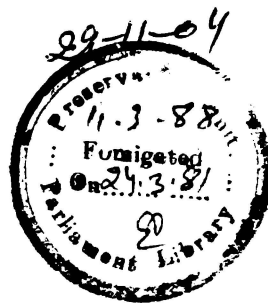


THE
COUNCIL OF STATE DEBATES

VOLUME I, 1931

(10th February to 2nd April, 1931)

FIRST SESSION
OF THE
THIRD COUNCIL OF STATE, 1931



CALCUTTA : GOVERNMENT OF INDIA
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COUNCIL OF STATE.

Saturday, 28th March, 1931.

FAREWELL ADDRESS OF HIS EXCELLENCY THE VICEROY TO THE COUNCIL OF STATE AND THE LEGISLATIVE ASSEMBLY.

His Excellency the Viceroy, having arrived in procession with the Presidents of the Council of State and the Legislative Assembly, took his seat on the dais in the Assembly Chamber.

On rising to address the Members of the Central Legislature, His Excellency was received with loud applause.

His Excellency said :

Gentlemen,—I have come to take formal farewell of the Members of both Houses of the Central Legislature, and it is not therefore my intention to embark upon matters of controversy. It might however appear discourteous to the House if I were to pass over without remark the difficult position that has developed in connection with the Finance Bill. Before finally deciding upon the action it may be my duty to take, I propose to convene a small conference of Leaders in both Houses with the members of my Government to discuss the situation.

This occasion of farewell for me is, of necessity, tinged with much regret, for it marks the close of my official connection with these two bodies, whose deliberations I have always watched with the keenest interest, and whose presence in Delhi and Simla has given me the privilege of meeting, and taking counsel with, so many public men from all quarters of India.

This might seem to be the moment to survey the past five years, and to sum up the progress which has been achieved in the various spheres of the national life in which we here, as devotees of the science of politics, are particularly interested. But I know, gentlemen, that you are drawing to the close of an arduous Session, and I do not wish to detain you long. Nor is the period of a Viceroyalty necessarily a self-contained era and, though to a Viceroy his five years of office must always appear as an outstanding epoch of his life, the historian of the future will be likely to mark the passage of events by tendencies, rather than by persons who for a period were privileged to play their part upon this great stage.

But before taking leave of you, there are a few things which I should like to say. First of these is to express to you something of the debt in which I and my Government feel you have placed us by your very presence here this Session. During the last year the country has passed through dark days. It was the opinion of some that nothing good could come out of participation in the legislative bodies of this country. You, gentlemen, thought otherwise, and, in acting as you did, you acted, many of you, in the face of unpleasantness, risks and bitter reproaches of which I am only too well aware. Had you not had the courage of your convictions, the continuity of Indian parliamentary

[H. E. the Viceroy.]

Progress might well have suffered a rude set-back, and therefore it is not only I and my Government, but the whole country, who owe you gratitude for the service you have rendered. In this appreciation of your public spirit I would wish also to include, with grateful recognition, the members of your sister-bodies in the Provinces. We cannot now predict how soon a revised constitution can be framed and brought into being ; but I would wish here to assure you, if such assurance is required, that there is not, and never has been, any intention in my mind of putting an earlier term to the life of the present Legislature than that which is laid down by the Government of India Act, or may be rendered necessary by the supervention of a new constitution.

At present most of us are absorbed in the problems of the immediate future, and it may be that there are some who feel that, beyond the careful discharge of their duties within the House, there is little that can be done of use outside in their capacity of representatives of the people. But I would venture, not in any spirit of infallible knowledge but as one who has been brought up among politics in a country, where political institutions have flourished for several centuries, and from which therefore there is perhaps something to be learnt, to suggest one direction in which Members of the Legislatures can do much. That work is the political education of their constituents. I am well aware of the difficulties in the way—the wide areas to be covered, in many cases the difficulties of travel, and the lack of education among a large proportion of those to whom they must appeal. But these are difficulties which can be overcome, and I conceive it to be one of the many obligations resting upon the Members of this Legislature, on whom depends in so large a measure the standard of political thought, that they should strive to bring home to their electorates the rights and responsibilities of each elector and thus perform a work of immense benefit in the evolution of the constitutional life of India.

I need not tell you, gentlemen, how earnestly I hope that whatever may be done within these walls, under the present constitution, or under whatever changed conditions the future may have in store, may redound to the benefit and happiness of the people of India. Controversy there must be, for controversy is an inseparable feature—if not the very purpose—of parliamentary institutions. But I trust that, in all the clash of opinion and debate, rancour and bitterness may here find no place, and that, if men must differ as to the method most suited to attain the ultimate object that all seek to serve, they may agree in paying mutual respect to the motives which underlie their actions. I would go further and ask that, whenever Members of these Houses feel constrained to disagree with views advocated by their brother politicians in England, they will at least not lightly be tempted to question their sincerity. I shall be in England, the majority of you will remain in India. Though many miles will separate us, I trust that our association in the objects which we both have so close at heart may not be impaired. In all sincerity I would assure you of my abiding interest in every matter that concerns the political life of India and of the attention with which I shall follow the record of your achievements, both corporate and individual. In bidding you farewell, I earnestly wish that all good fortune may attend you, and that every blessing may rest upon the people of India whom you represent, and among whom it has been my privilege and happiness to live and work during the last five years. (Loud and continued applause.)

(His Excellency the Viceroy then shook hands with each Member of the Council of State and of the Legislative Assembly.)

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

QUESTIONS AND ANSWERS.

MURAL DECORATION OF GOVERNMENT BUILDINGS IN NEW DELHI.

114. THE HONOURABLE BABU JAGADISH CHANDRA BANERJEE : Is it the intention of Government to continue the mural decoration of Government buildings in New Delhi ? If the answer is in the affirmative, when will work commence and who are to do the work ? Have Government got a scheme formulated ? If so, will they place the scheme before the House ?

THE HONOURABLE SIR JOSEPH BHORE : The whole question of further action to be taken in connection with the mural decoration of Government buildings in New Delhi is under the consideration of Government.

AMOUNT SPENT BY GOVERNMENT ON THE PURCHASE OF CLOTH, LIVERIES AND UNIFORMS.

115. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD : (1) What amount has been spent by Government during the last three years, 1928, 1929, and 1930, respectively, on the purchase of cloth, liveries and uniforms, supplied to the employees in
(a) the Military Department,
(b) the Railway Department, and
(c) other Departments of the Central Government, separately ?

(2) How much of the amount so spent represents the purchase value of articles manufactured in India, England, and other countries, respectively ?

THE HONOURABLE SIR JOSEPH BHORE : With your permission, Sir, I shall answer this question for the Honourable Sir Arthur McWatters.

(1) I lay on the table a statement showing the required information.

(2) The information is not readily available, and I regret I cannot see my way to call for it. The time and labour spent in its collection by the different Departments would be very great.

Statement showing the amounts spent by Government on the purchase of liveries, etc.

Department.	1928.		1929.		1930.	
	Rs.	A. P.	Rs.	A. P.	Rs.	A. P.
Army Department	2,050	0 0	2,169	0 0	872	0 0
Railway Department	202	1 0	4,390	6 0	797	2 0
Other Departments	11,933	8 3	14,252	14 6	15,546	2 3

COST OF THE ERECTION OF THE VICTORIA MEMORIAL IN CALCUTTA.

116. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD :
What is the total amount spent on the erection of the Victoria Memorial in Calcutta ? Who bore the cost ?

THE HONOURABLE MR. H. W. EMERSON : The cost of erection of the Victoria Memorial, including the amount spent on laying out the gardens and grounds, was Rs. 85 lakhs. This sum was raised by subscriptions from the Princes, Chiefs and the public of India and by grants from the Government of India and the Government of Bengal.

GRANT OF A REBATE OF RAILWAY FREIGHT ON WHEAT BOOKED FROM THE UNITED PROVINCES TO CALCUTTA.

117. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD :
(a) With reference to the Press Communiqué, dated the 29th January, 1931, of the Government of India, granting a rebate of 1/3rd of the railway freight on all consignments of wheat booked from the Punjab to Calcutta for a period of two months, will Government be pleased to state why a reduction in railway rates was not made on wheat consignments booked from the United Provinces to Calcutta, in order that the surplus wheat in the United Provinces might find absorption in the Calcutta market ?

(b) Is it the intention of Government now to make such a reduction ? If not, why not ?

THE HONOURABLE MR. J. A. WOODHEAD : (a) As the Honourable Member will see from the Press Communiqué he refers to, the arrangement for the grant of a rebate is based on an agreement with the Punjab Government on whose representations the rebate is being allowed. A similar representation was not received by the Government of India from the Government of the United Provinces.

