more useful from the point of view of achieving something substantial in the matter of remedying grievances. My Honourable friend said that the Committee is purely advisory and that we have no voice. It is advisory, I admit, but I cannot subscribe to the statement that it has no voice. I have myself brought forward many questions at these meetings, and I have found that most of our complaints have been attended to. At the same time I wish to make an observation and I hope that the Honourable Member opposite, when he replies on behalf of the Government, will make a note of this. It occasionally happens that you get an Agent who thinks that these Committees are a bit of a nuisance and that it is not part of his work. I would not say that every one does it, but I do know that at least one, at one time Agent, viewed it in that light. But that is a sort of past history ; the Agents now take these questions very seriously and attend to them very properly. With regard to the Madras Advisory Committee, it contains about 11 members. Two representatives are returned by the Madras Legislative Council. One member is elected by the Corporation of Madras, one by the Chamber of Commerce, another by the South Indian Chamber of Commerce, one member by the Indian Passengers' Association. I may also add that where others are nominated they are nominated for a specific purpose and those interests ought not to be neglected. If I am not mistaken the Director of Industries is a member of that Committee ; an officer represents the Port Trust ; so I cannot say that there is anything inherently wrong in the constitution, though I am quite willing to grant that in many ways the constitution can be improved. But more than anything else Members might take a little more interest, and it seems to me that I cannot agree to the proposition that these Committees ought to be immediately reconstituted. I think, however, my friend, Dr. Rama Rau, has a real grievance. I think in the South Indian Railway and in the Bengal Nagpur Railway—I speak subject to correction—they do not have an elected Committee. It should not at all be difficult for these Railways to agree to work harmoniously and in a spirit of friendship with an elected body.

Surely the experience of other Railway Advisory Boards, where they have elected representatives, ought to be brought home to these two Railways, and I do hope the Honourable Member in charge will make a note of this point and request such railways as have not got an elected Committee to see that early steps are taken to introduce in their Advisory Boards as much of an elected element as possible.

3 P.M.

I turn now to the first observation that I made that is to avoid the Central Legislature being troubled with a number of interpellations—sometimes on purely trivial subjects and on other occasions on matters of importance relating only to the provinces. I think it will be a good thing if the Members representing each province in the Central Legislature are asked to return a member to the respective Advisory Boards. It will serve another very useful purpose; they will be in touch with provincial railway administrations. Sometimes a Member talks about railway matters with which perhaps he has not had direct touch. His knowledge will be improved in every way and his case could be better put if he had an opportunity of discussing first hand with the members of the Advisory Board of his own province; and whatever might or might not happen, I do hope that the authorities in charge of these Advisory Boards will see that representative members of the Council of State and the Legislative Assembly in each province are for the time being co-opted, if necessary, by the respective Advisory Boards. It will save the central administration a lot of trouble and really much good will be done by these people being brought into touch with the railway administration in their own province. More than anything else, a considerable amount of time which is at present spent in the Central Legislature will be saved.

My Honourable friend referred to the fact that in some Railway Advisory Boards inspections are not arranged for. I cannot bear him out in that. I recollect myself and my colleagues being asked to go over to Arkonam and see the new railway station, and arrangements for an Indian dining room and things like that. But I do think that more opportunities could be given for inspection to the members of these Advisory Boards.

As regards the reports of the proceedings of these Advisory Committees, it is no doubt true that official summaries are sent to the newspapers, but there is nothing to prevent people from giving wider publicity to these things. As a matter of fact, the South Indian Railway, against which I have many grievances, has adopted one very good thing: they have established lately a Publicity Department which is very active and which is constantly in the lime light. I suggested only at the last meeting of the Madras Railway Committee that a step in this direction might be taken by them also, and I believe the suggestion has been welcomed and they have taken the matter in hand.

My Honourable friend, Dr. Rama Rau, will forgive me if I do not take the same gloomy view of these Advisory Committees. They have been working for only three years and I believe I have been representing the South Indian Chamber of Commerce ever since the privilege of sending a representative to the Madras Railway Committee was accorded. There are many matters in which improvement could be made, and I would suggest that some of the points that my Honourable friend has made and some of the points that I myself have

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urged could very usefully be circulated to all these Agents and they may be asked to see, as far as possible, that effect is given to them.

