

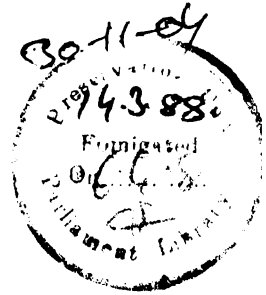
Friday, 27th April, 1934

THE
COUNCIL OF STATE DEBATES

VOLUME I, 1934

(8th February to 27th April, 1934)

SEVENTH SESSION
OF THE
THIRD COUNCIL OF STATE, 1934



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COUNCIL OF STATE.

Friday, 27th April, 1934.

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

QUESTIONS AND ANSWERS.

INSPECTORS AND LOWER SELECTION GRADE SORTERS OF THE RAILWAY MAIL SERVICE.

156. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Is it a fact :

(a) That in the Posts and Telegraphs Department, Railway Mail Service, inspectors and lower selection grade sorters were till 1927 borne on separate cadres ?

(b) That in 1927 the two cadres were amalgamated and posts of lower selection grade sorters and of inspectors were made interchangeable ? and

(c) That in 1932 the two cadres were again separated ?

THE HONOURABLE MR. D. G. MITCHELL : (a), (b) and (c). Yes.

INSPECTORS AND LOWER SELECTION GRADE SORTERS OF THE RAILWAY MAIL SERVICE.

157. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : (a) Is it a fact that some 20 or 22 officials who were formerly employed as inspectors, and subsequently a few months before the issue of the orders in 1932 of separation of the cadres of inspectors and lower selection grade sorters were ordered to work as lower selection grade sorters, were not allowed to revert to their cadre of inspectors after the separation 1932 ?

(b) If the answer to (a) is in the affirmative, will Government kindly quote the rules or regulations under which the officials in question were debarred from restoration to their original cadre ?

(c) If there be no rules and regulations, will Government state the reasons for the orders passed ?

THE HONOURABLE MR. D. G. MITCHELL : (a) There have been a few such cases but Government are not aware of their exact number.

(b) and (c). An extract from the Director General's Circular on the subject is laid on the table.

Extract from the Director General's Special General Circular No. 46, dated the 3rd March, 1932, referred to in the reply to part (b) of question No. 157.

* * * * *

3. A separate cadre will be maintained for Inspectors of Post Offices (including investigating Inspectors and Town Inspectors attached to 1st class head offices) and Head Clerks to Superintendents of Post Offices and these posts will be interchangeable. A similar cadre will also be maintained for Inspectors, Railway Mail Service.

* * * * *

9. These orders will have effect from the 15th March, 1932.

—————

METHOD EMPLOYED IN RECRUITMENT OF INSPECTORS AND LOWER SELECTION GRADE SORTERS TO THE RAILWAY MAIL SERVICE.

158. **THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA** : Is it a fact (a) that the examination for recruitment to lower selection grade sorters has been abolished and (b) that recruitment to the inspector's line is made by an examination ?

THE HONOURABLE MR. D. G. MITCHELL : (a) and (b). Yes.

RESTORATION TO HIS ORIGINAL GRADE OF INSPECTOR OF BABU GOVIND PRASAD TANDON, RAILWAY MAIL SERVICE.

159. **THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA** : Is it a fact that Babu Govind Prasad Tandon, an Inspector of 12 years' standing and one of the said officials referred to in question No. 157, was debarred from restoration to his original grade in spite of the facts that (a) he never in his entire career worked as a sorter, (b) the order calling upon him to work as sorter was cancelled even before the amalgamation in March, 1932, and (c) he was allowed to work as Inspector up to October, 1933, i.e., for a year and a half after the separation of the two cadres ? What action does Government propose to take in this particular case ?

THE HONOURABLE MR. D. G. MITCHELL : As regards the first part of the question, I understand that the facts are more or less as stated.

As regards the second part, Government do not propose to take any action.

PERCENTAGE OF BENGAL MUSLIMS TO THE WHOLE MUSLIM POPULATION IN BRITISH INDIA.

160. **THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI** (on behalf of the Honourable Khan Bahadur Syed Abdul Hafeez) : Will Government be pleased to state :

(a) The percentage of Bengal Muslims in relation to the whole Muslim population in British India ?

(b) The percentage of literate Bengal Muslims in relation to the literate Muslim population of British India ? and

(c) The percentage of Bengal Muslims in the Government of India services, both in the Secretariat and in other offices controlled by them, in relation to the Muslims of other provinces so employed ?

THE HONOURABLE MR. M. G. HALLETT : (a) About 41 per cent.

(b) Literate Bengal Muslims form about 38 per cent. of the total literate Muslim population of India as a whole (excluding Burma). Figures of the total literate Muslim population of British India are not available.

(c) I regret that the information is not readily available and cannot be collected without an amount of labour which would be wholly disproportionate to the results.

REPRESENTATION OF BENGAL MUSLIMS IN SERVICES UNDER THE GOVERNMENT OF INDIA.

161. THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI (on behalf of the Honourable Khan Bahadur Syed Abdul Hafeez) : Has it been represented to Government that there is a feeling in Bengal that since there is no Bengal Muslim representation in the Viceroy's Executive Council or in the Public Service Commission, the just claims of the Bengal Muslim community for adequate representation in the various services under the control of the Government of India are not given due consideration ?

THE HONOURABLE MR. M. G. HALLETT : No. I would add however that Government have not undertaken to secure representation for provinces, either generally or in terms of particular communities. Muslim candidates from Bengal have equal opportunities with those from other provinces in securing employment in the services in question and it would be contrary to Government policy to take any special action in regard to them.

NUMBER OF BENGAL MUSLIM INDIAN CIVIL SERVICE OFFICERS SERVING IN THE GOVERNMENT OF INDIA SECRETARIAT.

162. THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI (on behalf of the Honourable Khan Bahadur Syed Abdul Hafeez) : (a) Will Government be pleased to state the number of Bengal Muslim Indian Civil Service officers in the Imperial Secretariat ?

(b) Is it a fact that there is no Bengal Muslim Indian Civil Service officer in the Imperial Secretariat and in other offices under the control of the Government of India ?

(c) Do Government propose to appoint some Bengal Muslim Indian Civil Service officers in the Imperial Secretariat and in other offices under the control of the Central Government ? If not, why not ?

THE HONOURABLE MR. M. G. HALLETT : (a) None.

(b) and (c). The position may be as stated in (b), but in making appointments to superior posts in the Secretariat, the possibility of obtaining suitable and competent Indian officers from different provinces is always considered. There is, however, no question of communal representation in posts of this nature, which are filled on the basis of merit and suitability.

NUMBER OF BIHAR AND ORISSA MUSLIMS SERVING IN THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.

163. THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI (on behalf of the Honourable Khan Bahadur Syed Abdul Hafeez) : Will Government kindly state the number of Bihar and Orissa Muslims separately employed in the Government of India Secretariat and its attached and subordinate offices as (a) superintendents, (b) assistants, (c) clerks, and (d) typists ?

THE HONOURABLE MR. M. G. HALLETT: I regret that Government have not the information the Honourable Member desires and are not prepared to place upon departments the burden of collecting it. As already explained in reply to question No. 161, Government have not undertaken to secure representation from provinces either generally or in terms of particular communities.

DEATH OF THE RIGHT HONOURABLE SIR DINSHAW MULLA.

THE HONOURABLE THE PRESIDENT: Honourable Members must have heard with profound sorrow the news of the sad and untimely death of the Right Honourable Sir Dinshaw Mulla, who was some time ago Law Member in the Government of India. Sir Dinshaw Mulla was a great scholar and an erudite. He started life as a solicitor and after a few years of successful work in that profession his natural propensities led him to go in for the Bar. As an advocate he made a great reputation in the Bombay Presidency and within a short time of his professional career he was elevated to a High Court Judgeship. There he performed his work with great distinction and despite very heavy work and laborious hours of official duties he wrote several monumental legal works which enhanced his reputation as a great lawyer. He was later on selected for the office of Law Member here during the absence on leave of the late Mr. S. R. Das and here he acquitted himself very well. He was also appointed a Member of the Assembly and took his seat in that House especially to deal with an important Bill, namely, the Sale of Goods Bill. Later on, his great merits, his scholarship, and his profound knowledge of law secured for him a seat on the Judicial Committee and he was appointed Privy Councillor by His Majesty's Government. His works have always been quoted with great esteem and respect in the High Courts of India. He contracted a serious illness during his term of office on the Judicial Committee and returned to India last year and he died suddenly yesterday morning. I feel certain that this Council is profoundly sorrowful to receive this news and that it is your desire that I should communicate to his bereaved family the sympathy and condolence of this House.

SUGAR-CANE BILL—*continued.*

THE HONOURABLE THE PRESIDENT: We will now proceed to deal with the clauses of the Bill to regulate the price of sugar-cane intended for use in sugar factories, as passed by the Legislative Assembly.

Clause 2 was added to the Bill.

THE HONOURABLE THE PRESIDENT: Clause 3.

THE HONOURABLE SAIYID RAZA ALI (United Provinces: Nominated Non-Official): If I stand this morning it is not with a view to make a speech, since we have had quite a sufficiency of speeches since yesterday. I pointed out, Sir, in the course of the first reading, that it was not at all clear why power has been reserved under sub-clause (2) of clause 3 by the Governor General in Council to fix minimum prices for the purchase of sugar-cane. The Bill is

more or less of a purely provincial character and but for certain considerations, to which reference was made yesterday, similar Bills in all likelihood would have been introduced and passed by the Provincial Legislatures concerned. It is no doubt convenient to have a measure of this character before the Central Legislature as it does away with the necessity of having a similar measure in every Council but after all this Act is to be administered by the Provincial Governments. As a matter of fact the whole show is a show of the Provincial Government and not of the Central Government. That being so, Sir, I do not know what is the object of giving certain powers under this sub-clause to the Governor General in Council—

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central: Non-Muhammadan): Can an Honourable Member make a speech on a clause unless he wants to oppose it and want deletion from the Bill?

THE HONOURABLE THE PRESIDENT: Any Honourable Member is entitled to speak on clauses when they come up for consideration.

THE HONOURABLE SAIYID RAZA ALI: This is a point, Sir, on which information would be welcome to this House.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Education, Health and Lands Member): Sir, the point taken is. Why is this power taken? Well, it has been taken at the suggestion of provinces. Why have the provinces desired the Government of India to take that power? Because, as we all know, the best of neighbours have a chance of not always agreeing. If by any chance as to the minimum price two neighbouring provinces did not see eye to eye, if one feels that the other is fixing a price which is distasteful to one, one wishes the Government of India more or less as an arbitrator composing that difference and seeing that the differences do not go any further. It is for this reason that this reservation, so to speak, is made. If the Government of India do not reserve to themselves the power to do this, whenever a dispute arises between two provinces, no doubt some machinery could be devised, some sort of arbitration to settle a small matter like this. But it was felt that on the whole it would be better if the power vested in the Governor General in Council.

THE HONOURABLE THE PRESIDENT: The Question is:

“That clause 3 stand part of the Bill.”

The Motion was adopted.

Clause 3 was added to the Bill.

Clauses 4 to 8 were added to the Bill.

