

Wednesday, 10th April, 1935

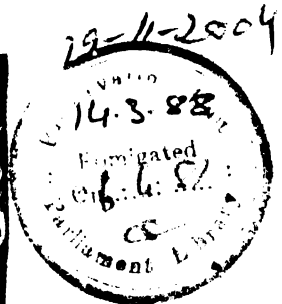
THE  
COUNCIL OF STATE DEBATES

VOLUME I, 1935

*(11th February to 17th April, 1935)*

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NINTH SESSION  
OF THE  
THIRD COUNCIL OF STATE, 1935



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1935.

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# COUNCIL OF STATE.

Wednesday, 10th April, 1935.

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

## QUESTIONS AND ANSWERS.

### USE OF LACHRYMATORY OR TEAR GAS FOR DISPERSING MOBS.

117. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD :  
(a) Is it a fact that lachrymatory gas or tear gas bombs have been successfully used in America and some other western countries for dispersing crowds ?

(b) Have the Government of India ever tried this method in dealing with excited mobs rather than resorting to firing ? If so, with what result ? If not, why not ?

THE HONOURABLE MR. M. G. HALLETT : (a) As far as I am aware, tear gas is used in America for the dispersal of mobs. I have no information whether it is used for this purpose in other western countries.

(b) The answer to the first part is in the negative. The second part does not arise. As regards the last part, Government have on more than one occasion considered this proposal and have decided against it mainly on the ground that if tear gas is used for dispersal of mobs the gas is difficult to control and there is a danger of stampedes and panic which may result in considerable loss of life. They are however again going into this question.

### RUNNING OF THROUGH CARRIAGES FROM DELHI TO HARDWAR ON THE NORTH WESTERN AND EAST INDIAN RAILWAY SECTIONS *via* MEERUT, ETC.

118. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD :  
(a) Is it a fact that one I and I<sup>1</sup> class through carriage and one inter and III class through bogey used to run from Delhi to Hardwar on the North Western Railway and East Indian Railway sections *via* Meerut, Muzaffarnagar and Saharanpur until a few years ago ?

(b) Is it a fact that since the construction of the new East Indian Railway Gajroula-Chandpur-Siau-Najibabad Branch a few years ago a direct train runs from Delhi to Dehra Dun on this new section and consequently the running of through carriages on the line referred to in (a) has been discontinued ?

(c) Has it been represented to Government that as a result of this discontinuance of the through carriages between Delhi and Hardwar *via* Meerut, Muzaffarnagar and Saharanpur great inconvenience is caused to the travelling public who visit Hardwar as a great Hindu pilgrim centre from the stations lying between Ghaziabad and Saharanpur on account of their having to change either at Saharanpur or Ghaziabad and at times at Lhaksar also ?

(d) Do Government propose to revive the running of some through carriages on the above mentioned section as in past years ?

THE HONOURABLE SIR GUTHRIE RUSSELL: (a) Yes. The running of the through service was discontinued from June, 1932.

(b) The construction of the branch line was to provide a more direct route between Delhi and Dehra Dun from January, 1930.

(c) Government have received no representation, but I am prepared to accept the Honourable Member's statement that inconvenience is caused to passengers from stations between Ghaziabad and Saharanpur travelling to Hardwar and back.

(d) I am conveying the Honourable Member's suggestion to the Agent, East Indian Railway, for consideration.

#### ELIGIBILITY OF VAISHYAS FOR ENLISTMENT IN THE INDIAN ARMY.

119. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD:

(a) Will Government kindly state whether Vaishyas are eligible for enlistment in the Indian Army ? If so, what is their number in the army and what sections of the army are open to them ? If not, why are they considered unsuitable for recruitment ?

(b) Are Vaishyas residing in Kumaon enrolled in the army ?

(c) Is it a fact that during the Great War some Vaishyas were enrolled as soldiers and that some Kumaoni Vaishyas are at present subedar-majors ? If so, why are the Vaishyas not allowed the same opportunities of serving in the army now as they were allowed during the Great War ?

THE HONOURABLE LIEUTENANT-COLONEL A. F. R. LUMBY: (a) There is no record of the number of Vaishyas at present serving in the Indian Army but they are eligible for enlistment in the following units :

King George's Own Bengal Sappers and Miners.

Indian Army Service Corps (Mechanical Transport and Animal Transport).

Indian Army Veterinary Corps.

(b) Vaishyas residing in Kumaon are eligible for recruitment to the same extent as Vaishyas residing elsewhere.

(c) Government have no information as regards the first part of the question, as they keep no record of the enlistment of members of sub-classes.

#### MOTION FOR ADJOURNMENT.

#### REFUSAL OF THE GOVERNMENT OF INDIA TO HOLD A PUBLIC ENQUIRY INTO THE KARACHI DISTURBANCES.

THE HONOURABLE THE PRESIDENT: Honourable Members, I have received a notice of an Adjournment Motion from the Honourable Raja Ghazanfar Ali Khan. The notice reads as follows :

" Sir, I beg to give notice of an Adjournment Motion which I beg leave to move to-day to discuss a definite matter of urgent public importance, namely, Government's refusal to appoint a public enquiry into the Karachi firing in March, 1935 "

Personally, I think the Motion is in order, but I would like to ascertain the wishes of Government if they have any objection ?

**THE HONOURABLE KUNWAR JAGDISH PRASAD** (Leader of the House): Sir, Government have no objection to the Motion being made.

**THE HONOURABLE THE PRESIDENT**: Has any other Honourable Member any objection ?

(No Honourable Member objected.)

Then I allow the Motion which will be taken up for discussion at 4 P.M. this afternoon.

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## STATEMENTS LAID ON THE TABLE.

### RESERVE BANK OF INDIA (NOTE REFUND) RULES, 1935.

**THE HONOURABLE MR. P. C. TALLENTS** (Finance Secretary): Sir, I lay on the table a copy of the Reserve Bank of India (Note Refund) Rules, 1935.

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### RESERVE BANK OF INDIA.

#### NOTIFICATION.

New Delhi, the 16th March, 1935.

No. 1.—In exercise of the power conferred by the proviso to section 28 of the Reserve Bank of India Act, 1934 (II of 1934), the Central Board of Directors of the Reserve Bank of India by virtue of the power conferred by section 7 of the said Act, and with the previous sanction of the Governor General in Council, makes the following rules prescribing the circumstances in, and the conditions and limitations subject to, which the value of any lost, stolen, mutilated or imperfect currency note of the Government of India or bank note may be refunded as of grace.

1. *Short title*.—These rules may be called the Reserve Bank of India (Note Refund) Rules, 1935.

2. *Definitions*.—In these rules, unless there is anything repugnant in the subject or context—

(a) 'altered note' means a note in which an alteration has been made in the number, date, signature or value or in any other respect ;

(b) 'the Bank' means the Reserve Bank of India constituted by the Reserve Bank of India Act, 1934 ;

(c) 'half note' means a half of a note which has been divided vertically through or near the centre ;

(d) 'mismatched note' means an imperfect note formed by joining a half note of one note to a half note of another note ;

(e) 'mutilated note' means a note of which a portion is missing :

Provided that the portion presented is clearly more than a half note and that if the portion presented consists of parts of a note joined together each part of such portion is identifiable as part of the same note ;

(f) 'note' means a note of the Reserve Bank of India, including a currency note of the Government of India issued either by the Governor General in Council or by the Bank ;

(g) 'number' includes the letters of the series to which the note belongs ;

(A) 'obliterated note' means a note, not being a mutilated or altered note, of which a portion has become or has been rendered undecipherable;

(i) 'office of issue' means the office of the Issue Department of the Bank at Bombay, Calcutta, Madras or Rangoon or the Branch of the Issue Department of the Bank at Cawnpore, Karachi or Lahore.

(j) 'prescribed officer' means the officer in charge of an office of issue.

3. *Presentation of claims.*—(1) A claim in respect of a note of which the denomination does not exceed ten rupees may be presented at any office of issue and may be dealt with by the prescribed officer at any such office.

(2) A claim in respect of a note of which the denomination exceeds ten rupees shall be presented to the prescribed officer in charge of the office of issue to which such note appears to belong, and such prescribed officer shall alone be authorised to entertain it.

(3) When a claim has been presented to a prescribed officer who is not authorised to entertain it under sub-rule (2), such officer shall return the note to the presenter and refer him to the officer to whom it should be presented under sub-rule (2).

4. *Time limit to claims.*—If it appears to the prescribed officer authorised to entertain the claim that any claim was not made by the claimant within 12 months of the time when it might first have been made by him, the prescribed officer shall not entertain the claim.

5. *Value limit to claims.*—(1) No claim in respect of a note alleged to have been lost, stolen or wholly destroyed, or of which the portion presented is neither a half note nor a mutilated note, shall be entertained unless the denomination of the note exceeds ten rupees.

(2) No claim in respect of a half note or a mismatched note shall be entertained unless such half note or one of the half notes comprising the mismatched note is part of a note of which the denomination exceeds ten rupees.

6. *Enquiry into claims.*—(1) Where any claim is made under these rules the prescribed officer authorised to entertain the claim shall hold an inquiry unless the claim relates to a note alleged to have been stolen, in which case he may reject the claim without holding any inquiry.

(2) If in the course of the inquiry referred to in sub-rule (1) the claimant fails without reasonable cause in the opinion of the prescribed officer to furnish within three months any information called for by the prescribed officer, the prescribed officer may reject the claim.

7. *Rejection of claim concerning half note.*—A claim for the value of a half note shall be rejected unless the number of the note is identified by the prescribed officer on the half note and the half note is entire and has not been divided and rejoined.

8. *Rejection of claim concerning mutilated note of less than ten rupees.*—A claim for the value of a mutilated note of a denomination not exceeding ten rupees shall be rejected unless in the opinion of the prescribed officer, the portion presented clearly forms part of a genuine note and the missing portion is too small to be used in support of any other claim under these rules.

9. *Rejection of claim concerning mutilated note of more than ten rupees.*—(1) A claim for the value of a mutilated note of a denomination exceeding ten rupees shall be rejected unless the number of the note on examination is identified with certainty by the prescribed officer as one of not more than six numbers.

Provided that, if the number of the note though not capable of such identification is declared by the claimant, the claim shall be dealt with under rules 13 and 15 as a claim for the value of a wholly destroyed note:

Provided further that, where the claimant is unable to declare the number, if the prescribed officer is of opinion that the number may be identified with certainty within a reasonable period he may permit the claimant to leave the note in deposit with a view to future identification.

(2) Where a claim is rejected under sub-rule (1) the note shall be stamped by the prescribed officer and returned to the claimant.

(3) If a mutilated note of a denomination exceeding ten rupees has been identified with certainty by the prescribed officer as one of not more than six numbers he may order the claim to be paid at once.

10. *Deposit of mutilated notes.*—(1) The prescribed officer shall enter the particulars of any mutilated note placed in deposit under the second proviso to sub-rule (1) of rule 9 in a register to be maintained in this behalf and shall give a receipt to the claimant for such note.

(2) Where the number of a note so placed in deposit is not identified within a period of three years to the extent specified in sub-rule (1) of rule 9 the claim shall be rejected and the note shall be stamped and returned to the claimant or, if the claimant cannot be found, shall be destroyed.

11. *Disposal of claims concerning half notes.*—(1) A claim for half the value of a note of which a half note only is presented by the claimant shall be dealt with as follows :—

- (a) If a counter-claim for the full value of the note has not been received at the office of issue before the presentation of the claim or within a period of fourteen working days thereafter, half the value of the note may be paid to the claimant on the expiration of such period.
- (b) If the full value of the note has already been paid on a claim under rule 14 the claim shall be rejected.
- (c) If a counter-claim for the full value of the note has been received before the presentation of the claim or is received before payment of half the value of the note is made under clause (a), the prescribed Officer may order that one claimant be paid forthwith the full value of the note or that one or both claimants be paid forthwith half the value of the note or that both claims be rejected.

(2) Claims in respect of a mismatched note shall be deemed to be separate claims in respect of each half note thereof and shall be dealt with as provided in sub-rule (1).

12. *Obliterated and altered notes.*—A claim in respect of an obliterated or altered note or half note shall be rejected unless the prescribed officer is satisfied as to the identity of such note or half note and that the note or half note has not been fraudulently altered so as to appear to be of a higher denomination.

13. *Method of presenting certain claims.*—(1) A claim for the full value of a note—

- (a) where a half note only is presented by the claimant, or
- (b) where the note is alleged to have been lost or wholly destroyed, or where the portion of the note presented is neither a half note nor a mutilated note,

shall be accompanied by a signed statement (or if the prescribed officer so requires, an affidavit) asserting that the claimant was the last lawful holder of the entire note and detailing the circumstances attending the loss or destruction of the missing half note or note as the case may be, and by a statement obtained from the police or postal authorities of the result of the enquiry, if any, held by them.

(2) The prescribed officer shall consider the statements furnished and the affidavit, if any, and shall make such further enquiry, if any, as he may consider necessary.

14. *Disposal of claims under rule 13 (1) (a).*—(1) Where a claim is made under clause (a) of sub-rule (1) of rule 13 and a counter-claim has been presented in respect of counterpart of the half note—

- (a) if the full value of the note has been paid, the claim shall be rejected ;
- (b) if half the value of the note has been paid, the prescribed officer may order half the value of the note to be paid to the claimant forthwith ;
- (c) if the counter-claim is pending, the prescribed officer may order that one claimant be paid forthwith the full value of the note or that each claimant be paid forthwith half the value of the note or that both claims be rejected.

(2) Where a claim is made under clause (a) of sub-rule (1) of rule 13 and the counterpart of the half note has not been presented—

- (a) if the prescribed officer is not satisfied that the counterpart of the half note has been lost or destroyed in such circumstances that there is no probability of its being presented at some future date, he may order payment of half the value of the note forthwith ;
- (b) if he is so satisfied and is also satisfied that the claimant was the last lawful holder of the whole note he shall cause to be published in the *Gazette of India* and in three successive issues of the local Official Gazette a notification setting forth the particulars of the note of which one half is alleged to have been lost or destroyed and the name of the claimant and calling upon any person having any claim in respect of such note to submit the claim forthwith ;
- (c) if on the expiration of two years from the date of the first publication under clause (b) the counterpart of the half note has not been presented, he may invest in Government securities or deposit in the Post Office Savings Bank an amount equivalent to the full value of the note ;

- (d) if on the expiration of a period which shall be determined by him but which unless the Central Board otherwise directs shall not be less than five years from the date of the first publication referred to in clause (b) the counterpart of the half note has not been presented, he shall deliver the securities or deposit referred to in clause (c) with any interest which has in the meantime accumulated thereon to the claimant, or if the claimant is dead, to his legal representative, on such claimant or representative executing a bond with or without sureties in the form set forth in Schedule I or II ;
- (e) if before the expiration of such period the counterpart is presented with a claim for the full value or for half the value of the note, the proceedings under clauses (b), (c) and (d) shall be cancelled and the two claims shall be dealt with under sub-rule (1).

15. *Disposal of claims under rule 13 (1) (b).*—Where a claim is made under clause (b) of sub-rule (1) of rule 13—

- (a) if the prescribed officer is not satisfied that the note or the unrepresented portion of the note has been wholly destroyed or lost in such circumstances that there is no probability of its being presented at some future date, he shall reject the claim ;
- (b) if he is so satisfied and is also satisfied that the claimant was the last lawful holder of the note, he shall cause to be published in the *Gazette of India* and in three successive issues of the local Official Gazette a notification setting forth the particulars of the note alleged to have been lost or destroyed and the name of the claimant and calling upon any person having any claim in respect of such note to submit the claim forthwith ;
- (c) if on the expiration of two years from the date of the first publication under clause (b) the note has not been presented, he may invest in Government securities or deposit in the Post Office Savings Bank an amount equivalent to the value of the note ;
- (d) if on the expiration of a period which shall be determined by him but which unless the Central Board otherwise directs shall be not less than five years from the first publication referred to in clause (b) the note has not been presented and no subsequent claim in respect thereto has been substantiated, he shall deliver the securities or deposit referred to in clause (c) with any interest which has in the meantime accumulated thereon to the claimant or if the claimant is dead to his legal representative, on such claimant or representative executing a bond with or without sureties in the form set forth in Schedule III or IV ;
- (e) if before the expiration of such period a subsequent claim in respect of the note is substantiated, the securities or deposit referred to in clause (d) shall be delivered in the manner provided in that clause to the person making such subsequent claim, or if such person is dead, to his legal representative ;
- (f) if before the expiration of such period the note alleged to have been lost or destroyed is produced by the claimant or any other person, the proceedings under this rule in respect of such note shall be cancelled.

16. *Bonds.*—Printed forms, to be supplied by the Bank, shall be used in the execution of any bond required in pursuance of clause (d) of rule 14 or clause (d) of rule 15 and the value of the stamp on any such bond shall be recovered from the person executing the bond.

17. *Retention of notes by Bank.*—Save as otherwise provided in rule 9 and rule 10, any note presented in prosecution of a claim shall be retained by the Bank whatever be the decision on the claim.

18. *Procedure when payee is untraced.*—Where as the result of a claim under these rules the value or part of the value of a note is payable to a claimant, and such claimant, or if he is dead his legal representative, cannot be found or fails within a period of three months from the communication to him of the decision to take steps to receive payment ; the amount payable shall be paid by the Issue Department of the Bank in the case of a currency note of the Government of India to the Governor General in Council and in the case of a Bank note to the Banking Department of the Bank.

OSBORNE A. SMITH,

*Governor.*



## COMMERCIAL TREATIES AND NOTES AFFECTING INDIA.

THE HONOURABLE MR. T. A. STEWART (Commerce Secretary): Sir, I lay on the table a further list of Commercial Treaties and Notes affecting India, and also a copy of the agreement mentioned in Part II.

*Part I.*

The agreements mentioned in this part provides for the grant of most-favoured-nation treatment to the products and manufactures of India on terms of reciprocity.

It may be added that the Notes exchanged between His Majesty's Government in the United Kingdom and the Egyptian Government merely provided for the prolongation until February 16, 1935, under the same conditions as previously obtaining of the Provisional Commercial Agreement concluded between these Governments by the Notes dated the 5th and 7th June 1930. The question of a further extension is under consideration.

Country.	Nature of Agreement.	Description.	Date.
Egypt . . .	Notes . . .	Commerce . . .	February 13/15, 1934.
Soviet Union . .	Temporary Agreement . .	Commerce . . .	February 16, 1934.

*Part II.*

## Agreements to which India is a party.

Yemen . . .	Treaty . . .	Friendship and Mutual Co-operation.	February, 11, 1934.
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*Treaty of friendship and mutual co-operation between His Majesty in respect of the United Kingdom and of India and the King of the Yemen (with Exchange of Notes).*

San'a, February 11, 1934.

(Ratifications exchanged at San'a, September 4, 1934.)

*Preamble.*

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, on the one part, and His Majesty the King of the Yemen, the Imam, on the other part, being desirous of entering into a treaty on a basis of friendship and co-operation for their mutual benefit, have resolved to conclude this treaty and have appointed as their plenipotentiaries :

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India :

For Great Britain and Northern Ireland :

Lieutenant-Colonel Bernard Rawdon Reilly, C.I.E., O.B.E. ;

For India :

Lieutenant-Colonel Bernard Rawdon Reilly, C.I.E., O.B.E. ;

His Majesty the King of the Yemen, the Imam :

The Qadhi Muhammad Ragheb-bin-Rafiq ;

Who, having communicated their full powers, found in good order and due form, have agreed as follows :—

*Article 1.*

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, acknowledges the complete and absolute independence of His Majesty the King of the Yemen, the Imam, and his Kingdom in all affairs of whatsoever kind.

*Article 2.*

There shall always be peace and friendship between the the high contracting parties, who undertake to maintain good relations with each other in every respect.

*Article 3.*

The settlement of the question of the southern frontier of the Yemen is deferred pending the conclusion, in whatever way may be agreed upon by both high contracting parties in a spirit of friendship and complete concord, free from any dispute or difference of the negotiations which shall take place between them before the expiry of the period of the present treaty.

Pending the conclusion of the negotiations referred to in the preceding paragraph, the high contracting parties agree to maintain the situation existing in regard to the frontier on the date of the signature of this treaty, and both high contracting parties undertake that they will prevent, by all means at their disposal, any violation by their forces of the above-mentioned frontier, and any interference by their subjects, or from their side of that frontier, with the affairs of the people inhabiting the other side of the said frontier.

*Article 4.*

After the coming into force of the present treaty, the high contracting parties shall, by mutual agreement and concord, enter into such agreements as shall be necessary for the regulation of commercial and economic affairs, based on the principles of general international practice.

*Article 5.*

(1) The subjects of each of the high contracting parties who wish to trade in the territories of the other shall be amenable to the local laws and decrees, and shall receive equal treatment to that enjoyed by the subjects of the most favoured Power.

(2) Similarly, the vessels of each of the high contracting parties and their cargoes<sup>®</sup> shall receive, in the ports of the territories of the other, treatment equal to that accorded to the vessels and their cargoes of the most favoured Power, and the passengers in such vessels shall be treated in the ports of the territories of the other party in the same manner as those in the vessels of the most favoured Power therein.

(3) For the purposes of this article in relation to His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India :—

(a) The word "territories" shall be deemed to mean the United Kingdom of Great Britain and Northern Ireland, India and all His Majesty's Colonies, protectorates and all mandated territories in respect of which the mandate is exercised by His Majesty's Government in the United Kingdom.

(b) The word "subjects" shall be deemed to mean all subjects of His Majesty wherever domiciled, all the inhabitants of countries under His Majesty's protection, and, similarly, all companies incorporated in any of His Majesty's territories shall be deemed to be subjects of His Majesty.

(c) The word "vessels" shall be deemed to mean all merchant vessels registered in any part of the British Commonwealth of Nations.

*Article 6.*

This treaty shall be the basis of all subsequent agreements that may be concluded between the high contracting parties now and in the future for the purposes of friendship and amity. The high contracting parties undertake not to assist nor to connive at any action directed against the friendship and concord now sincerely existing between them.