(b) The question of making a similar arrangement for consignments of wheat booked from the United Provinces to Calcutta will be examined by the Government of India if the Local Government desires that such an examination should be made.

THE HONOURABLE MR. SATYENDRA CHANDRA GHOSE MOULIK :
Will the Government be pleased to state the total quantity of wheat consigned from the Punjab to Calcutta during these two months ?

THE HONOURABLE MR. J. A. WOODHEAD : I will supply the Honourable Member with the information.

THE HONOURABLE MR. SATYENDRA CHANDRA GHOSE MOULIK :
Has there been an increase in the quantity consigned from the Punjab during these two months due to this lowering of freights ?

THE HONOURABLE MR. J. A. WOODHEAD : Again, Sir, I will arrange to supply the Honourable Member with the information.

REDUCTION IN THE RATES OF RAILWAY FREIGHT ON WHEAT CONSIGNED FROM THE PUNJAB AND THE UNITED PROVINCES TO KARACHI.

118. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD : (a) With reference to the Press Communiqué, dated the 17th November, 1930, of the Government of India, regarding the reduction in the rates of railway freight on wheat from the Punjab and the United Provinces to Karachi, will Government be pleased to state what have been the results of the action taken under the said communiqué ?

(b) Did the reductions brought into force in terms of the said communiqué continue to remain in force after the 28th February, 1931, or not ? If not, do Government intend reducing rates of railway freight again for a further period ?

THE HONOURABLE MR. J. A. WOODHEAD : (a) The total quantity of wheat received in Karachi from stations from which the reduced rates were effective, from the 23rd November, 1930 (by which date approximately consignments booked on and after the 18th November would have been received in Karachi) up to the 7th March, 1931 (by which date consignments booked up to the 26th February, 1931, would have been received in Karachi) was 55,249 tons which is about 47,000 tons more than the quantity received in Karachi during the corresponding period of the previous year.

(b) The reply to both parts of this question is in the negative.

COMPETITION OF FOREIGN TEAS WITH TEA GROWN IN INDIA.

119. THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTTA : 1. Have over 9 million pounds of foreign teas during the year 1930 come into India and are they selling against the tea actually grown in this country ?

2. From what countries have they come and in what quantities ?

3. Is Government in a position to explain this ?

4. Is Government in a position to help the tea industry in this country against foreign competition ?

THE HONOURABLE MR. J. A. WOODHEAD : 1. Imports of foreign teas during the calendar years 1928, 1929 and 1930 were 10·2, 8·5 and 8·7 million pounds respectively. The Government have no reason to doubt that imported teas displace a certain quantity of Indian teas.

2. Ceylon	2,514 thousand lbs.
Straits Settlements	176 " "
Java	2,058 " "
China	3,757 " "
Other countries	155 " "
Total	8,660 " "

or 8·7 million lbs.

3. Government are not aware that any special explanation is needed. As imports are not prohibited, there is nothing unusual in a certain amount of foreign tea coming into this country.

4. As the quantity of Indian tea exported and consumed by India is more than 430 million lbs., the effect of the foreign competition to which the Honourable Member refers is almost negligible. I would also remind the Honourable Member that a duty of 15 per cent. *ad valorem* is levied on imported tea under the Indian Tariff Act and an additional surcharge of 5 per cent. *ad valorem* is at present being levied under the Provisional Collection of Taxes Act in accordance with the proposals made in the Finance Bill which is now before the Legislature. No reasons for a further increase in these duties have yet been placed before Government.

PROVISION OF FACILITIES FOR EDUCATION IN BALUCHISTAN.

120. THE HONOURABLE KHAN BAHADUR CHAUDRI MUHAMMAD DIN : Will Government please state :

1. What is the population of Baluchistan and how many of them are literate ?
2. Is the Province the most backward in education among all the provinces of India ?
3. Is there no college in this Province ?
4. Does the Province comprise an area of 134,638 square miles ?
5. Does Government propose to provide educational facilities to the people of Baluchistan in order to bring the Province to the level of other provinces in India ?

THE HONOURABLE SIR FRANK NOYCE : 1. According to the provisional figures of the census of 1931 the population of British Baluchistan is 463,492. The figures for literates are not yet available. According to the census of 1921 there were 30,247 literates out of the then population of 420,648.

2. Yes.

3 and 5. There is at present no college in this Province. The provision of facilities for higher education is at present under the consideration of Government.

4. The area of the province of Baluchistan is 54,228 square miles. The province and states of Baluchistan together have an area of 134,638 square miles.

PAUCITY OF MUSLIM JUDGES IN HIGH COURTS.

121. THE HONOURABLE MR. ABU ABDULLAH SAIYID HUSSAIN IMAM : (a) Will Government be pleased to lay on the table a statement showing the number of Muhammadan, Hindu, Christian and European Judges in all the different High Courts of India ?

(b) Are not qualified Muslims available for such posts ? If the answer be in the affirmative, will Government be pleased to state the reason why there are not more Muslim Judges ?

(c) What qualifications are required for the post of High Court Judgeship ?

THE HONOURABLE MR. H. W. EMERSON : (a) The information is contained in the statement which I lay upon the table.

(b) The statement shows that there are a number of Muslim Judges in High Courts and Courts of analogous jurisdiction. As stated before in this House, permanent appointments to the High Courts are made by His Majesty under section 101 of the Government of India Act. The main criterion in filling vacancies is necessarily that of legal qualifications subject to which the claims of Muslim candidates receive careful consideration.

(c) The qualifications are laid down in section 101 of the Government of India Act.

Statement showing the present strength of High Courts, Chief Court, Oudh, and Judicial Commissioners' Courts.

Province.	Muslims.	Hindus.	Indian Christians.	Europeans.
<i>High Courts.</i>				
Madras (14)	..	6	..	8
Bombay (10+1 Additional)	1	3+1 Parsi	..	6
Calcutta (15+1 Additional)	2 including one appointed acting Judge.	6	..	8
Allahabad (9+3 Additional)	2	3	..	7
Lahore (9+5 Additional)	2	4	1	7
Patna (9+2 Additional)	2	3	..	6
Rangoon (11)	..	2+2 Burmans.	..	7
<i>Chief Court.</i>				
Oudh (5)	2	1+1 Parsi	..	1
<i>Judicial Commissioners' Courts.</i>				
Central Provinces (5)	..	2	..	3
N.-W. F. Province (2)	1	1
Sind (4)	1	1	..	2

NUMBER OF MUHAMMADANS, HINDUS, CHRISTIANS AND EUROPEANS APPOINTED AS JUDGES OF THE DIFFERENT HIGH COURTS SINCE 1921.

122. THE HONOURABLE MR. ABU ABDULLAH SAIYID HUSSAIN IMAM: (a) Will Government be pleased to lay on the table a statement showing the number of Muhammadan, Hindu, Christian and European officials appointed as Judges of the different High Courts since 1921.

(b) Has no Muhammadan official ever been appointed as Judge in some High Courts; if so, where and why?

THE HONOURABLE MR. H. W. EMERSON : I will obtain the information and communicate it to the Honourable Member on receipt.

SHORT NOTICE QUESTION.

RIOTS IN BENARES, MIRZAPUR, AGRA AND CAWNPORE.

THE HONOURABLE KHAN BAHADUR CHAUDHRI MUHAMMAD DIN : Sir, I beg to put the following short notice question :

(a) Has the attention of Government been directed to the feeling in the country over the recent riots and murders in Benares, Mirzapur, Cawnpore and other places ?

(b) Is there danger of further spread of lawlessness ?

(c) If so, what steps do Government propose to take to restore confidence and bring the offenders speedily to justice ?

THE HONOURABLE MR. H. W. EMERSON : (a) Government are aware of the strong feeling that has been naturally aroused by the communal disorders in Benares, Mirzapur, Agra and Cawnpore.

(b) While it is the most earnest hope of Government that no further outbreaks of this character will occur, they consider that there is danger of this happening, unless public opinion among all communities and classes is strongly and constantly exerted in the interests of peace.

(c) The Government of India are satisfied that the Government of the United Provinces have spared and will spare no effort to restore normal conditions and to bring offenders speedily to justice. All Local Governments are fully alive to the danger of communal strife and will take all steps that are possible to anticipate and prevent clashes and to bring them promptly under control if unfortunately they occur. In the matter of prevention, however, the communities concerned can do far more than Government in restoring and maintaining friendly relations, and Government appeal to their toleration and good sense to do all that lies within their power to promote this end.

STATEMENTS LAID ON THE TABLE.

