

Wednesday, 22nd August, 1934

THE
COUNCIL OF STATE DEBATES

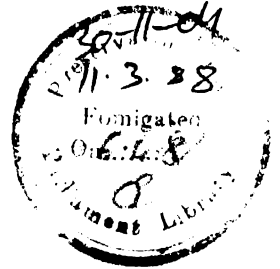
VOLUME II, 1934

(8th August to 6th September, 1934)

EIGHTH SESSION

OF THE

THIRD COUNCIL OF STATE, 1934



PUBLISHED BY MANAGER OF PUBLICATIONS, DELHI.
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, NEW DELHI.
1935.

CONTENTS.

| Wednesday, 8th August, 1934— | PAGES. |
|--|---------|
| Members Sworn | 1 |
| Questions and Answers | 1—21 |
| Message from His Excellency the Governor General | 21 |
| Committee on Petitions | 21 |
| Congratulations to His Excellency the Commander-in-Chief, the Honourable Mr. M. G. Hallett and the Honourable Sir John Woodhead, recipients of Honours | 22—23 |
| Statements laid on the table | 23—28 |
| Governor General's Assent to Bills | 28—29 |
| Message from the Legislative Assembly | 29 |
| Bills passed by the Legislative Assembly laid on the table | 29 |
| Motion <i>re</i> nominations for the Committee to inquire into the working of the Ottawa Agreement—Adopted | 30 |
| Death of Khan Bahadur Sir Muhammad Israr Hasan Khan | 30 |
| Statement of Business | 30 |
| Thursday, 9th August, 1934— | |
| Members Sworn | 31 |
| Questions and Answers | 31—37 |
| Motion for Adjournment <i>re</i> proposed removal of the Imperial Institute of Agricultural Research from Pusa to Delhi—Leave to move, granted | 37 |
| Resolution <i>re</i> colony for the emigration of Indians—Negatived | 38—54 |
| Resolution <i>re</i> Report of the Colonisation Enquiry Committee—Withdrawn | 55—70 |
| Resolution <i>re</i> Indians in Burma— <i>not concluded</i> | 70—78 |
| Motion for Adjournment <i>re</i> proposed removal of the Imperial Council of Agricultural Research from Pusa to Delhi—Negatived | 78—99 |
| Monday, 13th August, 1934— | |
| Member Sworn | 101 |
| Questions and Answers | 101—19 |
| Ballot for the election of nine Members to serve on the Committee to examine the working of the Ottawa Trade Agreement | 119—20 |
| Indian Dock Labourers Bill—Considered and passed | 120—29 |
| Indian Carriage by Air Bill—Considered and passed | 130—32 |
| Sea Customs (Amendment) Bill—Considered and passed | 132—34 |
| Indian Aircraft Bill—Considered and passed | 134—39 |
| Mechanical Lighters (Excise Duty) Bill—Motion to consider, adopted | 139—47 |
| Tuesday, 14th August, 1934— | |
| Questions and Answers | 149—52 |
| Short Notice Question | 152—53 |
| Congratulations to the Honourable Sir Frank Noyce on the Honour conferred on him | 153—54 |
| Mechanical Lighters (Export Duty) Bill—Considered and passed | 154—59 |
| Repealing and Amending Bill—Considered and passed | 159 |
| Factories Bill—Considered and passed | 159—207 |

Wednesday, 15th August, 1934—

| | PAGES. |
|---|--------|
| Question and Answer | 209 |
| Death of Sir Manmohandas Ramji | 209—40 |
| Congratulations to the Honourable Sir Alan Parsons on his appointment to the India Council | 210 |
| Bill passed by the Legislative Assembly laid on the table | 210—11 |
| Result of the election of nine Members to serve on the Committee to examine the working of the Ottawa Trade Agreement | 211 |
| Resolution <i>re</i> Indians in Burma—Adopted | 211—13 |
| Resolution <i>re</i> levy of income-tax on house property—Withdrawn | 213—25 |
| Resolution <i>re</i> construction of a new Council of State Chamber at Simla—Withdrawn | 225—29 |
| Parsi Marriage and Divorce Bill—Introduced | 229—30 |
| Statement of Business | 230 |

Thursday, 16th August, 1934—

| | |
|---|--------|
| Bengal Criminal Law Amendment Supplementary (Extending) Bill— Motion to consider— <i>not concluded</i> | 231—60 |
|---|--------|

Saturday, 18th August, 1934—

| | |
|--|---------|
| Questions and Answers | 261—67 |
| Bengal Criminal Law Amendment Supplementary (Extending) Bill— Considered and passed | 267—301 |
| Statement of Business | 301 |

Monday, 20th August, 1934—

| | |
|---|--------|
| Questions and Answers | 303—08 |
| Personal statement by His Excellency the Commander-in-Chief thanking the Members of the Council of State for their congratulations on his G. C. S. I. | 308—07 |
| Assam Criminal Law Amendment (Supplementary) Bill—Considered and passed | 307—28 |

Wednesday, 22nd August, 1934—

| | |
|--|--------|
| Bills passed by the Legislative Assembly laid on the table | 329 |
| Message from His Excellency the Governor General | 329 |
| Resolution <i>re</i> enforcement of the provisions of the Child Marriage Restraint Act—Withdrawn | 330—44 |
| Resolution <i>re</i> representation of Assamese in the Posts and Telegraphs Department—Adopted | 344—49 |
| Resolution <i>re</i> investigation into conditions of health by a Committee of medical experts—Withdrawn | 350—58 |
| Resolution <i>re</i> Burmanisation of the Accountant General's Office and the Posts and Telegraphs Department in Burma—Adopted | 354—57 |
| Resolution <i>re</i> horse-breeding—Withdrawn | 357—75 |
| Resolution <i>re</i> enlargement of the scope of agricultural research—Withdrawn | 375—81 |
| Resolution <i>re</i> National Debt of India—Moved | 381 |
| Parsi Marriage and Divorce Bill—Motion for circulation, adopted | 381 |
| Statement of Business | 382 |

Monday, 27th August, 1934—

PAGES.

| | |
|--|---------|
| Questions and Answers | 383—99 |
| Statement laid on the table | 399 |
| Indian Rubber Control Bill—Considered and passed | 399—405 |
| Indian Income-tax (Amendment) Bill—Considered and passed | 406—09 |

Tuesday, 28th August, 1934—

| | |
|---|--------|
| Short Notice Questions | 411—14 |
| Bill passed by the Legislative Assembly laid on the table | 414 |
| Resolution <i>re</i> National Debt of India—Negatived | 414—33 |
| Resolution <i>re</i> levy of customs duties on all foreign goods entering India from land frontiers—Withdrawn | 433—36 |
| Resolution <i>re</i> re-enactment of repressive legislation after the expiry of its time-limit—Negatived | 437—50 |
| Hindu Woman's Inheritance Bill—Introduced | 450—61 |
| Resolution <i>re</i> abolition of Viceroy's commissions— <i>not concluded</i> | 461—66 |
| Statement of Business | 466 |

Wednesday, 29th August, 1934—

| | |
|---|--------|
| Address by His Excellency the Viceroy to the Members of the Council of State and the Legislative Assembly | 467—78 |
|---|--------|

Thursday, 1st September, 1934—

| | |
|---|---------|
| Questions and Answers | 479—96 |
| Bills passed by the Legislative Assembly laid on the table | 496 |
| Petroleum Bill—Considered and passed | 496—502 |
| Iron and Steel Duties Bill—Motion to consider— <i>not concluded</i> | 502—22 |
| Statement of Business | 522—23 |

Monday, 3rd September, 1934—

| | |
|--|---------|
| Questions and Answers | 525—60 |
| Statement laid on the table | 560 |
| Motion for Adjournment—Disallowed | 560—61 |
| Iron and Steel Duties Bill—Considered and passed | 561—601 |
| Indian Tariff Bill—Considered and passed | 601—02 |
| Appendices | 603—04 |

Tuesday, 4th September, 1934—

| | |
|---|--------|
| Member Sworn | 605 |
| Question and Answer | 605—06 |
| Statement by the Honourable the President expressing regret for the ruling given by him in regard to clause 2 of the Iron and Steel Duties Bill | 606—07 |
| Indian Army (Amendment) Bill—Motion to consider— <i>not concluded</i> | 607—36 |
| Statement of Business | 63 |

Wednesday, 5th September, 1934—

| | PAGES. |
|---|---------------|
| Questions and Answers | 637—47 |
| Short Notice Questions | 647—49 |
| Hindu Woman's Inheritance Bill—Motion to circulate, adopted | 649 |
| Resolution <i>re</i> abolition of Viceroy's commissions—Negatived | 650—70 |
| Resolution <i>re</i> ineligibility for service under the Crown, after retirement, of Presidents of Legislatures, etc.—Negatived | 671—78 |
| Resolution <i>re</i> pensions of inferior servants serving under the Government of India—Withdrawn | 678—83 |
| Resolution <i>re</i> five-year plan of economic development for India—Withdrawn | 683—95 |
| Resolution <i>re</i> ineligibility for service under the Government of India of subjects of those Indian States who do not employ British Indian subjects—Withdrawn | 695—700 |

Thursday, 6th September, 1934—

| | |
|---|--------|
| Questions and Answers | 701—02 |
| Indian Army (Amendment) Bill—Considered and passed | 702—34 |
| Indian Navy (Discipline) Bill—Considered and passed | 734—43 |
| Amending Bill—Considered and passed | 743—44 |

COUNCIL OF STATE.

Wednesday, 22nd August, 1934.

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

BILLS PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL: Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the following Bills which were passed by the Legislative Assembly at its meeting held on the 20th August, 1934, namely :

- A Bill to consolidate and amend the law relating to the import, transport, storage, production, refining and blending of petroleum and other inflammable substances ;
- A Bill to provide for the control of the export from and import into India of rubber and for the control of the extension of the cultivation of rubber in British India ; and
- A Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

THE HONOURABLE THE PRESIDENT: Honourable Members, I have received a Message to convey to you from His Excellency the Governor General. The Message runs thus :

" In pursuance of sub-section (3) of section 63A of the Government of India Act, I, Freeman, Earl of Willingdon, hereby require the attendance of the Members of the Council of State in the Assembly Chamber at Simla at 11 o'clock on Wednesday, the 29th August, 1934 "

Simla,
The 21st August, 1934.

(Sd.) WILLINGDON,
Viceroy and Governor General.

(The Message was received by the Council, standing.)

I have also received a demi-official letter from the Private Secretary to His Excellency the Governor General and I will read to you the last paragraph of that letter.

" His Excellency will be arriving in state for the ceremony and will be wearing levy dress which will be worn by those Members of the Assembly who are in possession of such uniforms. Others should wear the most formal dress they have "

RESOLUTION *RE* ENFORCEMENT OF THE PROVISIONS OF THE CHILD MARRIAGE RESTRAINT ACT.

THE HONOURABLE **RAI BAHADUR LALA JAGDISH PRASAD** (United Provinces Northern : Non-Muhammadan) : Sir, I beg to move the following Resolution :

" That this Council recommends to the Governor General in Council that proper steps be taken including the revision of the law if necessary, to enforce more rigidly the provisions of the Child Marriage Restraint Act (Act No. XIX of 1929) so as to increase the chances of offenders being brought to book and minimize the chances of evasion of the law . "

Sir, the Child Marriage Restraint Act (popularly known as the Sarda Act) that was passed by the Central Legislature in 1929 was designed to meet the evil of child marriage in India. And all social reformers were happy at that time to think that the evil of child marriage which was eating into the vitals of Indian society would be stopped by means of this law. But, Sir, four years' experience of the working of the Act has proved that it has failed to check the evil to any appreciable extent. In fact, it is more or less a dead letter as hundreds and thousands of marriages are being solemnised in the country in contravention of the provisions of the Act without the offenders being brought to book. This, Sir, is a deplorable state of things. It was an admirable act of the Government to have joined the advanced section of the two Houses of the Central Legislature in seeing the Child Marriage Restraint Act brought on the Statute-book. This action was in consonance with advanced public opinion in the country. But, Sir, having once enacted a law it is, I think, the duty of the Government to see that the provisions of the law are observed in practice, otherwise it is no use making a law if its provisions are respected more in the breach than in observance. And yet this is the case with the Child Marriage Restraint Act. The reason is not far to seek. It appears to be nobody's concern to detect child marriages and to bring the offenders to book. According to section 9 of the Act no court can take cognizance of any offence under the Act save upon complaint made, and the complainant has to conduct the case throughout in a regular manner. Section 11 of the Act even provides for the taking by the court of security from the complainant for a sum not exceeding Rs. 100 for the payment of any compensation which the complainant may be directed to pay under section 250 of the Code of Criminal Procedure. All which shows that there are great handicaps in the way of complaints of child marriages reaching a court of law, for very few persons would care to undergo all the worry and expense of fighting out a regular suit on the one hand and antagonising the persons who have broken the law on the other. True, there have been sporadic cases in places in which people have come forward to conduct such cases in court and as a consequence the offenders have been punished, but such cases have been few and far between.

Sir, I realise that in such matters we must go very cautiously as there is a likelihood of the law becoming an engine of oppression if, for example, cognizance of offences under such laws were to be vested in the police. But I feel that something should yet be done to see that the Act does not remain a dead letter but that its beneficial provisions have their salubrious effect on society. Sir, I do not think it is necessary for me to recapitulate the evils of child marriages in India as I believe that they are admitted on all hands. There can be no doubt that the causes of the deteriorating Indian physique, our diminishing

vitality, our susceptibility to disease, our high infant and maternal mortality, our reduced longevity and our low expectation of life, as compared with other countries, are in a great measure attributable to the custom of early marriage prevailing in India. Sir, if you would just look up the latest Census Report of India, Volume I, you will come across the following passage in it :

"In a written statement made to the Age of Consent Committee the Assistant Director of Public Health observed that proportionate to the high maternal and child mortality 'there is a vast number of invalids or physical wrecks among the survivors', and even in Travancore State, more advanced in this respect, perhaps, than any part of India except the adjoining state of Cochin, the Census Commissioner of the State is able to pronounce that—

'The highest female mortality, which exceeds that of males by 60 to 61 per 1,000 occurs in the age-period 15—30, and must certainly be attributed to the early marriage of girls and the consequent premature maternity. Death of young mothers at child-birth is not an uncommon occurrence, but more common than this, however, is the death of women in the later period of maturity, say, between the years of 20 and 30 brought on by the physical exhaustion, the nervous break-down, and other ailments, which are the aftermath of premature child-bearing'."

Later on, Sir, we find the following view expressed :

"Sir John Mogaw estimates that '100 out of every 1,000 girl wives are doomed to die in child-birth before they have ceased to have babies, and about 200,000 mothers die in giving birth to children every year in India'."

Sir, the following comparative figures of infantile deaths under one year per 1,000 living births in the case of India and some important foreign countries will be found interesting.

These figures are for the year 1930 for which statistics are available :

| | | | | | | | |
|--------------------------|----|----|----|----|----|----|-----|
| India | .. | .. | .. | .. | .. | .. | 180 |
| United Kingdom | .. | .. | .. | .. | .. | .. | 63 |
| France | .. | .. | .. | .. | .. | .. | 78 |
| Germany | .. | .. | .. | .. | .. | .. | 85 |
| United States of America | .. | .. | .. | .. | .. | .. | 65 |

These figures have been taken from the Statistical Year Book of the League of Nations for 1932-33.

Then, Sir, Mr. P. K. Wattal, in his interesting book, *The Population Problem in India* in commenting on the immense wastage of life which takes place in India, observes :

"As conditions are today the life table (for males) indicates that out of 100,000 children born alive only 52,439 or a little over one-half attain the age of majority (18) in India". As for the low expectation of life in India the extreme prevalence of early marriage is said to be its cause.

I will not tire the patience of the Council by quoting more figures to show that in the matter of national physique and infantile and maternal mortality, India compares very unfavourably with the countries of the west. And it does not require a prophet to prove that the cause is to a large extent to be attributable to the prevalence of immature marriages in this country. Sir, it may be argued that in spite of the high rate of mortality the population of India has vastly increased during the last decade. To this my reply is that to meet the problem of the growing population of India we will have to think of

[Rai Bahadur Lala Jagdish Prasad.]

the much talked of "birth-control" by resorting to what are called contraceptive methods. But the fact of the increase in the population of India does not detract from the desirability of reducing our infant and maternal mortality and improving our national physique. Of what use is the growing population of India if we become physical wrecks? Post-puberty marriages will, I am sure, in themselves exercise a check, according to medical opinion, in keeping down the number of births. Now, the question arises, what should be done to prevent early marriages in India and to enforce more rigidly the provisions of the Child Marriage Restraint Act. My answer to this is that it is for the Indian politicians no less than for the Government to tackle this problem. And as the Central Legislature is composed of both the chosen representatives of the public and of the Government and is the only statutory body which can effectively deal with the matter, the burden ultimately falls on us to take the initiative. It is considered by some people that in such matters it is the society which should take action, namely, that there ought to be some social organizations who should both carry on a sort of educative propaganda against early marriages and launch prosecutions of offenders in courts. I agree. But if we leave the matter entirely to such non-official organizations, my fear is that we may perhaps have to wait for the complete abolition of the evil of early marriage till Doom-day.