*Article 7.*

The present treaty shall be ratified as soon as possible after signature, and the instruments of ratification shall be exchanged at San'a. It shall come into force on the date of the exchange of ratification, and shall thereafter remain in force for a period of forty years.

And in witness whereof the respective plenipotentiaries have signed the present treaty and have thereto affixed their seals.

This treaty is done in two copies, in the English and Arabic languages, and, should doubt arise as to the interpretation of any of these articles, both high contracting parties shall rely on the Arabic text. Done at San'a in the Yemen, this eleventh day of February, 1934 A. D. (corresponding to the twenty-sixth day of Shawwal, 1352, A. H.).

MUHAMMAD RAGHEB-BIN-RAFIQ,

(L. S.)

B. R. REILLY,

(L. S.)

## EXCHANGE OF NOTES.

## No. 1.

Lieutenant-Colonel Reilly to the Imam.

(Translation.)

Your Majesty,

I have the honour to refer to my conversations with your Majesty's plenipotentiary relating to the present common desire of all enlightened nations to co-operate in the suppression of the slave trade, and to enquire whether your Majesty will enable me to convey to His Britannic Majesty's Government your Majesty's assurance that you will by every possible means assist them in their endeavours to prevent the African slave trade by sea.

B. R. REILLY,

His Britannic Majesty's Commissioner

(Respects.)

and Plenipotentiary.

San'a, February 10, 1934 (Shawwal 25, 1352, A. H.).

## No. 2.

The Imam to Lieutenant-Colonel Reilly.

SEAL.

With inscription :—

(Translation.)

In the Name of God the Merciful and Compassionate !

After tendering our sincere respects, in reply to your esteemed note dated the 25th Shawwal, 1352 (corresponding to the 10th February, 1934), wherein you expressed a desire to have assurances from our Government as to the prohibition of the slave trade, we inform your Excellency that we agree to the prohibition of the African slave traffic, and we will command all our " amils (Governors) to do their utmost to prevent it in all the Mutawakkili (Yemen) country and ports.

(Respects.)

(L. S.)

San'a, Shawwal 25, 1352, A. H. (February 10, 1934).

## BILLS PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL: Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the following Bills which were passed by the Legislative Assembly at its meeting held on the 8th April, 1935, namely:

A Bill further to extend the operation of the Salt (Additional Import Duty) Act, 1931, and

A Bill further to amend the Indian Mines Act, 1923, for certain purposes.

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### INDIAN TARIFF (AMENDMENT) BILL.

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

“That the Bill to amend the Indian Tariff Act, 1934, for certain purposes, as passed by the Legislative Assembly, be taken into consideration”.

Sir, in the course of the present session, this Honourable House has had an opportunity to discuss the case for and against the retention of an import duty on foreign wheat and also to discuss the question of the desirability of the imposition of a duty on rice imported into India. In view of the very definite expressions of opinion that were given by this Honourable House on these occasions, there is no necessity for me to undertake any justification of the principles underlying this Bill. It will be sufficient, I trust, if I endeavour to explain the reasons which have led the Government of India to propose the duties on the levels which they have done. In the first place, it is proposed to reduce the import duty on wheat from Rs. 2 per cwt. to Rs. 1-8-0 per cwt. The real object of the wheat import duty is to preserve for the Indian wheat grower the Indian market for wheat, and the point I have to make is that the duty of Rs. 1-8-0 per cwt. which is now proposed is sufficient for that purpose. When the Wheat Import Duty Act was first passed in 1931, one of the most important factors which threatened danger to the Indian wheat grower was the stock position in the great wheat-producing countries of the world. At that time the stock position was in excess of normal, and for the next three or four years, that position continued to be abnormal. In 1932-33, world stocks amounted to the very large figure of 692 million bushels. Last year, when the Wheat Import Duty Act was continued for another year, world stocks were not far below that record. In the present year, however, whether by reason of the co-operated effort of the great wheat producers or for any other reason, the situation is very materially altered. World stocks now stand at 400 million bushels only, a figure which is lower than any that has been recorded since 1927. That, Sir, is a statistical position which favours a hardening of prices. This most definitely, in view of the previous history of stocks, constitutes a bull position. But it is not only outside of India that circumstances have altered. The position is different in Indian markets also. Let me in the first place compare the competitive power of Australian wheat as it was in 1931 with what it is at the present day. In 1931 Australian wheat was being landed ex-duty in Calcutta at a price of Rs. 2-7-0 per maund.

The corresponding figure in 1935 at the end of March was Rs. 3-4-0 per maund. The lowest figure that has been reached in the present year is Rs. 2-15-8 a maund. That was about the 23rd of January last. The difference is something like 8 annas a maund, or roughly 11 annas per cwt. Indian wheat is to that extent in a better position to compete. But that is not all. In 1931, in order to bring Lyallpur wheat to Calcutta it cost Rs. 1-3-6 by way of freight and charges. The corresponding figure today is Rs. 1-0-8. The difference is roughly 4 annas per cwt. So combining those two factors, we have 11 annas advantage in one way and 4 annas in another, so that the position of Indian wheat *vis-a-vis* Australian wheat is today 15 annas better than it was in 1931. It might even be argued from that figure that the duty we propose, namely, Rs. 1-8-0 is even larger than necessary. But let us look at things in another way. Let us make a comparison of prices as they are today. The average price of Lyallpur wheat in the month of January last, including all charges, was Rs. 3-8-1 per maund at Calcutta. The average price of Australian wheat for the same period was Rs. 3-0-4. The difference was roughly 11 annas per cwt. in favour of Australia. That is to say something like 13 annas of margin was provided by the duty we now propose. But it may be said that I have used this method of averages in order to conceal particular cases that might reveal flaws in our armour. Well, to meet that argument I have compared the week to week record of prices of Lyallpur wheat in Calcutta and Australian wheat in Calcutta from the beginning of the year up to the end of March, and the maximum disparity occurred on January 23rd when the advantage in favour of Australian wheat amounted to 14 annas per cwt. But even then, at the worst, the margin that we have provided amounts to 10 annas. I have mentioned, Sir, that world stocks are such as give reason to believe that wheat prices would develop a hardening tendency. Facts have not belied these expectations because Australian prices have shown a definite trend upwards since the beginning of the year. In the middle of February Australian prices were cheaper by as little as 2 annas 3 pies per maund. In Calcutta by the end of March that difference had been wiped out and the balance was the other way. My latest information is that Australian wheat could not be landed in Calcutta at the present time at a price which is less than 4 annas more than the price of Lyallpur wheat in Calcutta. On the top of that 4 annas we have the whole Rs. 1-8-0 of the proposed duty, and I hold that a very adequate safeguard is provided for Indian wheat and that the duty proposed will in effect preserve the market for the Indian grower. (*An Honourable Member* : "In view of these figures is it necessary to continue any duty at all?") Sir, Honourable Members will have a chance later on to make their points and I will endeavour to deal with them. Of course, Sir, it may be said that this duty of Rs. 2 has very fully done what was asked of it. It has maintained the Indian market for the Indian grower. Why change it? Well, Sir, if it is the opinion of the Government of India, if it is the opinion of this Honourable House, that a duty as large as Rs. 2 is unnecessary, then it is as incumbent on the Government of India as it is on this Honourable House to reduce the duty to a more reasonable level. When this Honourable House in 1931 passed the Wheat Import Duty Act it committed itself to that position, since there was a provision which called upon the Governor General in Council to reduce the duty in circumstances when it had proved excessive. But that, you may say, is an entirely theoretical argument. Are there any other reasons why the duty should be reduced? Well, Sir, in the first place, if we have an unnecessarily high duty it provides a margin within which the speculator can operate before healthy competition from outside can intervene, and when the speculator is operating if there is one thing more certain than anything else it is that

[Mr. T. A. Stewart.]

the speculator is getting the profit. Not a penny of it goes to the grower. In the second place, though I do not wish to be a Jonah in this matter, one has got to consider the possibility of scarcity conditions in India. Should a condition of scarcity arise, an excessive duty would directly penalise the consumer precisely at a time when there is a necessity to get additional supplies into India. You would keep these out by an excessive duty and give rise to scarcity prices within India. In the third place, Honourable Members will remember that it is not so long ago that India was a very considerable exporter of wheat and the time may not be very far off when it will be necessary for India, in order to dispose of her surplus stock of wheat, again to sell in outside markets. Now, before India can sell in outside markets, the Indian price has got to accommodate itself to world parity and an excessive import duty will tend to retard this process and by retarding this process will prevent India getting a fair share of outside markets. For these reasons, Sir, the Government of India have proposed a duty of Rs. 1-8-0 which, while providing a certain amount of insurance against downward fluctuations, will be sufficient to maintain the market for Indian wheat without an excessive demand on the consumer and without giving any privileges to the speculator.

A subsidiary proposal is that the same duty should be imposed on wheat flour. In proposing the same duty, we are simply following the precedent of the original Wheat Import Duty Bill when the wheat flour duty was proposed as an amendment by representatives of the milling interests and was accepted by Government.

Let me now turn to rice. In the course of the debate which was initiated by the Honourable Diwan Bahadur Narayanaswami Chetty the salient facts of the rice situation were fully brought out. It was then shown that of the very large quantity of 400,000 tons of rice which had been imported in the past year by far and away the greatest amount consisted of broken rice; some 75 per cent. of the rice imports consisted of broken rice. It was also pointed out that the officer who was specially appointed by the Government of Madras to investigate the rice situation had said that it was broken rice that was the real danger to the Madras producer. In considering what duty should be imposed on imports of rice the Government of India have borne in mind these considerations; but there was another consideration. It must be known to Honourable Members that in certain districts of the Madras presidency a severe food scarcity exists; it may almost be called famine conditions. I may be reminded that in those districts, in Bellary and Anantapur, the people affected are not rice eaters, but to that I would reply that there is a fairly considerable portion of the population to whom millet and rice are alternative food grains and if the price of rice is unnecessarily raised it cannot but react on the price of the alternative food grain. The Government of India in these circumstances have felt it incumbent on them to see that the import duty should be imposed only on those imported varieties which constitute a real danger to the Madras grower; and, as has been pointed out, that danger arises from the imports of broken rice and it is to broken rice only that the import duty is made applicable. In determining the level of the duty to be applied, comparison has been made between the prices of the imported broken rice and the price of Rangoon big mill specials. This is a quality which is very largely imported into the Madras presidency and it is one the price of which is determined by world conditions and is not likely to be affected by local variations or special local conditions. A record of prices which had been kept over a considerable period at Cochin was the basis of comparison and it was found that the average difference between the price

of broken rice and the price of big mill specials was 8 annas per maund. This figure was confirmed by an investigation that was carried out last summer by the Burma members of the Crop Planning Conference. They found, entirely separately, that 8 annas per maund was the import duty which was necessary to place big mill specials again in a competitive position; but as we have decided to impose this duty on broken rice only and as broken rice is, in a sense, a bye-product of the main milling industry it was felt that there was a certain amount of danger of a greater reduction in the price of these broken rice than there would have been in the case of whole rice. For this reason, Sir, the Government of India have thought fit to make a 50 per cent. addition to the figure which had been arrived at after calculation, the resulting proposal being 12 annas per maund.

In conclusion, Sir, I would point out that both those duties which we propose are characterised in the Tariff Schedule as protective duties and should they prove ineffective for the purpose for which they have been designed section 4 of the Indian Tariff Act gives the power to the Governor General in Council to increase those duties to the extent that may be necessary by notification in the Gazette of India. Sir, I believe that I have justified the levels of duty which have been proposed by Government. They are adequate for the time being. There is provision for their enhancement should they in future prove inadequate. I therefore, Sir, commend the Bill to the House. Sir, I move.

**THE HONOURABLE MR. MOHAMMAD YAMIN KHAN** (United Provinces : Nominated Non-Official) : Sir, may I ask one point—

**THE HONOURABLE THE PRESIDENT** : Order, order. You will have ample opportunity of ventilating your point.

**THE HONOURABLE MR. MOHAMMAD YAMIN KHAN** : I want to ask him—

**THE HONOURABLE THE PRESIDENT** : At a later stage, please.

**THE HONOURABLE MR. P. C. D. CHARI** (Burma : General) : Sir, as a representative of Burma which is one of the largest rice-producing countries in the world and as a person who has got his home in Madras, which has got a very large area of rice, I have very great pleasure in welcoming this Bill which gives a measure of protection to the rice industry, though I consider the protection given is half-hearted and inadequate. I have carefully listened to the speech of the Honourable the Commerce Secretary, but I am not quite satisfied if a duty only on broken rice will meet the situation. Probably the duty of 12 annas per maund of broken rice may be justified. Broken rice is a product which is generally taken by the poorer classes and the duty of 12 annas will be helpful having regard to the interests of the consumer in some of the famine stricken areas; but the whole point is whether, if the dumping of broken rice is prevented, there is not any likelihood of whole grain rice and paddy being dumped into Madras and other places to the detriment of the Indian producer. Is the Government in a position to assure this Council that the duty imposed on broken rice is enough to meet the situation and that there is no danger for the indigenous rice produced in Madras? That is the first point on which I would like to be assured.

[Mr. P. C. D. Chari.]

The second point is whether, in view of the fact that section 4 gives them the power to increase the rate of duty, it will avail the Government to impose any duty on rice and paddy also if there is dumping of rice and paddy. From what the Honourable Commerce Secretary said it is certain that the Government has no power to impose any duty under section 4 of the Act to prevent whole rice and paddy being dumped into Madras and other places. Sir, this is a very unsatisfactory state of things and unless we are assured that by preventing the dumping of broken rice we can also prevent the dumping of whole rice, the position of Madras will be as serious as before because they will be faced with another difficulty. In these circumstances, I am justified in saying that the protection given is very inadequate to meet the situation. I think, Sir, that the Government of Madras cannot be accused of not taking a proper view of the situation and the Government of Madras has been insisting on a duty upon rice and paddy, not only upon broken rice. Probably as the figures stood, 75 per cent. of the imports consisted of broken rice but what guarantee is there that the broken rice will continue to form a large proportion of the rice imported into Madras? Sir, in these circumstances, I am inclined to think that the Government is more solicitous about the susceptibilities of France than the protection of the interests of the producers of rice. I am aware, Sir, that Siam and Indo-China are rice-producing countries. Though our trade balance with those countries is only to the extent of Rs. 30 to Rs. 40 lakhs, I am also aware that our trade balance with France is about Rs. 5 crores and France is in a position to retaliate inasmuch as there is this trade balance, and Madras groundnuts may suffer. But what we are asking and what the Rice Planning Conference recommended is a very reasonable rate of duty to prevent dumping from Indo-China and France. They recommended that a duty of Rs. 1-4-0 per maund on imported rice and of 15 annas per maund on paddy may be levied. They cannot be accused of making a proposal which is not borne out by the needs of the case, and the Government of Madras have been insisting upon a higher duty than the one proposed not only on broken rice but on whole rice as well. In these circumstances, I think the Government would do well to revise their views and if in the meantime before the Simla session there is a real danger of dumping of foreign imported whole rice and of paddy from those countries, I hope and trust the Government will take immediate action in the matter and will bring forward a Bill for giving protection not only to indigenous broken rice but also the rice and paddy grown in Madras and other rice-producing provinces. Those are my remarks with reference to rice.

As regards wheat, Sir, having listened carefully to the Honourable Commerce Secretary's speech on the question of wheat and the justification for reducing the duty from Rs. 2 to Rs. 1-8-0, I am convinced that the reduction proposed is a step in the right direction and is called for, having regard to the interests of both the consumer and the producer in the country. If at all, I am inclined to think that there is need for further reduction of duty and the Government should keep this end in view and see if they can further reduce the duty when conditions permit. At any rate, it cannot be said that the reduction and the maintenance of the duty at Rs. 1-8-0 will not be adequate for the purpose. There may be a case for further reduction and if they do not do it now, I hope the case of other consuming provinces may be kept in view in making further reductions as conditions permit.

With these words, Sir, I support the Bill.



**THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS** (Punjab Non-Muhammadan) : Sir, I will confine my remarks to wheat and flour and leave the matter of rice to other Honourable Members who are more interested in the production of this edible.

Sir, in 1925-26 the import of Australian milled wheat began and in that year 35,418 tons of wheat were imported from Australia ; in 1926-27, 40,411 tons ; in 1927-28, 68,910 tons ; in 1928-29, 529,456 tons ; in 1929-30, 357,036 tons ; in 1930-31, 232,034 tons ; in 1931-32, 111,269 tons ; in 1932-33, 33,482 tons ; in 1933-34, 18,298 tons ; and up to the 31st December, 1934, the imports have been 2,969 tons ; notwithstanding the import duty of Rs. 2 per maund. This shows, Sir, that the imports are dwindling down and that the present protective duty has prevented Australian flour from coming in. But, Sir, as the Honourable Commerce Secretary observed, as the world stocks have now decreased from 692 million bushels to about 400 million bushels, the danger of the import of wheat into India is minimised.

Sir, from the figures of the production of Indian wheat we find that what stocks of wheat, I mean the surplus stocks, had not much effect upon the prices of wheat. I will, Sir, therefore give some figures of the same year for which I have given the figures of the import of Australian wheat. In 1925-26, the production of Indian wheat was 8,696,000 tons ; in 1926-27, it was 8,973,000 tons ; in 1927-28, 7,791,000 tons ; and in 1928-29, 8,507,000 tons. In this year, Sir, although the stocks did not increase appreciably as compared with the previous year, when our production of wheat was 7,791,000 tons, there was a greater disparity between the quantity of Australian wheat imported into the country, as I have shown the imports of Australian rising from 68,910 to 529,456 tons. We have to see what has been the difference in prices. The Honourable Mr. Stewart says that the latest prices show that there is a margin of about 10 to 11 annas in the price of imported wheat. According to my figures, Sir, which I have taken from the Stock Exchange Report, price of Australian wheat for a quarter of 480 lbs. was 22s. 6d. f.o.b. Karachi. For Indian wheat, the comparative price was Rs. 22-7-0 per candy of 656 lbs. at Karachi and the Bombay equivalent was Rs. 4-4-4. The f.o.b. Bombay equivalent of Australian wheat was Rs. 3-8-9½. So, the difference was 11 annas 7½ pies. Thus, I find that as far as wheat is concerned, at present a duty of Rs. 1-8-0 is sufficient, but in case of further adverse variation of prices, Government will come to the rescue of the Indian producer by increasing this duty. Now, I come to the question of flour. I can well understand the reduction of duty on the import of flour when the duty on the import of wheat has also been reduced. In 1931, at the instance of the flour millers, Government agreed to raise the import duty on flour from Rs. 2 to Rs. 2-8-0. Now the difference has been equalised. Though apparently the duty on flour would be the same as on wheat, it will actually work out lower, for, supposing we import 100 tons of wheat paying Rs. 3,000 duty thereon and manufacture flour thereout, we would be taking out say 70 tons of flour which would bear the burden of the duty of Rs. 3,000, while 70 tons of flour imported would have to pay a duty of Rs. 2,100 only, and this will amount to a preferential duty on foreign flour to the extent of 40 to 50 per cent. which no Government having the interest of the indigenous industry at heart would ever do.

**THE HONOURABLE MR. T. A. STEWART** : Might I ask the Honourable Member a question ? Did I understand him to say that the duty on wheat flour was raised from Rs. 2 to Rs. 2-8-0 at the request of the flour millers ?

**THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS** : That is my information, Sir. In this connection, I would give some figures showing

[Rai Bahadur Lala Ram Saran Das.]

how the export of Indian flour has been affected. In 1929-30, the export of flour was 50,660 tons; in 1930-31, it fell down to 46,909 tons; in 1931-32, to 42,724 tons; in 1932-33, to 20,790 tons; in 1933-34, to 12,536 tons and during the months ending 31st December, 1934 to 8,306 tons. This shows that the price of flour being higher for export, our exports ceased. The effect of that was that a number of flour mills at our ports had to close down. Although my friend the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra wanted to move an amendment to increase the duty on flour, I was very sorry to learn from him that His Excellency the Viceroy did not allow him to move that Motion.

THE HONOURABLE THE PRESIDENT: At this stage, you should not anticipate the amendment.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: So, Sir, in case the necessity arises and dumping of flour from other countries comes into effect, I hope Government will in case of need come to the rescue of the indigenous industry of India. The decline of the export trade will prove to you, Sir, that so much export of flour made from Indian wheat has been stopped. So, we have missed the custom duty for that amount of Indian wheat. I consider it rather a healthy sign for keeping the price level in check. But if the wheat importers are allowed to dump in India, the conditions of the flour mills, especially at the ports, will be simply miserable and they will be driven to the wall. In those years of 1924-25, I may cite to you an instance of Bombay where there used to be five big mills working full time, nothing to speak of the four smaller mills. Today, the export trade having been snatched away, there are only two big mills working and two small mills. This process of elimination has been brought about in the last decade due to various reasons. It started with the inflation of currency in Australia which enabled that country to gradually push off the Indian flour from other foreign markets. Added to that was the indirect tax of 12 per cent. brought on by the changing of the ratio from 1s. 4d. to 1s. 6d. on the exports from India which practically meant the death knell on exports from India. The mills in anticipation of some relief at one time or other tried to keep the foreign markets even at a sacrifice to themselves but that could never be expected to continue long and the result is what you see today. I am told that Karachi mills are also not faring well and even the three principal mills there had also to cut down their products continuously for a long period last year. The reduction of the working of these mills and ports will naturally affect the consumption of the local wheat and reflect that much on the prices of that product of India. One might at this point ask that the Australian wheat has taken the place of the local wheat in past years, but if a careful student were to look at the figures of the crops and the imports of Australian wheat, he will find that the import of something like 529,000 tons of Australian wheat in 1928-29 was simply due to the abnormally low crop of 7,791,000 tons in 1927-28 instead of its normal crop of about 9,000,000 tons. Owing to that big shortage, the country was in sheer need of that supply and the imports since then had gradually fallen off. Previous to that, the imports were very insignificant and still the foreign trade was maintained by using the local wheat. So, in this case it is really to the benefit of the cultivators that they should help the industry to be able to retain its fallen trade in order to help themselves.

