

Saturday, 16th December, 1933

THE
COUNCIL OF STATE DEBATES

VOLUME II, 1933

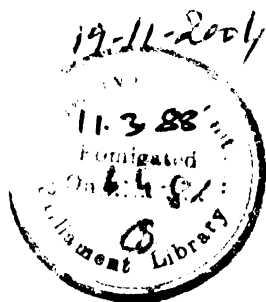
(29th August to 16th December, 1933)

SIXTH SESSION

OF THE

THIRD COUNCIL OF STATE

1933



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COUNCIL OF STATE.

Saturday, 16th December, 1933.

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

MEMBER SWORN :

His Excellency Field Marshal Sir Philip W. Chetwode, Bart., G.C.B., K.C.M.G., D.S.O. (Commander-in-Chief).

QUESTIONS AND ANSWERS.

ELECTION OF INDIA TO THE COUNCIL OF THE LEAGUE OF NATIONS.

281. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD :

(a) Is it a fact that in reply to a recent question in the Legislative Assembly concerning the League of Nations the Honourable Sir B. L. Mitter, Law Member, stated that unless the Covenant was amended it was not possible for India to get a permanent seat on the League Council ?

(b) Is it a fact that Sir Muhammad Habibullah and the Maharaja of Kapurthala who represented India at the tenth session of the League Assembly wrote in their report : " We consider that an active policy should be pursued with regard to the possibility of India being elected to membership of the Council of the League " ; and added that steps should be taken on the first suitable occasion to make it known that India was to be regarded as a candidate, that it was not necessary to wait until there was a good chance of actual success, and that it would be worth while to cultivate the idea that India was an effective candidate by collecting and registering a moderate number of votes on the first available opportunity ?

(c) How far do Government consider these recommendations practicable ?

(d) Can India not be elected to one of the non-permanent seats on the League Council ?

(e) Is it a fact that in a statement which he made at Bombay on his return from Geneva Sir B. L. Mitter said that whenever the Indian Delegation made any concrete proposals, it received the warmest support from the United Kingdom and the Dominion Delegations, that, in fact, India and the other Empire Delegations formed a " most formidable united front " ?

(f) In view of this hopeful feature why has India's demand for a seat on the Council not been pressed ?

THE HONOURABLE MR. G. H. SPENCE: (a) and (b). Yes. The Honourable Member doubtless realises that the permanent seats are not filled by election and that the recommendation referred to in part (b) is, therefore, irrelevant to the reply referred to in part (a).

(c) and (d). India along with every other member of the League not having a permanent seat on the Council is eligible for election to a non permanent seat. The attitude adopted by the Government of India with reference to the recommendation that India should seek to secure election was explained in the speech made by the Honourable the Law Member on the Resolution moved by the Honourable Sir Phiroze Sethna on the 14th July, 1930.

(e) The Honourable Member is apparently quoting from a press report which the Government of India accept as substantially correct.

(f) Government have hitherto had no occasion to reconsider the attitude adopted in the speech to which reference has been made in the reply to part (c). When occasion arises to reconsider the matter, all relevant factors will be borne in mind.

SANITATION AND DRAINAGE OF SUGAR FACTORIES IN THE UNITED PROVINCES.

282. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: (a) Is it a fact that some of the new sugar factories that are springing up in the United Provinces generally fail to make proper arrangement for the drainage and sanitation of the factory areas and allow the molasses and other refuse to accumulate within their precincts without necessary precautions with the result that it not unoften causes the entire place to stink badly?

(b) Is there no law requiring the factory owners to keep the factory areas clean and healthy?

(c) If not, do Government intend to undertake some sort of legislation in this behalf?

THE HONOURABLE MR. D. G. MITCHELL: (a) Government have no information.

(b) The Honourable Member is referred to section 9 (a) of the Indian Factories Act, 1911. The rules made by the Government of the United Provinces also provide for the maintenance of factories in a clean and sanitary condition.

(c) Does not arise.

STATEMENT IN HIS EXCELLENCY THE GOVERNOR OF BENGAL'S SPEECH THAT THE TERRORIST MOVEMENT WAS "ESSENTIALLY A HINDU MOVEMENT."

283. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: (a) Has the attention of the Government of India been drawn to the speech of the Governor of Bengal reported to have been delivered at the St. Andrew's Day dinner at Calcutta on the night of the 30th November last in the course of which His Excellency characterised the terrorist movement as "essentially a Hindu movement"?

(b) Do the Government of India subscribe to the above view expressed by Sir John Anderson?

(c) If not, will they be pleased to make an announcement dissociating themselves from this view to save the Hindu community in general from a stigma ?

THE HONOURABLE MR. M. G. HALLETT : (a), (b) and (c). The Government have seen a press report of the speech, from which it appears that the Honourable Member has quoted only a portion of one sentence instead of giving the passage as a whole. The Government of India have no doubt that His Excellency the Governor of Bengal's estimate of the terrorist movement is an accurate one.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Have the Government of Bengal or the Governor of Bengal who made the statement referred to in the question tried to investigate the causes why Bengali youths take to this movement and was any representative committee ever appointed for the purpose ? If not, why not ?

THE HONOURABLE THE PRESIDENT : That is a question of an entirely new character and I am not going to allow it. You must give notice to the Honourable Member.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD : Sir, I could not follow the answer to part (b).

THE HONOURABLE MR. M. G. HALLETT : Sir, I answered all three questions together, (a), (b) and (c). May I read out my answer again ?

