

12th February 1930

THE

# LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume I, 1930

(20th January to 24th February, 1930)

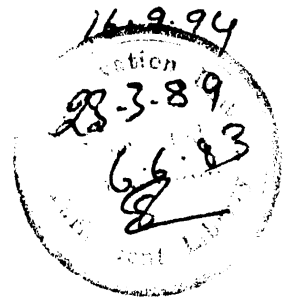
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SIXTH SESSION

OF THE

THIRD LEGISLATIVE ASSEMBLY, 1930

~~Chamber suggested~~ 18-X-73



DELHI  
GOVERNMENT OF INDIA PRESS  
1930

# Legislative Assembly.

## *President :*

THE HONOURABLE MR V. J. PATEL.

## *Deputy President :*

MAULVI MUHAMMAD YAKUB, M.L.A.

## *Panel of Chairmen :*

PANDIT MADAN MOHAN MALAVIYA, M.L.A.

MR. M. A. JINNAH, M.L.A.

SIR DARCY LINDSAY, KT., C.B.E., M.L.A.

SIR ZULFIQAR ALI KHAN, KT., C.S.I., M.L.A.

## *Secretary :*

MR. S. C. GUPTA, BAR.-AT-LAW.

## *Assistant of the Secretary :*

RAI SAHIB D. DUTT.

## *Marshal :*

CAPTAIN SURAJ SINGH BAHADUR, I.O.M.

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# LEGISLATIVE ASSEMBLY.

Wednesday, 12th February, 1930.

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

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## THE INDIAN INCOME-TAX (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**The Honourable Sir George Schuster** (Finance Member): Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes. (Amendment of sections 14, 25A, etc.)

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## THE INDIAN MERCHANDISE MARKS (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**Mr. K. C. Neogy** (Dacca Division: Non-Muhammadan Rural): Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Indian Merchandise Marks Act, 1889.

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## THE COURT-FEES (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**Rai Sahib Harbilas Sarda** (Ajmer-Merwara: General): Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Court-fees Act, 1870, for a certain purpose.

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## THE INDIAN RAILWAYS (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**The Honourable Sir George Rainy** (Member for Commerce and Railways): Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Indian Railways Act, 1890, for certain purposes.

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## THE INDIAN LAC CESS BILL.

**The Honourable Sir George Rainy** (Member for Commerce and Railways): Sir, I move for leave to introduce a Bill to provide for the creation

[Sir George Rainy.]

of a fund for the improvement and development of the cultivation, manufacture and marketing of Indian lac. By the Indian Lac Cess Act of 1921 a cess was imposed on the export of lac, and its administration was entrusted to the Lac Association. Recently the Lac Association has expressed a wish to be relieved of its responsibilities on the ground that it does not feel that in all respects it is fully able to discharge them. It therefore has become necessary to provide otherwise for the control and administration of the cess. Also it was necessary to take into consideration a recommendation of the Royal Commission on Agriculture for the constitution of a body somewhat on the lines of the Central Cotton Committee. This Bill proposes to repeal the Act of 1921 and to set up a new Committee for the administration of the cess. Sir, I move.

The motion was adopted.

**The Honourable Sir George Rainy:** Sir, I introduce the Bill.

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#### THE INDIAN COMPANIES (AMENDMENT) BILL.

**The Honourable Sir George Rainy** (Member for Commerce and Railways): Sir, I move for leave to introduce a Bill further to amend the Indian Companies Act, 1913, for certain purposes. This Bill, Sir, is limited in its scope. Its object is to provide more adequately for the audit of Companies' accounts and to prepare the way for the creation of an autonomous association of accountants throughout India. Under the existing law, the powers to grant Auditors' Certificates and to make rules on the subject rest with the Local Government. The Bill provides for the transfer of these powers to the Government of India, and it also provides for the setting up of a Central Accountancy Board with local Accountancy Boards in the various provinces. The scheme embodied in the Bill is the result of prolonged consideration and a very full discussion with those interested in the subject. Sir, I move.

The motion was adopted.