Now, I come to the question of the impending danger of the competition from different countries into India and I will for the present restrict myself

to the probability of France competing with us in our own markets. To a layman it would appear ridiculous but here it is not so. Very few must be aware that France is giving a subsidy of 76 Francs per quintal of 220 lbs. for export or denaturing which amounts to practically Rs. 6-12-0 per 112 lbs. With this amount of subsidy it would not be surprising to see France competing with any country in the world. Today our foreign markets of Aden and Red Sea ports have been simply dumped with French flour and the Indian flour stands not a ghost of a chance in those markets nowadays. As it is today the wheat market if it were to go up only by 6 to 8 annas per cwt. and sympathetically the flour prices will necessarily have to follow that much on the present level, you can rest assured that French flour will get a footing in Indian markets even with the present duty of Rs. 1-8-0 as is proposed to be put. Had it not been for the prohibitive duty of Rs. 2-8-0 per cwt. the French flour would surely have found its way to India about six weeks back when the wheat and flour prices were ruling high before the advent of the last beneficial rains in the wheat-growing areas. It is for this reason that I put the case of the flour mills for the due consideration of Government as well as the Honourable Members. I may here draw attention to the fact that before the imposition of this prohibitive duty both on wheat and flour there was an *ad valorem* duty of 15 per cent. on the import of flour which I believed the Government would retain as in the past. But on an inquiry from the Commerce Secretary I learnt that that *ad valorem* duty is being done away with. In case I am wrong the Commerce Secretary will correct me.

THE HONOURABLE MR. T. A. STEWART: Sir, the proposal is that a specific duty of Rs. 1-8-0 per cwt. should be imposed on wheat and flour. That is the proposal of the Bill before the House.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: And no extra duty *ad valorem* will be charged hereafter?

THE HONOURABLE MR. T. A. STEWART: No.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: What a pity!

Sir, I should also mention that the surplus of wheat in France in December last was 13½ million quintals, which is roughly 26 lakhs of tons (more than 2½ million tons) or say one-fourth of the normal produce of wheat in India. And if the French Government gives them any increase in the subsidy there is a chance of wheat being dumped into India by France.

With these words, Sir, I request the Government to bear in mind the prices of import of all this foreign wheat and flour, and if there is any necessity they should immediately raise the duty to protect the Indian industry if they are not prepared to retain the present duty.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras: Muhammadan): Sir, we are thankful to the Government that at long last they have realised that the import of foreign rice is seriously affecting the Indian market for the Indian grower. At the same time we are sorry that even after having realised this the Government have not seen their way to propose a remedy which would have effectively met the requirements of the situation. The duty of 12 annas per maund is obviously too little. It can never act as a deterrent. Since it is so small and applies only to one variety of rice, the effect of this measure will not be to prevent, to any appreciable extent, the dumping of rice into the country. Even if the quantity of broken

[Saiyed Mohamed Padshah Sahib Bahadur.]

rice imported is reduced, which too is very doubtful, it is certain that imports of other varieties will continue, and paddy, whole grain rice and boiled rice will continue to be dumped into the country. Therefore it is obvious that unless this duty is raised and is also made to apply to other varieties of rice, the Indian grower will not receive the necessary protection which he so badly requires. Even in the case of broken rice I am afraid this will not improve matters very much. The class of indigenous rice with which the Siamese stuff enters into competition sells at about Rs. 4 to Rs. 5 per maund in Madras and Siamese rice costs about Rs. 2-8-0. Therefore it is patent that even with this duty of 12 annas, Siamese rice will be available at a much lower price than the indigenous stuff. It is difficult to see how the Government could have arrived at this figure of 12 annas. From what the Honourable Commerce Secretary has just said, we find that in fixing the duty on wheat the Government had thought it wise to fix it at a level which was higher than appeared to be necessary. But in respect of rice they seem to have been somewhat too cautious. The fact that in some districts of Madras, Bellary and Anantapur, there is said to be scarcity of food and they use rice now and then should not have been allowed to persuade the Government to deny the proper remedy in this matter. I know those districts very well and the staple article of food there is not rice. Therefore, even if rice is used by the people there occasionally that fact should not have gone to induce Government to fix the duty at a much lower figure than what is required by the facts of the case. The Crop Planning Conference had investigated this matter and that Conference of experts had viewed the matter from the point of view both of the consumer and of the producer and reported that the duty to be imposed should be one which would give effective protection. With that end in view they had recommended Rs. 1-4-0 per maund. I wonder how the Government in the face of this recommendation thought that 12 annas would meet the needs of the situation? Again, it is obvious the Government themselves admit that this question of rice affects my province in particular and Government is aware of the opinion held in Madras regarding the duty that is proposed to be levied. Both the people and the Government of Madras are not satisfied with the amount of the duty proposed. An Adjournment Motion recently adopted in the Madras Legislative Council makes it quite obvious that in the opinion of the people and Government there the duty proposed is much too small. However, I hope that since the Government have at least recognised the necessity of giving some sort of protection to the rice growers in Madras, they will, if experience shows that this duty does not serve the purpose for which it is intended, see their way to increase the duty and satisfy the requirements of the situation.

THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK (West Bengal: Non-Muhammadan): Sir, I have listened with attention to the speech of my Honourable friend Mr. Stewart in moving this Tariff Bill, and the facts and figures put forward by him as arguments in favour of the imposition of a duty on wheat. But still I am unconvinced of the necessity of imposing a duty on the scale proposed, not to speak of a duty at all. The import duty was originally imposed as a temporary measure about four years ago. At that time we were told that there was an exportable surplus in wheat grown in the world, and the price of wheat in India was above world parity. A duty of Rs. 2 per cwt. is in existence for the last four years in spite of the vehement opposition of the consuming province of Bengal. I want to know whether, due to the existence of this duty, there has been an

appreciable change in the exportable surplus of wheat grown in the Punjab? Has the home market been able to consume the whole amount of the home production? We are now informed by the Honourable Commerce Secretary that there has been a considerable reduction in the railway freight from the principal wheat-growing areas to the port towns of Bombay, Calcutta and Karachi. But, Sir, has that brought down the price of Indian wheat to a level with the world price? Has it stimulated any export? Suppose by some unfortunate circumstance the level of world prices of wheat go up, then the Punjab and other wheat-growing areas would naturally find it to their advantage to export wheat to other countries and they would not think of the consumer of this country. In these circumstances would Government then be prepared to impose a prohibitive export duty to secure home markets to the home consumer? That is a plain question, which I would like to put to my Honourable friend, the Commerce Secretary. Are you or are you not prepared for the sake of protecting the Indian consumer to impose an export duty on wheat when, as a result of the levelling up of world prices, there is more and more export of wheat from India?

Sir, so long as in India we have a surplus of wheat for export, it is the world price that would govern the price in India and the only effect of the duty would be to unnecessarily impose a burden on the consumers. Coming as I do from a province which has to depend on her supply of wheat on other parts of India, this measure has the effect of raising the price of the foodstuff in Bengal and cannot therefore have my support. We in Bengal suffer from an over-production of rice and jute and our produce does not find a ready market, with the result that our purchasing power is limited. Any measure which raises the price of foodstuffs therefore is surely a heavy burden on the consumer. The case of the Bengal agriculturists and consumers has on various occasions been ably represented before the Government of India, but, Sir, with very little result. They are not fortunate in this respect like their brother agriculturists of the Punjab and the United Provinces. I do not for a moment cavil at the good fortune of the Punjab agriculturist, but the good fortune of the Punjab is the misfortune of the rest of India. If the Government is anxious to help the wheat growers of the Punjab, let them do so by a further reduction in the railway freight and not by the imposition of this duty which is a heavy burden on the consuming provinces.

Sir, I know I am not strong enough and my voice is feeble, when I am to fight against the vested interests of the Punjab and United Provinces, I do not belong to a martial race, like my Honourable friends from the Punjab and the United Provinces, who are classed as martial classes, but, Sir, I would be failing in my duty if I do not bring out what affects my consuming province of Bengal. In the name of Bengal I oppose this duty.

**THE HONOURABLE MR. MOHAMMAD YAMIN KHAN** (United Provinces: Nominated Non-Official): Sir, it was only a few days ago that this Council gave its final decision on the Resolution which I had the honour to move in this House and that decision was that the Government should continue to give the protection which was enjoyed in past years by wheat growers. To this, Sir, Government was a consenting party. If the votes of that day are examined, it will be seen that the Government as a whole supported that Resolution. After that Resolution had been accepted by Government, I find that there has been a change in policy since then. The Honourable the Commerce Secretary was very careful in telling the House that the Government

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wanted to make a full statement later on, and I did not understand at that time that the Government was going to make a fuller statement in some other place by reducing the duty; because they knew full well that if that Bill had come before this House and the other House, this House would have been in perfect order to move an amendment of Rs. 2 instead of Rs. 1-8-0. Government now takes shelter behind a technical point, because they have seen their way to move—

**THE HONOURABLE THE PRESIDENT:** Order, order. You are not speaking on the original Motion; you are now anticipating the amendment.

**THE HONOURABLE MR. MOHAMMAD YAMIN KHAN:** No, Sir. I am saying this, that the Government has moved Rs. 1-8-0. That is the Motion of the Government, that the duty should be Rs. 1-8-0, while in the past year it was Rs. 2 per cwt.

**THE HONOURABLE THE PRESIDENT:** The reasons have been explained by Mr. Stewart.

**THE HONOURABLE MR. MOHAMMAD YAMIN KHAN:** I am coming to the reasons. I do not agree with those reasons. Unfortunately, there is a difference of opinion between myself and the Honourable Commerce Secretary on this point. Sir, whatever may have led the Government to bring this Bill at a time when we are powerless to move any amendment, the fact remains that the House endorsed one principle—that the protection should continue as it was in the last year and that was at Rs. 2 per cwt. Now, Sir, the Honourable the Commerce Secretary has given figures which throw light on the matter if they are properly explained. My Honourable friend said that on the 21st of January, 1935 the price of Australian wheat was Rs. 2-15-8. Now he says that the railway freight is Rs. 1-0-8 per maund from Lyallpur to Calcutta. Now, Sir, if we deduct Rs. 1-0-8 from Rs. 2-15-8, that shows that the Lyallpur man cannot compete with Australian wheat unless he sells his wheat at Rs. 1-15-0 per maund at Lyallpur. If a man is selling wheat at Rs. 1-15-0 per maund at Lyallpur this means more than 20 seers to the rupee, as I explained at that time that no agriculturist can produce or carry on producing wheat unless he can sell his produce in the nearest market at 13 seers to the rupee. My friend wants the agriculturist to sell his produce at more than 21 seers to a rupee.

**THE HONOURABLE MR. T. A. STEWART:** May I interrupt the Honourable Member? I think he is leaving out an amount of Rs. 1-8-0 in his calculation; he is leaving out of account the duty element.

**THE HONOURABLE MR. MOHAMMAD YAMIN KHAN:** Sir, when you were pleased not to let me interrupt the Honourable Member, I was not going to interrupt but I wanted from him on the floor of this House this very information, as to the quantity that had been imported from Australia and what was being done with Australian wheat; and I have come to know that Australian wheat is really purchased free of duty by the mills which happen to be erected by foreign capital in Bombay, Calcutta and Karachi. Any reduction in duty is entirely meant to give protection not to the Indian wheat growers but a reduction has come in in order to afford proper facility to the all-powerful element of the people who own factories in Calcutta and Bombay for the

purpose of grinding the wheat into flour and exporting it to Egypt and other places. Unfortunately, Sir, our country is used, because it has got cheap labour, for the purpose of putting up mills which are of no good to this country, which are not meant for the purpose of benefiting this country but which are meant simply for profit to be gained by people outside India; even income-tax would not be paid on those sums. In this manner we find that India is not gaining by these mills and these mills are ruining the country by keeping up the low price level of wheat in this country. I fully endorse this idea that the policy of the Government should be to keep up the Indian market for the Indian wheat grower. But at what price? Will there remain any wheat grower? That is the question I sincerely ask and if the present conditions go on, Government will find that they are ignoring the fact that there is a tendency for people to stop growing wheat in India. If my Honourable friend accompanies me into the villages he will find that nowadays a wheat grower is not living on wheat. If we had not so many sugar factories put up during the last two or three years, probably all the tenants would have gone. My Honourable friend the Leader of the House comes from a province which is not so much a wheat-growing province as the Punjab and he will support me in saying this and in verifying the amount of reduction of land revenue which has been made in the United Provinces and how much rent has been remitted by the United Provinces Government on this account, because the ryot has no money to pay. Why? Because he cannot put up his produce on the prices which are prevailing. If he produces he cannot pay his debts. Moneylenders cannot get back their money. Zemindars cannot get their rent. And so the Government is asked to forego its revenue. This is the policy to which the present conditions have driven them. And if these conditions go on, the Government should realise that they are forcing the village people into Bolshevism. The Government for their own safety and in the interests of good government must realise that they must keep the villages fully contented and they should not support the interests of the few people who happen to have invested their capital in the port towns to the detriment of the wheat growers. If they go on ignoring their interests and do not listen to the advice of those who are as much interested in keeping law and order in the country as the Government themselves, they will not only ruin the administration but bring disaster on those who side with the Government. This, Sir, is my sincere advice to the Government as to the policy they should adopt in this matter and it is very deplorable that Government cannot foresee these developments. I think, Sir, the duty ought to have been Rs. 2 and the Government can keep the power of enhancing the duty at any time. I do not think, Sir, as has been suggested by some people outside, that the middleman will reap the benefit and neither the producer nor the consumer. If the duty is fixed at Rs. 2 the price level will rise higher and if the price rises to a higher level then the agriculturist will gain and will have something to pay towards his rent and purchase his requirements and daily necessities without which he cannot go on. The people are now leaving the villages and running into the bigger towns in order to find some employment, while in 1922-23, when the price level of wheat was very high, the people were willing to leave their vocations in the big towns and go back to the villages and engage in agriculture. But nowadays, Sir, the reverse is the rule, and if this state of things continues, the Government will be faced with a serious problem. It may be warded off for a short time but complication upon complication will arise in the country which it will not be easy to solve. Honourable Members must realise that the Congress has been so successful not because people think about the Congress but because they are tired of this duty and they say: "Let us try the Congress which may bring some peace or prosperity." I will never believe that people

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sympathise with the Congress ideal but they simply want to try something else. Is Government going to allow these conditions to prevail in the country ?

THE HONOURABLE MR. SHANTIDAS ASKURAN (Bombay : Non-Muhammadan) : Did I understand you to say that in the Punjab you have to sell your wheat at 21 seers for the rupee ? Well, if—

THE HONOURABLE THE PRESIDENT : Order, order. This cannot be allowed. Will the Honourable Member please proceed ? I would request him, however, not to repeat his arguments over and over again, or to paraphrase them.

THE HONOURABLE MR. MOHAMMAD YAMIN KHAN : Now, Sir, having come to this question, I think that as the explanation has been given by the Honourable Commerce Secretary that there are still 400 million bushels surplus outside India which are ready for import into India if the price level goes a little in their favour, I think, Sir, by putting down the duty at Rs. 1-8-0 we will be inducing those people to sell their goods and the experiment which the Government are proposing to make—

THE HONOURABLE THE PRESIDENT : You are referring again to a point which you disposed of 15 minutes ago.

THE HONOURABLE MR. MOHAMMAD YAMIN KHAN : If these 400 million bushels find that they can be imported with 8 annas profit to themselves, the Government will not be able to take any step or enhance the duty before these 400 million bushels are dumped in Bombay and Calcutta and it will be too late for them to take any step, and I think, Sir, that will ruin India and its produce for two or three years to come. I, therefore, think, under these circumstances, the Government will be well advised not to give them any hand and to keep the duty at Rs. 2 if they can possibly do so. But, Sir, as far as the Bill before us is concerned, I cannot say I oppose it because we are quite ready to take whatever is given. It is much better to have Rs. 1-8-0 than nothing. Therefore we are forced to accept and support this Bill which we do very reluctantly and I would have asked for something better than this but something is better than nothing and therefore I have to support this Bill.

THE HONOURABLE LIEUTENANT-COLONEL NAWAB SIR MAHOMED AKBAR KHAN (North-West Frontier Province : Nominated Non-Official) : Sir, the object underlying the imposition of import duty on wheat from the very beginning was to protect Indian wheat against competition with wheat imported into India from foreign countries. The general economic depression throughout the world had its effect on India also and particularly in regard to agricultural produce. It resulted in an abnormal fall in prices all through and this fall in prices is the sole cause of the present deplorable condition of the agriculturists. To say the least of it, the zemindars and the cultivators which comprise nearly 80 per cent. of the population of this country are living on the verge of starvation and I will not be exaggerating if I say that the majority of them are in an actual state of starvation.



Sir, the agriculturists are supposed to be the backbone of every Government. Time was when agriculture was thought to be the noblest of all professions. There are manifold demands made by Government on this class of people, the chief of which are land revenue, water rate, local rates and *sawai*. These taxes are a permanent source of income to Government. Before the fall in prices, the agriculturists have been paying these taxes to the Government without any grudge or complaint. The reason for this was that they had sufficient margin to pay up these demands owing to their produce fetching high prices in the market. As I have said before, the fall in price of their produce has reduced them to a state of poverty and, as a matter of truth, they are quite unable to pay up their land revenue and water rate without selling some of their own belongings, such as cattle and ornaments. The worst of the matter was that in competition with wheat imported into India from foreign countries, they were unable to sell their wheat because the foreign countries managed to sell their wheat at a cheaper rate than the Indian wheat. It was with a view to safeguard the sale of Indian wheat against foreign wheat that the Government of India had thought it advisable to impose a duty of Rs. 2 per cwt. on the import of wheat from foreign countries. The result of this was that the Indian grower was able to sell his produce within the country, though at a decidedly low rate, say Rs. 2-4-0 or Rs. 2-8-0 per maund because there was no demand for it in the foreign markets. By selling his produce at such a low rate, the agriculturist however was in a position to manage payment of his land revenue and water rate, etc., to the Government.

I cannot say how far the necessity for the imposition of this import duty has been removed at the present moment, for there is nothing to that effect in the statement of objects and reasons attached to the Bill under consideration. Sir, the speech of the Honourable Mr. Stewart reminds me of a saying in Persian, *i.e.*, "ab na dida, moza kashida", which means, a man never saw the water, but still he began to undress himself thinking that he has to get across. Mr. Stewart has told us that India will again find foreign markets. I can tell him that as an agriculturist, I cannot see any foreign market for India within the next 10 years. Still, Mr. Stewart wants us to believe that the duty should be reduced. There may be some motive behind it, because nothing is done without a motive. Everything comes in with some hidden motive. What that motive is, I cannot fathom. But to the best of my ability—God has given me brains too—it must be to the advantage of some other country. Whether it is Australia, or France or some other country, it is at any rate for the advantage of a foreigner that this duty is being reduced. That is my view. I may be wrong or I may be right. I have grave doubts that the duty has been reduced to the advantage of some other country. My conjecture is that foreign wheat will be able to compete with us at this duty of Rs. 1-8-0 and that is why I say that the duty ought to have remained at Rs. 2, because at Rs. 2, it was rather difficult for the other countries to compete with us. It may not be Australia or France competing with us. But what about Russian wheat? Russia could come in at any time. I was reading about the five-year plan, and that gives me some clue that the Russian people could sell their wheat at from 12 to 14 annas a maund and still they will not be losers. Adding the duty of Rs. 1-8-0, it means that they could sell their wheat here at Rs. 2-4-0—

THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK :  
What about the steamer freight?

**THE HONOURABLE LIEUTENANT-COLONEL NAWAB SIR MAHOMED AKBAR KHAN :** The result will be that we will not be able to sell the produce of India. Already, Russian wheat is selling cheaper than our produce. The result will be that there will be no payment coming to Government in the form of taxes. That will be the result. My friend the Honourable Mr. Ghosh Maulik has been interrupting me. He should not interrupt me. Happily, he comes from a permanently settled province, thanks to Lord Cornwallis. It is an old prehistoric arrangement which ought to be broken. Then my Honourable friend should know the difficulty of paying land revenue. The trouble is, so far as the Punjab and North-West Frontier people are concerned, their only industry is wheat growing. (*An Honourable Member* : "Also the United Provinces".) Yes, and the United Provinces. On the frontier, we have very little land, and whatever land we have, the difficulty is that we have very unfavourable weather. It gets very cold and we cannot grow better stuff or cotton. We cannot grow other things. The only thing we can grow is wheat. If there is no market for wheat, I do not know what the state of affairs there will be, when the zemindar cannot pay his land revenue and water rate and is absolutely a pauper. If there is nothing with the person, how will the Crown realise the land revenue? If they cannot realise the land revenue, the administration of the province will be difficult. To my mind, Rs. 2 should be the least amount for the import duty on wheat. A reduction of 8 annas in this is not proper, because, at that reduced rate, foreign wheat can compete with Indian wheat and can undersell the latter.

With these remarks, Sir, I am unable to see eye to eye with the Government in this matter.

**THE HONOURABLE MR. MAHMOOD SUHRAWARDY (West Bengal : Muhammadan) :** The Honourable Members who have preceded me have exhausted all comments, either of sentiment or argument, in regard to wheat and rice. It only remains for me to speak of what is desired by my province, Bengal. Sir, I support the measure but I am not satisfied with the scheme of protection for rice. The Bengal cultivator wants the price level of paddy to be raised. The scheme proposed may help Madras a little but it will not help Bengal and Bihar and Orissa. What I desire is that Government should review the whole position with a view to raising the price level in these two provinces. I hope the Honourable Mr. Stewart will give me an assurance that he will do justice to this aspect of the matter and will do something in future to raise the price level of paddy, so as to relieve the peasants of Bengal and Bihar and Orissa.

