

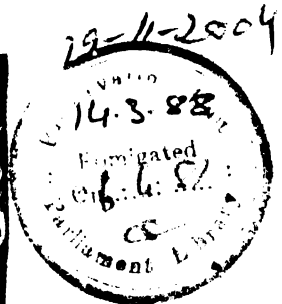
Wednesday, 17th April, 1935

THE
COUNCIL OF STATE DEBATES

VOLUME I, 1935

(11th February to 17th April, 1935)

NINTH SESSION
OF THE
THIRD COUNCIL OF STATE, 1935



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COUNCIL OF STATE.

Wednesday, 17th 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.

SHORT NOTICE QUESTIONS AND ANSWERS.

THE HONOURABLE THE PRESIDENT : There are some short notice questions. I want to know if the Member in charge has any objection ?

THE HONOURABLE MR. M. G. HALLETT : I have no objection, Sir.

COMMUNAL RIOTING AT FERUZABAD, AGRA DISTRICT.

130. **THE HONOURABLE MR. V. V. KALIKAR :** Will the Government be pleased to make a full statement about :

(a) The communal riot that occurred at Ferozabad in the Agra district on 14th April ?

(b) The measures taken by the local authorities to avert the riot ?

(c) Protection given by the local authorities to those whose houses were burnt ?

(d) The number of casualties during the riot and the subsequent firing ?

(e) The cause of the riot ? and

(f) The subsequent steps taken by the local authorities to bring the offenders to justice ?

COMMUNAL RIOTING AT FERUZABAD, AGRA DISTRICT.

131. **THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA :** With reference to the Ferozabad riot on the 14th April, 1935, will the Government be pleased to make a statement on the following points :

(a) How many persons of each community were killed in the riot ?

(b) How many were killed and wounded on account of firing alone ?

(c) How many rounds were fired ?

(d) What was the number of the military force used ?

THE HONOURABLE MR. M. G. HALLETT : Sir, in reply to the short notice question by the Honourable Mr. Kalikar and in reply also to the other short notice question on the same subject, I beg to make the following statement regarding the communal riot which occurred at Ferozabad in the Agra district on the 14th instant. Ferozabad is the headquarters of a tehsil 26 miles from Agra on the Agra-Cawnpore road. For the first time since 1902 or 1903 the Hindu festival of Ram Naumi occurred this year at the same time as the Mohurram. In 1902 it appears that an agreement had been entered

into between the two communities and this year the District Magistrate directed that a similar agreement should be taken from the two parties. This was accordingly done by the tehsildar under the directions of the sub-divisional officer who had recently taken over charge of this sub-division. Slight modifications had to be made owing to the Ram Naumi clashing with a different day of the Mohurrum from that in 1902. Detailed instructions were also issued by the Superintendent of Police regarding various points which had given rise to controversy in previous years, e.g., regarding the *arti* at the Radha Krishna temple and Goshainji's temple. Further, 40 additional police were posted to the town, 15 being armed police, 20 ordinary civil police and five mounted sowars. During the first eight days of the Mohurrum, the celebrations were regulated according to this agreement and there was no disturbance. There was, however, some ill-feeling between the two communities on points of detail; and on the night of the 13th 25 of the leading Mussalman came to the District Magistrate at Agra contending that the agreement had been taken from them under false pretences and requesting that the agreement should not be treated as a precedent and should not be binding on them for future years. The deputation, however, agreed that there was no dispute left this year as the celebrations had already terminated. The District Magistrate promised to look into the matter and directed the sub-divisional officer to make an enquiry and to report to him. The deputation then left apparently quite contented and there appeared to be no serious risk of any further dispute. On the morning of the 14th there was a procession of *alams* and *burags* which was accompanied by the sub-divisional officer, the circle inspector and the police guard. The procession which passed along the main road had to go past two temples known as Radha Krishna's temple and Ramchandraj's temple. *Arti* had taken place without any trouble in both the temples and subsequently the *burag* procession came along the main bazaar to Radha Krishna's temple, where they halted and there was here considerably more beating of drums than usual. It is alleged that all of a sudden a man rushed to the edge of a roof and flung a brick on to the procession and this was followed by others thrown from somewhere behind the front roof and the procession then started retaliating by flinging bricks on to the roof. Many of those who were in the procession became very excited and left the main road and went into the by-lanes leaving the *alams* and the *burags* on the main road while the sub-divisional officer and the circle inspector were engaged in controlling the procession on the main road, some distance further ahead of this temple it is alleged that some Muhammadans in a by-lane started to attack the back of Radha Krishna's temple and the house of Dr. Jiva Ram, which is next door to it. Dr. Jiva Ram is a private medical practitioner who had in-patients in his house. The house became surrounded by a Muslim mob and he and the other inmates locked the doors from the inside. The mob is alleged to have thrown kerosene oil on to the doors and set them alight, while another section of the mob climbed over the wall of the house from behind and consequently the inmates barricaded themselves in an inner room which was protected by wooden doors and iron bars. The house was set alight and it is also alleged that fire was also set to a godown abutting on the temple and to a house which was rented and occupied by a dealer in spices. News of this occurrence was brought to the sub-divisional officer who, as I have said, was further down the main bazaar at the head of the procession and about 200 yards away. He and the circle inspector made their way back to the scene of the conflagration as soon as possible, but by the time they got there the house was already blazing. When they got to the front of Dr. Jiva Ram's house they found the mob breaking down doors and setting fire to others. In spite of repeated warnings they refused to disperse and the

sub-divisional officer directed the police to fire. About three shots were fired, all of buckshot, with the result that the crowd dispersed. One Muhammadan dropped and died subsequently at the police station and some six or seven appear to have been injured but went away. By this time the inside of Dr. Jiva Ram's house was blazing and full of smoke and the doors were all locked from inside. The sub-divisional officer endeavoured to ascertain whether anybody was inside or not, but failed to elicit any response. I have got further details about that and as they have a special bearing on one section of the question, the House might be interested if I read them out to them. This is in regard to the question about the protection given by the local authorities to those whose houses were burnt.