REVIEW OF THE CIVIL EXPENDITURE OF THE GOVERNMENT OF INDIA IN THE SIX YEARS ENDING WITH 1929-30.

THE HONOURABLE SIR JOSEPH BHORE (Industries and Labour Member) : Sir, I beg to lay on the table the review* of the civil expenditure of the Government of India in the six years ending with 1929-30.

COMMERCIAL TREATIES AFFECTING INDIA.

THE HONOURABLE MR. J. A. WOODHEAD (Commerce Secretary) : Sir, I beg to lay on the table a list of further commercial treaties and notes which affect India. The agreements mentioned in Part II are also laid on the table.

*Not printed in these proceedings.

PART I.

The agreements mentioned in this part provide for the grant of most-favoured-nationⁿ treatment to the products and manufactures of India on terms of reciprocity. Such treatment, however, does not include special privileges—

- (1) granted by the Soviet Union under treaties to States which in 1914 formed an integral part of the Russian Empire, to any country forming part of a customs union with her, and to her border States with respect to local trade ;
- (2) granted by Egypt to the Sudan and to countries bordering on Egypt in regard to frontier traffic.

Country.	Nature of agreement.	Description.	Date.
1. Soviet Union	Temporary agreement	Commerce	April 16, 1930.
2. Egypt	Notes	Commerce	June 5/7, 1930.
3. Roumania	Treaty, Protocol, Protocol of Signature and Notes.	Commerce and Navigation.	August 6, 1930.

PART II.

India is a party to the agreements mentioned in this part.

Country.	Nature of agreement.	Description.	Date.
1. Persia	Treaty and Notes	Tariff Autonomy	May 10, 1928.
2. Turkey	Notes	Commercial relations.	September 3, 1930.

ANGLO-PERSIAN TARIFF AUTONOMY TREATY OF MAY 10, 1928.

(ENGLISH TEXT ASSIGNED.)

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and His Imperial Majesty the Shah of Persia,

Desiring to facilitate and extend still further the trade and commerce of their respective countries and to regulate by means of a further treaty the commercial relations between Great Britain and Northern Ireland, India and such other territories under the sovereignty, protection or authority of His Britannic Majesty as he may desire should be bound by the treaty on the one side, and Persia on the other side,

Have resolved to conclude a treaty for this purpose and have appointed as their plenipotentiaries :—

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India :

For Great Britain and Northern Ireland and all parts of the British Empire which are not separate members of the League of Nations :

Sir Robert Henry Clive, K.C.M.G., His Majesty's Envoy Extraordinary and Minister Plenipotentiary at Tehran ;

For India :

Sir Robert Henry Clive, K.C.M.G., His Majesty's Envoy Extraordinary and Minister Plenipotentiary at Tehran ;

His Imperial Majesty the Shah of Persia :

His Excellency Mirza Fatoullah Khan Pakrevan, Acting Minister for Foreign Affairs ;

who, having communicated their full powers, found in good and true form, have agreed as follows :—

Article 1.

His Britannic Majesty, realising the importance to Persia of full autonomy in all matters relating to customs duties and being willing, in view of the relations of friendship, between the Governments of the high contracting parties, to facilitate the realisation of the Shah of Persia's wishes in this respect, agrees to the abrogation of all provisions of the existing treaties between the high contracting parties which limit in any way the right of Persia to settle the Persian customs tariff in full autonomy.

Article 2.

For the duration of the present treaty, and subject to complete reciprocity, goods produced or manufactured in any part of His Britannic Majesty's territories to which the present treaty applies shall not be subjected on entry into Persia to any customs duty, coefficient, surtax, or import tax whatsoever, other or higher than the minimum duties, coefficients, surtaxes, or import taxes, levied on similar goods imported from any foreign country whatever.

In like manner for the duration of the present treaty, and subject to complete reciprocity, goods produced or manufactured in any part of the Persian Empire and exported to any part of the territories of His Britannic Majesty to which this treaty applies, shall not, on leaving Persia, be subjected to any customs duty, coefficient, surtax or export tax whatsoever other or higher than the minimum duties, coefficients, surtaxes or export taxes levied on similar goods exported to any foreign country whatever.

Persia having in virtue of her tariff autonomy established a single legal tariff (prescribing maximum and minimum rates) to be enforced on all her frontiers, and to be applied for a fixed period to those countries with which she has bound herself by a treaty or convention, agrees that goods produced or manufactured in any part of His Britannic Majesty's territories to which this treaty applies shall, for the duration of the present treaty, enjoy the benefit on their entry into Persia of the minimum rates of the Persian autonomous tariff in force.

His Britannic Majesty agrees for his part that goods produced or manufactured in Persia shall benefit on their entry into any part of his territories to which this treaty applies by the minimum tariff in force accorded at any time to the most favoured nation.

It is understood that if at any time during the period during which this treaty is in force Persia elects to reduce on any of her frontiers one or more of the minimum rates of this tariff, such reductions will be automatically applied to the goods produced or manufactured in the territories of His Britannic Majesty to which this treaty applies, by whatever frontier they are imported.

Article 3.

Goods produced or manufactured in the territories to which this treaty applies belonging to one of the high contracting parties and regularly imported into the territories to which this treaty applies belonging to the other high contracting party shall on no account be subjected, after duly paying the duties and charges laid down by the laws of the country as being applicable upon entry to goods of foreign origin, to any internal taxation or imposts other than those imposed on similar articles of local origin or imported from any foreign country whatever.

Article 4.

His Britannic Majesty, so far as concerns his territories to which this treaty applies, and His Majesty the Shah of Persia, being each desirous of encouraging liberty of commerce and avoiding the hindrance of their mutual commercial relation by prohibitions or restrictions on imports and exports, agree that they will not introduce any restrictive or prohibitive measures against products of the territories of the other with the exception of the following classes of prohibitions and restrictions which will not be prohibited, on condition, however, that they are not applied in such a manner as to constitute a means of arbitrary discrimination between foreign countries where the same conditions prevail, or a disguised restriction on international trade :—

1. Prohibitions or restrictions relating to public security.
2. Prohibitions or restrictions imposed on moral or humanitarian grounds.

3. Prohibitions or restrictions regarding traffic in arms, ammunitions and imple-
ments of war, or in exceptional circumstances, all other military supplies.
4. Prohibitions or restrictions imposed for the protection of public health or for
the protection of animals or plants against diseases, insects and harmful
parasites.
5. Export prohibitions or restrictions issued for the protection of national treasures
of artistic, historic or archæological value.
6. Prohibitions or restrictions applicable to gold, silver coins, currency notes,
banknotes or securities.
7. Prohibitions or restrictions designed to extend to foreign products the regime
established within the country in respect of the production of, trade in,
and transport and consumption of native products of the same kind.
8. Prohibitions or restrictions applied to products which, as regards production
or trade, are or may in future be subject within the country to State mono-
poly or to monopolies exercised under State control.

Moreover, nothing shall affect the right of either of the two high contracting parties to adopt measures prohibiting or restricting importation or exportation for the purpose of protecting, in extraordinary and abnormal circumstances, the vital interests of the country.

Should measures of this character be adopted, they shall be applied in such a manner as not to lead to any arbitrary discrimination against the other high contracting party. Their duration shall be restricted to that of the causes or circumstances from which they arise.

Nevertheless, it is agreed between the two high contracting parties that the provisions of this article shall not be invoked in regard to any prohibition or restriction on importation or exportation which is not contrary to the provisions of the International Convention for the Abolition of Prohibitions and Restrictions on Importation and Exportation, signed at Geneva on the 8th November, 1927.

Article 5.

The value to be declared for the calculation of customs duties on importation into Persia in cases in which the tariff prescribes *ad valorem* duties shall be equal to the market-price of the goods in question in their place of origin or manufacture increased by the expenses of packing, sale, insurance, commission and transport, as well as of other necessary expenses for the importation of the goods to the Persian frontier. This value cannot, in any case, be inferior to the wholesale price of similar goods in the place of importation and at the moment of importation, a deduction being made of 10 per cent., as well as of a sum corresponding to the duties and charges which products of that kind pay on entry. When the value of the goods is originally expressed in foreign money, this will be converted into the money of the country into which the goods are imported in accordance with the most recent rate of exchange followed by the local banks before the deposit of the declaration with the customs.

The present treaty shall be ratified and the ratifications shall be exchanged at Tehran as soon as possible. It shall come into force immediately upon ratification, and shall be binding during eight years from the date of its coming into force.

In case neither of the two high contracting parties shall have given notice to the other six months before the expiration of the said period of eight years of its intention to terminate the present treaty, it shall remain in force until the expiration of six months from the date on which either of the two high contracting parties shall have denounced it.