With these words, Sir, I support the Bill.

**THE HONOURABLE SARDAR BUTA SINGH (Punjab : Sikh) :** Sir, I wish to say just a few words in connection with the import duty on wheat which seriously affects the wheat-growing parts of India. Wheat has never been so cheap in India during this century as it is today. In the villages it is selling at Rs. 1-4-0 to Rs. 1-8-0, and the Government is showing its sympathy to 90 per cent. of the population which depends wholly on agricultural pursuits—peasants and labourers alike—by reducing the import duty by 25 per cent., that is, from Rs. 2 to Rs. 1-8-0 per cwt. When the import duty was Rs. 2 per cwt. the price of wheat in the Punjab did not rise above Rs. 2 a maund. This shows that if the import duty was removed the price of wheat in the villages would be next to nothing. If the price of wheat had risen high, there might have been some justification for reducing the rate of duty. Government seems to be under the impression that surplus stocks of wheat in the world have been exhausted, but how can Government be sure of it?

One good crop in Russia, America, Roumania or Australia may falsify all Utopian ideas of Government. The financial policy is being carried on irrespective of the best interests of the agriculturist. The 1s. 6d. ratio has already put a 12½ per cent. export tax on all agricultural produce of this country. The only policy to follow is to buy nothing from foreign countries for cash but pay in kind through trade agreements.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated : Indian Christian) : Sir, we from Madras are really thankful to the Government for imposing this duty on broken rice. But at the same time I must observe that the feeling in Madras is that it is not sufficient to keep out broken rice or prevent its being sold at a price which would injuriously affect the rice grower. No doubt, as the Honourable Commerce Secretary has observed, under section 4 the Governor General in Council has power to raise the tax and I hope they will see their way to do that as soon as possible. Also they must consider whether this duty on broken rice is not likely to stimulate the import of whole rice and paddy. The Government of India is at present under the impression that it will not do so. But we in Madras are afraid that if you stop the import of broken rice the whole rice and paddy will be imported. As regards famine conditions in Bellary and Anantapur, no doubt there is serious distress now but the staple article of food in those districts is not rice, as the Commerce Secretary has admitted. If the price of other food grains rise the price of rice also will rise. But for these two districts the stocks of rice and other food grains like millet, or what we call *cholam* and *ragi*, are sufficient to supply the needs of their inhabitants. Therefore I do not think the Government need be very apprehensive as to any undue rise in the price of rice which might injuriously affect those two districts. I only ask the Government to be watchful of the situation and to raise the duty as soon as possible to at least Re. 1 which is I believe the recommendation of the Madras Government. As observed by another Honourable Member, quite recently a Motion for Adjournment was passed in the Madras Legislative Council in regard to this matter. I do not think it was opposed by the Madras Government, who share the view of the people. I think it is incumbent on the Government of India to watch the situation and to raise the tax as soon as possible, whenever it is clear that the import of rice is seriously affecting the rice situation in Madras, to at least Re. 1.

With these few remarks, I really welcome the proposal to put a tariff of 12 annas on broken rice.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhamadan) : Mr. President, I deplore greatly the change which has taken place in the Government. The Government instead of working for the interests of India is now acting as subservient to the Secretary of State for India, whose every behest is accepted by the weak-kneed Government of the present day without any protest or regard for the welfare of India. When we had a duty of Rs. 2 per maund the price of wheat did not rise even to a parity with the Liverpool price. I would remind the Honourable Commerce Secretary that when we were considering the Ottawa Report we came across the fact that there was an export of wheat actually taking place from Karachi. If the price had risen above world parity then there would have been no export of wheat, and this happened when there was an import duty of Rs. 2 a maund. Further, I had also drawn attention in my note on that Committee to the fact that when the Lyallpur price was 5s. below the Liverpool price, at that stage there was no export. Export starts only when there is a difference of more

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than 5s. between the Liverpool and Lyallpur prices. That shows that the higher import duty does not force the internal prices to rise to the same amount as the duty. If any further proof is required that is offered by the action of the Government itself. When an excise duty on sugar was being imposed, you will remember, Sir, that we found that sugar in India was not selling at parity with Java sugar. Actually it was about Re. 1 according to the Government and 12 annas according to our own calculation below the Java parity, and that was one of the reasons which helped the Government to impose the excise duty. Its after effect was a rise in price of about 40 to 50 per cent. of the excise duty, one-half was absorbed by the manufacturers while the other moiety was transferred to the consumer. These two instances ought to convince every one who has an open mind that reduction of the duty was not called for, especially in view of the fact that we have practically no export trade, the only effect would have been to raise prices inside the country.

Now, here I beg to differ from the Commerce Secretary that an increase in price is a calamity. I believe, Sir, and I have the support of Sir George Schuster, who when at Ottawa said that the greatest necessity for India was the increase in the prices of the home grown produce. Unless we have an increase in the prices of raw materials, which is the stock in trade of the masses, you cannot have increased purchasing power in the country and without increased purchasing power there can be no prosperity. Now, Sir, he was very mindful of the people, of the consumers, and he told us that if the prices are raised higher consumers will be complaining and they will be hard hit. May I ask him whether this thought ever assailed his mind when he was giving protection to the big industries? But the difference is that there the producers happened to be capitalists, men who can reach the Honourable Secretary and tell their own worries and woes; but here the producers are the masses, the labourers and the down and outs who have no entry in the charmed circle of the Governor General's Council and his Secretariat. Therefore their worries never reach them and consequently do not find any support from that quarter. Here, Sir, the consumer and the producer are synonymous terms. The number of people is so great in those cases that you cannot differentiate where a man ceases to be a producer and becomes a consumer. Everyone is a consumer and almost half of us are producers; whereas in that case the producers are a few and far between capitalists; the consumers count hundreds of thousands. There the case for the consumer has got greater strength because you add to the power and the earning capacity of the few; and, as is well known, one of the fundamental principles of the Government is to act as a channel of better distribution of wealth from the classes to the masses. Instead of that the Government is functioning at the present moment in the opposite direction. It is carrying the money of the masses to the pockets of the classes.

Sir, I am not going to say much about wheat, because it has already been sufficiently discussed by other Members. I am more concerned with rice. I find, Sir, that we of the Opposition have been always accused of being irresponsible, but I submit we have learnt our lessons at the feet of the Treasury benches; they are past masters and present artists in the art of evading responsibility. Now, Sir, my point is, has the Government taught us to mind the advice of experts. There was a conference in which experts were called in. They recommended a duty of Rs. 1-4-0 per maund. They did not recommend that the duty should be imposed on broken rice. What response has the Government made to that? Were they not competent to decide this question? Were not all these facts placed before them? If you hold an

inquiry, but do not place all matters before them ; the Honourable the Commerce Secretary is telling us that perhaps he has not placed all these facts before them, that is an additional charge. Why were not—

THE HONOURABLE MR. T. A. STEWART : The facts on which we have taken action were not available, Sir, at the time when the Crop Planning Conference met. That I think is an excellent reason why they should not have been placed before that Conference.

THE HONOURABLE MR. HOSSAIN IMAM : Then why not call an expert committee again ?

THE HONOURABLE MR. T. A. STEWART : The last time that I spoke on this subject I was blamed for delay !

THE HONOURABLE MR. HOSSAIN IMAM : As I was saying, Government are past masters in the art of evading responsibility. The fact that this question of delay cropped up itself shows, and it is almost an admission on the part of Government, that they have delayed matters. Will the Honourable Member tell us what was the time taken on the wheat question, and what has been the time which has been spent in inquiring about rice ? Was there much difference between the two ? The difference lies only in this that the production of rice is more than double that of wheat and the number engaged in rice is two and a half times more than those engaged on wheat. That is the only difference.

THE HONOURABLE MR. P. C. D. CHARI : But the Punjab is not concerned.

THE HONOURABLE MR. HOSSAIN IMAM : We are not talking about the Punjab ; we have the Leader of the House from the United Provinces and the Secretary from the United Provinces ; they are interested in rice as well as in wheat ; they stand midway between wheat and ricegrowers. He has based this duty on the fact that the difference in the price of the big mill rice and the broken rice is 8 annas. Now, Sir, the question crops up whether this difference has been taken from the quotations in Rangoon or the quotations in Madras ? Will the Honourable Member tell us—

THE HONOURABLE MR. T. A. STEWART : Records were maintained in Cochin of both Siam and Burma qualities.

THE HONOURABLE MR. HOSSAIN IMAM : That has not taken Madras quotations.

THE HONOURABLE THE PRESIDENT : The Honourable Member has said that records were taken from Cochin.

THE HONOURABLE MR. HOSSAIN IMAM : Are not prices different in Madras ? Now, Sir, the big mills are producers of rice in Burma, but what is the difference between rice grown in Madras itself and the price at which broken rice is imported into Madras. Madras is a province which is most intimately concerned with this question and therefore we ought to have been told.

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the difference between Madras rice and other rice to substantiate the reduction in the amount of duty which is imposed. Then, Sir, Mr. Yamin Khan drew the attention of the Government to a very pertinent fact. I remember, Sir, when that Resolution of Mr. Yamin Khan was being discussed, the general desire of the House in view of the sympathetic reply of Government, was to withdraw the Resolution. I was the culprit who wanted to force the Government to show their hands, and the result was that there was a unique division in this House when there was no voice in opposition; all were for the State and none was for the party! The Government itself was therefore pledged by the support of the Resolution to bring forward a Bill imposing the same amount of duty; otherwise they had no reason to support it; they ought to have opposed it, because the Motion was made that the same duty should be imposed. Now, Sir, if the Government is prepared to forget itself, there must be some reason behind it. I do not think they are so fickle as to change every day like that. The only intention of ours when we forced that division was to find out what was going to be the attitude of Government.

**THE HONOURABLE THE PRESIDENT:** There was no commitment of any kind on the part of Government.

**THE HONOURABLE MR. HOSSAIN IMAM:** There was no commitment, but when it supports a measure we all understand, and the ordinary Parliamentary procedure is, that they are behind that Resolution; otherwise they ought at least to have remained neutral, if not voted against it. The House could have decided by itself and you would not have had that unique division in which there was no vote against and all the votes were for the measure. But I know, Sir, that we have to differentiate between the free will of the Government of India and the views which they are forced to uphold. The spirit in Whitehall at the present moment is to make everything subservient to Empire considerations. If the duty were pitched high, the result would have been that there would be no import from the Empire countries and in order to encourage imports from the Empire countries it was thought necessary to reduce the quantum of the duty.

**THE HONOURABLE THE PRESIDENT:** You are only going on conjectural grounds.

**THE HONOURABLE MR. HOSSAIN IMAM:** Mr. President, one can never know the future but by conjecture. The wise man is he who takes time by the forelock and takes a warning where he understands a warning is being given. It is no use being wise after the event, or locking the stable door after the horse has been stolen. I was very sorry to find, Sir, that when strong supporters of Government like my friends Mr. Yamin Khan and the Nawab Sahib of Hoti express views in opposition to the Government, even then the Government do not take serious notice. It is really calamitous from the point of view of the Government.

I now come to a constructive suggestion. It is no good our asking the Government to do this or that. The exposition was made in the other place when Honourable Member after Honourable Member from the Government benches, the Honourable Leader, the Honourable the Commerce Member, all disclaimed responsibility for things because they were only carrying out the orders of the Secretary of State. The present Government of India Act does

not give them full latitude to do as they would like. They are not responsible to us but each and every one of them is responsible to the Secretary of State and as such, instead of attacking our own Member for lack of action which they ought to take, we ought to concentrate on the real authority, the real culprit who sits behind and instigates without coming into the open himself. The idea behind this duty on broken rice is nothing else but to safeguard the future separation of Burma. I have said, Sir, that because it is contemplated to separate Burma from us and in order to keep the Indian market intact for Burma rice, the Secretary of State does not allow any import duty to be placed on rice. Therefore, the phrase *broken rice* has been imposed and if the Government had a clear conscience they could do it any moment they liked by removing the word "broken". We would then have no more complaints about the Government being subservient to the interest of other parts of the Empire as Burma is going to be. And as such we want that we should have in our hands some power to impose our will on the Burmans as far as the interests of Indians in Burma are concerned. England is anxious to retain power over India because of the English capital invested in India. Why should we not desire to have something to bargain with with these Burmans when they are separated? *We therefore, Sir, think that the duty has been placed on broken rice simply to safeguard the future separation of Burma.* As regards rice, it is adding insult to injury that Government still persists in maintaining a duty on the export of rice. They have removed the export duty on hides and by the Bill which is coming tomorrow they are going to remove the export duty on skins. But the poor rice growers cannot have even this amount of help which would come to them by the removal of the duty on the export of rice. The export duty falls only on the producer and not on those who import it, because we have neither a monopoly production nor a controlling position, in which one can, with impunity, impose an export duty without hurting the producer. Although even that sound position has been in practice defeated. We have seen that the imposition of an export duty on jute has had a telling effect on jute prices. But, Sir, the jute question brings up a very big issue and the Government of Bengal and my own province of Bihar, and Assam, are also directly interested in the duty inasmuch as they get a rebate of half that duty and in the future federation we hope to have the full rebate. Therefore, all the duty would in the end return to the people themselves. But in this rice duty, no rebate is allowed to the producing provinces and therefore it is nothing but a tax on the producers of an article which is exported and which, according to every other country's canon of propriety ought to be helped, and aided even by bounty, in place of which we have to pay a tax. May I suggest for the consideration of the Government a proposition by which they can help the export of wheat in spite of this reduced duty that they are proposing at the present moment. I had also asked in the Ottawa Committee's Report that the Government should give a sort of rebate on the railway freight for the wheat exported out of Karachi. If a rebate of excess over a certain minimum amount is allowed you will reduce the carriage charges to a bare minimum—

**THE HONOURABLE MR. T. A. STEWART:** That, Sir, is what is being done at the present moment.

**THE HONOURABLE MR. HOSSAIN IMAM:** What the Government is doing is that they have reduced it to a certain extent no doubt but that reduction is for both the wheat which is retained in Karachi and which is exported. We would have it that the rebate should be given not only to Lyallpur wheat but to other wheats as well—Cawnpore, etc.

**THE HONOURABLE MR. T. A. STEWART:** I understand there is a rebate of 25 per cent. of the freight on the wheat exported from Karachi to foreign countries.

**THE HONOURABLE MR. HOSSAIN IMAM:** Thank you, Sir. This is one of the best ways in which they can help the export of wheat. As my Honourable colleague pointed out, we have been placed on the horns of a dilemma. If we oppose the Bill, the Government can sit tight and say: we will not have even the existing duty. If we support it, we will be playing their game. They did the same thing years ago when the question of the protection of the textile industry came up and imperial preference was thrust on us. They are repeating those tactics again. Unfortunately, we are placed in such a way that we can neither impose our will nor can we force them in any way to do what we require. Therefore, Sir, we have to submit to their will and do what they want.

**THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD** (United Provinces Northern: Non-Muhammadan): At the outset, Sir, I P.M. I want to congratulate the Honourable Kunwar Jagdish Prasad on his appointment as a Member of the Viceroy's Executive Council and also to congratulate the Government of India on their selection. Kunwar Jagdish Prasad comes from the United Provinces with a brilliant record of service in the United Provinces Government, the last office occupied by him and occupied successfully—being that of Home Member. The Kunwar Sahib is endowed with great ability, industry and knowledge and is well known for his eloquence and debating talents. The United Provinces highly appreciates the fact that after a long time, a United Provinces Indian has been appointed an Executive Councillor in the Government of India.

Now, Sir, coming to the Bill before the House, I heartily welcome the measure. The measure is in the interests of the Indian agriculturist who still needs protection very badly an account of the continued slump in the prices of agricultural products. I am one of those who think that the import duty on wheat should have been retained at the former level of Rs. 2 per cwt. because Indian wheat is still out of parity with world prices and, as the statement of objects and reasons says, there are still in existence considerable stocks which constitute a possible menace to the Indian wheat grower. But, Sir, the Government have decided to lower the duty to Rs. 1-8-0 and the Honourable Mr. Stewart has given reasons in support of that decision. After hearing the Honourable Mr. Stewart and my Honourable friend Rai Bahadur Lala Ram Saran Das, I consider the reasons given by the Honourable Mr. Stewart for the decision of the Government to be quite convincing. I feel that the duty of Rs. 1-8-0 per cwt. under the present circumstances will be quite sufficient. Moreover, there is some consolation in the fact that the Government are placing this duty under the protective clause, which means that the Government can, by executive action, raise on occasions the price of Indian wheat. Sir, I am glad that this measure has received the almost unanimous support of this House. The only dissentient voice was raised by my Honourable friend Mr. Ghosh Maulik. But, Sir, as he himself said he raised only a feeble voice, and from his speech I infer that, although his heart was with the consumers of Bengal, his head was with the wheat growers of Northern India.

Sir, I support the measure.



**THE HONOURABLE MR. T. A. STEWART :** Sir, with your permission, I would briefly refer to a few of the more relevant criticisms that have been offered in the course of this debate. Let me first of all refer to the Honourable Mr. Yamin Khan's Resolution to which he drew attention. The part of the Resolution which deals with the import duty is as follows :

"This Council recommends to the Governor General in Council, etc., etc., to give protection to the wheat growers in India by extending the period of import duty on foreign wheat".

Now, I wish to deny categorically that the acceptance of that recommendation involved the acceptance of any specific figure of duty. The Honourable Mr. Yamin Khan and the Honourable Mr. Hossain Imam know as well as I do that Government never, on any occasion when they propose to introduce a Tariff Bill, reveal beforehand the exact amount of duty that they propose to impose.

Now, Sir, I started by saying that the object of the wheat import duty was to safeguard for the Indian producer the Indian market for wheat, and I claimed that a duty of Rs. 1-8-0 was adequate for that purpose. No Honourable Member has attempted to show that that duty is inadequate. There were certain assertions made which were based on certain hypotheses. The Honourable Mr. Yamin Khan said that if those 400 million bushels were imported at a price of 8 annas, India would be ruined. Quite so. But there are lots of other hypotheses, and I cannot really answer hypothetical suggestions of that sort. Perhaps, he has a wrong idea of what this import duty can perform? It certainly cannot operate indefinitely to raise prices in India. Once it has secured its main purpose, that is, to exclude foreign supply, the price that will be realised inside India is determined entirely by the conditions of demand and supply within India. There is no short cut to making millionaires. To take his argument to its logical conclusion, if we happen to put on a duty of a lakh a maund, everybody would be rolling in money. But, that is an impossible argument.

The Honourable Lala Ram Saran Das was talking for the flour miller. I was rather touched to hear him talk for the flour miller, because it is obviously the flour miller in the ports for whom he is speaking. Now, I have heard the flour miller in the port complain very bitterly against the competition of the Punjab, and not from outside. It is the Punjab, they say, which is killing their industry. So, I thought it was rather a touching episode!

**THE HONOURABLE RAJ BAHADUR LALA RAM SARAN DAS :** What I said was that in case the import duty on wheat was high enough, the flour millers at the port will use Indian wheat and not foreign wheat.

**THE HONOURABLE MR. T. A. STEWART :** I should be very glad to believe that, Sir, but the representation that I have received from the millers at the port is that for the purpose of a great portion of their trade, Indian wheat is entirely unsuitable. But he did not have all his own way when he spoke in favour of the flour miller at the ports. The Honourable Mr. Yamin Khan denounced these mills at the ports as being entirely foreign institutions. Well, Sir, the Honourable Mr. Yamin Khan was probably unaware that the most important mill in Bombay, though it bears an English or Scotch name, is still an Indian firm.

As regards rice, the main criticism has been that though this duty of 12 annas may be effective as against broken rice, it will only result in the dumping

[Mr. T. A. Stewart.]

of whole rice and paddy. Now I endeavoured to make it clear that there was an essential difference between broken rice and whole rice and paddy. As I said, this broken rice is by way of being a bye-product and its price is not determined by the reactions of world demand and world supply. It is possible, in fact it may be desirable, to sell it in any market for any price. But the same argument does not apply to whole rice and paddy, the prices of which are determined by world conditions, especially in such markets as Saigon and Bangkok.

In conclusion, Sir, may I make quite clear what I meant when I suggested that it would be unfortunate that there should be a rise of price against the consumer. The Honourable Mr. Hossain Imam has considered my remark to mean that it would be a calamity if there is any increase in price. I made no such suggestion. What I intended to convey, and I believe that I did, was that if a monopolist used his monopoly in a time of scarcity to force up the price against the consumer it would be a calamity, and I say, Sir, it would be more than a calamity, it would be a crime.

**THE HONOURABLE THE PRESIDENT :** The Question is :

“ That the Bill to amend the Indian Tariff Act, 1934, for certain purposes, as passed by the Legislative Assembly, be taken into consideration ”.

The Motion was adopted.

**THE HONOURABLE THE PRESIDENT :** The Question is :

“ That clause 2 stand part of the Bill ”.

The two amendments standing in the name of the Honourable Mr. Mehrotra have been disallowed by the Governor General as they seek to increase taxation, and I cannot permit them.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** But, Sir, they relate to the duty that was levied by the Government up to the 31st March.

**THE HONOURABLE THE PRESIDENT :** The decision of the Governor General is final.

**THE HONOURABLE RAJA GHAZANFAR ALI KHAN :** On a point of order, Sir. Under section 54 of the Manual of Business and Procedure a Motion must not raise a question substantially identical with one on which the Council has given a decision in the same session. Now, Sir, I did not raise this point of order earlier because the Bill contained provisions relating to wheat duty as well as rice and I thought the Council having given a decision already on the question of wheat it would be more appropriate if I raised this point of order when you put this clause to the House. The words of the rule says a Motion “substantially identical”. It need not be exactly the same form of words. “Substantially identical” is to be interpreted on a basis of common sense. Now the Resolution passed by this Council during this session—

**THE HONOURABLE THE PRESIDENT :** You are going into irrelevant matters.

**THE HONOURABLE RAJA GHAZANFAR ALI KHAN :** I think it is perfectly relevant if I require a ruling as to whether under this section the Government is not out of order owing to repetition of an identical Motion.