"All the incendiarianism was within the first 15 minutes. The buildings were (a) Dr. Jiva Ram's house, Radha Krishna's temple and a bangle seller's house, and (b) three shops in the grain market"—I will come on to the occurrence in the grain market in a few minutes in my main statement—"at a considerable distance from (a) and on the other side of the bazaar. The first group, that is to say Dr. Jiva Ram's house and the temple were set on fire as soon as the riot started. The sub-divisional magistrate and circle inspector were with the procession in the main bazaar controlling it and trying to stop the throwing of brickbats. They did not learn of these conflagrations until Dr. Jiva Ram's house was already blazing. They at once proceeded there and fired on the mob very shortly after arriving there, dispersing it. They banged on the doors and called out to know if there was anybody inside, but there was no response. The doors were shut from the inside, and the whole place was burning. People on the spot said there was a way out over the roof on the temple roof and that probably the inmates had escaped that way. Two constables were sent up from outside to the roof and they called out, 'Doctor, doctor,' but received no reply. There is reason to believe that the inmates were all unconscious, but it was not known that there was anybody in the house. While the sub-divisional magistrate was banging on the door, a message reached him that the grain market was being fired by a mob and that there was danger to the tehsil treasury near by".

I pass on to that incident. The sub-divisional officer hearing of this apprehended attack on the tehsil treasury and the riot that was occurring in the grain market at some little distance from Dr. Jiva Ram's house, went there at once and found a crowd fighting with *lathis* and breaking and burning shops. This crowd also refused to disperse in spite of warnings; firing had to be ordered and some four shots were fired with the result that one person was hit in the leg and fell down and several others appear to have been injured but dispersed.

The sub-divisional officer then received information regarding a further riot in Chapatti Street. He went there and found about 200 people rioting, throwing brickbats and breaking into houses. He again ordered the police to fire and the greater part of the crowd dispersed.

Rioting was then reported in yet another quarter—in a lane leading to the Panchayati Dharamsala where there was a Muhammadan *sabil*. The lane was full of a fighting mob, some breaking the *sabil*, others trying to break the doors of the Dharamsala and the rest fighting and throwing missiles at each other. The sub-divisional officer had to order firing again and on this the crowd dispersed. He then proceeded to the main bazaar where he found groups of men fighting and throwing brickbats at each other. Here too the police were forced to fire, without however causing injury to anybody, and as a result of this and of a charge by mounted police the bazaar was cleared.

After these incidents the sub-divisional officer and the circle inspector immediately returned to the burning houses. By this time it was possible for people to get into the house of Dr. Jiva Ram and they found in the inner room the dead body of Dr. Jiva Ram and 10 others, including one woman and three children who had probably died of suffocation, as there was no exit from the room except through the burning courtyard. The wife of Dr. Jiva

Ram and a nephew were taken out alive and have been sent for medical treatment. The sub-divisional officer and the police then took steps to extinguish the fires in this and other places near Radha Krishna's temple. They also arrested various people who had been seen taking part in the rioting. Shortly after this the District Magistrate and the Superintendent of Police arrived from Agra with a further detachment of police. By this time the rioting had stopped and necessary arrangements were made for attending to the wounded and for putting the arrested persons into safe custody. The District Magistrate also passed necessary orders under section 144, C. P. C., and pickets were placed all over the town. During the rest of the day and the night no further disturbance occurred and everything is reported to be now quiet.

It will be seen from the account which I have given that the outbreak on this occasion was unexpected but having regard to the trouble which had occurred there the local officers were fully alive to the possibility of trouble and took all possible precautions. Additional police to the number of 40 were, as I have said, posted to the town and all necessary instructions were issued by the local officers to the local police. The total number of casualties as reported are one Muslim killed and seven persons of both communities injured by police firing. Of the people injured by the rioters one Hindu was killed and 50 to 60 persons of both communities are reported to have been injured. Many of the injuries received were not of a serious nature and the majority of those injured were rioters. This is of course apart from the eleven Hindus who were burnt to death inside Dr. Jiva Ram's house. It is reported that 87 persons—87 Muslims and 20 Hindus—have been arrested and seven criminal cases have been registered and are under investigation by the police. As I have explained, the police had to fire in four or five different localities and the total number of rounds fired was about 30. The local officers appear to have taken such steps as were possible to deal with a sudden outbreak of communal rioting and their difficulties were greatly increased by practically simultaneous outbreaks of rioting occurring at widely separated places. The sub-divisional officer and police officers controlled the firing very effectually and used no more force than was necessary to disperse these mobs when they came across them in the five or six centres in which the rioting was very serious. I think the local officers deserve great credit for their handling of the situation.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Will the Government be pleased to state if the police force were reinforced after the 13th of April when the parties wanted not to abide by this agreement ?

THE HONOURABLE MR. M. G. HALLETT : Sir, I do not think there was any suggestion of parties not wanting to abide by the agreement on the 13th April. As I read the District Magistrate's report, the Muhammadans were very anxious that this should not be treated as a precedent in future years. The Magistrate told them he would go into the matter and passed necessary orders to that effect. There is no question about this year's agreement ; it was only a question of precedents for future years. When exactly additional police were sent there I do not know but I imagine they were there from the beginning of the festivals.

THE HONOURABLE MR. HOSSAIN IMAM : Will the Honourable Member enlighten the House as to why Dr. Jiva Ram's house was singled out by the mob ?

THE HONOURABLE MR. M. G. HALLETT : That is quite impossible for me to say. The matter will form the subject of a criminal case and will no doubt come under investigation in the course of the inquiry.

THE HONOURABLE MR. HOSSAIN IMAM : Do the Government propose to hold any inquiry into this matter ?

THE HONOURABLE MR. M. G. HALLETT : Sir, I have said that the matter is under investigation in connection with criminal cases of arson and murder.