One word more before I sit down. There is a feeling that even though one or two Railways have not yet come under the direct control of the Government of India, yet pressure could be put upon them to see that they are brought into line with other Railways. So far as the two Railways which I mentioned are concerned, where they have not got an elected Advisory Committee, I do think that pressure and something more than a merely gentle pressure could very well be put upon them to make them come into line with others and to make them understand that in adopting that idea they are furthering their own work.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I rise to make a few observations on the Resolution that has been moved by Dr. Rama Rau. I agree with him partially that the constitution of the Railway Advisory Committees requires a little bit of addition and I agree with the addition which he proposes, namely, that the resident members of each province who represent that province on the Imperial Legislature ought to be ex-officio members of the Railway Advisory Committees which exist in the provinces in which they reside. I have the privilege of being a member of the North Western Railway Advisory Committee, and so, like my friend, the Honourable Mr. Natesan, I can give some of my experiences. At present on that Committee whatever the non-official members propose the Agent is always very kind and courteous to allow those questions or motions ; but at the same time we have got no standing orders or rules of procedure to control and guide our deliberations. It is merely dependent upon the sweet will of the Agent to allow, disallow or do anything with the motions brought forward by members. So I will make a suggestion that all-India rules be framed for these Advisory Committees in which could be incorporated the standing orders and rules of procedure.

One other thing that I want to suggest in this connection is, that the proceedings of these Advisory Committees of all Railways should be circulated to all other Advisory Committees. This has not so far been done, and when I made this suggestion in the North Western Railway Advisory Committee, I was told by the Agent that he would try to do so but could not promise it, as he said that the company lines in particular might or might not comply with his wishes. Hence I made this suggestion here on this Resolution, so that the Government in the Railway Board may be kind enough to ask all the Railways to adopt my suggestion. I think it will be keeping the members of all the Committees in touch with what is going on in other places, and perhaps it will be to their benefit as well as to the benefit of the Railways themselves.

As far as the present constitution goes, except that the Central Railway Advisory Council or the Imperial Legislature is not represented on these Committees it is good enough so far as my information goes.

All the interests are represented and on the North Western Railway Advisory Committee there are two nominees of the Punjab Government, 3 nominees of the Punjab Legislative Council, 2 nominees of the two Chambers of Commerce, and 2 nominees of the Desi Beopar Mandal and one nominee each of

the Agent and Lahore Municipality. I think that is quite representative of the Punjab province. The only thing which I consider wanting is that we have got no rules of procedure. Sometimes questions and motions are admitted in a shape other than that in which they are asked. Sometimes only a summary of the proceedings is recorded. What I wish is that the Railway Advisory Councils should be given the same status as provincial Legislative Councils. They are advisory bodies as well, and any question that they ask or any Resolution that they move after all is a sort of recommendation to the Government. I wish that under the rules which may be framed it may be so arranged that the members of the Advisory Committees may have the right to ask questions, to ask for information and statistics, which might affect trade, industry or commerce, and the travelling public and that they may be allowed to move Resolutions. After all, in case Resolutions are carried they will be simply in the shape of recommendations to the Railway Administration concerned.

One more point, Sir, which I want to raise in this connection is that the inclusion of the subjects cited by the Honourable Dr. Rama Rau is not so detailed, and so sometimes we find difficulty in bringing certain other matters which do not fall quite within the purview of these subjects. I think in interpreting what should be the details in these subjects, I hear that on the Bombay, Baroda and Central India Railway, statistics asked for by the members are given. On the North Western Railway they are not given. I do not know what the practice on the South Indian or on the Madras and Southern Mahratta Railway or other Railways is. Otherwise, I may say, as far as I have heard from many of my friends who are serving on these Committees, that the treatment accorded to members of these Advisory Committees by the various Agents is very good and cordial, and that so far all their motions are generally well considered and put before the meeting.

THE HONOURABLE SIR GEOFFREY CORBETT (Commerce Secretary) : Sir, I am very glad that my Honourable friend has raised this discussion to-day. The Government attach great importance to these Advisory Committees as a means of bringing the Railway Administrations and the public into touch with one another and giving them an opportunity to understand each other's requirements and each other's difficulties. There is the further point to which my Honourable friend Mr. Natesan has referred, and that is, that we do hope that the existence of these Advisory Committees will relieve the Central Legislature from the larger number of Resolutions and questions on local matters, sometimes of interest and sometimes rather trivial, which do not really concern the Central Legislature. In this House, more than once, I have had occasion to suggest that "this is a matter which might well be brought before the Local Advisory Committee," and I am very glad that this view has been corroborated by my Honourable friend, Mr. Natesan. This discussion, therefore, has served a very useful purpose in bringing to light from the direct and personal evidence of members of Advisory Committee what a very useful purpose these Committees can serve and are serving in many parts of India, and the greater publicity that is given to their work the better.