**THE HONOURABLE THE PRESIDENT:** It is only hair splitting. Your contention is that the Resolution moved by Mr. Yamin Khan precludes the discussion of this Motion?

**THE HONOURABLE RAJA GHAZANFAR ALI KHAN:** Yes, Sir.

**THE HONOURABLE THE PRESIDENT:** It does not do so at all. This is a legislative measure and the Government is entitled at any time to bring in a legislative measure before the Council, apart even from any Resolution or any Motion.

The Question is :

“That clause 2 stand part of the Bill”.

The Motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

**THE HONOURABLE MR. T. A. STEWART:** Sir, I move :

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

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA** (United Provinces Central: Non-Muhammadan): Before I speak on the Bill before the House, Sir, I wish to join with my Honourable colleague Rai Bahadur Jagdish Prasad in congratulating the Leader of the House who comes from my province. Sir, Kunwar Jagdish Prasad had a very brilliant career from the very beginning and after passing with distinction from the Muir Central College he went to England and there too he distinguished himself and passed very creditably. He then worked in various districts as a district officer and was taken into the Secretariat as Reforms Officer and there also he displayed his brilliancy and after serving as Education Secretary was made Chief Secretary in a very short time, though some of the officers were senior to him. He was Secretary for 10 or 12 years and I had the honour of working with him for seven years in the local Legislative Council. (*An Honourable Member:* “In opposition?”) I was in the Opposition Party certainly, but that does not mean that we were working together on every point. We were in the same Council and differences of opinion there are bound to be. We have even seen my Honourable friend Mr. Yamin Khan, who always supports the Government, had a difference of opinion on a particular measure. (Laughter.) So, Sir, after that he rose to the rank of Home Member and from that position he has come here and we welcome him most cordially.

Now I proceed to the merits of the Bill. I was simply surprised that Government should bring this Bill with a reduction in the duty from Rs. 2 to Rs. 1-8-0. In this very session Government was a consenting party to continuing the duty at Rs. 2. Sir, there were two conditions which were laid down by my friend the Commerce Secretary last year when he brought in the Motion to extend the Bill for another year, and those conditions are prevailing today as they were prevailing then and I fail to understand why my friend has come up with a Motion for reduction of duty this year? With your permission, Sir, I may read those conditions?

**THE HONOURABLE THE PRESIDENT :** It is not necessary at all. You ought to know that the Secretary to the Government of India is not the Government of India.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** Quite right, Sir, but he represents the Government and he has brought the Bill on behalf of the Commerce Member. But, Sir, whatever we have to say—

**THE HONOURABLE THE PRESIDENT :** He has not brought forward the measure on behalf of the Commerce Member, but on behalf of Government.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** May I have your permission, Sir, to read those sentences ?

**THE HONOURABLE THE PRESIDENT :** Yes.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** He said :

“The first condition is that there should be in existence large supplies of surplus stocks of wheat in the great wheat-producing and wheat-exporting countries of the world which are available for being exported to India should the duty be removed”.

That was the first condition.

“The second condition is that the price of wheat in India should be above the parity of world prices”.

May I ask my Honourable friend whether these conditions are prevailing today or not ?

**THE HONOURABLE MR. T. A. STEWART :** It is not proposed to remove the duty.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** My friend has not proposed to remove the duty, but he has proposed to reduce it.

**THE HONOURABLE THE PRESIDENT :** That is obviously a different thing.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** But I submit that it was not proper to bring such a Motion when the conditions which prevailed at that time are prevailing today. He told us that there is still a large stock of wheat in foreign wheat-producing countries. He has said that it is expected that during 1933-34 there would be a surplus of 400 million bushels of wheat in the wheat-producing countries. Then, Sir, when the Commerce Secretary introduced this Bill in the other House, he also laid stress on two conditions—

**THE HONOURABLE THE PRESIDENT :** We have nothing to do with the other House.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** We can express what he said there in our own words for our arguments. That is your ruling, Sir. He said—

THE HONOURABLE MR. T. A. STEWART : I did not introduce the Bill in the other House !

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : I meant the Commerce Member. He said that it was necessary to keep the Indian market for Indian producers having regard to the fact that India produced sufficient wheat. Sir, if that is the idea and if the Government knows that India produces sufficient wheat for its own consumption the Government should take every step that foreign wheat should not come into India. India is an agricultural country and more than 90 per cent. of its population is living on agriculture. Therefore, Sir, every possible protection should be given to this industry. He further said that there was still a large, though steadily diminishing net exportable surplus wheat in the world available at below Indian prices. So, Sir, if a surplus is available below the Indian price, there is absolutely no reason why the duty should be decreased. My friend Mr. Ghosh Maulik—

THE HONOURABLE THE PRESIDENT : I may inform the Honourable Member that I want to finish the other Bill before lunch.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : But, Sir, I had no say on the consideration Motion.

THE HONOURABLE THE PRESIDENT : What you have been saying has been thoroughly threshed out. Every speaker before you has said the same thing.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : If you rule me out, I will sit down ?

THE HONOURABLE THE PRESIDENT : No, I do not rule you out, but I draw your attention.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Thank you, Sir. I quite realise the consumers' point of view that my friend put before the House, but may I ask him whether the price was higher when this duty was not imposed and what was the condition of the consumers ? We know that in 1928-29 and in 1929-30 the price of wheat was about Rs. 6 per maund, but after this duty on account of the economic depression the prices have come down to about Rs. 3 a maund. Therefore consumers cannot have any complaint when they are getting wheat as cheap as 14 seers to a rupee and I think this is quite a cheap rate to get wheat. They do not realise that the agriculturists have to pay a very high rate of canal dues and after paying these canal dues very little is left to them to pay their rent and meet their own expenses. Canal rates were increased during the war when wheat was selling at a very high price, but since then in spite of the fact that the matter has been brought before the local Legislatures and Government was pressed that the rates should be reduced, it has not been done. We request the Government of India to draw the attention of the local Governments that it is very necessary in the interests of the agriculturists to reduce the canal rates. I am aware that the Government of India have reduced the railway freight from Lyallpur to Karachi and other parts from Rs. 1-8-0 to Rs. 1-0-8, but may I ask what have they done so far as the United Provinces is concerned ? I placed my views on behalf of the United Provinces last year when the Government moved for the extension of the Bill for another year, but I find, Sir, tha-

[ Rai Bahadur Lala Mathura Prasad Mehrotra. ]

they have taken no steps so far ; they have done nothing so far as the United Provinces is concerned. I would remind the Government that the United Provinces is also one of the wheat-producing centres and they should take the case of the United Provinces into consideration.

Then, Sir, another thing that is very much against agriculturists is the maintenance of the ratio at 1s. 6d. We have brought forward this question repeatedly in this House and the question was discussed in the other House also and unless the ratio is reduced, there is no salvation for the agriculturists in this country. They are losing much more on account of the ratio than on account of any other thing. I hope the Government will consider this very seriously and come to the rescue of the agriculturist if they have got any regard for him and reduce the ratio.

Sir, with these words I close my remarks. I cannot lend my support to the Bill, because they have reduced the protection from Rs. 2 to Rs. 1-8-0 ; at the same time I am not in a position to oppose the Bill also, because something is better than nothing. Therefore I have to close my remarks without extending my support or opposing the Bill.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I had no mind to speak at this stage of the Bill, but the remark the Honourable Mr. Stewart made forced me to make a few observations. The Honourable Mr. Stewart has observed that in case the import duty is enhanced it will increase the price and it will not be in the interests of the poor consumer. Sir, hitherto all that the country has been asking the Government to do is to try and raise the level of prices of the produce of the country and now, as far as exports are concerned, he knows very well that the present prices will not enable Indian wheat to be exported. As far as the British purchasers are concerned, they are buying wheat from the Argentine in preference to Indian wheat although I think that as a result of the Ottawa Agreement they ought to give preference to Indian wheat. However, that is a question beside the point, but I must say that as most of the producers are consumers, in case the level of prices is raised it is to the advantage of the agriculturists and to the advantage of a very heavy majority of the Indian population. As far as flour is concerned, the Honourable Mr. Stewart has given no reason why that difference of 8 annas has been removed.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN (West Punjab : Muhammadan) : Sir, the only reason why I take part in this discussion at this late stage is because I do not wish to let this opportunity pass without placing on record a protest against the inconsistency which the Government of India have shown during the last two months in dealing with the poor zemindars so far as the question of wheat is concerned. I still hold, Sir, that by consenting to the adoption of that Resolution of Mr. Yamin Khan's by the Council of State, the Government of India committed themselves that they were prepared to extend the period of this duty and would keep the duty at Rs. 2.

THE HONOURABLE THE PRESIDENT : Mr. Stewart has already told you that the Government of India could not disclose in advance the legislative proposals they are going to bring forward and the measure of taxation they are going to impose.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : I hope, Sir, I am not bound to accept whatever view is advanced by any Government Member ?

I hold my own opinion and I must bring before the House the history of the development, why the Government of India accepted at that time the first part of Mr. Yamin Khan's Resolution. I think you remember that, when originally this Resolution was put, it was not in two separate parts. The Resolution was put as a whole. The then Leader of the House, the Honourable Khan Bahadur Sir Fazl-i-Husain, was unfortunately absent when this Resolution was put to the vote. He arrived after the division bell had been rung and, as far as I remember, Sir, he went up to you and it was probably at his request that you decided to separate these two parts of the Resolution.

**THE HONOURABLE THE PRESIDENT:** I generally act on my own discretion.

**THE HONOURABLE RAJA GHAZANFAR ALI KHAN:** Yes, Sir, you decide on your own discretion, but I hope you will agree that the Honourable the Leader of the House also made this suggestion to you. Because the Honourable Mr. Hossain Imam objected to this Resolution being put in separate parts (as will be seen from the proceedings of the debate) and you said it was entirely in your discretion and you were going to use your discretion and put the parts separately. From this brief history of this question, Sir, I come to the conclusion that the Government of India suddenly, on the advice of the Honourable the Leader of the House, without definitely knowing what they were committing themselves to, agreed to accept this Resolution. Supposing, Sir, there is a Resolution that the life period of a certain Act or Ordinance should be extended and the Government of India accept that, does it mean that the Government want that certain of its important clauses should be changed? When they say they agree to the extension of the period without declaring that in agreeing to the extension of the period they are not committing themselves to the actual duty of Rs. 2, I think we would be perfectly justified in concluding that they were at that time prepared to extend the period of the duty and keep it at Rs. 2. Something has taken place since then,—unfortunately we do not know what. Either these Members of the Viceroy's Executive Council have tried to mislead His Excellency the Governor—

**THE HONOURABLE THE PRESIDENT:** Order, order. I do not think you are justified in using that language; "mislead," is an objectionable word.

**THE HONOURABLE RAJA GHAZANFAR ALI KHAN:** Well, Sir, if that is not the proper word, I will be satisfied with a milder word. They anyhow tried to advise the Viceroy and tried to convince him that by lowering the duty from Rs. 2 to Rs. 1-8-0 we would not be doing any injury to the interests of the agriculturist. Otherwise, I am perfectly certain that His Excellency has the well-being of the poor agriculturist at heart and he could not possibly have agreed to this unless he was so advised. If the Government of India will take up the position that at the time when the Resolution was brought by my Honourable friend, Mr. Yamin Khan, they were of opinion that the duty should be Rs. 2 but on reconsideration they have now come to the conclusion that the duty should be Rs. 1-8-0, then my position is untenable, but as far as I have listened to the speeches they have not taken up that position. Nobody denies the fact, Sir, that by this abnormal fall in the prices of wheat, the condition of zemindars in the Punjab and the United Provinces has been going from bad to worse every day. It would be entirely wrong to say that during the last four or five years their condition has improved in the slightest degree. The

[ Raja Ghazanfar Ali Khan. ]

Government have been experiencing difficulties in the realisation of revenue and it is only because a zamindar by temperament happens to be always willing to pay his dues that the Government were able to realise revenue. Many of the zamindars had to sell all their assets, all the little gold and silver ornaments they possess. Personally, I know of instances, Sir, where the people agreed to give their young daughter of four or five years in marriage to a certain man whom they did not like simply because he said he would pay the revenue for them. This is the condition under which the zamindars are living and, Sir, it should be a matter of serious consideration to the Government that if the price of wheat drops even by two annas in the maund they will be putting the provincial Governments into great difficulty who are responsible for realising the revenue. I would again appeal to the Government to reconsider their position.

**THE HONOURABLE THE PRESIDENT :** But the Honourable Mr. Stewart did say, as far as I remember, that if necessity arose they would increase the duty.

**THE HONOURABLE RAJA GHAZANFAR ALI KHAN :** The necessity is there. Is there a single zamindar here in this House who would get up and say that the condition of zamindars is not extremely unsatisfactory? But if there is nobody to say that, then the occasion is there and the opportunity is there. (*Honourable Members :* "You are right!" "Absolutely right!") The Government of India by setting apart that sum of one crore for the betterment of zamindars in the rural area have created a good impression on the minds of zamindars and by now forcibly reducing this duty from Rs. 2 to Rs. 1-8-0 they are really taking away the good effect which was produced in the minds of the zamindars. I would still appeal to them that, while of course the interests of the consumer are equally important, the consumer is not going to suffer if the duty on wheat remains at Rs. 2 and the selling price remains Rs. 3.

**THE HONOURABLE MR. T. A. STEWART :** Sir, I do not wish to make any further remarks.

**THE HONOURABLE THE PRESIDENT :** The Question is :

"That the Bill to amend the Indian Tariff Act, 1934, for certain purposes, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

The Council then adjourned for Lunch till a Quarter to Three of the Clock.

The Council re-assembled after Lunch at a Quarter to Three of the Clock the Honourable the President in the Chair.

#### INDIAN TEA CESS AMENDMENT BILL.

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

"That the Bill further to amend the Indian Tea Cess Act, 1933, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration."



Sir, the Tea Cess Act, which it is now sought to amend, was passed originally in 1903 with the object of promoting the interests of the tea industry in India, and for that purpose, it provided for the levy of a cess which was originally leviable at the rate of  $\frac{1}{4}$  pic per lb. of tea. The fund so created has since been applied for the purpose of promoting the sale and increasing the consumption of tea in India and elsewhere. The necessity of that object has from time to time dictated increases in the rate of cess leviable. In the autumn of 1933, the cess was increased from 6 annas per 100 lbs. to 8 annas per 100 lbs., which was the maximum amount which could be levied under the Act as it now stands. The Indian Tea Association have now come forward with a proposition that the maximum rate of cess leviable should be raised from 8 annas per 100 lbs. to 12 annas per 100 lbs. The case of the Tea Association is this. The International Tea Control scheme has now been in operation for two years, and satisfactory as have been its results, it has been found that that scheme in itself is not a complete solution of the problem of the disposal of excess tea stocks. In India, for example, the potential production of known tea gardens is in the neighbourhood of 500 million lbs. Under the export control scheme, only about 315 million lbs. may be exported to world markets. There is, roughly speaking, 200 million lbs. still to be disposed of. Now, of that, India at the present moment consumes herself between 60 and 70 million lbs. India is a very large potential market and unless steps are taken very severely to restrict the production of the Indian gardens, the only solution of the difficulty appears to be an expansion of the Indian demand. Experience has shown that such expansion can only be achieved through propaganda, and for propaganda, money is necessary. It is for this reason that the Tea Association have come to ask for an increase in the maximum amount of the cess from 8 to 12 annas per 100 lbs. The Government of India agree with the Tea Association that an expansion in the Indian consumption is a necessary complement to the export restriction scheme, and in view of the fact that this proposal carries with it the almost universal support of the tea-growing industry in India, Government have brought forward this amending Bill. The additional cess is a comparatively trifling amount and it is borne by the tea growers themselves. All known tea gardens in India have been consulted as to the propriety of this measure. 95·5 per cent. of the industry as measured in terms of acreage have expressed their approval of the proposal. From 4·5 per cent. of the industry no replies have been received. But in no instance has there been a dissenting voice. In these circumstances, Sir, the Government of India are sure that this Bill will receive the acceptance of this Honourable House.

Sir, I move.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY (West Bengal : Muhammadan) : Sir, I support this Bill, but before I support it, I should like to draw the attention of the Honourable Member opposite to the fact that on the Indian Tea Cess Committee, more Indian members should be taken. That is point No. 1. Point No. 2 is that more employment should be given to Indians on the Tea Cess Committee staff.

With these remarks, Sir, I give my whole-hearted support to this Bill.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY (Bombay : Nominated Non-Official) : Sir, I had no desire to speak on this Bill. In view however of certain statements that have been made in another place, which are likely to prejudice the use of tea by Indians, and raise distrust and suspicion, I think that those statements should not be allowed to go uncontradicted. They may do mischief and instead of increasing the use of tea,

[ Khan Bahadur Dr. Sir Nasarvanji Choksy. ]

debar its further expansion in India. It has been asserted that tea is a poison. I do not know what authority there is for this statement, and whether any chemical analysis or reports have been made to this effect. Sir, if persons are taking this so-called poison, it is the Members of the central Legislature who, year after year, get soaked with any amount of tea at numerous tea parties and not *bhang parties* as alleged! When last year my Honourable friend Lala Mathura Prasad Mehrotra asked me to find out some poison in the Army Bill, I told him that if any individual finds poison that is non-existent, it must be due either to morbid imagination or distorted vision. I apprehend that something of that kind is at the bottom of such mischievous statements. We all know the virtues of tea. I need not dilate upon them. Everybody admits that a cup of tea cheers, but does not inebriate. It revives the jaded nerves and overcomes the effects of fatigue. Persons of different shades of opinion fraternise and get over their differences at the tea table. If it is a poison, it is the easiest means of getting rid of obnoxious people from one's midst! It was also asserted that the only two ingredients of any use in a cup of tea were milk and sugar. If the use of tea is prohibited, what would follow? No doubt the calves would get more milk, but what of the sugar industry of India that has been protected by high tariffs and fostered by Government? Probably many of those factories would have to shut down if sugar were thus no longer used. Sir, some such slogans in our political life appear from time to time. It was not so long ago, about 15 years back, that we were also exhorted to give up the use of tea. And for what reason? It was then alleged that by using milk with tea we deprived the poor calves of their natural sustenance and that it was a heinous crime! That was the ostensible reason. I believe there was something at the back of it and that was to hit the tea planters. Political memories are very short in India. Some of those who advocate such stunts forget all about them afterwards. What was the outcome? Tea shops were closed down in Bombay, Gujerat, etc., and the poor jaded mill worker could not get even a cup of tea at the end of a hard day's work. They then resorted to the toddy shops. Thereupon toddy was also forbidden and shops picketed. A ruthless order was sent out to cut down toddy trees wholesale. Enormous destruction was thus caused in Gujerat especially. Some of those who were most enthusiastic in carrying out this mandate of the Congress dictator were most careful to spare their new trees, while cutting down their own old useless trees. But they destroyed wholesale the new trees of their neighbours in order to prevent them from making money in future. Their mistaken zeal was so great that a large number of people were absolutely ruined, not only the owners of the trees, but the poor depressed classes who lived upon the material of those trees by weaving mats, making brooms, etc. They had to face starvation for lack of these raw materials of their poor trade. Such were the disastrous and baneful effects of such political stunts to harass Government and the law-abiding masses. Buffaloes and cows may possibly have been benefited to some extent but not other animals. I would simply say that it was no more inhuman to have milk from buffaloes and cows than to have it from goats.

Sir, is it not high time that responsible men should cease to make such ludicrous, nay, mischievous statements? If these are allowed to be broadcasted and the ignorant masses are led to believe that tea was a poison such a propaganda would do great injury to the tea industry. Some sense of proportion and responsibility is necessary in certain quarters, otherwise the work of the Tea Association would be undone.

Sir, I support the Motion of the Honourable Commerce Secretary for the passage of this Bill.

THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA (Assam :

3 P.M. Non-Muhammadan) : Sir, I rise to support the Bill. Three years

ago in 1932 the tea industry was tottering and on the verge of ruin and the Government came forward with a scheme for the regulation of exports. This scheme was the result of an international agreement between India, the Netherlands East Indies and Ceylon. After this agreement was entered into the Government was approached and the Government of India was pleased to implement the scheme to save the tea industry from ruin. Sir, we all know that this industry is one of the major industries of India, and if the Government had not come forward with this measure the tea plantations would have been ruined with many thousands of people connected with this industry. That is certainly a state of affairs which cannot be contemplated with equanimity. But, Sir, after the introduction of the scheme although the industry was thriving for a short time, it was realised that that was only a palliative and unless there was an expansion in the consumption of tea the industry could not continue to thrive for long. The Netherlands East Indies have of late been raising a tea cess of a little over 12 annas per 100 lbs. of tea exported, and only recently the Ceylon Council of State passed a measure to realise a cess of 75 rupee-cents per 100 lbs. of tea exported from Ceylon. Now, Sir, as India is a party to the international agreement, it is now for her to take her part in this concerted international propaganda. That means more money, as has been explained to the Honourable House by the Honourable Mr. Stewart, and it is with the object of raising more money that the producers have approached the Government and the Legislature through the Indian Tea Cess Committee to raise the cess now levied at 8 annas per 100 lbs. of tea exported to 12 annas. Sir, I do not think I should make it further clear to the House that this money which is going to be raised is not public money. That has been already explained by the Honourable mover of this Bill. But as there might be some misapprehension in the minds of the Honourable Members I have to say that it is the producers' money which is sought to be raised and that also at their own request. This money is wanted for propaganda purposes. Formerly the rate was 8 annas, but as more intensive propaganda is taken in hand by the other parties to this international agreement, India has also to raise a larger contribution. The object of the Tea Cess Committee is also to push in good tea, to create a taste for good tea and oust the rubbish which is sold in the market in the name of tea. I have already said that the regulation of exports scheme was only a palliative. The industry has realised that it has to do more work towards the expansion of demand and to promote the sale of tea. Unless there is improvement in the demand the industry will again find itself in a tight corner. The first victim to such a crisis would be the small Indian planter who has not got a reserve capital to stand him in good stead. There are big capitalists, mostly European, and they would of course be able to stand the conditions for some time. But it will be the small Indian capitalist who will be hit hard. Sir, this Bill in its present form is after all an emergency amending Bill, just to raise the existing rate from 8 annas to 12 annas. It does not enunciate any new principle, nor is any new policy involved in it. The industry, I understand, is contemplating approaching the Government to implement a new scheme and raise the cess to an eventual maximum of Re. 1 per 100 lbs. of manufactured tea hereafter. It might be possible for the Government and the industry to come forward with such suggestions in the next Simla session or as soon as possible, when it will be open to this Honourable House to come forward with criticisms on the whole Bill ; but this present Bill, as a matter of fact is, after all, an emergency amending Bill. Further, this raising of the cess from 8 annas to 12 annas is wanted by the producers themselves. As has been already said by

[ Srijut Heramba Prosad Barua. ]

the Honourable Mr. Stewart, 95·5 per cent. of the producers have agreed to this enhancement of the rate ; and on reference it was found that only 4·5 per cent. did not send any reply to the reference ; but none has dissented.

