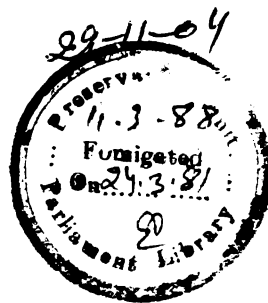


THE
COUNCIL OF STATE DEBATES

VOLUME I, 1931

(10th February to 2nd April, 1931)

FIRST SESSION
OF THE
HIND COUNCIL OF STATE, 1931



CALCUTTA : GOVERNMENT OF INDIA
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COUNCIL OF STATE.

Monday, 9th March, 1931.

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

QUESTIONS AND ANSWERS.

THE CAPITAL AT CHARGE (RAILWAYS) ON THE 31ST MARCH, 1917, ETC.

88. THE HONOURABLE MR. ABU ABDULLAH SAIYID HUSSAIN IMAM : Will Government please state :

- (a) the capital at charge (Railways) on the 31st March, 1917 ;
- (b) the annual capital expenses of the Railways met by loans between 1917 and 1930 ;
- (c) the amounts of loans with date of issue and the issue price and the rate of interest thereon, between 1917 and 1930 ;
- (d) the annual accounts of interest not realised by Government from the Railway Department from 1917 to 1918 on account of wrong calculation referred to in paragraph 12 of the Explanatory Memorandum of the Railway Budget ?

THE HONOURABLE MR. J. A. WOODHEAD : (a) and (b). The information is contained in the Finance and Revenue Accounts of the Government of India, copies of which are in the Library.

(c) The list is a long one, but I can show it to the Honourable Member, if he wishes.

(d) This involves laborious calculations and I do not think any useful purpose will be served by making these calculations now.

NUMBER AND PERCENTAGE OF MOSLEMS EMPLOYED IN CERTAIN DEPARTMENTS OF THE GOVERNMENT OF INDIA SECRETARIAT.

89. THE HONOURABLE MR. SYED ABDUL HAFEEZ : Will Government be pleased to state :

- (a) the number and percentage of permanent Moslem Assistants in the Home, Industries and Labour, Commerce, Education, Health and Lands, Foreign and Political, Legislative and Legislative Assembly Departments of the Imperial Secretariat on the 31st of March of each year for the last ten years ;

- (b) the number of permanent Moslem clerks in the Home, Foreign and Political, Education, Health and Lands, Commerce, Industries and Labour and Legislative Assembly Departments on the 31st of March of each year for the last ten years ;
- (c) the number of Moslems holding Upper Time Scale posts in the Home, Industries and Labour, Commerce, Education, Health and Lands, Foreign and Political, Legislative and Legislative Assembly Departments on the 31st of March of each year for the last ten years ?

THE HONOURABLE MR. H. W. EMERSON : (a) and (b). Annual statements from the year 1925, showing the communal composition of the clerical staff as on the 31st December of each year, will be found in the Library. For the Honourable Member's convenience, I lay on the table a statement compiled from these in respect of Departments for which he seeks information, showing the figures of 1911 and for each year from 1925 to 1929. I have not got figures between 1911 and 1925 nor have I figures collected up to the 31st March of each year ; but the statement laid on the table will possibly serve the Honourable Member's purpose.

(c) These figures are not available and their collection would involve a disproportionate amount of labour.

Statement showing the number and percentage of Muslims in the clerical staff of the Departments and for the years mentioned below.

Name of Department.	1911.			1925.			1926.			1927.			1928.			1929.		
	Total strength.	No. of Muslims.	Percentage of Muslims.	Total strength.	No. of Muslims.	Percentage of Muslims.	Total strength.	No. of Muslims.	Percentage of Muslims.	Total strength.	No. of Muslims.	Percentage of Muslims.	Total strength.	No. of Muslims.	Percentage of Muslims.	Total strength.	No. of Muslims.	Percentage of Muslims.
Commerce . .	64	4	6.2	49	5	10.2	50	5	10	50	6	12	53	5	9	64	12	18.8
E., H. and L. .	85	6	7	90	24	26.7	90	23	25.6	85	20	23.5	86	20	23.25	86	21	24.42
F. and P. . .	93	3	3.2	124	17	13.7	127	18	14.2	128	19	14.8	136	21	15.44	135	21	15.64
Home . . .	50	2	4	73	13	18	73	14	19.2	74	17	23	74	15	20	74	15	20
I. and L.—																		
Industries Branch	*	*	*	54	9	16.6	54	9	16.6	58	11	19	59	11	18.6	59	13	22
P. W. Branch .	46	7	15	41	5	12	41	5	12	38	5	13	38	5	13	38	5	13
Leg. Assembly .	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	51	13	25.5
Legislative . .	30	10	33.3	83	15	18.1	83	15	18.1	83	15	18.1	82	13	15.9	54	6	11.11

* Did not exist.

EMPLOYMENT OF MOSLEMS AS SUPERINTENDENTS OF POST OFFICES.

90. THE HONOURABLE MR. SYED ABDUL HAFEEZ: Will Government be pleased to state :

- (1) the number and percentage of appointments of Superintendents of Post Offices appointed during the last 10 years, who were related to the superior officers of the Posts and Telegraphs Department, as against the total recruitment of Superintendents of Post Offices ;
- (2) the number and percentage of Moslem Superintendents of Post Offices year by year for the last ten years ?

THE HONOURABLE SIR JOSEPH BHOORE : (1) The number was 11 representing about 14 per cent. of the total number of appointments made to the cadre of Superintendents of Post Offices and R. M. S.

- (2) I lay on the table a statement giving the required information.

STATEMENT.

In 1921 the number was 32, percentage 17.68.

In 1922 the number was 34, percentage 18.78.

In 1923 the number was 32, percentage 17.68,

In 1924 the number was 34, percentage 18.78.

In 1925 the number was 34, percentage 18.78;

In 1926 the number was 32, percentage 17.68.

In 1927 the number was 32, percentage 17.68.

In 1928 the number was 31, percentage 17.22,

In 1929 the number was 30, percentage 16.66.

In 1930 the number was 32, percentage 17.77,

QUANTITY OF JUTE PRODUCED IN BENGAL AND REVENUE DERIVED FROM THE EXPORT DUTY ON JUTE.

91. THE HONOURABLE MR. SYED ABDUL HAFEEZ: Will Government kindly state :

- (a) the quantity of jute produced in Bengal year by year during the last 10 years ;
- (b) the amount of customs revenue derived from the levy of export duty on its export year by year during the last 10 years ;
- (c) the amount, if any, of this revenue spent in Bengal specially for the improvement of the quality and quantity of jute and improved method of marketing ?

THE HONOURABLE SIR FRANK NOYCE : (a) and (b). I place on the table two statements which give the information for which the Honourable Member has asked.

(c) The proceeds of the duty are credited in their entirety to the general revenues of the Central Government.

Statement showing quantity of jute produced in Bengal during the ten years 1921 to 1930. (The figures include those for Cooch Behar from 1921 and for Tripura State from 1925.

										Bales of 400 lbs. each.
1921	.	.	.	.	.	.	.	.	.	3,606,000
1922	.	.	.	.	.	.	.	.	.	4,798,000
1923	.	.	.	.	.	.	.	.	.	7,534,000
1924	.	.	.	.	.	.	.	.	.	7,240,000
1925	.	.	.	.	.	.	.	.	.	8,021,000
1926	.	.	.	.	.	.	.	.	.	10,769,000
1927	.	.	.	.	.	.	.	.	.	9,055,000
1928	.	.	.	.	.	.	.	.	.	8,589,000
1929	.	.	.	.	.	.	.	.	.	8,729,000
1930	.	.	.	.	.	.	.	.	.	9,966,000

Statement showing the amount realised from the export duty on jute during the ten years 1920-21 to 1929-30.