The present treaty has been drawn up in Persian and in English, pending the preparation of the French text, on which the two high contracting parties will agree as soon as possible and which will be authoritative.

In witness whereof the respective plenipotentiaries have signed the present treaty and have affixed thereunto their seals.

Done at Tehran the 10th day of May, 1928.

(L. S.) R. H. CLIVE.

(L. S.) F. PAKREVAN.

Protocol Annexed to Article 2.

It is agreed that by the minimum tariff rates in force are meant the minimum tariff rates approved by the law of the Majlis of May 3, 1928 (13th Ordibehecht, 1307).

But if the rates in force on the date of the signature of this treaty as granted to the most favoured nation are subsequently increased on the chief Persian articles of export, with the exception of mineral oil and its products, to the territories of His Britannic Majesty to which this treaty applies, Persia has the right to increase her minimum tariff on the principal articles from the territory or territories concerned.

At the same time it is agreed that the amount of duty resulting from such increase in the Persian minimum tariff shall not exceed the amount of duty resulting from the change in the tariff of the territory or territories concerned.

In witness of which the respective plenipotentiaries have affixed their signatures thereto.

Done at Tehran this 10th day of May, 1928.

(Sd.) R. H. CLIVE.

(Sd.) F. PAKREVAN.

No. 3.

EXCHANGE OF NOTES REGARDING THE ENTRY INTO FORCE OF THE TREATY.

(i)

Sir R. Clive to Acting Persian Minister for Foreign Affairs.

Tehran, May 10, 1928.

M. le Gerant,

I have the honour to inform Your Excellency that, if you would be so good as to confirm to me that it will be unnecessary to submit to the prior approval of the Majlis the Tariff Autonomy Treaty signed by us to-day, my Government would be prepared to agree to its provisional entry into force as from to-morrow pending the exchange of ratifications, which will be effected as soon as possible.

His Britannic Majesty's Government, nevertheless, consider that goods consigned direct to Persia before the application of the new tariff and originating in any part of the territories to which this Treaty applies, ought not to be subjected to customs duties higher than those to which similar goods from the same origin have hitherto been subjected.

I beg you, M. le Gerant, to be so good as to confirm in writing that the above is, as I trust, in conformity with the views of the Persian Government.

I avail, etc.,

(Sd.) R. H. CLIVE.

(ii)

Acting Persian Minister for Foreign Affairs to Sir Clive.

Tehran, May 10, 1928

M. le Ministre,

In reply to your letter of to-day's date, I have the honour to confirm to Your Excellency the full agreement of the Imperial Government on the subject of the provisional entry into force, as from to-morrow, of the Tariff Autonomy Treaty which we have signed to-day pending the exchange of ratifications, which will be effected as soon as possible.

It is true that in virtue of the law of the 13th Ordibehecht, 1307 (the 3rd May, 1928) the Government are authorised to apply this Treaty without there being necessity to submit it to the prior approval of the Majlis

Moreover, the Persian Government undertake not to impose on goods originating from any part of the territories to which the present Treaty applies, and consigned direct to Persia before the entry into force of the new tariff, customs duties higher than those to which similar goods of the same origin have hitherto been subjected.

Please accept, etc.,
(Sd.) F. PAKREVAN.

No. 4.

EXCHANGE OF NOTES REGARDING THE MAINTENANCE IN FORCE OF PROVISIONS OF EXISTING TREATIES.

(i)

Sir R. Clive to Acting Persian Minister for Foreign Affairs.

Tehran, May 10, 1928.

M. le Gerant,

With reference to the provisions of the Treaty signed this day between His Britannic Majesty and His Imperial Majesty the Shah of Persia, I have the honour to make the following communication and to ask you to be so good as to confirm it.

Whereas the Treaty signed this day between His Britannic Majesty and His Imperial Majesty the Shah of Persia replaces only those provisions of existing treaties between them which limited in any way the right of Persia to settle her tariff in full autonomy, His Britannic Majesty's Government in Great Britain and the Imperial Persian Government have the firm intention to proceed forthwith to the revision of those provisions in the existing treaties which have not been modified by the Treaty signed this day, with a view to the conclusion in a period of one year of a full Treaty of Commerce and Navigation, which shall place their relations in harmony with present circumstances.

It is accordingly agreed that, until the conclusion of such Treaty, and in accordance with the provisions of paragraph 2 of my letter of to-day's date, the principles laid down in Article 9 of the Anglo-Persian Treaty of 1857 relating to most-favoured-nation treatment shall be maintained as at present, and that ships and boats of the High Contracting Parties shall continue to enjoy such most-favoured-nation treatment, and also the same treatment as national ships and boats in all matters relating to commerce and navigation, including facilities and charges of all kinds in ports and harbours.

I avail, etc.,
R. H. CLIVE.

(ii)

Acting Persian Minister for Foreign Affairs to Sir R. Clive.

Tehran, May 10, 1928.

M. le Ministre,

In reply to your letter dated the 10th May 1928, I have the honour to confirm to you that, in consideration of the fact that the Treaty signed this day between His Imperial Majesty the Shah of Persia and His Britannic Majesty replaces only those provisions of the existing treaties between them which limited in any way the right of Persia to settle her tariff in full autonomy, and of the fact that His Britannic Majesty's Government in Great Britain and the Imperial Persian Government have the firm intention to proceed forthwith to the revision of those provisions of the existing treaties which have not been modified by the Treaty signed this day, and thus to conclude in a period of one year a Treaty of Commerce and thus Navigation which shall place their relations in harmony with present circumstances, it is agreed that, until the conclusion of such Treaty and in accordance with the provisions of paragraph 2 of your letter of to-day's date the principles laid down in Article 9 of the Anglo-Persian Treaty of 1857 relating to most-favoured-nation treatment shall be maintained as at present, and that ships and boats of the High Contracting Parties shall continue to enjoy such most-favoured-nation treatment and also the same treatment as national ships and boats in all matters relating to commerce and navigation, including facilities and charges of all kinds in ports and harbours.

Please accept, etc.,
F. PAKREVAN.

No. 5.

NOTES REGARDING THE COMMERCIAL RELATIONS BETWEEN THE SELF-GOVERNING DOMINIONS AND PERSIA.

(i)

Tehran, May 10, 1928.

M. le Gerant,

I have the honour to assure Your Excellency, in the name of the Governments of Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa and the Irish Free State, that His Britannic Majesty renounces, as from the date of the entry into force of the treaty signed this day between himself and His Imperial Majesty the Shah of Persia, the right of those Governments to benefit by those treaty provisions which limit in any way the right of Persia to her customs autonomy.

It is understood that His Britannic Majesty reserves the right, for each of the above-mentioned States, separately to denounce the present treaty at the date of its expiration.

I avail, etc.,

R. H. CLIVE.

(ii)

Acting Persian Minister for Foreign Affairs to Sir R. Clive.

Tehran, May 10, 1928.

M. le Ministre,

I hereby take note of the renunciation by His Britannic Majesty, as from the entry into force of the treaty signed this day between His Imperial Majesty the Shah and His Britannic Majesty, of the right of the States mentioned in your letter, dated the 10th May, to benefit by those treaty provisions which limit in any way the right of Persia to her customs autonomy.

I also note that His Britannic Majesty reserves the right, for each of the above-mentioned States, separately to denounce the present treaty at the date of its expiration.

I have the honour to assure Your Excellency, in the name of the Imperial Persian Government, that goods produced or manufactured in Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa and the Irish Free State or in territories placed under their authority or jurisdiction, will not be accorded less favourable treatment in Persia than the goods produced or manufactured in any other foreign country, so long as the goods produced or manufactured in Persia enjoy in the State or territory concerned treatment not less favourable than that accorded to goods produced or manufactured in any other foreign country.

Please accept, etc.,

F. PAKREVAN.

(iii)

Sir R. Clive to Acting Persian Minister for Foreign Affairs.

Tehran, May 10, 1928.

M. le Gerant,

I hereby take note of the Imperial Persian Government's assurance contained in your letter of to-day's date that goods produced or manufactured in Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa and the Irish Free State or in the territories placed under their authority or jurisdiction, will not be accorded less favourable treatment in Persia than the goods produced or manufactured in Persia enjoy in the State or territory concerned treatment not less favourable than that accorded to goods produced or manufactured in any other foreign country.

I avail, etc.,

R. H. CLIVE.

No. 6

EXCHANGE OF NOTES REGARDING IMPERIAL AIRWAYS (LIMITED).

(i)

Tehran, May 10, 1928.

M le Gerant,

Your Excellency is aware that the question of rapid communication between Great Britain and India is a matter of special interest, not only to His Britannic Majesty's Government in Great Britain, but also to the Government of India.