Then, Sir, referring to the remarks of my Honourable friend Mr. Suhrawardy, I would like to say that it has been asserted by Indian planters that the representation of Indian members in the Indian Tea Cess Committee is rather meagre. It has to be considered that when this Bill was first introduced only 80 per cent. or thereabout gave their consent to this measure and Indian planters at that time were not many. But I entirely agree with my Honourable friend when he says that there should be more representation of Indians in the Indian Tea Cess Committee, particularly when there are more Indian planters now in the country. Then, again, there is another complaint that Indians are not adequately represented in the executive staff working under the Indian Tea Cess Committee. All that I know is that the authorities are trying to Indianise the staff and I hope and trust and urge that there should be no difficulty for the authorities of the Indian Tea Cess Committee to have more Indians in the personnel of the executive staff working under the Committee. Then, Sir, I am very thankful to the Honourable Dr. Sir Nasarvanji Choksy for dispelling many of the apprehensions that might still exist in the minds of some people that tea is a deleterious drink and even a poison. As a matter of fact I have heard such statements being made even by responsible people. I do not want to say much. I am not myself a doctor. But I can say this much, that we take a lot of tea and it does good and has not done us any harm. I myself take 10 or 12 cups of tea a day and I do not feel any the worse for it. Then, as regards the point raised by some that Government would do well to push in more milk into the villages instead of helping the industry to push in more tea, I agree that there should be more milk available in the country and I want to say that by pushing tea into the villages and into different parts of the country, Government will be pushing milk along with it ; more tea means more milk and more sugar. I do not want to say more. I give my hearty support to the measure.

**THE HONOURABLE SIR DAVID DEVADOSS** (Nominated : Indian Christians) : May I put a question, with your permission, Sir ? Is it 300 million lbs. of tea that has been exported ?

**THE HONOURABLE MR. T. A. STEWART** : The export allotment for the present year is in the neighbourhood of 315 million lbs.

**THE HONOURABLE SIR DAVID DEVADOSS** : Then the amount realised would work out to something like Rs. 23 and odd lakhs ?

**THE HONOURABLE MR. T. A. STEWART** : The rate is 12 annas per 100 lbs. The amount that it is hoped to realise, taking into account the fact that exports over the land frontier will not be liable to the cess and it will only be leviable on exports by sea, is I think in the neighbourhood of Rs. 14 lakhs. Perhaps Mr. Barua can say ?

**THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA** : About Rs. 14 lakhs.

**THE HONOURABLE THE PRESIDENT** (to the Honourable Rai Bahadur Lala Ram Saran Das) : Do you wish to speak ?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab Non-Muhammadan): I simply wish to say that I support the Bill, Sir.

THE HONOURABLE THE PRESIDENT: The Question is:

"That the Bill further to amend the Indian Tea Cess Act, 1903, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration."

The Motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. T. A. STEWART: Sir, I move:

"That the Bill further to amend the Indian Tea Cess Act, 1903, for a certain purpose, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

The Council then adjourned till Four of the Clock.

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The Council re-assembled at Four of the Clock, the Honourable the President in the Chair.

#### MOTION FOR ADJOURNMENT.

#### REFUSAL OF THE GOVERNMENT OF INDIA TO HOLD A PUBLIC ENQUIRY INTO THE KARACHI DISTURBANCES.

THE HONOURABLE THE PRESIDENT: The debate will now proceed on the Adjournment Motion of which notice has been given by the Honourable Raja Ghazanfar Ali Khan. Meanwhile, I will draw the attention of Honourable Members to the fact that under Standing Order 23 no speech shall exceed 15 minutes, whether of the mover or of the Government Member in reply.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN (West Punjab: Muhammadan): Sir, I beg to move:

"That the House do stand adjourned".

As the House is aware, when the news of the Karachi firing reached us on the morning of the 20th, instead of sending an Adjournment Motion I was satisfied with sending a short notice question. There were two reasons for that. The first was that I knew that the Government were not in full possession of the facts and it would not be fair to embarrass them at this juncture and therefore I waited for the opportunity till the Government were ready with all the facts. The second reason was, Sir, that at that time the other House was in session and as we know that the other House contains a much larger proportion of elected representatives of the people, I thought they were in a much better position to discuss this important question. Now, whether it is purely a matter of coincidence or it was so designed, a statement has been issued by the Bombay Government just one day after the Assembly has adjourned *sine die*. Therefore, now, the responsibility for expressing disapproval of the Government's refusal to appoint an inquiry committee lies

[ Raja Ghazanfar Ali Khan. ]

on the shoulders of the venerable Members of this House. I know, Sir, as everybody else knows, that the constitution of this House is such that it is very difficult to carry any Motion in the teeth of opposition by the Government but all the same I feel, as a true well-wisher of the country as well as a faithful friend of the Government, that I should give an opportunity to the Honourable Members to express their sentiments on this question which has been agitating the minds of the Moslem public throughout India. It will incidentally provide an opportunity to the Government to supplement the previous statement issued by the Bombay Government if they have got anything further to add. I am most anxious, Sir, that the Government should be able to create confidence amongst the public that, so far as the Karachi firing was concerned it was absolutely unavoidable and it is for this reason that before discussing the details of this question, I would like, with your permission, Sir, to make a few observations of a general character. At the very outset I may assure my non-Moslem friends, both in this House and outside, that I am one of those persons who, not from reasons of any policy or expediency, strongly condemn and disapprove the acts of violence committed by any religious fanatic. (Hear, hear.) In saying so, Sir, I am expressing the true sentiments of what I consider to be my religion. Because I would be ashamed to call myself a Mussalman if I held views to the contrary. Similarly, Sir, as we all know, India is a country of different religions and it is the duty of every citizen to see that such acts which create communal bitterness are avoided. I also deprecate the writings of irresponsible persons of a malicious character which are deliberately intended to injure the sentiments and feelings of other communities and religions. Sir, I therefore hope the Honourable Members will see that the issue before them is not clouded by any such small questions of communal narrowmindedness.

As you know, Sir, Abdul Qiyum, after committing the murder, was sentenced to death and he was executed. Therefore, whatever happened afterwards has no bearing on the action of Abdul Qiyum. Here the Government have issued a long statement wherein they have tried to prove that the action of the authorities was justified. I am equally anxious to see that I do not make any statement here on the floor of this House which would be unduly critical of the action of any responsible officer who had to deal with this unhappy event at Karachi. What I am concerned with—and that is the only issue upon which I would ask this House to express their opinion—is whether it is not in the interests both of the Government and the country that the Government should be able to convince the people that they had no other option but to open fire, and what is more important, that they took all necessary precautionary measures before such a contingency arose. I have very carefully gone through the statement issued by the Bombay Government with the concurrence of the Government of India. I do not find any mention in that statement of the fact whether the Home Member of the Bombay Government who went to Karachi made any inquiry or has issued the statement on the authority of the version which he received from the District Magistrate or the Commissioner of Karachi. Because, as far as I have been able to gather from the papers, he flew to Karachi and when he reached there, some leading citizens of Karachi wanted to see him and place before him their own point of view, but he declined to see them on the plea that he had no time and he would see them, if he could, the next day; but when they turned up the next day they learned to their great disappointment that the Home Member had already left for Bombay. Sir, this is the kind of inquiry which was made by the Bombay Government. What happens

after that ? The Home Member goes there, stays for a short time, goes back to Bombay, and comes to Delhi and after returning from here issues a statement. Therefore, at the best, what we can say is that the statement issued is purely the Government version of the Karachi affair. At the same time, as Honourable Members are aware, there is another version which has been published in the press and has been sent to us by means of telegrams from responsible leaders in Karachi, which categorically differs on some material points with the statement issued by the Government. Therefore, Sir, there are two distinct versions. Now, I would ask the Government seriously to consider whether under the circumstances which now exist in the country, under the mistrust which prevails amongst the people against the actions of the Executive and particularly when a tragedy occurs ending in the killing of 37 and 133 being seriously wounded,—the casualties, Sir, include one woman, who was injured, and seven boys, five of whom died and two were seriously injured,—do the Government seriously think that after such a tragedy, people in the country would believe all that the Government issue as an official version ? In previous years, on almost every occasion where there has been firing by troops, Government invariably held enquiries associating with them non-official Members. In this case, no enquiry has been held at all, because the mere fact of the Home Member discussing the question at Karachi with the executive officers there does not constitute an enquiry in the real sense of the word. Our demand is very moderate. It is very reasonable. If the Government are convinced that their case is strong, if they are convinced that they took all necessary precautions, then why should they feel hesitant in facing an enquiry ? The enquiry committee will not necessarily consist of irresponsible persons. We are not making any demand as to who should be appointed on that Committee. We are simply asking the Government to appoint any officers. Appoint one or two High court judges, appoint some other officers, and preferably include on that committee, two or three non-officials also of responsible position, both Muhammadans and non-Muhammadans. If that committee endorses the statement which has been issued by you, then naturally the public will have confidence and the Government will not lose anything. On the other hand, if Government insist on taking up this defiant attitude, they may rest assured that this tension, this agitation, is bound to last for quite a long time, which I am sure, particularly at this juncture, Government should try their best to avoid. I have had some experience of dealing with serious situations where armed crowds, numbering over 30 or 40 thousand collected at one place. I was one of those officers who were in charge of those riots. I can assure you, Sir, that even with two or three bullets being fired, we were able to disperse a crowd of 30,000 who were armed with spears, swords and other deadly weapons. Unless I am convinced to the contrary, I will refuse to believe that it was essential to kill so many people to disperse that mob. The other thing in which the official statement hopelessly lacks is in proving to us that the mob was armed. Government have not made an allegation that the people in the mob were carrying either swords or spears or sticks. They have said, Sir, that certain stones were thrown on the British troops both from the front and from the flanks. I would be surprised, if people were at such a short distance and were throwing brickbats and stones continuously at the British soldiers, that not a single one of them should have been seriously injured. I can assure you that if any soldiers had been injured, the Government had no reason to hide that from us. But we find that no such thing happened. It is quite possible that on an enquiry we may be satisfied that the Government was right in what they did. But is it not necessary to satisfy us and that some sort of enquiry should be held ? Is it due to the attitude of the Government, about which so much has been

[Raja Ghazanfar Ali Khan.]

said in the press during the last few days that their definite policy in the last two or three years is to defy every public demand and every public opinion ? I must admit that I have the good luck of knowing most of the Members of His Excellency the Viceroy's Executive Council personally, particularly the Honourable the Home Member who comes from the Punjab. I have known him for the last 14 or 15 years. I know he is very generous hearted, very sympathetic, and whenever I have personally approached him on any matter of public importance, he has given a very patient and sympathetic hearing. Similarly, if I were to take every individual Member of the Executive Council personally, I find that they are all reasonable and they listen to reason. But, Sir, when the Executive Council meets collectively, they become entirely different. They are more or less akin to some of these irresponsible Maharajas, and at some times, I wonder whether we are sitting here listening to the Members of the Government of India or those of the Chamber of Princes. I personally see no reason at all why the Government of India should have taken up this attitude. In certain matters, it is Whitehall which gives orders and they just act as a post office. On other matters, it is the provincial Governments which take up a defiant attitude and they just act as a post office. Until provincial autonomy is established in this country is it not the duty of the Government of India to see that the provincial Governments exercise their powers with sufficient caution and reason ?

THE HONOURABLE THE PRESIDENT : Your time is up.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : I was under the impression that the mover is given half an hour ?

THE HONOURABLE THE PRESIDENT : There is no provision similar to Resolutions in the case of Adjournment Motions. Standing Order 23 is mandatory in its provision.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : If you will permit me, Sir, —.

THE HONOURABLE THE PRESIDENT : I have no option myself. The provision is mandatory.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : I conclude my speech by just appealing to all my friends, both on my right and on the Government benches, that if they vote against my Motion, they will be committing themselves to one definite principle that whenever the Government issues a statement on any political matter, we should take it as true. If this is what the Progressive Party stand for, well, I would not blame them ; I may differ from them. I will just conclude my remarks with one appeal to those speakers who may come after me. I have tried in my humble way to see that this undesirable communal controversy does not crop up in this debate, because, if I had the slightest suspicion of that, I would not have sent in my Motion.

THE HONOURABLE THE PRESIDENT : You have already said that at the commencement of your speech.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : I hope and trust that those gentlemen will also try their best to see that this question is not clouded by the communal issue.



**THE HONOURABLE MR. G. S. KHAPARDE** (Berar Representative) : Sir, I wish to support this Motion not entirely on the grounds that have been put forward by the mover, but also on another ground of my own. In all these communal quarrels, my information has been that there is a third party which intervenes and brings about these quarrels. In my part of the country, we have been treating Muhammadans like brothers for ages and ages. They attend marriages in my house and I attend marriages in theirs. Who is the third party who interferes and brings about a fight between these two communities ? I support the proposition for an inquiry purely on the ground and in the hope of being able to discover this third party which brings about this difficulty and then disappears and whom it is not possible to get hold of. When the reports come in, that from the popular side is in their own favour and that from the Government say they did everything possible, and between them this third party escapes. I want this third party to be found out and properly punished, so that the different communities inhabiting India at present and who have to live together may always have confidence in each other. So I support this Motion in the hope of this third party being found out. (*An Honourable Member* : "Who is it, an individual or a community ?") I do not know whether it is an individual. If I could find him I would prosecute him tomorrow ! All I know is that people who have been living together for generations in amity and who join in each other's celebrations are suddenly involved in a quarrel. Is it Satan come among us taking human shape ? If it is, it is desirable for us to get hold of him and beat him. That is my reason for supporting this Motion.

**THE HONOURABLE MR. M. G. HALLETT** (Home Secretary) : Sir, I intervene in this debate at a somewhat early stage because I understand that some Members of the House would like to hear a little more about what occurred at Karachi on March 19th. I can really do little more than supplement what has been said in the very long communiqué which has appeared in the paper today and I trust I shall not exceed my time in giving a summary of what occurred. The Honourable the Home Member is fortunately here today and can take up any further points and explain in greater detail the reasons which led the Government of Bombay with the concurrence of the Government of India to come to the conclusion that no inquiry is necessary or desirable. The main reason is that the facts in this case are in our view comparatively simple. They have been ascertained from the reports of local officers, both civil and military. They have been ascertained by a visit paid by the Home Member of the Government of Bombay, which was not as short as it is sometimes suggested. Actually he went there, flew there, on the 28th, spent the whole of the 29th there and left some time on the 30th. As I say, the facts being comparatively simple, having occurred in a limited period of time and over a limited area of country, there was no particular reason to spend any very lengthy time at Karachi to ascertain and satisfy himself that the reports received from others were correct. I recognise that in certain cases where occurrences of this kind have occurred, inquiries have been held ; but I submit that those cases, such as the riots in Cawnpore, were on an entirely different footing from this event in Karachi. In Cawnpore there were riots lasting over a period of three or four days and nights. What had happened exactly was uncertain and Government itself wanted to find out exactly what had happened. There were also at that time numerous other inquiries being started and Government wished to have an authoritative inquiry to ascertain the true facts. In this case, as I say, the facts are easily ascertainable, and the two points on which we have to satisfy ourselves on this case, as the Honourable mover of this Motion in his very moderate and reasonable speech has said, are whether

[Mr. M. G. Hallett.]

the precautions taken were sufficient and whether the firing was justified? Those are two perfectly straight issues of fact. As I have said, the whole thing is described in great detail in this communiqué. There is no reason to suppose that the Government of Bombay are in any way concealing the facts or trying to gloss over any of the points which may appear difficult. They have not concealed the number of casualties, which I regret to say have risen since I last made a statement on the subject in this House. The number of the dead has been accurately ascertained, both those who died in the Government hospital and those who died in other hospitals or in their own homes. They have not concealed the fact, a very regrettable fact, that five small boys were killed, probably accidentally as a result of a ricochet or something of that kind in the closely congested area in which the firing took place.

Well, Sir, I do not deal with the earlier events leading up to this occurrence. The facts are, I think, well known. The Government of Bombay made certain decisions in regard to what action should be taken in connection with the execution of Abdul Qaiyum, they have given their reasons for those decisions, one of which was that the body could not be moved elsewhere for burial, although that was the wish of the relatives. The reason for that was—in my view a perfectly valid reason—that they anticipated, and the other Government, the Government of the North-West Frontier Province, whom they consulted in this matter shared their apprehensions, that if the body was taken elsewhere it would lead to far more widespread trouble and far more serious disturbances. Those decisions are explained and the reason for them given in the early part of the communiqué. I go on to what happened on the actual day of the execution, March the 19th. The local officers, for reasons which are given in detail, considered that the best action to take would be to conceal as far as possible the fact that the execution had taken place, but at the same time to give the relatives every opportunity of performing the last funeral rights on this unfortunate man in the proper and orthodox Muhammadan fashion. They had at the same time to take precautions to see that nothing happened to disturb the peace of Karachi, a densely populated city where there is a mixed population of about half and half Muslims and Hindus. They decided on this policy of secrecy. It has been suggested that they did not take the local leaders of the community sufficiently into their confidence. Well, Sir, on occasions like this it is very difficult even for the most influential local leader to exercise a restraining influence over a mob. That you will see from the actual account of what occurred. There was a certain amount of trouble at the jail on the 4th March, when the local leaders could not get the crowd to disperse. There was the trouble which occurred at the cemetery itself when the body was actually being buried, and to quote the words of the communiqué :

“ A violent altercation occurred between the two parties as to whether the burial should go on in the cemetery or whether they should take the body to some other place”.

or, as we hold, in a procession through the streets of Karachi. That was the difficulty, that the local leaders might not have had sufficient control over the mob if the local officers had concurred in their proposals. But, Sir, the District Magistrate had consulted the local leaders, and had discussed the situation with them in the interval, in the early days of March, and what he says is this. They put before him two suggestions which he regarded as wholly impracticable, that the prayers should be conducted at the Idgah in the heart of the city or on the plain in front of the jail. He was satisfied that those

suggestions were impracticable and would only lead to a serious disturbance. He adds :

"In conclusion it is clear from the conference with the leaders that no assistance could be obtained from them in preserving order."

He might have been right or wrong over that. At any rate he decided to adopt this policy of arranging for the execution to take place in the early hours of the morning and endeavouring to complete the burial of the body before a large crowd could have collected. I might explain briefly—it is possibly not very clear from the communiqué—the geographical position of Karachi. Karachi is a big town and on the north of the town there is a river called Lyari Nullah. At this time of the year it is entirely dry and can be crossed at almost any place. There is one regular crossing, but anybody who knows that type of river can well imagine that you can cross it at this season of the year anywhere on foot. The jail itself is about a mile or two to the east of the town and directly north of the town, north of the Lyari Nullah and about half a mile or a mile away, is a big burial ground or a series of burial grounds, which have been described in the report. It is about a mile and a half from the inhabited portion of the town.

Now, Sir, I get on to the preventive measures. It has been suggested in the course of the debate in another place that the District Magistrate might have stopped a crowd collecting. Well, Sir, the frontage on this river and the number of roads leading from the town to the cemeteries is very large. The distance in all is in fact about two miles. Anywhere on those two miles people can come out of the town and go straight across to the burial ground. It is very different from a town like Delhi or Lahore where you have still a wall round the city and where you can block the exits and stop people coming out of town at a particular gate. That was quite impossible. I am not a soldier or a policeman, but looking at the matter from the commonsense point of view and in the light of my experience as District Magistrate it would have wanted two or three thousand or probably more police or possibly mounted troops to prevent that crowd assembling at the cemetery. Well, Sir, the body was taken to the cemetery; the relatives were informed; they went there with the full intention of performing funeral rites according to the orthodox Muhammadan ritual, but, Sir, there was a good deal of delay and the crowd got bigger and bigger. The Magistrate was himself there at first with a small body of police. Another question which may arise at this juncture is why did not he disperse the crowd at the cemetery? Well, Sir, if he had done so, he would have been open to serious criticism. The crowd at that time was doing no harm; he was not certain what their ultimate intentions were. They might have been quiet and followed the wishes of the relatives and a certain number of responsible leaders who were there at the burial and broken up and gone to their homes quite peaceably. Apart from that the nature of the ground was such—there were a lot of tombs, walls, trees, and other impediments in an open plain—that it would have been very difficult to disperse a mob in that area. I do not emphasise that point but I do emphasise the fact that as long as the crowd remained peaceful and while they were carrying on the funeral rites, there was a chance that they would not do anything more, that they would be content with carrying out the funeral, pay their last respects to Abdul Quyum and then break up and go home quite peaceably. Unfortunately the more violent members of the crowd had a different opinion and there is no doubt from the reports which we have received and from the information which the officers got that after certain prayers had been completed a section of the mob got hold of the body and began to bring it straight towards the town.

