

[Chaudhuri Shahab-ud-Din.]

that the maund of 82½ lbs. is the standard weight, prevalent in the whole of India and that 300 millions of Indians know the maund and the *seer* and nothing else. They do not know the hundredweight or pound. Therefore, this Bill, if passed, will result in some inaccurate, and possibly illegal transactions by clever *beparis*, who wish to deceive the cultivator. For these reasons, I oppose the Bill.

Mr. J. Hullah: I pointed out, Sir, at the time when I introduced the Bill, that we had consulted all the Local Governments; that they in their turn consulted the members of the indigo industry, and that the proposal had received general approval. I think I made it clear also that the proposal was made to us by the indigo industry itself, and we were assured that throughout Northern India the maund commonly used was the 'factory maund,' i.e., 74·66 lbs.

The Honourable Member has alluded sympathetically to the position in which the ignorant and illiterate cultivator may find himself. The people most concerned are the members of the Bihar planting industry and we may be quite certain that they are able to look after themselves.

As for the factory maund not being the standard maund of India, we know that throughout India there is an enormous diversity of weights and measures. From province to province, from district to district, even from town to town, there is a diversity of weights, and one of the weights, in which there is most diversity, is the maund. It is, because the factory maund is not equal in weight to the maund of 82½ lbs. most commonly used in general trade, that we have proposed the adoption of a weight which is standardised and well known in commerce.

The Honourable the President: The question is that the Bill be passed.

The motion was adopted.

THE IMPORT AND EXPORT OF GOODS (AMENDMENT) BILL.

Mr. C. A. Innes: I move, Sir, that the Bill further to amend the Import and Export of Goods Act, 1916, be taken into consideration.

Chaudhuri Shahab-ud-Din: I rise, Sir, to move that this Bill be referred to a Select Committee.

Sir Frank Carter: Sir, I do not wish to oppose the extension of the duration of the Import and Export of Goods Act until the 31st March 1922; but I do wish to press upon Government the advisability of removing the restrictions on the export of rice, and similarly that of wheat, at a very early date. Numerous representations have been made to me to remove this restriction on rice and I cannot help thinking that the precautions taken by Government are unnecessarily guarded. I hope that Government will see their way to allow the free export of rice at the very earliest moment that they are satisfied that supplies of rice are sufficient for the needs of the country.

Mr. N. M. Samarth: I do not know, Sir, that it is necessary at this stage to go into the question whether it is good for the consumer and for the general public, that Government should permit the export of rice. In regard to the remark which has fallen from the previous speaker, I hope Government will not in any way countenance his suggestion and remove the restrictions on

rice so long as famine conditions prevail in some parts of the country, as they do at present.

Chaudhuri Shahab-ud-Din: Sir, if I am allowed to move the amendment that the Bill may be referred to Select Committee, may I have your permission for stating my reasons in support of that amendment?

The Honourable the President: The request made by the Honourable Member is irregular. He made his motion, and, as I understood, resumed his seat. But if that was done under a misunderstanding I will stretch the rules and permit him to . . .

Chaudhuri Shahab-ud-Din: I was waiting for orders from the Chair, and, in the meantime, the Honourable Member (Sir Frank Carter) stood up.

The Honourable the President: If I may make a further explanation from the Chair to the Honourable Member, there was no need for him to wait for permission from the Chair to make a motion or move an amendment at a time provided for in the standing orders. The little misunderstanding we had on a former measure perhaps led to some confusion in the Honourable Member's mind; but there was no need for him—I hope the Assembly will take notice that there is no need for any Member—to wait for leave to move an amendment at a moment which is clearly provided for by the rules.