THE HONOURABLE THE PRESIDENT: Clause 1.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Sir, I beg to move:

“That sub-clause (3) of clause 1 be omitted.”

Sir, the object of this sub-clause is the same as what the Leader of the House expressed in answer to the speech made by my Honourable friend from the North-West Frontier Province. By this sub-clause Government make the Bill permissive for the provinces to take it up or throw it into the waste paper

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

basket. Sir, we are afraid that the result will be that the factories working in one province where the Bill has been taken up by the Local Government would be at a disadvantage as compared with factories working in another province where the Local Government has not adopted this Bill, because in the province where this Bill will be taken up they will fix a minimum price. Whether it will be practicable or not I do not know. I have got my own doubts. But the factory owners will have to pay a certain price, whereas in the province where this Bill will not be taken up the factory owners will be at liberty to pay as much as they like. Sir, at the Conference that was held in Simla in July last, there was a great divergence of opinion on this measure. It was only the United Provinces represented by the Honourable Mr. J. P. Srivastava who pressed for this measure. The other provinces either opposed it tooth and nail or expressed their doubts over its utility. In these circumstances, Sir, I think the other provinces may not enforce the Bill and the whole burden may fall on the United Provinces. There are a large number of factories in Bihar. I find that the representative of the Bihar Government was totally against the views placed before the Conference by Mr. J. P. Srivastava. With your permission, Sir, I will read the views expressed by the Bihar Government in the Conference. The Bihar Government was represented by Mr. H. C. Prior, who spoke on behalf of that Government and said :

“ The view of my Government is that any legislation for zoning, licensing of factories or fixation of cane prices is impracticable and will go against the interests both of the cane-growers and of the development of the industry ”.

He also, later on, said :

“ The sugar-cane was then the most profitable crop for the ryot to grow ”

and observed that a fair price was generally paid for cane and it seemed likely that in North Bihar the ordinary rules of supply and demand will result in a fair price being paid in the future. He concluded by saying that

“ The Bihar Government considered that it would be absolutely impracticable to enforce by legislation the payment of any minimum price ”.

So, Sir, the Bihar Government was definitely opposed to this measure, and their representative, the Revenue Secretary, placed their views before the Conference. Sir, it was not only Bihar. Bengal was also opposed to this. Dr. G. P. Hector, Director of Agriculture, Bengal, observed that the Bengal Government's view was that legislation was not necessary. All that they were anxious about was that nothing should be said or done at this stage of the industry to frighten away capital. Sir, the Madras Government was also opposed to the Bill. The Madras Government was represented by the Honourable Diwan Bahadur Kumaraswamy Reddiar, Minister of Education and Excise. He remarked that so far as the Madras Government was concerned, they had at that time no intention of introducing legislation in the Local Legislature. Sir, Bombay was also against this measure. The Bombay Government was represented by Mr. V. V. Gadgil, who, speaking on behalf of the Bombay Government, said that they had not so far considered nor had they under contemplation any Bill for fixing up prices or zoning or licensing. The Punjab Government was represented by Dr. Gokal Chand Narang, the Minister, and he also expressed his doubts and was against this measure. I have already quoted his remarks

yesterday and therefore need not quote them again. It was only the United Provinces Government, represented by the Honourable Mr. J. P. Srivastava who pressed for this view. Considering the views of all these Governments, we are afraid that if this sub-clause (3) remains the result will be that it will be taken up by the United Provinces Government but not by the other Governments, and so the factories in other provinces will have an advantage of paying less for their cane and hence getting more return than the factories of the United Provinces. Now, Sir, with your permission I will also mention the views of His Excellency the Governor of Bihar and Orissa. A Sugar Conference was held at Patna on the 4th January, 1934. In inaugurating the Conference His Excellency the Governor pointed out clearly a few practical objections with regard to the fixation of prices or minimum prices of cane in his address in opening the Conference and said that he was diffident. He observed that a fair price for cane in one locality was not necessarily a fair price in another and a common formula might work out most inequitably for both contracting parties. Moreover, he added, that if a factory was prohibited from buying cane below a certain price there was no compulsion either moral or material for it to continue to work for a single day after the season ceased to be profitable, and it might be that the unsaleable surplus for the cultivator would be increased and be turned unprofitably into *gurr*, fed to the cattle or used as field manure. He also pointed out that by fixing a minimum price the cultivator might get better paid for a part of the crop but on the whole might find himself worse off on account of the large waste involved by early closing down of the factory. He concluded by saying that the problem of ensuring that a minimum price fixed by the Government should reach the actual grower of the cane was one of the most difficult in the present situation. So, Sir, that Conference was not agreeable upon this measure. I find that in the teeth of the opposition from all the Provincial Governments the Bill is being enacted and then it is made permissible. It will certainly hit hard the United Provinces. When I say this I am also speaking for the benefit of the agriculturist, because, as pointed out, these difficulties will crop up. It is very difficult to fix the quality of the cane and most of the cane is not of that improved variety for which I think the price will be fixed. Even if a sliding scale is fixed I am of opinion that it is very difficult to fix a scale for dry cane or half-dried cane or cane which gives much or less sacrose. There are so many things involved in this. Therefore I agree with the views of all these Local Governments that it will ultimately go against the cane-growers and the measure instead of doing any benefit is likely to do harm to them.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : I have not been quite able to understand what the Honourable Member has in view. Does he think that by this amendment the Act will become unenforceable in any province ?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : It should be for the whole of India or for no part. That is my object.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Then he thinks that by the elimination of sub-clause (3) of clause 1 one of the two objects will be attained, one being that the Act will become unenforceable in

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

any province, or that it will be compulsorily enforced in all provinces. Well, before explaining once more what Government's policy is, may I invite his attention to clause 3, which has already been passed by the House, showing that Local Governments will possess the power to create these controlled areas and to fix prices. Therefore one of his two objects, that it should not be enforced in any province, cannot materialize. Therefore he recognizes and admits that his amendment cannot make the Act unenforceable in any part of India. Now, let us see whether his second object, that it should be compulsorily enforced throughout India, is achieved by the omission of sub-clause (3). If he again refers to clause 3, which is the enabling clause, he will see that it does not compel any Local Government to enforce the clause. Therefore the elasticity which is the very essence of the Bill remains and it will be open to the United Provinces Government to enforce it tomorrow and it will be open to the Bihar Government to refuse to enforce it for five years. Therefore, obviously my Honourable friend cannot achieve either object he has in view by this amendment, which I trust therefore he feels it unnecessary to press.

Now, as regards the desirability or otherwise of his two objects, they go contrary to the very principle of the Bill and therefore I cannot accept the amendment. I take this opportunity of making one comment on my Honourable friend's speech and of repeating what I ventured to submit yesterday. Honourable Members will find that it pays to obtain their information and knowledge from original authorities rather than from extracts quoted by a propagandist publication. If my Honourable friend had taken the trouble to study the Sugar Conference proceedings, he would not have got himself involved in making allegations which are not borne out by the proceedings of the Conference. For instance, he said all provinces excepting the United Provinces opposed the proposal. That is not a fact. I happened to preside over the Sugar Conference. What the Punjab, Madras and Bengal said was

"We have either no sugar factory, or perhaps one or two. The problem has not arisen in our province. We are not in a position to say what should be done, nor has there been any trouble in our province which would have led us to inquire into the matter and form an opinion".

The Sugar Conference was quite clear that there were but two provinces in India, the United Provinces and Bihar, which were concerned and they held opposite views. Therefore to begin to name—

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : May I know if the Sugar Conference arrived at any conclusion on this point ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Here, again, my Honourable friend would never have put that question if he had even cursorily glanced through the proceedings of the Conference ; he would have seen that there were certain resolutions passed. There was resolution No. 1 passed which dealt with this question. There was, again, another resolution concerning legislation. He has talked about divergence of opinion. There was a world of divergence of opinion. The representatives of sugar-cane growers said they wanted protection. The representatives of

millowners said, with the honourable exception of one or two British firms,

“ They want no protection ; they are getting too much already ; Government should not interfere. This is very important. Why should Government interfere ? They are getting much more than they used to ”.

There were representatives of Government and sugar-cane-growers saying that factories were making a good deal of income. Some representatives of millowners kept discreet silence, while some took it upon themselves to say that they were running at a loss. Such divergence of opinion, I presume, must exist in all human affairs. The human element is there. Self-interest is there. Class interest is there ; but it devolves upon those who have to conduct the affairs of the country to see that class interests do not swallow up the interests of the country as a whole or the interests of all persons concerned, and it is this which it is hoped Provincial Governments will be able to do better if they acted within their powers which this legislation hopes to invest them with. Sir, this is really wide away from the point. The main point in the discussion was my Honourable friend's amendment. He recognizes that it does not serve the end he has in view. Therefore I hope the House will reject it in case he does not withdraw it.

The amendment* was, by leave of the Council, withdrawn.

THE HONOURABLE THE PRESIDENT : The Question is :

“ That clause 1 stand part of the Bill.”

The Motion was adopted.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Education, Health and Lands Member) : Sir, I beg to move :

“ That the Bill to regulate the price of sugar-cane intended for use in sugar factories, as passed by the Legislative Assembly, be passed.”

In view of the lengthy discussion we have already had, I do not think the House would like me to make another speech.

Sir, I move.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I rise to oppose the passage of this Bill. I may at the outset mention, Sir, that I practically own no interest in any sugar mill in India, nor have I a proprietary sugar mill of my own, so that my position becomes quite clear, that I deal with this Bill as a landlord and not as an industrialist concerned in the industry. The Honourable the Leader of the House, when I interjected during his speech yesterday, and termed this measure as a skeleton measure retorted and said it would appear as a skeleton to those millowners who tried to convert the cane-grower into a skeleton. I say, Sir, that that remark will equally apply to the Government when they like to use this measure and to turn a sugar mill concern into a skeleton. The Honourable the Leader of the House yesterday during the course of the speech which he delivered after I interjected clearly admitted that this Bill was liable to be abused. Sir, to frame a measure which can be easily abused and to ask that measure to be passed is a matter which I leave to Honourable Members to judge for themselves. I called this Bill a skeleton Bill, because it does not

* Vide page 935, ante.

[Rai Bahadur Lala Ram Saran Das.]

lay down any fundamentals as regards the determination of the prices of various classes of cane. It gives practically a blank cheque to Provincial Governments. Whenever we wanted to move any matter in this House which was a provincial transferred subject, the reply which we used to get here was that it was a matter for the Provincial Councils to deal with. The Honourable the Leader of the House has just said, in reply to my Honourable friend Rai Bahadur Lala Mathura Prasad Mehrotra, that this Bill when passed into law may or may not be adopted by the provinces. That shows that there is no necessity of putting this Bill in the Central Legislature because this is not even at this stage intended to be an all-India measure. It would have been much better if the Local Councils had not been usurped of their legitimate function. Yesterday the Honourable the Member for Agriculture eulogized the speech of my esteemed friend the Honourable the Maharajadhiraja of Darbhanga. He praised his speech very much and said it was a very eloquent speech and so on, but he failed to deal with the principal points raised by the Honourable Maharajadhiraja. I should like to ask the Member for Agriculture by what criterion they will fix the fair price of cane? This Council has a right to know from him how that will be done, how the various grades of cane will be classified and who will decide the quantity of juice, after being exposed to the sun for any number of days, in various factories and during its working hours?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Who decides now ?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Now it is decided by the mill experts who know their job well. I am afraid if this Bill is passed into law the matter will probably be put into the hands of some subordinate official who will invariably not be competent.