										Rs.
1920-21	.	.	.	.	.	.	.	.	.	3,20,53,072
1921-22	.	.	.	.	.	.	.	.	.	2,71,60,032
1922-23	.	.	.	.	.	.	.	.	.	3,28,29,793
1923-24	.	.	.	.	.	.	.	.	.	3,57,07,871
1924-25	.	.	.	.	.	.	.	.	.	3,74,97,987
1925-26	.	.	.	.	.	.	.	.	.	3,67,66,343
1926-27	.	.	.	.	.	.	.	.	.	3,94,55,232
1927-28	.	.	.	.	.	.	.	.	.	4,59,37,164
1928-29	.	.	.	.	.	.	.	.	.	4,21,43,294
1929-30	.	.	.	.	.	.	.	.	.	4,65,73,884

CONSTITUTION OF A CENTRAL JUTE COMMITTEE.

92. THE HONOURABLE MR. SYED ABDUL HAFEEZ: Do Government propose to accept and give effect to the recommendations of the Royal Commission on Agriculture and set up a Central Jute Committee representative of the various interests concerned?

THE HONOURABLE SIB FRANK NOYCE: I would refer the Honourable Member to the reply I gave on the 11th February last to part (1) of question No. 6 on this subject asked by the Honourable Babu Jagadish Chandra Banerjee.

TRADE DEPRESSION.

93. THE HONOURABLE MR. SYED ABDUL HAFEEZ: What steps do Government propose to take for emerging from the present trade depression and averting similar depression in future?

THE HONOURABLE MR. J. A. WOODHEAD : As stated by me in reply to a similar question asked by the Honourable Mr. Abu Abdullah Saiyid Hussain Imam in this House on the 11th February, 1931, the real causes of the present trade depression are unfortunately beyond the control of the Government of this country. Government do not consider that it is possible for them to take any action to prevent trade depressions arising from similar causes in the future.

NUMBER OF INDIAN EMIGRANTS TO SOUTH AMERICA.

94. THE HONOURABLE MR. SYED ABDUL HAFEEZ : Will Government please state :

- (a) the number of emigrants who have emigrated to South America from India since 1900 ;
- (b) the number of Moslem emigrants to that country since 1900 ;
- (c) the present number of Moslem settlers in those parts ; and
- (d) the steps hitherto taken by the Government towards safeguarding their rights and towards their economic and cultural amelioration ?

THE HONOURABLE SIR CHARLES WATSON : The information required is not available, but endeavours are being made to obtain it. The result of the enquiries being made by the Government of India will be communicated to the Honourable Member in due course.

SUPERINTENDENTS OF POST OFFICES.

95. THE HONOURABLE MR. SYED ABDUL HAFEEZ : (a) What was the total number of Superintendents of Post Offices in India and how many of them were Moslems on 31st of March, 1930 ?

(b) What was the total number of departmental officers in India who were eligible for this class of appointments and how many of them were Moslems on 31st of March, 1930 ?

(c) What was the total number of Probationary Superintendents in India on 31st March, 1930, and how many of them were Moslems ?

THE HONOURABLE SIR JOSEPH BHORE : (a) 178 ; 30 of them were Moslems.

(b) 33 ; 5 of them were Moslems.

(c) 15 ; 5 of them were Moslems.

ADEQUATE REPRESENTATION OF MOSLEMS IN THE POSTAL DEPARTMENT.

96. THE HONOURABLE MR. SYED ABDUL HAFEEZ : What has the Government done to help the Moslems in getting their due share of appointments in the Postal Department ?

THE HONOURABLE SIR JOSEPH BHORE : The Honourable Member is referred to the answer given by the Honourable Sir Bhupendra Nath Mitra to Mr. Anwar-ul-Azim's starred question No. 330 in the Legislative Assembly on the 30th January, 1929.

REPRESENTATION OF MOSLEMS IN THE OFFICE OF THE POSTMASTER GENERAL, PUNJAB.

97. THE HONOURABLE MR. SYED ABDUL HAFEEZ : (a) For how long has there been a Hindu Office Superintendent in the Office of the Postmaster General, Punjab ? Has he got any extensions after 55 years of age ; if so, how many and when is he going to retire ?

(b) Will Government state the number of men appointed in the clerical staff in the Punjab and North-West Frontier Circle in 1928-29 ? How many of them were Moslems and how many of other communities ?

(c) How many candidates were on the waiting list and how many of them were Moslems on the 31st of March, 1930 ?

(d) Is the Assistant Post Master General in charge of the appointment section of Postmaster General's Office, Punjab, a Hindu ?

(e) Is the Head Clerk of the Section dealing with the recruiting of the staff in the Postmaster General, Punjab's Office a Hindu ?

THE HONOURABLE SIR JOSEPH BHORE : (a) Since August, 1905. Yes, five ; he will retire on the 15th December, 1931, the date on which he attains the age of 60 years.

(b) The information in respect of the official year 1928-29 is being collected and will be supplied to the Honourable Member in due course. In the calendar year 1928, however, 435 appointments were made in the clerical cadre, of which 158 went to Muslims, while in 1929, of 252 appointments made, 88 were Muslims.

(c) The information is being obtained and will be furnished to the Honourable Member.

(d) and (e). Yes.

PUBLICATION OF THE REPORTS OF THE MILITARY REQUIREMENTS COMMITTEE AND THE COMMITTEE ON THE INDIANISATION OF THE INDIAN ARMY.

98. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD : (a) Will Government be pleased to state whether the reports of the Military Requirements Committee of 1921 and the Committee on the Indianisation of the Indian Army of 1922 have been published ?

(b) If not, will Government please place copies of these reports on the table ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (a) The report of the Indian Military Requirements Committee has never been published. The report of the committee of military officers has not been published in full, but a summary of the scheme contained in that report was laid on the table of the Legislative Assembly on the 17th of February last.

(b) Both reports were secret documents. The Military Requirements Committee, the majority of whom were Indians, strongly and unanimously recommended that in no circumstances should either their report, or the evidence of the witnesses, ever be made public. The actual wording of that resolution in the report was :

"In concluding this report, which is based on the evidence of witnesses who were given to understand that their evidence would be treated as strictly confidential, we recommend that in no circumstances should either the document itself or the evidence of the witnesses ever be made public and that the report as a whole be treated as a secret document."

Government must respect that recommendation ; but I may inform Honourable Members that the terms of reference to the Committee dealt exclusively with questions of strength and finance, and contained no mention of Indianisation in the Indian Army. The Committee, while recognizing this, made certain recommendations in respect of Indianisation, but did not prepare a scheme. The detailed scheme was prepared subsequently by the committee of military officers which Lord Rawlinson appointed for that purpose ; and it is that scheme that has now been made public.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD : Is it a fact that copies of the Reports of these Committees were made available to the Delegates to the Round Table Conference in London ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : No, only the one that I alluded to. The so-called Report of the Shea Committee was made public in the sense that a summary of it was given to the Round Table Conference. The proceedings of the Military Requirements Committee were not made public nor were they given to the Sub-Committee of the Round Table Conference.

THE ASSAM RIFLES.

99. THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTTA :
(a) How many battalions of the Assam Rifles are maintained in Assam ? For what purposes are they maintained ? Where are they stationed ? What is the annual cost of their upkeep ? Is any portion of it levied from the Government of Assam ? If so, why ?

(b) How much on the aggregate has Assam paid for their upkeep from 1921-22 to 1930-31 ?

(c) Is Government aware that the Legislative Council of Assam has all along protested against being compelled to meet the deficit for the administration of the backward tracts and to contribute to the maintenance of the Assam Rifles ?

(d) Does the Government of India intend to give financial relief to Assam as an offset against these charges ?

THE HONOURABLE MR. H. W. EMERSON : (a) There are five battalions of the Assam Rifles whose headquarters are at Aijal, Sadiya, Kohima, Imphal and Lokra respectively. They are primarily employed for the defence of the Frontier, and three battalions are located in areas for which the Central Government are responsible. The force, the responsibility for the administration of which is vested in the Local Government, is also available for internal security and has been employed for that purpose from time to time. The annual cost of its maintenance was estimated at about Rs. 20 lakhs on the average in 1924 and, in view of the primary purpose for which the force is intended, the Government of India agreed to make an annual assignment of four-fifths of the entire cost, viz., Rs. 16 lakhs.

(b) I have not got the information for 1930 but the total payment for the period 1921-1929 made by the Government of Assam is shown in the provincial Police Administration Reports as Rs. 19½ lakhs.

(c) I am aware of the view that the Legislative Council has taken in the past but it will be seen that Assam only met a small share of the total cost and for the reasons explained in reply to part (a), the objection taken to it is not justified.

(d) I am not aware of any such proposal.

MEDICAL TREATMENT OF LEPERS.

100. THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTTA : Has any law been passed to compel lepers to offer themselves for treatment? Does the Government of India consider it necessary to undertake legislation for the purpose?

THE HONOURABLE SIR FRANK NOYCE : The attention of the Honourable Member is invited to the Lepers Act of 1898, which provides for the segregation and medical treatment of pauper lepers and the control of lepers following certain callings. Government do not propose to undertake any further legislation on the subject at present.

ANNUAL REVENUE OF ASSAM.

101. THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTTA : Is Assam the poorest of the major Provinces in British India? What is the annual revenue and what province comes next and with what annual revenue?

THE HONOURABLE SIR ARTHUR McWATTERS : The Honourable Member will find the figures of provincial revenue in Account No. 8 of the Finance and Revenue Accounts. I am afraid I must leave him to draw his own conclusions from these figures as also from the figures relating to area and population which appear on page 108 of Volume I of the Report of the Indian Statutory Commission.

TOTAL AMOUNT OF SALARY CHARGES PAYABLE FROM CENTRAL REVENUES FOR THE CIVIL SERVICES.

102. THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTTA : What is the total amount of salary charges payable out of the Central Budget for the Civil Services (excluding the Railways)?

THE HONOURABLE SIR ARTHUR McWATTERS : The desired information is available in paragraph 52 of the Honourable Finance Member's Budget Speech.

RESOLUTION *RE* TREATMENT OF FIRST OFFENDERS.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI (Madras : Non-Muhammadan) : Sir, I beg to move the following Resolution :

"That this Council recommends to the Governor General in Council that legislation be undertaken as early as possible for dealing with first offenders in this country in the same way as first offenders are dealt with in England."

[Diwan Bahadur G. Narayanaswami Chetti.]

In commending the Resolution to the acceptance of the House, I should like to point out that under section 562 of the Criminal Procedure Code the appointment of probation officers is not permissible. The passing of an Act similar to the one now in vogue in England which is called the Probation of Offenders Act of 1907 is an absolute necessity to get the right sort of probation officers who would be directly responsible to the Court for the proper behaviour of the men under their charge. This system is working well in England, Italy, Switzerland and other countries. If the Probation Act is introduced and becomes law, the offenders who commit petty offences for the first time can be successfully dealt with by not sending them to prison for short terms. The Conference of the Inspectors General of Prisons of various provinces held in 1925 have unanimously recommended to the Government of India the early introduction of a Probation Act on the lines of the English Act, and they have again reaffirmed their recommendation at the Conference held at Lucknow in 1929; they feel that the introduction of an Act in all principal towns throughout India will greatly facilitate the prevention of people being sent to prison for short terms of imprisonment. The Jail Commission in paragraph 434 of its Report have also recommended strongly the introduction of a similar Act. The various Administration Reports of the Inspectors General of Prisons of the Madras Presidency have also strongly recommended such an enactment. I will just read an extract from the Administration Report for the year 1928 :

"The increase in respect of those sentenced to terms of over one month and not exceeding three months, *viz.*, from 4,986 to 5,104, is perhaps to be expected: but I cannot help thinking that a great many of these short sentence cases could have been more adequately dealt with under a Probation of Offenders Act. My optimism of last year in regard to the introduction of such an Act by the Central Legislature has not been fulfilled; and if action by the Government of India is likely to be unduly protracted, I hope the Local Government will undertake legislation, as the way is clear in this Presidency for the working of the Probation system, and the absence of such a system is definitely hindering the proper development of criminal justice."

In the Report for another year, 1927, it is also stated :

"This pleasing reduction in the number of prisoners sentenced to short periods of imprisonment is probably due to the action of Government in drawing the attention of the magistracy to the futility of short sentences, and also, no doubt, to a more extensive use being made of section 562, Criminal Procedure Code. Experience, however, goes to show that even the revised section 562, Criminal Procedure Code, is still too limited in its scope, and that its working has therefore not come up to expectations. The reason is not far to seek; it is that there is no organised probation system to permit of offenders dealt with under this section being properly supervised and controlled. Until such a probation system is called into being short sentences will continue to be passed, as magistrates will hesitate to deal freely with first offenders under section 562, recognising its limitations. I feel, however, that our goal is within sight and that a Probation of Offenders Bill will shortly be introduced by the Central Legislature, which will automatically bring the short sentence evil to an end. The Government of India are now considering the question, and the overwhelming evidence in favour of the probation system is bound to outweigh all other considerations."

Sir, the Government of Madras in reviewing the Report of the Administration of Jails in the Madras Presidency for 1925 pointed out that the magistracy should see that persons are not sent to jails for short terms which does them no good from the reformatory point of view and sometimes does more harm than good. The Government must take into their hands the introduction of this legislative measure so that the Government and the public may come to a satisfactory decision on the question of the prevention of short