THE HONOURABLE MR. BIJAY KUMAR BASU : Has the Government any information as to whether the house belonging to Dr. Jiva Ram was a *pucca* house, and as to how long after the starting of the fire the sub-divisional magistrate came on the scene ?

THE HONOURABLE MR. M. G. HALLETT : The period was very short. As the Commissioner whose report I have read says, the whole thing lasted 15 minutes. Probably it was not a *pucca* house and as kerosene oil was put on to it, it burnt very quickly. The whole thing was a mass of flames when the sub-divisional officer arrived some 10 or 15 minutes after.

THE HONOURABLE MR. BIJAY KUMAR BASU : Did the sub-divisional officer try to extinguish the flames or make any efforts to extinguish the flames ?

THE HONOURABLE MR. M. G. HALLETT : I imagine the conflagration was by then so serious that it was almost impossible to extinguish it. Anybody who knows how a fire burns in that kind of building will appreciate that. Further the sub-divisional officer had to go off to the other places at which rioting was reported ; there might have been an attack on the Treasury and the grain market was being attacked.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Is it a fact that the police station officer at Ferozabad took a prominent part in the riot.

THE HONOURABLE MR. M. G. HALLETT : The Honourable Member apparently insinuates that the police officer took part in the riot as a rioter. I see no reason for assuming that there is any truth in this allegation.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Will the Government be pleased to ask the local Government to make an inquiry on this point ?

THE HONOURABLE MR. M. G. HALLETT : A copy of these questions will be sent to the local Government for such action as they think necessary.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : May I know if military forces have now been sent to Ferozabad for protection ?

THE HONOURABLE MR. M. G. HALLETT : No, Sir. The local Government have not asked for them. Troops are available in Agra. If they are needed, they can very easily be sent out there.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY: What is the present feeling and situation in Ferozabad ?

THE HONOURABLE MR. M. G. HALLETT: As far as I know, things are quiet now.

THE HONOURABLE MR. P. N. SAPRU: Has the widow of Dr. Jiva Ram made any dying declaration in regard to the circumstances of her husband's death ?

THE HONOURABLE MR. M. G. HALLETT: No, Sir, on that I have no information.

NEW ELECTIONS TO THE COUNCIL OF STATE.

132. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: With reference to the reply to my question No. 109 asked on the 29th March, 1935, will Government be pleased to state when a decision will be reached on the subject of the extension or otherwise of the life of the present Council of State ?

THE HONOURABLE KUNWAR JAGDISH PRASAD: The question will receive consideration at an early date, and the decision which, as the Honourable Member is aware, rests with the Governor General, will be announced as soon as it is reached.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Are the Government aware that the Congress Parliamentary Party have decided to fight the Council of State elections and are making necessary preparations ?

THE HONOURABLE KUNWAR JAGDISH PRASAD: I am not aware, Sir, but it is very likely that the information which the Honourable Member has communicated is correct.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Will Government be pleased to come to a decision at a very early date in order to give us sufficient time to work in our constituencies and prepare ourselves to fight the elections ?

THE HONOURABLE KUNWAR JAGDISH PRASAD: We shall see that there is no delay on our part to enable the Governor General to come to a decision.

THE HONOURABLE MR. HOSSAIN IMAM: May I ask if electoral rolls are being prepared in the provinces ?

THE HONOURABLE KUNWAR JAGDISH PRASAD: I saw a newspaper report that in one province the electoral roll was being prepared, but I am afraid I have no information as regards the other provinces.

THE HONOURABLE MR. HOSSAIN IMAM: Have Government issued any instructions to the provinces ?

THE HONOURABLE MR. G. H. SPENCE: May I explain the position, Sir ? There is no question of issuing *ad hoc* instructions to local Governments.

Under the rules, local Governments have automatically to prepare fresh electoral rolls when the existing roll has been in force for three years. There is no reason to suppose that local Governments are not aware of this provision.

MOTION FOR ADJOURNMENT.

COMMUNAL RIOTS DURING MOHURRUM.

THE HONOURABLE THE PRESIDENT: Honourable Mr. Banerjee, I presume you do not wish to press your Motion for Adjournment now, after hearing the Honourable Mr. Hallett?

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal: Non-Muhammadan): I should like to move it, Sir.

THE HONOURABLE THE PRESIDENT: The Honourable Mr. Jagadish Chandra Banerjee has given the following notice:

"I give notice of the following Motion for Adjournment at the meeting of the Council of State tomorrow the 16th April, 1935, to discuss a definite matter of urgent public importance, viz., the failure of Government to make proper military arrangements beforehand to prevent such usual communal riots during the Mohurrum festival as took place in the Agra district of the United Provinces on the 14th April in which dastardly crimes have been perpetrated by rioters such as the burning alive of 10 to 15 members of a family consisting of women and children and also their failure to prevent the enormous loss of Indian lives and property which have been caused by the free use of fire-arms during the said riot".

How do you justify the moving of this Motion?

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: May I not explain the position which I would like to take on this debate Motion

THE HONOURABLE THE PRESIDENT: I am not asking you to speak on the merits, because I have not yet given my ruling whether I will allow this Motion of Adjournment or not. I want you to tell me how you justify the moving of this Motion?

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: It is a matter of urgent public importance.

THE HONOURABLE THE PRESIDENT: Is that the only reason?

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Yes Sir.

THE HONOURABLE THE PRESIDENT: In the first instance, let me draw the attention of the Honourable Member to the fact that he should not serve a notice on the President. Under Standing Order 21, all notices of Motions for Adjournment ought to be sent to the Secretary.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: I sent a copy also to the Secretary, Sir.