Sir, I should also like the Honourable the Member for Agriculture to say what return does the Government propose to give to the cane-grower on the sugar-cane that he produces. Sir, I consider this measure to be the thin end of the wedge as regards interfering in the working of the industries. It is a very bad precedent and an unprecedented and novel sort of legislation which the Government has introduced to regulate the price of the raw material. I do not think there is a parallel in the world of this sort and I would also like to know from the Honourable mover of this Bill whether this Bill is the first of its kind or whether other raw materials will be similarly dealt with? I welcome a measure which raises the price of agricultural produce but at the same time I do not want a pious Act and a pious wish enacted in this House in the shape of the thin end of the wedge. My own conviction is, Sir, that even if this measure is passed in this House, which I hope it will be—

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Hear, hear !

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS—there will not be any hope of successfully working it. The Leader of the House has been pleased by my remark that it will be passed by this House. I am sorry to say, Sir, that this House today, when the presence of the elected Members

is very meagre, cannot prevent any measure from going through at the tail end of the session. Sir, my Honourable friend, the Nawab Sahib of Hoti, rightly observed yesterday that he did not like the Government to interfere in the fixation of the prices of agricultural raw produce. I know it as a fact, Sir, that in the Punjab and in other provinces efforts by the agriculturists are being made to get the revenue and the water-tax reduced because the prices of produce have fallen. The settlement departments in various provinces have at intervals of a certain number of years revised the settlements with a view to enhance the revenue. The time has now come when the enhancement of revenue has become impossible and perhaps Government will use this way to temporarily raise the prices of raw materials and thereby probably to enhance or to justify their land revenue. Sir, yesterday when I observed that out of the extra revenue that the Central Government will get out of the sugar excise duty the grant to the Agricultural Research Institute be doubled, the Honourable the Leader of the House observed that we did not appreciate the working of the Agricultural Research Department. We, Sir, fully appreciate the work which the Agricultural Research Department is doing and that was the reason why I wanted the grant to be doubled. As far as cotton, wheat, sugar-cane, etc., are concerned, it has done a great deal in that direction. In the Punjab the Coimbatore type of sugar-cane has been introduced which has added to the earnings of the agriculturists and has also been a great factor in not allowing the cane to be stolen for chewing purposes. Instead of telling us whether they will or will not double the grant to the Agricultural Institute, the Honourable Member fell into platitudes and there he ended without making a definite statement. He simply said their activities will be enlarged but he did not say to what extent the activities will be enlarged and what further allotment of funds from that extra income will be devoted to this purpose.

Then, Sir, my Honourable friend, Nawab Mohammad Hayat Khan Noon, was much surprised at my opposing this Bill. He was surprised because I being a landlord ought not to have opposed the Bill. I think the Honourable Nawab would be amply satisfied by the arguments that I have put forward now, and will see that there were some reasonable grounds for my opposition. I want the prices of the agricultural produce to be raised. I want all measures which can be effectively worked to be passed which will actually result in raising the prices. But I do not want to let a precedent be created which will interfere with the working of the industries and which may lead possibly to their destruction.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON :
Is it not a matter to raise the price of sugar-cane ?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : It seems so but my Honourable friend does not realize that nobody in this world can dictate prices. A world dictator in the United States of America is now dealing with this very difficult problem and how far he will succeed is a problem before the world. To plunge into such violent experiments in my opinion is imprudent and unwise. It is a question of supply and demand. Supposing the Government fixes the price of the cane at a certain figure which does not suit the sugar factory near it, what would be the result ? The question is whether the price which is now being realized by the cane-growers in the various provinces is more than what it used to be before, or whether that price is not more than the price

[Rai Bahadur Lala Ram Saran Das.]

upon which the Government assessed their land revenues and the water rates in various provinces. I should like the Honourable the Member for Agriculture to give us some figures whether the cane prices which are being realized now by the cane-growers are the same as they used to be five years ago. Are those prices the same on which the various assessments of land revenue were made? If the sugar factory refuses to buy cane at that rate, what measures will Government adopt to dispose of the cane at a fixed price of those people for whom they have allotted a certain area? Supposing a particular cultivator stands in need of money and he wants to dispose of his cane a little below the price which has been fixed by the Government. What will that man do? Cane is a material which if exposed to the air and sun day by day begins to dry up. The more you store it, the more it dries. Sir, taking all these points into consideration, I am strongly of opinion that this Bill is an unworkable Bill and ought not to be adopted by this House. I consider, Sir, that this Bill is an indirect addition to the excise duty. It is also an indirect way of raising taxation or revenue, because my own impression is—in case I am wrong the Honourable the mover will put me right—that the object is more to justify the continuance of the present high land revenue and anything else which has prompted this Bill to be launched. The Honourable the Leader of the House himself admitted yesterday that this Bill was simply being introduced because of the Sugar (Excise Duty) Bill and so of course the reason becomes patent. The Government yesterday, through the Honourable the Leader of the House, expressed a great deal of sympathy for the poor agriculturist. When we see in actual practice whether this wish is sincere and whether Government actually do anything to help materially the agriculturist, I am sorry that the impression we get is otherwise. In the Punjab, the zamindars made a hue and cry that as the prices of the various stuffs have fallen, land revenue and water rate should be reduced. They also claimed that when Government was making from 35 to 42 per cent. on the various canals—on some of the Punjab Canals the Government are making more than 40 per cent. rent—is that the way to help the agriculturist? Why should not Government have a reasonable return upon the investment they have made on the canals? Sir, they have taken this one measure to show that they will be able to increase the price.

I understand that this Bill was originated by the gifted Governor of the United Provinces. That is my impression, Sir. I may be wrong in that. But that is what the general impression of the public is, that this Bill was originated by His Excellency Sir Malcolm Hailey. Sir, the object underlying the Bill of course is laudable, because it poses anyhow to help the agriculturist. But, Sir, I would request the Honourable the mover and this Honourable House to leave this matter to the discretion entirely of the Local Councils and of Local Governments. In case they consider that there is any necessity for such a measure being introduced, they can introduce this measure in their province. I dislike such a measure being thrust upon the provinces. If this is the beginning of autonomy which the various provinces are soon to have, I think it is a very bad augury. The Honourable the Member for Agriculture also observed that there were only one or two sugar factories in the Punjab I might mention for his information that I know of more than six or seven factories—

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : There are 12 factories in the Punjab.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : My Honourable friend says that there are 12 factories—

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON : Old ones.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Can you give me the date on which these 12 factories existed ?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Well, Sir, I will try to give the information I have and to mention the places.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : There is no use mentioning places. I want time. I want to know whether these factories existed on the 1st April, 1933, and, if so, how many ?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : I understand the factory at Sonpet, the factory at Amritsar, the factory near Batala, and the factory near Gujranwala existed before that date.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : In working order on 1st April, 1933 ?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Yes, that is my information.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON : There is no old factory at Gujranwala. One was started last June or July. I know Gujranwala. I was there nearly five years. The factory was started in June or July and it might have been completed last January. As regards the factory at Amritsar, it is not a factory for making sugar from sugar-cane but it is a factory for making sugar from *gur*. Similarly, the other factories, so far as I know, are factories for making sugar from *gur*. Besides Sonpet, I do not know of any other cane-crushing factory before last year.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Well, the Honourable Nawab Sahib has made a distinction between factories which turn out sugar from sugar-cane and sugar from *gur*. I find no such difference. The Amritsar factory has been in existence for a number of years now.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON : This Bill is not for fixing the price of *gur*. It is for fixing the price of sugar-cane. It does not affect these factories.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : It does affect these factories because, after all, the price of *gur* will be based on the price of sugar. On principle when you give protection to a certain industry, upon the recommendation of the Tariff Board, and turn round after the lapse of a very small period to begin to impose an excise duty is a departure which I very much deprecate.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : I thought we had finished with that Bill yesterday !

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: This Bill, Sir, is part and parcel of that Bill. The Leader of the House himself observed in moving for consideration of this Bill that it followed
11 A. M. as a consequence of the other Bill, as it concerns the raw material for sugar production. I think my argument equally applies. With these few words I oppose the passage of the Bill.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muham-madan) : I am afraid when I spoke at the second reading I was misunderstood by some of my friends and I wish to clear up the points. I did not oppose this measure because I regarded it as harmful to the agriculturists. I oppose it because I find it insufficient. It does not remedy even a substantial part of our trouble, the agriculturists' troubles. I am going to recite those and give suggestions. If it was a measure which cured our ills we would have welcomed it with open arms. Even if it had been a palliative we would have been grateful. But when we find that instead of either, we are being administered a narcotic which will benumb our senses we cannot but oppose it. The requirement of the agriculturists is more money. All other things are a means to that end. Therefore, in order to increase the purchasing power of the agriculturist we ought to go deeply into their troubles and find out what they require. My own diagnosis is that we want better qualities and more productive varieties of cane to be produced by the growers. It would matter little whether we get five annas or four annas per maund, if we can produce only 100 maunds an acre. But if we produced 250 maunds per acre and got only four annas per maund we would be much better off. It is for this reason that when this protective measure was before the House in 1932 I appealed for the agricultural aspect to be looked into. Now, again, I appeal to the Government to increase the productivity of the land in which cane is grown by introducing better varieties and by making arrangements to supply manures at cheaper rates. Then our requirement is that we should have facilities for transport. If we can bring our canes from greater distances at cheaper cost it would be profitable for us to dispose of a greater quantity of cane than we are disposing of now. Then, the greatest difficulty of all from which the Indian agriculturist suffers is the want of credit facilities. For this purpose we tried our best during the Reserve Bank discussion, and we have tried before and since, to get more facilities in this direction. If it were found possible for Government to help the agriculturist to tide over their difficulties we could hold out and we could dictate our prices to the millowners. If we have no credit facilities then the provisions of this Act will not be able to give us the relief which we want. In this connection I should like to make a suggestion to the Honourable Member and if he finds it feasible he may adopt it on some other occasion. Some industries have imposed a cess upon themselves. If we could have a cess, say, of a pie per maund, to be paid by the sugar-cane-growers and a pie per maund to be paid by the mills also, with a contribution of a like amount from the Government, to make a fund to provide credit facilities for sugar-cane growers, it would be very helpful to the growers. Sir, I am afraid when we suggested during the discussion of the last Bill a grant of more money to the Agricultural Department, that good intention of ours was not appreciated by the Member in charge. We had no axe to grind. We

simply wished that this Department which is somewhat like the transferred and nation-building departments in the provinces should get its due share and, if necessary, more than its due share. As far as this Bill is concerned, my Honourable Leader has said that it would have been better if the Provincial Councils had been left in charge of these things instead of the Provincial Government. The Councils do not come in anywhere in this measure and this being a transferred subject we regard every encroachment either by the Local Government or by the Government of India with a certain amount of suspicion. And the only justification which there could be for bringing forward a Bill in the Central Legislature would be to establish uniformity in an all-India industry, the uniformity lying in the price that could be fixed. If a minimum price were to be fixed by this Bill, that no matter what variety it is or what kind of cane it is, it shall not be sold at less than four annas, then there would have been some justification for bringing forward a measure in the Central Legislature. Without any quantum of the minimum price being fixed by the Central Legislature, the whole basis of bringing a measure in the Central Legislature disappears, because of all the other matters the Provincial Councils are better judges and they could have better disposed of them. As it is now, we find that either the Government of India or the Local Governments will function to the exclusion of the Provincial Legislatures. Sir, my own diagnosis is that this Bill was more or less a vote catching Bill, brought as a bait to the agriculturists in the Assembly and the Council of State to placate them and to get their support to the bigger measure, the Sugar (Excise Duty) Bill. As it was brought forward with that intention the result was that the Bill suffers from want of foresight and a certain amount of rawness. It is not well considered.

