

Friday, 30th September, 1932

THE
COUNCIL OF STATE DEBATES

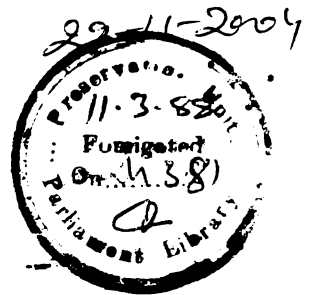
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COUNCIL OF STATE.

Friday, 30th September, 1932.

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

QUESTIONS AND ANSWERS.

SPEECH DELIVERED BY KHAN SAHIB KARAM DIN MALIK AT THE MEETING OF THE INDIAN POSTS AND TELEGRAPHS MUSLIM UNION AT THE BARKAT ALI HALL, LAHORE.

122. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD (on behalf of the Honourable Rai Bahadur Lala Ram Saran Das): (a) Will Government kindly state whether its attention has been drawn to a public speech delivered by Khan Sahib Karam Din Malik, Telegraph Master, Lahore, at the Barkat Ali Hall, Lahore, at the meeting of the Indian Posts and Telegraphs Muslim Union on the 10th July, 1932, and published in the *Postal Advocate*, Delhi, in its issue of July, 1932, on pages 5 to 7 ?

(b) Is it a fact that Khan Sahib Karam Din Malik was warned by the higher authorities in 1922 for exciting and exploiting religious and sectarian differences amongst the staff of the Peshawar General Telegraph Office and for conspiring against Mr. E. C. Moore, the then Telegraph Master there, and was made to understand that if he was again found guilty of repeating the same offence he will be dismissed forthwith from Government service ?

(c) Is it a fact that he was recently found insubordinate and rude in his treatment of the Superintendent-in-Charge, General Telegraph Office, Lahore, and that he has created extreme communal tension in the establishment of the office ?

(d) If the reply to the above questions be in the affirmative, will Government kindly state what punishment they intend giving to Khan Sahib Karam Din Malik and whether they intend transferring him from Lahore in the public interest ?

THE HONOURABLE SIR FRANK NOYCE: (a) Government saw the report of the speech which is understood to have been made, not, as suggested, on a public occasion but at a meeting of the All-India Posts and Telegraphs Muslim Union, a body which has not been recognised by Government. As, however, the speech said to have been made by the Khan Sahib was reprinted in a newspaper which is on sale to the public, cognisance was taken of it by Government.

(b) and (c). Government have no information but have called for a report.

(d) If the facts prove to be as suggested in parts (b) and (c) of the question and if it is established that the speech was actually made by the Khan Sahib, Government will consider whether disciplinary action should not be taken.

ORDER OF PRECEDENCE OF MEMBERS OF THE COUNCIL OF STATE IN FORMAL STATE FUNCTIONS.

123. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD (on behalf of the Honourable Kumar Nripendra Narayan Sinha): Will Government be pleased to state :

(a) what order of precedence the Members of the Council of State enjoy in formal State functions by virtue of their being Members of the Council of State ;

(b) the book or manual in which such order of precedence has been laid down ;

(c) whether the position of Members of the Council of State in the order of precedence has so far been akin to that of Members of the Legislative Assembly ;

(d) whether the order of precedence of Members of the Council of State is in every way akin to that of Members of the House of Lords in England ?

THE HONOURABLE MR. M. G. HALLETI : (a) and (b). I presume the Honourable Member has in mind the Royal Warrant of Precedence published with the Home Department Notification No. F. 49/9/28-Public, dated the 2nd June, 1930. The notification will be found in the provincial Civil Lists. This Warrant is intended primarily to regulate the position of officials holding appointments in India and Members of the Legislatures are not therefore included.

(c) and (d). Do not arise.

TARIFF BOARD ENQUIRIES AND ACTION TAKEN ON THE BOARD'S REPORTS.

124. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD (on behalf of the Honourable Kumar Nripendra Narayan Sinha): Will Government be pleased to state :

(a) on how many occasions the Tariff Board has been asked to investigate matters referred to it ;

(b) the specific subjects (to be mentioned in regular order year by year) which that Board has investigated since its creation ;

(c) in what particular matters the Government has accepted their recommendations wholesale ;

(d) in what particular matters the Government has partially accepted their recommendations ?

THE HONOURABLE MR. J. C. B. DRAKE : (a), (b), (c) and (d). Collection and compilation of the details desired by the Honourable Member would require an amount of labour and expenditure of time which the Government consider would not be justified by the result. The orders of the Government of India directing the Tariff Board to make an enquiry are invariably embodied in a Resolution which is published in the Gazette of India. Copies of the Board's Reports, when published, are distributed to Members of the Legislature and are also placed in the Library. The conclusions arrived at by

the Government of India on the Board's recommendations are also published in detail in each case and proposals for legislation are placed before the Legislature. All the information asked for by the Honourable Member is therefore available to him in the Library.

STATEMENT LAID ON THE TABLE.

RECOMMENDATIONS OF THE BANKING ENQUIRY COMMITTEE.

THE HONOURABLE MR. J. B. TAYLOR: Sir, I lay on the table the information promised in reply to question No. 18 asked by the Honourable Sardar Buta Singh on the 20th September, 1932.

REPORTS OF THE RETRENCHMENT COMMITTEES LAID ON THE TABLE.

THE HONOURABLE MR. J. B. TAYLOR: Sir, I lay on the table the Reports of the Retrenchment Committees in pursuance of the Resolution adopted by the Council on the 21st September, 1932.

STATEMENT SHOWING THE ACTION ON THE RECOMMENDATIONS OF THE INDIAN CENTRAL BANKING ENQUIRY COMMITTEE.

(Vide items in para. 782 of the Report.)

(A) Recommendations on which no action by Government is called for.

10, 39, 82, 89, 99, 109, 110, 112—116, 130—134, 137—139, 143, 147—149, 151, 152, 159, 161, 163, 165, 175, 176, 184, 185, 189, 201, 205, 206.

(B) Recommendations which are dependent on the creation of a Reserve Bank and which it would be premature to consider until a Reserve Bank is established.

13—18, 46, 135, 136, 140—142, 144—146, 158, 166—174, 190—199.

(C) Recommendations on matters on which under the existing constitution the responsibility and therefore, the final decision must rest with Provincial Governments.

1—3, 4—9, 11, 12, 19—38, 42—45, 49—67, 68—81, 83—88, 90, 91, 95—98, 100, 101—106, 107, 108, 117—129, 162, 164, 200, 203, 207—209.

(D) Recommendations on matters on which the final decision rests with the Government of India.

Recommendations (vide paragraph 782 of the Report).

Action taken.

(40) Free remittances of funds for co-operative purposes is of the utmost importance to the co-operative movement and no attempts should be made to curtail those privileges under the rules of the Government of India in this matter. (Paragraph 182.)

(40) In practice at present remittance for proper co-operative purposes is freely granted.

(41) As regards remittance facilities for other than co-operative purposes co-operative banks should be entitled to the same privileges as joint-stock banks. (Paragraph 182.)

(41) This is actually being done.