The Imperial Airways Company has already established a weekly service from Cairo to Basrah and is greatly desirous of prolonging this service to India.

I venture, therefore, to hope that the Imperial Government, recognising the purely commercial object of this company in desiring to have permission to fly over the Persian coast of the Gulf, will give favourable consideration to this proposal, which will permit the company to prolong its service to India by way of the Persian coast.

I avail, etc.,

R. H. CLIVE.

(ii)

Acting Persian Minister for Foreign Affairs to Sir R. Clive.

Tehran, May 10, 1928.

M. le Ministre,

The Persian Government, intending to create Government aerodromes where the landing of foreign aircraft flying over Persian territory shall be authorised under equal conditions, and having no special reason to refuse this authorisation under the prescribed conditions to the aircraft of the Imperial Airways Company, is ready to enter into discussions with the representative of the said company in order to find a basis of agreement regarding the conditions under which the aircraft of the said company, shall be allowed to land on the Government aerodromes for a period to be determined.

Please accept, etc.,

F. PAKREVAN.

No. 7.

NOTES REGARDING THE POSITION OF BRITISH NATIONALS IN PERSIA AFTER THE ABOLITION OF THE CAPITULATIONS.

(i)

Acting Persian Minister for Foreign Affairs to Sir R. Clive.

Tehran, May 10, 1928.

M le Ministre,

In reply to enquiries, and at the moment of the realisation of their resolution to abolish the regime known as the capitulatory system, the Imperial Persian Government, animated by the wish to dispel the disquietude which might arise among British nationals resident in Persia, by reason of the novelty of the regime which will henceforth be applied to them, and desirous of keeping your nationals informed through you of the measures taken by Persian legislation and the Persian Government with regard to them, communicates the present decision in order that you may transmit its tenour to your nationals.

It is unnecessary to inform you that the Persian Government themselves, whose interest and earnest desire it is to obtain for Persian citizens as many guarantees as possible, and with this object to have a judicial system the working of which shall be as nearly perfect as possible, have accomplished considerable reforms in the judicial personnel and legislation.

Without mentioning laws which are known to everybody, the possession of knowledge in matters of law equivalent to that required for a legal diploma is at present an essential condition for anyone entering upon a judicial career.

As for the situation of British nationals in Persia resulting from the provisions of Persian law, the following measures taken by the Persian Government will be applied to them as from the 10th May, 1928:—

1. On the basis of perfect reciprocity, they will be admitted and treated on Persian territory in conformity with the rules and practice of international law, will enjoy the fullest protection of the laws and the authorities of the country and will receive the same treatment as nationals.

2. In all civil or commercial cases in which one of the parties is a British national, only written evidence will be admitted.

In all proceedings, even criminal proceedings, judgment will be reduced to writing and will contain the considerations of law and of fact on which they are founded.

Those interested in the proceedings, or the persons authorised by them, shall have the right to obtain a copy of the evidence and of the judgment, subject to payment of the prescribed charges.

In criminal matters, oral testimony being a normal method of evidence the interests of the accused will be safeguarded, as at present, by articles 215 and 216 of the Penal Code dealing with perjury.

3. To the exclusion of all other jurisdiction, only the courts and tribunals subordinate to the Ministry of Justice will be competent to deal with cases in which one of the parties is of British nationality.

Only the criminal tribunals subordinate to the Ministry of Justice will, generally speaking, be able to pronounce sentences of imprisonment on British nationals.

Nevertheless, in the event of the proclamation of state of siege, when a case is brought before a tribunal specially constituted, that tribunal will also be able to take cognisance of cases in which a British national is concerned.

Moreover, in fiscal matters and in general in a dispute between an administration and a British national relating to a purely administrative matter, the administrative tribunals will retain their competence.

4. British nationals will in every case be amenable only to lay (non-religious) tribunals, and lay laws alone will be applicable to them.

5. The ordinary police courts will only be competent in matters of trifling importance and for facts involving only a slight penalty.

They will not be able to order sentence of imprisonment, save in cases where British nationals themselves request that the sentence of a fine imposed on them shall be converted into imprisonment. According to the law, the ordinary police courts will never be able to order more than one week's imprisonment. It is clearly understood that they are not authorised to order corporal punishment.

6. A British national arrested *in flagrante delicto* shall not be kept in prison for more than twenty-four hours without being brought before the competent judicial authority.

Apart from cases of arrest *in flagrante delicto*, no British national will be arrested or imprisoned without a warrant emanating from the competent judicial authority.

Neither the private dwelling house nor the business premises of a British national will be forcibly entered or searched without a warrant from the competent judicial authority with guarantees, to be determined later, against abuses.

7. British nationals arrested and imprisoned will have the right, in conformity with the prison regulations, to communicate with their nearest consuls, and the consuls or their representatives will have, subject to prison regulations, permission to visit them. Any requests so to communicate will at once be transmitted by the governmental authorities.

8. The Imperial Government has in contemplation generous regulations regarding release on bail, which will be compulsory in all cases, except cases of crime (crime as it is defined in the Penal Code).

The sum demanded as bail will be reasonably proportioned to the nature of the offence.

In cases of appeal the same facilities of release on bail as those mentioned above will be given until judgment in the appeal has been pronounced.

9. According to Persian law, trials are, in general and save in exceptional cases, held in public and those interested in the trials and in the fate of the parties concerned have, therefore, the right to be present, save in exceptional cases, as spectators, without any right, however, to take part in the proceedings.

10. In criminal matters, the accused is absolutely free to choose his counsel, who may be chosen even from his compatriots.

11. The Imperial Government has decided to reform the conditions of the prisons, in order that these may conform to a greater extent to modern custom, and a sum sufficient to provide prisons in Persia which shall fulfil the necessary hygienic conditions has already been voted.

In the meantime British nationals who may be condemned to imprisonment for more than one month—imprisonment for one month or less being convertible into a fine—shall be transferred at their request to a prison fulfilling the necessary hygienic conditions.

12. Whereas Great Britain accords most-favoured-nation treatment in matters of personal status to Persian nationals in the British Empire and the territories belonging to His Britannic Majesty, it is understood that in matters of personal status, *i.e.*, all questions relating to marriage, conjugal rights, divorce, judicial separation, dower, paternity, affiliation, adoption, capacity, majority, guardianship, trusteeship and interdiction, in matters relating to succession to personalty, whether by will or no intestacy, and the distribution and winding up of estates, and family law in general, it is agreed between Persia and Great Britain that as regards non-Moslem British nationals established or being in Persia their national tribunals will alone have jurisdiction. As regards British nationals of the Moslem religion, the provisions of Moslem religious law, in conformity with the Persian codes, will be applied to them in matters of personal status, until this question has been finally settled.

The present stipulation does not affect the special attributions of consuls in matters of status in accordance with international law or special agreements which may be concluded, nor the right of Persian courts to request and receive evidence respecting matters acknowledged above as being within the competence of the national tribunals of the parties concerned.

By way of exception to the first paragraph, the Persian courts will also have jurisdiction in the matters referred to therein, if the parties concerned submit in writing to the jurisdiction of the said courts. In such case the Persian courts will apply the national law of the parties.

13. In matters of taxation, British nationals will be treated on a footing of equality with Persian nationals and will not be compelled to pay, under any pretext whatever, imposts, taxes or other fiscal dues which Persian nationals are not compelled to pay.

14. In judicial matters all judgments given by the former tribunals, even if they have not been carried into execution, are considered as finally settled, and shall in no case be subject to fresh enquiry; in the same way, every final judgment given by the former tribunals is recognised as one to be put into execution. In short, all cases concluded under the former judicial regime are considered as finally settled and shall in no case be reopened.

Unfinished cases in the Tribunal of the Ministry for Foreign Affairs and in the courts of provincial Governors shall be finished before those tribunals unless the foreign national concerned requests, before the close of the discussions, that the proceedings shall be transferred to the judicial tribunals.

The period allowed by the Imperial Government for the completion of unfinished cases before the said tribunals will not extend beyond the 10th May, 1929.

15. All questions relating to security for costs, execution of judgments, service of judicial and extra-judicial documents, commissions rogatories, orders for the payment of costs and expenses, free judicial assistance and imprisonment for debt are left to be regulated by separate conventions to be concluded between Persia and Great Britain.

16. Seeing that in civil or commercial matters Persian law allows arbitration and clauses in agreements providing therefor, and since arbitral decisions rendered in pursuance thereof shall be executed on order of the president of the Court of First Instance, who is obliged to issue that order unless the arbitral decision should be contrary to public order, it is clear that British nationals will be in complete enjoyment of this legal arrangement.