**The Honourable Sir George Rainy:** Sir, I introduce the Bill.

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#### THE INDIAN TARIFF (AMENDMENT) BILL.

**The Honourable Sir George Rainy** (Member for Commerce and Railways): Sir, I move for leave to introduce a Bill further to amend the Indian Tariff Act, 1894, for certain purposes. This Bill, Sir, covers a number of minor changes in the tariff, and I think it will be necessary for me to refer to only one of them. The one to which I shall refer is that the Bill provides for the removal of the duty on barks for tanning, that is mainly wattle bark. All the other changes are quite small. Sir, I move.

The motion was adopted.

**The Honourable Sir George Rainy:** Sir, I introduce the Bill.

## THE STEEL INDUSTRY (PROTECTION) BILL.

**The Honourable Sir George Rainy** (Member for Commerce and Railways): Sir, I move for leave to introduce a Bill to amend the law relating to the fostering and development of the steel industry in British India. In this Bill it is proposed to make two changes, the necessity of which has been established by experience. The first affects the duty on tie-bars. When the Steel Industry (Protection) Act, 1927, was passed into law, it was intended that tie-bars should be subject to the same protective duty as steel bars. It has become clear, however, that as the law is worded, effect has not been given to that intention. It is therefore necessary to change the wording of the relevant entry in the Schedule.

In the second place, under the existing law, steel bars under half inch diameter are exempt from the protective duty. It has been found that a special manufacture has grown of bars of 31/32 or 15/16 inch in diameter and these bars are imported into India in increasing quantities, and compete with the half inch bars manufactured by the Tata Iron and Steel Company. It has become evident, therefore, that there is a loophole in the tariff which requires to be closed. The Bill proposes to make subject to the protective duty all steel bars over 7/16 inch in diameter. Sir, I move.

The motion was adopted.

**The Honourable Sir George Rainy**: Sir, I introduce the Bill.

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## THE DANGEROUS DRUGS BILL.

**The Honourable Sir George Schuster** (Finance Member): Sir, I beg to move that the Bill to centralise and vest in the Governor General in Council the control over certain operations relating to dangerous drugs and to increase and render uniform throughout British India the penalties for offences relating to such operations, as reported by the Select Committee, be taken into consideration.

The purpose of this measure is clearly explained in the Statement of Objects and Reasons. I think it would be as well if I read two paragraphs from that Statement to the House:

"In view of the obligations undertaken by the Government of India by ratifying the Geneva Dangerous Drugs Convention, 1925, and the existing confusion of the laws governing the traffic in dangerous drugs in British India, it has become necessary to enact a Central Dangerous Drugs Act. The obligations that have been so undertaken by the Central Government are two-fold; firstly, in regard to the regulation of international traffic in all the drugs covered by the Convention, and, secondly, in regard to the regulation of the manufacture of, and internal traffic in, certain specified drugs, such as cocaine and morphine.

The subject matter of the Bill is one that, under the Devolution Rules, is partly provincial, but the Local Governments have assented to the passing of Central legislation on the subject in view of the special advantages of such legislation in the circumstances. In addition to centralising and vesting in the Governor General in Council the control of certain operations relating to dangerous drugs, the proposed Bill renders uniform, and in some cases increases, the penalties for certain offences relating to dangerous drugs."

[Sir George Schuster.]

The plan that has been adopted in the framing of this Act is, broadly speaking, to reserve to the provincial legislatures legislation in regard to the internal control of drugs of which the consumption for purposes other than medicinal is permitted, that is to say, opium, other than medical opium, and the hemp drugs, and to reserve to the Central Legislature legislation relating to the import or export by land or sea, from or into British India of all drugs and manufacture and internal control generally of manufactured drugs, that is to say drugs of which the use for purposes other than medicinal is prohibited, and coca leaves. It is a necessary part of the scheme, in order that it should be workable, that ample powers should be delegated to Local Governments to enable them to settle details in a manner appropriate to local conditions and needs. The Bill is not controversial or contentious. Many of the obligations imposed by the Geneva Convention of 1925 were already being discharged by the Government of India.