THE HONOURABLE THE PRESIDENT : This Motion for Adjournment is in respect of communal riots which have taken place in Ferozabad. But at the same time, as Honourable Members are aware, numerous riots have lately taken place all over the country—probably at a dozen places—during the Ram Naumi and Mohurram holidays. These communal riots frequently take place in all parts of India during some of these important holidays and festivities. The policy of the various provincial Governments in dealing with such riots is not either a matter of urgent public importance or a matter which is primarily the concern of the Governor General in Council, as provided in the restrictions imposed by Legislative Rule 12. The policy has been defined and enunciated by the provincial Governments long ago, and as such it does not come within the purview of this rule. Further, these riots in the provinces relate to a matter which is not primarily the concern of the Government of India. The provincial Governments are responsible for the maintenance of law and order in their own provinces and have to deal with the situation, when such situations arise, in any manner they may deem necessary and proper. I should prefer to follow on this occasion two rulings, one given by Sir Frederick Whyte and the other by Sir Muhammad Yakub. Sir Frederick Whyte, on 13th March, 1921, when a similar Motion was moved, would not admit it on the ground that it should have been raised in the Punjab Legislative Council, for the Government of the Punjab was in the first instance responsible for law and order within the limits of that province. Another ruling was given by Sir Muhammad Yakub in 1930. That ruling is to the following effect :

“ Moreover, distinctions are also to be drawn between matters to be discussed in this House and matters to be discussed in the provincial Councils, and to my mind, it will be too much interference on the part of this House as regards provincial affairs if matters for which provincial Governments are responsible are debated in this House by means of the extraordinary method of Motions for Adjournment. It would not be right and proper to condemn the provincial executive behind their backs in a place where they cannot defend, explain or justify their conduct ”.

The matter referred to in Mr. Banerjee's Motion is certainly a provincial matter which is not primarily the concern of the Governor General in Council and I entirely agree with this view, because in Legislative Rule 12, the restrictions which are imposed are not of an exhaustive character and leave discretion to the President of the Council or the President of the Assembly to rule out on other grounds also when such Motions are inadmissible. This point was again raised this session in the Assembly on the 9th March last. There, my brother President decided on the first point that the question of policy was not of recent occurrence and on that ground disallowed the Motion for Adjournment. The other point was also pressed whether the President had power to disallow a provincial matter to be discussed in the Indian Legislature, but the President kept an open mind on the subject and did not give a decision. I prefer to follow the two rulings of Sir Frederick Whyte and Sir Muhammad Yakub and I hold that it is not a matter which is primarily the concern of the Government of India. Further, after the full, frank and exhaustive explanation and statement made by the Honourable Mr. Hallett, it would be a waste of public time, in my opinion, to permit this Motion to be moved. I therefore rule that this Motion is not in order.

We will now proceed with our legislative work. There are two Bills to be disposed of and there is a loyal and congratulatory Motion by the Honourable Raja Charanjit Singh and the Honourable Rai Bahadur Lala Ram Saran Daa. I would request the Honourable Members, both officials and non-officials, to be present when the loyal Motion is moved. I will give notice of the same by asking the Secretary to ring the bell when that Motion is reached.

SALT ADDITIONAL IMPORT DUTY (EXTENDING) BILL.

THE HONOURABLE MR. P. C. TALLENTS (Finance Secretary) : Sir, beg to move :

“ That the Bill further to extend the operation of the Salt (Additional Import Duty) Act, 1931, as passed by the Legislative Assembly, be taken into consideration ”.

The position of Government with regard to this Bill is a very simple one and it was explained by the Honourable Finance Member in another place in his budget speech. The object of this Bill is to stabilize the existing position for one more year without prejudice to any decision that may be taken during that year by Government and without prejudice to any interests of the parties who may be concerned. Government wish to make it clear that any representations which they receive during this year on the subject will receive their full consideration. The object therefore is simply to maintain the existing position for one more year, which is done by substituting the figures “ 1936 ” for the figures “ 1935 ” in the Act.

Sir, I move.

THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK (West Bengal : Non-Muhammadan) : Sir, again I find myself in a most unenviable position, driving my lonely furrow in the wilderness of the Imperial City of Delhi ! Whether it is a question of imposing an import duty on wheat or whether it is a question of an additional import duty on salt, I find that mine is always the lone voice of protest. But, Sir, there is a saying that one must be true to his salt, and to be true to my salt I oppose this measure. At the fag end of the session when every one of us is anxious to get back to our normal avocations and after the lengthy and protracted debate which took place yesterday, I would not venture to tire the patience of the House by inflicting on them a lengthy speech. But I will quote a few remarks made by the Honourable Finance Member in another place when this duty came in for the first time. I hope, Sir, they will help Honourable Members to come to a decision about the Bill before us. With your permission, I would read a few lines from the remarks made by Sir George Schuster in another place on the 30th March, 1931. Discussing the recommendation of the Special Salt Committee set up by the other House, he said :

“ The proceeds of the duty should be earmarked for the following objects :

- (1) The development of certain Northern India salt sources in the manner recommended by the Salt Survey Committee.
- (2) The investigation of the possibility of development of other sources of supply in India, particularly in the eastern parts of India which have not yet been investigated.
- (3) Any further measures that might be found necessary in the light of experience to secure the stabilization of prices, for example, the establishment of a marketing board and the provision of working capital and a reserve for such a board ”.

Sir, the main object underlying this duty was in the first instance to make India self-supporting in the matter of her salt supply and to see that the Northern India salt industry should be so developed as to capture the Bengal market, which consumes about 500,000 tons of fine Whitecross salt. The Finance Member went on to say :

“ The essence of the scheme is not to protect Aden, though Aden production is going to be very useful to us in controlling prices, but the essential purpose of the scheme is to develop the internal inland sources of production in India ”.

[Mr. Satyendra Chandra Ghosh Maulik.]

Sir, in this connection I would also like to invite the attention of the House to the strong protest lodged by the Bengal Members in another place and also I would like, with your permission, to read the Resolution which was passed in the local Council in 1931 :

“ This Council considers the proposal of the Government of India to impose a further duty of 4½ annas per maund on all imported salt and to give a rebate to Aden merchants as unjust and inequitable and calculated to throw an unfair burden on the people of Bengal, and so enters an emphatic protest against the proposal and requests the Government of Bengal immediately to urge the Government of India to abandon it ”.

This Resolution was carried by the Bengal Council by a huge majority. But in spite of all these protests from Bengal Members in another place and also in this House this additional import duty on salt was imposed in 1931.