THE HONOURABLE THE PRESIDENT : Please.

THE HONOURABLE MR. M. G. HALLETT : " The Government have seen a press report of the speech, from which it appears that the Honourable Member has quoted only a portion of one sentence instead of giving the passage as a whole. The Government of India have no doubt that His Excellency the Governor of Bengal's estimate of the terrorist movement is an accurate one ".

That last sentence is a reply to part (b).

HEALTH OF DHANESH CHANDRA BHATTACHARJI, DETENU IN THE DEOLI DETENTION JAIL.

284. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : (a) Will Government be pleased to state the present condition of health of detenu Dhanesh Bhattacharji of Dacca now confined in Deoli Detention Camp ?

(b) Is it a fact that he has been suffering from leprosy ? If so, will Government be pleased to state since when he has been suffering from that disease and when was it first detected and what arrangements they have made for his treatment ?

(c) Have Government made any special arrangement for his treatment ? If so, will Government be pleased to state what progress has been observed in his condition as a result of such treatment ? If the answer to the first part of this question is in the negative, will Government be pleased to state why special arrangements have not been made for his treatment ?

(d) Will Government be pleased to state how and where he contracted the disease ?

(e) Has he been segregated from the camp in which other detenues are confined? If not, why not?

(f) Will Government be pleased to state the names of the doctors who are treating the detenu and whether they are recognised specialists in leprosy treatment?

(g) Have Government received any application from the detenu's relatives for transferring him to Calcutta for treatment? If so, will Government be pleased to state how they have disposed of the said application?

THE HONOURABLE MR. M. G. HALLETT: (a) and (b), Dhanesh Bhattacharji was found to be suffering from leprosy shortly after his arrival at the Deoli Detention Jail in July last. His general health is good.

(c) to (f). It is not known how he contracted the disease. He has been given a separate room in the jail hospital and has been treated by the Medical Officer of the Jail in consultation with the Chief Medical Officer, Rajputana. So far the disease does not appear to have responded to the treatment.

(g) I have no information.

DISARMAMENT CONFERENCE.

285, **THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA:** (a) Is it a fact that a fresh disarmament conference is shortly going to be held?

(b) If so, will India be represented on the conference?

(c) If the answer to part (b) is in the affirmative, who will represent India?

(d) If the answer to part (b) is in the negative, what are the reasons for it?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) "The League of Nations Conference for the Reduction and Limitation of Armaments" assembled on October 15th and adjourned till December following the withdrawal of Germany from the League.

(b) and (c). I have no official information on the subject, but I believe that India will continue to be represented by the same representatives as before.

(d) Does not arise.

ELECTION OF A NON-OFFICIAL MEMBER TO THE STANDING COMMITTEE ON EMIGRATION.

THE HONOURABLE THE PRESIDENT: I have to inform the House that there is only one candidate for election to the Standing Committee on Emigration, namely, the Honourable Sir Kurma Venkata Reddi. I have to declare him duly elected.

INDIAN TARIFF (SECOND AMENDMENT) BILL,

THE HONOURABLE MR. J. B. TAYLOR (Additional Finance Secretary) :
Sir, I move :

“ That the Bill further to amend the Indian Tariff Act, 1894, the Indian Finance Act, 1931, and the Sea Customs Act, 1878, for certain purposes, as passed by the Legislative Assembly, be taken into consideration.”

Sir, if certain Members of this House are apprehensive that the cost of bringing them here for the somewhat unexpectedly short session is not justified they can be assured that if they pass this measure they will have amply recompensed Government for any expense incurred in bringing them here and a good deal more. This measure, as is explained in the statement of objects and reasons, is designed to stop a loophole in Government revenue, a loophole which is already causing us a loss which is variously estimated from about 12 to 18 lakhs a year and which if not stopped may increase to a very much larger extent. And that loss does not only affect central revenues. It also, by substituting a foreign product for an Indian one, is adversely affecting the royalties of a Local Government. I refer, Sir, to the imports of a type of oil which is competing with the more highly taxed kerosene and other oils used for illuminants. The way in which this loophole has been opened and the method by which we propose to stop it are somewhat technical, but I think that the matter can be put briefly if I describe roughly the way in which our tariff on oil is split up. There are three main groups. First of all there is petrol, which of course is taxed much more highly than any of the others and does not come into this particular picture. Then there is the second group of oils which are used for illuminating purposes ; and thirdly, there is the remainder, oils which are used as fuel for furnaces, diesel engines or other purposes. Oil for illuminating purposes is charged a specific duty which with various surcharges now amounts to 3 annas 9 pies an imperial gallon, or if produced in India, mainly in Burma, an excise duty of 2 annas 9½ pies, again including all the surcharges up-to-date. On the other hand, oil which is produced as fuel for industrial purposes or for other purposes is charged at *ad valorem* rates which work out roughly with the surcharges to various prices with a maximum of 9 pies. It is obvious that there is a very great difference between the two rates of duty and if it is possible for people to bring in an oil which can be used as an illuminant at the lower rate they will have a very large margin of profit and create a correspondingly large loss to Government. In the last three years imports of a certain type of oil which is known either as gas oil or light diesel oil have been coming into the country and it has been found that in practice this type of oil can be used as an illuminant and yet it cannot be taxed under the present tariff at the higher rate applicable to illuminants. The reason for this is somewhat technical and will require a reference to the actual tariff. Illuminants are charged under Item No. 40 of the Tariff Schedule which reads as follows :

“ Kerosene ; also any mineral oil other than kerosene and motor spirit which has its flashing point below one hundred degrees of Fahrenheit's thermometer by Abel's close test”.