17. British nationals shall not be arrested or suffer restraint in their individual liberty in order provisionally to safeguard claims of a pecuniary nature, except in cases where any distraint to be made upon a debtor's possessions which are actually in Persia would be liable to be jeopardised by some action on the part of the debtor, and where they could not be safeguarded by any other means.

[28TH MAR. 1931.]

18. As regards immovable property and rights, it is understood that British nationals are permitted as in the past to acquire, occupy or possess such property on Persian soil as is necessary for their residence and for the exercise of their commerce and industry.

Please accept, etc.,

F. PAKREVAN.

Sir R. Clive to Acting Persian Minister for Foreign Affairs.

Tehran, May 10, 1928.

M. le Gerant,

With reference to Your Excellency's note dated the 21st Ordibehecht, 1306 (the 12th May, 1927), I have the honour to inform you that my Government have given sympathetic consideration to the wishes expressed by the Imperial Government for the cancellation of the capitulatory privileges by which British nationals have hitherto benefited.

I take note of the judicial measures which Your Excellency has been kind enough to communicate to me in your letter of the 10th May, and beg to inform you that my Government rely absolutely on the fact that the Imperial Government will ensure under the new regime complete and adequate protection to British nationals, their rights and their properties.

I note that the Imperial Government allow a period of one year to the Tribunal of the Ministry for Foreign Affairs and the Governors' court in order that unfinished business in these tribunals may be completed. I now therefore request the Imperial Government to be so good as to allow the same period to the British consular courts in order that these may finish the cases between British nationals which they have not up to the present been able to complete.

I avail, etc.,

R. H. CLIVE.

Acting Persian Minister for Foreign Affairs to Sir R. Clive.

Tehran, May 10, 1928.

M. le Ministre,

I have the honour to acknowledge the receipt of your letter of the 10th May.

His Britannic Majesty's Government can be assured that the new judicial regime in Persia will provide complete protection in all respects to the nationals of the British Empire.

In accordance with the wish which you have expressed to me in the name of your Government, the Imperial Government will allow to the British consular courts a period of one year for the completion in those courts of the unfinished cases of British nationals.

I avail, etc.,

F. PAKREVAN.

EXCHANGE OF NOTES REGARDING BRITISH MISSIONARY WORK.

Sir R. Clive to Acting Persian Minister for Foreign Affairs.

Tehran, May 10, 1928.

M. le Gerant,

I should very much like to receive from Your Excellency an assurance on behalf of the Imperial Government that British missionaries in Persia will be authorised as in the past to carry on their charitable and educational work.

I avail, etc.,

R. H. CLIVE.

Acting Persian Minister for Foreign Affairs to Sir R. Clive.

Tehran, May 10, 1928.

M. le Ministre,

In reply to your request relative to British missionaries, I have the honour to inform you that they will be authorised to carry on their charitable and educational work provided that they do not contravene either public order or Persian laws and regulations.

Please accept, etc.,

F. PAKREVAN.

NOTE TO ACTING PERSIAN MINISTER FOR FOREIGN AFFAIRS RECORDING THE POSITION WITH REGARD TO AN ERROR IN THE DOMINIONS NOTES OF MAY 10 (No. 5).

Sir R. Clive to M. Pakrevan.

Tehran, November 30, 1928.

M. le Gerant,

Under instructions from His Majesty's Government in Great Britain, I have the honour to draw Your Excellency's attention to an error which appears in the notes annexed to the Anglo-Persian Tariff Autonomy Treaty of the 10th May last. This error has already on several occasions formed the subject of discussion with his Highness the Minister of Court, and it is now the wish of my Government to put on record the fact that a certain passage in the notes mentioned above has been wrongly drafted, and to explain what it had been intended to say.

2. The passage in question occurs twice, firstly in paragraph 2 of my first note regarding the position of the self-governing Dominions of Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa and the Irish Free State in relation to the Tariff Autonomy Treaty, and secondly in paragraph 2 of your Excellency's reply. The original wording of this paragraph, in the form to which His Majesty's Governments in the Dominions had agreed, ran as follows :—

"It is understood that His Britannic Majesty retains the right in respect of each of the Dominions mentioned above of withdrawing separately from the existing treaties between His Majesty and the Shah of Persia."

The object of this provision was to ensure that the Dominions retained for the future the right which they already possessed under article 2 of the Anglo-Persian Commercial Convention of 1903, and paragraph 3 of the Anglo-Persian Commercial Agreement of 1920, of withdrawing from participation in those instruments.

3. Owing to a misunderstanding due to the extreme haste with which the negotiations for the treaty had to be conducted, this paragraph in the notes as actually signed ran as follows :—

"Il est entendu que Sa Majeste britannique reserve le droit, pour chacun des Etats susmentionnes, de denoncer separement le present traite a la date de son expiration."

It is evident that this wording in no way represents the intentions of His Majesty's Governments. It is, indeed, meaningless, for the treaty itself was not signed on behalf of the Dominions and does not apply to them; it is not possible for His Britannic Majesty to reserve the right to denounce a treaty on behalf of parts of his territories to which that treaty does not apply, nor is it reasonable to refer to the possibility of denouncing something at the date of its expiry when there is nothing to denounce.

4. My Government understand from his Highness the Minister of Court that the Persian Government are not disposed to agree to the rectification of the error by a withdrawal of the notes as signed and their replacement by new notes containing paragraph 2 in the form originally proposed by His Majesty's Governments. In these circumstances they think it necessary to place the true position on record.

I avail, etc.,

R. H. CLIVE.

No. 10.

PROTOCOL AUTHENTICATING THE FRENCH TEXT OF THE TREATY RELATING TO THE CUSTOMS AUTONOMY OF PERSIA, SIGNED THE 10TH MAY, 1928.

The undersigned, duly authorised for that purpose, have agreed, in the name of His Britannic Majesty on the one hand, and of His Imperial Majesty the Shah of Persia on the other hand, that the following text is the French text of the treaty relating to the customs autonomy of Persia, signed on the 10th May, 1928, at Tehran. This French text is the text which is declared in article 6 of the said treaty to be authoritative.

(Here follows the French text of the treaty—See No. 1.)

In witness whereof the respective plenipotentiaries have signed the present protocol authenticating the French text of the treaty relative to the customs autonomy of Persia, and have affixed thereto their seals.

Done at Tehran, the 17th April, 1930.

(L. S.) R. H. CLIVE.

(L. S.) M. FARZINE.

NOTE FROM HIS EXCELLENCY SIR GEORGE CLERK, HIS MAJESTY'S REPRESENTATIVE IN TURKEY, TO HIS EXCELLENCY DOCTOR TEVFIK RUSTU BEY, MINISTER FOR FOREIGN AFFAIRS, ANKARA (TURKEY), DATED THE 3RD SEPTEMBER, 1930.

I have the honour to inform you, under instructions from His Majesty's Principal Secretary of State for Foreign Affairs that, pending the negotiation and conclusion of a treaty regulating the commercial relations of the two countries, the Government of India, in order to avoid any impediment to the trade and commerce between India and Turkey on the lapse of the *modus vivendi* brought into force by an exchange of notes on the 2nd July 1929, to which India adhered on the 1st August 1929, undertake, on condition of reciprocity, to accord, as from the expiration of the above-mentioned *modus vivendi*, to goods the produce or manufacture of Turkey a treatment in India which shall be as favourable in all respects as that accorded to goods the produce or manufacture of the most-favoured foreign country. This treatment shall be accorded in all matters of commerce and navigation and as regards importation, exportation and transit, and in general all that concerns customs duties and formalities and commercial operations.

2. It is understood that the treatment of the most-favoured foreign country stipulated in the preceding paragraph will not embrace the special advantages which are or may in the future be accorded in customs matters by Turkey to countries detached from the Ottoman Empire under the Treaty of Lausanne of the 24th July, 1923.

3. In India and in the territories under the administration of the Government of India, Turkish nationals and in Turkey nationals of British India and of territories under the administration of the Government of India, will have the right to travel freely, to establish themselves and to acquire movable and immovable property under the same conditions as the nationals of the most-favoured foreign country.

4. The undertakings contained in this note will take effect as from the expiration of the *modus vivendi* mentioned in paragraph 1 above, and will remain in force for a period of six months at least, it being understood that the undertakings may be terminated by either party by giving three months' notice at the end of the third month or at any time subsequently. Failing such notice and subject to the aforesaid right of termination they will remain in operation until the entry into force of the treaty of commerce which is now to be negotiated, as from which date they will *ipso facto* cease to be effective.

I avail myself of this opportunity to assure Your Excellency of my highest consideration.