Recommendations (*vide* paragraph 782 of the Report).

Action taken.

(47) Profits of co-operative societies should be exempt both from income-tax and super-tax. (Paragraph 195.)

(47) & (48) Local Governments have been addressed for an expression of their views on the desirability of granting the concessions proposed and their effects if and when granted.

(48) The exemption of co-operative societies from payment of income-tax and super-tax on earnings from investments in public securities or land mortgage debentures to the extent such investments are necessary for the purpose of their fluid resources and for the investment of reserve funds as prescribed by the rules is recommended. (Paragraph 196.)

(92) A detailed investigation of the problem of starting railway warehouses in the chief centres of trade should be undertaken by the Railway Board and the railways should be asked to start experiments at selected centres. (Paragraph 282.)

(92) & (93) The recommendations are under the consideration of Government (Railway Department).

(93) With a view to encouraging private enterprise to provide and work warehouses in the vicinity of railway stations certain modifications in the terms of the lease suggested by the Railway Board are recommended. (Paragraph 282.)

(94) The placing of railway receipts by the legislature on the same footing as bills of lading is recommended. It is further recommended that railway receipts should be made negotiable and that the railway authorities should issue instructions that the receipt should give as full a description as possible of the goods covered by it. (Paragraph 283.)

(94) The matter is under the consideration of the Government of India (Railway Department) and the views of Local Governments and Chambers of Commerce have been invited on certain points.

(111) Any technical difficulties in the way of Government communicating acceptances of tenders to contractors and to their financing banks or bankers and payment of all monies due to the contractors through these banks and bankers should be removed. (Paragraph 322.)

(111) The recommendation has been accepted and instructions have been issued to the Auditor General on the subject with a view to the Public Works Account Code and other Codes being amended accordingly. Departments of the Government of India and Provincial and local Governments have also been circularised.

(150) No obstacles should be put in the way of mergers among smaller joint-stock banks by stamp duties or taxation, and any existing obstacles in this direction should be removed. (Paragraph 549.)

(150) Government consider that there is no justification for exempting mergers of joint-stock banks from super-tax.

(153) Steps should be taken, as early as possible, to remove the impediments which now stand in the way of immoveable property belonging to a Hindu or Muhammadan family being accepted by banks as a normal security. It is left to the Government concerned and the legislatures to weigh the various considerations involved and determine what action should be taken in the matter. (Paragraph 562.)

(153) It is the general policy of Government not to effect changes in Hindu or Muhammadan law unless there is a general demand for it. In the absence of any such demand Government consider it unwise to act on the suggestion.

Recommendations (*vide* paragraph 782 of the Report).

Action taken.

(154) The provisions of section 58 (f) of the Transfer of Property Act should be extended to other important centres of trade and commerce (both internal and port towns) throughout India. (Paragraph 563.)

(154) Local Governments are being consulted in the matter.

(155) The Negotiable Instruments Act should be amended so as to provide that cheques originally drawn to bearer, would despite any endorsement, retain their character as bearer instruments. The recommendation that any holder of a cheque should have the right to alter the character of the cheque from "bearer" to "order" on the face of it and that the alteration should be supported by the name of the drawer or holding endorser who makes the alteration is approved. *Hundis* which are drawn in the form of cheques should be treated similarly. (Paragraph 564.)

(155) & (156) Under the consideration of Government.

(156) The legal position as regards trust receipts should be investigated by the legal advisers of Government and such action taken as may be considered necessary. (Paragraph 565.)

(157) The cost of internal remittance in India should be reduced as far as possible. (Paragraph 566.)

(157) Government consider that the remittance facilities which the Imperial Bank and the Government between them offer to the public and other banks are extraordinarily cheap. The matter has been examined from time to time and it was decided that nothing can be done until the question has been examined by the Reserve Bank when it is established.

(160) The abolition of the stamp duty on bills of exchange is recommended. The recommendations should be given effect to within a period of five years and as an initial step the stamp duty on all bills of less than one year's usance should be reduced to a uniform rate of two annas per one thousand rupees. (Paragraph 593.)

(160) The recommendation might encourage the use of bills but cannot be given effect to as neither the Central nor the Provincial Governments can spare the revenue obtained from the duties and as the question of allocating the revenue on commercial stamps between the federal and Provincial Governments is still unsettled.

(177) Pending the establishment of the Reserve Bank, it is suggested for the consideration of Government that efforts should be made to obtain more complete statistics for the various classes of banking institutions and to publish them as early as possible. (Paragraph 627.)

(177) After consulting the various authorities concerned, the Government of India have come to the conclusion that the question of altering the existing Banking Statistics should be deferred till the Reserve Bank is created.

(178) The limit for savings bank deposits in the accounts of minors may be raised. (Paragraph 645.)

(178)—(180) Under consideration.

(179) (a) Persons having post office savings accounts should be allowed to operate on these accounts, and to make deposits by means of cheques. (Paragraph 646.)

Recommendations (*vide* paragraph 782 of the Report).

Action taken.

(b) Accounts may be opened jointly in the name of two persons payable to either or survivor. (Paragraph 646.)

(c) Depositors may be allowed to name nominees to whom the payment of deposits should be made in the event of death. (Paragraph 646.)

(180) The holder of a postal cash certificate should be allowed to nominate a person to whom the amount may be transferred in the event of death. (Paragraph 647.)

(181) The issue of savings certificates payable in gold, as recommended by the Royal Commission on Indian Currency and Finance, 1926, is supported in principle. (Paragraph 649.)

(182) The issue of a new type of gold certificate, called "*stridhan* certificate" is supported in principle. (Paragraph 650.)

(183) Facilities afforded by the post office to investors for the purchase and sale of Government securities and for their safe custody may be extended to small investors generally and not confined to those who are savings bank depositors. (Paragraph 652.)

(186) Transfer duty on debentures may be reduced to a uniform duty of 4 annas per cent. (Paragraph 657.)

(187) Insurance companies, Indian as well as non-Indian, should be required by law to lodge an initial deposit with Government and to invest, and keep invested, a fixed proportion of their premia funds in approved Indian securities. (Paragraph 660.)

(188) (a) Facilities for payment of land revenue by cheque may be extended to taluka sub-treasuries and district treasuries.

(b) All material payments by Government should be made by cheques. The proposals made by the Bengal Committee on the subject are commended for the consideration of Government.

(c) All municipalities and other local bodies should be asked to consider the feasibility of making and accepting payment by cheque on

(181) and (182) No action can be taken at present as it is impossible to consider the issue of savings certificates payable in gold until the rupee has been stabilised in terms of gold.

(183) In the opinion of the Government of India the existing practice meets all reasonable requirements.

(186) Action on this recommendation cannot be taken at present as Provincial Governments cannot forego revenue in the present financial stringency and there is little object in consulting Local Governments pending a decision on the question of how the stamp duties on commercial stamps will be treated under the new constitution.

(187) Under the consideration of Government.

(188) (a) Is not acceptable. Action on (b) must be postponed till the question of separate Local Government balances under the reforms is settled.

Recommendations (*vide* paragraph 782 of the Report).