term imprisonment. The criminal law no doubt leaves the magistracy an option in the matter of exercising the provisions of section 562 of the Criminal Procedure Code, but it is very often that, wherever satisfactory sureties are lacking, the offender is sent to jail for short periods. If a Probation Act is introduced, the magistracy will have a free hand to hand over the offender to a Probation Officer who will see that the young delinquent behaves better and that if he misbehaves he is called upon to receive the sentence on his report for the original offence for which he is charged. This is all what is wanted. If the Legislature is pleased to pass a measure of this sort, the tax-payer will be benefited to the extent of not feeding these people even for a short term, and in the long run it will be a saving to the Government also. The social stigma attaching to a prisoner who goes to prison for a short term will also be removed. Anyone who has had any association with jails will realise the futility of sending young men and women to prisons for short terms, and it is a great responsibility for any magistrate to send a young delinquent to prison for the first time. These young persons who are sent to jails mix with grown up prisoners and are initiated into the ways of the more expert criminals with whom they come into contact. In England the Probation Act came into force in 1907 and in 20 years, that is, up to 1927, the provisions of the Act were expanded from 8,000 to 80,000 cases a year—a ten-fold increase in 20 years, and approximately one-half of the cases brought before the courts were benefited by the provisions of the Act; only about 7 per cent. of the persons who received its mercies appeared later for judgment, and in one district of 50 cases put on probation only one lapsed. As we never know what evil consequences may follow by sending a boy to jail for the first time, it is hoped that the fullest advantage of this Act would be taken into consideration when the Legislature enacts this measure. The success or otherwise of the working of the Probation Act will depend on the choice of Probation Officers; care must be taken to select men and women of good education who understand young children and who take an active sympathy in their interests. There must naturally be paid officers, and it is essential that the salary offered is such as to attract men and women of the right sort. As juvenile crime has comparatively little to do with any special depravity on the part of the offender and very much to do with parental neglect and bad example, prison is the last form of treatment. Every young offender before being brought to court should have been in the hands of a Probation Officer who will have investigated the antecedents and have tried to discover the cause of the delinquency. Having found everything possible, the child should then be brought before the court and dealt with. It is the individual who should be considered, and not the crime. We are too ready to treat the child as a wrong doer who must be punished.

In America the view is different; there the purpose of the court proceedings is not punishment but correction of conditions, care and protection of the child, and a prevention if possible of the recurrence. The court definitely recognises that the child is before it as a result of conditions not of 'its own making and that the child has a chance to be saved to the State and not punished by it. Punishment can be curative but it must be just, and to punish children whose offences are brought about by adverse social, physical and mental conditions is both useless and unjust; so with young offenders probation must be tried first of all. Therefore I earnestly appeal to Government to accept this my Resolution and take early action in the direction of introducing an all-India Probation Act for first offenders.

Sir, I move.

THE HONOURABLE MR. H. W. EMERSON (Home Secretary): Sir, the object of the Honourable Member is to draw the attention of Government through this House to the importance of early legislation in India on the lines of the English Act, 1907, and of the subsequent English Act of 1914. It not infrequently happens that those who advocate measures of social reform are more concerned with precept than with practice, and are content to leave to others the hard work of applying the measures in particular cases. The Honourable Mover of this Resolution is not among that class. He has been an enthusiastic and practical worker for a number of years and his services in the cause of prison reform have merited and have received the thanks of the Madras Government on many occasions. It is, in fact, due to the efforts of public-spirited gentlemen like himself that the province of Madras leads the way in the matter of jail administration. It is therefore only proper that when the Honourable Member makes to Government a recommendation of this nature that Government should sympathetically view it. In fact, so far as the principle of the Resolution is concerned, the Honourable Member is preaching to the converted. The Government of India are in no doubt, and have been in no doubt for some time, of the desirability of legislation to deal with questions of the probation of first offenders and also of juvenile offenders. They must however recognise—and I have no doubt the Honourable Member himself recognises—that conditions vary greatly in different provinces and for this reason the method followed by Government in the past has been to proceed by way of provincial experiment. Thus, for instance, Acts for the protection of children have been passed in Bengal, in Bombay and in the Honourable Member's own province. At the same time, Government appreciate the desirability of an all-India Act relating to the probation of offenders. The preliminary work to this end is almost complete. Local Governments were consulted some time ago. Their replies have been received and have been carefully examined. Mr. Gwynne, the Joint Secretary in the Home Department, who is in charge of this subject and who is himself a practical enthusiast in the cause of jail reform, has written a most valuable and comprehensive note on the subject, and I think I can say that the principle of an all-India Act has practically been accepted. There are several reasons why it has not yet been introduced. During the past year Government have been busy with other pre-occupations; but we may now hope with some confidence that some at least of those pre-occupations are matters of the past. While, therefore, I can give no definite assurance that a Bill will be introduced in the next Session of the Legislature I can give an assurance that it will be introduced as soon as circumstances will allow, and I hope the Honourable Member will be content with that promise.

In regard to the nature of the legislation, the Honourable Member will realise that it is not practicable to impose obligations on Local Governments which they may not for one reason or another be able forthwith to implement. The legislation must therefore be of an enabling character, so that while the provisions will allow of a uniform method of treating this very important problem throughout India, the time of its introduction in various provinces must be left to the decision of Provincial Governments. In this connection it is hardly necessary to remind the House that the value, and indeed the practicability, of a measure of social reform of this character depends far less on what Government may do than on what private associations and private individuals are willing and are able to do. The great success of the Probation Act in England has been due to the voluntary work of societies and of private persons. Work of the same character has begun in India, and in Madras the Honourable Member himself and others have associated themselves

with such work. In several other provinces too a start has been made. But there is as yet nothing which can compare with what private effort is doing in England, and with the best of goodwill, Government cannot, merely by introducing legislation, help the cause forward unless it gets the active support of various societies and workers. In drawing public attention to this matter in this House, the Honourable Member has made a further contribution to the excellent work he is doing, for I feel confident that the more the attention of the public is directed towards this subject, the greater will be the chance of legislation, when it is passed, proving a success.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTY : Sir, in view of the statements made by the Honourable Mr. Emerson I do not want to press this Resolution. I am glad the Government of India are taking a great deal of interest in this matter. Though circumstances did not permit them to bring this legislation now, I hope before at least the end of this year, or at least during the next year, this Bill may be introduced ; it will give me the greatest satisfaction. In this connection I may also say that I am glad of the great interest taken by the Honourable Mr. Emerson and Mr. Gwynne in this subject. Mr. Gwynne, as has been rightly said, has taken a personal interest in this question, and I hope that before Mr. Gwynne leaves the Home Department this Bill will be introduced, and that Mr. Emerson will be able to do so in the next Session.

Sir, with your permission, I ask the leave of the House to withdraw the Resolution.

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

RESOLUTIONS *RE* ROUND TABLE CONFERENCE.

THE HONOURABLE THE PRESIDENT : Before I call on the Honourable Mover of the next Resolution I will invite his attention to the fact, of which he is no doubt already aware, that time has been allotted to-morrow for a comprehensive Resolution and a comprehensive debate on the subject of the Round Table Conference. Therefore, in order that that debate should not be prevented, I shall have to confine the Honourable Member strictly to the two points to which he refers in his Resolution, that is to say, the locality for the next session of the Round Table Conference and the co-option of a certain number of additional members. At the same time, I would ask him whether it is worth while to bring the matter up to-day when he will have an opportunity to-morrow of saying all that he could say to-day and a great deal more.

THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH : (Bihar and Orissa : Non-Muhammadian) : I will withdraw my Resolution,* Sir.

THE HONOURABLE MR. ABU ABDULLAH SAIYID HUSSAIN IMAM : Bihar and Orissa : Muhammadian) : In view of the debate that is to take place to-morrow, I wish to withdraw my Resolution† also.

*“ That this Council recommends the Governor General in Council to recommend to His Majesty's Government :

(a) to hold the next session of the Round Table Conference at New Delhi ;

(b) to co-opt twelve more members to the said Round Table Conference .”

†“ This Council recommends to the Governor General in Council to submit the report of the Round Table Conference to the House for discussion. ”

RESOLUTION *RE* PREVENTION OF THE ADULTERATION OF GHEE.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I rise to move the Resolution which reads as follows :

" That this Council recommends the Governor General in Council to take steps with a view to preventing the cheating of the public by the adulteration of ghee and, in order to secure uniformity of practice throughout British India, to impose a statutory penalty on the sale as ghee of ghee adulterated with *vanaspati* or any other substance whatsoever."