Chaudhuri Shahab-ud-Din: The reasons, which have prompted me to move, that this little Bill may be referred to a Select Committee, are not very many. I will say at once that the Import and Export of Goods Act was born in 1916, in the shape of an Ordinance, which was doomed to die a natural death after six months. But it appears that the Executive Government thought, perhaps rightly, that the life of this Law should be extended. Therefore, an Act was passed in 1916 providing, *inter alia*, that the Act should remain in force during the continuance of the war and for a period of six months thereafter. About 4 years after that, it was found desirable to further amend the Act and it was decided that the life of the Act should end on the 31st day of March 1921. Now that it is coming to an end automatically on the 31st March next, the Government has thought fit to introduce this Bill to extend the life of the Act by another year. There may be reasons, very strong reasons, why the export and import of goods should be restricted; but this Assembly does not know those reasons. On the other hand, so far as I am aware, the restrictions placed by Government on the export and import of goods have in many ways affected, and affected seriously, the trade of India. Therefore, I propose that this Bill may be taken into consideration after the Select Committee, the appointment of which I suggest, have gone into the reasons which the Government may have to urge in support of the Bill. If, after considering those reasons, it is found necessary that the life of the Act should be prolonged further to 31st March 1922, the Bill may again come before this House in a week or a fortnight. At present I am not satisfied that there are reasons why the import and export of goods from India should be further restricted for another period of 12 months. The law was a war measure at first, but its life has been prolonged from time to time, and by and by it may take a place permanently on the statute book. In my opinion, it is our duty to know what reasons exist in support of the Government position. If the gentlemen, who form the Select Committee, go into those reasons, and if their conscience is satisfied on the point, the Bill may be passed into an Act. But if they do not know, it is their duty to know, because they owe a duty to the

[Chaudhuri Shahab-ud-Din.]

Government as well as to their constituents and the public at large. It is their duty to go into the matter thoroughly. It is, for these reasons, that I trust the Bill will be referred to a Select Committee for report.

Mr. Harchandrai Vishindas: Sir, I propose to support the amendment. I think the amendment is a very reasonable one. By appointing a select committee, we shall not be committing ourselves either to one course or the other, against the legislation or in favour of the legislation. I think, Members of this Assembly are aware, that this question of rice export has caused great agitation in the country. I do not mean to hold any brief on behalf of the rice merchants because it is mostly from them that agitation has emanated; we have to take into consideration the case of the consumer also to which Mr. Samarth has very reasonably referred. But since we have not had very satisfactory data before us to go upon, to come to any satisfactory and definite conclusion as to which course would be right, I think it is the proper course suggested by Chaudhuri Shahab-ud-Din, that we should appoint a Select Committee, which, if it consisted of very high experts including those who are dealing in trade, will, I dare say, come to a very satisfactory conclusion on the question; then, we shall have very true guidance when we eventually decide the question after receipt of the Select Committee's report. As I say, I do not think there is any hurry for getting this legislation through; but, if there be any hurry, in the opinion of the Government, I think the best course would be to give instructions to the Select Committee to submit a very early report; if there be no hurry, then things might take their course properly; and as between these two alternatives of rushing this legislation and of waiting until we get the Select Committee's report, I think, the latter is the better course.

Rai Bahadur Bakshi Sohan Lal: Sir, I also support Chaudhuri Shahab-ud-Din in his amendment; and, I think, that a reference of the Bill to a Select Committee will give further consideration before the Bill is passed into law. Such a course would safeguard the interests of the public better than merely passing the Bill now without referring it to Select Committee. I think, that this is a question which can be properly referred to Select Committee for purposes of report and obtaining information.

The Honourable Mr. W. M. Hailey: Sir, we are all interested in the observance of the full procedure laid down for the sittings of this House; and, it is in the interests of the Assembly itself, that I would ask you, Sir, if you would be good enough to call upon the Honourable Member to complete his motion in the form laid down by the rules. The rules provide, that in making a motion that a Bill be referred to a Select Committee, the motion shall name the Members of the Assembly whom the Mover may desire to see included in the Committee.

Chaudhuri Shahab-ud-Din: I propose, Sir, that a Select Committee of the following Members of this Assembly be appointed:

Mr. Samarth, Mr. Rangachariar, Mr. Norton, Mr. J. Dwarkadas, Mr. Barua and the Mover.

The Honourable Mr. W. M. Hailey: Sir, I must not be thought to be an undue stickler for form, but I feel I am obliged to ask you, Sir, to request the Honourable Member to say whether he has obtained the permission of the Members cited to serve on this Committee.