Action taken.

account of salaries to some of their employees and other items of receipts and disbursements. (Paragraph 665.)

(202) If it could be arranged, young Indians possessing high qualifications should after they have had a good preliminary training in banks in India be sent abroad to study advanced banking, especially international exchange and other subjects connected with currency and exchange. (Paragraph 766.)

(202) The High Commissioner for India has been addressed on the subject.

(204) The suggestion that the Indian Institute of Bankers should arrange in different important centres, for courses of lectures in the vernacular of the community to which the local indigenous banker belongs and to hold special examinations, on the result of which certificate could be awarded may be considered by the Institute. (Paragraph 769.)

(204) The Indian Institute of Bankers have been addressed on the subject.

MOTION *RE* NECESSITY FOR FURTHER IMMEDIATE AND DRASTIC ACTION WITH A VIEW TO CRUSHING THE TERRORIST MOVEMENT IN BENGAL.

THE HONOURABLE MR. E. MILLER (Bombay Chamber of Commerce):
Sir, I beg to move the following motion :

“That this House while deploring and expressing its horror at the outrage which occurred at Calcutta on Wednesday evening last, when a second attempt was made on the life of Sir Alfred Watson, urges upon Government the necessity for further immediate and drastic action with a view to crushing the terrorist movement in Bengal and for mobilising the forces of public opinion to this end.”

I little thought when my Honourable friend and colleague Mr. Benthall spoke in this House a few days ago in connection with the recent outrage near Chittagong, that it would again be necessary during this short session to address this House in connection with another outrage committed by the terrorists in Bengal.

As Honourable Members know, this is the second attempt made on the life of Sir Alfred Watson during the past two months, and I am sure all Honourable Members will join with me in expressing our sympathy with Sir Alfred and also the lady who was accompanying him and not forgetting the poor innocent Indian chauffeur who lies in a precarious condition as a result of this dastardly crime. I am in no doubt as to the unanimous support this Resolution will receive from this Honourable House and, as it is the general desire that today's sitting should be of short duration, I will endeavour to express my views as briefly as possible.

I was present at the debate yesterday in another House when the European Group were appealed to not to lose their nerve or allow themselves to be worked up into a state of heat and panic on account of these recent outrages. Sir, I do not wish to boast about my community, but I think it will be generally admitted that Europeans in India, during the last year or two, have had to contend with very trying conditions and particularly so in Bengal and Bombay,

[Mr. E. Miller.]

although the problems in these two provinces have been somewhat different. Bengal has had mainly to contend with terrorism, while in Bombay the main trouble has been the boycott of British goods and also communal rioting, which have seriously handicapped both Indian and British trade in India. In neither case can the Europeans be said to have shown any sign of panic, and I should like to take this opportunity of particularly mentioning the police and civil servants of all ranks. I am beginning to feel, however, that our patient and tolerant attitude is being mistaken for weakness, and so Honourable Members must not be surprised if arising out of these two recent outrages, we express our extreme indignation in strong terms. These occurrences will certainly in no way frighten us out of the country, and Sir Alfred Watson himself is a fine example of courage, for, in spite of the attack against him in August, he has stuck to his post and has in no way altered the routine of his life or the well-considered policy of that splendid journal of which he is the able editor.

It was suggested yesterday in another place, owing to the terrorist activities having developed so much during recent months, that until it is crushed the question of granting provincial autonomy to the province of Bengal should be considered and all proposed progress should be held up until such time as law and order is established. This proposal perhaps, not unnaturally, met with strong opposition from the leaders of various communities and I can sympathise with their desire that such a penalty should not be imposed. I have lived in India for the last 30 years, during which period I have resided at Karachi, Calcutta and Bombay, and I think I can claim to have many Indian friends in all three places. I was a member of the Bombay Provincial Committee which co-operated with the Simon Commission and also more recently a member of the Franchise Committee, and in both cases have been a strong supporter of progressive development in connection with the Reforms. In saying what I do, therefore, I trust that Honourable Members will accept my assurance that it has been my desire for many years past to assist towards the advancement of these Reforms. While, therefore, I am not in favour of coming to any hasty decision in regard to retarding this development due to the recent outrages in Bengal, I do feel that if all other methods fail, the withdrawing of autonomy to the province of Bengal at any rate, must be seriously considered. It would mean, of course, that many loyal Indians would be penalised for a comparatively small group of anarchists but it sometimes happens that the innocent have to suffer with the guilty. While, therefore, not advocating the immediate consideration of such a step, it is undoubtedly one that will have to be borne in mind and so it behoves all good and loyal citizens to apply themselves with all the power and energy at their command to crush this disloyalist body by every means in their power.

While I am sure that we can rely on the full support and assistance of both the Government of India and the Government of Bengal, we must all co-operate and assist in every way. There can only be one thing said of those who do not do so, and that is that if they are not for us, they must be against us. It should surely be possible to arrange for co-operative action in order to ascertain who really are the responsible persons behind this organisation. I cannot

help but feel sorry for these misguided young men and women who are sacrificed to what they are pleased to call the "Cause," owing to propoganda spread by a cowardly and apparently educated body of men who work behind the scenes and are afraid to come out into the open and do the dirty work themselves. If some action such as this is not taken, it would be unfair to blame Government if they finally come to the decision that no advancement can be granted until law and order is established in the province of Bengal.

It must be remembered that while at the moment the terrorist movement is mainly directed against the European, it is not going to be confined to our community and, unless it is crushed promptly, it will spread and attacks will be launched against other communities. I am convinced that unless firm action is taken now it will not cease with the introduction of the new constitution and it is designed to attack all Members of this House and the majority of the communities they represent. I appeal therefore to each and every Member and to all those in their constituencies to co-operate with the non-official Europeans and the Government in taking such steps, however drastic they may be, as will stamp out this cowardly attack on all law-abiding people who have the welfare of this wonderful country at heart. Think of the effect incidents such as these two outrages must have, not only on the British public and His Majesty's Government, but also on other nations. I can think of no nation except the British that would have tolerated such conditions as exist today and the British are anxious to join issue with you all in removing this blot from our midst.

Let us all unite in getting the support of public opinion and I appeal to this House and the Government to organise some definite form of active publicity that will rally to our aid the masses throughout India (and in this I include the Congress Party) in order to exterminate this revolutionary menace from amongst us. Otherwise it can only end in a state of chaos which will throw this country back into a position from which it will take many years to recover. The situation demands prompt and drastic action and we must not hesitate to enforce the utmost rigour of the law.

Sir, once again I appeal to all parties for courageous co-operation and I feel sure I shall not make this appeal in vain. Sir, I move.