Sir, as regards the point about which my Honourable friend Saiyid Raza Ali twitted me by saying that some of my suggestions could not be reconciled with each other—about the way in which millowners could override this measure—I thought that when even a novice like myself knows that it is permissible to enter alternate pleas, he would not take me to task for playing the game which his profession has been playing for a long time. It is the privilege of the defence to enter alternate pleadings, not of the prosecution. Here, Sir, the Opposition is in the happy position of being the defence. Sir, this Bill although it might do a certain amount of good—no one can deny that—

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: No, it is denied by your Leader!

THE HONOURABLE MR. HOSSAIN IMAM—it is capable of doing such a slight measure of good in comparison with our troubles, that I think Government would have been better advised to bring forward a more comprehensive measure—a well thought-out measure—than the present measure.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central: Non-Muhammadan): I have made my position clear yesterday that I am for the fixation of prices and for better prices of cane, but not through the measure that is before the House. I think that by this measure we will do more harm than good to the cultivators. The only way for fixation of prices is to form co-operative societies and let these co-operative societies be attached to every factory. Sir, we have done the same

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

thing and we consider that there is no other possible way for the fixation of the price of cane. It is impossible to get the same variety of cane from places within a radius of even two or three miles from the factory. Our experience is that we daily receive canes of different qualities, fresh and good cane, cane that was cut three or four days ago, half dry cane and even half burnt canes. All these kinds of cane are brought to the factory, and as this co-operative society is meant for the benefit of the cultivators and as the cane is to be supplied by its own members, the factory paid the same price to everybody, but certainly at a loss to the factory. I think no other factory would do that. When the Government is going to fix the price of cane and place an excise duty upon factories the factories would naturally resent it and will not take the inferior cane. The result will be that the poor cultivator will suffer and therefore, Sir, I think this measure is not in the interests of the cane-growers.

THE HONOURABLE SAIYID RAZA ALI : It may be a minimum price or minimum prices ; it may be one, two, three, four or any number of prices for different qualities of cane.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : I quite agree with my Honourable friend, but the difficulty is will the Government appoint a competent authority at the gate of every factory for solving this problem. A scale of price is fixed, the cane is brought before the factory and the manager or the chemist says, " This quality of cane is inferior ; this can be classed in the last grade ". Who will be there all the 24 hours to determine whether the cane is of that quality or not ? Cane is received at the factory all the 24 hours. If Government is going to do that it will have to appoint three competent men for every factory at eight-hour shifts, who will be present all the 24 hours to decide whether the cane is of that quality or not. That is not an easy problem at all ; it is very difficult. Therefore, Sir, we think that it will ultimately harm the cane-grower instead of doing any substantial good. These are some of the difficult questions that strike me and I would like the Honourable the Leader of the House to throw some light upon them. It would be difficult to determine a standard quality for which the price is to be paid. For instance, should a factory buy cane giving a smaller yield of sugar at the same rate as that giving a larger yield ? How are the quality disputes to be settled ? What will the grower of inferior cane do with his cane if he cannot sell it to the factory at a lower rate ? Is the price of cane to be fixed for dry cane or for fresh cane ? What will the cultivator do with his dry cane ? Is the cost of carriage to the factory gate to be deducted or not ; otherwise why should the factory get cane from a distance and what should the grower of that cane do with it ? Supposing a grower is at a distance of ten miles and a minimum price is fixed, what will be the result of that cane ? The factory would not like to have cane from ten miles away or when it is brought to the factory gate becomes half dry. They will have the cane which is quite fresh and which can be had close to the factory. What will the cultivators do if the cane is refused by the factory ?

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN : They can go to an arbitration board surely showing the sample ?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : This is not a commodity which can wait for an arbitration board. Every day and every hour the cane deteriorates, and by the time the arbitration board decide, the whole thing will be useless and the tenant will not get a single pie.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN : May I interrupt the Honourable Member ? There is the *kanungo*, there is the *patwari*, there is the *naib tahsildar*, there is the *tahsildar*, and there is the Revenue Assistant. They can value the thing. (*An Honourable Member :* "All present at the factory ?") Somebody will be present.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Even if somebody resides in the factory, what will happen if in a locality there are two or three factories ? Would the Honourable Member like them to live there and devote the whole time for these arbitrations only ? That is not possible. The Government will have to appoint a special staff. Then, if a price is fixed, there will be hardly any impetus to improve the quality of the cane ; the interest of the factory owners will cease.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN : What about the *lambardars* of the village ? Cannot they decide ?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : They will represent only one party as they are interested themselves. Is he to supply the cane to make *gur* or manufacture sugar as *khand-saris* ? How can it be discovered whether middlemen bought cane to sell to a factory or *gur* maker or *khandsari* ? This Act provides that there will be licensed contractors. It will be very difficult to determine whether a certain contractor is going to supply cane to a *khandsari* factory working with less than 20 men or to a factory or how much he has supplied to that factory and how much to other factories. These are very intricate questions connected with this Bill. Then, Sir, what would happen in a case where the cultivator grows cane of an unsuitable quality, as, for instance, in Bihar, where cultivators grow C. O. 206 ? I think if the factories are not to take that type of cane it will be a very bad day for its growers. Then, Sir, what will happen when there is an excess of cane ? The cane will fetch no price until it is carried over long distances to the factories. If the cane-grower turns this cane into *gur* he will not get more than two annas per maund, so he will try his best to take it to the factory whether they would be willing to pay three to four annas per maund, making fifty to a hundred per cent. more than he would have got by turning it into *gur*. What will be the fate of these cane-growers ? I think most of them will lose rather than gain by this Bill. Therefore, Sir, I think it would be in the best interest of the cultivators and cane-growers, whom I have the honour to represent and for whose sake I have started a co-operative factory in the United Provinces, to withdraw this Bill and bring in another measure by which all the factories may be able to take their supply of cane through co-operative societies and Government may spend a portion out of this sugar excise duty for making the co-operative societies and that is the only way to solve the problem so far as the agriculturists are concerned.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Sir, at this last stage we have listened with very great interest to three speakers of the Progressive Party, all three of them speaking not as those interested in mills but as those interested in cane-growers. The Leader of the Party declared that he was speaking in the capacity of a cane-grower himself. Sir, I do not know to what extent the solicitude of the Honourable Member to speak on behalf of cane-growers is a device, which they said was responsible for this Bill, for catching the votes of cane-growers. This requires a certain amount of searching of hearts. If I am producing this Bill to catch the votes of those interested in cane-growers, are not the professions of those three Honourable Members to be keenly interested in cane-growers also due to their desire to propitiate the cane-growers of their constituencies? But let me remind them, Sir, that the cane-growers of the country are learning by experience. They are not satisfied with professions of interest that the Honourable Members may give expression to. They also want to know what these sympathisers and supporters of theirs have actually said. To take the Honourable Members in turn the Honourable the Leader of the Party said this measure is a pious measure. I am very glad, Sir, for his being so generous as to say that it is not an impious measure. I am very glad that it is a pious measure. Every measure, Sir, conceived with the object of doing good is a pious measure. If, thereby, by any chance, Sir, he meant that it is a measure which is only pious and of no use— I trust that was not his meaning-----

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : That was my meaning.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : If that is his meaning, Sir, I have nothing but to express regret at this levity on his part. To call my Bill a pious measure and to call a pious person a person who is of no use——

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : I called it pious because it is unworkable.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : I see the Honourable the Leader of the Progressive Party has corrected himself. What he means is that a pious person is a person who is not workable. Well, Sir, I have never understood pious to mean this. I always understood pious to mean a person who is actuated by the one desire to serve the creatures of God and to help them and to eliminate evil as far as it lies in human nature to do so. Anyhow it was in that sense that this Bill was conceived and I trust the House will take it in that sense rather than in the impious sense to which the Leader of the Progressive Party referred.

Now, I cannot really say, Sir, that I have followed every point which the Honourable the Leader of the Progressive Party made. At one time he says this measure is nothing short of placing a blank cheque in the hands of Local Governments and that in doing so I am usurping the functions of the Local Governments. Now, how can he reconcile these two statements? If I am giving a blank cheque to the Local Governments to write on that cheque whatever they like, the power is being given to the Local Governments. I have signed and finished with it. They can write whatever they like in it. A million,

a hundred millions, or a hundred thousand millions. Why does he say I am usurping their functions? How can these two things be reconciled?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: What I meant was that a blank cheque was being given to the Provincial Governments and that thereby the legitimate rights and functions of the Local Legislative Councils were being usurped.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Oh, now the Honourable the Leader of the Progressive Party is girding up his loins to protect the rights and privileges of the Local Legislatures against the onslaught of the Local Governments! May I remind him, Sir, that we entertain no such fear. All that this Bill involves relates to agriculture, co-operation, and industry and all of them are transferred subjects. The Local Governments involved in these subjects are responsible ministries responsible to the Local Legislature. Therefore all this myth of Local Legislatures' powers being usurped by the executive is nothing else but moonshine.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: The Minister will act with the support of the officials but not with the advice and support of the Local Councils.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: There, again, the Honourable Member, having always felt called upon to assist the Legislature in the centre rather than in the provinces, can hardly speak with any experience of the subject. Let me assure him that Local Legislatures have a soul of their own and a mind of their own and if he were to consult members of his own Party he would soon realize that the Legislatures of their provinces can assert themselves.

THE HONOURABLE THE PRESIDENT: May I also point out that under clause 3 the Local Governments may first consult the Legislatures? There is nothing to prevent the Local Government consulting the Legislative Council by bringing forward a resolution and then proceeding to declare the area notified.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: As a matter of fact, Sir, lest this last speech of mine develops into a conversation, I had better keep it in my own hand. The solicitude for the welfare of Local Legislatures on the part of Members sitting opposite to me is absolutely unnecessary. There is no one in this House more solicitous than myself to protect the rights of Provincial Legislatures and Provincial Administration—having been a Member of a Local Legislature myself and also one responsible to a Local Legislature and afterwards an irresponsible Member as well. So I know exactly how the Local Councils and Local Governments stand.

THE HONOURABLE MR. HOSSAIN IMAM: Will the Honourable Member say where provision is made for the Local Council being consulted?

THE HONOURABLE THE PRESIDENT: Clause 3.

THE HONOURABLE MR. HOSSAIN IMAM: There is no mention of the Local Councils or of their being consulted.