Sir, I have given some thought to this question and would like to put forward my views in this connection for the consideration of the House. I think that instead of throwing all the burden of launching prosecutions of offenders against the Sarda Act on private individuals and relying entirely on them for the regular conduct of cases in law courts as complainants, it would be better if the law is so revised that private individuals should be expected only to file a complaint and no more in the court of a special officer to be attached to each district who should not be below the rank of a deputy magistrate with first class powers. The complaint should be enquired into by such officer himself or through some reliable agency (not the police) and after such necessary enquiry, that officer should do all that may be necessary to conduct prosecutions as if the case were on behalf of the Crown. Of course, to exclude the possibility of frivolous complaints being filed, section 11 of the Act can still be there which requires a security to be furnished by the complainant. But what I wish to suggest is that the entire burden of conducting such cases in the capacity of a complainant should not be thrown on private individuals if we are anxious to see that the provisions of the Child Marriage Restraint Act are observed in practice. For, you can only expect private people to give the courts necessary information of cases where the provisions of the law have been infringed, but it is too much to expect them to take all the burden of fighting out the cases on themselves. If this or some other similar suggestion is adopted, I think that while on the one hand there will be no danger of interference of an agency like the police in such cases, on the other hand an effective agency would be found to check the evil.

I hope, Sir, that the House will agree with me that something effective should be done to stop the evil of early marriage in order to ensure the physical well-being of Indians and in the interest of the longevity of the nation; for political advancement which we are so much after will be of no avail until it is

accompanied in the case of individuals of the nation by a sound mind in a healthy body.

With these words, Sir, I commend my Resolution to the acceptance of the House.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN (North-West Frontier Province : Nominated Non-Official) : Sir, I agree with the Resolution of my Honourable friend Rai Bahadur Lala Jagdish Prasad so far as it concerns the Hindus, for the Hindu community has suffered most from the evils of child marriages, but as regards the Muslims I am sorry that I cannot see eye to eye with him in the matter of enforcing more rigidly the provisions of the Child Marriage Restraint Act of 1929. The reasons for my saying so are that the enforcement of this Act amongst the Muhammadans will be taken as an interference into our *Shariat* otherwise known as the Muhammadan Law. Now according to Islamic Law there is no age-limit of marriage but the condition laid down is the age of maturity for the couple. It is quite a simple and practicable rule which can be observed with all easiness in all the countries and through all the ages. It can be acted upon by every class of people, no matter whether they are the inhabitants of a warm climate or cold.

As to the age of maturity, Sir, it differs according to the climate of a place and the profession of the people concerned. For instance, in Madras it is 12 years, in Bengal from 13 to 14 years and in the Punjab and the North-West Frontier Province from 14 to 16 years; these are the findings of the Age of Consent Committee appointed in connection with the Child Marriage Bill. Although I know it full well that in my part of the country marriages do not take place below the age of 20 years but what I want to impress upon the Honourable Members of this House is the fact that the Mussalman cannot suffer to be led by legislation in matters relating to their marriages except in accordance with their *Shariat*.

It is said that the passing of this Bill is a step forward towards the progress of society. Well, Sir, opinions differ. The supporters of the Bill might think so about it but the orthodox Muslims cannot go beyond Muhammadan Law and as such I would ask my friend the mover of the Resolution that if he wants to do anything with regard to his community I am quite willing to back him up, but as regards Muslims I would request him not to press the matter upon them. It is specially uncalled for in their case when their marriages take place in the event of the pair reaching the age of maturity. It may differ according to the climate of a place and the profession of the people, but when the marriages are solemnised by mutual consent and there is no objection against them by the parties, nor any complaint made to the Government, I do not see any reason why the Government should be asked to take any legal action against such marriages which are solemnised according to the Islamic Law and mutual consent of the parties.

Sir, in connection with this Resolution I am prepared to back it so far as it concerns the Hindu population but not the Mussalmans.

THE HONOURABLE MAHARAJADHIRAJA SIR KAMESHWAR SINGH OF DARBHANGA (Bihar and Orissa : Nominated Non-Official) : Sir, I rise to oppose the Resolution. I belong to that school of thought which is opposed to any legislative interference in social and religious matters. I believe that social and religious reforms can be best carried out by the creation of public

[Maharajadharaja Sir Kameshwar Singh of Darbhanga.]

opinion in their favour rather than by enacting laws that are contrary to the opinions held by the people affected by them. The very fact that my Honourable friend has brought forward this Resolution is enough to show that those who were dreaming that a paradise will be created in the social world by the fool's day measure called the Child Marriage Restraint Act and popularly known as the Sarda Act, were dreaming of a Fool's Paradise. The House is aware that the measure disturbed the religious feelings of the Mussalmans and the bulk of the Hindu population of this country who may collectively be called the Sanatanists. The resentment was so strong and the panic created was so great that a large number of marriages took place in the period during which the law was being enacted and promulgated. Now that the Act has been promulgated, the opinion has also hardened and it is held that it is better to suffer the penalty imposed by the temporal power than to do an act which is opposed to the teaching of our *Shastras*. This law has weakened the hands of those who were in favour of raising the marriageable age as far as practicable within the limits sanctioned by the religious books. If the Act has become a dead letter, it is due to the scanty regard which the reformers paid to the arguments and sentiments of those who were going to be affected by it. The events that have followed the enactment of the measure should convince the Government that any departure on their part from the religious neutrality solemnly promised to the people of this country by Her late Majesty Queen Victoria of revered memory is sure to cause unrest and disturb the peace and tranquillity of His Majesty's law-abiding subjects in this country. With the experiences of the last few years, I think that it is time now for the Government to consider the advisability of repealing the law, which is honoured more in its breach than in its observance.

The proposition which my Honourable friend has put forward before the House is bound to create a serious situation in the country. After all, this pernicious measure, apart from violating the religious beliefs of a very large number of people, apart from attempting to bring about a social revolution, is encroaching upon their domestic life. It has not succeeded because it is vehemently resented by a large section of the people; and if any further attempt is made to make it more stringent it will serve no other purpose than of further embittering the feelings of those whose life and conduct are guided by religious tenets propounded by prophets and seers. I wonder if the Government can in the interest of the law and order afford to alienate the sympathy of such a vast bulk of the people by accepting the Resolution of my Honourable friend.

Sir, my apprehensions are that at present prosecutions under the law are generally started not so much with the genuine desire to bring about social reform as by reason of local animosity with a view to humiliate the accused. May I ask the social revolutionaries what action they themselves have taken to educate public opinion in favour of the law? I do not know if they have any organization functioning for the purpose. I am equally unaware of the means they have adopted to bring about what they believe to be a much needed social reform? If they would have done even a little there would perhaps have been no necessity for my Honourable friend to bring forward a Resolution of this kind. Now with what face can these people come to the

Government for helping them in a cause for which they are not doing their part ?

Sir, it is a well known fact that the law did not help the formation of public opinion in its favour, as the Government hoped ; rather it created a wide gulf between the reforming and the orthodox section of the Hindu and Muslim communities and consequently I consider that the law is not merely useless but grossly mischievous. The Government should not have supported it and the Legislatures should not have passed it even with the safeguards contained in its provisions. Social conditions in India are fundamentally different from those in other parts of the world. India should be allowed to be developed on its own lines. Let us not talk too freely about world opinion when a question concerning her domestic life is concerned. She has always maintained her individuality by reason of her religion, culture and tradition, and had for a long time occupied a proud position among the nations of the world. She has her own notions of right and wrong. Any attempt to suppress those long cherished notions and beliefs are bound to be unsuccessful. The Widow Remarriage Act, as well as the provisions regarding the age of consent may be taken as instances of the same. The abolition of *Sati* has succeeded because the popular opinion against taking human life by force gathered strength. Honourable exceptions like these should not be taken as a rule or a guide for tampering freely with religious matters. I admit that changes are brought about in social customs and practices but they are brought about by general consent of the society, by the formation of public opinion and not by enacting laws in the teeth of the popular opposition.

My Honourable friend, I regret to say, is overlooking facts and does not go to the bottom of the problem in advocating the revision of the law with a view to make its provisions more drastic and penalty more deterrent. He is inviting more acrimony, more unrest and a greater division in the Hindu fold by his Resolution. I hope that this Honourable House will reject it and not recommend to the Government a course of action which is calculated to do not only no good to the country but positive harm.

Sir, I strongly oppose the Resolution before the House.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU (United Provinces Southern : Non-Muhammadan) : Sir, I congratulate my friend the Honourable Rai Bahadur Lala Jagdish Prasad on the Resolution that he has moved in this Council today. Sir, I think in the Twentieth Century it does not need any argument to prove that child marriage is a vicious custom, a bad custom and a cruel custom. Sir, the Honourable the Maharajadhiraja of Darbhanga would not have the State intervene in social and religious matters. I would say, Sir, that it is not interfering in social and religious matters. I do not find, Sir, any sanction for child marriage in the Hindu *Shastras* or in the Hindu religion. I speak as a Hindu ; I have no right to speak for the Muslim, for whom the Honourable Nawab Sir Mahomed Akbar Khan has spoken. There is no doubt that this system of child marriage is having a pernicious effect upon our whole social life. It is lowering our vitality and it is affecting our physique and it is affecting our prestige as a nation. The Honourable the Maharajadhiraja of Darbhanga has said that India occupies a proud position among the nations of the world. I wish she did. If the Honourable the Maharajadhiraja of Darbhanga would read some of the books

[Fandit Prakash Narain Sapru.]

on Hindu social life—and I do not blame those authors because, frankly speaking, in many respects the Hindu is an abnormal creature and he lives an abnormal life and he must not feel hurt when a normal world judges him by normal standards—if he will read some of the books that are written about Hindu religion and social customs, he will not feel that world opinion is really in favour of the Hindu social system. I think, Sir, in our struggle for freedom we do need to have world opinion with us and this fear of world opinion is one of the main factors working for social reform in this country.

Then, Sir, it is said that the State ought not to interfere in social matters. The State has in the past interfered in social matters. It interfered in the case of the Hindu widow, it interfered in the case of *Sati*. I would say that child marriage is on the same footing as *Sati*. I cannot really distinguish between permanent suicide and this suicide in the form of child marriage. I say, Sir, that if you allow child marriage you are allowing suicide in your society and for that reason I think there ought to be interference by the State in regard to this matter.

I have just said that I have no right to speak for the Muslim community but I may just give you my personal experience. I have a Mussalman servant. He has been with me for over 15 years. He is my personal bearer. Some four years ago, I think it was before the passing of the Sarda Act, he came to me and wanted me to give him some help for his daughter's wedding. I asked him what the age of his daughter was. He said she was six. He is a very faithful servant and I really wanted to help him. I said I would not give him any help because he was doing a thing which was absolutely immoral and that he ought not to marry his daughter at that age. He said, "It may be so, but I cannot help it, because my *bradri* will outcaste me if I do not have her married now". I said, "Fortunately you are a Muslim, you have no *bradr*". Why do you talk of the *bradri*?" I gathered, Sir, that he was a Hindu convert, his forefathers had been Hindus and that they had been converted to Islam and they had carried this bad system with them. Sir, I will say this, that among the Muslims in our part, this system is not unknown. They are just as bad in this regard as the Hindus, and I should be very sorry for the Muslim community if the Honourable Nawab Sir Mahomed Akbar Khan represents the real mind of the Muslim community in this matter, Sir, it has been said that this question of child marriage is really a question for social reformers. I agree. We have our responsibility in this matter. but you have also your responsibility. Law can guide and indeed influence public opinion and law ought to guide and influence public opinion in this matter. Then, my Honourable friend Rai Bahadur Lala Jagdish Prasad suggested some ways in which the law could be made more stringent or could be enforced more strictly. Sir, I would go even further than my Honourable friend Rai Bahadur Lala Jagdish Prasad in this respect. I would invalidate all child marriages. As a matter of fact if I were to speak out my real mind, I do not know that I believe in the present Hindu system of arranged marriage; and I think, Sir, that the time has come when we who represent what might be called the protestant movement in Hinduism ought to make it clear to our orthodox friends that while we respect their orthodox beliefs we are not prepared to subscribe to everything

that they say. We ought to make it clear that we have a different conception of what Hinduism is or Hinduism or Hindu society ought to stand for in the life of the country. Sir, there is this division among the Hindus on this question but I will say that the time forces are with us, that right is with us, that justice is with us, that truth is with us, that conviction is with us, and that notwithstanding the opposition of our orthodox Sanatanist friends—we are having their opposition in the matter of untouchability—notwithstanding their opposition we shall win and that we shall be able by devoted effort to remove this cruel system from this land of ours.

With these words, Sir, I give my very hearty support to the Resolution of the Honourable Rai Bahadur Lala Jagdish Prasad. I am particularly glad that a Resolution like this has been brought forward by the Honourable Rai Bahadur Lala Jagdish Prasad, because he is a representative of orthodox Hindu opinion, and does not belong to the iconoclast class to which I belong.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, when the Sarda Bill came before this House for consideration, I was one of those who supported that Bill and I supported that Bill in my personal capacity and not in the capacity of President of the All-Punjab Sanatana Dharam Pratinidhi Sabha. I found that in the camp of the orthodox community there was a division. Some people were in favour of the Bill and others were not, and if I mistake not the majority of them were against it. The Honourable the Maharajadhiraja of Darbhanga has said that according to the *Shastras* child marriage is allowed. With due deference to the Honourable Maharajadhiraja, I must say that on that point also there is difference of opinion in the various *Shastras*. But I agree with him in the view that, as far as matters connected with one's religion are concerned, there ought not to be any Government intervention. But as this Bill was passed, and as His Excellency the Governor General gave his assent to it, either the Act should be repealed or it should be enforced.

With these words, Sir, I support the Resolution.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTY (Madras : Non-Muhammadan) : Sir, I rise to support the Resolution before the House. My Honourable friend, Rai Bahadur Lala Jagdish Prasad, only wants that the Act should be properly worked. Since this Act is on the Statute-book it is only right that it should be properly enforced. The Government ought to see that prosecutions are undertaken by themselves and not left to private persons, many of whom are not in a position to undertake the cost of such prosecutions. Government ought to examine the question very carefully and conduct such prosecutions as State prosecutions so that persons who commit breaches of the Act may be brought to book. That is the only thing the mover asks and I do not think there is anything objectionable in the proposal.

On the other hand, I do not agree with him that there is any necessity for the revision of the law. If the law is properly enforced it will meet the case.

With these few words, Sir, I have much pleasure in supporting this Resolution.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) : Sir, if it is the desire of the Government that a challenge be thrown to the orthodox in the country and if it is their desire to provoke and inflame religious feelings and susceptibilities,—in a word, Sir, if it is the desire of the authorities to force the law-abiding citizens to wantonly defy the law and commit acts of disorder, then, Sir, the Government can do nothing better than carry out the suggestions made in the Resolution just moved. Sir, they have only to implement the recommendations that have been made in this Resolution and to let the people know they are determined to ride rough-shod over the religious susceptibilities of the people and that they are out to destroy institutions deep-rooted in religion and ancient usage, and nothing will then prevent the tide of discontent and disorder that will surge from every corner of this country. Sir, I feel that it was because of the fact that the Government was aware of this that they have hitherto discreetly refrained from rigidly enforcing this law. Sir, in spite of the fact that it was stated that this law was not intended to be very rigidly enforced and that the initiative was left to private individuals and not to any Government officials, there was trouble when this Act was passed. There was much trouble and bloodshed in the North-West Frontier Province in Peshawar owing to the passage of this Bill.

Sir, it has been said that this Resolution has been moved with a view to seeing that the chance of escape for people who defy the law is minimised and that those unfortunate men who help to see that the law is enforced and that the cause of morality and the welfare of Indian society does not suffer on account of early marriages, that those people should be saved the trouble of making deposits and undergoing all the difficulties and anxieties of a trial in a court of law and that Government should take it upon themselves to initiate proceedings. Now, Sir, what is our experience in the cases that have been launched under this Act. Was it a genuine desire on the part of the people, as was very pertinently asked by the Honourable Maharaja Sahib of Darbhanga, to see that the law was enforced? Certainly not, Sir. The object behind their minds was either some ill-feeling between the complainant and the accused or it was a disappointed suitor, Sir, who wanted to disgrace the girl or the relatives of the girl whom he wanted to marry and whose hand was refused to him by her parents and guardians. Therefore, Sir, it is quite obvious that this law, so far as it has functioned, has only proved to be an instrument, a very powerful engine of oppression and blackmail. Well, Sir, this is a piece of legislation which is totally against the traditions of the British administration in India, a piece of legislation which runs counter to the proclamation of the Queen Empress of revered memory, which guaranteed to all British subjects immunity in their personal and religious law. Sir, how this institution of marriage is not only a civil contract even with Mussalmans and that it is deep-rooted in religion and religious practice is admitted by one of the Honourable Members of the Government of India. The late Law Member, Sir Brojendra Mitter, while speaking on the Special Marriage Bill, said :

“ It is a fixed principle of the Government of India not to interfere in any way whatsoever with the personal laws and customs of the different peoples of India unless they have very strong and conclusive evidence that the change is desired by the people who are affected ”.