The Honourable Member's Resolution falls into two parts. He first, of all, deals with the powers of the Committees and secondly, with the question of representation. I will deal with the first question first. The origin and

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purpose of these Committees was stated in paragraph 139 of the Acworth Committee's Report to which the Honourable Mover referred, and with your permission, Sir, I will read it, in order that the Council may understand exactly what is our object in view. The Acworth Committee said :

" We think that no scheme of reform can attain its purpose of fitting the railways to the needs of the Indian public unless that public has an adequate voice in the matter. Control in the strict sense of the word, the power, that is, to give orders to the Railway Executive, Indian opinion can only exercise through its constitutional mouthpiece the Legislative Assembly at Delhi. But though control is reserved, it is possible for bodies representing the public to exercise great influence. In no country was the control of railways more autocratic than in Prussia. Yet it would be probably true to say that, in the generation before the war, the railways of Prussia were subject to less hostile criticism from their public than those of any other country. In Prussia there was a carefully planned system of railway councils, a single national council, and a number of local councils. They consisted of representatives of the Departments of State specially concerned with railway matters, associated with a majority of members nominated by the Chambers of Commerce, Chambers of Agriculture, the great municipalities, and similar bodies representing the public. They had no powers. But they had great power. They had as secretary and met at stated intervals with an agenda on which any member could put down any subject he thought fit, and on which the railway officials put down any subject, such as changes and improvement in train services or alterations in rates for and classification of merchandise, which concerned the public interests and convenience. The railway administration, so it has been reported, very rarely acted except in accordance with the views expressed by the councils in all matters within their competence."

This then is the aim that we should have in view, that mutual confidence and co-operation should be so complete that the Railway Administrations should very rarely act except in accordance with the views expressed by the Committees in all matters within their competence. This is the goal that we should keep before us. It will naturally take time and experience to reach it. But I am glad to say that the progress already reported, and the useful public work that the Committees are performing, are very gratifying, and I am very glad to hear these reports confirmed by Honourable Members of this House, who are members of these Committees, and who have spoken to-day.

For the constitutional reasons stated by the Acworth Committee, it is obvious that the functions of these Committees must continue to be purely advisory. Railways are a central subject, and the executive head of the Railways in India is a Member of the Viceroy's Executive Council. He is subject to the control of the Indian Legislature in the manner prescribed by the Government of India Act. But he cannot be simultaneously subject to the control of local committees. It would create an obvious conflict of authority. Constitutionally, therefore, the local committees can only advise, but their advice is taken on a very large number of questions, and as I have said, with time and experience we may hope eventually to reach the position that a Railway Administration will very rarely act except in accordance with the views expressed by the Committee in all matters within their competence.

This leads me to consider the matters now within their competence. The Honourable Mr. Natesan has already read out a list of subjects which they are empowered to discuss, and I need not repeat it. If, however, we take the recent summaries of the proceedings of the Committees, which will be found in the Library and study them, it will be seen at once what a very wide range of

subjects actually come before these Committees. The subjects include, according to the examination that I have made, construction of new lines, provision of refreshment and waiting rooms, vendors, drinking water, platforms, shelters, design of railway carriages, new stations, time tables, extra trains, booking of berths, through carriages, issue of tickets, fares, concessions, mela arrangements, distribution of wagons, and risk notes.

In fact, it would be difficult to name any subject of public importance in connection with railway traffic that has not received their attention.

Moreover, the Government memorandum permits any member of the Committee to suggest for discussion any subject which is within the competence of the Committee, and if the Agent of the Railway, who is the Chairman of the Committee, refuses to admit any subject to the agenda, he is required to explain at the next meeting of the Committee his reasons for excluding it. Thus the very important power of initiating discussion on any subject rests with the members of the Committee, and I am informed that in practice the greater part of the agenda consists of subjects which have been proposed by ordinary members. Further, the Committee is required to meet once a month if there are matters to be discussed. Thus any member of the Committee not only has the right to initiate discussion on any subject, but he can also claim that it shall be brought before the Committee within a month.

Practically speaking, there is only one subject that is excluded from the purview of the Committee, and that is, questions of personnel, discipline and appointments. I feel sure that every one here will agree that the exclusion of this subject is necessary and right. Ordinary administration would become very difficult, if a local Committee were permitted to concern itself with such questions as the punishment of a *khalasi* or the transfer of an assistant station master. And then we should consider not only the difficulties of administration, but also the point of view of the railway staff. I think the staff, and especially the subordinate staff, would object very strongly if the local Committee were given any direct authority over them.

In dealing with the question so far, I wish to make it clear that what I have said with reference to the Government memorandum applies only to State-managed Railways. With regard to Company Railways, I think Honourable Members opposite have recognised that we have no direct authority over them. We can only approach them and persuade them, and, by the example of what is succeeding on the State-managed Railways, get them to follow that good example. I am very glad to say that in almost all cases, as far as I am aware, the Company Railways have adopted substantially the Government memorandum.

So much, then, for the question of powers. I will now deal very briefly with the second part of the Resolution, namely, constitution and representation.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: What about rates of freights and fares?