THE HONOURABLE KHAN BAHADUR CHAUDRI MUHAMMAD DIN (East Punjab : Muhammadan): Sir, I had also given notice of a similar motion, but I was rather late. Only the other day we recorded our horror and indignation at the dastardly outrage in Chittagong. This second attempt on the life of Sir Alfred Watson is another of the series of crimes which are being perpetrated in Bengal by terrorists. We know that under a mistaken idea of patriotism these misguided young men are ruining their careers and are bringing a slur on the good name of Bharat. It is not patriotism but sheer madness. The law that whatever a man sows that shall he also reap is inscribed in flaming letters upon the portal of Eternity and none can deny it, none can cheat it and none can escape it. Sir, one feels distressed and ashamed that our young men in Bengal have adopted this cult of murder and suicide. It is the duty of all law-abiding citizens who love their country to try to bring these young men to the right course and to help the Government in stamping out and in curing this disease which if allowed to grow on is apt to destroy

[Khan Bahadur Chaudri Muhammad Din.]

the whole system. It is in the interests of India that all necessary steps should be taken by the Government to suppress the terrorist movement as early as possible. No true well-wisher of Bharat will have any sympathy with the terrorist murderer. I appeal to my countrymen to co-operate in eradicating this evil for the peace and prosperity of our motherland. In the words of Lord Willingdon, let us work together in the closest co-operation for the united purpose of securing a national spirit in India, for it is then and not till then that India will take her rightful place among the nations of the world. Sir, I support the motion moved by my Honourable friend Mr. Miller.

THE HONOURABLE KHAN BAHADUR SYED ABDUL HAFEEZ (East Bengal : Muhammadan) : Sir, I do not wish to take up the time of this House by making a long speech. We are all too overwhelmed with the disastrous and most unfortunate event that took place recently in Calcutta. It has been the sad fate of Bengal that it should form the subject of so many motions in this Honourable House. I feel that words are insufficient to express our horror at the dastardly attempt on the life of one of the best known, most courageous and best respected editors in India. The second attempt on the life of Sir Alfred Watson is a measure of the heroic work he has done for crushing terrorism in Bengal, and educating Indian opinion into organising effective measures for suppressing the perpetrators of horrible crimes. Indian opinion is clamouring for prompt and effective steps to check this evil. The question is not one which concerns Government alone. Every citizen who loves order, respects security and obeys the law, insisently demands effective measures for the purpose. The Government must either support such people or abdicate. Will the Government take up the challenge which has been so insolently thrown out to them ? Will they pick up sufficient courage to say, " We take up the challenge ? " Or will they continue to sit with folded hands, silent spectators of the atrocities committed in broad daylight, in crowded streets ? Where is the liberty of the subject ? Where is the guarantee of our safety ? Where are the measures for our self-preservation ? How long shall we continue in this state of senile decay and supine indifference to our safety ?

Sir, I should just like to make a few points clear. Honourable Members must have seen a statement published this morning over the signatures of some of the Members of the Central Legislature. As it is liable to be misunderstood I have thought it necessary to refer to it here. Our object, as the object of all peaceful and law-abiding citizens, is to maintain the law and help the authorities charged with its maintenance with all the help, the resources and the influence that we can command. We should do that in proportion to the gravity of the offence and support all necessary measures for suppressing terrorism. I should like also to make it quite clear that we have not indicated the Hindu community as a whole. That has never been our intention. The overwhelming majority of the Hindu community is not, I am sure, afflicted with this disease and abhors it as much as we do. It will, however, be admitted that practically all of those concerned in these outrages happen to belong to the Hindu community. I should also like to correct another possible misunderstanding. We do not want to exclude Bengal from the benefits of

the new reforms. We want provincial autonomy, and have been fighting for it for years. When we used the phrase

“ either by excluding Bengal for the time being from all considerations of constitutional advance ”

in our statement we had in view the prospect of general anarchy rampant throughout Bengal. I am happy to say that such a state of affairs does not exist at the present time and though the evil is serious enough, public opinion should be mobilised with sufficient celerity to remove all traces of terrorism in a short time. If all the elements of the population work whole-heartedly for this end, terrorism can be stamped out very soon. Let us therefore begin this sacred work from today and determine to end this terrible blot on the fair name of my province.

THE HONOURABLE MR. G. A. NATESAN (Madras : Nominated Non-Official) : Sir, as one who took to journalism almost as a boy on leaving college and who has been in it for 36 years I desire to express my condemnation of the attempt on the life of Sir Alfred Watson. As a journalist, I, along with others, have been protesting against any infringement of the rights of the Press and I, in common with my fellow-journalists, have protested against attempts on the part of Government to restrict the freedom of the Press either by Regulations or by Ordinances. I feel therefore most keenly that when a journalist, rightly or wrongly, expresses his own views, it is really abhorrent that an attempt should be made on his life. There will be no freedom or liberty of the Press, if such things are tolerated, and if I feel strongly upon this matter, it is because I am fortified by the feeling expressed on all sides that nothing should be done to interfere with the liberty of an honest journalist in the discharge of his duties.

Sir, as a Hindu I feel all the more the humiliation and the shame of attempted crimes of this kind, because, for centuries the Rishis and Sages of this land have sung, “ *Ahimsa Paramo Dharma* ”—Life is valuable, human life is sacred, and nobody has any right to attempt to take it away. I quite understand, and I sympathise with the feelings with which my Honourable friend Mr. Miller spoke. In ordinary life, when some attempt is made upon the life of an individual, the people concerned naturally burst out in terms of great indignation and the first feeling is one of reprisal. When, therefore, my Honourable friend Mr. Miller said it is but natural that these people should express their extreme indignation in strong terms, I quite sympathise with him. I would have done so myself if I were placed in a similar position. But it is the duty of all who want to promote peace and good government that we should allow time to elapse, and to recover our normal mood to think out the matter in a much more cool and collected manner than we could possibly do on the spur of the moment. I am tempted to make this remark, Sir, because an appeal has been made that Government should take drastic measures. In so far as Government initiates measures even of a drastic character to put down this movement I will give my most cordial support and I trust that people not only here but also elsewhere who are interested in rooting out terrorism will do so cheerfully and faithfully for the simple reason that as we all look forward to getting self-government in the near future, this evil, if not rooted out, will grow and grow and may be utilised against the very people who will sooner or later be called upon to

[Mr. G. A. Natesan.]

undertake the task of self-government. At the same time, I feel that it is the duty not only of non-official Members but above all of Government officials not to allow themselves to be carried away by panic at this juncture. My Honourable friend Mr. Miller has referred in somewhat cautious terms to what was said in the other House that today we shall have to reconsider how far it is desirable to introduce reforms in Bengal. I tell him in all sincerity, in all earnestness, with all the possible attention that I, as a journalist and publicist of 36 years' standing has been able to devote to this question, that unfortunately there is distrust of British rule in India and a fear that somehow or other reforms will not be given. That widespread distrust has been, among others, the root cause of this evil. I beg of you to think what the consequences will be if you are going to delay the reforms or at any rate its inauguration in Bengal. I tell you most seriously that reforms, speedy reforms, reforms quickly effected, will be one of the panaceas for this evil which has now taken root in this country. I will conclude by asking all Englishmen, Indians and officials to remember that when Lord Hardinge himself was once the victim of an attempted bomb outrage, he said :

“ This will not allow my Government or anybody else to postpone the reforms ”.

And I agree with what one of my own illustrious countrymen, as the Leader of the Assembly, said yesterday, who, after denouncing the whole thing, said,

“ Let nothing, however, be done to deflect us from the path of constitutional reforms ”.