NOTE FROM HIS EXCELLENCY DR TEVFIK RUSTU BEY, TURKISH MINISTER FOR FOREIGN AFFAIRS, TO HIS EXCELLENCY SIR GEORGE CLIFFE, HIS MAJESTY'S REPRESENTATIVE IN TURKEY, TÜRKİYE CÜMBURİYETİ, HARİCİYE VEKÂLETİ, ANKARA, 3 EYLÜL 1930.

Büyük Elçi Hazretleri.

Türkiye ile Hindistan arasındaki ticaret mürasebetlerini tanzim edecek olan muasir deniza müzakere ve akdine intizaren ve 2 Temmuz 1929 tarihinde nota teatisi suretile

meriyete konup Hindistan'ın 1 Ağustos 1929 tarihinde iltihak eylediği *Modüs Vivendi* müddetinin hitamında iki memleket arasin'aki ticareti sectedar edebilecek her türlü maniyayı bertaraf etmek üzere, Türkiye Cumhuriyeti Hükümetinin, mütakabiliyet sartile yukarıda zikredilen *Modüs Vivendinin* inkizasından itibaren, Hindistan'ba mütahsal veya mamul emtiaya, her hususta, Türkiye'de en ziyade müsadeye mazhar ecnebi memlekette mustahsal veya mamul emtiaya bahsedilen muamele kadar müsait bir muamele tatbik etmêgi taahhüt eyledğini Zatiâlinize bildirmekle kesbiseref eylerim. Bu muamele ticaret ve seyrisefaine, ithalât, ihracat ve transite, ve alelumum gümrük rüsum ve muamelâtile ticarî muamelelere müteallik bütün hususlarda tatbik edilecektir.

2. Surasi mukarrerdir ki yukarıdaki fıkrada yazılı en ziyade müsadeye mazhar ecnebi memleket muamesesi, 24 Temmuz 1923 tarihli Lozan Muahedesi mucibince Osmanlı İmparatorlugundan ayrılmış o'an memleketlere gümrük hususlarında Türkiye tarafından bahsedilmiş veya ileride edilebilecek olan hususî menfaatleri tazammun etmiyecektir.

3. Hindistan'da ve Hindistan Hükümetinin idaresi altındaki memleketlerde türk tebeası, Türkiye'de İngiliz Hindistanı "British India" ile Hindistan Hükümeti'nin idaresi altındaki memleketler tebeası en ziyade müsadeye mazhar ecnebi devle tebeası ile aynı serait dairesinde, serbestçe Seyahat, İkamet etmek ve menkul ve gayrimenkul emval tasarruf eylemek hakkını haiz olacaklardır.

4. Bu notanın ihtiva eylediği taahhütler yukarıdaki birinci fıkrada zikredilen *modüs vivendinin* inkizasından itibaren meriyete girecek ve lîsakal olıtı av meri olacaktır. Surasi mukarrerdir ki, Tarafardan her biri mezkûr taahhütleri—fesh, ihbar tarihinden üç ay sonra mutebar olmak üzere—üçüncü ayın nihayetinde veya bu tarihten sonra her an feshedebilecek tir. Böyle bir ihbar vukubulmadığı takdirde meüzür taahhütler elyevm müzakeresine başlanacak olan Ticaret muahedesinin tatbiki tarihine kadar—salıfüz zikir fesh hakkı mahfuz kalmak sartile—meri ve bu tarihte bilfil hükümden sakit olacaktır.

Bilvesile, Büyük Elçi Hazretleri, Zatiâlinize ihtiramati fakami teyit eylerim.

TRANSLATION OF NOTE FROM HIS EXCELLENCY DR. TEVFIK RUSTU BEY, TO HIS EXCELLENCY SIR GEORGE R. CLERK, MINISTER FOR FOREIGN AFFAIRS, ANKARA, DATED THE 3RD SEPTEMBER, 1930.

I have the honour to inform you that, pending the negotiations and conclusion of a Treaty regulating the commercial relations between Turkey and India, the Government of the Turkish Republic, in order to avoid any impediment to the trade and commerce between the two countries on the lapse of the *modus vivendi* brought into force by an exchange of notes on the 2nd July, 1929, to which India adhered on the 1st August, 1929, undertake, on condition of reciprocity, to accord, as from the expiration of the above-mentioned *modus vivendi*, to goods the produce or manufacture of India a treatment in Turkey which shall be as favourable in all respects as that accorded to goods the produce or manufacture of the most-favoured foreign country. This treatment shall be accorded in all matters of commerce and navigation and as regards importation, exportation and transit, and in general all that concerns customs duties and formalities and commercial operations.

2. It is understood that the treatment of the most-favoured foreign country stipulated in the preceding paragraph will not embrace the special advantages which are or may in the future be accorded in customs matters by Turkey to countries detached from the Ottoman Empire under the Treaty of Lausanne of the 24th July, 1923.

3. In India and in the territories under the administration of the Government of India, Turkish nationals, and in Turkey nationals of British India and of territories under the administration of the Government of India, will have the right to trade freely to establish themselves and to acquire movable and immovable property under the same conditions as the nationals of the most-favoured foreign country.

4. The undertakings contained in this note will take effect as from the expiration of the *modus vivendi* mentioned in paragraph 1 above, and will remain in force for a period of six months at least, it being understood that the undertakings may be terminated by either party by giving three months' notice at the end of the third month or at any time subsequently. Failing such notice and subject to the aforesaid right of termination they will remain in operation until the entry into force of the Treaty of Commerce which is now to be negotiated, as from which date they will *ipso facto* cease to be effective.

I avail myself of this opportunity to assure Your Excellency of my highest consideration.

THE HONOURABLE SIR JOSEPH BHORE (Industries and Labour Member) : Sir, in view of what His Excellency has just said in his address to the two Houses and in view of His Excellency's meeting with representatives of the Legislature, I would ask you to adjourn the House until 2-30 this afternoon before which time Government will not now be in a position to lay certain essential business before the House.

The Council then adjourned till Half Past Two of the Clock.

The Council re-assembled at Half Past Two of the Clock, the Honourable the President in the Chair.

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

INDIAN FINANCE BILL.

THE HONOURABLE SIR ARTHUR McWATTERS (Finance Secretary) : Sir, I have a Message from His Excellency the Governor General.

(The Honourable Sir Arthur McWatters then handed the Message to the Honourable the President.)

THE HONOURABLE THE PRESIDENT : The Message is as follows :

"Whereas the Legislative Assembly has failed to pass in the form recommended by me the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary certain duties leviable under the Indian Tariff Act, 1894, to fix maximum rates of postage under the Indian Post Office Act, 1898, to vary the excise duty on motor spirit leviable under the Motor Spirit (Duties) Act, 1917, to fix rates of income-tax and super-tax, to vary the excise duty on kerosene leviable under the Indian Finance Act, 1922, further to amend the Indian Paper Currency Act, 1923, and to vary the excise duty on silver leviable under the Silver (Excise Duty) Act, 1930, a copy of which Bill in the form recommended by me is hereto annexed ;

Now, therefore, I, Edward Frederick Lindley, Baron Irwin, in exercise of the power conferred by sub-section (1) of section 67B of the Government of India Act, do hereby certify that the passage of the said Bill is essential for the interests of British India.

IRWIN,

Viceroy and Governor General

The 27th March, 1931."

Further Message :

"In pursuance of the provisions of sub-section (1) of section 67B of the Government of India Act, I, Edward Frederick Lindley, Baron Irwin, do recommend to the Council of State that it do pass the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary certain duties leviable under the Indian Tariff Act, 1894, to fix maximum rates of postage under the Indian Post Office Act, 1898, to vary the excise duty on motor spirit leviable under the Motor Spirit (Duties) Act, 1917, to fix rates of income-tax and super-tax, to vary the excise duty on kerosene leviable under the Indian Finance Act, 1922, further to amend the Indian Paper Currency Act, 1923, and to vary the excise duty on silver leviable under the Silver (Excise Duty) Act, 1930, in the form hereto annexed.

IRWIN,

Viceroy and Governor General.

The 27th March, 1931."

The Messages are endorsed on a copy of the Bill.

(The Messages were received by the Members of the Council standing.)

INDIAN FINANCE BILL LAID ON THE TABLE.