Now, Sir, this oil is not kerosene in any accepted definition of the word. Therefore it cannot come under that particular head. So the only possible head under which we could tax it at the higher rate would be the second part and unfortunately its flash point does not bring it under the definition. This enabled importers to bring in their oil at a very much lower rate, with the result

[Mr. J. B. Taylor.]

that the imports have increased very materially in the last two years, though imports of kerosene have fallen off to an even greater extent. The figures are very illuminating. Two years ago the imports of this type of oil were only about 800 tons. In 1932 they had risen to 28,000 and now it is estimated that they are coming in at the rate of considerably over a million gallons a month. If we assume that this oil is being used as an illuminant to displace kerosene made in Burma—and we are informed that its illuminating properties compare not unfavourably with those of the lowest variety of Burma red kerosene—the loss amounts to about a lakh a month even if we assume that only three-fourths of it is used for this purpose. If we assume that it is displacing an equal amount of kerosene, the loss would amount to about 1½ lakhs a month. Now, Sir, it is of course impossible to say by definite statistical inquiry how much of this is used as an illuminant or how much is used for its ostensible purpose, namely, for diesel engines. We have to use our common-sense and the common-sense assumption seems to be that since the import of this oil has increased so materially in the recent past and there is no evidence to show that there has been a corresponding increase in the number of diesel engines the probability is that it is not being consumed legitimately. On the other hand, there is a great deal of direct evidence to show that it is being used as an illuminant. There is also the fact that while the imports of this oil have risen to a million gallons a month imports of kerosene have fallen off by about three millions. Undoubtedly a large amount of that drop is to be attributed to the trade depression, but it seems obvious that substitution must be going on on a considerable scale as well.

I now turn, Sir, to the manner in which we propose to combat this evasion of taxation. The first point is this, that we must scrap this definition of “flash point below one hundred degrees of Fahrenheit”. Flash point is obviously now not in itself a complete criterion of whether the oil can be used as an illuminant or not and we have now got a particular type of lamp which can determine whether this oil is in fact an illuminant and can also determine the degree of luminosity by actual burning. This lamp is so designed as to test the burning for a certain number of hours and if the oil burns for so long and gives a flame of such and such height for that time as compared with other oils which are taxed as illuminants we have, we submit, a perfect criterion for determining that it should be taxed as an illuminant. For that reason, Sir, we are introducing a new head 40B “Mineral oil not included in Item No. 40 or Item No. 40A, which is suitable for use as an illuminant in wick lamps”. Then in clause 4 of the Bill we take power to determine the procedure whereby Customs Officers will test the illuminant by means of this lamp.

Sir, in another place a certain amount of apprehension was expressed whether this test was in fact a sound one or not and I understand that the Select Committee in the other place did see the lamp, though they were not able to test its working. However, after such inspection they were satisfied that at any rate it did furnish a reasonable basis by which this could be tested. As regards that part of the legislation therefore we may say that we have met any criticism or question as to its adequacy. The second question is how far this tax will hit the use of the new oil for its ostensible purpose, that is to say, its use in diesel engines. Here I have already explained that it is impossible to decide definitely by statistical inquiry how much is actually used as an illuminant and how much is actually used for these engines. The estimates vary from 90 per cent. and 10 to 90 per cent. and 10 the other way; but I have explained what we consider the common-sense view of the situation and the degree to which substitution of kerosene has been effected would seem to

show that a large amount, by far the larger amount, of this oil, is used as an illuminant, so that its taxation at the higher rate will not really injuriously affect those who have diesel engines. They will be able to use the oil which they used before 1930 and they will have to pay no more for it in proportion than they did then. At the same time, Sir, Government recognise that there is this theoretical criticism of the legislation, that it might adversely affect the interests of agriculturists who use diesel engines, and we have given an undertaking that we will watch carefully to see whether there is any indication of their interests being injuriously affected. As I said, we have no reason whatever to suppose that this will be the case, but we are looking at that aspect of the problem.

The position then is this, Sir, that this growing evasion is costing us from 12 to 18 lakhs a year and, if it goes on there is no reason to suppose that the loss will not materially increase further. One estimate I have is that ultimately it may possibly involve us in a loss of revenue of a crore a year. It is obvious evasion, because there can be no question whatever that the intention of the tariff was that oil used for lamps should be charged a certain rate and if oil can be brought in and in fact so used without being charged at that rate, there is a definite loss to Government revenue. For these reasons, Sir, I move that the Bill be taken into consideration.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, in order that this House may be in a position to vote rightly on this Bill, I would ask the Honourable Mr. Taylor to give us some more information on the matter than what he has given in the speech that he has just delivered when he said that the object of this Bill is to increase the revenue which is now being lost to the Government in duty on the light diesel oil that is being used. The definition of the illuminant oil as embodied in the present Bill is not exhaustive. In the olden times crude oils were used as illuminants in the sense that old pieces of rags or of cotton yarn or waste were soaked in this oil and burnt as smoky illuminant. That is done even now to a small extent, I understand, in villages where poor people cannot afford to pay the price even for the cheap kerosene oil. The Honourable Mr. Taylor has rightly mentioned that the cheapest oil now is the red Burma oil Victoria brand. This oil, of course, is used. During the course of his observations he has said that the suspicion which the people have in their mind that by the imposition of this additional duty the interest of the users of the diesel oil engine will suffer is baseless. Sir, what I wish to impress upon the Finance Department is that in these times of grave economic depression every encouragement should be given to foster industry and agriculture. The Honourable Mr. Taylor has observed that, as far as agriculture is concerned, its interests will be carefully watched whether any adverse effect is visible upon the users of the diesel engines in agricultural areas. In the other House the Honourable Finance Member observed that, as far as the crude oils are concerned and which are not used for illumination purposes there will be no additional duty and he has cited there that for instance upon the crude oil from the Attock oilfields there will be no extra duty involved. I may mention, for the information of this House, Sir, that, as far as the Attock crude oil is concerned there is a very peculiar way of assessing its price. The price now is assessed on f. o. r. Karachi price *plus* railway freight to place of sale. That way of imposition of prices is a very unreasonable and a very unfair one. Instead of the Punjab or other places in the North-West Frontier Province which are nearer to the oilfields being benefited by the existence of oilfields among them, it seems rather strange that a company should be allowed to base its price on f. o. r. price *plus* railway freight. This, Sir, is