Speaking of the Mussalmans in particular, he said :

" So far as the Moslem community is concerned, it has been often said, and it is, I suppose, believed by some, because of repetition, that a Moslem marriage is a mere matter of contract. It is nothing of the sort. Although it is not a sacrament in the sense that a Hindu marriage is a sacrament or a Roman Catholic marriage is a sacrament, it is bound up with their religion. The fundamental basis of a Moslem marriage is religious sanction. Therefore it is a mistake to suppose that it is a purely secular contract. Where is the sanction ? The sanction is to be found in the Koran, the holy book of the Moslems "

It is thus quite patent that even the Law Member of the Government of India admitted that marriage is really a sacrament, that it is an institution which is not merely a civil contract but is deep-rooted in religious beliefs and practices of the Mussalmans of this land. What is this interference for ? It must be for some useful purpose. It must be intended to eradicate some evil and bring about a condition of things which would be an improvement on the present state of affairs. Let us examine this law in the light of this test. It has been said that early marriage is responsible for high mortality in the land. I ask whether this can be proved by surveying the state of things in other parts of the world. What was the law governing marriages in England just before the Sarda Act was passed ? Was it not a fact that boys of 14 years and girls of 12 years were allowed to marry and it was only recently that the law has been changed raising the age of both the parties to 16 years ? Can my Honourable friends who have supported this Act on the basis of mortality prove that the condition of affairs in England today is better than what it was just a few years back, that longevity in England is now much more than what it was just a few years ago ? They cannot do so. It is impossible for them to do it, for it is not these early marriages which are responsible for much of the trouble which has excited the sympathy of my Honourable friends here who want to introduce social reforms. It is not the early marriage ; it is the improper immoral gratification of the sexual desire before the age of puberty is reached. This law does not prohibit any man who feels the desire to visit houses of ill-fame, to commit acts of fornication and adultery and to contract diseases and ultimately to communicate that to his unfortunate wife, so that the off-springs become weaklings and sickly. This law does not prevent that. All that it does is to prevent one from performing a marriage. It seeks to penalise an act which under the ordinary law of the land—

THE HONOURABLE THE PRESIDENT: May I tell the Honourable Member that we are not discussing today whether we should have a Child Marriage Act or not. We are discussing the Resolution of the Honourable Member that the provisions of the Child Marriage Act should be more rigidly enforced. I would therefore ask the Honourable Member to confine himself to that issue.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR : The desirability or otherwise of the enforcement of these provisions could be demonstrated only by looking into what the consequences will be if these provisions are enforced. My contention is that if these provisions are enforced, they are not going to effect any improvement in the present state of things. They are not going to conduce to the well-being of society. They are not going to improve the physique or the health of Indian society, and much less are they calculated to improve the morals or character of the people here.

[Saiyed Mohamed Padshah Sahib Bahadur.]

Sir, another objection of mine is on the score of the way in which this Act was rushed through. In my opinion, this is the one Act which is an unconstitutional Act on the Statute book. This Act, when it was first referred to a Select Committee, was one which was intended to apply to only one community in India. Also, it was intended to be only of a civil nature. But, Sir, when it emerged from the Select Committee, it emerged as one comprehensive piece of legislation embracing in its fold all the communities in India practising different religions and following different creeds. Also, it became a criminal law, penalising all people who offended against its letter or spirit. Sir, when this law was being enacted, the authorities were carried away by their enthusiasm for effecting this reform and did not even care to obtain the sanction of the Governor General for the fundamental which the Select Committee has effected in the Bill. This change was effected without the sanction of the Governor General and so I contend that this is an unconstitutional Act which does not deserve to be taken notice of, much less to be enforced.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTY :
Then repeal it.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR :
I think, Sir, my Honourable friend Sir David Devadoss has given me the right suggestion. He says that it should be repealed.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated Indian Christian) :
On a personal explanation, Sir. I never suggested it. It was suggested by my Honourable friend Diwan Bahadur Narayanaswami Chetty.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR :
I stand corrected. My Honourable friend Diwan Bahadur Narayanaswami Chetti only a few minutes ago was so enthusiastic in the support of the Act. He now proposes that repeal is the proper course. That is quite suited to an Act of this kind. I feel that my Honourable friend Rai Bahadur Lala Jagdish Prasad would have been well advised if instead of enforcement of this law, he had recommended its repeal which, as he has himself pointed out, has all along been a dead letter.

Sir, just a few words about the way in which it affects my own community.

THE HONOURABLE THE PRESIDENT :
May I remind the Honourable Member that his time is up. Will he please bring his remarks to a close as early as possible ?

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR :
I will take only two minutes more, Sir. So far as my community is concerned, I feel that this Act is not only an interference with our religion but is also unwarranted. It is utterly needless. So far as our community is concerned, as my Honourable friend Diwan Bahadur Narayanaswami Chetty has admitted, this practice of early marriage is not at all common. It is for this reason, that our law makes it impossible for people to have recourse to it unless in very exceptional circumstances, namely, either for the safety of the minor or where the status or honour of a family would be jeopardised. According to our law, a girl and boy are not to live as man and wife unless they

have attained the age of puberty and unless they are in a state of health fit to bring forth healthy offspring. So that in view of these strict injunctions of Islam it is quite obvious that early marriages are only very few and far between, and then only in circumstances when that is the only course for the parties to adopt. Sir, this law of marriage cannot be uniform among all the communities in India—

THE HONOURABLE THE PRESIDENT : I cannot allow you to go into a new point at this stage.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR : Well, Sir, I will only say that the law of marriage is not one which is uniform all the world over. The law which obtains on the Continent is different from that obtaining in England. So I contend that this law should not be made applicable to all the communities in India.

[12 NOON.]
With these words, Sir, I resume my seat.

THE HONOURABLE MR. M. G. HALLETT (Home Secretary) : Sir, this is a question which has been frequently under discussion since the days when the Child Marriage Restraint Act was first under discussion in the Legislature. Many Members of this House remember those discussions. Unfortunately I was not in any way concerned with them. It is a matter on which very strong opinions are held and that is clearly shown by the debate to which we have listened today. Very strong opinions are held especially by those who are opposed to the provisions of the Sarda Act and to proposals such as that now before the House to make its provisions more rigid. It is the old issue of tradition and religious belief and orthodoxy on the one hand and reform on the other. And I think when an issue of this kind arises, history shows that the reform is most successful if it proceeds slowly. If an attempt is made to hurry reform regardless of public opinion against it, even though that public opinion may be held to be wrong, it may be a case of "more haste, worse speed". The Honourable Mr. Sapru in his youthful zeal would go full steam ahead, but perhaps he may find that that may result in difficulties. After all we must remember the lessons of history and it will be recollected how long it took for British opinion to be educated to agree to the abolition of the slave trade; even after that Act was passed it was several years before the evil was finally stamped out. In this particular problem we have on the one hand considerations of the social and physical welfare of the community. The facts which the Honourable Member who has moved the Resolution has quoted from the Census Report emphasise that point. On the other hand, we have the considerations of long-standing custom based on religious ideas and teaching. On the one side we have the social reformer eager to alleviate human suffering; on the other hand, those who hold strongly that the reform is an attack on fundamental religious beliefs. That is the position which confronted Government when the Sarda Act was under discussion. It was a controversial social question and Government had to approach the matter with great caution. It took steps to see that all parties concerned had full opportunity of giving their opinion on the question and the decision at which they arrived after considering these opinions is well known. They felt that a social evil which affected the well being of the

[Mr. M. G. Hallett.]

community did exist and they came to the conclusion after most careful reflection that it was their duty not to ignore what they recognised was a definite evil, but to give their support to those who were anxious to take the first step to remove this evil. They have in no way changed that attitude since then and their position was made clear by the late Home Member, Sir Harry Haig, in September, 1932, when a Bill was under discussion in the Legislative Assembly which sought to amend this Act by making its proposals less stringent. He made it clear that Government were compelled to oppose the Bill. A similar view was put forward by my predecessor in this House, Sir Herbert Emerson, when my Honourable friend Raja Raghunandan Prasad Singh put forward a Motion exactly contrary to that which is now before us. Many of you will no doubt remember his speech on that occasion.

But, Sir, though Government have taken this attitude in regard to attempts to repeal the Act, it must not be inferred therefrom that they can go so far as to support at the present time, only a few years after the passing of the original Act, a proposal to make it more stringent, or to support further legislation on a matter which it cannot be denied is a highly controversial question. Looking at the history of the years since the passing of the Act, I think it must be recognised that the opposition to those proposals has in no way diminished and that there is still a very strong body of public opinion which is still very strongly opposed to this Act and still more to any proposal to make it more stringent. On the other hand, I feel doubtful whether the reformers have done enough to educate public opinion to accept the provisions of the Sarda Act. Possibly they have in some places but, generally speaking, I think they have certainly not done enough to emphasise the advantages of this Act and to educate public opinion to its support. In a great social reform problem of this kind it is not possible to change public opinion in a day. We cannot change in a flash of lightning the outlook and practices of millions of people in this country. We cannot merely by a penal measure effect an immediate transformation. Many of the supporters of the Bill at the time when it was passed supported it I think with the view, not that it should be used to coerce people on a large scale by penalties, but that the existence of the Act on the Statute-book and the statement of public policy which it contained would gradually exercise an educative effect and bring about the conversion of the mass of the people to the evils with which that Bill seeks to deal. That, Sir, is in brief the position of Government. In a matter of this kind we must act cautiously. I am personally of a cautious nature and I think there is no doubt that caution and a slow advance is the most sure advance. The time may come when public opinion may be further educated and I trust the speeches such as those delivered by the supporters of the Motion today will have some effect on educating public opinion. I trust also that those who support the Bill will do something in their own constituencies to get public opinion to support these views. Government fully recognise the evil we are trying to meet, but I submit the time has not yet come for making a large advance. It may come when public opinion is further developed, and the development of public opinion in a matter of this kind can best be done by non-officials, by Indian politicians, and by women. Only today I saw a letter saying that certain ladies coming out to

India from England one of whose objects is that of educating public opinion on this important question of child marriages. That is all to the good. There are women's associations and councils in most provinces and districts and it is for the educated women of India, even more than for the men to get this reform carried into effect, to make it acceptable to the great mass of the people.

I trust that, now that I have made the position of Government clear, the Honourable Member will consider that he has served his purpose by moving the Resolution and that he will be content to withdraw it.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: Sir, I feel that those Honourable Members who have thought it fit to oppose my Resolution did so as if I was recommending for the enactment of a new law for the abolition of child marriages in India. I am very grateful to you, Sir, for actually pointing out to one of the Honourable speakers that what I recommended in my Resolution was that the provisions of the Child Marriage Restraint Act should be enforced more rigidly so that the chances of evasion of the law might be minimised. It is only this much, Sir, that I advocated in my Resolution. My Honourable friend the Maharajadhiraja of Darbhanga opined that the Act should be repealed and so did the Honourable Saiyed Mohamed Padshah. But I should like to remind my Honourable friends that a Resolution for the repeal of this Act was moved on the floor of this House in 1932, to which a reference has been made by the Honourable Home Secretary, and if you look up the debate that took place on that occasion, you will find that all the speeches that were made in the course of discussion on that Resolution were against the Resolution and, if I remember aright, not a single Honourable Member supported the Resolution on that occasion with the result that the Resolution was negatived. So it is too late in the day to talk of repealing the law.

Now, as regards the arguments of my Muslim friends, I may tell them that when the Act was under discussion on the floor of this House in 1929 and when a division was challenged on the Motion for consideration of the Bill, the House divided and no less than four Muslim Members voted for the Bill.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: Not one, Sir.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR: I challenge that statement.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: Sir, I may be allowed to read out the names of those Muslim Members who voted for the consideration motion?

THE HONOURABLE THE PRESIDENT: The Honourable Member may please proceed.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: Very well, Sir, I shall leave it at that.

Sir, what I recommend in my Resolution is not the enactment of a new law, but that the provisions of the existing Act should be enforced more rigidly in the interests of our physical well being. I yield to no one, Sir, in thinking

[Bai Bahadur Lala Jagdish Prasad.]

that in matters of religion the Government should not interfere but, Sir, I consider this question of child marriage to be more in the nature of a social matter than a religious one, because, as I have pointed out in my first speech, our physique is deteriorating, our infant and maternal mortality is so high and our expectation of life is so low. All these considerations should weigh with us in determining that the pernicious custom of child marriage should be stopped in this country.

Sir, the Honourable Mr. Hallett has made the position of Government clear on this Resolution. The Government stick to the position that they took up in relation to the enactment in 1929 and I am glad that in spite of the opposition of orthodox opinion in the country the Government still stick to the view they took on that occasion. The Honourable Mr. Hallett has observed that slow advance is sure advance and that the time has not yet come to advance further in this direction. I think, Sir, that a time will come when the Government will feel the necessity of enforcing the provisions of this law more rigidly, when they will feel that public opinion has made a further advance. For the present, Sir, I will content myself with having put forward my view point before the House, and I hope that if not on this occasion on a later occasion the House will see the wisdom of the proposition that I have propounded today.

With these words, Sir, I beg leave of the House to withdraw the Resolution.

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

RESOLUTION *RE* REPRESENTATION OF ASSAMESE IN THE POSTS AND TELEGRAPHS DEPARTMENT.

THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA (Assam : Non-Muhammadan) : Sir, before I move the Resolution, I request you to accord permission to amend it as follows :

" In view of the meagre representation of the Assamese in the Posts and Telegraphs Department, this Council recommends to the Governor General in Council to take steps to secure a larger proportion of Assamese serving in the Posts and Telegraphs Department in Assam."

THE HONOURABLE THE PRESIDENT : Has the Honourable Member in charge any objection ?

THE HONOURABLE MR. D. G. MITCHELL : Sir, I have no objection.

THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA : Sir, I move :

" In view of the meagre representation of the Assamese in the Posts and Telegraphs Department, this Council recommends to the Governor General in Council to take steps to secure a larger proportion of Assamese serving in the Posts and Telegraphs Department."

Sir, it is a well-known fact that till recently the Assamese people were very backward in the matter of education. Education amongst the Assamese people was not much and educated Assamese were few and far between and, as a matter of fact, they could be counted on one's fingers' ends. But during the last two decades or so they have been making rapid strides in this direction. Assamese

students have been acquitting themselves very well and they have been making their mark in the matter of competition in the universities. Judged by their university results, they compare quite favourably with students of the more advanced provinces. As a matter of fact, there is no dearth of educated Assamese at the present moment. On the other hand, Assamese taking to higher education have been increasing so fast of late that they cannot find avenues of employment and the question of unemployment amongst educated Assamese is looming larger and larger every day. As a result of this, we are faced with the sad spectacle of unemployment amongst these youths. I place no blame upon the Government for this state of affairs. Apparently, this plight of the Assamese youths is due to the fact that they entered into the race for competition in public service rather late in the day. Unless a start is given to them, unless special preference is shown to the Assamese youths, there is no prospect, not even a faint, distant prospect, of increasing the proportion of the Assamese serving in the Posts and Telegraphs Department. I am aware, Sir, that in the matter of appointment to the subordinate ranks in the Posts and Telegraphs Department, the Government have framed rules so that only those that come from the revenue divisions where there are vacancies should be appointed. I only hope, Sir, that Government will see to the strictest enforcement of these rules. In view of the sad plight of the unemployed Assamese youths, I appeal to Government to employ them in the Posts and Telegraphs Department in ever-increasing numbers. I also trust that the Honourable Members of this House will record their vote and support to my Resolution which is a very modest one and only seeks to do the barest justice to the deserving Assamese youths.

With these words, Sir, I commend my Resolution to the acceptance of this Honourable House.

THE HONOURABLE SAIYID RAZA ALI (United Provinces : Nominated Non-Official) : Sir, I do not think it necessary to move my amendment and will content myself with making a few general observations on the Resolution moved by my Honourable friend Mr. Barua.

Sir, the position with regard to this Resolution is very interesting. My own impression is that this subject has not been brought before this Council in the form of a Resolution a minute too soon. Sir, we are all very anxious to have a self-governing constitution for our country as soon as possible. So far as I have been able to give thought to that question, a satisfactory working of a self-governing constitution is conditional on certain things. The first thing is that in a constitution of this character every important class, interest and community should be thoroughly represented in our Legislatures. The second point which occurs to me is not a whit less important than the first, namely, that all important classes and interests in our country should participate in our public services. I need hardly, Sir, dilate on the undesirability of our public services or any portion of our public services being monopolised by one class, creed or province. In fact, the present Government is fully alive to having in the public service all those classes of the people which form an important portion of the population of the country and which have in the past displayed an aptitude for discharging the duties of Government servants. Much more difficult will be, Sir, the position of the future Government in that respect. It

[Saiyid Raza Ali.]

will be impossible, Sir, for our future Government to discharge its duties satisfactorily unless our public services are represented by all important classes and communities.

Sir, the question as to how recruitment for our public services should be made can roughly be divided into two classes. The first is the representation of all important communities in our public service. The second is the representation of various provinces in those services which are known as Indian services or the Central services, Classes I and II. Now it is gratifying to remember that so far as the first question, namely, the representation of minority communities is concerned, action was taken by this Council as far back as 1925 when a Resolution on the subject was moved in this House. The Government's attitude on that question was very hopeful and, as Honourable Members are aware, the Resolution in this House which happened to be moved by me, was accepted by Government, and in pursuance of that, a Resolution was issued by the Home Department of the Government of India shortly after laying down as to how representation of minority communities should be secured in those services which were under the Government of India. Not many of those who were present in that debate are present today but I am glad to see that two Honourable Members are still with us. One is yourself, Sir, and I believe the other is my Honourable friend Sir Phiroze Sethna. Now, the question was for the time being settled, though not very satisfactorily, yet settled in a manner which removed the discontent of the minority communities to a fairly large extent. The second important aspect of that question is that in the Imperial and Central services various provinces should be properly represented. Now I need hardly go into the history of that question but in the past it has so happened, Sir, that every province that came into close contact with the Government of India came to have a preponderating representation in the services. At one time it was, I believe, Bengal that led the way. Latterly Bengal has yielded the pride of place to Madras. It so happens, Sir, that recruitment for that portion of the Posts and Telegraphs services which comprise the gazetted ranks is made on the result of an examination held by the Public Service Commission. I speak subject to correction by the Honourable Mr. Mitchell that superintendents of post offices are appointed on the results of an examination held by the Public Service Commission. The examination is not of a competitive character in any way. All that the Department requires of the Public Service Commission is to prepare a list of qualified candidates. The Department goes through the list itself and selects those candidates whom the Department considers suitable for appointment. It makes the selection and finally those candidates are appointed.