THE HONOURABLE THE PRESIDENT: The Governor would not take any steps without consulting his Ministers and it would be for the Ministers to

[Mr. President.]

consult the Council. There is no express provision in the Bill, but it gives power to the Local Government to do so, if the Government so desires.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : I am presently coming to the point. I do not think you gave yourself a chance by making the points which are truly relevant to the Bill, inasmuch as you also professed to oppose the Bill on the ground that it had not gone far enough. I am taking up that point. I am sorry I will be detaining the House for five or ten minutes more. Since you seem to be very keen on the matter, it will perhaps be as well for me not to give the impression that there is not a great deal to be said relating to this Bill. The Honourable the Leader of the Opposition proceeded to say—a curious remark, I should have thought, for one who is so strong in accounts and in finance—that the absence of elected Members at the fag end of the session has encouraged us to do a thing like this. Well, Sir, how he can have miscalculated, I cannot for the life of me understand. Yesterday, his was the only discordant note about this Bill. True to the traditions of independence of thought, my Honourable friend gave to the members of his own party the right to express their own views and not be bound by party ties. That does great credit to his leadership. His follower from the United Provinces expressed his opinion that the Bill was a good one and was likely to be productive of good results. His second follower, also from the United Provinces, said that he is for the principle of the Bill, and he provided what I may well term the artistic touch. He is out and out for the cane-grower. He is ready to help them in every way. He has started co-operative societies. The cane-grower must have a fixed price. A price can be fixed according to him. It has been fixed by him. It is working very well. That is a complete answer to all the suspicions and doubts that are entertained by the Leader of the Opposition. The only difference between that Honourable Member and myself is—

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : On a personal explanation, Sir. What I said is this, that we have been able to fix the price because the factory is meant for the cane-growers primarily and for the capitalists secondarily. We do not want the factory to make a huge profit. We want that the cultivators and the members of the factory should be satisfied. It has therefore been practicable. Otherwise, the factories which are established merely by the capitalists cannot do so as they cannot be so charitable.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Thanks very much for this lucid explanation. Then, the Honourable Member from the United Provinces and the Progressive Party hold the view that in order to solve the problem what is needed is the transfer of factories into hands which are co-operative and consist of cane-growers. Is that right ?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Yes.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : That is really a suggestion which Members ought to take seriously into consideration. I for one think that the subject has been mentioned to me so suddenly, so abruptly, that I do not like to hazard any opinion on it. It is a suggestion, to my mind, worth considering and exploring and discussing. If he can carry his party

with him on that subject, he may count on the support of a very large number of people. I trust that in party meetings he will make his point and so conduct himself as to make his fellow Members listen to him and see the reason that is behind his proposal. The Honourable the Leader of the Progressive Party started his speech by dissociating himself from the millowners and from everybody except the cane-grower, and curiously enough, he proceeded to say that this Bill will in course of time make the factories into skeletons implying thereby that the cane-grower will become fat and strong, while the factory will dwindle into a skeleton. Well, Sir, if that is the picture—

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: What I meant was that if the factory closes down on account of the high price fixed for the cane, what will be the fate of the cane-grower? How will he get a fixed price?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: He was afraid one stage will arrive where the factory will become a skeleton and therefore will close down; and the next stage will be when the cane-grower will become a skeleton. Is that so?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Yes.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Well, Sir, I commend his foresight to the consideration of the House. I suppose the cane-grower will be no worse off than he was before this Bill. However, do not let us talk of such horrid things. In the first place, no one in this House wishes the factory to be a skeleton. All of us want the factory to remain and to thrive and to do good business. Where would the consumers be if the factory became a skeleton? It is not our wish. Our wish is that the factory should be strong, that it should make profits and good profits, but not too much profit at the expense either of the consumer or the cane-grower. Let us have a fair deal. That is all Government is interested in.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Why not define the limits of the profit of each, *i.e.*, the grower and the manufacturer?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Oh, I daresay limits will soon be found. As a matter of fact, the two interests concerned when they are brought together will be far more reasonable than their supporters are here inclined to be. They will find a way, like the managers of the co-operative factories who are, according to the Honourable Member from the United Provinces doing such good work. Why not? I trust that the Honourable the Leader of the Progressive Party has not lost the cane-grower in him in his enthusiasm for the industry.

Proceeding to his Deputy, he again made an entry with trumpets blowing—What is this Bill? It tries to do a little good to the cane-grower; not worth looking at; throw it away; we want something substantial? Well, now, if this little thing threatens his Leader to reduce the factories to a skeleton, if I gave the full measure to the Deputy, there would be nothing left, not even the skeleton of the factories. What a contrast, and yet it speaks volumes for the independence of judgment of the members of the party! The Deputy says, "You worry yourself about the price of cane! What nonsense! Leave it alone! There are too many difficulties in solving it! Let us produce more cane!

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

Let us have better varieties!" As if, even if every acre produced more cane and better cane, the question of price will solve itself. The price will still have to be solved.

THE HONOURABLE MR. HOSSAIN IMAM : There will be more in our pockets.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : But there cannot be more in your pockets till the price is fixed. You may produce double the quantity of cane than you do now and sell it at less than half the price and then you will not have more in your pocket. You will have less. His was a pathetic attempt to run away from the difficulty, to talk in heroics in order to cover his retreat from the difficulties. I trust he does not mind my making this reference to a very human weakness ?

THE HONOURABLE MR. HOSSAIN IMAM : All of us have weaknesses.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : When we are face to face with a difficulty which does not lend itself to an easy solution, well, we say, leave it alone ; let us say something ennobling and refined or rhetorical and so on. That is all very well. I am always for it. It produces a good spirit and raises our ideals. Within limits it is very good, but it must be within limits and provided you go back to your difficulty to solve it. Well, he has not tried to solve it in any way. He has only said, "Leave it alone, let us produce more, and it will solve itself." Well, these difficulties have a nasty way of returning and refuse to solve themselves. The same observation applies to his remarks concerning transport and credit, points at which we have never been at issue. They are all good points and Government is always anxious to help in these matters. He has, however, made a very useful contribution to the controversy in suggesting that we should have a cess for cane-growers as well as for mills and that Government should make its own contribution to the cesses obtained from these two sources. No doubt the money is to be spent for the benefit of the cane-growers. He ended up by remarking about the Legislatures. I will not repeat myself on that subject. He need entertain no apprehension of Provincial Legislatures being left in the background. It may be a matter of satisfaction to him to know that the movement in the United Provinces comes more from the Legislature than from the executive Government. He knows also that in his own province the Legislature is persuading the Provincial Government to modify its views. Therefore in view of these things how can he imagine that this Bill does anything in the way of interfering with the powers of Local Legislatures or contains any provision which curtails their powers ? As a matter of fact, Sir, the trouble with the Honourable Member is this. I have presented them with a suit length of cloth. One man says, you have not made me an *achkan* and *pyjama* out of it. Another man says you have not made me a jacket and vest and a pair of trousers. Another man says I wanted only a *chaddar*, I do not want a suit. They forget that I have given them a piece of cloth. Each Local Government is free to make a nice lounge suit out of this measure, or an *achkan* and *pyjama* or, if it is so inclined, have a *chaddar* only, or make no use whatsoever of it, lock it up in the almirah and not use it. If they had understood that this was really all I claimed to do and have done, all their

criticisms would have been kept to themselves, and they would have said to themselves, as soon as the Local Government proceeds to make a suit out of this piece of cloth the people in the Legislature will see that they get what they require and not what the Local Government imagines they do. I have here the seeds of all the institutions which can be constituted with the object of doing the greatest possible good to the cane-grower as well as to the mill-owner. I pointed out clause 7, sub-clause (2) (a), wherein specific mention is made of setting up advisory committees—

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Why not make it obligatory then for the various Provincial Governments to consult their Legislatures ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Again I have to repeat myself which I do not like doing because the House does not like it. My Honourable friend says, "Leave the local Governments and Local Legislatures free. It is their job. It is a transferred subject. Why are you imposing your will on them ?" And yet the very next second he says, "Why not make it obligatory ?" As soon as I make it obligatory I take away their freedom, I take away their initiative, I take away all the authority that they possess. I impose my will on theirs. I work from the centre. I constitute myself into another Roosevelt. He does not want me to do it and at the same time he wants me to do it.

(At this stage one Member rose in his seat to interrupt.)

THE HONOURABLE THE PRESIDENT : We are already pressed for time and we should allow the Honourable Member to have his say.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : I think the real trouble is that if a little more time is devoted to thinking than to talking, the sessions of this House, or, for the matter of that, the sessions of the other House, will not be as long as they happen to be. I am sorry that my third friend of the Progressive Party has departed. I just have a few comments to make on his speech, which was an artistic one. He is for better prices for the cane-grower. He is for fixing prices, but he says it can be done only through co-operative agencies. Sir, I am free to confess that my own personal views are very much the same. The trouble at present is that an individual cane-grower or half a dozen growers or even a dozen do not stand the ghost of a chance ordinarily in standing up against a factory in case the manager of the factory is inclined to take advantage of his position. They bring their cart-loads of cane to the factory. He can maliciously, unfairly and unnecessarily make them wait for a day and then say that the cane has deteriorated, that it is not fresh, or say that he has got too much already and did not want any more. These things, I am assured, have happened and, to the knowledge of some of the Members opposite, are happening. Those who advise me that this is not a good enough measure and ask me to bring in another, do they feel that at present the conditions in factories other than those which are run on a co-operative basis are so satisfactory that they do not want Government to take any measures ? Do they not realize that it is necessary to do something to enable Local Governments to deal with the proposals that various non-officials in the provinces are placing before them from time

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

to time ? This Bill does no more than afford that opportunity. I claim that the amount of elasticity left to Local Governments is so great that this Bill in no way interferes with either their power of taking the initiative or of dealing with the situation.

Now, I come to the last point—a shower of questions. How will the price be fixed, variety of cane, various areas, various factors as to sugar-producing, and so on. Do you think I am justified in giving model answers to these questions which will be mooted perhaps in 10, 20 or 30 advisory committees in each province ? Certainly not.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : But you can lay down the principles ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : I cannot lay down the principles ; no one can lay them down. They will have to be settled for each area with reference to the local conditions. There is the question of varieties of cane. There may be areas controlled by clause 3, by a Local Government where that question does not arise. There are factories which are paying some price. Am I to understand that each manager of a factory is competent to judge between cart and cart, as to the sugar content in each cart and its paying price with reference to that ?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Roughly he does.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Roughly that is true, he is supposed to do so ; and yet what happens is they come and they go and they are paid on grounds entirely different from the sugar factor or any other factor. What I want to do is instead of the upper dog or the lower dog settling the issue on any one of these points, both of them having a third party who will prevent any one having an unfair advantage over the other. He will find out what is the difference and on what ground ; let each one put forward his case. They know perfectly well what the factories paid last year and even this year and what other factories are paying. Is it impossible for the cane-grower and the factory owner to settle between themselves what the price should be ? Why should you assume that in every case they will disagree even right to the end ?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : How will they be able to settle the minimum price ? The factory will have to pay the minimum price.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : If the factory says which is the minimum price they have to pay—

THE HONOURABLE THE PRESIDENT : I am afraid you are going into hypothetical questions ; it is not necessary.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : I was anxious, Sir, that these three Honourable Members should not feel that their suspicions and conjectures have been brushed aside. I know, as a matter of fact, that two of them are already converts and I do hope that the Leader of the Party will realize that it is best to retain leadership by sometimes following the followers. (Applause.)