[Rai Bahadur Lala Ram Saran Das.]

quite relevant to this point as far as it shows that in case there is increase in the price of the imported oil the Attock Oil Company will also automatically increase its prices because the price is based on the f. o. r. Karachi price *plus* railway freight to destination. Therefore, Sir, the statement of the Finance Member in the other House does not amount to much as far as the price of crude oil is concerned. Now, Sir, the Honourable Mr. Taylor has said that there will be no set-back to the diesel engine users because they will be using the same crude oil which they were using before 1930 and which oil will not be liable to any further duty. In that connection, Sir, I might say that by using the thicker sort of oil in the oil engines the life of the engine is much decreased. In case you use the better sort of oil the efficiency of the engine is better and the life of the engine increases.

Sir, the Honourable Mr. Taylor has given another argument that the imports of kerosene oil from abroad have fallen. I might mention, Sir, that by a study of the Review of Trade in India, I find that in 1930-31 kerosene oil imported by sea from foreign countries into India was 9,88,93,000 gallons; in 1931-32 it fell to 8,56,90,000 gallons; in 1932-33 it fell to 5,94,95,000 gallons. And now, Sir, in contrast with this if we see the figures of the same oil imported from Burma into India we find that in 1930-31 the import of kerosene oil from Burma was 11,37,29,000 gallons; in 1931-32 it rose to 12,04,14,000 gallons; and in 1932-33 it rose to 12,65,97,000 gallons. So, Sir, as far as the consumption of kerosene oil in India is concerned, it shows that there has been a bigger demand of kerosene oil from Burma year by year. Some time back, Sir, on the floor of this House, when the question of export duty on petrol was being considered, the Honourable Finance Member, as far as I recollect, made a remark that the Burma Oil Company and the Indo-Burma Oil Company were given the concession in order to keep down the price of the kerosene oil which was being used by the poor people at large. Then, Sir, the object of the Government was to keep down kerosene oil prices for the poor people. What we find now, Sir, is that before the recent competition in kerosene oil began in India, there was no reduction in the price of kerosene oil. The Standard Oil Company came into the field and the competition began and the price of kerosene of all grades fell very heavily. The Burma Oil Company, as they had previously compromised with the Shell Company, compromised with the Standard Oil Company, and the result was that some sort of understanding was arrived at between the Standard Oil Company and the Burma Oil Company and other subsidiary companies and the price of the oil was again raised. Then, Sir, Rumanian oil began to come into India and again the competition became keen. Notwithstanding there being a huge combination of the Burma Oil Company and the Standard Oil Company, they did their very best to keep Rumanian oil out, but certain importers, as far as my information goes, kept on and succeeded, the result was that the price of Burma Oil Company oil which then stood at Rs. 2-14-10 for four gallons in bulk was forced down to Rs. 1-14-0 for four gallons in bulk. The price, however, again rose to Rs. 2-1-0 for obvious reasons. It seems that Government patronage of the Burma Oil Company and the Standard Oil Company's huge combine resulted in raising the price again. I do not know, Sir, whether the Government of India aim at keeping the price of cheap kerosene oil low or not, but in case they do not, they ought not to encourage any sort of monopoly. They already know that there is a monopoly of petrol which is now being held solely by the Burma Oil Company. In the Shell Company's compromise with the Burma Oil Company the arrangements are that the Shell Company does not export to India even one ounce of petrol

and in return the Burma Oil Company does the same in certain other countries. But all the same, India has to pay a higher price for petrol than any other country in the world similarly situated so, as far as the poor consumer is concerned, there is no relief. In case we consider that this differential duty on kerosene oil between the Burma production and the foreign production does not bring any sort of reduction, where is the advantage of keeping that duty so low and Government sacrificing about Rs. 74 lakhs of annual revenue? Why should there be a differential duty when there is no reduction in the rate on kerosene for the poor? As far as the revenues of the Government are concerned, I think that if the Burma Oil Company, and its subsidiary companies cannot bring down the price of kerosene low enough, they are not entitled to the concession of Rs. 74 lakhs annually and of the monopoly which they are allowed to enjoy.

Sir, I may also mention that in these days of grave depression, every encouragement ought to be given to industry and agriculture. The imposition of the surcharge on the freight on coal was greatly resented by the industrialists and agriculturists. The imposition of an import duty on machinery driven by power was also resented — .