THE HONOURABLE MR. D. G. MITCHELL: May I point out to the Honourable Member that there is also a large number recruited to the gazetted ranks by promotion from the lower ranks?

THE HONOURABLE SAIYID RAZA ALI: I did not mention that. I knew, however, that vacancies are also filled by promotion. But I believe it is not so much the gazetted posts that my Honourable friend Mr. Barua has in contemplation. His object, if I understand him correctly, is that in

the province of Assam, the rank and file of those who are working in the Post and Telegraph offices should be recruited from the Assamese community. I find from the Honourable Mr. Barua's nod, I am right. The door of entry to subordinate posts in the Posts and Telegraphs Department is not, so far as I know, by competitive examination, but various officers in various provinces which are constituted under the Government of India Resolution, dated the 4th July, 1934, as local areas are authorised to receive applications and interview, if necessary, the candidates, select them and finally appoint them to subordinate posts. I believe I am right in saying that that is the method of recruitment adopted so far as the subordinate posts are concerned. If that is so, every province forms a local area or circle in the matter of recruitment and I think it is a genuine grievance of the Assamese people if they are neglected. Facts and figures have not been given by my Honourable friend Mr. Barua but I take it that the position is that the Assamese do not get that measure of representation in their own province to which they are entitled. I believe the grievance is of a nature which is common to all those provinces where one portion of the population occupies a more predominant position than the other. I believe, for instance, that these remarks apply not only to the Honourable Mr. Barua's Resolution advocating the just claims of the Assamese, but the same complaint, I suppose, would be made by Oriyas against Biharis in the province of Bihar and by the Hindustani-speaking portion against the Marathi-speaking portion of the population in the Central Provinces. If one were to consider cases of this character, they would multiply themselves. All I can say is that those grievances are of a very just character, and immediate steps should be taken by Government to remove those grievances. There is absolutely no reason why a local area, which has been constituted a separate circle, which has been given the right by the Government of India to recruit for itself should not do its best to secure the representation of the people of that local area. As Honourable Members are aware, the Government of India Resolution, dated the 4th July, 1934, to which I have already referred in the earlier portion of my speech, makes specific mention of the Posts and Telegraphs Department, and it has been laid down there how recruitment for each area is to be made. I do not think it is necessary for me to read out that portion to Honourable Members. Paragraph 8 of this Resolution deals with the question, and it is pointed out there that an effort will be made to secure the appointment of the people who inhabit that area, to Imperial departments, amongst which the Posts and Telegraphs Department is specifically mentioned. I have no doubt that the Honourable Mr. Barua has by moving this Resolution done a very good service not only to his own province but also to those provinces the people of which are not fairly represented in certain public services.

In conclusion, Sir, I may point out to the House that dry questions of this character which people generally do not care to tackle seriously have great importance. It is all very well to say, "What do a few posts matter in the public services either of the Government of India or of the Provincial Governments?"

THE HONOURABLE THE PRESIDENT: May I remind the Honourable Member that his time is up?

THE HONOURABLE SAIYID RAZA ALI: I am just bringing my remarks to a close, Sir.

[Saiyid Raza Ali.]

It is all very well to say that the heavens are not going to fall if these posts are filled by the people of one province rather than those of another or by one creed or community rather than another creed or community. But, Sir, having regard to the economic struggle that is going on in every country, and especially in India, I think it is of the utmost importance that both from the political as well as the economic point of view, every province and community should be properly represented in the public services of the country.

Sir, I support the Resolution.

THE HONOURABLE MR. D. G. MITCHELL (Industries and Labour Secretary) : Sir, Government is in full sympathy with the difficulties of the Assamese people which have been so ably expounded by my Honourable friend Mr. Barua, and I am in the happy position of being able to accept his Resolution, but subject to certain explanations and reservations which I hope the Honourable Member will realise are entirely reasonable. In order to do this, I regret I must inflict upon the House a short and very broad account of the method of recruitment in the Posts and Telegraphs Department. For this purpose, I shall divide the Department into two branches, the Postal branch and the Telegraph branch, and I shall start off with the Telegraph branch as that will enable me to develop my chief reservation. The Telegraph branch is entirely recruited, apart from the inferior staff, on an all-India basis. Recruits who come in to the Department may be required to serve anywhere in India and the examination and tests which they pass are of an all-India character and are the same for all the candidates. As my Honourable friend Saiyid Raza Ali has pointed out, provision has been made in the recruitment of all services for a due representation of the various minority communities. Now, as regards these all-India services like the Telegraph Service, there never has been, so far as I am aware, any proposal that these rules for the recruitment of members of minority communities should be supplemented by further rules for the recruitment of members of the inhabitants of various provinces; and I put it to my Honourable friend that the further cross classification on the basis of provinces would lead to a set of rules which would be utterly unworkable. We would require to make provision for Assamese, for Oriyas, for Biharis, Beraris, Malabarese, Canarese and goodness knows how many more, and the result would be a set of rules that never could be worked. That is my chief reservation, that in regard to these all-India services the Assamese must, I am afraid, take their chance with the others; and I am quite sure on the assurances given by my Honourable friend of the increasing resort to higher education by the youth of Assam that they will not be slow to take full advantage of their opportunities, and that in course of time they will find themselves as fully represented in the public services in India as any other province.

I now come to the Postal side. On the Postal side a recruit may enter at one of two points. He may enter as a superintendent, in which case he enters straight into the gazetted ranks and becomes a member of an all-India cadre. That recruitment is made on the results of an examination

held by the Public Service Commission. The same remarks apply to that form of recruitment as I have already made in regard to the Telegraphs. The Assamese must take their chance with other provinces and I hope that those chances will steadily improve. The other point at which a candidate may enter the Postal Department is the foot of the clerical cadres. Recruitment on this basis is made by the revenue division and, in 1926, orders were passed that recruitment for the clerical services in the Postal side should be made entirely from people belonging to the revenue division concerned. That means that all candidates for these posts must seek recruitment in the revenue division to which they belong.

THE HONOURABLE SAIYID RAZA ALI : Does that mean that applications must be sent to the Superintendent of Post Offices ? I am not sure.

THE HONOURABLE MR. D. G. MITCHELL : I cannot give an assured answer to that point of detail, but I should say that is probably the case. The arrangement means that in Assam, particularly in the Assam Valley, only those people who belong to that Valley are eligible for appointment in the lower services. This is, Sir, where the Assamese will get their chance at the very present time, because once a clerk has been recruited in this manner there is nothing to prevent him from rising by his own merits to the very top of the Department. Government having formulated that rule in 1926, has every intention of carrying it out, and to that extent I am able to accept my Honourable friend's Resolution. I can also assure him that if the Local Government, which I understand is also aware of the difficulties to which my Honourable friend referred, should take further steps towards securing a further representation of Assamese in the services in Assam, then those steps will be very carefully considered and will be adopted by the Posts and Telegraphs Department in so far as they may be applicable to the special conditions of that Department.

THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA : Sir, I am very thankful to the Government for accepting my Resolution subject to the reservations enumerated by the Honourable Mr. Mitchell, and I hope the Honourable House will also see its way to accept it.

THE HONOURABLE THE PRESIDENT : Do you wish to withdraw ? I did not exactly follow the last few words of the Honourable Member for Government.

THE HONOURABLE MR. D. G. MITCHELL : I regret I have not made myself clear. If the Resolution is put to the House Government will not oppose it.

THE HONOURABLE THE PRESIDENT : Resolution moved :

"That in view of the meagre representation of the Assamese in the Posts and Telegraphs Department, this Council recommends to the Governor General in Council to take steps to secure a larger proportion of Assamese serving in the Posts and Telegraphs Department in Assam."

The Question is :

"That that Resolution be adopted."

The Motion was adopted.

RESOLUTION *RE* INVESTIGATION INTO CONDITIONS OF HEALTH BY A COMMITTEE OF MEDICAL EXPERTS.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY (Bombay : Nominated Non-Official) : Sir, the Resolution that I have the honour to move reads thus :

“ This Council recommends to the Governor General in Council to associate a small Committee of medical experts to investigate into the conditions of health of the population when the economic census of India is undertaken in view of the scheme devised by Professor Bowley and Mr. Robertson.”

The Resolution does not require an elaborate exposition. It is, however, the outcome of the following statement of the Economic Experts in the course of their forwarding letter to Government, *viz.* :

“ Important as their bearing on economic life, we have not concerned ourselves with statistics of meteorology, of literacy and education or of public health except so far as the last deal with the broad facts of birth and death.”

I am constrained to observe that to ignore the subject of public health in connection with the proposed economic census would be but a half measure inasmuch as these *broad facts of birth and death* are intimately associated with and dependent upon the conditions of public health. It would be a deplorable mistake to exclude these from its purview as another opportunity may not arise in the immediate future. In another part of their report, however, they have included “ Conditions of health ” in a list of *supplementary inquiries*, that may or may not eventuate.

Sir, Professor Bowley and Mr. Robertson say that :

“ The vital statistics of birth and death in India are well-known to be defective ” and further add “ that some of the figures have been found to be definitely misleading. Unjustifiable conclusions are, therefore, likely to be drawn from them unless there was a guarantee of substantial accuracy. They have their use, however, to medical officers of health if these are aware of their limitations ”.

A large number of births and deaths go unrecorded and the defect is more than 4.7 millions in 83.5 millions. Dr. Hutton, the Census Commissioner, estimates the defect at 20 per cent. Records in towns are said to be more imperfect even than in the villages and these experts see no good reason why the town organization should not be brought up to the level reached in other countries. They therefore suggest that having regard to the *badness* of these statistics, an intermediate quinquennial population census less elaborate than decennial should be instituted which would also forecast the probable decennial increase of population.

The Economic Census planned in their scheme comprises an enquiry into 1,650 villages out of 422,000 in British India excluding Sind, Assam, Burma and Indian States, by a process of numerical sampling. It has been estimated to cost Rs. 22 lakhs, with a further increment of Rs. 3 lakhs if an *urban* census were added. The number of villages may appear to be too small to some when compared to the whole just, as in the case of the economic and public health census of 571 villages comprising a population of three-quarters of a million carried out under the direction of Sir John Megaw, late Director-General, Indian Medical Service. The data obtained were said to be inapplicable to the whole of India ! I do not feel competent to offer any opinion upon this question and would leave it to better hands to discuss. It would in any case be a herculean task. The scope

of the Megaw inquiry was divided into two broad sections : (a) economic and (b) conditions of public health. The former comprised 12 heads with three sub-heads confined to rural economics : area, crops, population, consumption of milk, ghee, alcohol, habits, families, scarcity, number of children, emigration on account of scarcity of food crops, etc., etc. The latter was sub-divided into 20 main and three subsidiary.

I do not propose to discuss the economic section and would confine my observations to the last as it bears upon the Resolution. Applying his data to the whole of India, Sir John Megaw calculated that 8.5 per cent. of the population of 35 crores were afflicted with 13 different kinds of preventible diseases and infirmities. It is indeed sad to note that venereal diseases constitute half the above percentage ; the heaviest rate of infection was found in the Madras and Bengal Presidencies. Blindness and night blindness were computed at over 5½ millions ; other diseases and infirmities comprised rickets. Tuberculosis over 2,000,000 ; leprosy 741,000 ; insanity and congenital mental defects. Both tuberculosis and leprosy have in my opinion been under-estimated. Cholera and small-pox take heaviest toll of life in Bihar and Orissa. Sir, His Majesty King Edward the VII asked on one occasion a gathering of eminent medical men :

“ If the diseases are preventible, why are they not prevented ? ”

India remains to this day virgin soil. Preventive medicine has not received that importance it deserves as in other civilised countries. The Rockefeller Foundation of the United States of America is the only agency that has explored this field of work in several parts of the world, including some in India.

This, Sir, does not, however, exhaust the whole tale. Vital statistics all the world over exhibit a remarkable correspondence between high birth rate and high death rate inasmuch as the death rate falls or is stationary or rises according as the birth rate falls or is stationary or rises, says Dr. C. V. Drysdale, quoted by Mr. P. K. Wattal in his work on *The Population Problem in India*. British India is no exception to this rule as its high birth rate of 34.3 corresponds with the equally high death rate of 24.9 (1931). Egypt appears to be the only country where these figures are exceeded. *Per contra* England and Wales have the birth rate of 15.8 and death rate 12.3 and New Zealand 18.4 and 8.3, respectively. Some provinces in India even markedly exhibit such corresponding records—notably Burma and Bengal. There is, however, one bright spot in India—that is the State of Travancore where some of the social customs of orthodox Hindus, like early marriages, do not exist, nor the necessity of a male heir in the direct line, and where the death rate has been reduced to 16. If an Indian State has thus succeeded in reducing its mortality rate, I see no reason why the rest of India should not do so. Infant mortality too rises and falls with the birth rate. Marriage at early age, immaturity of the mother, frequency of child bearing, excessive number of children and consequent poor vitality and feeble powers of resistance during early life of the offspring are the main causes. The average number of children born per mother is 4.2 but their survival rate is 2.9 only. Were this average to be brought down to three, what an enormous saving of life would accrue ? And further it has been calculated that out of every 100,000 children born, 45,000 die between the ages of 0—5 years. That indeed is an appalling wastage of human life ! The young immature

[Khan Bahadur Dr. Sir Nasarwanji Choksey.]

mother too has to pay with her life as her mortality rate during and after frequent confinements is also very heavy. Such, Sir, are the conditions surrounding us and I would ask Honourable Members whether some action, however belated, to investigate and remedy this stupendous problem is not absolutely necessary especially in view of the impending constitutional reforms. That, Sir, is my sole justification for the Resolution I have moved.

India has no reason to congratulate herself upon her increase of population. On the other hand, says Dr. Hutton :

“ The increase of population is from most points of view a cause for alarm than satisfaction ”.

Such indeed is the situation ! This increase is further accentuated by the fact that the land is not able to sustain this enormous mass, as areas under food crops have not kept pace with it. The area planted under food crops in some provinces has reached the saturation point and cannot be further expanded owing to its unsuitability for food crops cultivation. India has to import annually rice worth Rs. 8 crores from Burma ; the imports of wheat have been restricted. How long will this state of affairs continue ? Is India prepared to forego the cultivation of its exportable non-food crops and bend all its energies to produce the food crops to sustain its ever-growing population ? It is doubtful whether even under such a radical departure it will be self-sufficient and able to feed all. The one and only remedy to reduce the pressure upon the land is a lower birth rate. That can only be achieved by systematic education in birth control. The orthodox State of Mysore and the Madras Government have set an example through the institution of birth control clinics. It is imperative that knowledge of the subject should filter down to the masses. There is no other way through which it would be possible to ensure a reduction in the country's birth-rate.

I do not propose to weary the House with more details. If the facts above stated, culled from official sources, are accepted and if Megaw's census of conditions of health of the rural population approved, then I submit there is no necessity for a fresh enquiry. Should, on the other hand, their accuracy and applicability be doubted or challenged, the only course open to Government is the one I have suggested in my Resolution. It may cost a few lakhs more. The results, however, will enable us to gauge the gravity and urgency of the problem and lead to the adoption of prompt and requisite measures. On the other hand, a mere economic enquiry shorn of these essential social and public health considerations will be of little value, inasmuch as the underlying causes of the broad facts of birth and death will continue to remain in obscurity as hitherto.

Sir, there has been of late an era of phenomenal unprecedented and far-reaching activity in the problems connected with agriculture. I avail myself of this opportunity to tender my congratulations to Government and to the Honourable Leader of the House for their solicitude and timely action. The Honourable Member wields the trident of Education, Health and Lands. These three are so interrelated that the interests of one cannot be separated from those of the others. They require equal consideration. May I therefore be permitted to appeal to him to signalize

the tenure of his high office, and to leave behind him a name that will be remembered and beloved as that of a great benefactor of the agricultural population.

I have spoken at this length as I honestly believe that the salvation of India, its regeneration as a healthy and virile nation depends solely upon such timely action to improve the health condition of its rural masses.

Sir, I move.

THE HONOURABLE SIR ALAN PARSONS (Finance Secretary): Sir, it falls to my lot to reply to the Honourable Khan Bahadur Dr. Sir Nasarvanji Choksy's Resolution, although I am not quite equipped with any technical knowledge on health and medical questions; and on those questions I would only like to say this. There is no quarrel between the Government of India and my Honourable friend. We fully recognise how vitally the economic well-being of India is inter-connected with the health of her peoples. I say inter-connected advisedly, for, in my opinion, health conditions in this country are largely due to economic conditions, and present economic conditions are largely the cause of the health conditions of large portions of the population.

