

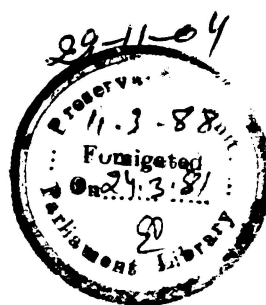
Monday, 23rd February, 1931

THE
COUNCIL OF STATE DEBATES

VOLUME I, 1931

(10th February to 2nd April, 1931)

FIRST SESSION
OF THE
THIRD COUNCIL OF STATE, 1931



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COUNCIL OF STATE.

Monday, 23rd February, 1931.

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

MEMBERS SWORN :

The Honourable Khan Bahadur Nawab Sir Muhammad Muzammil-ullah Khan, K.C.I.E., O.B.E. (United Provinces : Nominated Non-Official).

The Honourable Major-General John Wallace Dick Megaw, C.I.E., M.B. & K.H.P., I.M.S. (Director-General, Indian Medical Service).

QUESTION AND ANSWER.

TOTAL EXPENDITURE ON THE CONSTRUCTION OF NEW DELHI, ETC.

57. THE HONOURABLE MR. SATYENDRA CHANDRA GHOSE MOULIK : Will Government be pleased to state :

- (1) the total amount spent up to date in building and laying out the several public buildings and roads in New Delhi including the Viceroy's House, and its gardens ;
- (2) the total amount paid to Sir Edwin Lutyens, one of the consulting architects, in connexion with the above ;
- (3) the total amount paid to Sir Herbert Baker, the other consulting architect ;
- (4) the amount spent in building the War Memorial Arch ?

THE HONOURABLE SIR JOSEPH BHOORE : (1) The total amount spent up to the end of December, 1930 on the construction of New Delhi including buildings, roads and services is Rs. 14,50,00,000 (fourteen and a half crores of rupees).

(2) and (3). The total amount paid to the joint account of Sir Edwin Lutyens and Sir Herbert Baker up to December, 1930 is Rs. 39½ lakhs.

(4) Rupees six lakhs.

RESOLUTION *RE* SEQUESTRATION OF THE PROPERTIES OF PASSIVE RESISTERS.

THE HONOURABLE MR. K. V. RANGASWAMY AYYANGAR (Madras : Non-Muhammadan) : Sir, when I tabled this Resolution,* nobody ever thought that direct negotiations would be carried on between Mahatma

* "This Council recommends to the Governor General in Council to direct the paying up in full of damages in cases where the properties of passive resisters have been sequestered before the promulgation of Ordinance IX of 1930 empowering Government to occupy the premises of Congress offices and detain their properties."

[Mr. K. V. Rangaswamy Ayyangar.]

Gandhi and His Excellency Lord Irwin. Now, Sir, nobody wants the adventitious aid of our Council passing this Resolution. Now that there is direct talk on all subjects, my modest Resolution is below the mark. I therefore beg to withdraw this Resolution of mine.

RESOLUTION RE AMALGAMATION OF CERTAIN DISTRICTS OF THE UNITED PROVINCES AND BENGAL WITH THE PROVINCE OF BIHAR.

THE HONOURABLE MR. ABU ABDULLAH SAIYID HUSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, I wish to move the following Resolution :

"That this Council recommends to the Governor General in Council to appoint a Boundaries Commission to consider the question of an amalgamation of the permanently-settled districts of the United Provinces and the districts of Bengal on the border of Bihar with the province of Bihar."

In moving this Resolution I wish to quote an authority which is very much respected by the House as well as by the Government :

"The existing provincial boundaries in more than one case embrace areas and peoples of no natural affinity, and sometimes separate those who might under a different scheme be more naturally united. There is a considerable body of opinion in India which calls for some readjustment of boundaries and redistribution of areas, and we entirely share the views of those who think that the present arrangement is not altogether satisfactory."