Sir, I have already informed the House that in Bengal we consume about 500,000 tons of fine Whitecross salt and from a perusal of the facts and figures that have been supplied to us by the Salt Department we find that as far as the foreign salt is concerned its import has dwindled and Bengal gets about 70 per cent. of her salt from Aden, the rest coming from Northern India and other salt sources. It was also suggested and agreed to at that time that Bengal would get a portion of this additional import duty for developing her salt resources. This duty has been in existence for the last four years and although the Bengal Government has got about Rs. 12 lakhs every year for this purpose nothing has been done to expand her salt resources. The money has been spent on other departments, law and order, etc. So the net result is that the Bengal consumer is unnecessarily burdened with this duty. The salt industry in Northern India has not developed much during the years of the continuance of the additional duty and there is no likelihood in the near future of the Northern India salt sources being able to supply the full demand of the Bengal market. (*An Honourable Member* : “ Madras can supply it ”.) But that was not the original idea. We in Bengal use the fine Whitecross salt and I do not know whether Madras can supply it. We have a taste for fine Whitecross salt. (*An Honourable Member* : “ Foreign salt ”.) I do not say “ foreign ”. We should be happy to use the same kind of indigenous salt. That being so, the only effect of the continuance of this duty is to put an unnecessary burden on the salt consumers of Bengal and goes to benefit the salt industry of Aden, which was not the main object of the duty. Then again, we are all aware that Aden is going to be transferred from India in the near future, most probably in a few months’ time or earlier still. So, the net result is that Bengal is suffering unnecessarily to benefit Aden which in the long run would not be a part of India, and in the name of Bengal I oppose this measure.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central : Non-Muhammadan) : Sir, if I intervene in this debate it is only to clear one point and it is this. We will not take up the attitude that my friend Mr. Ghosh Maulik took that day when the Wheat Protection Bill was being discussed. He opposed it and placed the case of Bengal consumers before the House. Sir, I am one of those who believe that India should be self-contained in all these matters and as long as it is so there is absolutely no harm in giving protection to these industries. Then, Sir, I would ask one question from the Government. I find that since 1931 this Bill is coming year after year. I do not know why the Government brings it every year as a tail of the Finance Bill. We want to know the reason why a definite period of protection is not fixed ? I asked the same thing when the Wheat Protection Bill was being discussed last year and to my surprise I

found that the Government reduced the wheat protection duty this year from Rs. 2 to Re. 1-8-0. I do not know if the object of the Government is the same, to treat salt protection in the same way as they did in regard to wheat protection or whether there is any other object? I hope my friend Mr. Tallents will explain why he is bringing this Bill every year as a tail of the Finance Bill?

THE HONOURABLE MR. MAHMOOD SUHRAWARDY (West Bengal : Muhammadan) : Before I lend my support to the Bill, Sir, I want to know from the Honourable Mr. Tallents—

THE HONOURABLE THE PRESIDENT : This is not the time to ask questions but to speak on the Bill. The points you desire to elicit may be incorporated in your speech and the Honourable the Government Member if he chooses will reply to the question when he is replying.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY : On a point of information, Sir, I want to know before I make a speech and support or oppose the Bill.

THE HONOURABLE THE PRESIDENT : You ought to have made up your mind long ago.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY : On a point of information, Sir, I want to know whether the quota which my friend opposite said was allocated to Bengal is going to be utilised for the development of the salt industry in Bengal after Aden is separated from India?

THE HONOURABLE MR. A. H. LLOYD (Government of India : Nominated Official) : The present Bill, Sir, deals with the imposition of the additional duty for one more year. So far as I am aware it is not likely that within that year Aden will be separated from India. Therefore the Honourable Member's question does not arise. He asked what would be done after Aden is separated from India?

THE HONOURABLE MR. MAHMOOD SUHRAWARDY : Very well, Sir. After I have got this reply from the Honourable Member that Aden is not going to be separated I lend my support to the Bill with the following suggestions.

THE HONOURABLE THE PRESIDENT : He did not say anything of the kind. What he did say was that it will not be separated this year.

HONOURABLE MEMBERS : Not this year.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY : Thank you very much for your information. Sir, I support this Bill with the following observations, that a committee of officials and non-officials be appointed from the central Legislature and the provincial Councils with an expert from England—

THE HONOURABLE THE PRESIDENT : Order, order. Have you given any notice of your amendment which you wish to move in this Council?

THE HONOURABLE MR. MAHMOOD SUHRAWARDY : No, Sir.

THE HONOURABLE THE PRESIDENT : At this stage, the consideration stage, you cannot move an amendment or speak on anything in the form of an amendment.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY : Sir, I support the Bill with the following observations :

(1) I desire that the Government of India should appoint a committee of officials, an expert and non-officials of the central Legislature and the provincial Councils with a view to develop the salt industry in Bengal, and

(2) The quota which has been given to Bengal should be utilised for the development of the salt industry in Bengal.

With these remarks, Sir, I support the Bill.

THE HONOURABLE MR. A. H. LLOYD : Sir, I think there is very little desire on the part of the House that I should speak at any length in replying to the speeches that we have had on this Bill. With regard to what was said by my Honourable friend from Bengal as regards the disposal by the Government of Bengal of its share of the additional import duty, I can only say that it was never stipulated that the Government of Bengal should so spend its money. The original Resolution of the Assembly had a rider recommending that the views expressed by the Assembly at the time that the Resolution regarding the distribution of this additional duty was carried should be brought to the notice of local Governments. The local Governments concerned, namely, those of Bengal and Bihar and Orissa, have repeatedly told us that in their opinion the prospects of usefully spending this money for the purpose of developing the local sources of salt supply in those provinces were not so good as to make them feel justified at a time of financial stringency in devoting money for that purpose when the local Governments were in sore need of money for more certain and assured benefits to the population of the provinces concerned. It is not the intention of the Government that this year any more than in previous years any definite and binding instructions should be given to the Government of Bengal in this respect. I may add for the information of the Honourable Member that the local Government of Bengal has undertaken certain measures with the details of which I will not weary the House ; these measures are being financed by the Government of India out of the surplus that we have, from our share, and at the present stage that is sufficient. Bihar and Orissa have also taken up the examination of similar possibilities, but has not come before us with any concrete proposals which will involve our spending some of our small margin of funds. As regards the speech of my Honourable friend from the United Provinces, which I know is only to a very negligible extent affected by this duty, I regret to see that he is one of those who consider that in no circumstances should the consumer be taken into account, that matters of fiscal policy must be regarded without—

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : What I said was that so far as the question of India being self-contained was concerned, I am one of these who believe that every protection should be given to Indian industries to make India self-contained. I said nothing about the consumer.