1 P.M.

The reason why I am replying to my Honourable friend is one of a more or less general character. It fell to my Department to deal at one stage with the questions arising out of the Report of Professor Bowley and Mr. Robertson, and I wish to inform the House how the position stands at present in regard to that Report. As Honourable Members are aware, the Report which, I think, was issued in May, and has since been under departmental consideration, contains a very large number of very important recommendations which require careful study; and for various reasons, among which is the early meeting of this Legislature, Sir, it has not yet been possible to come to any conclusion on the question whether an economic census should be undertaken and, if so, what form it should take? It is possible to conceive various forms in which an economic census might be made, if it is decided to proceed with one. We might, for instance, have one large organization covering the whole field. On the other hand we might have a number of parallel but smaller organizations each dealing with an individual aspect of the problem. Subject to that, however, that is to say, to the fact that we have not yet come to a decision when an economic census should be undertaken or to what its form should be. I can assure my Honourable friend that should such a census be undertaken, and should it take a form in which it will be possible to associate medical experts with the investigation, we are perfectly prepared to consider the association of such experts in it, and I think I can say to consider it most sympathetically. I hope, in view of this assurance, that my Honourable friend will be prepared to withdraw his Resolution.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY : Sir, in view of the satisfactory explanation given by the Honourable Sir Alan Parsons, I beg permission of the House to withdraw the Resolution.

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

RESOLUTION RE BURMANIZATION OF THE ACCOUNTANT GENERAL'S OFFICE AND THE POSTS AND TELEGRAPHS DEPARTMENT IN BURMA.

THE HONOURABLE MR. P. C. D. CHARI (Burma : General): Sir, I beg to move the following Resolution which stands in my name :

“That this Council recommends to the Governor General in Council the Burmanization with all convenient speed of the staff of the Accountant General's Office, Burma, and of the Post and Telegraph Offices in Burma.”

Sir I have often heard it said that the Central Legislature is indifferent to purely Burmese questions. The other day when I moved the Resolution for Indian safeguards in the course of discussion you have shown that you take a very keen interest in Burmese questions whenever they are brought before you. The other day, the Honourable Mr. Miller in the course of his speech suggested that a message of goodwill and friendship should be sent to the people of Burma. I submit that the Resolution if adopted would be a message of goodwill and friendship in a concrete and practical form. I would invite the attention of the Council to this aspect of it and request the Council to consider and pass this Resolution and thereby convey the goodwill and friendship of the people of India to the people of Burma in a concrete form. It is not necessary for me to speak at length to make this Resolution acceptable to the Government and the Honourable Members in this House. It is a self-evident proposition. I am aware, Sir, that the Government has not been unmindful of the policy of Burmanization of the All-India Services in Burma. I can assure the House that the slow pace of Burmanization in Burma has not been due to any lack of interest on the part of the Government of India. But there are other causes. Till recently the Burmese youths as they were educated and sent out from the colleges were readily absorbed in Government service. There was a wide field for employment and these Burmese youths were drawn mostly from well-to-do families. But when the Burmese youths had the opportunity to pick and choose congenial employment, they preferred employment in places where the task was light and less responsible. Naturally these people were employed in large numbers in other offices than the offices mentioned in this Resolution. There is another aspect of the Burmese youths which I should like to bring to the notice of this House which prevented the employment of the Burmese in larger numbers in the Accountant General's Office. They did not take kindly to figure work, but there has since been a revolution in the temperament and character and outlook of life of the Burmese youths, and I am glad to say that the Burmese youth—the Burmese character has undergone such a thorough change owing to prevailing conditions that the Burmese are quite prepared to put their shoulder to the wheel in every walk of life and they have overcome their well-known aversion even to physical labour and they are quite capable of labour involving physical fatigue. They are not only willing to accept any office that is available but also give a very satisfactory account of themselves wherever they are employed. I may also bring to the notice of the Council that the Burman youth has overcome his aversion to figure work and found employment in banks and mercantile firms and in various other places where figure work is required. And they have also been found successful in local fund audit offices and other treasury offices where figure work is very important and have given a very satisfactory account of themselves. Now the position is this. The

schools and colleges in Burma have been turning out educated Burmans in such large numbers that only a small fraction of them can be absorbed in public service and now we have in acute form the problem of unemployment among educated Burmans. Their plight can be easily visualised from the fact that in almost every office under the Local Government there are a large number of these educated men employed as apprentice clerks doing regular work without pay who have been waiting there for two or three years in the hope of being absorbed in the regular service as vacancies occur and today a Burman youth of good educational qualification considers he is lucky if he is taken on the waiting list to be taken as an apprentice clerk. That is the condition of affairs there and a number of highly educated—English educated—Burmese youths have been obliged to accept employment as postmen and the postman that brings the post to me in Burma is an educated Burmese youth. From this you can easily visualize the extent of unemployment among the educated Burmans. At present, from the figures supplied to me by the Government for which I am very thankful, I find that a little less than 25 per cent. of those employed in the Posts and Telegraphs Department are Burmans. In the Accountant General's Office the position is still worse. I am not blaming the Government for this state of affairs. It is the Burmans themselves who preferred appointments in other offices and neglected these offices. But today I can assure the Government that Burmans under the changed conditions and imbued with the new spirit of work and service are prepared to accept appointments which they were not prepared to accept in olden times, and they will feel considerably thankful if they can get any footing anywhere. I can assure the Government that the right type of Burmans, with proper qualifications, will be available for appointment in the Accountant General's Office and the various Posts and Telegraphs Offices in Burma. I do hope that this Resolution will be accepted by Government. My object is not to censure the Government but to strengthen their hands in the policy of Burmanization with all convenient speed which they have adopted. I appeal to the non-official Members to give their vote in support of this Resolution and thereby give the lie to the oft-repeated unworthy charge in certain interested quarters in Burma that the Council, composed of non-official Indian Members from the various provinces is not likely to be fair and impartial when the purely Burman interests are in conflict with the interests of their own countrymen who form part of the population of Burma. By the word "Burmanization" I mean and include the sons of domiciled Indians in Burma who form an integral part of the population, so that the Indian section which forms part of the population of Burma is not likely to be prejudicially affected, if this Resolution is accepted. We are now pressing hard for Indianization in India and we are making headway. I am only asking for the same policy to be adopted in Burma, that is, the Burmanization of the All-India Services, in these departments.

With these words, Sir, I commend my Resolution to your acceptance.

THE HONOURABLE MR. D. G. MITCHELL (Industries and Labour Secretary): Sir, I am again in the happy position of being able to accept the Resolution. I am glad my Honourable friend has explained to the House that in former times it was not the fault of the Government that so few Burmans were represented in the public services in Burma. Now, however, he has

[Mr. D. G. Mitchell.]

explained that the Burmans are forthcoming in large numbers, and I can assure him that it is Government's wish to employ these young Burmans to as large an extent as may be possible. I shall start off with the Posts and Telegraphs Department which is the much large organization of the two referred to by my Honourable friend. This question of the employment of Burmans in the Posts and Telegraphs Department has been a difficult question with the Department for very many years past. The first definite steps were taken in 1908 when orders were passed that in the subordinate services, one in every four vacancies should be filled by a Burman. This policy was followed up by the successors of the then Postmaster General by various supplementary orders and the increase in the employment of Burmans was fairly noticeable. In 1919, a special Committee was appointed by Government to see what measures could be taken to speed up the recruitment of Burmans. The measures recommended by that Committee were further supplemented by various special orders extending from the years 1924 to 1926. In 1926 there came the order to which I have already referred during the discussion of the Resolution on Assam, that all recruitment to the subordinate service should be by the revenue division. It will be sufficient, Sir, if I give a rough indication by 10-year periods of the results of the various steps taken. In 1908-09,—I have no exact figures,—the number of Burmans in the Posts and Telegraphs Department was about 250.

THE HONOURABLE SAIYID RAZA ALI (United Provinces : Nominated Non-Official) : Out of ?

THE HONOURABLE MR. D. G. MITCHELL : I am afraid I have not got the figures. In 1918-19, they had risen to 766 ; in 1928-29, to 1,351. After that, I regret to say the retrenchment campaign ensued and there has been very little recruitment. The latest figures available are those at the end of December, 1933, when the number of Burmans then was 1,211, or about 25 per cent. of the total. I can assure my Honourable friend Saiyid Raza Ali that the 250 in 1908-09 would be nothing like 25 per cent.

Now, Sir, as regards the Accountant General's Office, the Honourable mover has indicated the difficulties which have been felt in past years. It is an office where the work is very sedentary and onerous, and the Burman has not been willing in the past to take up posts in this office. The proportion at present, I regret to say, is very low—11 clerks out of a total cadre of 302. However, the position has been taken in hand by the present Auditor General who has passed orders that the Accountant General must recruit qualified Burmans as and when the opportunity occurs, and that he should follow the example of the Local Government in any measures the Local Government might devise to secure further Burmanization of this office.

Sir, I accept the Resolution.

THE HONOURABLE MR. P. C. D. CHARI : Sir, I am very thankful to the Government for accepting this Resolution and I hope that the Honourable Members of this Council will also accept the Resolution by giving their votes in its support.

THE HONOURABLE THE PRESIDENT: Resolution moved:

"This Council recommends to the Governor General in Council the Burmanization with all convenient speed of the staff of the Accountant General's Office, Burma, and of the Post and Telegraph Offices in Burma."

The Question is:

"That that Resolution be adopted."

The Motion was adopted.

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

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

RESOLUTION RE HORSE-BREEDING.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay: Non-Muham-
madan): Mr. President, I beg to move:

"That this Council recommends to the Governor General in Council that in order to protect and encourage the indigenous breeding of horses a customs duty be levied on the import of all horses into India except on such horses as are imported for military requirements or for breeding purposes."

Sir, the House will remember that at the last Delhi session there was a similar Resolution in the name of the Honourable Mr. Vellingiri Gounder. His Resolution dropped because of his absence. Had he moved it, it was my intention to propose an amendment in the terms of the Resolution which I have just now read out. The difference between his Resolution and mine is this. The Honourable Mr. Gounder was satisfied by recommending the imposition of a duty only on imported horses, whereas I go much further and recommend that a duty be levied on all imports of horses into this country save and except those which are brought in for horse-breeding purposes or for military requirements, and I do so with the idea of affording protection to the horse-breeding industry in this country. Sir, we live in times when preference is given to different industries and there is no reason why such protection should not be given to the horse-breeding industry in India. It is true that there is some horse-breeding done in the north of India, but it is only on a very limited scale and the results are poor. They are poor because nothing is done to provide an incentive or a remunerative market for breeders. The Government of a country which helps its industries does so for the advancement and the welfare of the country at large, and my recommendation to Government in regard to protecting the horse industry in the manner I have proposed will lead to the same result.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Any idea of the number of horses imported into India?

THE HONOURABLE SIR PHIROZE SETHNA: I will give them. In this sense, Sir, the question of helping the horse-breeding industry assumes I say a political aspect. If this industry is well looked after and is successful it will prove of great benefit to the country from an economic point of view, and consequently also from a political point of view.

If there is one person in this country at present who understands more about horses than another, he is Major-General Bernard James. General James, about two years ago, delivered a lecture at Secunderabad. That lecture

[Sir Phiroze Sethna.]

is published in leaflet form. In the course of his lecture he observed that thousands of horses are imported into the country and in that way lakha and lakhs of rupees go out of the country which it ought to be the duty of Government to check and to see that that money is circulated in India for the benefit of Indians themselves. The Honourable Leader asked me about the number of horses imported into India. I will not go back more than five years, but will give them for the last five years ending 31st March, 1934. During that quinquennial 18,364 horses were imported, and the number respectively in each one of those years was 4,268, 3,457, 4,962, 1,970 and 3,697. If the Honourable Leader and the House desire to know from which countries these horses have come they are as follows. Of the total of 18,364, 2,430 came from the United Kingdom, 3,243 from Iraq, and the remainder, about 13,000, from Australia.

Now, Sir, nowhere in the world is as much attention paid to the subject of horse-breeding as is done in England.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON (Punjab : Nominated Non-Official) : Out of this number, how many were for military and how many for breeding purposes ?

THE HONOURABLE SIR PHIROZE SETHNA : I am relying on the customs returns and unfortunately they do not give the information. I do not know if the Honourable Leader of the House can give the information ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : It is half and half.

THE HONOURABLE SIR PHIROZE SETHNA : Sir, as I have said, nowhere is more attention paid to horse-breeding than in England and that has been so for the last 200 years. Even in England, according to General James, previous to the 200 years horse-breeding was carried on in a very promiscuous and haphazard manner. All that is now changed due to horse racing. The best racers are used for breeding purposes and this racing test has brought out the best, eliminated the unfit, and has enabled horse-breeders to select the best stallions and mares to mate together for the purpose of improving the breed. Only the other day His Highness the Maharaja of Rajpipla who won this year's Derby with Windsor Lad was offered £50,000 for the horse for breeding purposes, but he said he would only consent provided the purchasers made it a condition that the horse would not be sent out of the country.

Sir, Government would have done well if they had established races for the breeding stock in many different centres of this country and if they had done so the demand for Indian horses would have been larger than what it is today. In 1901 they appointed a Royal Commission. The reference to the Royal Commission was somewhat narrow. All that it asked the Commission to do was to find out how best to get remounts. On the recommendation of this Royal Commission the Government have been giving grants of land to horse-breeders in the Punjab. They have their own mares which are branded and they receive the services of Government stallions ; the only condition that Government impose is that they must tender their horses for sale to Government up to the age of 18 months. The scheme is a good one for the specific

purpose of securing remounts but it has not succeeded in securing them in sufficient number. Therefore imports have continued and India today in the matter of horses is no better off than it was 150 years ago.

Some years ago, Sir, a society was founded in this country called the National Horse-breeding and Show Society. Its primary object was to stimulate horse-breeding by private enterprise, but no great progress has been made. It would be right to say that no great progress is possible under existing conditions. Those who are in the trade say, "What is the use of breeding thoroughbreds when there is practically no market for them?" Whilst so much money is given in stakes in India to imported horses, very little is done for Indian horses. An Indian horse cannot run with Arabs in the same race, because the authorities do not permit it. Whilst there are seven classes of racing for imported horses, there was till recently only one class for Indian horses, which was a serious handicap against Indian horses as it was impossible to bring them together in one class at fair racing weights. Is it not a scandal therefore, I ask, that Indian horses in their own country are treated differently to imported horses—that every possible encouragement is given to foreign imported horses and next to nothing to the home-bred. In fact the existing conditions encourage the import of foreign horses at the expense of Indian breeders. No ready and profitable market can be established for indigenous produce so long as Indians are content to import foreign horses. If racing men in India find it easy to buy imported horses and when so much encouragement is given to these foreign horses, it stands to reason that Indians themselves do not buy so many Indian horses to compete against imported horses. The greatest sinners are the different Turf Clubs in India who do absolutely nothing to encourage country breeds. It is the duty of Government therefore to have races for Indian horses at as many places as possible and if they are unable to do so for any reason or reasons it should be their endeavour to try and compel these Turf Clubs to encourage more racing amongst Indian horses.

From the figures I have given to the House, Honourable Members will have seen that on an average we get about 650 horses from Iraq every year and they are shown in the customs returns as valued at Rs. 300 apiece. But we know that many of these Arabs are sold for racing purposes at figures nearer Rs. 3,000 than Rs. 300. Again, racing stakes to the tune of Rs. 12 lakhs are allotted to Arabs every year, while Indian horses in their own country are given less than Rs. 2 lakhs which in other words is tantamount to subsidising foreign horses not by the country of origin but by India herself. These imported horses therefore deliberately harm both our produce and our farmers. Take again the case of Australian horses. Australia offers no subsidy for the export of its horses but India may be said to subsidise these imports because no duty is levied on them.

Horse-breeding in India is a very important industry and has vast possibilities and its expansion would open up further fields of employment if handled in a proper manner and if Government will give it proper encouragement. Not only is this industry in its infancy in India but it is much behind hand compared to other countries and therefore there is considerable room for improvement. The establishment of a profitable market alone will serve to bring about a real expansion of horse-breeding in this country.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Market for racing purposes?

THE HONOURABLE SIR PHIROZE SETHNA : And selling to the public at large.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : What for?

THE HONOURABLE SIR PHIROZE SETHNA : To be used as horses for carriages, etc.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : I did not know that in Bombay carriages were not replaced by cars!

THE HONOURABLE SIR PHIROZE SETHNA : Large cities like Bombay and Calcutta may not do so but there are more than 30 cities in India with a population of more than a lakh each and many more smaller towns which certainly use horses for carriages as also for utility purposes.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : For transport?

THE HONOURABLE SIR PHIROZE SETHNA : There are many industries in India which cannot afford motor trucks for the carriage of their goods and they are content to have horses.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Use bullocks.

THE HONOURABLE SIR PHIROZE SETHNA : If they can get horses at reasonable prices these industries would prefer horses to bullocks or buffaloes.

In April last the Honourable Mr. Gounder asked a question as to the number of horses purchased for military purposes from the different horse-breeding areas in the Punjab. The Honourable Mr. Hallett replying on behalf of His Excellency the Commander-in-Chief said that during the last 10 years the number was 10,034 young stock horses and 421 full grown horses. As the average prices are respectively Rs. 230 and Rs. 635 the value of these horses amounted to Rs. 25,72,855. He further informed the House that from the Shahpur area they had 4,621, from the Montgomery area 4,775, from the Chenab area 460 and from the Rawalpindi area 168. In addition a far larger number were imported which means that so much money went out of the country.

Brigadier W. H. Anderson, the late Director of Remounts in India, wrote an article in *Horse and Hound* in which appears the sentence:

“ Even in England the breeding of ‘ utility ’ horses alone, without some measure of assistance or subsidisation does not pay ”.