THE HONOURABLE THE PRESIDENT: Will the Honourable Member confine himself to the Bill before the Council?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: As the Honourable the President wants me to strictly confine myself to oil, I will do so. I must say that I want the Honourable Mr. Taylor to explain the details of the test by the wick lamp to which he has made a reference on the floor of this House. The explanation ought to be full as we want to know for how long that lamp has to burn brightly to give light. It may burn two minutes or it may burn five minutes or it may be smoky or give a very dim light. Until you fix some time limit, that lamp test cannot be understood, because any sort of oil will burn in a wick lamp for a certain period—it may be a minute, or half a minute or two minutes. I want him to give an assurance also as to how he will protect those industrialists and agriculturists who now use the diesel oil engine and who will suffer by the increase in this duty.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central: Non-Muhammadian): Sir, if I cannot congratulate the Honourable Mr. Taylor on the introduction of this Bill I can certainly congratulate him on the apology he has offered for calling this session. He wanted to justify the necessity of this short session on account of the loss the Government would incur if this Bill were delayed, and the loss, he said, may be from 12 to 18 lakhs of rupees. Sir, when the experiment that Government are carrying on has not proved quite successful and when they are going to give another opportunity for their experiment I do not see that there was any necessity to hurry this measure. Taxation of this kind of oil, just like taxation of salt, is a tax which touches the poorest of the poor and such measures are only justified in times of extreme necessity. The Government ought to leave out from taxation those millions who do not get even two meals a day. Since I have come into this Council I have not found any measure by which Government want to reduce the taxation on these millions of our countrymen. Every time I find that taxation is being increased without any discrimination.

As regards the merits of the Bill, I have said that Government have not been able fully to test whether this oil is equally illuminant as the lowest type of kerosene oil and that question has been fully dealt with by the Leader of the

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

Opposition and I do not want to repeat the arguments. I find that even the tests which were conducted by the Select Committee, to which the Honourable Mr. Taylor referred, did not prove successful, and for that reason they ought to have delayed this Bill.

I would once more urge the point about the oil being used by the agriculturists for their small machines. Although my friend has given an assurance on this point, I would lay emphasis that at any rate the agriculturists should not be taxed.

With these words, Sir, I submit that I am not in a position to support the measure before the House.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal: Non-Muhammadan): Sir, before the clauses of the Bill are taken up for consideration I would like to make a few general remarks. I do admit that if there is really any evasion of duty due to some lacuna in the Finance Bill and the Tariff Bill it is the bounden duty of the Government to remedy the flaws and derive the just revenue to the State coffers. But, at the same time, it is our duty to see that the Bill has not been designed against certain Indian companies who are alleged to import diesel oil or light gas oil from Rumania and Russia. Sir, if there be any suspicion on this side of the House it is due to two factors. Firstly, it appears from the Honourable the Finance Member's speech in the other House that the whole agitation of this duty on diesel oil was first raised by the Burma Government influenced by the Burma Oil Companies. If I may be permitted to quote I read it as follows:

"We had a very urgent representation from the Burma Government on this matter which came to us in the course of the Simla session. They say that they have ascertained that the local companies are suffering from a serious disability owing to the importation of gas oils from Rumania and Russia described as diesel oil".

They then go on giving the figures of the differences in duty between that and the excise duty payable on the kerosene. They say:

"The local companies estimate that the cut in Burma production will shortly amount to one-third".

Then:

"The Governor in Council strongly recommends immediate action to remove disabilities. He would view with the gravest concern the diminution of Burma production to the extent feared by the companies with the resultant unemployment in oilfields and disastrous effects on revenue from royalties. He would support the Companies' claim that the customs duty imposed should not be less than the customs duty on imported kerosene. If reports correct, matter is of extreme urgency and the Governor in Council would seriously deprecate waiting till budget session and would urge strongly introduction of necessary legislation during the current session".

In the words of the Finance Member the importation of the oil against which the Bill is designed is about one million gallons a month whereas in his own opinion the drop in the consumption of kerosene oil is about three million gallons a month. The diesel oil that is being imported is mainly for the purpose of fuel in light engines. In the words of Mr. Thampan there are about 20,000 oil engines engaged in irrigation work in South India alone. I know that there are a large number of these engines driven by diesel oil being used in Bengal for the development of cottage industries as well. Sir, there is no gainsaying that those who possess light engines driven by fuel oil admit that the oil against which the Bill is designed is a better substitute as a fuel for the engines than other mineral oils which were in use before. The use of the diesel oil referred to in the Bill gives better power to the engines and increases the

longevity of such machines. That being the case everyone must admit that the bulk of the one million gallons of this oil at present imported is being consumed as fuel oil for engines used both for irrigation and improved methods of agriculture and for the cottage industries. So to my mind at the most a very small quantity of this imported oil is being used for illuminant purposes. Further even this oil can not be used for illuminant purposes in the ordinary table lamps or hurricane lamps as this oil when used for illuminant purposes emits carbon deposits in the form of carbon black. It can only be used by the poorest classes of people for tin lamps without chimneys. Considering all these factors I do not understand how a small quantity of this million gallons of imported diesel oil can displace the consumption of three million gallons of kerosene oil. Further, Sir, much has been made about the new scientific test lamps. Sir, I understand the lamp was exhibited in the Select Committee to which the Bill was referred but no demonstration was shown to the Members to convince them whether the testing lamp will correctly indicate the power of illuminancy of different grades of oil without any manipulation as otherwise people using the lamp may defeat the object for which the lamp is being used. I would further request the Government to make these lamps available to the public by declaring in this House the names of the manufacturers of such lamps and where it is available so that importers of oils themselves may test the oils before importation so that the companies dealing with imported mineral oils may not be harassed by the customs authorities.

