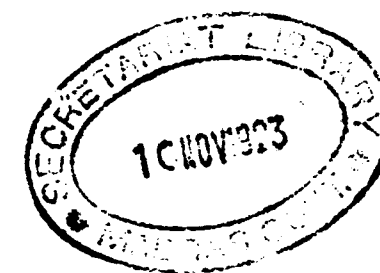
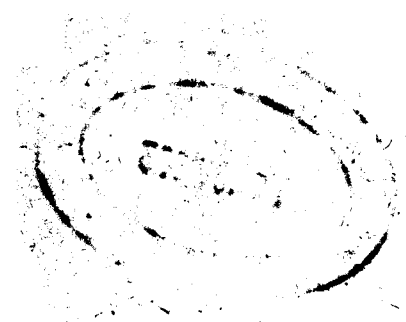


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THE  
**COUNCIL OF STATE DEBATES**

(Official Report)

VOLUME II - A

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**SECOND SESSION**

OF THE

**COUNCIL OF STATE, 1921**



SIMLA  
SUPERINTENDENT, GOVERNMENT CENTRAL PRESS  
1921



THE  
COUNCIL OF STATE DEBATES  
(OFFICIAL REPORT OF THE SECOND SESSION)

VOLUME II.

SECOND SESSION, 1921.

COUNCIL OF STATE.

*Thursday, 1st September, 1921.*

The Council met in the Assembly Chamber at Eleven of the Clock, being the first day of the second Session of this Council, pursuant to S. 63 D (2) of the Government of India Act, and the President (the Honourable Mr. ALEXANDER PHILLIPS MUDDIMAN, C.S.I., C.I.E.) took the Chair.

MEMBERS SWORN :

The Honourable Major-General William Henry Banner Robinson, C.B.,  
K.H.S.

The Honourable Mr. Henry Duffield Craik.

The Honourable Mr. Frederick Greville Pratt.

MOTION FOR ADJOURNMENT :

The HONOURABLE THE PRESIDENT: I have received an application asking for leave to move an adjournment in the following terms :—

“ I have the honour to inform you that I propose to move an adjournment of the Council of State at the earliest opportunity to consider the situation created by the withdrawal of the Munitions Case and to afford an opportunity to the Honourable Sir Thomas Holland to render a personal explanation.”

That notice has been given by the Honourable Mr. Khaparde. He used the words “ at the earliest opportunity,” and I trust I am correctly interpreting the Honourable Member’s wishes when I say that, in my opinion, the earliest opportunity would be the regular meeting on the 5th instant. I would ask the Honourable Member to say if that is so.

The HONOURABLE MR. G. S. KHAPARDE: Yes Sir, I mean the meeting of the 5th instant. To-day’s meeting is a formal one; the next will be an inaugural meeting so I mean the one after that.

The HONOURABLE THE PRESIDENT: I think I may say that the Honourable Member has adopted a very proper course.



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## MESSAGES FROM THE GOVERNOR GENERAL:

The HONOURABLE THE PRESIDENT: I have two messages under the Sign Manual of His Excellency the Governor General of India which it is my duty to communicate to this Council. The messages are as follows:—

*"In pursuance of sub-section (3) of section 63A of the Government of India Act, I, Rufus Daniel, Earl of Reading, hereby require the attendance of all Members of the Council of State in the Legislative Assembly Chamber at 11 O'clock on Saturday, the 3rd September, 1921."*

(Sd.) READING.

That is the first message. The second message runs as follows:—

*"In pursuance of the provision of sub-section (2) of section 63A of the Government of India Act, I, Rufus Daniel, Earl of Reading, hereby nominate the following Members of the Council of State to be on the Panel of Chairmen of the said Council of State:—In the first place, the Honourable Sir Alexander Robert Murray; in the second place, the Honourable Sir Manakjee Byramjee Dadabhoy; in the third place, the Honourable Sir Dinshaw Wacha; and, lastly, the Honourable Sir Zulfiqar Ali Khan."*

(Sd.) READING.

Honourable Members will wish to know, as early as possible, the dates which have so far been fixed for meetings of this Council and such particulars of the business to be taken on those dates as are at present available. In pursuance of the message which I have just read to this Council, the Council will attend on Saturday, the 3rd of September in this Chamber, on which occasion His Excellency the Governor General will address the Indian Legislature. His Excellency will arrive in State and will be received with the usual formalities. I understand that a Circular has been issued indicating the dress to be worn on the occasion.

The first meeting of the Council for the transaction of ordinary business will be held on Monday, the 5th of September, in the Council Chamber at Viceregal Lodge, at which place meetings of the Council of State thereafter will normally be held. Meetings have been fixed for the 6th, 15th, 19th, 22nd, 26th and 27th. The meetings will at first be held, as has been the practice in the past, at 11 o'clock, but, should any considerable body of Honourable Members desire that meetings should be held earlier than 11 o'clock, I shall be happy to consider the matter and, if necessary, to approach His Excellency the Governor General for the modification of the rule contained in Standing Order 5. The meetings on the 15th and the 22nd have so far been allotted for the discussion of non-official business. Honourable Members will understand that further dates will probably be necessary, but I am not in a position to make any announcement on this subject at present, as that will clearly depend on the business Honourable Members wish to bring before the