THE HONOURABLE THE PRESIDENT : The Question is :

"That the Bill to regulate the price of sugar-cane intended for use in sugar factories, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

MATCHES (EXCISE DUTY) BILL.

THE HONOURABLE SIR ALAN PARSONS (Finance Secretary) : Sir, I rise to move :

"That the Bill to provide for the imposition and collection of an excise duty on matches, as passed by the Legislative Assembly, be taken into consideration."

The object of this Bill and the motive which has led Government to bring it forward are already known to Honourable Members from our budget discussions. It will, I think, Sir, therefore be sufficient in asking Honourable Members to take it into consideration if I confine my remarks to the one material alteration which has been made in our plan since the introduction of the budget. Honourable Members will recollect that the proposal then put forward was for an excise duty of Rs. 2-4-0 per gross of match boxes containing not more than 80 matches each. That proposal was of course put forward by the Government without an opportunity of consulting the manufacturing interests concerned, because naturally we could not reveal to them before the introduction of the budget what was essentially a budget secret. Since the introduction of the budget, however, Government have had an opportunity of discussion with the interests concerned and their representatives have also appeared before the Select Committee on the Bill appointed by the Legislative Assembly ; and a point, a very good one, the main point, put forward by the manufacturing interests was this, that it was necessary both in their interests and in the interests of the consumer of India to be able to place on the market even after the imposition of this excise duty a box of matches which would sell at one pice, and that if the duty was retained at Rs. 2-4-0 per gross of boxes, the one pice box would be impossible and that the lowest retail price would necessarily be two pice per box. Government, I may say, entirely accepted both those points, namely, the desirability if possible of maintaining a one-pice box and the likelihood that if that were done, consumption would not decline to the same extent as if the retail price per box became two pice. They agreed, too, that it was probable that they would get more revenue from the imposition of a rate of duty which would allow the rate of a one-pice box than from any other method. Therefore, in Select Committee it was proposed,

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and the proposal has been accepted by Government, that, in lieu of a duty at the rate of Rs. 2-4-0 per gross boxes, containing not more than 80 matches, there should be a sliding scale. There should be a duty of one rupee per gross boxes containing not more than 40 matches, and that small half-sized box can, Government understand, be put on the market at one pice per box ; a duty of Rs. 1-8-0 per gross boxes containing not more than 60 matches each, and a duty of Rs. 2 per gross boxes where the boxes contain something between 60 and 80 matches. These are the proposals in the Bill now before the Council. They have one very great advantage. They have not only been accepted by the Legislative Assembly but they represent agreed proposals with the manufacturing interests concerned. Now, in the introduction of a new

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tax of this character, a tax affecting practically the whole of the population of India and dealing with an article which is sold annually to the extent of about 3,000 millions, there are many complications—complications in the working out of which it is absolutely essential that Government should have the co-operation of the industry. It is therefore a great advantage of the revised proposals that we have in them carried the industry with us. They are proposals which I can confidently recommend to this House. They have unfortunately one defect. We cannot expect to get from them as much revenue as we originally anticipated, though I must admit that, after hearing the match manufacturers, my own view is that our original estimate of the receipts from a duty of Rs. 2-4-0 per gross boxes was too high. As Honourable Members may remember, we anticipated that we should get Rs. 1,92 lakhs net from this proposal to central revenues, after making allowance for Rs. 18 lakhs we have to give to Burma. We are afraid it is impossible to anticipate that we shall now get that sum, partly because I think we originally made an over-estimate which we certainly cannot expect to reach now the rates of duty are lower; partly because during the period before the imposition of the tax but after the proposal to impose it was known, there were very large issues from the factories and that stock will have to be absorbed before further issues are made, partly because the manufacture of these small boxes of about 40 matches means some dislocation in factory methods; and partly because we shall not be ready until I think the latter half of June to issue banderols. For all these reasons, we do not now anticipate that we can expect to get in the current year an issue from the factories equivalent to more than about nine months' ordinary issues, and as we shall not get in this year the tax for one of these months owing to the ordinary delay in the action of a new tax, we can only expect to get about eight months' return from the new tax in the current year. For these reasons we have found it necessary to reduce our estimates for this year on proceeds from this tax from Rs. 1,92 lakhs to Rs. 1,20 lakhs.

Honourable Members will wish to know to what extent that reduction in our estimates has in effect on our other budget proposals. Obviously if we are able to get only Rs. 1,20 lakhs where we previously expected to get Rs. 1,92 lakhs, we are not in the same position for giving assistance to Bengal and that minor assistance to Bihar and Orissa and Assam by means of half the export duty as we were before. We have no intention, Sir, of letting Bengal down and we think we can do so in this way. As I have explained we only expect to get about eight months' receipt from the tax this year and we must therefore confine our guaranteed distribution of half the export duty from jute to these provinces to the proceeds for eight months, or two-thirds of the year's proceeds. On the other hand, should our estimates either from receipts from this tax or generally show an improvement, it is our intention to make up the balance to Bengal and should we not do so what will be the effect on Bengal? It will merely be that they will add this year a certain amount, possibly Rs. 40 or Rs. 50 lakhs, to their deficit. We propose to take that addition to their deficit into account when dealing with their whole deficit debt and to see that in regard to that particular sum no loss will fall on Bengal. I hope the House will recognize that though our own resources in this connection have been somewhat restricted we have no intention of going back on the undertaking we have given to

Bengal, and that by the proposals which I have now had the honour of explaining that effect will be obtained. As a result in our own estimates instead of a surplus of Rs. 19 lakhs in the current year we expect to get a surplus of only Rs. 10 lakhs.

Sir, I move.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muham-madan) : Sir, I am afraid I will have to oppose this Bill because it falls on shoulders which are scarcely able to bear this burden. Matches are, as is well known, an every day necessity even to the poorest in India and a tax on it has done more harm to the popularity of Government with the masses than any action which the Congress had taken. I, Sir, do not see eye to eye with our Honourable colleague that we would be faced with a deficit of that amount which is involved in making payments to Bengal from this tax. I find, Sir, that like a prudent financier the Honourable the Finance Secretary has made a conservative estimate of his income and he has placed the disbursement at a figure higher than is absolutely necessary. These two elements, if counterbalanced, would make the position of the budget quite secure. I shall give details of how we propose to meet the deficit. The Honourable the Finance Secretary has told us that only Rs. 1,20 lakhs are hoped to be got out of this duty. This small amount can be had from three items which have been debited to the expenditure side but which ought not to be so debited. The first and foremost is the sum of Rs. 58 lakhs which the Honourable the Finance Secretary has provided for paying interest on war debts. The budget which Mr. Neville Chamberlain presented in the House of Commons on the 17th made no provision for payment of debts to America or to any other war debt creditor. That should have been the guiding principle for the Government of India. This is the second time that the Chancellor of the Exchequer in England has made no provision for payment of debts and this is the second time that my Honourable colleague has made this provision. On the last occasion he had not to pay and the amount was unspent. The second item which I wish to disappear is Rs. 52 lakhs which has been provided under the heading of avoidance and reduction of debts. These are for payment of the capital portion of the railway annuities. I object to it on two grounds, firstly, that it is not a payment which ought to be made from general revenues, and, secondly, it will be better for the Railways to pay it for themselves so that they may get relief in interest charges which they now pay. At present the position is that these payments, because they are made out of general revenues, are not debited to the commercial accounts. This is a wrong policy. If the railways have still something left in the Reserve fund it can be utilized for payment of this amount because this will mean that they will be saving in interest charges.

THE HONOURABLE SIR ALAN PARSONS : On a small point, may I correct ? The railways unfortunately have nothing whatever left in their reserve.

THE HONOURABLE MR. HOSSAIN IMAM : They have a little there and their balance in the Depreciation fund is Rs. 13 crores. You can take a loan as we are doing now in meeting our deficit from the loan account. Then, Sir, I find that although the Honourable the Finance Member said in his speech that he did not expect to have more than Rs. 30 crores of treasury bills on the average, the provision that has been made for payment of interest in the memorandum

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suggested by my Honourable colleague is Rs. 99 lakhs. The highest rate that we have paid last year was not more than Rs. 2-8-0 per cent. on treasury bills. If we worked on that basis, Rs. 30 crores will require only Rs. 75 lakhs. You have estimated for an expenditure of Rs. 24 lakhs more there. We find that last year, too, he made more provision than what was really required.

THE HONOURABLE THE PRESIDENT : Your suggestion is quite sound, but is it possible now to alter the allocations when the Assembly has been adjourned !

THE HONOURABLE MR. HOSSAIN IMAM : The Assembly does not vote these allotments. Most of this is expenditure under the control of the Governor General in Council and as such they are always open to readjustment. I have brought forward a little detailed figures in order to set at rest the point that was made that if we throw out this Bill, Government will be placed in a bad position of having budgetted for excessive expenditure. Sir, this Bill is open to one very great constitutional objection. It provides for the participation of the States in an income accruing in British India. Sir, this is the thin end of the wedge. If we admit this liability, we will be nowhere. The States will have as good a claim to our income from customs as they have now from excise. We know that India at present is unable to meet its expenditure with all the income that is coming and what will be its position if we give to the States the right to participate in the proceeds of British Indian taxation ?

My other objection is that this is a source of revenue which we had reserved for the Federation in order to meet the deficits of the Federal Government. An answer to this charge was given by the Honourable the Finance Member when he said that the payment of part of the jute export duty to Bengal was one of the functions of the Federal Government. There, I agree, but we also know that we will have to give up a part of the income-tax too. As he was imposing two excise duties, one, the sugar excise duty, should have been utilized to meet that deficit and the matches should have been left untouched to meet the deficit which is likely to occur from the loss of a portion of the income-tax. I would therefore suggest to the Government not to be content even if they get the Bill passed, but to find out ways and means by reducing expenditure so that we may be in a position to do without that portion of the income-tax which has been earmarked for the provinces. Yesterday, Sir, I objected to the extraordinary powers that are being given to the Governor General in Council by means of these Bills. In this Bill this excessive power has reached a point at which it is really impossible for any member of the Legislature to sit without doubting the necessity of having any Legislature at all. I refer to the provision in clause 18 (3) in which power has been given to the Governor General in Council to punish people with imprisonment which may extend to six months. It would simplify our duty to a great extent if we were to bring forward a Bill empowering the Governor General to discharge all the functions of the Council of State. There will then be no necessity of wasting the public money in having anybody here. There ought to be some limit to the powers which are given to the executive. Excessive powers are given to the executive not because there is any desire on the part of the executive to get too much power but because I feel that Bills are being introduced with such rapidity and without sufficient consi-

deration that there is no time left to fix up all the necessary items that will be required and it is more as a safeguarding measure that they place such clauses as parts of the Bill, in order to hide the fact that the measure has been conceived in a hurry and is necessarily suffering from those defects.