THE HONOURABLE MR. J. B. TAYLOR : Sir, I find that the criticisms in this House have followed very closely the lines of the criticisms in another place which necessitated reference to Select Committee and which were answered there. They fall into two classes. First, doubts as to the adequacy or efficiency of the test which we propose to apply, and secondly, doubts whether this oil is not in fact used as fuel for diesel engines and that consequently, an increase in its taxation may adversely affect those who employ it for this purpose. Sir, as regards the former, the adequacy of the lamp, it is hardly fair to say that the Select Committee in another place were not satisfied with the test. The object of the lamp is to meet the purposes of the section. The item in the Schedule is "mineral oil which is suitable for use as an illuminant in wick lamps"; that is to say, it does not include anything which will set fire to a rag, as suggested by the Honourable Lala Ram Saran Das, nor any of the other ways in which oil may be made to burn. It is a definite test for use in a lamp with a wick, and the standard lamp is so designed as to ascertain whether an oil will burn reasonably well in a hurricane lantern for a period of four hours. The object is comparative, in order to see that the light so given compares favourably with the light of other oils which are at present taxed as illuminants. It is not an absolute test; it is a comparative test. If the light given by this oil is the same both as to brilliance and duration as the light given by oils taxed at the higher rate, then it is reasonable that it also should be taxed at the higher rate.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Are you fixing any particular candle power for test illumination purposes ?

THE HONOURABLE MR. J. B. TAYLOR : We are fixing no particular candle power. The test is a comparative one. At present certain types of oil are being taxed as illuminants and if the test of this lamp shows that the imported oil gives an equally bright flame of equal duration, then it is obviously reasonable two should pay taxes on the same footing. Otherwise one will compete adversely with the other.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Do we understand that the candle power given by the right sort of kerosene oil lamp will be the standard candle power?

THE HONOURABLE MR. J. B. TAYLOR: May I read, Sir, in this connection from the remarks of the Select Committee in another place. They said:

"It was explained that Government have no intention of fixing the standard in such a way as to apply the new duty to oils that are inferior as illuminants to the lowest grades of oil which are at present liable to customs or excise duty at the rates prescribed for kerosene."

I think that meets the point raised by the Honourable Member, and in that connection I will just clinch the discussion on the point that the Select Committee in another place were not satisfied as to the test. I will again quote from their report:

"The second point on which apprehensions were expressed was the nature and the adequacy and impartiality of the test by which ultimate liability to the duty as illuminant oil will be decided. We are assured that the standard lamp to be used is an instrument approved by technological experts for the purpose, and that adequate provision can be secured by the rules prescribing the manner of making the contemplated tests to still such apprehensions. We note further that in the event of any dispute the importer will be able to take advantage of the provisions relating to appeal and revision that are embodied in the Sea Customs Act."

That answers the point of the Honourable Mr. Banerjee. Rules will be framed by the Central Board of Revenue and will be available to the public and they will have full opportunity of disputing any decision which they do not consider conforms with the wording of the Schedule.

I now turn to the second point, that this oil, if taxed at the higher rate, will adversely affect the interests of the agriculturists and others who use it for diesel engines. In the first place, Sir, I think that we must dismiss as irrelevant any general question relating to the pitch of taxation on illuminants or oils generally and the much more general question as to how far there is competition between the various oil interests. I think it is obvious, whether there is or there is not competition, that it is not fair for Government to subsidise one particular type of competitor at the expense of its own revenues by allowing that particular competitor to import oil at an improperly low rate. But that, Sir, is not an issue in point. The point with which we are concerned is how far, if at all, the higher taxation of this oil will adversely affect its use in diesel engines. Sir, a good deal has been said about this by Honourable Members opposite, and, as I said, Government are quite prepared to watch carefully whether there are any such effects; but we do not think that there is any likelihood of there being any such effects because, as I pointed out, up till 1930 when this oil was introduced the Indian market went on quite contentedly with the oil which it had for those engines. Since then there has been this large increase in the imports of this oil without any corresponding increase in the imports of diesel engines. Unless therefore new diesel engines have sprung up from some mysterious internal source to consume this oil—it seems to stand to reason that this oil is being used as an illuminant and not as fuel for diesel engines; but we admit the hypothetical possibility and we are prepared to watch to see if there is any evidence of it.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will you be prepared to allow refunds of this extra duty on the *bona fide* declaration of agriculturists or industrialists on the consumption of light diesel oil ?

THE HONOURABLE MR. J. B. TAYLOR: I am afraid that any such proposal would be administratively difficult. Before I sit down, I should like to deal with one minor point raised by the Honourable Lala Ram Saran Das and that was about the taxation of Attock oil. There I am afraid I could not quite follow him. Attock oil, as I understand it, which is used for diesel engines is not subjected to any excise duty at all and it is not proposed to impose any duty upon it merely because we are imposing this additional duty.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: What I said was that as the price of Attock oil is based upon the price of imported oil f. o. r. Karachi, in case the price of imported oil is increased at Karachi the price of Attock oil will be automatically increased. The public will get no advantage in price at all from the use of Attock oil.

THE HONOURABLE MR. J. B. TAYLOR: That, Sir, is not my recollection of the question the Honourable Member originally asked. In any case I do not see how it is a matter with which Government could deal. As I said, it relates to the broader question of competition which is not relevant to this particular issue.