Horse Breeding, the journal of the National Horse-breeding and Show Society of India, in commenting on this letter remarked as follows:

“ It is the same in India. But if India would follow the example of South Africa in the encouragement given to her horse-breeding industry she would soon place her industry in a flourishing condition. And India has this further great advantage, that she is still at the beginning of things and can set up a standard and type of her own which will be useful for all purposes. Do not let her confine her attention to the production of race horses

pure and simple except so far as it will give her her own stallion power, but let her secure such a large extension of racing for Indian horses generally as will bring out and develop the grade stock of the small Indian breeders and give them the necessary profitable market. The two activities can run side by side with profit to all and benefit to the country."

India cannot do better than follow the example of South Africa. In that country home bred horses are encouraged to a great extent. There is there what is called The Jockey Club and it has amongst its objects the promotion and encouragement of horse breeding and the publication of a Stud Book. All this is entirely absent in India.

All classic and what are known as "terms" racing are confined to home-bred horses. There are 12 such races of a value of £500 to £1,500 to the winner and in some cases up to £100 is given to the breeders of the winners. The classic races in India such as the King Emperor's Cup, the Viceroy's Cup, the Eclipse Stakes and others are for imported horses. There are only three races for home-bred horses and in all only six races of the value of £300—£500 to the winner. In no race is any sum given to the breeder of the winner.

The total value of stakes in Africa is about £320,000 per annum, the bulk of which is won by South African horses. Contrast this with the position in India. The total value of stakes here has been reduced of late from Rs. 55 lakhs to about Rs. 42 lakhs but of this only Rs. 2 lakhs is allotted to races for Indian horses.

South Africa will not permit imported geldings to race in that country. In India geldings are encouraged by what is known as Griffin schemes.

Another important feature in South Africa is that an important tax of £100 is levied on every horse imported for racing but not on horses that are imported for breeding. In this way the importation of good stallions and mares for breeding purposes is encouraged. Race horses although unquestionably a luxury are imported in India free of any tax. Because these imported horses carry away the best prizes in racing, India in this shape offers a direct subsidy to breeding in other countries. The best breeding stock which could be most valuable to India are re-exported to other countries.

Whilst the percentage of imported horses racing in South Africa is approximately 15 per cent. the home-breds are 85 per cent. The table are reversed when we consider the figures in India. About 90 per cent. of the horses in Indian racing are imported whereas only about 10 per cent. are home-breds.

Only some years back there were hardly any horses in South Africa but all this has now changed and horse-breeding is today a flourishing industry. The breeders can afford to buy high class sires and mares. The result is that home bred horses can hold their own against imported horses. On the other hand India at one time had more horses than any other country and they were second to none in stamina. According to one authority, General Tweedie, the country was very deficient in horses despite the demand being constantly on the increase. The deficiency had and still has to be made good by importations just because not enough encouragement is given to the home-bred horses.

About a year ago the National Horse breeding and Show Society of India, of which I happen to be a member, addressed a letter to Government in which they laid stress on the fact that the horses rejected for army purposes for some technical faults, would be valuable to the country, and form a useful reserve in time

[Sir Phiroze Sethna.]

of emergency if means could be devised for their proper rearing and development; and they drew the pointed attention of Government to taking remedial measures. The Society suggested that it might be possible to keep and rear at least some of the rejections with the idea of affording the breeders a better market. Government it appears did not find this suggestion feasible.

In the same communication the Society instanced the cases of the different countries where a portion at least of the proceeds of betting taxes, course taxes and totalisator revenues are allocated for the improvement of horse-breeding either in the form of direct subsidies to the industry or of races for breeding stock, premiums, prizes, etc. This is so in Belgium, Czecho Slovakia, France, Germany, Hungary, Irish Free State, Italy, Japan, New Zealand, Poland, Russia, South Australia, Sweden and the United States of America. Why then should not India follow their excellent example and improve its breeding of horses and make the country independent of overseas importations?

Horses imported for racing purposes may well be taxed. South Africa levies a duty of £100 on each imported race horse. It may be argued that even if a duty of anything from Rs. 500 to Rs. 1,000 per horse were levied in India it would not bring in a substantial revenue to Government and therefore it would not be worth while doing so. It is not the amount of the duty that Government will derive that has to be considered in this respect but what we have to consider is the improvement of the breed in India and this can only be carried out by special races for Indian horses and by preventing imports of overseas animals by such duties. It is therefore that in the interest of the country that this Resolution has been moved by me and I trust it will meet with the acceptance of the Council.

Some time back an article appeared in the *Times of India* on "The Future of Horse-breeding in India". This I find has been reproduced in the January, 1934 number of the magazine entitled *Horse Breeding*. I propose to conclude my remarks by quoting from this article the five distinct advantages it has enumerated which says would result to India if we had a prosperous horse-breeding industry in India. They are:

- (1) It would lead to greater contentment and welfare of the agricultural and rural population of India, which would be a valuable political asset.
- (2) It would obviate the alienation of large sums of Indian money for the purchase of horses from overseas.
- (3) It would eliminate the risks which the country is now running through not being self-contained in horses in the event of war.
- (4) It would obviate the expense and risk of importing at a critical time horses from overseas, horses which require a lengthy period of acclimatisation before they are fit to take the field.
- (5) It would eventually build up a surplus of horses for export to the economic benefit of the country.

Sir, what I am proposing is by no means out of the ordinary. In this very morning's issue of the *Statesman* you find a telegram from its Colombo correspondent dated yesterday which

3 P.M.

reads as follow :

" The Municipal Council has agreed to a suggestion that the quota for importation of sheep and goats be reduced from 4,000 to 3,000 monthly from October 1st. The introduction of restriction has resulted in an impetus being given to local breeding. Experiments made to improve stock by the introduction of Indian varieties are said to have met with success. It is felt that the local supply is now sufficient to warrant a further reduction of import "

If Colombo can do this in regard to sheep, how much more is it not necessary for us to do what I have proposed in my Resolution in regard to the import of horses in this country ?

Sir, before I conclude, I would like to say that I have recommended this heavy customs duty by way of protection to the horse industry. I do not anticipate any difficulty in doing so. But should there be any difficulty or any reason why Government cannot impose a customs duty on horses, about which we should like to be enlightened by the Honourable the Leader of the House,—in that case, we shall be quite content if Government will take such other means as will ensure the complete checking or even a substantial reduction in the imports of foreign horses in this country.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON (Punjab : Nominated Non-Official) : Sir, I have a horse-breeding farm in the Shahpur district and so I speak from personal experience. I rise to oppose this Resolution because I believe that instead of doing any good to horse-breeding in India, it will do harm. As far as I know, horses are imported into India for the following purposes, namely, military, breeding, hacks and polo ponies. The Honourable mover of the Resolution proposes to exempt the horses imported for military and breeding purposes. He leaves out the horses imported for the purpose of racing and polo ponies and hacks. What happens to these horses which are imported into India ? First of all, their number is very limited as compared with the number of those imported for military and breeding purposes. Very few of the animals which are imported for racing or as hacks are exported back, if any at all. They remain in the country. A polo pony goes lame or a racing horse becomes unfit for the purpose of racing, then it is either purchased by Government for stud purposes or by some private gentleman—at what price ? They purchase the animals at one-fifth or one-sixth of their original price. They purchase some of the imported hacks and polo ponies at one-fifth of the price the importer had paid for them. This is to the advantage of the horse-breeders.

As regards the defects in the racing rules. My Honourable friend has said there are so many races for the imported horses and so very few races for country horses. The remedy lies elsewhere. We should have rules to remove these defects. There is no necessity for imposing a duty on imported animals.

THE HONOURABLE MR. P. C. D. CHARI (Burma : General) : You must have more races for local horses.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON : That is what I say. Make the rules. The horse-breeding industry in this country should reach its highest limit. The country horses in breed and quality are not so superior as the horses in other countries, and it is very necessary that we should import horses from outside to improve the breed in this country. As regards prices, I remember very well that 30 years ago, at least in Montgomery and Shahpur, a first class horse was priced at Rs. 300 or Rs. 400. Thanks to the import of high class animals from foreign countries, the thoroughbred and Australian-bred have improved so much that in some stud farms even raw animals fetch from Rs. 2,000 to Rs. 3,000. I again say, Sir, that we want more imported animals in the country to improve the horse industry and therefore any duty imposed on the import of horses will do more harm to the horse industry than any good.

THE HONOURABLE SIR PHIROZE SETHNA : I have not suggested a duty for horses which are imported for breeding purposes.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON : My Honourable friend, I have said that the horses which are imported for the purpose of racing or for polo are ultimately used for the purpose of breeding and very few of them—you will bear me out—are exported back from India.

THE HONOURABLE SIR PHIROZE SETHNA : There are some.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON : Very few. I have said, Sir, that from the horse-breeders' point of view, any duty imposed on the import of horses from other countries will do more harm than good and so I strongly oppose this Resolution.

***THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muham-madan) :** Sir, I had no intention of taking part in this debate but I was surprised to find that my Honourable friend, who is himself a horse-breeder, has taken exception to this laudable Resolution of my Honourable colleague, Sir Phiroze Sethna. He has so elaborately dealt with the question that I need not dwell on his arguments again. Suffice it for me to say that my Honourable friend, Nawab Malik Mohammad Hayat Khan Noon, is too pessimistic. It is a well known principle that by giving protection and imposing taxation on foreign goods we support local industry. It is such a well known axiom that it need not be reiterated and explained. I would explain to him how this principle, as embodied in my Honourable friend's Resolution, will work in his favour. He is now only wanting to buy defective animals, that is, those which have already been imported into India and have been found unsuitable for other purposes. If we establish a special premium of Rs. 500 to Rs. 1,000 as the price of a fit horse being imported and an unfit horse which comes here for breeding, that will at once establish keen competition between Indian ponies and those ponies which have been rendered ineffective in other parts of the world.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON : We want first class ponies, not that merely because they are country-bred we should use them.

THE HONOURABLE MR. HOSSAIN IMAM : My point is, if you import a foreign mare and find that it is not serviceable, it is always returned to the

*Speech not corrected by the Honourable Member.

stud. That is what happens not only in India but in almost all countries of the world. You have a wide market on which you can draw and if you have not drawn in former times it was because there was no special advantage in drawing on an outside market. But now by this establishment we will give a privileged position to the breeding of horses.

Secondly, Sir, we are concerned very much with the increase in the external obligations of the country and as such the Government of India have always been guided by this principle and they have accepted the principle of protection as a basic principle of the customs department. Imperial preference and other things have been brought in simply in order to increase the indigenous production of materials. In such a state of affairs it is only suitable that one of these industries, which forms a sort of secondary occupation of the agriculturist, should have support from the Government by means of everything that can be done in order to encourage the indigenous industry.

Sir, I support the Resolution.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN (North-West Frontier Province: Nominated Non-Official): Sir, it is with great reluctance that I rise to oppose my Honourable friend Sir Phiroze Sethna, for whom I have a great regard and for his patriotism and services to India in the past and recently. He has rendered very meritorious services to India and that is why I have a great regard for him. Unfortunately on this question I cannot see eye to eye with him. Sir, I have always been a supporter of free trade in India. (*An Honourable Member*: "Free trade?") That is my opinion. Other people can say what they like. I am giving my opinion. The imposition of duty on any commodity, horses or anything else, is most repugnant to me. According to my idea, when competition is the keynote in every walk of life, on the race course and in the examination hall, I fail to understand why there should be a duty imposed on any commodity, with the exception of intoxicants and articles injurious to human health. If it is desired to stop importation there is some reason in it, but to impose taxation on anything in order to help an inefficient body to cope with other highly skilfully organized bodies is extending help in the wrong direction. You simply encourage inefficiency to cope with efficiency. The survival of the fittest has always been the guiding rule of this world. To impose taxes on horses or other commodities imported to my mind is to penalise the population of India in the interests of the inefficient.

THE HONOURABLE MR HOSSAIN IMAM: Will the Honourable Member vote against protective duties?

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: I do not vote for any duty at all. A free trader means one who is against putting a tariff on anything. It is the Indian breeders' lookout to produce better horses than the rest of the world, so that an Indian should not be able to obtain a better horse from outside. But if the breeders are not careful about their own productions, the Indian people should not be penalised for their inefficiency. We have already got such a stiff schedule of the Tariff Board that Indians are finding it very difficult to maintain themselves. Their purchasing power has gone down to such an extent that people do not know how to get out of this difficulty. My Honourable friend Sir Phiroze Sethna is suggesting the

[Major Nawab Sir Mahomed Akbar Khan.]

imposition of a new duty on the already much taxed Indian people. Today he is suggesting a tax on horse ; tomorrow he will suggest taxation on asses, bullocks, mules, camels, and all beasts of burden. Does he know how much people are irritated with the present fiscal policy of the Government, and he is now suggesting a new weapon for the offensive armoury of the Tariff Board.

Sir, India is not Germany where every movement of life is regulated. We want to have some latitude of action and let him not suggest some new form of taxation because I am afraid the Honourable the new Finance Member will begin to think that Indians are not sufficiently taxed and he might come with a new taxation of the air and put a meter on the air we breathe and might introduce taxation on child birth. We have had enough of the Tariff Board activities and we have heard enough about the encouragement of our industries. Today, I think, the income of the Government of India from the Tariff Board alone amounts to something like Rs. 20 crores. I cannot say how much of it goes to the encouragement of Indian industries but if a tenth part of it goes to the encouragement of an industry, well, Sir, I do not think that the shareholder of any company has any legal right to exploit the resources of the Indian population at large. The excuse and plea for the patriotic encouragement of local industries is totally exhausted and if our industries cannot flourish within a period of seven or eight years since the establishment of the Tariff Board they will never stand on their own legs and a vast majority of the Indian population cannot be penalised in the interest of a few shareholders of industrial companies.

My Honourable friend Sir Phiroze Sethna will come out tomorrow with a Resolution that fruits grown in Persia and Afghanistan should be taxed because India cannot produce the equal of the foreign fruit. Well, Sir, the build of animal, humanity or vegetarian fruits does not depend on the imposition of duty but it depends on the climate and the environment, and if the climate of India is unfavourable to horse-breeding or there is inefficiency in the department of Indian horse-breeding farms, let them correct their mistakes and let them compete equally with the world without any handicap whatsoever. We cannot rectify the mistakes of the horse-breeders. It is their business and they should see to it, but we cannot penalise the whole of India in the interest of a few horse-breeders. If my Honourable friend Sir Phiroze Sethna as member and patron of horse breeding wants to make some substantial improvement he should rather do it by some private funds and donations and not penalise the purchaser in the way of imposing any duty on them. They have every right to select the best kind of animal wherever it is available, whether it is in England, Ireland, France, America or Australia, and let them have free scope to fix their prices with the breeder or owner of the horses. Any brokerage or imposition of any duty is quite uncalled for and no purchaser is willing to pay a penny to the horse breeder in this behalf. I think my friend in Bombay does not require the riding horse because his movements are all in the automobile, but he should not restrict other people from the selection of their horses in the free market according to their choice. Our patriotism in the shape of the imposition of duty has absolutely gone blunt and nothing is appealable to us whether it is the encouragement of a local industry or local breeders. The catchwords and phrases of patriotism have lost all their force

with us on account of its very clear definition by Voltaire. Patriotism, according to that author, means the sacrifice of poor people in the interest of the capitalists in establishing a factory with the help of the poor and thus enriching themselves with the minerals and the agricultural wealth of that locality at the expense of the children of that soil. What we want is the freedom of our action in the matter of purchases and whoever can sell us the most serviceable articles or horses at a cheap price, he is our supplier and we would not attach the least bit of importance to the consideration whether he is an Indian or Hottentot.

My Honourable friend Mr. Hossain Imam has been taking a lot of trouble and spending a lot of time on this question, but he must know that all the horses—regimental or artillery horses—when they become unfit for service are sold by auction and people buy them. I have bought several mares out of artillery horses for breeding purposes. People buy these horses and keep them for breeding or other purposes.

THE HONOURABLE MR. HOSSAIN IMAM: Army horses will still be free of duty under the Resolution.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: When they are old and unfit, they cannot serve and they are therefore auctioned.

Well, Sir, I do not see any point in imposing a duty on foreign horses, and that is why I oppose this Resolution, in military parlance, lock, stock and barrel.

THE HONOURABLE SIR GHULAM HUSAIN HIDAYATALLAH (Bombay: Nominated Non-Official): Sir, I also know a little of horses. I am entirely in sympathy with the object of the Resolution that we must encourage the indigenous breeding of horses. But I do not think, Sir, that the object will be gained by the method that has been proposed by the mover of the Resolution. Now, the mover of the Resolution proposes a customs duty on imported horses whether they are imported Arab horses or English or any other breed. The Honourable mover of the Resolution does not realise that Arab or English horses are imported into India not for the purpose of carrying burdens, luggage or loads or for transport purposes, but they are imported mostly for the purpose of racing or polo. The Honourable Member should know that some of the best horses are brought there, for which very high prices are paid, for the purposes of racing and my experience has been that a large number of those horses after they have finished their racing career are kept here in the country and they are used for breeding purposes and they give us some of the best breeds—even the polo horses. That is the experience. Now, by imposing this duty we will in a way discourage the import of some of the best horses which will be useful to us for the purpose of breeding here in India. Sir, the best breeds we get for a song when they are not fit for polo or for races. If any breeder were to import any of the horses of that pedigree, he will have to pay very large sums of money and I do not think in this country we have breeders who can afford to pay Rs. 1,50,000 for a nice pedigree horse. Nice pedigree horses we get because of the races and we use them for the purpose of breeding here. The best way of attaining the object which underlies the Resolution is to have more country bred races. There, too, there has been difficulty. There is

[Sir Ghulam Husain Hidayatallah.]

a lot of dispute as to whether a horse is country-bred or Arab. The object of the Resolution could be achieved in two ways. First, every member of the Turf Club ought to assert himself in the Club, and they ought to compel the members of the Club to allot a large number of prizes for them. Secondly, pressure ought to be brought on the Local Governments which generally issue licences for race courses to make provision for every Turf Club to encourage more of country-bred horse races. I am sure that if this course is adopted the object that the Honourable mover has in view will be achieved and not by the mere imposition of a customs duty.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Education, Health and Lands Member): Sir, we have listened to a very interesting debate. At times not only was it interesting but also enthusiastic, and it appeared that some of the "horses" were hardly as well disciplined and trained as one might have expected. I hardly expected so much out of this innocent-looking Resolution.