The Honourable the President: The Honourable the Finance Member has put a point of order regarding the motion just made by the Honourable Member, Chaudhuri Shahab-ud-Din, . . .

Rao Bahadur T. Rangachariar: Will you permit me to point out, Sir, . . .

The Honourable the President: Order, order. It is for the convenience of the House in making a decision on the question of the reference of a Bill or any matter to a Select Committee, that it should have a reasonable amount of time not only to consider the proposal for—reference to Select Committee, but also the personnel of it. Therefore, it is desirable that Members should strictly observe the rules laid down for that purpose. Has the Honourable Member the authority of the gentlemen mentioned in his motion for placing their names on the motion appointing a Select Committee?

Chaudhuri Shahab-ud-Din: No, Sir. They are here, of course; and if any one is not prepared to work on the Select Committee, I will propose other names. The amendment itself has been proposed just now, and I had no time to consult the gentlemen whose names I have mentioned.

The Honourable the President: I have already informed the Honourable Member I am willing to allow a certain amount of elasticity in the interpretation of the rules; but a rule of this nature must be observed. No doubt it would add an air of informality to the proceedings to have conversations between Members in order that they may find out from one another whether they are willing to serve, but that had better be done in future behind the scenes, and the motion made in due order when the Assembly assembles for business. Therefore, the Honourable Member, though I have allowed him a good deal of latitude so far, must now conform strictly to the rules. Since he has not sought the authority of the Members mentioned in his motion, I must rule that his motion is out of order.

Rao Bahadur T. Rangachariar: With your permission, Sir, may I point out that paragraph 68 of the Manual, clause (b), of which the Honourable Mr. Hailey quoted, applies only to the Member in charge of the Bill. So far as other Members who move amendments are concerned, they are governed by 69 (2) (a), which does not require an Honourable Member who moves an amendment for reference to Select Committee that he should name the Members. That clause which requires the Members to be named applies only to the Member in charge of the Bill and not to other Members.

The point may arise on another occasion and it is an important one. I myself intended to give notice of an amendment, but I considered the matter and I thought it best to bring the point to the notice of the Assembly. The language is obvious.

The Honourable the President: The point made by the Honourable the Finance Member seems to me to be perfectly legitimate. The Honourable Mr. Rangachariar has not quite appreciated the bearing of the various rules and orders on the subject. If there be any doubt in his mind, I now make the ruling on the subject that though I have allowed a certain amount of latitude to Honourable Members this morning, and particularly to Chaudhuri Shahab-ud-Din, in relation to the appointment of the Select Committee, such latitude will not be allowed in future. Members will have, first of all, to seek the authority of those whom they propose as Members of Select Committee before presenting the motion to the House. I may add, that it is to the convenience

[The President.]

of the Assembly, as a whole, as well as to those individual Members asked to serve, that they should be consulted beforehand and that due order should be observed in motions relating to Select Committees, as indeed to all other motions brought before this Assembly.

Mr. Harchandrai Vishindas: May I enquire from the Honourable the President what the position now is and how we stand. Is the amendment suggesting the appointment of a Select Committee ruled out or does it stand?

The Honourable the President: The amendment has been ruled out of order. The motion before the House is, that the Bill further to amend the Import and Export of Goods Act, 1916, be taken into consideration.

Mr. Harchandrai Vishindas: Then I propose to move an amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by 22nd March 1921. I move that amendment, Sir.

(While the amendment was being written by the Mover, the Honourable the President said)

The Honourable the President: While the amendment is being written out, the original question is still before the House:

The original question was—

‘that the Bill further to amend the Import and Export of Goods Act, 1916, be taken into consideration’:

since which an amendment has been moved—

‘that the Bill be circulated for the purpose of eliciting opinions thereon by the 22nd March 1921’.