THE HONOURABLE MR. A. H. LLOYD : That, Sir, is precisely what understood my Honourable friend to say ; make India self-supporting regardless of the burden on the consumer. That is a policy which the Government have not adopted as a final and definite policy and I do not think they can be expected to do so. The Honourable Member again asked why this Bill is brought forward every year ? The main answer to that is that the Government of India, unlike the Honourable Member, do wish to take the interest of the consuming provinces into consideration as well as the interests of those

who produce salt in other parts of India, and there has been considerable difference of opinion from time to time on this point. Two years ago, I think it was, in response to a very strong protest from Bengal and Bihar and Orissa, the Legislature agreed to reduce the rate of additional duty from 4½ to 2½ annas. Had the additional import duty been imposed for a long term in the first instance, that concession to the interests of the consuming provinces could not have been made without very much more trouble.

As regards what fell from the lips of the Honourable Mr. Suhrawardy, I am not in a position to say that any committee will be appointed to examine the possibility of developing salt in Bengal but I will bring his suggestion to notice in the proper quarter.

With these remarks, Sir, I support the Motion that the Bill be taken into consideration.

THE HONOURABLE THE PRESIDENT : The Question is :

“ That the Bill further to extend the operation of the Salt (Additional Import Duty) Act, 1931, 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. P. C. TALLENTS : Sir, I beg to move :

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

The Motion was adopted.

INDIAN MINES (AMENDMENT) BILL.

THE HONOURABLE MR. D. G. MITCHELL (Industries and Labour Secretary) : Sir, I move :

“ That the Bill further to amend the Indian Mines Act, 1923, for certain purposes, as passed by the Legislative Assembly, be taken into consideration ”.

Sir, this House last August passed the Factories Bill. I would now ask it to carry one stage further the process of the legislative regulation of industrial labour. The principal object of this Bill is to regulate the hours of work of those engaged in mines; and for this purpose labour is divided into two classes. Firstly, there are those who work above ground. In regard to them the present Act allows 60 hours a week, 12 hours a day and a weekly holiday. The Bill follows the Factories Act and provides for 54 hours a week, 10 hours a day and a weekly holiday. As regards workers below ground, the present Act allows 54 hours a week, 12 hours a day and a weekly holiday. The Bill provides for 54 hours a week, nine hours a day and the same weekly holiday. The nine hours however will count from the moment the man leaves the surface until the moment when he returns to the surface. After leaving the surface he has still to descend the shaft and to find his way from the bottom of the shaft to the working face. It will follow that in most mines his actual working time will not substantially exceed eight hours and in some of the larger mines it may be even less than eight hours. That, Sir, is the principal object of the Bill.

[Mr. D. G. Mitchell.]

There are two subsidiary objects of sufficient importance to justify a short reference even at this time of the session. The first is the treatment of children and adolescents. The present Bill prevents persons below the age of 13 from working in the mines at all. The Bill goes a great deal further than this and prevents children below the age of 15 from working in mines; and, still more, it provides that young persons or adolescents from 15 to 17 may not work in the mines unless they are in possession of a certificate of physical fitness. In this respect the Bill shows a very marked advance on the present Act. The second important point relates to the representation of miners on the Mining Boards. At present they are allowed to have one representative on the Board who is nominated by the local Government. The owners of mines are allowed to have two representatives. The Bill proposes that the miners should now have the same number of representatives as the owners, namely, two, and that in so far as the industry is organised these representatives should be elected.

Sir, I will conclude by a few remarks on the progress of the Bill through the lower House. It was the Select Committee which introduced the provisions as regards adolescents. In the Select Committee attempts were also made further to restrict the hours of labour, and the question of the representation of miners on Mining Boards was discussed but as no definite proposal was put forward it appears that it was dropped in Select Committee. When the Bill came before the Assembly for consideration the representatives of labour came forward with specific proposals regarding the representation of miners and these were accepted by Government and now appear in the Bill.

Again, the question of a reduction of hours, particularly the hours below the surface, was pressed in the Assembly, but the Honourable Member in charge of the Bill gave an undertaking that after three years the whole question would be re-examined, and on this undertaking the Bill was passed, I understand, unanimously.

Sir, I commend the Bill to the House as being suitable to existing conditions in India, and as being supported by all shades of opinion in the lower House and as being supported by Government. At this late stage of the session, Sir, I think brevity is more to be commended than oratory, and I will finish by recommending the Bill to the House.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central: Non-Muhammadan): Sir, I rise to congratulate the Government on the measure they are just going to place on the Statute-book. Sir, this is a measure of compromise between labour and capital. The Government in this measure have proposed certain amendments by which the condition of the labourers in mines will be certainly improved. Sir, so far as this Bill is concerned, I have to draw the attention of the Government to two clauses in particular. The first is clause 2 in which they have increased the minimum age of employment from 13 to 15. As far as I know the Labour Commission recommended that the age should be 14 and I think it was but proper for the Government to keep up that age because India is a poor country where villagers are not in a position to send their boys to school and they begin to start work from a very early age. It was all right that these boys of 14 years of age should not have been allowed to work underground but there was absolutely no harm if they were allowed to work above ground. After all, the first age limit that Government had fixed was 13 and the Labour Commission had recommended that it should be 14 and Government had accepted it.