SECRETARY OF THE COUNCIL : Sir, in pursuance of the provisions of section 67B of the Government of India Act, I lay on the table copy of the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary certain duties leviable under the Indian Tariff Act, 1894, to fix maximum rates of postage under the Indian Post Office Act, 1898, to vary the excise duty on motor spirit leviable under the Motor Spirit (Duties) Act, 1917, to fix rates of income-tax and super-tax, to vary the excise duty on kerosene leviable under the Indian Finance Act, 1922, further to amend the Indian Paper Currency Act, 1923, and to vary the excise duty on silver leviable under the Silver (Excise Duty) Act, 1930, which the Legislative Assembly has failed to pass in the form recommended by the Governor General and which has been certified under the provisions of the same section by the Governor General as essential for the interests of British India.

THE HONOURABLE SIR ARTHUR McWATTERS (Finance Secretary) : Sir, I am giving notice of my intention to move that the Finance Bill, which has just been laid on the table of this House, be taken into consideration and also that the Bill be passed. I wish to ask your orders as to the time when these motions may be taken up. The only observation which I desire to make is that it is important from the point of view of Government revenues that the Bill should be passed by Monday evening, as the 30 days provided under the Provisional Collection of Taxes Act will expire on that day and, unless the Bill is passed by Monday evening, we shall have to refund the extra revenue collected during the month of March.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces : Nominated Non-Official) : Sir, I beg to suggest that the rules of business be suspended and this Bill be taken up for debate on Monday next. The usual rule requires three days for the Bill to be on the table, but as this is an important Bill, and as since it has already been suggested that Government will lose a large amount of revenue if the Bill does not become law by Monday evening, it is necessary that the discussion on the Bill should proceed immediately. As there will be many speakers also on the Bill, if you, Sir, are agreeable, I beg to suggest that the debate should begin at 10 o'clock on Monday.

THE HONOURABLE MR. ABU ABDULLAH SAIYID HUSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, I wish to endorse the remarks of my Honourable friend. If this Bill is hurried quickly, we will not be able to say anything about it. It will be necessary to begin the discussion early so that the Bill might be properly taken into consideration.

THE HONOURABLE THE PRESIDENT : I think I have very little option in the circumstances of this case but to direct that the consideration of the Bill shall be put down for Monday.

MOTION FOR THE ELECTION OF TWO NON-OFFICIAL MEMBERS TO THE STANDING COMMITTEE FOR THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

THE HONOURABLE SIR FRANK NOYCE (Education, Health and Lands Secretary) : Sir, I beg to move :

"That this Council do proceed to elect, in such manner as the Honourable the President may direct, two non-official Members to serve on the Standing Committee to advise on subjects, other than 'Indians Overseas—Emigration' and 'Haj Pilgrimage', dealt with in the Department of Education, Health and Lands."

The motion was adopted.

THE HONOURABLE THE PRESIDENT : Nominations will be received up till 11 o'clock on the morning of Monday, the 30th March, and if an election is necessary, the election will have to take place on the next official day thereafter.

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**RESOLUTION RE REGULATION OF THE HOURS OF WORK IN
COMMERCE AND OFFICES, HOTELS, RESTAURANTS, ETC.**

THE HONOURABLE SIR JOSEPH BHOORE (Industries and Labour Member) : Sir, I beg to move the following Resolution :

“ That this Council having considered the following Draft Convention and Recommendations adopted by the Fourteenth Session of the International Labour Conference :—

- (1) Draft Convention concerning the regulation of hours of work in Commerce and Offices ;
- (2) Recommendation concerning the regulation of hours of work in hotels, restaurants and similar establishments ;
- (3) Recommendation concerning the regulation of hours of work in theatres and other places of public amusement ; and
- (4) Recommendation concerning the regulation of hours of work in establishments for the treatment or the care of the sick, infirm, destitute or mentally unfit ;

recommends to the Governor General in Council that he should not ratify the Draft Convention nor accept the Recommendations.”

Sir, in moving this Resolution I should like to explain that we are bound, in ordinary circumstances within one year and in special circumstances within 18 months of the date of the Conference at which these Draft Conventions and Recommendations are adopted, to bring them before the Indian Legislature for ratification or for authoritative non-acceptance. In pursuance of that obligation I am making this motion to-day. So far as the Convention is concerned, Sir, I think the matter is a fairly simple one. If we accept a Convention we have to accept it *in toto*. We cannot adhere to one part of it and dissociate ourselves from another part of it. If therefore any part of a Convention, however small a portion of the whole it may be,—if any part of such a Convention is unacceptable to us we have no option but to reject the entire Convention. Now, I think that the House will agree with me that so far as this particular Convention is concerned, we have no option but to reject it. Before we begin to think of regulating hours of work in establishments and employments so varied as those which fall within the ambit of the elastic formula adopted in the Convention, we should have information, which we do not possess, in regard to the conditions prevailing in the numberless variety of cases which it is proposed to cover in the Convention under the designation Commercial and Trading Establishments. If we desired any justification for our contention we should find it in the attitude of the Labour British Government which has refused to ratify this Convention until it has examined the conditions prevailing in the various classes of occupation covered by the Convention and in which the hours of employment are as yet unregulated. I come next, Sir, to the case of the Recommendations. These Recommendations are that special inquiries should be made to ascertain the conditions prevailing in hotels, restaurants, boarding houses, clubs, cafés and similar establishments which are exclusively or mainly engaged in providing board and lodging or supplying refreshment for consumption on the premises, in theatres, music halls, cinemas and places of public amusement generally, whether indoor or

outdoor, and in establishments for the treatment or the care of the sick, infirm, destitute or mentally unfit. The reasons, Sir, why I am advising this House not to accept these Recommendations are briefly these. Inquiries in regard to the conditions prevailing in so varied a list of establishments and undertakings would necessarily involve heavy expenditure. That expenditure must fall upon Provincial Governments and I think it would be unfair without their consent to bind them to such investigation. So far as we are able to forecast the views of Provincial Governments, there seems little likelihood that they will agree to such enquiry. Moreover, Sir, unless we have definite *prima facie* evidence to suggest the need for such an inquiry—and I may say definitely we have no such evidence—we feel that we should not be justified in starting a roving investigation which may unsettle the relations of employer and employed, on the mere chance of our finding defects. There is a strong and growing labour movement in this country. There are trade unions whose vigilance in matters pertaining to conditions of work can be relied on. There are provincial Legislatures and Local Governments who are not unmindful of the claims of labour to fair and just treatment. If any of these authorities brought to our notice the existence of conditions necessitating investigation we should certainly take cognisance of the matter. The point that I wish to emphasise here is that the non-acceptance of these Recommendations does not commit us to inaction. If at any time *prima facie* evidence were placed before us which we considered would warrant an investigation, we should certainly reconsider our position.

Sir, I move.

The motion was adopted.

ELECTION OF THREE MEMBERS TO THE STANDING COMMITTEE FOR ROADS.

THE HONOURABLE THE PRESIDENT : Honourable Members will proceed to elect three Members to serve on the Standing Committee for Roads. There are four candidates for the three vacancies, the Honourable Sardar Bahadur Shivdev Singh Uberoi, the Honourable Babu Jagdish Chandra Banerjee, the Honourable Rai Bahadur Lala Jagdish Prasad and the Honourable Nawab Khwaja Habibullah. Voting papers will be handed round and I ask Honourable Members to vote by striking out the name of one Member for whom they do not wish to vote.

(The ballot was then taken.)

THE HONOURABLE THE PRESIDENT : The result of the election is as follows :

For the Honourable Rai Bahadur Lala Jagdish Prasad 27 votes have been cast ; for the Honourable Sardar Bahadur Shivdev Singh Uberoi 26 votes have been cast ; for the Honourable Nawab Khwaja Habibullah 23 votes have been cast ; and for the Honourable Babu Jagdish Chandra Banerjee 16 votes have been cast. I have to declare the first three Honourable Members duly elected.

THE HONOURABLE THE PRESIDENT : It was suggested to me just now by the Honourable Sir Maneckji Dadabhoy that if the consideration of the

[The Honourable the President.]

Finance Bill is taken up on Monday, the Council should meet at 10 o'clock instead of at 11. The Bill is of importance and it is necessary that the consideration and the third reading of the Bill should be concluded on that day. I think the suggestion made to me is a reasonable one. The Council will therefore meet at 10 o'clock on the morning of Monday, the 30th of March.

THE HONOURABLE MR. ABU ABDULLAH SAIYID HUSSAIN IMAM (Bihar and Orissa : Muhammadan) : May I know up to what time notice of amendments can be sent ?

THE HONOURABLE THE PRESIDENT : As early as possible. With regard to amendments, the position is that as the Bill is being taken up within 48 hours of its being laid, obviously the member of Government cannot insist on two clear days' notice ; at the same time no doubt he would hope that Honourable Members desiring to put in amendments would give him as long notice as possible.

The Council then adjourned till Ten of the Clock on Monday, the 30th March, 1931.