Mr. C. A. Innes: Sir, I rise to oppose the amendment which has been moved by the Honourable Mr. Harchandrai Vishindas. The effect of this amendment, as Honourable Members will see, is a direct negative to the Bill. This Bill, as I explained on the last occasion when leave to introduce it was given, comes automatically to an end on the 31st of March next, and if this Assembly accepts my proposal, the Act will be extended by one year more. It has now been proposed that the Bill should be published and circulated for opinion and then taken into consideration one month hence. If the amendment of the Honourable Mover be accepted, it would be entirely impossible for us to get the Bill through the Legislative Assembly and the Council of State before the 31st March when the Act comes automatically to an end. I am quite sure that the House will not agree to deal with this Bill in this way. I should like to point out the issues involved. In the first place, as I tried to explain on Friday last, if we do not pass this Bill, the whole of our coal policy, or a great portion of our coal policy goes by the board. In the second place, if we do not pass this Bill, it may be very difficult for us to carry out our policy of restricting the export of rice. As I have already said, as far as my Department is concerned, we are anxious to get rid of these restrictions, but I think this House will agree with me that there is a considerable body of public opinion in this country which is strongly in favour of these restrictions on exports being continued. If these restrictions are continued, we feel that Government ought to have the powers given us by the Import and Export of Goods Act. I would like to point out, that we have had these powers for many years. So far as I am aware, we have never abused our powers and I do not think, that this House will refuse to continue the Act for one year more. Sir, I beg to oppose the amendment.

Rao Bahadur T. Rangachariar: Sir, I do not think it would be wise to adopt this motion, simply because the motion to refer the Bill to a Select Committee has been ruled out. I think it was an after-thought. But, on the other hand, I think public interests require that we should pass the original motion.

Rai J. N. Majumdar Bahadur: Sir, in rising to support this amendment, I do not wish to detain the House very long, but what I wish to point out is this, that under the existing law, the export of rice is not altogether prohibited. The export of rice has been only controlled by Government. But what this House wishes to know is, what is the sort of control that is exercised by Government, and who are the persons who have got licenses to export rice from this country. Were these licenses given to any particular firms or any particular set of individuals or they were granted to all the persons who were eligible for them. There is some misapprehension in the public mind with regard to this matter, and it ought to be removed. I do not know what truth there is for such misapprehension, but it is generally asserted that under the present control system there is some difficulty for Indians to secure licenses for exporting rice, unlike their European brethren. I do not know whether that imputation is correct or not, but that is the general impression, and that impression should be removed before the Bill is passed into law. If the control is extended for one year more, then the difficulties under which Indians labour at present in the matter of securing licenses will also continue. Therefore, I should like the Honourable Member in charge of the Bill to make a statement as to who are the persons who were entrusted with the export of rice under the control system during the last few years it has been in existence, and who are the persons who generally got licenses and who are the persons who have been refused licenses. Such invidious distinctions ought not to be made. The Honourable Member in charge of the Bill says, that the Bill comes automatically to an end on the 31st of March next. Why was not the Bill introduced earlier? Why should the Bill be rushed through the Assembly with such haste? Why should not an opportunity be given to the Members of this Assembly to consider its pros and cons? There may be some public opinion against the export of rice, or there may be some opinion for removing all control. I think this House should be given an opportunity to consider the whole matter in all its bearings, but this course is generally avoided in this House. Honourable Members in charge of Bills want to rush the Bills through and do not allow the Members of the House full opportunity to discuss the matter, to consider what effect it will have on the public mind, what effect it will have on the trade of India, or how it will affect the different interests concerned. I, therefore, submit most respectfully, that the Members of this House should be given an opportunity to consider the whole matter and the Bill should not be rushed through in such haste on the ground that it will come to an end on the 31st of March.

Bhai Man Singh: Sir, I rise to support the amendment moved by my Honourable friend, Mr. Vishindas. This is a Bill which gives power to the Executive to restrict the right of import and export of goods and this power can only be enforced in times of emergency. I dare say, that there were times of emergency when the Bill was first introduced and passed. Now we are asked to extend it for one more year. There was a proposal before the House for a reference to Select Committee, but unfortunately, somehow or other, that has fallen through. Now another course open to us is to get opinions on the subject. I submit that, without as much

[Bhai Man Singh.]

information as is possible on the subject, it would be doing an injustice to the country to pass an Act without knowing the opinion of the public. If this amendment is carried, we shall have some time to get these opinions. We could get the opinions by the 15th or 20th March, then on any day after that, and before the 31st March, a Bill could be brought before the House and passed. So even that ground does not stand.