**THE HONOURABLE MR. G. S. KHAPARDE:** What did the mob consist of? Hindus or Muhammadans?

**THE HONOURABLE MR. M. G. HALLETT:** They were practically all Muhammadans, as I understand from the reports that I have seen. As long as they were in the cemetery there was no intention of attacking the few Hindus who might be found there. But the whole danger was—and I think anybody who has had any experience of communal rioting will agree that it was a real danger—that the crowd which judging from the evidence was inflamed and highly excited—would make its way to the middle of the city of Karachi. That at least was the view the local officers took and they determined that it was essential to prevent them coming into the city. As you will see from the communiqué, after some of the prayers had been completed,

“At the point where the bearers ought to have turned to the burial ground those who had obtained the possession of the body swept away the opposition of the relatives and those who desired at once to complete the burial while the barriers of lorries, cars, carriages, etc., which had been arranged to obstruct the crowd broke up on seeing the size and the temper of the advancing procession”.

**THE HONOURABLE RAJA GHAZANFAR ALI KHAN:** By whom were the lorries arranged?

**THE HONOURABLE MR. M. G. HALLETT:** By a certain Maulvi who was at the shrine at which the funeral was being carried out. Previous to this the District Magistrate had left the cemetery taking with him the main body of police, and left only three or four police. He saw he could not disperse the crowd there and he had to concentrate on getting back to the city and preventing any disturbances within the city. From 7 o'clock or an earlier hour a British regiment had been “standing by” all ready in their barracks with lorries and other vehicles ready to take them to any point of danger. At a later hour an Indian regiment, which is also in Karachi, was also standing by ready to move to any danger point. The difficulty which confronted the District Magistrate was he could not tell where trouble might not break out. The whole city was very excited over this incident and trouble might have taken place at any part of the city. He therefore did not move the police from any particular police station; they had to stand by at each police station; each station had to have its full complement of officers and men. He had even arranged to have a large force on the main roads leading from the cemetery to the town, and just on the south bank of the Lyari Nullah there was a force of about 300 men of the Royal Sussex Regiment and at least in one place 150 police. How many he had in other parts I am not sure, but these he had on the roads leading from the Nullah up to the town. Then the crowd advanced. I have heard it suggested that this crowd was possibly not violent or out for mischief. That suggestion can be shown to be without foundation. In the first place, an incident had occurred whereby a military officer and police sergeant and two honorary magistrates who had come in from a side road and got to the head of the crowd in a motor car were attacked by the crowd. They were rather seriously injured, but they were not in danger of death. They managed to get through to the place where the troops and police were. Still the crowd came on. The crowd first of all broke through the police who were in advance; about 50 to 100 yards up the road ahead of the troops. The police were armed with *lathis* while some had guns; but they were driven back. On that a platoon of the Royal Sussex Regiment advanced with bayonets fixed. It was an extremely good example of a very highly disciplined force being used in difficult circumstances. They advanced at the “double”; they drove the

crowd back for a short distance or at any rate held them up; they did not use their bayonets. Having achieved their object by that means they fell back to their original position about 100 yards back.

**THE HONOURABLE THE PRESIDENT:** I must bring to your notice that you have two minutes more.

**THE HONOURABLE MR. M. G. HALLETT:** I will try and finish within my allotted time.

Then, Sir, the next point that I would make is they did not fire until it became absolutely necessary. They took the right step. The first order was for a single man to fire at the ring leader. There might have been hopes, in fact, one would, in such a position, sincerely hope that the crowd, having seen that the troops had first tried to drive them with their rifles and had then fired a single round, would have been held up by that action and would not have tried to advance. Instead of that, Sir, they advanced until they came pretty nearly on to the top of the troops and, as both the civil and the military officers have asserted, the position was so serious—with this huge mob on all sides, armed with stones, *lathis* and other weapons they had picked up on the way, coming right on to the troops—that as the military officers have specifically reported, if the troops had not fired they would have been in danger of being overwhelmed themselves—and the same fact has been reported to us by the civil officers who were on the spot. I submit, Sir, from that it is clear that the local officers took every possible precaution to avoid a situation which ultimately unfortunately arose, and that when finally the troops were called on to fire they did so because there was no alternative. It is no pleasure to troops to fire at a crowd of that size and at that range, but they were forced to and I think it will be agreed that by doing so they saved the town of Karachi from a far greater disaster than the disaster which occurred. I think we should pay a great tribute to these troops for their discipline and steadiness in the face of a very difficult situation and to the officers, both civil and military, who were in command. (Applause.)

Sir, I am afraid I have exceeded my time; the further points will be dealt with by the Honourable the Home Member.

**THE HONOURABLE MR. HOSSAIN IMAM:** Will the Honourable the Home Secretary inform us who was the officer deputed by the Government of Bombay to inquire into the matter?

**THE HONOURABLE MR. M. G. HALLETT:** Mr. R. D. Bell, Home Member to the Government of Bombay.

**THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern: Non-Muhammadan):** Sir, I should like to congratulate the Honourable Raja Ghazanfar Ali Khan on the moderation and responsibility with which he has spoken on this Motion. Sir, before I offer any observations on the Motion itself, I should like first to condemn this habit of extolling murderers. Sir, murder is murder, whatever the motive of the murder may be.

**THE HONOURABLE SIR HENRY CRAIK:** Is the Honourable Member suggesting that the troops were murderers?

**THE HONOURABLE MR. P. N. SAPRU:** No, no. Murder, Sir, is murder whatever the motive of the offender, and where the motive is religious fanaticism or religious patriotism you cannot condone murder. Murder is murder,

[Mr. P. N. Sapru:]

and I think, Sir, we ought to take a very strong stand in regard to this matter. I think responsible men ought to be very careful in using language in regard to the activities of murderers.

But while saying this, I feel, Sir, that Government would have been in a stronger position if it had agreed to an inquiry. I am not suggesting that the firing was unjustified. It may have been justified or it may not have been justified. I have an open mind on that question. I am not in any way censuring the Government or the officers for the action they took. That action may have been justified or it may not have been justified. The point is that a demand for an inquiry, which was supported by a large number of representative men in the other House, has been ignored by the Government and I think, Sir, that really Government would have been in a very much stronger position than it is now if it had acceded to that request. After all, Sir, it was not a very difficult matter. You could have appointed one or two sessions judges to hold an inquiry and go into the whole matter very carefully. They could have submitted their report, and if the report had been in your favour then you could have come forward if there had been any discussion and said: "Well, here is a report which completely justifies the action which was taken by our officers". Now, Sir, take Cawnpore—reference was made to Cawnpore by my Honourable friend, Mr. Hallett. Sir, what happened at Cawnpore? After the Cawnpore disturbances, the then acting Governor of the province, Sir George Lambert, said that the officials in Cawnpore had behaved magnificently, that everything that could have been done to avert disaster in Cawnpore had been done by the officials. But after that an inquiry was held and what was the report of that inquiry? The inquiry censured Mr. Sale, I think he was the Collector at Cawnpore. Therefore, Sir, it is no use saying that the Home Member paid a flying visit to Karachi. He was there on the 29th and 30th. After all, he could not have seen all the people. He could not have seen all the interests—(An Honourable Member; "He did not see any")!—all the interests affected by this unfortunate occurrence and therefore when you ask us to accept the Home Member's version as correct,—I am not suggesting that the Home Member did not apply his mind very patiently and very thoroughly,—but when you ask us to accept his statement as correct, you are asking us something which we find it difficult to necessarily accept as wholly correct. Therefore, Sir, I feel that I should not be justified in opposing the Motion of Raja Ghazanfar Ali Khan. There are one or two other things which strike one as strange,. Why was the crowd allowed to collect at all? And why was the police force withdrawn?

THE HONOURABLE LIEUTENANT-COLONEL NAWAB SIR MAHOMED AKBAR KHAN: On a point of explanation, Sir. The crowd collected to perform the funeral rites. When a Muhammadan dies, every other Muhammadan is quite welcome and generally takes the trouble to perform the funeral rites.

THE HONOURABLE MR. P. N. SAPRU: Well, I should certainly prevent a crowd gathering to honour a murderer.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN: They were not honouring him.

THE HONOURABLE MR. P. N. SAPRU: Well, it really comes to that. I am not suggesting that the officials blundered. It may be that they did not

blunder. But on the material before me I am not satisfied that there is not a case for an inquiry and therefore I will consider it my duty to vote with my friend Raja Ghazanfar Ali Khan.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA** (United Provinces Central: Non-Muhammadan): Sir, I associate myself with my friend and colleague, Mr. Sapru, in congratulating Raja Ghazanfar Ali Khan on his very moderate speech. He has condemned the murderer which every responsible man should do. He has expressly said that there should be no communal feeling so far as this Motion is concerned and I entirely agree with him. There is one doubt in my mind so far as this inquiry is concerned, and it is this, that the communal feeling at Karachi is so high nowadays that if an inquiry of this kind were to be held, in the course of which hundreds of Hindus and Muhammadans would come forward to give evidence, it might precipitate another communal riot. If this danger could be warded off, then I would have no objection to an inquiry, but this is a very difficult point and I do not want to see the disaster we have already experienced repeated in a worse form by way of a general communal riot. Then, Sir, as far as the communiqué is concerned, I think the Government has tried to explain facts to the best of their ability. There are two points which are not very clear to me in this statement, and I would request the Honourable the Home Member, who has graced this House on this occasion, to satisfy us on them. The first point is this. Abdul Qaiyum was buried. There was no hurry for the District Superintendent to leave the place, leaving the situation in the hands of a mob of two or three thousand who had collected there as they say. The communiqué says:

"Fifteen or 20 minutes afterwards, the District Magistrate and the District Superintendent of Police withdrew with the police. At this time the crowd around the walled enclosure numbered two to three thousand and was rapidly increasing".

If that was the position, how far was it proper for the authorities to leave the place in the hands of the mob? That is point No. 1. My second point is this. By the communiqué we find that two rounds were fired by the military. I would request the Honourable the Home Member kindly to explain if it was the minimum firing required to save the situation? These are the only two points that have struck me on reading the communiqué as requiring further elucidation from the Government. I will decide what to do on this Motion after hearing the Members on the two points that I have mentioned.

\***THE HONOURABLE MR. V. V. KALIKAR** (Central Provinces: General): Sir, I really congratulate my Honourable friend Raja Ghazanfar Ali Khan on the way in which he has dealt with this case. Before the communiqué was issued, I also found some difficulty in making up my mind one way or the other whether the Government had committed a mistake or whether the crowd was really so threatening that Government was forced to employ the force they did. After the issue of the communiqué, Sir, and after reading it, I have come to the conclusion that the steps taken by the Government were proper and that if those steps had not been taken, Government would have been responsible for any further trouble that might have been created in the city. I speak with some knowledge of these troubles. In Nagpur we had such a riot in 1928. I do not want to enter into any communal wrangle over the affair. The point is clear that this trouble arose because a particular fanatic murdered another fanatic without any excuse except that he had written a

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\* Speech not corrected by the Honourable Member.

[Mr. V. V. Kalikar.]

malicious book against his Prophet. That really shows that the whole trouble had assumed a communal aspect. The incidents of 4th March, as reported in the communiqué, clearly show that communal feeling was excited there and therefore the mob that had collected was not in a mood to listen to the peaceful advice of the Muhammadan leaders there. That again clearly proves that communal feeling was at its height. It is mentioned in the communiqué that the pit which was dug first under police supervision had to be filled in because the Muhammadans did not like the body buried there. That further corroborates the view which I hold that it was really a communal trouble. The facts brought out in the communiqué show that the local officers tried their utmost to disperse the crowd. I believe the local officers had no other alternative but to act in a certain way. I really feel for those innocent people who lost their lives in this trouble. But then, Sir, what would have been the position if those people had been allowed to enter the city. I am afraid I cannot imagine it. Things of the same nature have occurred in the past in Delhi, and similar things have happened in Nagpur also. I cannot therefore lend my support to the Motion of my Honourable friend, because, on reading the communiqué, I find that the action taken by the Government was the proper one to take.

My Honourable friends Mr. Sapru and Mr. Mehrotra brought out a point as to how the officers allowed such a large crowd to collect there. If the information given in the communiqué about the situation in the graveyard and the information given to us today by the Honourable the Home Secretary are correct, then I think it was not possible for the Government to control the mob then. Therefore, Sir, I do not find my way to side with my Honourable friend Raja Ghazanfar Ali Khan.

**THE HONOURABLE MR. HOSSAIN IMAM** (Bihar and Orissa : Muhammadan) : Mr. President, it is a great misfortune that we cannot talk in terms of India. The Government has been the greatest culprit in this respect. They have always tried to fan up communal feelings whenever they have had an opportunity, and some of our own Members have been listening to the syren songs of the Treasury benches. The question before the House has nothing to do with the communal tension or with the merits of the shooting. It really concerns the management of the civil authorities in Karachi which brought about a situation where the military were compelled to open fire. The whole handling of the situation by the civil authorities is before the House. If precautions had been taken and preventive measures had been adopted this situation would not have arisen and I shall try my best to prove it to the House. The

5. P.M.

Honourable Home Secretary has informed us that this communiqué is the result of the inquiry made by the local officers and also of the scrutiny of the Home Member of Bombay who paid a flying visit to Karachi. I do not doubt the honesty of the officials but I gravely doubt their ability to understand Indians. They live a life of their own, detached from us. They do not know even the feelings or the troubles which actuate us. I will give you one concrete instance from a place well known to the Honourable Home Secretary himself, a district of which he was the District Magistrate before he went to the local Secretariat and became Chief Secretary. A *julaha*, a person well known to the Home Secretary, who was given a title, was gazetted as a Saiyid, and he still figures in the Gazette and in the Civil List as a Saiyid. And between a *julaha* and a Saiyid there is about as much difference as there is between a Cockney and an Argyle Highlander!



**THE HONOURABLE MR. M. G. HALLETT :** When was I responsible for this ? When I was District Magistrate of Gaya ?

**THE HONOURABLE MR. HOSSAIN IMAM :** It was when you were in the Secretariat and you know the gentleman to whom I am referring. I am not going to name him ; he still appears as a Saiyid in the Civil List. So that Government officials do not know what are actual facts. This demonstrates their knowledge of conditions in India.

Now, Sir, what are the real facts ? The real facts are that the burial ground is at a distance of two miles outside the city proper. Beyond are hamlets, the Lari quarter, in which poor men, non-Sindhis, have their hamlets. Just outside that Lari quarter is the Idgah, the place where Muhammadans go on the occasion of big gatherings to offer prayers. The mob was taking the dead body to that mosque to offer prayers. They could not understand the perversity of the Government which was trying to prevent them performing a very ordinary sort of service which is always offered to a dead man. And here I should like to draw the attention of some of my Honourable colleagues who condemn this sort of action that a Resolution honouring Bhagat Singh was passed in the Congress and in the Legislative Assembly there was a walk-out. Even Englishmen were guilty of this sort of thing when their spies were executed by the Germans. I remember during the war that memorials were raised to these spies and they were honoured. Every nation honours its men whether they do right or wrong. (*An Honourable Member :* "There is no analogy between a spy and a murderer!") What, a spy who brings about the death of thousands of people by giving material information to the enemy ? Living in the protection of a country and acting against that country is as bad as anything could be. And England has honoured her spies any number of times. Now, Sir, as I was saying, they were simply taking the dead body to a mosque.

**THE HONOURABLE MR. M. G. HALLETT :** A mosque beyond the burial ground, further from the city than the burial ground ?

**THE HONOURABLE MR. HOSSAIN IMAM :** No, Sir. The thing is like this. (*An Honourable Member :* "Have you visited the place yourself ?") I have been told by a man who lives there. (*An Honourable Member :* "That is hearsay.") They are also relying on reports from local officials. I have my information from non-official quarters, from men who live there and who know their people and who know their minds. Just beyond the Lari quarters happens to be the mosque and that mosque is at a distance of about three or four furlongs from the nearest outskirts of the real city, by which I mean where the *kutch-pukka* houses are built. These Lari quarters are just hamlets, like the hamlets of the labourers employed in New Delhi. Now, a mass of 20,000 men, according to their own version, under no control and having no leader, is going to offer a duty which it thinks is incumbent upon it, and it is intercepted and no warning is given to the mob to disperse. One of the first essentials which the Hunter Committee, which sat to report on the affairs of 1919 in Bombay and the Punjab and Delhi, recommended was that warning should on every occasion be given to the mob to disperse. No warning was given. Their case is that men armed with rifles and bayonets were faced by an unarmed mob of 20,000 and they had to shoot in self-defence. Could they not retire further back ? Could they not join forces with the 270 other men of the army who were present on that occasion ? When they came out of the Lari quarters and beyond the Idgah into open country, they could have been surrounded. There were not only 300 men present, but 300 British troops alone. There were Indian troops besides and there were the police. It was quite

[ Mr. Hossain Imam ]

possible to put a sort of cordon round the whole mob and prevent them from proceeding.

**THE HONOURABLE MR. M. G. HALLETT :** Might I ask the Honourable Member how many men it would take to surround a mob of 20,000 ?

**THE HONOURABLE MR. HOSSAIN IMAM :** Three hundred men with rifles can control a mob of 30,000. (Laughter.) Most certainly. There is no doubt about that. (*An Honourable Member :* " You have had a lot to do with mobs ? ") If you tackle them at the wrong point you cannot stop them. In this case the whole mob was packed into a small space. It was just like Jalianwala Bagh and nothing more. They were out to create an effect, and a deterrent effect at that. In that case too we had Sir Michael O'Dwyer, who gave *carte blanche* to and supported General Dyer in his action. But was that reason enough for the Government not to appoint a committee ? If the Government could appoint a committee in that case, even after the certificate of the Governor, why should they not appoint a committee now ? My point is, what does the Government lose by it ? If they have a clear conscience, if they think their men have behaved well, they have nothing to fear. They can appoint a committee consisting of officials and non-officials to make a judicial inquiry into the matter, into the arrangements made to prevent the necessity for firing arising. It is not their case that this thing was unexpected. The local officials knew perfectly well that feelings were running high and there was bound to be trouble. Therefore they were guilty of criminal negligence in not taking care beforehand and in allowing this thing to develop to the stage it did.

One word more. The fact that the mob consisted of boys goes to show what was the intention of the Government. It was not a militant crowd out to have communal trouble ; it was not a crowd which was there to defy the Government. If it were, it would not consist of boys and boys in the front line. You do not mean that the boys were at the back ? They must have been in front. No sensible man would bring his sons or relatives, young boys, to a place where they think that they are going to fight and fight with bayonets against an unarmed mob ; it is impossible. I do recognise that the local officials and the military may have in the circumstances in which they were placed had no option but to shoot. But why allow such a situation to crop up ? I appeal to the Government not to stand on a misconceived conception of dignity and prestige. It is by these means that you add resentment and court displeasure from the public. If you allow this, if you let the gas escape, if I may say so, then you will do better ; you will endear yourselves to the people of the country and that is a thing which will pay in the long run.

Sir, I support the Motion.

**THE HONOURABLE SAYED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) :** Sir, it is a matter for extreme regret that communal colouring has been given to the discussions that have taken place on this occasion. (*Several Honourable Members :* " No, no.") I am glad to know that there was no attempt to give this matter a communal colouring and this was what was desired by the Honourable mover himself.

**THE HONOURABLE MR. V. V. KALIKAR :** I stated the facts as they were represented in the communiqué.

**THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR:**

I say that I am glad that the Honourable mover made it perfectly clear in his speech that in moving this Motion he had not the least intention to justify any murders that have been committed, the murder that had been committed on account of religious fanaticism. He made it perfectly clear and I concur wholeheartedly with him that according to the tenets of our religion no murder is condoned even though it might have been caused by religious fanaticism. I join in the felicitations that have been offered to the mover of the Motion on the extreme reasonableness and moderation which characterised his speech. He pointed out how this House is naturally averse to moving Adjournment Motions. He pointed out how it was open to this House to move a similar Motion just a few days ago but on account of its natural unwillingness to raise an unnecessary alarm when the same matter could be dealt with in another place this House did not do so and if now such an attempt has been made it is because the House is perfectly convinced that this is an occasion when silence would do more harm than criticism. Sir, in view of the different opinions that are held in the country, in view of the conflicting versions that are given of the incident that took place at Karachi, it is perfectly clear that the explanation that has been given by the Bombay Government is not calculated to set at rest the doubts that had been expressed in the matter. Sir, the Government would have been well advised in agreeing to appoint a committee of enquiry which was demanded by the Legislative Assembly and which demand was supported by such an overwhelming majority. Sir, these doubts which are besetting the minds of the people in the country are very serious. These doubts have been expressed not by extremists, but by persons whose sense of responsibility and whose solicitude for law and order cannot even for a moment be doubted. Persons like Sir Ghulam Husain Hidayatallah, who has been a Member of the Executive Council of Bombay, have clearly been of opinion that the firing was indiscriminate, that the very fact that children were shot dead went to show that the firing was not quite discriminate. He was not content merely with the expression of his bare view; he referred to facts to show that the firing was not justified, at least the firing was not quite justified; the force that was used was not absolutely necessary. Again, Sir, from the explanation that is now given by the Bombay Government it looks as if the actual place where the burial had to take place was one which was enclosed all round, that it was a walled enclosure. If such was the case I think it would have been quite possible for the authorities to have prevented the mob from getting into that enclosure and forcibly taking away the body from the grave. If, Sir, these precautionary measures had been adopted and police or military had been posted all round the enclosure, it is just possible that the mob would not have got at the body and all this trouble would have been averted. But, Sir, we have also on the other hand the version from the Government that the authorities took all possible precautionary measures, that they did all they could to avert the disaster. Therefore, when you have these conflicting views, it is highly necessary that the whole thing should be investigated in a more thorough way, that a committee of enquiry should be appointed to go into the matter more thoroughly and this committee should have the confidence of the public also by having on its personnel two or three leading men of the locality. By making this kind of enquiry the Government would not stand to lose at all. On the other hand, I am of opinion that if the authorities have behaved quite discreetly, if they have acted in self-defence, if they have taken all the measures that they could to prevent this calamity, they would be given an opportunity to justify their conduct and the result of that enquiry would be not only to set at rest the doubts entertained by the public but also to clear the conduct of

[Saiyed Mohamed Padshah Sahib Bahadur.]

the officials. It may also have another advantage. The facts which transpired might go to show how such events could be managed in future, how, by adopting some particular preventive measures, it would be possible to ward off such dangers. Therefore I feel that there is no danger whatever of running any risk if any such commission of enquiry is appointed; on the other hand it will go to clear the conduct of the officials if they have behaved with necessary caution and care.