THE HONOURABLE MR. E. C. BENTHALL (Bengal Chamber of Commerce) : Sir, in the other House our representatives were criticised yesterday for having made the suggestion that in certain circumstances it might be necessary to withhold the introduction of reforms in Bengal. The Honourable Mr. Natesan has expressed with very great sincerity, the depth of which I know only too well, the same sentiments. I would like to try and explain what is in the minds at any rate of some Europeans in respect of this matter.

When I unfortunately had to speak under similar circumstances a few days ago, I drew attention to the fact that self-government might in certain circumstances lead not to democracy or to self-government at all but to terrorist raj. I did not mean to indicate that that situation was in any way really possible ; I meant to indicate what would happen if, without considering all the circumstances, responsibility was handed over in Bengal.

Now, what would happen ? I would ask Members to consider that. If responsibility were handed over in Bengal immediately and if a predominantly Moslem government came into operation, they would be in a very invidious situation in Bengal having to cope with this terrorist movement as the first act of their government. I maintain that that would not be a fair position to place a new government in ; it would not give a fair chance to the reforms. If, on the other hand, a predominantly Hindu government came into operation, what guarantee have we at present to assume that they would effectually take action to cope with terrorism ? At the present time we know that a large volume of public opinion, public opinion in

Bengal, is opposed to this terrorist movement, but it has not yet manifested itself in public action ; and until it manifests itself in public action, I do not think it would be right to hand over responsibility ; the risk would be too great.

Now, while it is impossible to hand over responsibility until this menace has been dealt with, it is also unthinkable for one moment that this menace cannot be crushed. I am perfectly certain that the Honourable the Home Secretary has the utmost confidence that in time and, possibly with the expenditure of lives, this menace will be crushed. I am perfectly certain that His Excellency the Commander-in-Chief, if he was here, would endorse it. There is no possible doubt that in time this will be dealt with. The only question is how soon it will be dealt with. In that respect I think every Member here, every Member of the other House, every Member of the local Councils, every member of the public, can help to mobilise public opinion and public action. In the other House yesterday one of the European group put forward a suggestion that a meeting might be held immediately here in Simla to start a campaign of this nature. I hope that a meeting of that nature will be held today and I can assure the Honourable Mr. Natesan that we shall welcome the most thorough-hearted co-operation in this attempt. I think myself that the prospects of dealing with this by public opinion are extremely hopeful. We know that Mr. Gandhi is opposed to this movement ; we have the statement of the Congress that they are opposed to this movement and we have evidence received from every part of this and the other House that the whole of India is opposed to this movement, the whole of India outside Bengal. We also know that a good deal more than half of the province of Bengal itself is opposed to this movement and if the public will join with us and with Government in bringing public opinion and public action to bear, I am convinced that this menace will be wiped out in a short time.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR (Central Provinces : General) : Sir, I deplore the incident and I congratulate Sir Alfred Watson on his providential escape. Sir, it has been said that this evil can be stamped out and suppressed by drastic methods only. I, and other law-abiding citizens and other Members of this House, will be ready to support Government in stamping out this evil if they introduce new drastic measures, but, in my humble opinion, Sir, the introduction of drastic measures is not the only remedy for stamping out and suppressing this evil. I think the Government should adopt conciliatory measures and see that the evil is not only suppressed but stamped out. I just learnt from my Honourable friend Mr. Benthall that Mahatma Gandhi and the Congress are opposed to this evil. I may suggest, Sir, to the Government that Government should release Mahatma Gandhi and let him try in his way to stamp out this evil. This movement of terrorism in Bengal is not only confined to murders, but the terrorists also commit dacoities. That shows, Sir, that this terrorism is not due simply to get more reforms or to further constitutional progress, but they want money for their maintenance. So, people with vested interests and all law-abiding citizens will really support Government in whatever necessary measures they may take to suppress this evil, but, at the same time, I may suggest that Government should find out employment for these misguided youths and they should not in the least delay constitutional progress. If these things

[Mr. Vinayak Vithal Kalikar.]

are done in time, I hope the terrorist movement will not only be suppressed but it will be stamped out and we shall all be free from this trouble that is happening every month in Bengal. With these few words I support the motion.

THE HONOURABLE SIR FRANK NOYCE (Leader of the House): Sir, I need hardly say that the occupants of the Government Benches wholeheartedly associate themselves with all that has been said with such striking unanimity from all parts of this House in stern reprobation of this second dastardly outrage which has occurred within a week and the second outrage on Sir Alfred Watson and also with the tribute of admiration to Sir Alfred Watson's courage which has been paid. Sir Alfred and the other victims have our sincere sympathy and our very best wishes for their speedy recovery. (Applause.) I would also express our sympathy with the members of the community to which Sir Alfred belongs.

As to what has been said in regard to the responsibility of Government, I would assure this House, as my Honourable friend the Home Member did in the other House yesterday, that Government are fully alive to that responsibility. The Government of India are in constant and close consultation with the Government of Bengal. I would remind the House that the Legislative Council of Bengal have recently passed an Act specially designed to deal with the evil, the results of which are the subject of the motion before us. The central Legislatures will be asked in the course of the next session to pass certain supplementary legislation and Government feel confident that they will show no hesitation in doing so. If it should prove that further powers are required, I can assure the House that Government will have no hesitation whatever in asking for them. I share the Honourable Mr. Benthall's confidence that this menace can be crushed and we shall continue to devote all our energies towards that object.

But, Sir, whilst Government have mobilised and will continue to mobilise all the forces at their disposal, that is not enough. As has been pointed out by several speakers, there is another force the mobilisation of which is necessary and that is the force of public opinion. I have heard it said once or twice in the course of the last few days that terrorism is a passing phase. I wish we could feel sure of that. What we have to consider and consider very seriously indeed is whether there is not a serious danger that the passing phase will become the normal condition. The only hope, in my view, that this will not happen lies in the creation of an atmosphere in which the youth of Bengal and elsewhere will be compelled to realise that there is nothing heroic, nothing patriotic—but on the contrary all that is mean, cowardly and contemptible—in the cult of the revolver and the bomb. For all that the Members of this House and especially those who come from Bengal can do to bring this about—and I am sure they can do very much—India and the cause of ordered government throughout the world will have reason to be deeply grateful.

Sir, on behalf of the Government I cordially accept this motion.

THE HONOURABLE MR. E. MILLER : Sir, it seems quite plain from the tenour of all the speeches made that the motion that I have moved has the approval of this House. I also thank the Honourable Sir Frank Noyce for his reassuring remarks on behalf of Government. I have nothing further to add, Sir, except to commend this motion to the support of the Honourable Members.

THE HONOURABLE THE PRESIDENT : The question is :

“That this House while deploring and expressing its horror at the outrage which occurred at Calcutta on Wednesday evening last, when a second attempt was made on the life of Sir Alfred Watson, urges upon Government the necessity for further immediate and drastic action with a view to crushing the terrorist movement in Bengal and for mobilising the forces of public opinion to this end.”

The motion was adopted.

TEA DISTRICTS EMIGRANT LABOUR BILL.