With these remarks, Sir, I support the amendment.

The Honourable Mr. W. M. Hailey : Sir, I am not the Member in charge of this Bill. I have no doubt that all the technical points will be fully considered and explained to the House, if necessary, by those who are in charge. But I venture to appeal to this House, as a business body, to take a businesslike view of the motion now before it. You are a representative Assembly. You have here men who have been elected from all over India to represent the views of the public, and when we put forward a Bill in which we ask that we shall be given power to continue an existing Act, an Act which has been discussed in our Legislative Council and the action taken under which has been canvassed in the press, times without number, what do you say to us ? ' Oh no ; do not continue it another year ; we want to know what the public says about it.' Is this House, or is this House not, representative of the public ? Is it going to take up the attitude that every time a question arises of public importance, every time that we have to refer it some well-worn problem, that discussion must be put off until the public can form their opinions on it ? There is only one question really before the House on this particular motion, and that is this : do you or do you not want Government to retain the power of restricting exports ? If the motion is accepted, that power will lapse. I may tell you, there are many Members of this Government, Sir, who would only be too glad to see the whole system of restrictions swept away ; but they know from the press, they know from representations made to them, that there is a large section of the Indian public which places importance on the retention of these restrictions. Well, are you going to make it impossible for Government to retain these restrictions ? It is no question of how Government carries out those restrictions ; it is no question, for instance, such as my Honourable friend opposite raises, as to whether there is difficulty on the part of Indian traders in getting their licenses. All these questions can be raised separately. You can do so by Resolution or by question ; you can adjourn the House for the purpose. This is simply a question of allowing the Government the power of continuing restrictions, and that is the only question before the House. And I say advisedly, Sir, that if the House cannot now, without going through the long process of referring this matter to the public, which means consulting Chambers of Commerce, which means consulting other commercial bodies (a matter of three or four months time), if the House cannot, without going through that process, decide that question now, then, Sir, there is some danger that we may lose some of the faith, which we have learnt in the course of previous discussions to acquire, in the business-like sense of this House.

Mr. J. Chaudhuri : Sir, may I move that this Bill be referred to a Select Committee composed of Mr. Shahab-ud-Din

The Honourable the President : Order, order. I have already ruled a motion to a Select Committee out of order.

Mr. Jāmnadas Dwarkadas: Sir, I had no intention of speaking on this motion, but the remarks that have fallen from my friends here and the Honourable the Finance Member have compelled me to stand up and say a few words. I, Sir, agree entirely with my Honourable friend, Mr. Rangachariar, when he says that the amendment of Mr. Harchandrai Vishindas should be negatived by this House, and there is a good deal of force in the argument advanced by the Honourable the Finance Member, that it is not businesslike that we should, at this moment, because we believe that the Government have not used the powers to our satisfaction, get up and negative a Bill which we know is essential for the purpose of safeguarding the interests of the masses of the people. I believe, we all agree that certain powers it is necessary to vest in the Government for the purpose of safeguarding the interests of the people. Perhaps there is a doubt in the minds of some of us, and I think the doubt may to a certain extent be justified, that the Government have so far not used the powers properly. But is it not open to us, I ask the Members of this House, if in future the Government abuse the powers, to come to this Assembly and take the Government to task for the abuse of such powers? We have these powers in our hands and why should we, in spite of the fact that we have these powers, prevent the Government from taking the powers in their hands to restrict certain exports in order that this policy may benefit the masses of the people as a whole? I think the wisest course for us is to allow this motion to be carried, and if, in future, we find that the Government has not used its powers properly, then it is open to us to take the Government to task in this Assembly. We have sufficient powers under the Rules to take the Government to task.