Then, Sir, the second point that I want to bring to the notice of the Government is clause 3. In clause 3, I understand that Government has raised the representation of the mine workers on the Mining Board equal to that of the employers from one to two according to the recommendation of the Labour Commission.

On this point I agree with the remarks made by some of the members in
12 Noon, the Select Committee when they said :

"We hold that the representation of persons employed in mines on the Mining Board should be by some method of election, preferably by trade unions, where they exist. We do not think that election is impracticable. Proposals for the future constitution of India provide for the representation of labour interests in Legislatures by election".

I would request the Government to see their way to agree to this suggestion that the representatives should be returned by election and not by nomination.

With these words, Sir, I support the measure.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadan): Sir, it is a great pleasure for me to be able to congratulate the Honourable Mr. Mitchell on the Bill which he has just placed before this House. It is a thoroughly good measure and the Honourable Mr. Mitchell and the Department of Industries and Labour deserve the hearty congratulations of this House. Sir, I approach this measure from a point of view different to that of the Honourable Mr. Mehrotra. If I was making any complaint against the Bill—and I am not making any complaint against the Bill—I should have made the complaint that it did not go far enough in certain directions, because I am, if I may say so absolutely in agreement with the line taken by the minority of the Select Committee of which such esteemed representatives of Labour as Mr. Joshi and Mr. Giri were members. So far as the Bill itself is concerned, I find that clause 2 has raised the age for children from 13 to 15. The Royal Commission on Labour suggested the minimum age to be 14. I am glad that Government have gone further than the Royal Commission on Labour and I think that having regard to the special character of the mining industry, it is not desirable that children of 14 and under should be allowed to work in mines. I entirely disagree with the Honourable Mr. Mehrotra on this point.

Sir, I am also very glad that Government have been responsive in regard to clause 3. In clause 3 the representation of mine workers has been made equal to the representation of employers and the mine workers will hereafter be in a position to elect their own representatives. Sir, Government have shown responsiveness in regard to this measure and they deserve to be congratulated on the way in which they have handled this Bill. So far as the question of hours is concerned I am glad that the hours of work have been reduced. I should certainly have liked them to go further, but Government have given us an assurance that they will consider the matter three years later. The position can be reviewed three years hence and as the present Bill represents a compromise measure, I do not wish in any way to raise a note of dissent.

Sir, there is just one question I should like to ask the Honourable Mr. Mitchell and that is what the position is with regard to women. Are women allowed to work in mines ?

THE HONOURABLE MR. D. G. MITCHELL : No, Sir.

THE HONOURABLE MR. P. N. SAPRU : I am very glad that they are not allowed to work in mines.

With these words, Sir, I entirely and whole-heartedly support this measure which is a thoroughly good measure, as I said at the beginning of my speech.

THE HONOURABLE MR. D. G. MITCHELL : Sir, I have little to add to what the Honourable Mr. Sapru has said except to clear up a misconception which appears to arise from the speech of the Honourable Mr. Mehrotra in which he expressed regret that the elective principle had not been introduced for representation of miners on the Mining Board. If he reads clause 3, he will find that that clause is a very reasonable compromise and allows the elective principle in so far as trade unions are organised and allows nomination only in other cases. In these circumstances I would suggest that this is a solution which meets with all shades of opinion, in that it recognises that in particular conditions both the elective and the nomination principles are sound.

THE HONOURABLE THE PRESIDENT : The Question is :

“That the Bill further to amend the Indian Mines Act, 1923, for certain purposes, as passed by the Legislative Assembly, be taken into consideration”.

The Motion was adopted.

Clauses 2 to 18 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. D. G. MITCHELL : Sir, I move :

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

The Motion was adopted.

MOTION *RE* EXPRESSION OF LOYALTY AND DEVOTION TO HIS MAJESTY THE KING EMPEROR ON HIS SILVER JUBILEE.

THE HONOURABLE THE PRESIDENT : The Secretary will now ring the bell.

(The bell was then rung.)

THE HONOURABLE THE PRESIDENT : The next item on the agenda is the Motion for the expression of our loyalty and devotion to His Majesty the King Emperor on his approaching Silver Jubilee. This Motion stands in the name of two Honourable Members, the Honourable Raja Charanjit Singh and the Honourable Rai Bahadur Lala Ram Saran Das. Some weeks ago the Honourable Raja Charanjit Singh gave notice of this Motion and subsequently the Honourable Rai Bahadur Lala Ram Saran Das expressed to me his desire to associate his Party also with this Motion. The Honourable Raja Charanjit Singh has at my request kindly agreed that the Honourable Rai Bahadur Lala Ram Saran Das, the Leader of the biggest party in this House, should make this Motion.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, it is a great privilege and gives me much pleasure in moving the following Motion :

“ This Council requests His Excellency the Viceroy to convey to His Imperial Majesty the King Emperor an expression of their deep devotion and loyalty to his Person and Throne, and their respectful congratulations and sense of profound happiness on the auspicious occasion of His Majesty's Silver Jubilee, and their earnest prayers for His Majesty's long life and reign ”.

Sir, I deem it a privilege to move this Motion, as it expresses the universal feeling of deep regard for the person of His Imperial Majesty the King Emperor. In moving this Motion I have been authorised by my Party to say as follows. We have our differences, and at times serious differences, with the Government of the day, but we feel that this should not deter us from whole-heartedly joining in offering our respectful congratulations to His Imperial Majesty the King Emperor on the historic occasion of the Silver Jubilee celebrations of his reign. While it is true that His Imperial Majesty is above politics, we recall with pride that in the Royal Proclamation inaugurating the existing constitution and in the Royal Message sent through His Royal Highness the Duke of Connaught, His Majesty promised us development towards fullness of political freedom and the achievement of swaraj. Though since the exit of the late Mr. Montagu the British Government would appear to have changed its angle of vision and to have gone back on its promises, the fact remains that the reign of His Majesty has marked the declaration of a new ideal in regard to the political evolution of India. We hope that the Government will still see its way to honour the Royal pledges and we earnestly pray that His Majesty may live long and that he may soon see the grant of Dominion Self-government to India under the aegis of the British Crown.