I think it is unnecessary for me to add anything about the scope of the Bill. In conclusion I would like to express my thanks to the Select Committee for their very arduous work in going through most carefully all the clauses of this long Bill. Sir, I move.

**Mr. B. Das** (Orissa Division: Non-Muhammadan): Sir, I would like to make a few observations on this first measure of legislation which the Government of India have attempted after they were a party to the Hague Convention and to different Geneva Conventions. Sir, I feel diffidence and that I will not be able to do justice to this subject, and I wish my old friend Dr. S. K. Datta was here on the floor of this House to discuss the subject once again. I would ask my Honourable friend, Sir George Schuster, when he has leisure, to look up the old speeches of Dr. S. K. Datta on the floor of this House, where he laid down the views of Indian India about the prohibition of dangerous drugs and about the export of those drugs. Sir, although India was represented at the Hague Convention by Sir William Meyer in 1912, it did not like to subscribe to the American view that prohibition of dangerous drugs should be legislated for. Subsequently, when the League of Nations was formed, India was represented there by Sir (then Mr.) John Campbell, who could not subscribe to the American view. The American contention was that it was the European powers, which included Great Britain, France and Holland, that were most anxious that the export of drugs in the East should not be stopped. It is surprising that in the Straits Settlements, which are a British Colony, 40 to 60 per cent. of the revenue is collected from excise and from the consumption of opium and other dangerous drugs, while in India it was the policy of the Government of India at one time to derive huge profit from the export of opium to China. Indian India was never a party to that policy. The Government of India at that time wanted money. They could not meet the cost of their administration, and so they pursued this policy of exporting opium to China, which was abhorrent to public opinion in India. If one tries to look at the policy of the conquest of Western powers, one finds the same policy throughout. In the conquest of America, they resorted to rum and fire-water backed by British guns and bayonets. In Asia it was a different thing. China which was an independent power and a great nation had to buy, under forced contract, opium from India. Although at present the policy of the Government of India is to minimise the production of opium, still they derive an income of about a crore and a half of rupees from it. Sir, the time has come

when we Asiatics will soon have an Asiatic Federation where we shall establish a policy of suppressing the traffic in dangerous drugs. America is opposed to this traffic, but I cannot say how far America is opposed to it out of a policy of humanity and benevolence, or out of fear that the whole traffic in dangerous drugs will be in the hands of the European powers, and America will not be able to make much money out of it. Again, the European powers contend that, as long as China produces opium, they will continue stuffing the East with their drugs. But, Sir, the time is coming when Asiatic nations, including China, Persia and India, will establish a convention whereby one Asiatic nation will not thrust dangerous drugs on another Asiatic nation. Sir, I will not go into the history of China and how the conquest of different portions of the seaboard of China is due to this dangerous drug traffic of the Western nations.

Sir, this Bill does not go far; it goes just a few paces. I wish Lord Cecil, when he represented Great Britain in 1925 at the Geneva Conference, could have accepted, on behalf of the British Empire, the policy that the League of Nations defined.

Sir, I would only like to ask the Honourable the Finance Member a few questions, as he has the privilege to father this Bill on the floor of this House and to see it through, for which he will be appreciated very much by the people of India and by Asiatic nations. I would like to ask him whether he will abolish completely the Government monopoly of the manufacture of opium in India. Of course, I admit that there is a certain amount of opium consumption in India. That is bound to be. But the opium consumption has not gone up so much as the other dangerous drugs, which the Honourable the Finance Member may not call dangerous, such as whisky and rum, which are imported from foreign countries. These may not be classed as dangerous drugs by the present Government of India, but to us they are dangerous drugs. In India there are certain Indian States where whisky is manufactured, which is far superior to the British whisky, but its import into British India is prohibited. The Government of India apparently want to pile up their revenue, either through their own sources or through the Provincial Governments, by excise duty on foreign wines. Interested as they are in the British trade of whiskies and brandies, they are not prepared to see those superior qualities of whiskies that are manufactured in Jaipur or in Hyderabad State marketed in British India. I am not anxious that the people of India should drink whisky at all, which is manufactured in Jaipur or in Hyderabad. I am only mentioning this, that at times the policy of the Government to collect additional revenues brings about a situation which is not at all appreciated by the people of India, and exposes the Government to the charge of taking the side of British trade.