THE HONOURABLE SIR FRANK NOYCE (Industries and Labour Member) :
Sir, I move :

“That the Bill to amend the law relating to emigrant labourers in the tea districts of Assam, as passed by the Legislative Assembly, be taken into consideration.”

Sir, the Bill I am commending to the consideration of this Council is an important and intricate one, though it is simplicity itself compared with the legislation which it is intended to replace. I do not know how far this House, on the last day on which it is to sit, would wish me to enter into a detailed discussion of its provisions but I shall proceed on the assumption that those Honourable Members who are interested in the subject have studied carefully the very full Statement of Objects and Reasons attached to the Bill and also the Report of the Royal Commission on Labour on which it is based, and that it is unnecessary for me to do more than recall to their memory certain salient points in those papers.

The Bill is based on two main principles. The first is the reduction of restrictions on the free movement of labour in Assam to a minimum and the establishment of conditions which will make it possible eventually to dispense with all control. This is an ideal which has been endorsed by two important Commissions—the Royal Commission on Agriculture and the Royal Commission on Labour. It has to be remembered that the Assam Labour and Emigration Act of 1901 under which emigration to the tea districts of Assam is at present regulated was designed mainly to regulate the recruitment and engagement of indentured labour. It has not, however, been possible for some years for any worker in Assam to be subjected to a penal contract and, in consequence of this and other changes, the existing law is entirely unsuited to present conditions. Attempts have been made at various times to amend it to meet the altered conditions, but the result has been to make confusion worse confounded. A large part of those provisions which have survived the amending Acts (and I think I am right in saying that there have been at least three of them) have become completely ineffective, and even the provisions which are still operative are open to serious criticism. By 1926, the Government of India had come to the

[Sir Frank Noyce.]

conclusion that the time might have come for the abolition of control over recruitment, and that, even if this were inadvisable, considerable changes in the law were necessary. The local Governments mainly concerned, however, agreed that some restrictions on recruiting were still essential but that the existing restrictions were unsatisfactory. An Assam Recruitment Bill was accordingly drafted and sent to them about the end of 1928. However, by the time that the opinions on it were received, the Royal Commission on Labour had been appointed and a decision was therefore deferred until they had reported. As I have already said, the scheme of the Bill, as introduced in the other House, follows in the main their unanimous recommendations though some variations in points of detail were incorporated in it. Again, as I have said, Sir, the first principle of the Bill is the acceptance of the ideal policy of the removal of restrictions on the free movement of labour. I would draw special attention to the words "as an ideal policy," for it will be seen that there are two chapters in the Bill which give powers to exercise control over the forwarding or the recruitment of labour for Assam or over both. The position of Government in this matter is that they would like to see all restrictions removed and hope that the day will soon come when it will be possible to dispense with them. But in the meantime and in view of past history, they have to take precautions to prevent abuses creeping in and it is for this reason that power has been taken in Chapter III to impose control on the forwarding of labour to Assam and in Chapter IV on its recruitment. I would, however, ask the House to note that the provisions in regard to control are elastic and that they allow of their complete or partial relaxation as and where this is required. On the other hand, they are sufficiently wide to deal with any possible recrudescence of abuses.

The second principle of importance is the statutory right of repatriation which is now granted. The Royal Commission on Labour held—and the Government of India agreed with them—that a scheme of repatriation after three years should lead to a substantial increase in the number of candidates for emigration and for ever destroy the belief that Assam is a "bourne from which no traveller returns". They thought it would lead to a healthy rivalry among garden managers in the matter of improving conditions on their estates, while it would give the labourer a greatly increased sense of security. They believed that the acceptance of their scheme would prove a profitable investment for the industry and would secure an increased flow of labour and thus reduce recruiting costs. This point of view was ungrudgingly accepted by the representatives of the tea industry and was embodied in the Bill, which, I think I am correct in saying, merely gives legislative force to what has been the practice on the best gardens.

I need not, at this stage, Sir, deal with the other provisions of the Bill which are mainly concerned with procedure, machinery and other details. That, Sir, is all I would say now about the Bill as it was introduced in the Lower House.

I will now proceed to deal briefly with the changes that were made in the Select Committee as these are of considerable importance. I should mention that the discussions in the Select Committee of the other House took no less

than ten very strenuous days ; both points of view—that of the industry and that of labour—were strongly represented on it and both were very strongly urged. Almost every clause was discussed at great length and in great detail, and the result is the Bill in the form in which it is now presented to this House. Fortunately, it proved possible to reconcile the different points of view and to present an agreed Bill—a very satisfactory conclusion, I think, to the labours of the Select Committee.

A House which I have learnt from my brief experience of it has a wholesome dislike for long speeches may wonder why I have dwelt at some length on the differences between the Bill as it was introduced in the Lower House and the Bill as it emerged from that House, and may think that I should have done better to confine myself to the text of the Bill now before it. But I think it advisable to show, as I shall very briefly do, that the changes made in the Bill by the Select Committee were made almost entirely in the interests of labour as no better evidence of the spirit in which this Bill will be worked and of the willingness of the employers in an important industry to meet the reasonable demands of labour,—reasonable demands and not the far-fetched and idealistic demands which are often put forward on its behalf—could be furnished than by the readiness with which the representatives of the tea industry accepted those changes in spite of the additional burden that they will impose on the industry. To their attitude in this matter I should like to repeat the tribute that I paid in the other House.

Now, Sir, I will deal very briefly with the changes which were made by the Select Committee. The most important of these changes is to be found in the definition of “ assisted emigrant.” Definitions play a very important part in this Bill. In the Bill, as it was originally introduced, an “ assisted emigrant,” who it is important to note is the only class of emigrant who has got a statutory right of repatriation, did not include any person who had already been in a tea district when an adult and had left Assam. That provision was made in pursuance of the view of the Royal Commission on Labour who held very definitely that a clear distinction could be drawn between a man who had been in Assam before and a man who is going up there for the first time. They thought that a man who had been there before and was going back again knew all about Assam, knew what the conditions were, and what he could expect and that there was no reason why he should have any fear as to what he was going to find there. In these circumstances, they did not think it necessary to provide that he should be repatriated at the expense of the employer. The Select Committee, however, felt that a line could be drawn between the man who goes back to Assam very soon, after he has left it after being away for a short time either for reasons of health or to recruit labour, and the man who is going to Assam for the first time and knows nothing about it. For this reason they only excluded from the class of assisted emigrants people who have been in Assam within the preceding two years as labourers on tea estates. For these people they thought that it would not be necessary to provide for repatriation, but for every one else, whether he has been in Assam or not, they thought that the right should be provided. I need hardly point out that quite a considerable additional number of people will thus be included in the class of assisted emigrants and that the burden on the employers, by this inclusion,

[Sir Frank Noyce.]

will certainly be appreciable, though, as I have already explained to the House, this burden has been readily accepted.