THE HONOURABLE SIR GEOFFREY CORBETT: I understand that they are discussed. The constitution laid down by the Government memorandum for State-managed Railways is as follows:

The Agent to be ex-officio Chairman. The remaining members to consist of two Local Government members nominated by the Local Government in

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whose jurisdiction the headquarters of the railway in question is situate ; three representatives of the Local Council of the Government in whose jurisdiction the headquarters of the railway in question is situate,—these members to be selected to represent rural interests and the travelling public ; one member from the local municipality or corporation at the railway headquarters ; five members representing industries, commerce and trade. It further adds that the selection of the bodies which are to choose or nominate members has to be made in consultation with the Local Government ; but once this selection has been made, it shall be left to the bodies concerned to nominate or elect their representatives. So it is not quite correct to say that there is a majority of nominated members. Well, Sir, it was the recommendation of the Acworth Committee that a Local Advisory Committee should consist of about 12 members, and I think it will be agreed that this is about as large a body as is practicable if real business is to be satisfactorily done. I think the representation now provided, which is also based on the Acworth Committee's recommendations, is fair to all interests and is not unrepresentative of the people. In fact, my Honourable friend, Rai Bahadur Lala Ram Saran Das, has said that he considers it to be fairly representative of all interests in the Punjab. I remember in the course of a debate in the last Delhi Session I expressed my regret that the Honourable Mover of this Resolution was not a member of his Local Advisory Committee, and he replied that he was thankful he was not. I readily admit that this is not the general attitude. We constantly have requests to give additional representation to bodies and interests, which sometimes appear to have a very good claim. I think it is fair to regard this demand for additional representation as evidence of the importance that is now being attached to these Committees and of the great influence that they are already exercising. The time may come when we may have to consider the readjustment of representation on the Committees, and possibly even their enlargement in order to provide for separate representation of all interests that desire it. But, in the meanwhile, our view is that the Committees, as now constituted, are progressing satisfactorily towards the goal that we have in view. They have not been in existence very long, and it would be unwise to disturb their progress by reconstituting them now. A good gardener does not continually dig up a plant to see how it is growing.

So far as this Resolution, therefore, is concerned, I am afraid I must oppose it. I cannot agree that we should undertake a wholesale reconstitution. But I am much obliged to the Honourable Mover and to other Honourable Members who have spoken, for bringing forward certain defects in smaller matters, defects of details that they have found, and I may give an assurance that the Government of India will consider those defects most carefully. And if the Honourable Mover wishes it, we will circulate a copy of this discussion to the Agents. I think that it is possible to make these little improvements without any wholesale reconstitution of the Committees such as the present Resolution suggests.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAU : In view of the assurance of the Honourable Member, I do not press my Resolution.

The motion was, by leave of the Council, withdrawn.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

SECRETARY OF THE COUNCIL : Sir, the following message has been received from the Legislative Assembly :

" I am directed to inform you that the following motion was carried in the Legislative Assembly at their meeting held on the 14th September, 1927, and to request that necessary steps may be taken to nominate members of the Council of State to serve on the Committee :

' That the Honourable the President do appoint six members of this House to serve on a Committee to consider the question of residence and accommodation for members of the Indian Legislature, including the use and disposal of the Western Hostel, New Delhi, and the question of constituting a Standing House Committee to deal with all matters connected with the allotment to members of accommodation or quarters available for their residence ; and that the Council of State be asked to nominate members to serve on the Committee '."

THE HONOURABLE MR. A. C. MCWATTERS (Industries and Labour Secretary) : Sir, with reference to the message which has just been read out, I should like to say, for the information of the House, that I propose, with your permission, to move a motion in this House in due course dealing with the same subject so as to ensure representation of this House on any Committee that may be formed.

STATEMENT OF BUSINESS.

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH (Leader of the House) : Sir, I have to announce a departure from the arrangements contemplated in the statement which I made on Monday last. Honourable Members will have observed from the List of Business for to-morrow that the two Tariff Bills relating to cotton have not been included therein as previously proposed. The reason for the omission is that it has become necessary for the Council, subject to your approval, to sit on Saturday next, which is the earliest day when we can hope to be in a position to have the Criminal Law Amendment Bill laid on the table. Government are anxious to secure the passage of that Bill into law during the current Session and, if, as we anticipate, the Bill is passed by the Assembly on Friday and laid here on Saturday, it can be proceeded with on Tuesday, the 20th September, which is the date on which the Session is designed to close. In these circumstances, the fairly lengthy list of business proposed for Thursday has been distributed between that day and Saturday, the two Cotton Tariff Bills being reserved for Saturday.

THE HONOURABLE THE PRESIDENT : There will, as suggested by the Honourable the Leader of the House, be a meeting of the Council on Saturday. I hope, however, that it will be possible to finish the business by lunch time. The Council will now adjourn till to-morrow at 11 A.M.

The Council then adjourned till Eleven of the Clock on Thursday, the 15th September, 1927.