I trust that this Motion will commend itself to all shades of opinion in this Council and will be passed with acclamation and that you, Sir, will convey it to His Excellency the Viceroy for submission to His Majesty at the earliest possible date. (Applause.)

THE HONOURABLE THE PRESIDENT : I will request Honourable Members to be as brief as possible and avoid all controversial matters.

SEVERAL HONOURABLE MEMBERS : No speeches are necessary. We all agree.

THE HONOURABLE RAJA CHARANJIT SINGH (Punjab : Nominated Non-Official) : Sir, it is a matter for great gratification that in a few days' time His Imperial Majesty shall have completed 25 years of his beneficent reign. We are indeed thankful to the Almighty for giving us this opportunity of celebrating this auspicious occasion. It is therefore only right and proper that this Council should respectfully offer to His Imperial Majesty an expression of their deep devotion and loyalty to his Person and Throne and their respectful congratulations and sense of profound happiness on the auspicious occasion of the Silver Jubilee, and their earnest prayers for His Majesty's long life and reign. It was with this object, Sir, that I gave notice of this Resolution more than two months ago and I am glad to find that all sections of this Honourable House have received it with enthusiasm. (Applause.)

I had the honour and privilege to be invited to His Imperial Majesty's Coronation and have also had the honour of being presented to His Majesty during my subsequent visits to England. I can therefore speak with personal knowledge when I say that His Majesty matches with truth the words of the

[Raja Charanjit Singh.]

and affectionate solicitude the interests of us all. His Majesty fulfils all the ideals of kingship and wisdom and justice have always been the guardians of his throne. From every place of worship and from the tabernacle of every heart prayers will go up to Heaven for his happiness. In conclusion I would request you, Sir, to ask this Council to pass this Resolution standing.

THE HONOURABLE KUNWAR JAGDISH PRASAD (Leader of the House) : Sir, the Empire will soon be celebrating the 25th anniversary of the accession to the throne of His Majesty the King Emperor. It is in harmony with the deep-seated traditions of loyalty of the Indian people to the person of their Sovereign that the Council of State should by this Motion convey its humble and loyal congratulations to His Majesty. Sir, the reign of His Majesty has been one of the most momentous in history. Soon after he had ascended the throne came the Great War. While the world saw the tragic crash of thrones and the downfall of empires, the British Crown emerged from this great ordeal stronger than ever and more firmly established in the affections and loyal devotion of its people. And, Sir, the reason was not far to seek. His Majesty identified himself with the righteous ideals of his people, with their joys and sorrows, and his ceaseless devotion to duty drew the people nearer to him and steeled their determination to see that the war was prosecuted to a successful issue. And then, Sir, another most memorable event occurred. More than a million people from this country crossed the seas in support of the cause which their Emperor and the Empire were battling. This I regard, Sir, as one of the greatest events in the history of the relations between India and England. The sight of thousands of men of alien race, of a different religion, hurrying to the support of the Empire in a time of great crisis, of great peril, appealed to the imagination and to the idealism of the British people in a manner they had never done before, and that I regard as one of the turning points in the history of the relations between the two countries. It left a deep impress on subsequent political events. I think it will be conceded that it paved the way for India to reach its ultimate goal as an equal partner in that Comity of Nations known as the British Empire. The first step was taken in 1921. I am confident that when the dust of political controversy is laid low, His Majesty's reign will be regarded by the chronicler of the future as one of the most momentous epochs in the constitutional development of this country.

Sir, I and those sitting behind me associate ourselves with other Honourable Members in humbly and dutifully and loyally congratulating His Majesty on this most joyous occasion and in wishing His Majesty many years of a prosperous and peaceful reign. (Applause.)

THE HONOURABLE THE PRESIDENT : It appears to be the general desire to pass this Motion without many speeches ?

SEVERAL HONOURABLE MEMBERS : Yes, no speeches.

THE HONOURABLE KHAN BAHADUR SYED ABDUL HAFEEZ (East Bengal : Muhammadan) : We should like to speak on behalf of our constituencies.

SEVERAL HONOURABLE MEMBERS : No, no. No speeches.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) : I would like to speak on behalf of a Party.

THE HONOURABLE THE PRESIDENT : Then I would be obliged to ask all Honourable Members to speak.

(The Honourable the President asked those Members who wished to speak and those who did not desire any more speeches, respectively, to rise in their places, and announced that the majority was against further speeches.)

THE HONOURABLE THE PRESIDENT : Honourable Members, I wish to whole-heartedly associate myself with what has fallen from the Honourable Lala Ram Saran Das, the Honourable Raja Charanjit Singh and the Honourable Leader of the House and I congratulate the Members of this supreme Council in India on their sagacity and wisdom in bringing forward this Motion today (Applause) and wishing to pass it unanimously. Honourable Members will rise in their places when I read the Motion.

(Honourable Members stood up.)

“ This Council requests His Excellency the Viceroy to convey to His Imperial Majesty the King Emperor an expression of their deep devotion and loyalty to his Person and Throne, and their respectful congratulations and sense of profound happiness on the auspicious occasion of His Majesty's Silver Jubilee, and their earnest prayers for His Majesty's long life and reign ”.

The Motion was put and carried unanimously.

THE HONOURABLE THE PRESIDENT : I will convey, Honourable Lala Ram Saran Das, the sentiments expressed in your Motion to His Excellency the Viceroy and request him to communicate the sense of loyalty and devotion on the part of this Council to His Majesty the King Emperor.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : I thank you, Sir.

The Council then adjourned *sine die*.

CORRIGENDUM.

In Council of State Debates of the 11th February, 1935, Vol. I, page 14, in the answer to part (c) of question No. 26 in the first line *for* "findings" *read* "finding", in the second line *for* "Indians" *read* "India" and in the third line *for* "their" *read* "her".

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