That is the considered opinion of the Simon Commission, and as such I hope it will receive the due weight that it deserves. The question of Bihar is rather a peculiar one. Being actuated by the equity and justice of the demands of the Oriyas for a separation, they, like improvident people, did not think of their own position. We consented to the separation of Orissa without imposing any conditions preliminary to its separation. We were so backward and improvident that we did not make any representation before the Simon Commission or the Government of India that we should have some slice from the other fat provinces. The province of Bihar has got about 21 districts out of which six are to be taken away and we will have only 15 districts remaining. More than a fifth of our area and about the same fraction in population will go out of us. At the present moment Bihar has got the unique distinction of having the lowest income per person of any province in India. Our income is about Rs. 1-8-0 per head of the population. If you take a large slice out of Bihar, I do not think it will be possible to run the Government. There are certain expenses at the centre which cannot be reduced with the reduction in the size of the province. The expenses of the Governor, the expenses of the Council, the expenses of the Secretariat, of the High Court and of the University—all these are quite irrespective of the size of the province. They will have to go on in the same way as in former times. On our one side we have got the United Provinces with its 48 districts against our 15. The whole of the United Provinces is not permanently settled. Only three or four districts on the border of Bihar are permanently settled. It is to unify the conditions of those districts that I wish to draw the attention of the House and of the Government that these might be amalgamated with Bihar. I do not wish to bind Government to any definite line of action. My only point in bringing forward this Resolution is to draw the attention of the Government to the case of Bihar so that its case may not go by default. Well, in looking towards Bengal I am rather afraid, because it is the province of the Leader of the House and I am afraid some stringent tests will be applied against it.

But my poaching, as I may call it, is very slight. I wish to annex not even whole districts but only sub-divisions and thanas which are on the border of Bihar and which are coal-producing. About four-fifths of the coal is produced in the province of Bihar and one-fifth in the adjacent Bengal districts. The conditions in those tracts are exactly similar to those prevailing in the Bihar coalfields and it is those tracts which I wish to attach to our province. That is why I did not ask for an indefinite slice. I simply desire to leave it to the Boundaries Commission to inquire into the matter to find out if there are any Bengal districts having an affinity with Bihar, and if so to attach them to Bihar. My wish is to make the position of Bihar easier, for we were improvident enough not to demand an enormous amount in exchange for the dismemberment of one of our members. For that reason I wish to bring this matter to the notice of Government so that in whatever way they think proper they may adjust this glaring injustice.

With these words, Sir, I move the Resolution.

THE HONOURABLE SIR BROJENDRA MITTER (Law Member): Sir, I congratulate the Honourable Member on the temperate spirit in which he has moved his Resolution and which was not unaccompanied by a certain amount of modesty. Sir, one can appreciate the provincial patriotism which prompts a Member from one province to desire that a slice should be taken from this province and another slice from that province to be added on to his own province. One can appreciate that. But there are certain difficulties as there are certain definite principles on which we have to proceed. Without entering into the merits of the particular claim made by the Honourable Member, I shall take a few minutes of the time of the House in enunciating what those principles are which must guide our action. Sir, it is not denied that re-adjustment of boundaries is sometimes necessary, and indeed it was for meeting such a necessity that a section was incorporated in the Government of India Act. Under section 80 of the Government of India Act the Governor General in Council may alter the boundaries of provinces. Now Sir, what is the principle upon which the Government of India may take action? I shall refer Honourable Members to the Report of the Joint Select Committee of Parliament which considered the Government of India Bill. They reported as follows:

“They do not think that any change in the boundaries of a province should be made without due consideration of the views of the Legislative Council of the province.”

The Government of India attach great importance to the conditions implied in this. They are, first, that there must be a genuine and forcible public opinion in favour of a particular change, and, secondly, that that expression of opinion in favour of a change must be in the local Legislative Council. Sir, in the present instance there are three Legislative Councils involved, the Legislative Council of Bihar, and the Legislative Councils of Bengal and of the United Provinces. Now, up to date we have no evidence whatsoever either that the Legislative Council of Bihar wants these slices from neighbouring provinces or that the Legislative Councils of Bengal and of the United Provinces are willing to surrender any portion of their respective provinces. Therefore, one of the conditions precedent to the Government taking action, namely, the expression of strong local opinion, is wanting in this case. That, Sir, is the first objection to my acceptance of the Resolution.

The second ground to which I draw the attention of the House is based upon the observations of the Statutory Commission on this subject. The Statutory Commission in dealing with provincial redistribution indicated

[Sir Brojendra Mitter.]

the tests which should be applied. They discussed racial tests, linguistic tests, ethnological and various other tests, and they summed up in this way :

“ Most important of all perhaps, for practical purposes, is the largest possible measure of general agreement on the changes proposed, both on the side of the area that is gaining and on the side of the area that is losing territory.”