Sir, on the whole, I welcome the Bill, but, as I said at the beginning, the Bill does not go far enough. I wish the Government of India had taken their courage in their hands and accepted the recommendations of the League of Nations. But, as I said, they cannot do that because the policy of the British Empire and the policy of the Colonial Office of Great Britain do not at present permit the Government of India to have a free hand in this matter.

**The Honourable Sir George Schuster:** I am pleased to know, Sir, that my Honourable friend, Mr. B. Das, is glad to see this Bill introduced and I shall take up and consider the various suggestions which he has made.

[Sir George Schuster.]

Also I will take his advice and look back into the old reports of this House and read up the remarks of Dr. S. K. Datta. There are certain things which can be said in favour of the policy of the Government of India of which I think my Honourable friend has not drawn quite a fair picture. He talked, for example, of exports to China, but the exports to China were stopped many years ago. Exports to other places in the Far East are being extinguished over a period of 10 years, half of which is already gone. I think the Government of India can claim to have set a very fine example to the rest of the world by saying that revenue considerations would not stand in the way of their action in this matter. ("Hear, hear" from the Official Benches.)

With regard to the questions affecting the internal control of the consumption of opium, etc., the powers, as my Honourable friend knows quite well, of the Central Government are limited. But the Central Government are doing their best to take a lead in this matter. As is well known to Members of this House, a special inquiry was started some two years ago into what are known as the "black spots" for the consumption of opium and we have now invited the Provincial Governments to attend a conference at Simla early in May further to discuss the policy in this particular matter. I think, therefore, Sir, that in taking this action and in introducing this Bill, although in this we may be going no further than the matter has been carried by the Geneva Convention, the Government of India are living up to their record on these subjects, and in future, I hope, as in the past, the Government of India will continue to set an example to the rest of the world.

**Mr. President:** The question is:

"That the Bill to centralise and vest in the Governor General in Council the control over certain operations relating to dangerous drugs and to increase and render uniform throughout British India the penalties for offences relating to such operations, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Chapters II, III, IV and V were added to the Bill.

Schedules I and II were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

**The Honourable Sir George Schuster:** Sir, I beg to move that the Bill, as amended, be passed.

The motion was adopted.

#### AMENDMENT OF STANDING ORDERS.

**The Honourable Sir James Ormer** (Home Member): Sir, I beg to move for leave to amend the Standing Orders of the Legislative Assembly in the following manner:

"That after sub-order (3) of Standing Order 40 the following new sub-order be inserted:

'(3A) If the Chairman is unable to be present at any meeting of the Committee, the person present who is next in the order given in sub-order (3) may preside and exercise the powers of the Chairman.'

Sir, I think that a very brief explanation of the purpose of the proposed amendment will suffice. Standing Order 40 prescribes in a mandatory form that, when the Honourable the Law Member is a Member of the Assembly, he shall be the Chairman of all Select Committees on Bills. When there is a considerable amount of business for consideration by Select Committees, experience has shown that a great deal of inconvenience and delay is caused by this mandatory provision, and therefore it is desirable to amend it in such a manner that it will be possible for two or more Select Committees to conduct their business simultaneously.

Sir, I move.

The motion was adopted.

**The Honourable Sir James Crerar:** Sir, I move that the proposed amendment be referred to a Select Committee.

The motion was adopted.

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#### ELECTION OF MEMBERS TO THE SELECT COMMITTEE ON THE AMENDMENT OF STANDING ORDERS.

**Mr. President:** I have to announce that nominations for the Select Committee on the amendment of Standing Orders will be received up to 12 noon on Saturday the 15th February, and the election, if necessary, will be held in this Chamber on Tuesday, the 18th February, 1930. Under Standing Order 56(2) the Committee will be composed of the President, the Deputy President and seven Members elected by the Assembly by means of the single transferable vote.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 13th February, 1930.