I venture, Sir, to move this Resolution and bring the matter of *vanaspati* ghee before this Honourable House again. In the year 1926, on the 3rd March, I moved a Resolution in this Honourable House as regards the imposition of a heavy duty on the imports of *vanaspati* ghee. I then explained at length the reasons which led me to move the Resolution. In 1928, on the 8th February, I again moved a Resolution in which I asked the Government to prohibit the imports of *vanaspati* totally into India unless that was given a permanent artificial colouring which was not injurious to health. This Resolution was adopted by the House. The Government of the Punjab supported my proposal and the Ministry controlling the subject of Health addressed the Government of India pressing upon them the proposal. I find, Sir, from the various reports, that the various institutions and Governments whom the Government of India consulted were of opinion that my proposal was a sound one and ought to be adopted. There were of course naturally a few differences of opinion and these emanated particularly from those who had personal or business interests in this commodity. It was in 1917 that this commodity was first introduced into India. In 1914, Sir, the price which the Government of India paid for ghee for the use of its troops was 7 annas per lb. and the bazaar rate of ghee was Rs. 40 to 42 per maund. The Government demand then was about 28,000 maunds a year. Then, Sir, when later on the free rationing to the Indian Army started the Government demand for ghee rose to a higher figure, and in 1916, owing to the war, the Government demand for ghee was as big as 9 lakhs of maunds. Then, Sir, India was unable to meet that demand, and as far as my information goes, 5 lakhs of maunds were supplied by India and the remaining balance of 4 lakhs of maunds were found by Egypt, Mesopotamia and other countries. In 1916, Sir, the price of ghee rose to Rs. 64 a maund, and this rise in price led the people to go on with adulteration on a very large scale. In 1917, the demand of Government for ghee fell to 3½ lakhs of maunds. In 1919, the price of ghee again rose to Rs. 90 a maund and in 1920 to Rs. 105 a maund. Now, Sir, this year the price of ghee touched Rs. 40 to 45 a maund but it is now again Rs. 52 a maund.....

THE HONOURABLE THE PRESIDENT : I hope the Honourable Member will shortly show the relevance of this discussion on the price of ghee and the demand for ghee on the subject of the adulteration of ghee.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Sir, I am putting these figures forward only to strengthen my argument that when the price of ghee falls, the import of and demand for *vanaspati* also falls. Sir, when I am going to strengthen my arguments by giving the rates, I think I am in order. The Government demand now is about 2,500 tons a year. Because the price of the ghee has fallen, the price of the vegetable compound has also fallen which is now Rs. 27 to Rs. 32 per maund as against Rs. 35 to Rs. 40 a maund which used to be the rate when ghee was at the highest rate. In the year 1927-28 the import of vegetable products into India was.....

THE HONOURABLE THE PRESIDENT: I am afraid the Honourable Member has not convinced me. I must ask him to come to the subject of adulteration.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Very well, Sir. I bow to your orders and I will not go into the figures and will deal purely with the matter of adulteration. The Punjab Government introduced a Bill further to stop adulteration and that Bill was carried in the Punjab Council in the year 1929. Various other Provincial Governments have also got Food and Drugs Acts in force and so have various corporations. But, Sir, notwithstanding all that, this adulteration is going on on a very large scale. The Honourable Major-General Symons in speaking on my last Resolution said that this vegetable compound was not poisonous and its admixture with ghee was not detrimental to health. As regards this Resolution of mine I do not want to go into the merits or demerits of this *vanaspati*. I simply want to say that some statutory provision ought to be made whereby this adulteration on this large scale may be put a stop to. The people are being cheated because adulterated ghee is being sold as pure ghee. I simply want the support of the Government in preventing this fraud, and I think, Sir, that in regard to this matter public opinion has expressed itself very strongly in favour of a stoppage of this wholesale adulteration. An argument was advanced some time back and has been repeated from time to time that even before this *vanaspati* or vegetable compound appeared on the scene in India, ghee was already adulterated with other things. That is true, Sir, but the adulteration then was not on the large scale on which it is practised now. That adulteration also was easily distinguishable by the eye or the nose or by taste. But this stuff has no taste and no smell and it is very difficult to distinguish it from pure ghee.

THE HONOURABLE SIR MANECKJI DADABHOY: How will the prosecution be successful then?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Well, my friend Sir Maneckji wants me to answer a question which I must leave to the Government. I want a statutory provision made and then I leave it to the executive to act and to see that the object of that provision is carried out. It is not my function to carry out the provision; that is the function of Government.

Sir, one more point which I wish to put forward is this, and I put it forward as a proposal for Government to consider. I leave it entirely to Government to find the means for preventing this fraud which they may consider suitable. But, Sir, I will recite section 272 of the Indian Penal Code and suggest wherein it will be possible for Government to amend it. Section 272 reads as follows:

"Whoever adulterates any article of food or drink so as to make such article noxious as food or drink, intending to sell such article as food or drink, or knowing it to be likely that the same will be sold as food or drink, shall be punishable with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both."

In the commentary on this section I find that the word "noxious" means injurious to health, that is, paddy soaked in dirty water, or toddy in which germs have germinated or bread mixed with alum. It is not an offence to sell inferior food cheap or to sell the mixture as food or knowing it to be likely that it will be sold as such does not constitute an offence under this section.

[Rai Bahadur Lala Ram Saran Das.]

It is true that the mixing of pig's fat with ghee and selling the mixture would be noxious to the religious and social feelings of both Hindus and Muhammadans, but I am of opinion that such an act would not come within the meaning of the expression "noxious as food" which occurs in section 272 of the Indian Penal Code. That expression obviously means unwholesome as food or injurious to health and not repugnant to one's feelings. The word "noxious" had it stood by itself might have had a wide meaning, but what I have to consider is the expression "noxious as food" and not merely noxious. Well, in these days, Sir, when public opinion has grown very strong, admixtures like those which used to take place in the past cannot be tolerated now. If any substance is used which wounds the religious feelings of any community it ought not to be allowed as an adulterant, and I think it is the duty of Government to put a stop to any such practice forthwith. So, Sir, in putting forward my Resolution I want to lay these two points before the House. One is that pure ghee is unobtainable and adulterated ghee is being allowed to be sold freely as pure ghee and Government are practically becoming a party to the fraud. The sooner that is put an end to the better.

Then, Sir, as regards the remedy sought for in this Resolution, I am not a lawyer and so suggest the best course for Government to adopt. I leave the details to them and all I want to press for is that the object of this Resolution should be carried out. All the Provincial Governments are of one opinion that this adulteration should not be allowed to go on any further. I am not advocating now that the import of this *vanaspati* should be altogether stopped or that a heavy duty should be put upon it. The other day, Sir, in the Legislative Assembly my Honourable friend Mr. Bhupat Singh moved a relative Resolution which was carried in that House. That shows, Sir, what a great demand there is in the public against this crime and practice which is going on.

With these words, Sir, I strongly commend this Resolution to the favourable consideration of this House.

THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH (Bihar and Orissa : Non-Muhammadan) : Sir, I rise to lend my humble support to the Resolution just moved. Sir, the very fact that the question of *vanaspati* ghee has been brought and discussed before the House year after year during the past several years points to the great importance of the subject as also to the extent the article is hated by all sections of the Indian public except, of course, the traders who would not mind making large profits, be it even at the cost of further undermining the already fearfully undermined constitution of the people. Granting that, as was said by the Honourable the Commerce Secretary last year, 90 per cent. of the population of my Province, Bihar and Orissa, would use the article being too poor to go in for pure ghee, I would like to point out that they may have a liking for the vegetable product, regard being had to its cheapness, but certainly they would spurn the adulteration of pure ghee with any proportion of that product and any attempt to make it pass muster as genuine ghee. Sir, *vanaspati* may be a wholesome article of food, as has all along been sought to be made out on behalf of the Government, and let the poorer classes consume it as much as they may, but there ought to be some effective guarantee that they get genuine *vanaspati* and not ghee properly so called adulterated with it and sold as genuine ghee. So far, Sir, as I have been able to find out after such enquiry as I could make, it is not the consumers but the traders in ghee who purchase *vanaspati* for purposes of adulteration and, therefore, of immoral gain. The consumers get the

adulterated ghee at the rate, not of the vegetable product, but of pure ghee. The Resolution, Sir, is directed to the stopping of this campaign of cheating that is going on.

Sir, the Honourable the Commerce Secretary, in opposing Mr. Surput Sing's Resolution last year, was pleased to observe that even if the import of *vanaspati* was stopped, it would not prevent the largely prevalent practice of adulterating ghee with even worse ingredients than *vanaspati*, e.g., *mahua* oil and even fats obtained from carcasses of animals. May I ask, Sir, if it is not incumbent on the Central Government to take effective measures, say, by necessary legislation, to stop such adulteration altogether. The Penal Code penalises adulteration of articles of food with noxious ingredients. Why not extend the penalty to adulteration with any ingredients, noxious or not, if the object of the adulteration is to pass off a spurious article for the genuine one?

THE HONOURABLE KHAN BAHADUR CHAUDRI MUHAMMAD DIN (East Punjab : Muhammadan) : Sir, pure ghee cannot be had at any price in our towns and adulterated ghee certainly affects the health of the people. Any attempt to remove this longstanding grievance would be in the right direction, and I give my whole-hearted support to the Resolution moved by my friend, the Honourable Rai Bahadur Lala Ram Saran Das.

THE HONOURABLE SARDAR BAHADUR SHIVDEV SINGH UBEROI (Punjab : Sikh) : Sir, this subject appears to have been a pet of my friend Rai Bahadur Lala Ram Saran Das for many years. He has been putting it forward before the Council in one form or another. I think this time he has put it in the most innocent form which does not affect the import of that commodity called *vanaspati* or vegetable ghee. Neither should there be any objection to bringing forward any legislation for the purpose of saving the people from paying more for an article which is not pure ghee. I do not wish to enter into the food value of that product, nor have I the intention of suggesting the stoppage of the import of that commodity into India. I have seen, I have heard, that that commodity is used, and though it does not contain the same amount of vitamins as pure ghee, yet it is used by people who cannot afford to purchase the latter. Pure ghee was very dear some time back, but fortunately it has come down in price recently. My Honourable friend's real intention is that the purchaser should not be made to pay for a commodity which is not really the same as he intends to purchase. I think that the Government should accept such an innocent and harmless suggestion. Of course there are provisions already in the Indian Penal Code and I understand also in the Municipal Acts, but they are so complicated that it would not be an easy thing to prove in a court of law, to bring the offender who mixes that commodity with real ghee which is very difficult to discriminate, to conviction under the section which is meant for offences of cheating. He has also explained to this Honourable House that section 272 which deals with a mixture in food which makes that food obnoxious cannot be applied to this, because this commodity if mixed with pure ghee will not be obnoxious for human use. So I think the Government of India should make such a statutory provision by which this mixture may be prevented and adulteration of this commodity with pure ghee may be prevented, so that the purchaser may get the proper thing for the price he pays.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI (Madras : Non-Muhammadan) : Sir, I rise to support the Resolution of my

[Diwan Bahadur G. Narayanaswami Chetti.]

Honourable friend Lala Ram Saran Das. I think legislation on these lines is absolutely necessary. Under the general section of the Penal Code, it is very difficult to prove this adulteration; therefore it is absolutely necessary that the Government of India should propose amending sections to the existing one in the Penal Code. Sir, the adulteration of ghee is felt in every part of India and it is very difficult to detect fraud. It is an important item in the food of both Hindus and Muhammadans. The matter should not be delayed any further. I only hope that the House will accept the Resolution unanimously and that the Government will not delay any further the enactment of necessary legislation in this matter.

I have great pleasure in supporting the Resolution.

THE HONOURABLE SIR FRANK NOYCE (Education, Health and Lands Secretary): Sir, as several of the previous speakers have reminded us, this is not the first occasion on which the question of adulteration of ghee has been discussed in this House. My Honourable friend Lala Ram Saran Das, as he said just now, moved his first Resolution on the subject in 1926 when he recommended that an *ad valorem* duty of 100 per cent. should be imposed on *vanaspati* ghee and other similar preparations imported into this country to be marketed as artificial ghee or for adulteration with pure ghee. As was the case with the Sibylline books, his demands went up on every subsequent occasion. In 1928, he suggested that the *ad valorem* duty should be 150 per cent. In 1929, he asked for total prohibition of import. That request was repeated by the Honourable Mr. Surput Sing last year. The Honourable Mover of this Resolution is therefore fighting on ground which to him is very familiar. On this occasion, however, he has shifted his position to another part of the field, and that is the reason why he has to-day

12 Noon. an antagonist less worthy of his steel than he has had on past occasions. He is not now asking for the total prohibition of import of *vanaspati* ghee, but requests Government to take steps to impose a statutory penalty on the sale of adulterated ghee. That is a matter of internal administration, and it is for that reason that it has fallen to my lot to deal with the Resolution to-day instead of its being dealt with by the Honourable Mr. Woodhead as it had been on former occasions. From the fact, Sir, that this question has been so often before the House it will be gathered that there is little new to be said about it. I do not propose to enter at any length—nor has the Honourable Member's speech on his Resolution made it necessary for me to do so—into the question whether *vanaspati* ghee is a wholesome product or not. I would refer Honourable Members to the reports of previous debates in which this aspect of the question has been very fully discussed. I would only say that speakers on this side, both in this and the other House, regard it as firmly established by expert opinion that vegetable product has a definite food value and is not injurious to health, though they are prepared to admit that, as it is deficient in certain vitamins, its use may indirectly affect the health of persons who do not obtain those necessary vitamins through other sources, that is, by means of fresh vegetables, milk or other food which contain them. But, Sir, to admit that vegetable ghee is a wholesome substance possessed of a definite food value is a very different thing from admitting that it is desirable that it should be adulterated with ghee and sold as such. I am on common ground with the Honourable Mover of this Resolution in holding that a man who wishes to buy pure ghee is entitled to obtain it. Where I differ from him is in regard to the remedy which he wishes to adopt in order to ensure this. He asks that

the Government of India should take steps with a view to secure uniformity of practice throughout British India, to impose a statutory penalty on the sale of adulterated ghee. This aspect of the case was discussed in the course of the debate last year as the result of an amendment moved by the Honourable Sardar Shivdev Singh Uberoi, who wished the Governor General to make rules to provide that the mixing of the commodity which passes by the name of vegetable produce with indigenous ghee prepared from the milk of cows and buffaloes for purposes of sale might be made penal. Now, Sir, I take objection to the Honourable Member's proposal for two reasons. I am not quite clear why he asks that the Government of India should impose a statutory penalty on the sale of adulterated ghee. I am not a lawyer, and the interpretation of the Penal Code is a matter for more able speakers than myself to deal with, but it seems to me that the remedy for which he asks is contained already in the Penal Code. I would refer him to the illustrations given under section 415 of the Indian Penal Code, illustrations (c) and (e). (c) reads as follows :

"A, by exhibiting to Z a false sample of an article, intentionally deceives Z into believing that the article corresponds with the sample, and thereby dishonestly induces Z to buy and pay for the article. A cheats."