As a matter of fact what has been said by the last speaker really disposes of the main points which arise out of the Resolution. It is the fashion of the day all the world over to express great sympathy with horse-breeding and I should not like to be out of fashion in that respect. Perhaps a great deal of sympathy has been heard as being felt for a species which is threatened with extinction in the future. Still there it is. I could finish my observations on the Resolution in a very few minutes, and I think to the satisfaction of my Honourable friend the mover; but perhaps it would be as well for me to place before the House certain facts, so that when they are considering the *pros and cons* of this industry on some future occasion, they may have certain facts to go by.

Sir, horses in the past have held a prominent position in India, and Rajput bravery is largely associated with horses. In the past too no army was complete without a substantial force of cavalry. I believe a very large section of the army that has from time to time invaded India from the north west consisted of cavalry. Horses have also in the past been beasts of burden, pack horses. Those were the days when we did not have motor lorries and things of that description. Then there were horses for carriages,—beautiful to look at,—such as we now see when His Excellency drives along the Mall on ceremonial occasions. Well, I think one may safely say that horses as a means of transport are no longer in requisition. Riding is still resorted to, sometimes out of choice, more often under medical advice, but still one may maintain that it has a future before it; it may exist for some time to come. Horses therefore have been a great attraction in the past and today those who come from the big cities of India, from Bombay, Poona, Calcutta, have no doubt their racing horses. Then besides these, I dare say for some time to come horses will be used in battle, although every now and then one reads of these wonderful schemes of mechanisation which may threaten the existence of horses in the army. But so far as the North-West Frontier of India is concerned that will not come just yet. Well, the 1960 census of horses disclosed that there were about 17 lakhs of horses in British India and 5½ lakhs in the Indian States. That gives us India's horse population. As regards imports, I can give you figures for

three years, extending over a period of 10 years,—1921-22, 1926-27, and 1931-32. In 1921-22 nearly 2,000 horses were imported, worth roughly Rs. 20 lakhs. In 1926-27, 5,500 were imported, worth Rs. 40 lakhs, and in 1931-32, nearly 5,000 were imported, worth Rs. 30 lakhs. So, although lakhs are not figures to be despised, but when one talks of Indian imports and when one excludes, as the Honourable mover has done, the horses needed by the army and breeding horses, then the trade which he wants to control would seem to be in the neighbourhood of Rs. 10 to Rs. 12 lakhs a year. So obviously on the side of revenue there is nothing to be said about it. The last figures for 1931-32 from the United Kingdom show that only 329 horses were imported, which works out to an average price of Rs. 2,750. The Australian import was as many as 3,635, which works out to an average price of Rs. 800 per horse; while 998 Arab horses were imported at an average price of Rs. 600.

THE HONOURABLE SIR PHIROZE SETHNA: How is this price determined?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: The price is determined by dividing the number of horses by the total value which is given by the people who maintain the register of imports.

THE HONOURABLE SIR PHIROZE SETHNA: That is exactly what I say. You are relying upon the figures given by the importers themselves. They naturally would quote them at much lower figures. As I said in my opening speech, Arab horses are estimated for customs returns at Rs. 300 and we know of scores of cases in which Arab horses have sold for Rs. 3,000 and more.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: I can well believe what the Honourable Member says but what I was quoting was not the price per horse but the average price of a horse from a country. The price may be Rs. 3,000 in one place and Rs. 300 in another, but the average price is Rs. 600. Well, this is how the figures stand.

Now, a good deal has been said about the encouragement of home-breeding. Well, let us assume that it is our duty to do this. Would you encourage it by giving it a subsidy or would you encourage it by imposing a tax on horses that come into the country? These are the two ways of doing it. Well, Sir, I do not know to what extent other countries subsidise horse-breeding but we have done a very great deal and some critics of Government (unfair critics, not fair critics) have gone to the length of saying that Government is really not acting fairly in squandering the resources of the country by encouraging horse-breeding to an extravagant extent and they urge that if the encouragement given to its production is strictly calculated, the cost of the horses would be somewhere near Rs. 2,000 per horse while in the market that poor animal would not find patrons of Indian horses willing to give even Rs. 300 for it. That is the condition of the market. Government can help people to produce horses but Government cannot make them buy horses. That is the problem. I do not really like to give all this information that I am going to give, but I suppose it is my duty to do so. In order to do something for horse-breeding, as early as 1901 a Commission was appointed in order to see what could be done. The result was that the Government of India, at the time master and lord of all their provinces, ordained that the Punjab canals shall be utilised for

[Khan Bahadur Mian Sir Fazl-i-Husain.]

the purpose of horse-breeding. Large areas were taken up. Some of the best areas available were given by way of grants, 40 or 50 acres to each grantee, in order to improve this industry, and also in order that horse-breeding may proceed on the right lines, the administration employed highly paid, efficient, qualified officers to see that horse-breeding developed scientifically. I think the cost of maintaining that department amounts to something like Rs. 20 lakhs a year. As for the lands which were given as grants, in two districts alone, Montgomery and Shahpur, a few years ago, before the slump, it was understood that if the grantees were allowed to purchase those lands from Government, the income derived would go beyond lakhs and run into a crore or more. Sir, this experiment has been going on since 1901. In 1918 we found that these sources for the supply of horses were not adequate to meet the needs of the country and a conference was held in 1918 to see how India could be made self-supporting in the way of supply of horses. It was decided that an Imperial branch of the Horse-breeding Department should be created and it was estimated that its cost would be Rs. 18 lakhs initial and Rs. 6½ lakhs recurring. Government did not rise to the occasion. It proceeded five years later, in 1923, to encourage the creation of a non-official organisation, namely the National Horse-breeding and Show Society, of which the Honourable mover of the Resolution is a distinguished member. So at present the situation is that there are what are called bound horse-breeding areas of Sargoda and Montgomery and unbound horse-breeding areas of Meerut including Bulandshahr and Aligarh and also Lyallpur including Jhang and Sheikhpura. These are the two classes, bound and unbound. Then we have 313 stallions maintained with the sole object of improving the breed of horses. These are the Central Government's efforts—in some cases through the agency of the Local Government. Then we have local bodies. Those Honourable Members who have served on these boards know that district boards in many places buy stallions in order to improve horse-breeding in the district. These are the efforts that Government have made to improve horse-breeding in India. I trust Honourable Members will recognise that the record of efforts is not a poor one. The achievement may not be so great as was anticipated at one time but that is probably due to many causes over which Government at all events have little control.

The second part of the Honourable Member's speech referred to the difficulties under which Indian horses are labouring. Those grievances to a layman appear to be real and genuine but he will no doubt realise that those are difficulties which need reform from within rather than by interference from Government. I dare say the existence of those difficulties is to some extent due to the fact that Indian gentlemen of wealth and leisure have probably not taken that amount of interest in the horse-breeding industry as in other countries people of the same class have taken. I am not prepared to agree with my Honourable friend when the Honourable the Deputy Leader of the Opposition says that this is a bye-industry for the agriculturist. I have seen a large number of agriculturists. To suggest that an average agriculturist can go on with horse-breeding as a bye-industry is to show that you know but little about the matter. The agriculturist does not understand it. It is not as if they were goats or sheep to which an agriculturist can attend along

with ploughing the field. This requires special knowledge, special effort and a large capital.

THE HONOURABLE MR. HOSSAIN IMAM : May I ask, Sir, if our Honourable colleague Nawab Malik Mohammad Hayat Khan Noon is an agriculturist or not ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Being an agriculturist is one thing and to say that it is an agriculturists' bye-industry in quite another thing. If the Honourable Member means that an agriculturist is not disqualified from pursuing this industry because he is an agriculturist I would have no objection to the statement. So what can be done is by private effort of the leisured and wealthy classes. I think the Honourable Members of this House owe a duty to this country in this respect. Our landed classes, our monied classes, our merchant princes from Bombay and Calcutta will I am sure in course of time develop that taste—that phase that their conferees in other countries have done. That would be another help to the horse-breeding industry in this country. I do not think my Honourable friend from Mardan is doing his duty in that direction.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN : What about private donations ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : You gave a donation ?

THE HONOURABLE NAWAB SIR MAHOMED AKBAR KHAN : Why do not they who advocate the imposition of duty give private donations ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : I am glad you are going to give a donation !

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN : I say that the merchant princes should give it who have much more than their legitimate requirements !

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : That is the real way in which this difficult problem ought to be met, that is to say, efforts made outside business. I trust, Sir, I have succeeded in assuring the Honourable mover of this Resolution that the Government is cognizant of the very great importance of this subject and that it has done a great deal both so far as the amount of money spent is concerned, the amount of land which has been utilized for this purpose is concerned and the amount of technical assistance that has been given to the producer of horses both in bound and unbound areas and in districts generally. And further the Honourable mover knows that both His Excellency the Viceroy and our Honourable colleague His Excellency the Commander-in-Chief take a great interest in the Delhi Society, and the presence at meetings of the Society cannot fail to encourage all those who are interested in the horse-breeding industry. I agree with the Honourable Member from Sind and the Honourable Member from Mardan that this imposition of customs duty is hardly the best way to proceed. But I am prepared to say that if the Honourable mover of the Resolution feels that there is an industry for horse-breeding in India and that it needs protection, then the course for that industry is absolutely clear. They have to make out a case for reference to Government on definite grounds that they deserve help and the way in which

[Khan Bahadur Mian Sir Fazl-i-Husain.]

that help should be secured. If their application makes out a *prima facie* case, I have no reason to believe that the Government of India will not be prepared to give them a chance of establishing their case before a proper authority, and it would be only after a proper investigation by a properly constituted authority that we can arrive at a reasonable decision on a matter of this importance. On the floor of this House it is impossible to arrive at any decision as to what the nature of the existing industry is, its extent, the amount of help it demands or deserves and so on. I trust the Honourable mover will realise that that is as far as it is possible for Government to go.

THE HONOURABLE SIR PHIROZE SETHNA: Mr. President, I am very much obliged to the Members of the House who have taken part in the discussion on this Resolution. It would appear from the discussion that considerable interest is evinced in the matter and I hope after what the Honourable Leader has said that greater interest will be evinced in the future. I will now proceed to examine the arguments which were advanced by the different speakers. My Honourable friend Nawab Malik Mohammad Hayat Khan Noon opened the discussion and made a speech which nine persons out of ten might take it to be as against the Resolution. But if you analyse his speech you cannot but come to the conclusion that he has supported me right through. How I arrive at that conclusion I will try to explain to the House. He said that there is a remedy and that remedy is in the hands of Government, to do things whereby country-breeds may be encouraged. May I point out to the Honourable Member that that is exactly the theme of my Resolution. I admit Government have done something but Government can do ever so much more. His next point was that horse-breeding in India has not reached its highest limit. Again he is in entire agreement with me, inasmuch as we have not reached our highest limit for the good reason that we do not import good horses for breeding and my point is that for that reason if a horse is imported for breeding purposes it should come in duty free. Lastly, he said a duty would harm horse-breeders. With all respect to him, I contend that instead of harming horse-breeders it will do them positive good, inasmuch as it will improve the existing breeds, with the result that he, if he is a horse-breeder as I understand he is, will be able to obtain better prices than what he is getting today.

THE HONOURABLE NAWAB SIR MOHAMMAD HAYAT KHAN NOON: But the breeders will not be able to get imported high class horses at cheap prices.

THE HONOURABLE SIR PHIROZE SETHNA: Sir, my Honourable friend said in his speech that horses after finishing their racing careers are sold for one-fifth of their former prices. My Honourable friend can ask his agents in London therefore to buy for him for export to India horses which have finished their racing days in England, which he can buy at one-fifth their previous prices and they will come in duty-free because they will be imported for breeding purposes.

The next speaker was the Honourable Mr. Hossain Imam, about whose speech I need not say anything because he has supported me cordially and for which I thank him. Then followed my Honourable friend Major Nawab Sir Mohammed Akbar Khan. I know he is always well disposed towards me and

he expressed his regret that he was unable to support me in this Resolution today. But his speech, if he will permit my saying so, was wide off the mark. It was more or less a discourse on the subject of free trade and against protection. And he gave us the idea that he is such a staunch free trader that he would never support protection. It must have appeared to the House from his remarks that he is so dead against protection in any form or shape that he has never supported any protectionist policy. It seems he has a very short memory. May I refer my Honourable friend to the speech he made on the 2nd April, 1931 on the subject of the Wheat Import Duty Bill. I believe my Honourable friend is a large grower of wheat. I quote the following from the concluding portion of his remarks :

“ As far as my recollection goes, in Russia there is a scheme on foot to bring 30 million acres of land under cultivation within the space of five years, instead of a capacity of two million acres of culturable land under the Czars. In case this scheme is executed up to the proposed extent, there will be a large quantity of wheat pouring into the Indian markets, and in case no adequate measures are adopted by the Government of India to restrict wheat imports I am afraid the Indian peasantry will have to face a still more decrease in prices. To avoid that situation it was therefore highly imperative that adequate measures should be adopted which might prove effective to improve the condition of the agriculturists within the country and also to restrict the import of foreign wheat into the country in the near future. I think the present Bill will serve the desired purpose. It is intended to protect and improve the condition of the agriculturists of India. The proposed duty will restrict the import of wheat from foreign countries and at the same time may make for a possibility of an increase of price within the country. In case it does not restrict the import as desired—”

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN : I admit what the Honourable Member is quoting, but let me explain to him that I am for the imposition of wheat duties simply to enable the *zamindar* to pay the Government their land revenue. Otherwise I say there should be no protective duty at all and the Government must take it in kind. I am absolutely willing to do that, but the *zamindar* will not be able to pay Government in cash unless this duty remains.

THE HONOURABLE SIR PHIROZE SETHNA : Therefore my Honourable friend was not a free trader on the 2nd April, 1931, but he is today. May I conclude the last sentence in this passage :

“ In case it does not restrict the import as desired, it will surely contribute a good deal to improving the finances of the country and it will provide some relief to the general taxpayer ”.

In other words, he used then the arguments I myself have used today. That is not all. There was a further speech by my Honourable friend a year and a half later, on the 17th December, 1932, in connection with the Indian Tariff (Ottawa Trade Agreement) Bill, and he emphatically supported that Bill. I need not therefore say anything more in regard to the views of the Honourable Nawab Major Sir Mahomed Akbar Khan as expressed to the House this afternoon.

I next turn to my friend from Bombay, the Honourable Sir Ghulam Husain Hidayatallah. He too has supported me. He
4 P. M. says horse-breeding must be encouraged. What he pointed out was that the object could not be gained by levying a customs duty. If my Honourable friend was in the House when I concluded my opening

[Sir Phiroze Sethna.]

speech, he will remember that I pointedly drew the attention of the Honourable Leader of the House and said that if for any reason it was not possible to levy a customs duty let Government resort to any other methods they liked and that we would be content so long as the import of foreign horses is abolished or is considerably checked. Therefore in that view, my Honourable friend is in agreement with me. He said further, and very rightly, that members should do their best to prevail upon the Turf Clubs to encourage country-breds. My Honourable friend is a very prominent member of the Bombay Turf Club. After what he has said here today I shall look forward to knowing what he has already done in his Club, what he is doing at present, and what he will do hereafter. My Honourable friends opposite, the Honourable Sir Guthrie Russell and the Honourable Mr. Miller, are also members of the same Turf Club and I trust they will all three encourage the racing of country-breds in the Bombay races; and if Bombay leads, the others will follow.

I now come to the speech of the Honourable Leader of the House. I want to express my indebtedness to him not only for the very interesting but for the very informative speech he has made. I admit that though I have read some literature on the subject, I certainly was not aware of the details which he has placed before the House in regard to the subject of horse-breeding in this country and the help that the Government of India has given to it, and I must admit that the Government of India certainly has done something so far, and we do hope, as he has himself assured us, that all the Government members from His Excellency the Governor General and the Commander-in-Chief downwards are all taking great interest in this question, they will do all they possibly can to see that country-breds are encouraged both in racing and in other matters. Now, Sir, the Honourable Leader told us that they can only do what is wanted either by taxation or by offering subsidies. He said he did not know what other countries did. May I remind him that in my first speech I gave the instance not of one or two countries, but of as many as fourteen countries which have adopted the principle of devoting a portion of the proceeds of betting and course taxes and tote revenues for the purpose of improving the industry. You too may well do the same. Then, again, the Honourable Leader of the House said that it is for Indians themselves to encourage horse-breeding and to produce good Indian horses. If Indians purchase more foreign horses and not country-breds, it is because they can so easily get imported horses. Follow the example of South Africa which encourages her home industry in horse-breeding and has placed such restrictions on the import of horses that in a country where some years ago there were hardly any horses, they have hundreds upon hundreds today which can compete with any foreign material that is imported there and that is exactly what my Resolution contemplates in regard to India being able to likewise.