Sir, I trust that I have now satisfied the House on the two points, first, as regards the adequacy of the test, and secondly, as regards the unlikelihood of any adverse effects on the owners of diesel engines and for that reason I commend the Bill for consideration.

***THE HONOURABLE SIR KURMA VENKATA REDDI (Madras: Nominated Non-Official):** May I speak on a point of procedure, Sir ?

THE HONOURABLE THE PRESIDENT: You are not entitled at this stage to address the House.

THE HONOURABLE SIR KURMA VENKATA REDDI: I wanted to raise a point of procedure with your kind permission, Sir. I do not exactly know whether this is the stage and that is why I seek your permission. Under Standing Order 38 when a motion is made for the consideration of a Bill that has been passed in another House it is open to Members of this House to ask for the question being referred to a Select Committee. I do not rise to ask for that privilege at this stage or for this Bill. Sufficient case has been made out by the Government as regards the urgency of the measure and after hearing the Honourable Mr. Taylor I am certain that no Member of this House will be inclined to ask for that ; but as a general principle, Sir —

THE HONOURABLE THE PRESIDENT: But you are making a speech now. I am afraid I cannot permit you to address the House. You are not raising any point of order.

The question is :

“ That the Bill further to amend the Indian Tariff Act, 1894, the Indian Finance Act, 1931, and the Sea Customs Act, 1878, for certain purposes, as passed by the Legislative Assembly, be taken into consideration.”

The motion was adopted.

THE HONOURABLE THE PRESIDENT: The question is:

“That clause 2 stand part of the Bill.”

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER (Madras: Non-Muhammadan): Mr. President, my object in tabling this amendment—

THE HONOURABLE THE PRESIDENT: Will you please move your amendment first and then address the House?

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER: Sir, I beg to move:

“That in sub-clause (1) of clause 2 of the Bill, in the Item 40B, for the words ‘Two annas and three pies’ occurring in the last column the words ‘One anna’ be substituted.”

Mr. President, my object in moving this amendment is that since the Bill has been passed by the Lower House and some substantial grounds are advanced for bringing this measure as an urgent one before this House and sufficient reasons also are put forth by several Honourable Members in justification of passing this measure, I thought I should just bring to the notice of this Honourable House that this is a measure which is going to affect a very large number of poor people, and so this duty which is going to be imposed on this oil might at least be reduced. The chief reason for this oil coming into competition with kerosene oil is said to be that this can be extensively and increasingly used as illuminant and so it competes with the duty-paid inferior kerosene. But what is the quantity so used for the past several years and what is the exact amount of loss under this particular method of using this oil as an illuminant is not forthcoming either in the statement of objects and reasons or in any enquiry which the Select Committee has conducted. It appears that the conclusions are based more upon inferences than upon observations and facts and figures. I do not deny that these inferences may be correct to some extent. Generally the practice so far adopted by Government in measures of this kind is that the matter is referred to some inquiry, official or non-official, or to the Tariff Board, as this measure cannot be counted as otherwise than a taxation measure. On all hands it is admitted that this will be a tax on the poor. We all know what is the present state of things in our country. Further it is admitted that the users of small oil engines who are agriculturists and cottage industry workers, would be put to extra expense by this duty. No doubt sympathies are expressed on all sides for these people who are affected by the enactment.

First, let us consider the position of the poor people who use this oil as

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an illuminant. These people before the advent of kerosene were using a simple harmless healthy lamp using the cheapest different vegetable oils available locally. The kerosene oil when introduced was found cheap and so gradually began to be used by all. Then prices of oilseeds were gradually rising, so economically kerosene became handy. Subsequently, kerosene prices rose gradually on account of the raising of the duties and the combination of oil companies and other causes. The price of kerosene has now come to nearly the same level as the price of some of the old vegetable seed oils, especially on account of the depression for the past several years. It is nothing but the present economic distress which drove these poor people to use these cheaper oils in order to keep their existence. This use of very low oil will surely impair their health and especially their eyesight, if it is kept up for long. Even the light would not also burn long due to excessive carbon.

The position, I submit, is the same with regard to the small oil engine users. They have been put to so much difficulty in the course of some years since the small oil lamps came into use, there are different kinds of oil, called crude oil or liquid fuel which do not agree in the standard of their specific gravity or their flash-point. These used very often to give trouble in the engine. Honourable Members will have experience of these matters if they have had an opportunity of using these small power engines. These engines are erected in out of the way places where men of technical skill are not easily available and therefore much inconvenience is caused. I have had personal experience in this matter. These oils, owing to their very nature and composition and the Companies apportioning themselves the territories of our country for supplying with different kinds of oils, the oil engine makers designing their engines to suit the different oils, and in this way the oil engine users have been put to considerable difficulty. The advent of other kinds of oil which were found to be a little light came in to some extent to solve these difficulties in many places, and so these oils were found to be very useful for the benefit of the oil engine users of small power engines. These users are mostly agriculturists and cottage industry workers all existing in out of the way places.

Well, Sir, the Government have got technical experts. It is not a very difficult matter for Government to have regular tests of the quality of these oils and then fix a certain standard of tax instead of imposing hastily a tax now without sufficient justification and data. Consideration of the matter later after passing the Bill with the help of their technical experts and further experiments with oil lamps will not, I think, help very much.

The Honourable Mr. Taylor said that the members of the Select Committee were shown only the lamp but at the same time he said that they were not satisfied with the test of the lamp. I do not know how these two statements will coincide ?