One word more, Sir, and I will have done. I wish, Sir, that the Honourable Finance Member, in objecting to certain remarks that had fallen from the Members of this House, had not made a statement that he had lost faith in the good sense of this Assembly. Views may differ and statements may be made on which it may not be possible for us to see eye to eye. But I am sure that the Honourable Finance Member will be convinced that whatever difference there may be in views, this body certainly continues to represent the interests of the masses. It is a body representative of the people and will always, I am sure, acquit itself as such.

Babu S. C. Ghosh: Sir, I am sorry, I have to oppose the amendment, and on this ground, as this law is going to have a natural death on the 31st March. I should certainly say, that it should be passed. My Honourable friend, Mr. Majumdar, has said, why has not the Member in charge brought up this Bill earlier. But, I ask him, could this Bill be brought up earlier than this? It could not. Therefore, I say, that it was brought up in proper time and no objection could be taken on that ground. There is a good deal of feeling, specially in Bengal, about the export of rice, and lately in the Bengal Council, they passed a Resolution restricting the export of rice. Therefore, I submit, unless this law be passed at once, this restriction cannot be maintained.

I oppose the amendment, and I support the Resolution as moved by the Member in charge.

Mr. Harchandrai Vishindas: Sir, after listening to the speeches delivered by the Honourable the Finance Member and my Honourable friend, Mr. Dwarkadas, I withdraw my amendment, as I had no intention of embarrassing the Government, nor do I wish any Honourable Member to lose his faith in the good sense of this Assembly.

The amendment was, by leave of the Assembly, withdrawn.

The Honourable the President: The question is, that the Bill further to amend the Import and Export of Goods Act, 1916, be taken into consideration. The motion was adopted.

Mr. C. A. Innes: Sir, I beg to move that the Bill be now passed. I should like to say a few words before I sit down. I am sorry that any Member of this House should have thought that we tried to rush this Bill through. If the Honourable Member, who moved the amendment that the Bill be referred to a Select Committee, had only come to me yesterday and had suggested that he would like this Bill to be referred to a Select Committee, I should have been very happy to have worked out a Select Committee with him and he would have had no trouble in getting his motion through. I now move that the Bill be passed.

The Honourable the President: The question is, that the Bill be passed. The motion was adopted.

RULING IN REGARD TO SELECT COMMITTEES.

The Honourable the President: As regards the question relating to the appointment of a Select Committee, an Honourable Member has drawn my attention to Standing Order No. 40 which will be found on page 25 (No. 70) in the combined Manual. The point raised is, that the words 'or at any subsequent meeting' in the second section of clause (70) contemplate the appointment of a Select Committee after the motion that a Select Committee be appointed has been passed. I think, it is a misunderstanding of the words. The clause reads:

'The other Members of the Committee shall be appointed by the Assembly when the motion, that the Bill be referred, is made, or at any subsequent meeting.'

I interpret those last five words to mean not that the whole Committee may be or shall be deferred to any subsequent meeting, but that when any Member of a Select Committee, already appointed, dies or resigns or has to give up his work or for any other cause, it shall be open to the Assembly to appoint his substitute at any subsequent meeting. It is clearly indicated in the Rules. I have already laid down from the Chair that, as a rule, any motion for the appointment of a Select Committee shall be accompanied by a statement of the names of Members proposed to be appointed, and the Mover of such motion shall inform the House that he has the authority of those gentlemen for so proposing their names.

The President: I understand that the Leader of the House is prepared now to make a statement regarding the business to be taken on Tuesday, the first of March.

GOVERNMENT BUSINESS FOR 1st MARCH 1921.

The Honourable Mr. W. M. Hailey: Sir, on the first of March we propose the following business:

Firstly, the presentation of the Budget. Secondly, the Bill further to amend the Indian Penal Code will probably be taken into consideration, and we hope, passed. Then, it is hoped, that the Bills to amend the Indian Electricity Act, 1910, and the Indian Factories Act, 1911, will also be ready for introduction on that date. Thirdly, it is proposed that time shall be given for Mr. Joshi to move a Resolution recommending the introduction of legislation for the registration and protection of Trade Unions.

The Assembly then adjourned for Lunch till 2 P.M.