The Honourable the Leader further said that if you eliminate those horses which are imported for military requirements or for horse-breeding, the value of the remaining horses will not be more than Rs. 10 to Rs. 12 lakhs and it is not worth while for the Government of India to collect any customs duty on horses of that amount. I do not dispute the figures he has given,

but I said in my opening speech that it is not the amount of revenue with which we are concerned, but the steps to be taken whereby the indigenous industry will be improved and enable us to have good Indian horses.

The Honourable the Leader was good enough to give us the census of horses in this country. He said there are 17 lakhs in British India and 5½ lakhs in Indian States, making a total of 22½ lakhs, which shows that in India we do require tens of thousands of horses every year. Therefore if the local industry is properly organized and properly encouraged, will it not follow that these country-bred horses will take the place of the imported foreign horses? And my Honourable friend Nawab Malik Mohammad Hayat Khan Noon will find a very profitable market for the horses he breeds and so will the others.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON: The military authorities want horses of a special standard. By improving the breed we are trying to secure the required standard. Fresh blood improves the standard.

THE HONOURABLE SIR PHIROZE SETHNA: I do not dispute importing foreign blood for purposes of improving our existing breed, so that country-breds which you say have not reached a high limit may reach the limit that you want them to reach.

Sir, I will not take up the time of the House any longer. I am very thankful to the Leader of the House, I repeat, for the sympathetic speech that he has made and for assuring us that Government will try to help us. May I suggest to him that if he cannot interfere in provincial matters directly in this connection, he might send a copy of the debate to all the Provincial Governments and request them in particular to prevail upon their Turf Clubs to see that more races are run by country-breds than they are today. I have already given figures to show that out of a total of about Rs. 42 lakhs for stakes only Rs. 2 lakhs is allotted to races for Indian horses, which I say is a scandal. I have nothing more to add. I accept the Honourable Leader's assurance and ask for leave of the House to withdraw my Resolution in the fervent hope that Government will do their best to improve the existing situation.

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

RESOLUTION *RE* ENLARGEMENT OF THE SCOPE OF AGRICULTURAL RESEARCH.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central: Non-Muhammadan): Sir, I beg to move:

"That this Council recommends to the Governor General in Council to enlarge the scope of agricultural research, so as to include problems connected with agricultural co-operation, and to give adequate representation to co-operative institutions on the Council."

Honourable Members will remember that I brought the subject of co-operation into discussion in March last and they might wonder what is the object with which I have brought up again the subject of co-operation into discussion after an interval of six months. Sir, it is because I feel that co-operation is one of the most important nation-building subjects and because, Sir, I feel that this is

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

the only subject among nation-building departments which has been totally neglected by the Government of India. We all know that agriculture, education, medical relief, public health and industries are all connected with the Government of India somehow or other and they are taking interest in them; but we find that co-operation which is one of the most important subjects of the nation-building departments is practically neglected. Sir, I believe that the salvation of the rural classes of India depends upon this movement. India is an agricultural country and unless you help the agriculturists in all possible ways, you cannot better the position of the country. Sir, we all know that the indebtedness of the agriculturists has risen to more than Rs. 9 crores. We all know also that illiteracy amongst them is the highest as compared to other countries of the world. We all know too that the plight of the agriculturists is so bad that they do not know anything that is passing beyond the village in which they live. For all these drawbacks I believe the most important remedy lies in the development of co-operation. Sir, the principle of co-operation is all for one and one for all.

With your permission, Sir, I may quote one sentence from the utterances of His Majesty the King Emperor in 1911. His Majesty said :

" If the system of co-operation can be introduced and utilised to the full, I foresee a great and glorious future for the agricultural interests of the country ".

Sir, those words have been written in golden letters by the co-operators and I submit that they will hold good for centuries. Sir, all the important commissions connected with agricultural development have expressed more or less the same views and laid great stress on the importance of co-operation. The Royal Commission on Agriculture said :

" If the rural community is to be contented, happy and prosperous, Local Governments must regard the co-operative movement as deserving of all encouragement which it lies within their powers to give ".

Then, Sir, later on, the Committee of Foreign Banking Experts, appointed in connection with the Indian Central Banking Enquiry Committee, also laid the same stress on this aspect of the question. They said :

" The co-operative movement, in spite of imperfections and unavoidable setbacks deserves every possible assistance from all quarters, because there is no better instrument for raising the level of the agriculturists of this country than the co-operative effort and a strong appeal to the banking interests of the country to assist this movement seems not at all out of place ".

So, Sir, we find that every commission connected with the co-operative movement has laid stress on its development. Sir, in March last I moved a Resolution and that Resolution as worded was such as to entail some financial expenditure on the Government, and the Honourable the Leader of the House was pleased to say in reply as follows :

" It is intended, Sir, that the Local Governments be now addressed on the subject. The scheme cannot proceed any further unless the Local Governments are anxious that it be established, because after all it is for them. . . . They will be in a position to make up their mind when two things happen. Firstly, when provinces show that they are in earnest in desiring that it be established and, secondly, as the Honourable Members on doubt are aware, when conditions favourable to its establishment are forthcoming, that is to say, till the acute financial stringency that prevails and has been in the way of establishing any new venture, however small the cost of it may be, is removed, it is not possible for Government to move in the matter ".

Sir, from this reply I thought that there were certainly some practical difficulties in the way of the Government and that these difficulties could not be solved easily without taking the opinions of the Local Governments which might take any length of time, and then was the question of financial stringency, which was another condition about which nobody could say when it would be removed. Sir, considering all these matters, I have ventured to bring forward this Resolution. This Resolution will solve the problem. Co-operation is one of the most important parts of the agricultural problem. The Government of India, according to the recommendations of the Royal Commission, have set up an Imperial Council of Agricultural Research and have allotted some non-recurring and recurring funds to it. If the Government choose to enlarge the scope of this Council and bring the subject of co-operation also within its purview, with the addition of a few more members, I think this will fulfil the object of my Resolution and will not entail any large expenditure. I think five to ten thousand rupees will be the most that will be required if the scope of the Imperial Council is enlarged on the lines I have suggested.

Sir, the Resolution that I have moved here I moved in the All-India Co-operators' Conference also that was held on the 25th June at Amraoti. That Conference was attended by representatives from all the provinces and by veteran co-operators, and was presided over by Sir Lalubhai Samaldas. In that Conference I moved exactly the same Resolution and it was unanimously accepted. So, Sir, when I am moving this Resolution, I have the backing of the whole of India so far as the co-operative world is concerned.

Sir, I asked a question on the 8th of this month and in answer the Honourable the Leader of the House was pleased to say that Government had nominated one co-operator on the Imperial Council of Agricultural Research. Sir, I looked into the proceedings of the Advisory Board of the Imperial Agricultural Research Council held at Simla from the 8th to the 12th August, 1933. There were 44 items on the Agenda but there was absolutely no mention of co-operation. Then, Sir, I looked into the proceedings of the Annual General Meeting of the Imperial Council of Agricultural Research held at Delhi on the 24th January, 1934 and I found that there too there was no mention of co-operation. Sir, I went through the Annual Report of the Imperial Council of Agricultural Research for 1932-33, which was the only latest report available in the Library and there also I found that there was absolutely no mention of co-operation. From all this I conclude that, in spite of the fact that Government was pleased to nominate one co-operator, the subject has till now not been discussed there. Therefore, Sir, what we want is that the Government may include this subject as so many other subjects and nominate a few co-operators who may bring up subjects regarding agricultural co-operation for discussion. Sir, there is no constitutional difficulty in this because under the constitution of the Imperial Council of Agricultural Research I find that His Excellency the Governor General in Council can appoint any number of persons on the Council he likes. In that Resolution they have mentioned particular persons who will represent the associations and then they add,

“such other persons as His Excellency the Governor General in Council may from time to time appoint”.

[Rai Bshadur Lala Mathura Prasad Mehrotra.]

That is the Resolution of the Government of India on the Report of the Royal Commission on Agriculture. So, Sir, there is no constitutional difficulty also. They have got the power to nominate some member. Why not nominate some co-operators and bring this subject also into discussion at their annual meetings? We all know, Sir, that resolutions adopted by the Imperial Council of Agricultural Research are merely recommendatory. There is absolutely no interference with the rights and privileges of Provincial Governments. It will be for them either to accept those resolutions or not. The result will be that members coming from all over India could bring the subject of co-operation into discussion and give a lead to the provinces which they may accept or not.

With these words, Sir, I commend my Resolution to the acceptance of the House.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Education, Health and Lands Member): Sir, it is quite a pleasure to hear the Honourable mover of the Resolution on the subject of co-operation. The sentiments he expresses on these subjects are such that they will do credit to any Minister of a Local Government in charge of co operation and I do hope and trust that in the future an opportunity may be vouchsafed to him to put into practice the ideas to the elaboration of which he seems to have devoted a great deal of time. I need hardly add that I am in entire agreement with him as to the importance of the subject of co-operation. As to the importance of this subject to agricultural development and as to promoting the cause of co-operation I fully agree. He is perfectly justified in saying that at present there is no central organization to promote the cause of co-operation. That is due to the fact that co-operation, like many other subjects, is a provincial transferred subject. Efforts have been made by my Department to have a central organization to serve as a sort of clearing house of information and also as a place where the subject can be studied in a comparative way. Those efforts have met with a certain measure of success, and as the Honourable Member himself pointed out, a reference to Local Governments has, I believe, been made and we are awaiting further developments. In his anxiety to move fast he has got hold of the idea, "Here is an institution called the Imperial Council of Agricultural Research which is doing well, which seems to possess finances, which is young—five years old only, having been started in 1929—and showing signs of development, growth and progress; on the whole, it has satisfactorily discharged the duties entrusted to it. What more easy than to make this institution do this work as well?" That is not quite sound. It is unsound administration. You create an institution for a definite work. Give it that work. Give it the means of carrying out that work. Let it do this work. If you are finding it doing well, do not burden it with the other work for which it was not originally designed. After it has developed to its full strength, after it has been in working order for many years, then you may put on a little more extra work to it. What is five years in the life of an institution like that? Let it extend the scope of its activities. As a matter of fact, as much of co-operation as is an essential part of agricultural research is already within the scope of its activities. I will,

with your permission, Sir, refer the House to sub-paragraph (a) of the Memorandum of Association of the Imperial Council of Agricultural Research :

" The objects for which the Imperial Council of Agricultural Research is established are :

(a) to aid, develop, and co-ordinate agricultural and veterinary research in India by promoting scientific, including technological research, instruction and experiments in the science methods and practice of agriculture, including the marketing of agricultural produce and by promoting veterinary research and instruction and veterinary science by the diffusion of useful information and by such other means as appear calculated to develop agricultural and veterinary research "

Barring a reference to marketing, Honourable Members must have noticed that the function of this organization is scientific research. No doubt, co-operation is a most important part of agricultural life. But you cannot say that an organization primarily intended for agricultural and veterinary scientific research of the description I have just now read out is necessarily a suitable organization for helping the administration of what one understands by co-operative enterprise in the provinces. As regards marketing, that is expressly included in this. As a matter of fact, as Honourable Members are aware, it is already being developed as has been mentioned in the Government of India's Resolution which appeared in the Gazette of India of 1st May, 1934.

Now, the Honourable mover of the Resolution well may say, " Your scheme of having a general organization is still in train. That scheme was only intended to bring into being an organization which will enable provincial co-operative departments to get into touch with each other in order to see whether by meeting and discussing together they cannot help each other. But something more is needed in the co-operative line ". There is a great deal of force in that view, but may I remind the House that when they discussed the Reserve Bank Bill they must have noticed that there was an agricultural side of the Reserve Bank. It was expected that when the Reserve Bank was started there would be this side, wherein assistance will be given to the co-operative departments of provincial agricultural administrations in the way of advice as to financial matters and in evolving schemes.

THE HONOURABLE RAJ BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Has that question been finally settled ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : There is no question of its being finally settled. There was a Reserve Bank Bill which has now been enacted, and an officer of great experience in co-operation is already engaged to help provinces. I believe that the sort of help that the Honourable Member has in mind in all probability will be forthcoming from that side of the Reserve Bank. In any case I do not feel justified in making the Imperial Council of Agricultural Research extend the scope of its activities in this direction, because I feel that they cannot do that without running the risk of trying to do too much and their organization as I have submitted is not primarily designed for this purpose. Up till now the Imperial Council of Agricultural Research has been lucky in getting on with its work without treading upon the toes of Local Governments. It is because we assist them and also because scientific agricultural research is peculiarly expensive work to do and is not done in many provinces. But the co-operative movement, whether it is being well run or indifferently run, is being carried on by every

[Khan Bahadur Mian Sir Fazl-i-Husain.]

province, and I very much fear that if the Imperial Council of Agricultural Research took that work in hand the opportunities for coming in conflict with provincial administrations would increase and may thereby be endangering the utility of the Council's activities in the work it is already doing. I trust the Honourable Member will realise that he has the same object in view as I have. We differ as to the method of securing it. He thinks that we as a working organization can be linked to the service of carrying out the object of this Resolution. Having consulted my Vice-Chairman and others who are actually running the Council of Agricultural Research, I find I am unable to agree with him in that respect. But I may assure him that every effort will be made, whichever institution comes first into being, whether the one I contemplated or the Reserve Bank, to provide the sort of help the co-operative movement requires throughout India as soon as possible.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Sir, I have to say a few words in reply to what the Leader of the House has said. He has read out from the constitution the objects of the Imperial Council of Agricultural Research and says that co-operation does not come within the objects of the Council. Well, Sir, it was only on the 8th of this month that I put a definite question and got a reply from him which was just the opposite of what he has said now. My question was :

" Will Government be pleased to state if agricultural co-operation is included in the subjects discussed at the Imperial Council of Agricultural Research ? "

The reply was,

" Yes, to some extent ".

Then my next question was :

" If the answer to part (a) is in the affirmative, what subjects, if any, have been discussed since it was established ? "

The reply was,

" The co-operative marketing of agricultural produce ".

The third question I asked was :

" Will Government be pleased to state whether any person representing co-operative interests have specially been nominated on the Imperial Council of Agricultural Research ? "

And the answer was,

" Yes, two. Dewan Bahadur T. Raghaviah and Mr. G. N. Devadhar ".

So, Sir, from the replies received to my questions I find that the subject of my Resolution is included in the objects of the Imperial Council of Agricultural Research to a certain extent. My question was divided into two parts, one to enquire about the scope of the Agricultural Council as to whether it included co-operation and the second to enquire whether adequate representation had been given to co operators. The reply on both the points was satisfactory, that is, that the subject was included and that co-operators were represented on the Council.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : For marketing of produce only.

THE HONOURABLE BAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Yes, I admit, for marketing only. Therefore my object is to develop and enlarge further the scope for these discussions. You are doing something. I think it is inadequate and you can do more. You have got two representatives: have some more, so that there may be greater opportunities for discussion. That is the only object I have in view. If Government is sympathetic to my Resolution and is prepared to help the movement in any possible way, by establishing a central advisory body or by bringing the subject within the purview of the Imperial Council of Agricultural Research, I have no objection to withdraw the Resolution. And I seek the permission of the House to withdraw it.

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

RESOLUTION RE NATIONAL DEBT OF INDIA.

THE HONOURABLE SIR ALAN PARSONS (Finance Secretary) : With your permission, Sir, may I intervene for a moment at this stage. The Honourable Sir James Grigg would have liked to have been here to deal with the Resolution which is next on the order paper and also to make the acquaintance of Members of the Council; but unfortunately he has been kept away by duties in another place. If you will permit it, Sir, and also if it is acceptable to my Honourable friend Mr. Hossain Imam and the Council, I should like to suggest that my Honourable friend should merely move his Resolution formally this evening, reserving his observations on it till the next day for the discussion of resolutions when I expect the Honourable Finance Member will be able to be present.

THE HONOURABLE THE PRESIDENT : The Resolution is of a very important character and I am quite prepared to consult the convenience of Government. It would also give us the opportunity of welcoming the Honourable Sir James Grigg who will have an opportunity to reply on this Resolution. In order that the Honourable Member may not lose his priority and that the Resolution may be taken up first on the next non-official day, I would like the Honourable Member to read his Resolution.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muham-madan) : Sir, I move :

“That this Council recommends to the Governor General in Council to form a Committee of experts and Members of this House to enquire into and report on the National Debt, the burden of foreign obligations, and the ways and means of reducing them and to suggest improvements and modifications in the present methods of raising loans in India and abroad.”

THE HONOURABLE THE PRESIDENT : The debate on this Resolution will proceed on the next non-official day.

PARSI MARRIAGE AND DIVORCE BILL.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay: Non-Muham-madan) : Mr. President, I beg to move :

“That the Bill to amend the law relating to marriage and divorce among Parsis, be circulated for the purpose of eliciting opinion thereon by the 15th January, 1935.”

The Motion was adopted.

STATEMENT OF BUSINESS.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House): I suggest, Sir, that of the Bills which have been laid on the table today two of them be proceeded with on Monday, the 27th August, at 11 A.M. By Monday we hope that other Bills may be laid on the table and then I will be in a position to suggest when the Council should meet next for official business.

The Council then adjourned till Eleven of the Clock on Monday, the 27th August, 1934.