THE HONOURABLE MR. J. B. TAYLOR: Sir, on a point of personal explanation. What I said was that the Select Committee were shown the lamp, but they were not given an actual demonstration of the lamp in use. Their comments are in the report and they seem to me to show that they were satisfied.

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER: Yes, Sir, we know what value to attach to the comments made and the able drafting of that report, but it is more the proof required of the experiment by making the lamp burn for some hours, then only will the Members be in a position to judge. We are asked to await further results of the test or to the opinion that will be given by the Customs official. We do not know what will be the position and how the people who are chiefly affected by this will have any voice in understanding that test and put before Government the hardship that will be caused by the substitution. Any increase in the quantity of this oil can be very well understood by the increased use of small engines which have begun to use this light oil more for that purpose than for lighting purposes. If at all there is any use made by the poor people for lighting purposes it will not be to a very appreciable extent.

Well, Sir, in these oil prices, so far as I was able to know from our own colleagues in the Council and the Assembly, we have not been provided with sufficient information with regard to the working of the companies and the prices fixing and how any method can be found to reduce the prices of this

[Mr. V. C. Vellingiri Gounder.]

oil. In the Assembly many amendments have been moved similar to the amendments I have tabled but unfortunately I did not see that any of them have come in for favourable consideration at the hands of the Government.

THE HONOURABLE THE PRESIDENT : The Honourable Member must remember that he is addressing the House on the amendment.

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER : In giving relief to the oil engine users and small cottage industry people many amendments were made for giving facilities to get a rebate upon the prices of oils used for engines but for that no remedy was given in the Bill and now I am sorry to hear that according to the Honourable Mr. Taylor difficulty will be found in administering the Act in granting rebates and so their future position also has no hope of rebates.

The figures of import given and difficulties pointed out by the Leader of the Opposition, the Honourable Rai Bahadur Lala Ram Saran Das, go to prove that nothing affects the import of Burma oil or other oils which have been imported for several years. On the other hand, although any slight interference by other companies in this combination will give our country only a small reduction in the price, and that after some time, the price is bound to rise by some means or other and so there is no hope even for the poor people who use these very inferior and very unhealthy oils for escaping from higher and higher taxation. So, I submit it will be very hard on the users of low paid oil, who are poor people, and on the small oil engine users, who are mostly agriculturists and people attached to village cottage industries. So, I would urge the House to reduce this taxation by Rs. 0-1-3 and bring it down to Rs. 0-1-0.

With these words, Sir, I trust the House will be pleased to accept my amendment.

THE HONOURABLE MR. J. B. TAYLOR : Sir, I confess that I am somewhat in the dark as to the precise reasons of the mover of this amendment for suggesting this particular rate of duty. It seems to me that his speech made out an eloquent case against any change at all, in other words, against the Bill as a whole. Once the principle of the Bill has been accepted, it seems to me entirely illogical that the duty should be raised to an extent which, when read with the other amendment, would bring the total, that is, the initial duty *plus* the surcharges, up to 2 annás, thereby still giving this oil a material preference as against the equivalent Burma red kerosene which is subject to an excise of Rs. 0-2-9½ or as against imported kerosene which is subject to a duty of Rs. 0-3-9. In other words, it seems to me that these amendments are an illogical half-way house which would make the worst of both worlds. For these reasons, Sir, I oppose the amendment.

THE HONOURABLE THE PRESIDENT : Amendment moved :

“ That in sub-clause (1) of clause 2 of the Bill, in the Item 40B, for the words ‘ Two annas and three pies ’ occurring in the last column the words ‘ One anna ’ be substituted. ”

The question is :

“ That this amendment be made. ”

The motion was negatived.

THE HONOURABLE THE PRESIDENT: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

THE HONOURABLE THE PRESIDENT: The question is:

"That clause 3 stand part of the Bill."

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER: I do not propose to move my amendment,* Sir.

THE HONOURABLE THE PRESIDENT: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. J. B. TAYLOR: Sir, I move:

"That the Bill, as passed by the Legislative Assembly, be passed."

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, I do not like to speak at this stage of a Bill, but I want to protect the interests of the agriculturists and the industrialists who are now using the light diesel oil. It is well known to all people concerned that in the diesel oil engines, there is so much consumption of this light diesel oil per brake horse power per hour and so for the *bona fide* consumption of this oil on diesel oil engines Government can always come to a very approximate figure. In case Government are keen and do mean to protect the industries and agriculturists and do not want to discourage them, then the only way to show their intention in practice is to give refunds of extra duty on *bona fide* oil used by them. That can be arranged, and that is fair, equitable and possible and ought to be done.

THE HONOURABLE THE PRESIDENT: The question is:

"That the Bill, as passed by the Legislative Assembly, be passed."

The motion was adopted.

* "That in clause 3 of the Bill, in the Item 40B, for the words 'Nine pies per Imperial gallon' occurring in the last column the words 'Six pies per Imperial gallon' be substituted."

~~THE HONOURABLE THE PRESIDENT:~~ Honourable Members, I also desire to associate myself with the Honourable the Leader of the House and the Honourable Mr. Taylor in the expression of regret which they have made for the inconvenience and trouble caused to Honourable Members in having to come here from long distances for attending two meetings only, but you have the satisfaction to know that your presence here was inevitable and that you have been in a position to put on the Statute-book a Bill which will save heavy losses to the Government of India. I have nothing further now to say but to wish you all a pleasant and safe journey home and to wish my European colleagues all the compliments of the season.

The Council will now adjourn to a date which will be communicated hereafter by circular.

The Council then adjourned.

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