"(e) A, by pledging as diamonds articles which he knows are not diamonds, intentionally deceives Z, and thereby dishonestly induces Z to lend money. A cheats."

It seems to me, therefore, Sir, that the statutory penalty asked for by the Honourable Mover of this Resolution already exists. If A, by tendering to Z ghee which has been adulterated with *vanaspathi* ghee, induces him to buy it as pure ghee, he can be prosecuted under the Indian Penal Code. But, Sir, I think that, if the Penal Code had really been a suitable weapon for dealing with this offence, it would have been used for that purpose and the Local Governments would not have found it necessary to pass the various provincial Acts dealing with this subject. In all provinces, except in Assam, there is a Food Adulteration Act. And even in Assam provision exists in the Municipal Act and the Local Self-Government Act prescribing standards of purity for articles of food, including ghee and butter and prohibiting the sale of food not of the proper nature, substance or quality and not of the prescribed standard of purity. Keeping adulterants in places where ghee is manufactured is prohibited in most of the provincial Acts dealing with adulteration of food and in the two Assam Acts which I have mentioned. The Honourable Member may maintain that, with the exception of the recently enacted Punjab Pure Food Act, 1929, which deals with this question of the adulteration of ghee in a more thorough and comprehensive fashion than any other provincial Act, these Acts do not go far enough. That, Sir, is a matter of opinion. One Local Government, that of the United Provinces, has undoubtedly agreed with him and has recently greatly strengthened its Prevention of Adulteration Act. As in the Punjab, a person who is guilty of a third offence in regard to the adulteration of ghee is now liable, at the discretion of the Magistrate, to a term of imprisonment.

The Honourable Mr. Woodhead, in the course of the discussion last year, stated that the Government of India intended to address Local Governments on this matter and to ask them to consider the advisability of legislating for the prevention of adulteration of ghee on the lines of the Punjab and the English Acts, in other words, of tightening up their legislation in regard to the adulteration of food, with special reference to ghee. He also stated that if Local Governments found that, in order to make their legislation effective, Central legislation on the subject of the nomenclature of vegetable product at the time of import was necessary, the Government of India were quite prepared to consider the introduction of such legislation. As the Honourable

[Sir Frank Noyce.]

Sir George Rainy has pointed out in another place, no Local Government has so far asked for such legislation. As he also went on to explain, Local Governments have recently been asked what steps they themselves have taken in the matter of passing further provincial legislation. I have already mentioned the Punjab and the United Provinces Acts which seem to me to go very far to meet the views of the Honourable Mover of this Resolution. The Central Provinces have informed us that they do not consider special legislation necessary, as bye-laws regulating the sale of ghee, of vegetable products, and prevention of adulteration are in force in most of their municipalities. The Bombay Government have issued a notification under the Bombay Prevention of Adulteration Act prescribing that no ghee substitute that resembles ghee shall be sold except under the name of vegetable product or *vanaspati*. Packages containing these substances have to be conspicuously marked with the name, "vegetable product" or "*vanaspati* ghee". It is true that this notification applies only to the Bombay Municipality at present, but the question of extending it to other municipalities is under consideration. The Government of Madras hold that their Prevention of Adulteration Act of 1918, as amended in 1928, prevents the sale as ghee of what is not pure ghee. The Government of Bihar and Orissa are considering the question of legislation. The Government of Assam do not consider legislation necessary, whilst the Government of Burma, although it has a special Act passed in 1917 for preventing the adulteration of ghee, is considering the question of dealing with such adulteration in connection with the rules to be made under its Food and Drugs Act which was passed two years ago. I have left Bengal to the last as the reply the Government of India have had from the Local Government on this subject seems to me to deserve quotation at length. It has been placed in the Library of the House, but Honourable Members have probably not yet had an opportunity of studying it. The Government of Bengal have forwarded for the information of the Government of India copies of certain notifications the effect of which, so far as concerns the sale of ghee, will be in their view, so far as statutory provisions and standards of analysis can bring it about, to ensure that what is sold as ghee is pure ghee. They go on to add that enquiries into conditions under which vegetable products are sold show that it is by no means easy to impose any adequate restriction on the use of the term "vegetable ghee". This term, though in common use verbally both among vendors and purchasers, does not in fact appear on the label of such brands of vegetable products as have come to the notice of the Local Government nor in the shops of vendors of this commodity. The so-called vegetable ghee is labelled under the name of some brand such as "Lily brand", etc., with or without the addition of the words "vegetable product", the use of the word "ghee" being carefully avoided. In some cases, the words "substitute for ghee" are added to this description. In these circumstances, the practice, against which legislation might be directed, of labelling the vegetable product with the word "ghee" as a qualifying attribute does not appear to have come into existence, at any rate on any scale which would justify special legislation.

I would repeat, Sir, that the Government have every sympathy with the object aimed at by the Honourable Mover of this Resolution, but they feel that this is a matter which, so far as it cannot be dealt with by the Indian Penal Code, is one which can best be dealt with by provincial legislation. They remain of the opinion that the regulation of the sale of ghee so as to ensure that what is sold as ghee is pure ghee must be effected by local or municipal rules and bye-laws framed under the provincial Statutes. The Local

Governments are the best judges of the necessity for strengthening their present legislation and as to the action which should be taken to make it effective. The Honourable the Mover of this Resolution has not, I would submit to the House, established the necessity for any further legislation. The province from which he comes has set other Local Governments an example in this as in many other respects. If they feel the necessity for following that example, I think they can be safely trusted to do so. In these days, when provincial autonomy is the accepted policy, an exceptionally strong case would, I venture to think, have to be made out for interference with their discretion in this respect.

I may perhaps mention for the Honourable Member's information that the Government of India have recently asked Local Governments to report what standards they are adopting for such important articles of consumption as ghee, butter and tea. As soon as they receive complete information on this subject, they will consider what can be done towards bringing about the adoption of uniform standards of purity for these articles throughout India. The possession of this information might be of assistance to Local Governments in carrying out their schemes for the prevention of adulteration of ghee, amongst other products.

I trust, Sir, I have convinced this House that there is no necessity for the remedy suggested by the Honourable Mover of this Resolution, the offence of selling adulterated ghee can be dealt with under the Indian Penal Code or it cannot. In so far as it can be dealt with under the Indian Penal Code, there is no necessity for any further legislation on the subject. In so far as the Indian Penal Code is not a satisfactory weapon for dealing with it, the best way of doing so is under the Adulteration of Foods Acts which are in force in all the provinces. It may be that they need strengthening, but that is a matter for the Local Governments. I shall be very glad to circulate copies of this debate to them as further evidence, if they need it—and I hardly think they do—of the interest which is taken on this subject both in this and the other House. I trust that will satisfy the Honourable Mover of this Resolution, but if it does not, I am afraid that I am compelled with regret to oppose his Resolution.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Sir, the reply which the Honourable Sir Frank Noyce has given has rather confused me. In the first place, Sir, he has said that section 415 of the Indian Penal Code covers the matter which is the object of my Resolution. I am not a lawyer, but when the legal authorities have given their verdict, as has been commented upon under section 272, I think that section 415 does not apply. Otherwise, the legal authorities who decided that case ought to have dealt with this matter under section 415. As a layman, Sir, I say that the sub-section (e) of the illustrations which the Honourable Sir Frank Noyce has given :

“A, by pledging as diamonds articles which he knows are not diamonds, intentionally deceives Z, and thereby dishonestly induces Z to lend money, etc. A cheats.”

does not apply. The diamond can be easily distinguished from a non-diamond or from an imitation as adulteration in a diamond is impossible. But, Sir, the subject-matter of my Resolution is adulteration of ghee which adulteration cannot be distinguished either by the nose or by the tongue or by the eye.