If we apply that test to the present case, there is a total absence of any agreement on the part of Bihar, Bengal and the United Provinces. So, judged by that test, the Resolution ought to fail. It is premature. I am not going into the merits, but in the absence of such an agreement this House ought not to accept the Resolution. That is my submission. Sir, there is yet a third point to which I wish to draw the attention of the House. The Government of India, when they sent their despatch on the constitutional reforms, considered the question of provincial boundaries very carefully, and the conclusion to which they came is to be found in the despatch of the Government of India at page 17. After discussing the matter the Government said :

“ Other possible re-adjustments.....”

They are excluding the cases of Sind and Orissa. They said :

“ Other possible re-adjustments of provincial boundaries should in our view stand over until opinion has more clearly expressed itself. It would be for the new administrations themselves to take up such cases as they arise.”

Sir, the important and insistent cases are those of Sind and Orissa, and everybody recognises that these two matters should be taken up immediately. As regards other re-adjustments they are not insistent, public opinion has not crystallised on such other re-adjustments and there is absence of agreement. Having regard to all these circumstances I submit that this Resolution is premature, although it may be justified by provincial patriotism. I hope after this explanation the Honourable Mover will not press his Resolution to a vote.

THE HONOURABLE MR. BIJOY KUMAR BASU (Bengal : Nominated Non-Official) : Sir, I plead guilty to the charge laid by the Honourable the Law Member at the door of the Honourable Mover, that is provincial patriotism. I would never have thought of intervening in this debate unless I found that in the last sentence of the Resolution the Honourable Mover wanted some districts from Bengal on the border of Bihar to be amalgamated with the province of Bihar. Sir, as the Honourable the Law Member said, there are certain basic principles on which these re-adjustments are made. He mentioned linguistic and racial or ethnological bases which do not exist in this case. There could have been some justification for this Resolution moved by my Honourable friend even if there were some geographical bases to make this distribution. We have never heard yet of redistribution of provinces on the basis of land tenure. Supposing land tenure in Bengal corresponded with the land tenure of, say, Bombay or the Malabar Coast, would it be seriously suggested that portions of the Malabar Coast or Bombay should be tacked on to Bengal ? There never had been, so far as I can see, any basis of land tenure taken to make any redistribution of the provinces. Then, Sir, there is another matter which my friend the Honourable Mover admitted, namely, that Bihar was a backward province, and that Bihar was an impoverished province. Is it likely that the inhabitants of more flourishing provinces like the United Provinces or Bengal would ever agree to go and attach themselves to an impoverished and backward province of their own accord ? If, on the other hand, Sir, a plebiscite is taken, say, in the district of Bhagalpur, where there

are a large number of Bengalees, most of them domiciled Bengalees—if a plebiscite is taken I am almost sure that the cent. per cent. Bengalee opinion will be that they will prefer to come back to Bengal. They do not want to be there. Moreover, Sir, I say this without fear of contradiction that there is a growing anti-Bengalee feeling in the province of Bihar which certainly the Bengalees resent; and now to attempt to take away a further slice of Bengal and to attach it to Bihar is to say the least, Sir, an injustice which I do not think this House will allow to be perpetrated.

Talking about the poverty of Bihar, if I may point out, Sir, it is of their own seeking. Look at the mineral wealth that that province possesses. All the minerals and mineral industries are exploited, if I may say so, by outsiders. Why cannot the people of the province get together and work these mineral industries? Even if they cannot do so, Sir, they can certainly in the provincial Legislature get a Bill to tax these mineral industries, mining industries, against those people, those outsiders, who have no registered office in the province. Then again, Sir, it is a matter of common knowledge that Bihar possesses a large number of very wealthy zemindars. If they are patriotic enough, as my friend the Honourable Mover is, if they would submit their agricultural income to be taxed for the purposes of income-tax, I am almost sure that my Honourable friend would not have to look either to the United Provinces or to Bengal for financial assistance to his province. Then, there is another matter which my Honourable friend the Mover had mentioned, that is, about the coalfields. On his own admission, he says that his province has got four-fifths of the whole number of coalfields. We, poor fellows, have only one-fifth and he wants to deprive us of that. Next time most likely he will bring in another Resolution by which some portions of the jute-growing districts or perhaps the whole of the jute-growing districts might go on to Bihar; otherwise it will be an impoverished province again!! They want to be the most flourishing province of the whole of India. By all means let them be. If they have the right to do so and the energy to do so, I do not grudge it. Let them be the richest province in the land. Nobody will be more pleased than I shall be if Bihar becomes one of the richest provinces. But then, Sir, why punish the other provinces to make Bihar richer?