**THE HONOURABLE RAJA GHAZANFAR ALI KHAN :** Sir, I move :

“ That the Question be now put ”.

**THE HONOURABLE THE PRESIDENT :** Sir Henry Craik.

**THE HONOURABLE RAJA GHAZANFAR ALI KHAN :** May I know one thing, Sir ? Is the Honourable Home Member giving a final reply or whether the Home Secretary will have the right of reply ?

**THE HONOURABLE THE PRESIDENT :** The Secretary will have the right of reply if you reply.

**THE HONOURABLE RAJA GHAZANFAR ALI KHAN :** That would be very unfair.

**THE HONOURABLE THE PRESIDENT :** That is the procedure sanctioned by the Standing Orders.

**THE HONOURABLE SIR HENRY CRAIK (Home Member) :** Sir, my principal object in speaking this evening is not to go into the facts of this deplorable and deeply regrettable incident, but to justify, I hope to the satisfaction of the House, the reasons which led the Government of Bombay, with the full concurrence of the Government of India, to decide against holding any enquiry.

Now, Sir, if I had been in lack of reasons for justifying that decision, I have had the best possible reason supplied to me by the speech of the Honourable Mr. Hossain Imam a few minutes ago. That Honourable gentleman has already made up his mind as to the occurrences of the 19th of March. He has already come to certain conclusions founded partly on his own bitter racial prejudices and partly on an almost pathetic ignorance of what actually occurred. He has come to the conclusion that Government having deliberately fomented the communal trouble at Karachi, as it always does elsewhere, had instructed its troops to fire on an entirely defenceless and peaceful crowd carrying out a legitimate religious rite, with the intention of showing an example, I think he said, as they did at Jallianwalla Bagh ! Now, Sir, that kind of thing is of course all very well for the orange-box orator at Chowpati sands—

**THE HONOURABLE MR. HOSSAIN IMAM :** Or the Hyde Park speaker.

**THE HONOURABLE SIR HENRY CRAIK—**or wherever it is that the Congress holds its meetings, but I regret very much to find that kind of stuff talked in this House. If the Honourable Member had had even a small part of the experience I have had in dealing with communal troubles and communal riots or one-tenth of the experience which I am sure several other Members of this House have had of angry and excited mobs, it is impossible that he could have given expression to any of those sentiments.

I do not think I need deal with the Honourable Member's speech any longer but I would like to clear up two points of fact which were put by the Honourable Mr. Mehrotra. He asked, first of all, why did the district magistrate withdraw from the graveyard at about 9 A.M.? At this time the district magistrate had with him a party of 125 to 150 police. The crowd around the walled enclosure was then about two or three thousand strong but was increasing in numbers momentarily. It had been decided as the result of careful deliberation that no attempt was to be made by the authorities to engage the crowd at the graveyard, that is to say, to prevent it carrying out such last rites as it thought proper. The actual graveyard in which the body was first buried is a small walled enclosure of about 60 or 70 yards square. There is a low wall round it which the mob could and did scale on all sides. A force of 150 police in a position like that, where they were open not only to attack but to being swept aside by a crowd from any direction, was, of course, it will be obvious to anyone with experience, perfectly useless. The district magistrate could do nothing with them there. The force, if retained there, would have been just so many men wasted and he therefore decided that his proper course was to withdraw this body of men to the police headquarters inside the city, which was the principal nucleus of his force and whence it was in a position to move at once to any danger point inside the city which he conceived to be his main duty to protect.

The second point is whether in the actual firing the minimum of force necessary was used. Now as to that, Sir, I think that it is sufficient to reply that less than two rounds per man were fired, although at the time when the troops were compelled to fire the mob was practically on the top of them. If the troops had not fired at that moment, they would have been overwhelmed immediately and the mob would have swept on triumphantly into the city. Now, Sir, it has been alleged that this was a peaceful crowd intending either to say prayers over the corpse at some place in the city, or to bury it in some place inside the city.

**THE HONOURABLE MR. HOSSAIN IMAM :** Outside the city.

**THE HONOURABLE SIR HENRY CRAIK :** You say outside the city. But you do not know very much about it. The allegation made by the local leaders was that this was a peaceful crowd intending either to say prayers over the corpse or to bury it in an Idgah inside the city.

**THE HONOURABLE RAJA GHAZANFAR ALI KHAN :** The Idgah is not inside the city.

**THE HONOURABLE MR. HOSSAIN IMAM :** There can never be an Idgah inside the city. This is your knowledge.

**THE HONOURABLE SIR HENRY CRAIK :** Well, anyhow the allegation was made, first, that this was a peaceful crowd and secondly, that they were taking the body inside the city in order to perform some form of funeral rite. Now, I would like to recall in the House what happened in a precisely similar event in Delhi in the year 1927. (*An Honourable Member* : "That is an old story".) It is an old story but it happens to be peculiarly in point. There too the body of a Moslem fanatical murderer was handed over to his relations outside the jail. But although the relations had promised to bury it in the burial ground opposite the jail, a mob of people pushing aside the relatives seized the corpse on the bier and started at a run for the city, sweeping aside the police guard and passing a guard of troops that was stationed at the

[Sir Henry Craik.]

Delhi Gate succeeded in carrying the bier inside the city. They ran up the Faiz Bazar towards the Jumma Masjid closely pursued by the police—in fact the police were all round them but being a small body were unable to get in front of them and intercept them. Within that short period of time—I do not know how long it was—probably my Honourable friend on my right will be able to inform the House—this crowd, though actually closely followed by the police, succeeded in killing two Hindus, wounding 61, looting 52 shops and carrying away booty to the value of Rs. 10,000. All this a crowd which was a great deal more hampered by the police than the crowd at Karachi would have been, succeeded in doing in a very short space of time. One is justified in drawing the inference, which I know from letters, representations, telegrams and so on, is shared by a very large number of the people residing in Karachi, that if that mob had been permitted to get inside this densely populated city with a large number of people of the other community living there, that there must necessarily have been slaughter, wounding, looting, on a large scale.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN: Manœuvres—these telegrams!

THE HONOURABLE MR. HOSSAIN IMAM: Presumptions!

THE HONOURABLE SIR HENRY CRAIK: They may be presumptions but they are presumptions based on actual experience.

Now, it is well known to everyone who has had to deal with communal trouble in India that whenever it is a case of a Moslem mob dealing with a corpse of one whom to my great regret they call a *Ghazi* or a *Shahid*, the mob is apt to get very excited. I have seen that myself on several occasions. I remember in the case of the burial of Ilm Din, another murderer of the same type at Lahore, when I had to be in charge of the arrangements personally, we took the most careful precautions that the crowd, which on that occasion was an orderly crowd, that assembled to perform the last rites over his body, should not be allowed to go near the city. In fact, the most careful precautions were taken so that, once the last prayers were said, the crowd of those attending the funeral was carefully shepherded by a number of different routes, in small parties, back to their homes. I remember another occasion in Lahore in 1927 when there was a communal riot. The night before, five or six Muhammadans had been killed. The crowd carried out a funeral procession of these victims with a very large force of police escorting them to the burial ground, and they came back from the burial ground in comparatively orderly fashion. But directly they got inside the city, there were at least three separate clashes between the different communities and that night there were I think 16 or 17 cases of murder. I speak from facts within my own personal knowledge. I challenge any one to say that the District Magistrate of Karachi was wrong in thinking that if that mob had been allowed to get into the city, something of the same nature would have occurred.

THE HONOURABLE MR. HOSSAIN IMAM: No one has made that statement, Sir.

THE HONOURABLE SIR HENRY CRAIK: Now, Sir, I come to the question of the necessity for an enquiry. The first and principal reason why Government decided that no enquiry should be held was because they were convinced that it would have increased communal tension, and that it would have

been impossible within any reasonable space of time to establish that atmosphere of impartiality and communal cordiality in which alone such an enquiry can be successfully carried out. I have already pointed to the Honourable Member's (Honourable Mr. Hossain Imam's) speech as one specimen of the atmosphere of prejudice which has been created.

**THE HONOURABLE MR. HOSSAIN IMAM :** Prejudice against whom, Sir ?

**THE HONOURABLE SIR HENRY CRAIK :** I have read many newspaper articles but hardly one which has not come down definitely on one side or the other. I do not think I am exaggerating when I say that I have received hundreds of representations—certainly many dozens—demanding that an enquiry should be held into “ this cold-blooded massacre of innocent people ”, but an equally large number of representations which take the exactly opposite line and say that the arrangements made and the steps taken by the district authorities deserve the thanks of all residents of Karachi. As regards the suggestion that the enquiry should be an impartial one, I see considerable difficulty in securing an impartial committee of inquiry, especially if, as suggested by at least one speaker tonight, it should include some local people. The local people, to put it plainly, are not impartial. As regards the local Muslim leaders—I take one specimen—here is a letter addressed to the papers by Sheik Abdul Majid, a member of the Bombay Legislative Council, who claims to be a local leader of Muslim opinion. It is perfectly clear from his communication that he is not in the least impartial. He has already made up his mind.

**THE HONOURABLE THE PRESIDENT :** I would request you not to read that letter. I have allowed statements to be read from the newspapers on this occasion only because the communiqué was published this morning and the Motion for Adjournment has arisen out of that communiqué. That is why I permitted it.

**THE HONOURABLE RAJA GHAZANFAR ALI KHAN :** Let him read it. We are very much interested in learning the opinion of Sheik Abdul Majid.

**THE HONOURABLE THE PRESIDENT :** You may read it afterwards.

**THE HONOURABLE RAJA GHAZANFAR ALI KHAN :** We are also in possession of Sheik Abdul Majid's opinion.

**THE HONOURABLE SIR HENRY CRAIK :** You are under the impression that he has given no opinion. Your impression is very wrong. He has given most definitely the opinion that the Government officers were to blame.

**THE HONOURABLE THE PRESIDENT :** You can give the purport of that letter.

**THE HONOURABLE SIR HENRY CRAIK :** The whole purport of that letter is that the conduct of the Government officials throughout was deserving of censure. And that is the attitude taken in numerous other communications which have been made to us. It was the attitude taken by numerous speakers in the other House. It was the attitude taken, for example—I will not mention names—

(The Honourable Raja Ghazanfar Ali Khan rose to interrupt.)

**THE HONOURABLE THE PRESIDENT :** You have had your say. You can reply later on.

**THE HONOURABLE MR. HOSSAIN IMAM :** Are the Government prejudiced against the non-officials ?

**THE HONOURABLE THE PRESIDENT (to the Honourable Sir Henry Craik) :** Will you proceed with your speech ?

**THE HONOURABLE SIR HENRY CRAIK :** I may inform my Honourable friend the mover of the Motion that an exactly opposite attitude is taken by numerous persons who have submitted representations to me, including numerous bodies which have their headquarters at Karachi itself. I have received numerous letters from them thanking the local authorities for the steps they took, and repelling the idea and controverting the demand that an inquiry is necessary or desirable.

We have had references to inquiries made in certain other cases. One was the inquiry at Peshawar where the inquiry was held by two High Court judges. That seems to me an unfortunate analogy to cite because the inquiry there was held at the request of the local Administration. It dealt with a much more complicated set of circumstances arising out of the arrest of certain Congress leaders and the inquiry, though held by two High Court judges, was not accepted by the Congress people, who instituted and attempted to carry out an inquiry of their own through the agency of the late Mr. Patel.

**THE HONOURABLE RAJA GHAZANFAR ALI KHAN :** There is no Congress member here.

**THE HONOURABLE MR. P. N. SAPRU :** May I ask the Honourable the Home Member one question ? It may help us to decide on this question. Is he prepared for an inquiry by two sessions judges ?

**THE HONOURABLE SIR HENRY CRAIK :** No, Sir. As the Honourable Member knows perfectly well, the decision has been announced today that there is to be no inquiry. That is the decision of the Government of Bombay in which the Governor General in Council concurs.

Another instance cited is that of Cawnpore. There again, as my Honourable friend Mr. Hallett has explained, there was a riot which extended over several days and nights. There were a number of non-official inquiries going on and Government came to the conclusion that in the peculiar circumstances of those series of incidents, an authoritative inquiry was desirable.

Sir, there is one other aspect of the matter which will perhaps not appeal to my Honourable friend the mover or those who supported him, but still is a consideration which Government are bound to keep in mind, and that is the effect of an inquiry on the conduct of their own officers when they may in future be faced with a set of circumstances of a similar character. I will take first the military. It is an established principle of law which is enshrined in the Penal Code that nothing is an offence which is done by a person who is bound by law to do it. That is to say, a soldier who fires at a crowd in good faith on the order of his superior officer commits no offence. That is a well known and recognised principle of criminal law and if Honourable Members will reflect they will see that it is a principle which is absolutely necessary in order to uphold the safety of the realm and the discipline of our military forces,



If a soldier knows that every time he obeys an order of that kind he is liable to have his conduct impeached before any kind of tribunal except that of his own military superior, then I can imagine nothing more prejudicial to military discipline or military order. If a soldier knew that his conduct was liable to be impeached he would hesitate every time before he would carry out such an order. That is the reason why in the case of military action Government is very reluctant to admit that there could be any case for an inquiry, beyond of course the most rigorous and searching inquiry that is invariably made into the circumstances by the higher military officers themselves. As regards civil officers, I would ask Honourable Members to consider whether the same considerations do not to a very great extent apply to them also? A civil officer is confronted with a very serious emergency of this kind. He has to make up his mind, to use a slang expression, within a split second. He has no time to sit down and think out all the possible consequences and all the possible reactions of his decision. He must take a decision at once. Now, it is all very well and very easy for us sitting here some days later and with a full statement of all the circumstances before us to say, "Well, that was a wrong decision. He ought to have done something else". Possibly he ought. Anyhow, who is the final judge?

**THE HONOURABLE MR. HOSSAIN IMAM :** Public opinion.

**THE HONOURABLE SIR HENRY CRAIK :** Public opinion! Public opinion means what every individual who uses the phrase wishes it to mean. Public opinion in a matter of this kind is no guide because there are fifty different public opinions. I ask, Sir, who is the ultimate judge and what tribunal is competent to censure an officer who in circumstances of such difficulty may conceivably, while trying to do his very best to carry out his duty, have arrived at a decision which subsequently some other person, acting perhaps on a quite different set of information, may decide to have been wrong. The only conditions in which officers can be trusted to do their best in an emergency of this kind is if they feel that they have the public confidence and the confidence of their superiors behind them. I do not admit that the most careful inquiry and the most careful investigation has shown that any mistake was made in the handling of this most deplorable and unfortunate incident. I think that when the Government of Bombay came after the most careful, prolonged and anxious consideration to the conclusion that they must refuse this request for an inquiry, that was a conclusion that was wholly justified and which the Government of India were right in endorsing.

**THE HONOURABLE RAJA GHAZANFAR ALI KHAN :** Sir, I move :

"That the Question be now put".

**THE HONOURABLE MR. MOHAMMAD YAMIN KHAN** (United Provinces : Nominated Non-Official) : Sir, I oppose that.

**THE HONOURABLE THE PRESIDENT :** The Honourable Mr. Yamin Khan.

**THE HONOURABLE RAJA GHAZANFAR ALI KHAN :** This is very unfair.

**THE HONOURABLE THE PRESIDENT :** I would advise the Honourable Member not to use that expression. I have a right to call upon any Member who gets up to speak on this question.

**THE HONOURABLE RAJA GHAZANFAR ALI KHAN :** Yes, Sir. I am very sorry.

**THE HONOURABLE MR. MOHAMMAD YAMIN KHAN :** Sir, it is undoubtedly a most unfortunate circumstance when any mob is collected and it has to face a trained body of soldiers. At the same time it is a very painful duty for soldiers to perform when they have to shoot at a mob which is not armed. However hard-hearted a soldier may be, I do not think it is a pleasant duty for him. He does not wish to shoot his own countrymen. (*An Honourable Member* : "They were not Indian soldiers".) Whoever the soldier may be, Indian or British. As long as he is a soldier it is an unpleasant duty for him to shoot at a mob which is not out to fight him. However, when such a mob collects, it may be with no intention of endangering life or of fighting or doing any injury to any one, it may be with an entirely peaceful purpose, perhaps for performing some religious rite, then indeed the position is most unhappy both for themselves and for the people who are deputed to check them. In the present case the mob had collected with one peaceful intention and that was to take the body of the man, who perhaps wrongly or perhaps rightly they thought was deserving of a particular ceremony. I am not one of those who would in any way endorse the idea that a murderer should be extolled. The man is after all a murderer, as my friend the Honourable Mr. Sapru has said. Whether a murder is committed with a good intention or whether it is committed with a bad intention, it is a murder and it is a crime in the eyes of the law. There are some people who murder with a good intention. Intention is in the mind of the man. A man does not murder with a bad intention in all cases. The intention may be good or bad. It does not make the slightest difference.

**THE HONOURABLE MR. P. N. SAPRU :** You are extenuating murder ?

**THE HONOURABLE MR. MOHAMMAD YAMIN KHAN :** I am condemning murder. I said in the beginning that in whatever way a murder is committed it is murder ; it is a crime and so long as we have got our law in the country.

**THE HONOURABLE MR. P. C. D. CHARI :** You are murdering time !

**THE HONOURABLE MR. MOHAMMAD YAMIN KHAN :** My friend—

**THE HONOURABLE THE PRESIDENT :** If you go on discussing with these Members you will lose time.

**THE HONOURABLE MR. MOHAMMAD YAMIN KHAN :** I do not know what my friend means by murdering time. I am only talking about the murder of a man with whatever intention.

**THE HONOURABLE MR. HOSSAIN IMAM :** We are talking of the murder of 40 men.

**THE HONOURABLE MR. MOHAMMAD YAMIN KHAN :** Whether my friend holds one view or the other, whether there are other people who hold

this view or not, I am not going into that controversy. There are some people who call one thing murder, the other not a murder. There are others who may call this also a murder. But I am not going into that controversy.

**THE HONOURABLE MR. HOSSAIN IMAM :** Are we discussing murder ? We are discussing shooting !

**THE HONOURABLE THE PRESIDENT :** You are provoking him.

**THE HONOURABLE MR. MOHAMMAD YAMIN KHAN :** If Honourable Members keep quiet they will listen to my arguments. If they put side questions they must have side answers. It is out of courtesy to Honourable Members that I pay attention even to their interruptions. For the sake of courtesy I am replying to them, though it is not my intention to go into these details. The point is that it was a sad incident : certainly it was a most sorrowful incident, and whenever the question comes of the people being shot at by military or police officers I think it is the duty of the Government to go thoroughly and carefully into the matter. The question is this. We have seen repeatedly that a mob which collected with good intentions in the past turned out at the end to be a furious mob, as has been pointed out by the Honourable Home Member and the Honourable Home Secretary. We have got before us the case of Cawnpore. I think the position in Cawnpore was that peaceful citizens got into shops and started asking the people to close their shops. They thought that it was very peaceful persuasion, to persuade these people not to do any business on that day. They asked *tongawallas* not to ply their *tongas* for hire on that day. We have seen that the mob—

**THE HONOURABLE MR. HOSSAIN IMAM :** Are we discussing the case of Cawnpore ?

**THE HONOURABLE THE PRESIDENT :** Many of you have referred to the case of Cawnpore.

**THE HONOURABLE MR. P. N. SAPRU :** I referred to Cawnpore and I said that the enquiry disclosed a different state of things.

**THE HONOURABLE MR. MOHAMMAD YAMIN KHAN :** I do not wish to give way, Sir.

When this mob ultimately turned into a furious mob, what were the consequences at Cawnpore ? I certainly think that we cannot always trust a peaceful crowd which collects for peaceful purposes to always remain up to the end as a peaceful crowd. It might become a furious mob. Action must be taken by the Government officials which may justify the situation. We have to see in each and every individual case whether the justification was there for the action to be taken. In this case, Sir, 47 people were killed and 100 and odd people were injured and certainly it is the duty of the Legislature and it is the duty of the Government itself to justify themselves not on the version of the people who are responsible to take that action but also to listen to the other side. I think it enhances the value of the Government and I think it leaves the position of the Government beyond any doubt if the Government gives an opportunity for the people to verify all the evidence they can have before an impartial tribunal. The tribunal can sit, but can it be called impartial ? That is a very difficult question under the present circumstances. The suggestion is made that two sessions judges

[Mr. Mohammad Yamin Khan.]

should be appointed as a tribunal to go into this matter. I do not think that two sessions judges can sit as a tribunal. What would be the procedure? I ask them seriously what the two sessions judges sitting as a tribunal will decide? Whether the firing was justifiable or whether the firing was not justifiable? What law will they decide, what question will they decide? Will they summon witnesses? Who will be the witnesses? Will the list of witnesses be supplied by Government or be filed by some other authority? I certainly fail to understand what is in the mind of the Honourable Member who suggested that a tribunal of two judges should be appointed in order to make an enquiry and come to a decision. What will be their decision? I cannot understand this. Is my Honourable friend who made the suggestion serious or not? (*Some Honourable Members were laughing.*) If my Honourable friends can be so humorous even on an occasion like this I want to remind them that they are considering the serious thing in which 47 of the public have been killed—

THE HONOURABLE THE PRESIDENT: It is 6 o'clock. The debate automatically terminates.

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The Council then adjourned till Eleven of the Clock on Thursday, the 11th April, 1935.