Then, Sir, my Honourable friend goes on to say that the Government of India is in sympathy with the object of my Resolution. Is it lip sympathy or a real and practical sympathy? In case it is a practical sympathy, it

[Rai Bahadur Lala Ram Saran Das.]

ought to be translated into practice. In case the matter is to be shunted away for one excuse or another, let it be said so frankly. This is a matter on which the country has a very strong public opinion. It has again been argued whether vegetable compound is wholesome or unwholesome. I have said, Sir, in the beginning of my speech that I am not going to bother myself or bother the Government about the wholesomeness or otherwise of the vegetable product. What I say is this. The time has now come when a statutory provision ought to be made. In case section 415 of the Indian Penal Code covers it, let the Government of India make it clear in any manner that they deem fit that this section covers it. Then I shall be satisfied. But simply to say that in case the Indian Penal Code covers it, it does, in case it does not, it does not—that is not a fair reply from the Government. The time has come when Government ought to be certain on the point on which they answer or take their stand. This sort of reply injures the feelings of many people, who conclude that Government want to evade action. I do not think that is right. This is a fraud that is being committed on the public, and the Government admits that this fraud is going on. Provincial Governments admit that this fraud is going on. Still, the Honourable Member says that in case I press my Resolution he will oppose it. That means that Government want to continue to be a party to the fraud which is in full swing now. I say so, Sir, because that is a fact. Of course it is very unfortunate that to our demands which also cover religious as well as other just grounds Government is apathetic. I wish Government to be really sympathetic and come to the help of the people in rescuing them from this fraud which is being committed upon them increasingly every year.

In regard to Sir Frank Noyce's reference to the Punjab Act being now a law in the Punjab, I am sorry to state that, although that Act was passed in 1929, no rules have been framed under it so far and practically that Act is not in force. Of course it is very easy for Government to reply that rules are being framed, which take time, and the law will be translated into practice soon. God knows when. But I want the Government to hurry up and to see to it that whatever they mean to do is done and that red-tape should not delay the carrying out of their intentions. We all know, Sir, that the Indian Penal Code does deal with matters which are matters of provincial control falling within the purview of the Legislative Councils of the various provinces, but all the same there is an all-India Statute. What I want is that there should be uniformity in the law, all over India. Every province wants this done. I see from the Government papers before me that every Provincial Government desires to put a stop to this fraud. Does the Government of India want any more proof when there is a demand there from all the Governments? Of course they differ as to details, but in the real basic matter they are all one. I wish the Government to consider this question in the light of the representations and the strong demand put before it by the representatives of the public in this House and in the Legislative Assembly.

With these words, Sir, I strongly represent to the Government that they should accept this Resolution.

THE HONOURABLE THE PRESIDENT : The question is :

“ That the following Resolution be adopted :

“ That this Council recommends the Governor General in Council to take steps with a view to preventing the cheating of the public by the adulteration of ghee and, in order to secure uniformity of practice throughout British India, to impose a statutory penalty on the sale of ghee adulterated with *vanaspathi* or any other substance whatsoever.”

The Council divided :

AYES—13.

Akbar Khan, The Honourable Major Nawab Sir Mahomed.
Ayyangar, The Honourable Mr. K. V. Rangaswamy.
Ayyar, The Honourable Sir C. P. Ramaswami.
Ghose Moulik, The Honourable Mr. Satyendra Chandra.
Halim, The Honourable Khan Bahadur Hafiz Muhammad.
Jagdish Prasad, The Honourable Rai Bahadur Lala.

Khaparde, The Honourable Mr. G. S. Mehta, The Honourable Mr. H. M. Muhammad Din, The Honourable Khan Bahadur Chaudri.
Raghunandan Prasad Singh, The Honourable Raja.
Rampal Singh, The Honourable Raja Sir. Ram Saran Das, The Honourable Rai Bahadur Lala.
Uberoi, The Honourable Sardar Bahadur Shivdev Singh.

NOES—23.

Basu, The Honourable Mr. Bijoy Kumar.
Bhore, The Honourable Sir Joseph.
Browne, The Honourable Mr. P. H.
Charanjit Singh, The Honourable Sardar.
Dadabhoy, The Honourable Sir Maneckji.
Devadoss, The Honourable Mr. M. D.
Dutta, The Honourable Rai Bahadur Promode Chandra.
Emerson, The Honourable Mr. H. W.
Ghosal, The Honourable Mr. Jyotsnanath.
Hafeez, The Honourable Mr. Syed Abdul.
Hamid, The Honourable Mr. A.
Harper, The Honourable Mr. K. B.
Irving, The Honourable Mr. Miles.

Megaw, The Honourable Major-General J. W. D.
Mitter, The Honourable Sir Brojendra.
Muzammil-ullah Khan, The Honourable Nawab Sir Muhammad.
Natesan, The Honourable Mr. G. A.
Noyce, The Honourable Sir Frank.
Thompson, The Honourable Sir John.
Wacha, The Honourable Sir Dinshaw.
Whitty, The Honourable Mr. J. T.
Woodhead, The Honourable Mr. J. A.
Zakaullah Khan, The Honourable Mr. Abu Abdullah Muhammad.

The motion was negatived.

RESOLUTION *RE* FIRING ON CROWDS.

THE HONOURABLE MR. SATYENDRA CHANDRA GHOSE MOULIK (West Bengal : Non-Muhammadian) : This Resolution, of which I gave notice, is a very old one and it was accepted unanimously by this House as far back as 1921. My point in bringing forward this Resolution again was to show that the happenings of the last few years, nay of the last few months, have gone to prove that the good aspect of the Resolution was entirely lost sight of and it was honoured more in the breach than in the observance. But, Sir, in view of the happy ending of the peace talks between Lord Irwin and Mahatma Gandhi, and as the gloom on the political horizon is just clearing up, and as there is every prospect of the dawn of a new era of mutual understanding, I do not think my Resolution, if pressed forward, would serve any useful purpose but would open up old sores and wounds and in its train create a feeling of bitterness.

I beg to withdraw the Resolution.*

*“ In view of the fact that firing is being often resorted to for the purpose of dispersing crowds, this Council recommends to the Governor General in Council that necessary orders be issued to all officers to observe in every case the following condition put forward in a Resolution by the Honourable Mr. Srinivasa Sastri on the 3rd March, 1921, and accepted by this Council.

‘The Magistrate or other Civil or Military officer responsible shall take all reasonable precautions to see that no more injury is inflicted on the crowd or assembly than is absolutely necessary’.”

THE HONOURABLE THE PRESIDENT: If I had known that the Honourable Member was withdrawing his Resolution, I should have stopped him long ago. The rules require that he should make a mere statement to the effect that he is withdrawing.

The Council then adjourned till Eleven of the Clock on Tuesday, the 10th March, 1931.