Sir, the reduced purchasing power of the masses of Indians and the great reductions in our agricultural prices and the increased customs duties reflected in the prices of manufactured goods would have entitled Indians to look forward to relief from taxation. But instead of that we have been taxed more this year, and I wish to state that India is suffering from poverty and inability to pay. The more the taxes increase the more incidence grows but the amount is always falling. If we were to examine the total tax income of the Government we will find that, in spite of the tax in some items being almost doubled and in some cases increased by 50 per cent., the total net income has not increased beyond what it was in 1930. That is, Sir, an object lesson to the Government to give up this easy way of meeting the deficit. The real way is to reduce our external expenditure. Unless that is done and the drain on India is stopped, we can never hope to have a balanced budget or prosperity in India.

Sir, I oppose.

THE HONOURABLE SIR ALAN PARSONS: The Honourable Member who has just sat down gave three or four reasons against the adoption of this measure. I should like quite briefly to refer to each of them. First of all, he objected to the measure because it will increase the price of a common article of use to the poorest consumer. I have of course to admit that this is so. But there are certain considerations which I think this Council will consider mitigate the position. Since protection was given to the manufacture of matches in this country internal competition has brought down the price very greatly. Even as short a time back as 1923-24 I believe no box of matches could be purchased at less than one pice, and that is the rate at which a box will be able to be purchased after this Bill has been brought into force. Secondly, of course, as Honourable Members are no doubt well aware, taxation on matches is common to most of the countries in the world, and at present and even after the imposition of this excise duty the purchaser in this country will obtain matches at a very much lower price than in practically any other country.

THE HONOURABLE MR. HOSSAIN IMAM: Will we have the same purchasing power as we had in 1924?

THE HONOURABLE SIR ALAN PARSONS: The Honourable Member is always trying to put to me questions which he is quite well aware neither I nor anybody else could possibly answer. Secondly, the Honourable Member does not agree with our budget estimates. He accuses me of having underestimated our revenue and over-estimated our expenditure. I hope of course that he is right. I trust that at the end of this year he will prove to be completely right, and that it will be possible to remove some of the burdens of existing taxation. But in the matter of the estimates I can only say this, that the Department I have the honour to represent has a certain amount of experience. They realize from that experience that they may go wrong, but all they can do is to put up the fairest estimates they can frame on the best knowledge at their disposal at the time the estimates are made, and on that knowledge I am perfectly sure that our estimates are as accurate as they could be made. The

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Honourable Member then indulged in a large number of financial heresies. He suggested to begin with that in lieu of this tax, which as I have explained will give us in 1934-35 Rs. 1,20 lakhs, that is, only about two-thirds of what we want for assistance to Bengal, we should first of all omit the item of Rs. 58 lakhs for paying interest on our war debt to the British Government. I am, I admit, hopeful that we may not have to pay that amount this year, but I am also equally aware that if we do not have to pay that interest there are certain other directions in which sums are due to us which very likely we may not be able to realize. I could not even for this year take that Rs. 58 lakhs into account, and what use would this saving in one year be in order to enable me to pay annually in future half the export duty on jute to Bengal? Next he assumed that I could get another Rs. 50 lakhs—I am not quite sure whether it was from not paying the annuitants the sums under railway annuities which we are bound to pay to them, or from throwing that sum on to the railway budget which is already in deficit and to which deficit it would only add. In any case I am sure he would not suggest that this is a proposal which could be adopted invariably in the future in order to meet what in effect is an annual reduction in our revenues owing to the assistance to Bengal. Lastly, Sir, he accused me of having over-estimated the amount we shall have to pay in our ordinary interest charges this year, chiefly because he assumed that our treasury bills outstanding would be only Rs. 30 crores throughout the year. I will not go into the figures, in fact I have not got them in my memory at the moment, though I am quite prepared when I next meet the Honourable Member to show him how the estimates are framed. The position is of course quite simple. On our budget estimates we assumed that on the 1st April this year our outstandings of treasury bills would be only Rs. 30 crores. But in the course of the year, particularly in the earlier months of the year, the outstandings of those bills, as any Honourable Member who follows Government finance knows, tend to rise. They may go up to Rs. 40 crores or more. They then tend to go down towards the end of the year. It is quite useless to take merely Rs. 30 crores as the figure and apply to it some figure of what is estimated as the possible rate of interest throughout the year. Therefore none of my Honourable friend's three expedients for finding this Rs. 1,20 lakhs can have any appeal to anybody who claims to be a sound financier.

He raised next the question of the Indian States. I admit, Sir, that it is a difficult question. The position is this, that to avoid a loss to our own revenues it was at this stage necessary to bring the Indian States in, and the only way that we could see of doing it was to give those States a share in this duty on the undertaking by them that if any match factory were started or were in existence in their territories they would impose a similar duty. But it was made quite clear that this would in no way prejudice the decision after Federation and in fact I may say that some of the States—and those by no means the least important—themselves made the same stipulation. So far therefore as it is possible for the Government to safeguard the position after Federation comes in they have done so by the action they have taken.

Lastly, he made a criticism of one of the details of the Bill; and I was rather surprised to hear a lawyer of his eminence say that we were taking

the most objectionable powers under clause 18 (3). He said that was evidence that this was a hurriedly conceived measure and therefore we had to put in clauses of this nature without defining the offences which it is intended to penalise. I am not a lawyer myself, but my Honourable friend Mr. Spence informs me that this clause 18 (3) is quite a common clause appearing in a very large number of Acts, with some of which at least I should have expected my Honourable friend to be acquainted. So far as the measure being hurriedly conceived, I have got with me the papers and I observe—it was before I held my present appointment—that the measure was first mooted and the proposal gone into seriously as long ago as 1929. That I think deals with all the points raised by my Honourable friend, and I have nothing more to add. I hope the House will pass this Bill.

THE HONOURABLE THE PRESIDENT : The Question is :

“That the Bill to provide for the imposition and collection of an excise duty on matches, as passed by the Legislative Assembly, be taken into consideration.”

The Motion was adopted.

THE HONOURABLE THE PRESIDENT : The Question is :

“That clauses 2 to 10 stand part of the Bill.”

THE HONOURABLE SAIYID RAZA ALI : May I suggest, Sir, that clause 7 be taken separately? I have got a few observations.

THE HONOURABLE THE PRESIDENT : The Question is :

“That clauses 2 to 6 stand part of the Bill.”

The Motion was adopted.

THE HONOURABLE THE PRESIDENT : Clause 7.

THE HONOURABLE SAIYID RAZA ALI : Sir, according to clause 7, the bringing of matches from Indian States into British India is totally prohibited, with certain exceptions. This House will remember that a clause similar in purpose to the present clause found a place in the Sugar (Excise Duty) Bill. There the Government dealt with it in this way. If sugar from an Indian State was brought into British India, that sugar was liable to a customs duty which was to be paid at the same rate at which the excise duty was payable on sugar manufactured in British India. That no doubt was quite sound. Now, here, I find that the majority of those Indian States which produce matches have entered into an agreement with the Government of India under which they would levy a duty which would correspond to the duty which is to be levied in British India and that amount would go to a common pool and the proceeds would be divided between the Government of India and the Indian States in certain proportions. So far so good, and I do not think any fault can be found with that.

Now, we come to the next provision. The next provision is for the total prohibition of matches into British India. I for one fail to see why a departure in policy has been made from the lines chalked out in clause 6 of the Sugar (Excise Duty) Bill which we passed yesterday. Now, if I may be permitted for a second to refer to clause 6 of that Bill, it will be found that in the case of sugar imported into British India a customs duty is to be paid at a uniform rate, namely, at the same rate at which excise duty is leviable in British India. To me it seems that this is a very sound arrangement and if any Indian State is unwilling to come to an agreement with British India, I see no reason why

[Saiyid Raza Ali.]

the bringing of its goods into British India should be prohibited, which would surely put us to the loss of revenue which those goods would have paid if a duty had been charged on those goods. To me it seems that the dangers that may be taken into consideration in this connection are two. First, we forego a certain amount of money to which we are entitled. If there is an Indian State which is unwilling to join the scheme formulated by the Government of India, there is no reason why any particular sympathy should be wasted on that State and therefore if matches manufactured in that State are brought into British India, by levying a customs duty at the same scale at which excise duty is payable we would be benefitting our exchequer to a certain extent. So my first point is that there is no reason why we should deprive ourselves of that revenue. My second point is that having regard to the geographical situation of a number of States which intersperse British India, this clause would largely lead, I am afraid, to smuggling. After all matches are not a very bulky article. It would be very easy for interested persons to bring illegally, to smuggle, matches manufactured in an Indian State into British India. These are the two objections, I believe, that would readily suggest themselves to any one who would compare the provisions of clause 7 of the present Bill with the provisions of clause 6 of the Sugar (Excise Duty) Bill.

THE HONOURABLE THE PRESIDENT : The Question is :

“That clause 7 stand part of the Bill.”

The Motion was adopted.

Clause 7 was added to the Bill.

Clauses 8 to 18 were added to the Bill.

Clauses 19 to 21 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE SIR ALAN PARSONS : Sir, I move :

“That the Bill to provide for the imposition and collection of an excise duty on matches, as passed by the Legislative Assembly, be passed.”

THE HONOURABLE MR. HOSSAIN IMAM : Sir, may I ask one question ? Provision has been made in clause 12 (2) to fine those people who are selling matches ; a penalty is imposed on sellers of matches not bearing a banderol or stamp. May I take it that the intention of Government is that matches which have already been issued and which are in the possession of retailers and whole sale merchants will also be subjected to the imposition of this excise duty or are they free ? I ask because that will mean a great deal of difference in the income which is to be derived either on the eight months' basis or the eleven months' basis.

THE HONOURABLE SIR ALAN PARSONS : If the Honourable Member will refer to clause 3 he will see that the imposition of the duty depends upon the issue from the factories. It will not therefore affect stock in the hands of retailers or even wholesalers which was transferred from the factories before

the Bill comes into force. I think that answers my Honourable friend's question.

THE HONOURABLE MR. HOSSAIN IMAM : My difficulty was that we would not be able to find out whether a retailer is selling an unstamped match box which he got before the passage of the Act or after its passage. How is the retailer to find out because he will also be subject to this penalty of a fine of a thousand rupees—how is he to find out that a match box that has been sold to him unstamped is not a surreptitious issue ?

THE HONOURABLE SIR ALAN PARSONS : We propose to deal with that, Sir, in the way in which we fix the period after which the sale of unbanderolled boxes will be illegal. It will be sometime in the middle of October, by which time all these issues will no doubt have been used up.

THE HONOURABLE MR. HOSSAIN IMAM : This will mean, Sir, that the consumers will be out of pocket of Rs. 50 lakhs without filling the Government's pocket, to the profit of the capitalists alone.

THE HONOURABLE SAIYID RAZA ALI : May I ask the Honourable the Finance Secretary to answer the question which I put a few minutes ago ?