THE HONOURABLE NAWAB SIR MUHAMMAD MUZAMMIL-ULLAH KHAN (United Provinces: Nominated Non-Official): Sir, while humbly associating myself with the Honourable Member on my right, I will submit only a word here and say that we the people of the United Provinces consider our Bihar brethren as our friends and so I say, Sir, "Save us from our friends!"

THE HONOURABLE RAJA SIR RAMPAL SINGH (United Provinces Central: Non-Muhammadan): Sir, the question raised by my Honourable friend has been fully dealt with by the Honourable the Leader and the representative of the province of Bengal and it is not for me to go into details. But, Sir, I must oppose the Resolution on the ground that no such demand has been made from the districts mentioned in his Resolution. If those districts of the United Provinces are going to be amalgamated with the province of Bihar according to his reasons, it will be better for the Bihar province to come and join the United Provinces, instead of a portion of the United Provinces joining the Bihar province. We will be very glad to give that province some relief and thereby they may make their position better. I oppose the Resolution, Sir. Especially in these days of great economic depression, it is not proper that a province should remain only with 15 districts but it should be a bigger province, so that the expenses of the Government might be curtailed.

THE HONOURABLE MR. ABU ABDULLAH SAIYID HUSSAIN IMAM :
 Sir, in rising to reply to the debate, I must say that the Honourable the Law Member has dealt very lightly with it ; I was expecting more stringent criticisms, but that has been made up by the ex-Mayor of Calcutta. The difficulties of the Government, as pointed out by the Honourable the Leader of the House, are quite evident and those have to be overcome. Therefore, I am not going to press this Resolution, but I wish simply to say a few words in reply to the points that have been brought out in the debate. As regards the Government's points, I am not going to deal with them, because there are evidently insurmountable difficulties in the present circumstances and I think, if we can bring force behind our demand and have sanction, we will, as usual with the Government, carry more weight. There is an inscription on the Secretariat buildings—that liberty is not to be given : it is to be worked for. As regards my Honourable friend from Bengal, the nominated Member, I should like to say that he has suggested a very good way of making up our deficit, that we should tax our provincial produce. If we tax coal, I think we could make the whole of India stand still and all the industries of India would be at a stand-still. Because Bihar does not in any way wish to bring trouble to India, it is being sacrificed. It is not justice that has got any weight with the House or the Government ; it is always the sanction behind the demand that carries weight. As regards the coal trade, well, Bengal has got the monopoly of the jute trade not only in India but practically in the world. With the exception of Dundee and other places in Scotland where there are jute factories, you control the jute production of the whole world. And still you are not content—you want a slice of coal as well. The Honourable Member referred to the question of Bengalees who are still living in Bihar, and said that they would like to be tacked on to Bengal. I may say for the information of the ex-Mayor of Calcutta that in the city of Calcutta itself there are more people from my district of Gaya living than people of any other district. Within a few days you will find in the report of the Census that the language spoken in the parts that I was referring to is not Bengalee but Biharee, Hindi or Urdu ; Biharee is the language that is spoken in the coalfields. There are many arguments that could be urged in favour of my Resolution, but I did not want to bring them all because I knew that there would be difficulties in the way of the Government. I therefore confined myself to the question of size in justification of my claims. I find, Sir, that justice cannot be done to my province merely on account of the fact that there are legal difficulties in the way.

With these words, I wish to withdraw the Resolution.

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

STATEMENT OF BUSINESS.

THE HONOURABLE SIR BROJENDRA MITTER (Leader of the House) :
 Sir, in addition to the Government business already announced by me for Thursday, the 26th February, I have to announce that motions will be made on that date for the consideration and passing of the Bill to provide for the fostering and development of the gold thread industry in British India and the Bill to provide for the modification of certain import duties relating to the fostering and development of the steel industry in India. These Bills were laid on the table of the Council on Saturday last.

The Council then adjourned till Eleven of the Clock on Tuesday, the 24th February, 1931.