The next important modification in the Bill is the provision that the right of repatriation should be given "for any sufficient cause." It is true that the Royal Commission on Labour recommended that it should be given for such a cause, but it was felt in drafting the Bill that the words "for any sufficient cause" were very wide indeed and that there might be considerable difficulties in interpreting them. The Select Committee, however, felt that a recommendation made by the Royal Commission should not be lightly ignored, especially as the right of repatriation is given for any sufficient cause in Ceylon and Malaya. In order to prevent administrative difficulties, we have provided that, although the power of the Controller declare the right of repatriation of an assisted emigrant for various other reasons such as the state of his health, failure on the part of the employer to provide him with work suited to his capacity, or withholding of his wages can be delegated to other officials the power to repatriate for "any other sufficient cause" should remain with the Controller himself in order that we may be certain that decisions on this point will be uniform throughout the province.

Another change which is worth mentioning is the change which has been made in clause 14 (I). In the Bill, as it originally stood, an emigrant labourer could have signed away his right of repatriation, either conditionally or unconditionally, within a few days of his arrival in Assam before he knew to what conditions he had come. We have now provided that an agreement to waive the right of repatriation shall not be valid unless it has been made not more than one month before the right of repatriation arises, and that when the emigrant does waive it, he may be perfectly certain of what he is doing.

A further modification is to be found in clauses 34 and 35 where the power to detain and return sick persons and the power to return persons improperly recruited has been expanded to include all emigrants who go to Assam with assistance, that is to say, all emigrants who are given any help to go to Assam whether they come under the definition of "assisted emigrant" or not.

Those, Sir, are the only changes in the Bill to which I think I need refer at this stage. In conclusion, I would emphasise that in passing this Bill, the House will be placing on the Statute-book a measure which is designed to benefit both employers and labour, for increasing the contentment of labour the employers are benefiting themselves, a fact of which their attitude towards the Bill shows that they are fully cognizant. We are also—and possibly the House may not be aware of this fact—putting an end for all time to the system of indentured labour. This Bill removes from the Statute-book every vestige of the system of indentured labour in this country, an object with which this House will, I am sure, sympathise. Sir, I move.

THE HONOURABLE RAJ BAHADUR PROMODE CHANDRA DUTT (Assam : Non-Muhammadan): Sir, I think the Government of India deserve

12 Noon. the thanks and the congratulations of this House for undertaking this piece of legislation. I shall not go into details after the speech of the Honourable mover in charge of the Bill, but shall only make a few general remarks.

The Bill is an attempt to reconcile the protection needed in the interests of the tea garden coolies in Assam and the demand made on behalf of the planters for unrestricted freedom to import labour from outside. The tea gardens in Assam employ a very large number of coolies, something between 10 to 12 lakhs. These people come from different parts of India ; they belong to different castes and different classes ; they are illiterate, ignorant, and are not aware of the conditions that prevail in the tea gardens in Assam. In fact, once they go there, they do not know how to come back. Their conditions have been examined closely by two Royal Commissions and they made certain recommendations and the Bill has been based on those recommendations. The two outstanding features of the Bill are, first, the appointment of a Controller of Emigrant Labour and, secondly, the right of repatriation given to the coolies. In the Act as it was introduced this officer was called the Protector of Emigrants, and in fact he is intended to protect emigrants. The Assam Labour Board contained representatives of employers alone and did not contain a single representative of labour. The Controller will be in charge of the recruiting and transit of emigrants and their welfare in the tea gardens and for this purpose he has been armed with extensive powers. I am sure that if he properly exercises his powers the lot of coolies will be improved a good deal. I hope, Sir, that he will be an independent officer and that he will not be one interested in tea.

As to the right of repatriation, every cooly has now been given the power to claim to be sent back to his home after three years at the expense of his employer. He may also claim the same right earlier under certain conditions, one of them being dismissal otherwise than for wilful and serious misconduct ; the second reason being bad health ; thirdly, on the employer failing to provide work ; fourthly, unjust withholding of wages ; and, lastly, any other sufficient cause. These, I submit, are very effective safeguards against any abuse of power by the employers. Not only, Sir, will this Bill benefit labour but also the labourers. Although the tea industry outside Assam and other industries inside Assam can get all the labour they want the tea planters in Assam complain of shortage of labour. That is due to past history. If the tea planters will now co-operate with the Controller of Emigrant Labour to make this Act successful, all the stigma that attaches to them now will go. Sir, the tea planters have done a lot for Assam and those who have not been to the province will not be able to realise what they have done. They deserve well of the country and the Government. I hope, Sir, that all restrictions on their freedom to import labour from outside will be removed as soon as they are able to demonstrate by action that they are capable of tackling the matter to the satisfaction of themselves and the employed. Sir, I support the Bill.

THE HONOURABLE MR. J. B. GLASS (Burma Chamber of Commerce) : The essential fact to keep in view is that whatever we may think of the intrinsic merits of this Bill and the propriety of its provisions, it was finally formulated on a basis of agreement after prolonged negotiations. Had it simply been an off-spring of the Whitley Commission Report there would be some justification for examining critically its basic principles.

The Burma Chamber of Commerce, which I represent, expressed doubts when the Bill was circulated for opinion as to the equity of its provision in clause 7 of the principle of prescribing statutory rights of repatriation.

[Mr. J. B. Glass.]

The position as it appears to me now is that free unindentured labourers after an expensive process of recruitment are bound under the Bill by no obligation to work for the employer who has defrayed all the expenses of their emigration, but nevertheless are given this valuable right of repatriation.

Not only is the tea industry saddled with this burden but a special authority is also set up at the expense of the industry to enforce the obligation. This authority is armed with powers which seem in some respects to exceed the powers exercised by the executive officers of Government, and no provision appears to be made any where in the Bill of a right of appeal against any orders of the Controller.

Turning to examine the other side of the picture one would expect that the least that the tea industry would receive as a *quid pro quo* for the benefits and safeguards which the Act is going to confer on assisted emigrants would be free rights of recruiting such as every other employer in India enjoys. This, however, is far from being the case. Chapters III and IV seem to the uninitiated, like myself, to be susceptible of repressive and vexatious interpretations.

However, as the tea industry accepts the position, it does not seem necessary to stress the apparently unequal balance of this legislation. I consider, however, that in fairness to the industry it should be placed on record as the opinion of this House, that the recommendations of the Whitley Commission on page 372 be kept clearly in mind, in that in all controlled areas the position should be reviewed after the expiry of five years.

THE HONOURABLE MR. J. A. HUBBACK (Bihar and Orissa: Nominated Official): Sir, I rise to support the motion. I do so, Sir, in view of the fact that I am here on the recommendation of the Government of Bihar and Orissa which is very closely connected with recruiting questions with which this Bill deals. I have also served, and shall shortly again be serving, as Commissioner of the Chota Nagpur Division, a division from which a very large proportion of the labour recruits for the Assam tea gardens is drawn. As the Honourable the Leader of the House has explained, this Bill is the first general attempt to put on a new basis the system of recruiting for the Assam tea gardens for something over 30 years and everyone has agreed that the time has come to reconsider the whole question in the light of the facts as they stand now. A very great advance has been made in those 30 years. In the first place, there has been a marked advance in the intelligence of the type of recruit who goes to Assam and, in the second place, there is—thanks to the cordial assistance of both the tea industry itself and the work of the Assam Labour Board—an even more marked advance in the conditions of labour in Assam and in stopping the abuses which used to exist years ago.