THE HONOURABLE SIR ALAN PARSONS : Sir, the Honourable Member asked me why we made different provisions in this Bill to those we have made in the Sugar (Excise Duty) Bill for dealing with possible imports from Indian States. The answer is really this. There is very considerable difference in the manufacturing operations of sugar and matches. Match machinery can be very cheaply and easily shifted from one place to another and therefore unless we were to bring the Indian States in with us it would pay match manufacturers to transfer their plants to Indian States where an excise duty is not imposed, and it would be a practical impossibility for us to put a cordon line round all the numerous States of India. Therefore in order to get this tax into working order we had to take the main safeguard of sharing the proceeds with the Indian States, thereby giving them no incentive to encourage the industry to transfer itself to their territory. That position does not arise in regard to sugar. Sugar factories can as a rule only be established where sugar-cane can be grown and I think only a very small proportion, about five per cent. of the cane cultivation is in Indian States.

THE HONOURABLE SAIYID RAZA ALI : Is the number of States engaged in the manufacture of matches very large ? I thought that was very small too ?

THE HONOURABLE SIR ALAN PARSONS : At the present moment I think the number is not very large. I think the Honourable Member is correct but should factories be given a chance of escaping this very heavy excise duty by transferring themselves to Indian States, the number would no doubt become very large in the course of a year or so. We had to guard against the prospective danger. That danger does not arise to anything like the same extent in regard to sugar. I think that answers the point which my Honourable friend made as to the reason why we adopted a different course in regard to matches from that which we adopted in regard to sugar.

THE HONOURABLE THE PRESIDENT : The Question is :

"That the Bill to provide for the imposition and collection of an excise duty on matches, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

MOTION RE COMMITTEE TO ENQUIRE INTO AND REPORT ON THE WORKING OF AND RESULTS ACHIEVED FROM THE OTTAWA AGREEMENT.

THE HONOURABLE MR. T. A. STEWART (Commerce Secretary): Sir, I move :

“That the Committee to be set up in pursuance of the Resolution adopted by this Council on the 20th of March, 1933, to enquire into and report on the working of and results achieved from the Ottawa Agreement do consist of the following nine Members of this Council :

- (1) The Honourable Sardar Buta Singh,
- (2) The Honourable Mr. Satyendra Chandra Ghosh Maulik,
- (3) The Honourable Mr. Hossain Imam,
- (4) The Honourable Mr. Vinayak Vithal Kalikar,
- (5) The Honourable Mr. E. Miller,
- (6) The Honourable Saiyed Mohamed Padshah Sahib Bahadur,
- (7) The Honourable Sir Alan Parsons,
- (8) The Honourable Saiyid Raza Ali, and
- (9) The Mover.”

In making this Motion, Sir, I may mention for the information of Honourable Members that it is proposed that the Committee should meet and enquire into the working of the Ottawa Agreement in the course of the next Legislative session. We have now under preparation the material which will be placed before them and we hope shortly after the end of May to be in a position to circulate a comprehensive memorandum which they may study between the time of receipt and the meeting of the Committee. Sir, I move.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan): Sir, before we deal with the subject matter of the Motion I should like the Honourable the Commerce Secretary to enlighten this House as to why the Government has changed its ground and have put this Motion in a different form from that in which they proposed to move it on the 16th of April. Sir, if we look up the agenda of the 16th April we find that the Motion in the name of the Honourable Mr. Stewart is worded as follows :

“That the Committee to be set up in pursuance of the Resolution adopted by this Council on the 20th March, 1933, to enquire into and report upon the working of and results achieved from the Ottawa Agreement do consist of five members to be elected by the non-official Members of this Council and of four members including the Chairman to be nominated by the Governor General in Council and that the non-official Members of this Council do proceed in such manner as may be approved by the Honourable the President to elect five Members of this Council to be members of the said Committee”.

I, Sir, expect that the Honourable Mr. Stewart will inform this House why the election has been done away with and the present method adopted.

THE HONOURABLE MR. T. A. STEWART : Sir, the reason why the method of selecting this Committee has been changed is this, that after having given notice of the Motion in its original form it appeared to me, after discussing with my Honourable Member, that it might be difficult in the method originally

proposed to secure adequate representation of as many interests in this Council as one might desire. Before deciding to revise the form of the Motion, I consulted various Party leaders within this House and I was assured by them that the method now proposed was preferable to the one originally proposed which had apparently caused them to entertain the same doubts as had arisen in my own mind. For that reason, Sir, I altered the form of the Motion.

THE HONOURABLE THE PRESIDENT : May I know what procedure was adopted in the Legislative Assembly? Was the privilege of election given to that body?

THE HONOURABLE MR. T. A. STEWART : It was, Sir. But the Committee to be elected there was not constituted in the same way as the Committee to be elected here. In the other House I believe a Committee of the Assembly was to be constituted. Here, owing to the wording of the Honourable the Leader of the Progressive Party's original Resolution—the Resolution adopted was that a Committee should be appointed with a non-official majority. If Honourable Members will consider, they will find that it is rather a difficult proposition to arrange for the election of such a Committee, except by limiting the right of choice of the non-official Members to an undue extent.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : On a point of explanation, Sir. The Honourable Mr. Stewart was good enough to consult me in the matter, but he never told me that the election will be done away with. What I was asked was, "How many people from my Party were willing to stand for this Committee?" He did not take me into his confidence to the extent that he will change his procedure on the Motion and do away with election. I think the privilege of election ought not to be withdrawn from this House and so this Motion ought to be opposed as the principle of election has been done away with.

THE HONOURABLE SAYYED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) : Sir, the Honourable Mr. Stewart, before changing the procedure, met me also and told me that he had consulted the other Party and wanted to know if I was also agreeable to the suggestion he would make, namely, that instead of election we should have this Committee appointed by way of nomination, and I gave my assent to this only for the reason that this proposal came at the fag end of the session, and at a time when this Motion was to be moved, most of the non-official Members had gone away. So, I thought that instead of the choice being made only by a few non-officials, there was no harm if the Committee was appointed and the members were nominated. If the proposal had come just at the beginning of the session, and if non-official Members had been present in their full strength, I do not think I would have given my consent to it. But I think, Sir, that taking all the circumstances into consideration, the course that has been adopted is not objectionable.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central : Non-Muhammadan) : Sir, as the Honourable the Commerce Secretary has said that the Committee is not going to sit till the next session of the Council, I think there will be no hurry if this Motion is postponed and put on the agenda of the first day when the Council

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

meets. The Committee will sit afterwards, and therefore, there will be no harm. Government in the meantime may collect material and place it before the Committee when it meets.

THE HONOURABLE THE PRESIDENT : I am sorry I was not consulted at all in this matter. If I was consulted, I would certainly have advised Government to treat this Council in the same manner as the Assembly. Differences like these unfortunately give ground to Honourable Members to complain in this House. I would like to know if the Honourable Mr. Stewart is prepared to accept the suggestion made by the Honourable Mr. Mehrotra.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House) : May I for a moment interrupt before Mr. Stewart is called upon to make his choice ? Mr. Stewart can only adopt one of the two alternatives, namely, to have his Motion accepted or rejected or put off till the next session. You, Sir, are very well aware that the Council of State is not at all present in Simla till a few weeks after the Assembly has been in session. Therefore, assuming that the Assembly meets towards the middle of July, it will be some time in August before this House is called up. What will be the gain ? This House will be asked to elect a Committee of nine.

THE HONOURABLE THE PRESIDENT : Not nine, but a smaller number. The rest will be nominated by the Government. That was the original Motion.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : All the more difficult. This House will not get a more representative Committee than the one on the paper.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : That is a question of opinion, Sir.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : That is a question of opinion. It will be verified in the month of August. I have little doubt what the verification will be. It is for the House to decide. Do they not want a Committee to sit at the same time as the Assembly Committee is sitting ? If they want the right to elect five members, remembering that the electorate does not consist of the Progressive Party only, and that in any Committee of five, even if it is of non-official Members, the Progressive Party cannot have two out of five. It is for them to decide. In the present proposals, two out of nine are nominees of the Progressive Party, one is a nominee of the Independent Party, and the other three come one from the nominated Members and two from the unattached Members. What has been shown on the paper could be arrived at by election as well. However, I do not want to influence the House. If they will express themselves as to whether they want to wait till next August for constituting this Committee or whether they would be satisfied with the Committee as constituted, provided it is clearly understood by Government that the House is touchy on that point and in future they ought to be given the right of election.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Sir, I oppose the Motion.

THE HONOURABLE THE PRESIDENT : I think it is for the Council to decide whether we should proceed with the Motion or postpone the question.

If any Honourable Member wishes to move an amendment to this Motion that the question may be deferred till next August, I am prepared to accept the amendment.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Sir, I beg to move :

“ That the consideration of the Motion be postponed till the first day of the Council of State session at Simla.”

THE HONOURABLE THE PRESIDENT : I will first put the amendment to the vote. You have not handed over a copy of your
1 P.M. amendment to me. It must be definite in character.
(The Honourable Member then wrote out the amendment and handed it to the Honourable the President.)

THE HONOURABLE THE PRESIDENT : Amendment moved :

“ That the consideration of the question be postponed till the first day of the Council of State session at Simla.”

The discussion will now proceed both on the amendment and on the original Motion simultaneously.

THE HONOURABLE SAIIYED MOHAMED PADSHAH SAHIB BAHADUR : Sir, if this is going to take some time I suggest that as today is Friday and it is time for prayers the meeting be adjourned.

THE HONOURABLE THE PRESIDENT : This question will not take more than five minutes, I do not think it will be right to adjourn at this stage.

THE HONOURABLE MR. G. S. KHAPARDE (Berar Representative) : I wish to support this amendment for this reason, the true reason on which it is based has not been brought out. In the law and regulations and everywhere else provision is made for joint committees, but I have observed that within the last six years not a single joint committee worth mentioning has been appointed. What is now done is that the Assembly always appoints a select committee of its own Members. Then they also circulate Bills for public opinion, and so when a Bill reaches us we have no means left of discussing the Bill from all points of views. Sir, I have felt this position to which the Council of State has been reduced very keenly. Our Council has been ignored and as far as possible kept out of important work. Once a Bill has been committed to a select committee by the Assembly or has been circulated, we cannot appoint a committee or send it out again. That Bill comes to us and we are given a day and told to argue it out. Often I have had many new points to raise, but they are barred, and I have had to go home without talking about it at all. I have felt that position keenly all along, that our House has been ignored and all dignity has been denied to it. In fact it is talked about outside with some amount of contempt. I therefore support this amendment. The constitution has given us a certain position and that position we are bound to occupy and keep. I feel very strongly—it may be a personal reason and people are at liberty to say I am wrong—but I feel that the House in which I sit should not be ignored and it should enjoy all its rights and privileges, and my feeling is that we should obstruct at such a point as will be most inconvenient to the Government in order to ensure proper treatment.

For these reasons, Sir, I support the amendment.

THE HONOURABLE THE PRESIDENT : I said that the Honourable Mr. Stewart did not consult me. My attention has been drawn now by the Honourable Secretary to the fact that Mr. Stewart did speak to me about this Motion and I took no objection. I therefore withdraw my remarks and apologize.

THE HONOURABLE MR. T. A. STEWART : May I say that I accept the proposed amendment on behalf of Government.

THE HONOURABLE THE PRESIDENT : The amendment is accepted. Nothing now remains but to close this session. This session has been a long and protracted one, but that has been due to circumstances over which we had no control. At the same time it is a great satisfaction to me that Honourable Members have discharged their duties with such promptitude that we are in a position to close the session today.

The Council then adjourned *sine die*.

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