In that light, Sir, I strongly support the Bill as a whole. At the same time, I must still stress the fact that the recruits of whom I have any knowledge are very largely drawn from the poorer and the more ignorant and the more simple folk of India and therefore it will continue in my opinion to be indispensable for some years to come to afford them some protection against misrepresentation by those gardens connected with the tea industry who are not prepared, except under strong pressure, to toe the line and follow the general policy that the tea

industry has laid down in past years. I give my most cordial acknowledgments to the general attitude of the tea industry.

Further, I think that the Government and the Select Committee are to be congratulated on the retention in the Bill of Chapters III and IV. Chapter III provides that, under the control of the central Government, local Governments may apply certain provisions which will operate in the protection of emigrant labour. I feel myself that the provisions of this Chapter should be applied in the division of which I have intimate knowledge and I am very nearly certain that the Government of Bihar and Orissa will accept that view. When the matter comes before the Government of India I do trust that they will pay the greatest possible attention to the considered opinion of the Government of Bihar and Orissa. I do not urge precisely the same thing in regard to Chapter IV which is, as one may say, merely a big stick to be held over the head of the tea industry. I have every hope that if the attitude of the tea industry remains what it has been in the past there will be no need for any application of this Chapter. At the same time, the Royal Commission very definitely said that, if there was a recrudescence of abuses, power should be taken to deal with them effectively. I trust that there will be no recrudescence and I think that there will not, but still, if there is a clear proof that abuses have again emerged and one of the Governments of the recruiting provinces should urge on the Government of India that Chapter IV should be introduced, I do trust that the Government of India, in whatever constitution it may then be, will give the most careful consideration to such a recommendation.

I need not delay the House any further except to refer to one defect which I think, there is still in the Bill. The Bill provides, rightly, as I think everybody will agree, for certain definite restrictions on the recruitment of children and married women. It seems to me a pity that these restrictions will not also apply to unmarried daughters. It may not be generally known that among the tribes occupying the Chota Nagpur Headquarters Division, the girls are not by any means married at the age of 17, and in spite of the advance in the standard of family intelligence throughout India, I think anybody who has local knowledge of that part of the world would not be prepared to deny that a girl of that age in that part of the world is in a position to make a free contract which involves expatriation. There are other minor defects and I trust, if these defects develop into serious abuses, the central Legislature and the Government will be prepared to consider favourably an amendment of this Bill after an experience of some years. At the same time, Sir, I agree with the other speakers that this has been a fair adjustment on the whole between the rival views of the tea industry itself and of those who have most at heart the interests of labour and I congratulate the Government and the tea industry and the Select Committee on bringing the Bill to this stage. I trust it will help the tea industry to regain the prosperity which it is not enjoying at the moment and at the same time to continue to allow a suitable outlet for the energy and enterprise of the poorer classes in India and especially those of the aboriginal population. (Applause.)

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI (Madras : Non-Muhammadan) : Sir, I rise to support the passage of this Bill. It is a beneficial measure which I heartily welcome. The Government of

[Diwan Bahadur G. Narayanaswami Chetti.]

India deserves to be congratulated for having brought forward this beneficial measure both in the interests of the employer and the employee. Under the Bill there are beneficial safeguards for the labourers and therefore from that point of view this will be a great help for people to go and serve in the tea estates. I shall not take up any more of the time of the Council but will congratulate the Government once again heartily on this beneficial measure which they have introduced and I have great pleasure in once more supporting the Bill.

THE HONOURABLE THE PRESIDENT : The question is :

“ That the Bill to amend the law relating to emigrant labourers in the tea districts of Assam, as passed by the Legislative Assembly, be taken into consideration.”

The motion was adopted.

Clauses 2 to 41 were added to the Bill.

The Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE SIR FRANK NOYCE : Sir, I beg to move :

“ That the Bill, as passed by the Legislative Assembly, be passed.”

I have only a very few remarks to make with regard to what has fallen from other speakers. The House will, I am sure, have listened with very great interest to the views of the Honourable Mr. Dutt, the representative of the province to which the labour has to go, and of the Honourable Mr. Hubback, the representative of the province from which the bulk of the labour is recruited. They will have noticed with satisfaction that both of them have given their support to this measure. They will also, I think, have listened with some surprise to the remarks of the Honourable Mr. Glass who has, in regard to this measure, taken, if I may say so, a rather more extreme point of view than the tea industry itself has ever taken. I think he has overlooked in this connection the long history behind this measure as the result of which the tea industry was in a very different position from the other great industries of India. One point which he raised was that we have provided no appeal from the orders of the Controller. Well, Sir, the reason for that is that it is very difficult to provide a satisfactory channel of appeal in view of the numerous points which will arise, and that we can always bring pressure to bear on the Controller, who will be an officer of the Government of India and will therefore be very strictly under our control. The main thing is to make sure that we choose the right man and we shall take every care to do so.

There is one point mentioned by the Honourable Mr. Hubback to which I would like to refer, and that is, his objection that we have not provided against the recruitment of unmarried women save with the consent of their parents or lawful guardians. Such women must, of course, be over 16 as no one under 16 can be recruited except with their parents. I would like to draw attention to the only note of dissent recorded on this measure, which was not however pressed in the other House. From that note, it is clear that I am not revealing any secrets of the Select Committee when I say that there was a

strong body of opinion in the Select Committee, which consisted of a very large majority of Indian members, that women should be entirely free to go to Assam whether they were married or unmarried. That was modified to the extent of providing that married women should not go without the consent of their husbands, but the Select Committee did not feel inclined to go further and insist that unmarried women over 16 should be prohibited from going to Assam.

There is one other point, Sir, which arises out of the remarks of the Honourable Mr. Glass and of the Honourable Mr. Hubback. I need hardly assure the House that when we bring forward a new measure of this character, we propose to take every precaution in regard to watching its effects. It is undoubtedly an experiment, and its operation will have to be carefully watched. If we find that the Act is defective in any respect, we shall endeavour to revise it. I can assure the Honourable Mr. Hubback that the views of his Government, which is the Government mostly concerned in this matter, will be very carefully considered on all the points that they may bring before us. Sir, I move.

The motion was adopted.

ELECTION OF A MEMBER TO FILL A VACANCY IN THE STANDING COMMITTEE FOR ROADS.

THE HONOURABLE THE PRESIDENT : I have to inform the House that owing to further withdrawals of nominations there is now only one candidate for election to the Standing Committee for Roads, that is, the Honourable Diwan Bahadur G. Narayanaswami Chetti. I have to declare him duly elected.

THE HONOURABLE SIR FRANK NOYCE (Leader of the House): Sir, I have to state that there is no more business before the House.

THE HONOURABLE THE PRESIDENT : The Council will accordingly adjourn to a date in Delhi which will be notified to Honourable Members hereafter. I understand that that date is likely to be the 21st of November, and that in any case it is not likely to be earlier than the 21st of November.

The Council then adjourned.