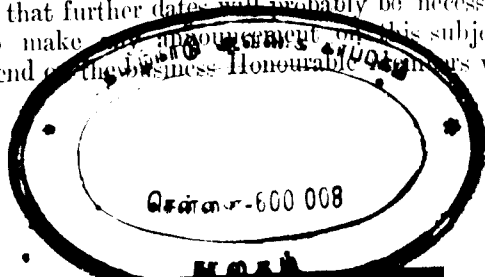
Council. The arrangements which I have now indicated will be incorporated in a Circular which will be issued to all Members, so that they may have ready reference to the facts which I have briefly rehearsed. It will be observed that no meeting of the Council has been fixed between the 6th and the 15th of September, and I think Honourable Members are entitled to some explanation of this long gap. The Government of India, I was informed, are anxious that those Honourable Members who observe the Muhurram festival should have an opportunity of doing so, and, taking that fact into consideration, I have refrained from fixing any meetings of Council between those dates. Otherwise Honourable Members would not have an opportunity of returning to their homes for the Muhurram. The Council, however, will not be idle on those dates for there are two Joint Committees which, I am informed, will be able to meet between those dates, and I accordingly propose to fix dates within that period for the meetings of those Joint Committees.

I would remind Honourable Members that the Ballot List for the non-official dates on the 15th and the 22nd will be open to-day and to-morrow, and that the ballot will be held in this Chamber on the 3rd after the formal ceremony. There is one small point that I should like to mention to Honourable Members. I think in the future if we could come to some arrangement by which the ballot could be held a little before the commencement of the Session, it might be useful, and I am now considering how far it will be possible for me, in virtue of the power which is vested in me, to modify the terms of Schedule 1 of Standing Order 6 so as to give effect to this. If there are any Honourable Members who take interest in this proposal and have any suggestions to put forward, I shall be very glad to consider them if they will see me informally on the subject. The object will be, of course, to secure that a Member who did not wish to come up to Simla could write in and ask that his name should be put on the Ballot List, and, if he drew a number, he could name in his letter the particular Resolution he wished to move.

I will now ask if any Member of the Government is in a position to make a statement regarding the Government business to be brought forward in the immediate future.

## GOVERNMENT BUSINESS FOR 5TH, 6TH AND 19TH SEPTEMBER:

The HONOURABLE MR. SHAFI: On the 5th September it is proposed to give time for the discussion of a Resolution to be moved by the Honourable Sir Manakjee Byramjee Dadabhoy for the presentation of an Address of Welcome to His Royal Highness the Prince of Wales. On the same day it is proposed to give time for the discussion of a Resolution to be moved by the Honourable the Maharaja of Darbhanga for extending a welcome to His Excellency the Viceroy. On the 6th of September it is hoped to introduce a Bill to give effect to that portion of the Right Honourable Srinivasa Sastri's Resolution, regarding the giving of a warning before firing on a crowd, which was accepted by the Government at the last Session of this Council. On the same day it is hoped to introduce a Bill to amend the Cattle-trespass Act. On the 19th September it is hoped to introduce any Bills which may be ready for introduction, and that progress will be made with Bills already before the Council.



[1st SEPT. 1921.]

[Mr. Shafi.]

The Council will also be called upon to consider any Bills which may have been passed by the Legislative Assembly.

The HONOURABLE THE PRESIDENT : The Council will next meet for the ceremony on Saturday, the 3rd and thereafter on Monday, the 5th. I now adjourn the Council.

The Council adjourned till 11 o'clock on Saturday, the 3rd September, 1921.

## COUNCIL OF STATE.

*Saturday, 3rd September, 1921.*

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The Council met in the Assembly Chamber at a Quarter to Eleven of the Clock. The Honourable the President was in the Chair.

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## MEMBER SWORN :

The Honourable Sir Benode Chandra Mitter, Kt.

## COUNCIL OF STATE.

*Saturday, 3rd September, 1921.*

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The Council met in the Assembly Chamber at a Quarter to Eleven of the Clock. The Honourable the President was in the Chair.

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### MEMBER SWORN :

The Honourable Sir Benode Chandra Mitter, Kt.

## COUNCIL OF STATE.

*Saturday, 3rd September, 1921.*

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### INAUGURATION OF THE SECOND SESSION OF THE COUNCIL OF STATE AND LEGISLATIVE ASSEMBLY.

His Excellency the Viceroy with the Presidents of the Council of State and Legislative Assembly having arrived in procession, His Excellency took his seat on the dais.

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H. E. THE VICEROY : Gentlemen of the Indian Legislature, it is my privilege as Viceroy to welcome to-day the Members of both Houses of the Indian Legislature at the opening of the second Session. It is my first opportunity of taking part in this ceremony, and I am fully conscious of the importance of the occasion. One memorable Session has already been held when a standard of political wisdom and debating capacity was set that may well be a source of legitimate pride and satisfaction to those who contributed to the reputation thus attained. You, who stood for election and became the representatives of these new Councils, and in consequence were subjected to attack and criticism, have already by your actions justified the position you adopted. At this present juncture, my Government and you are faced with difficult problems, which demand all the political judgment and foresight we can contribute to their solution. I propose to-day to refer only to the more important and in their broadest aspect, and to survey with you the general conditions affecting India.

But, before I enter into the region of possible controversy, I must discharge the pleasing and privileged task of referring to the impending visit of His Royal Highness the Prince of Wales, the Son and Heir of our beloved King-Emperor. You will remember, that a little more than a year ago, His Majesty the King-Emperor by Royal Proclamation informed the Princes and people of India of his decision that the visit of the Prince of Wales to India must be deferred for a time in order that His Royal Highness might recover from the fatigue of his labours in other parts of the Empire. We have recently heard to our great joy that the health of His Royal Highness has been sufficiently restored to enable the visit to take place in November next. The ceremony of inaugurating the Reformed Legislatures, which was to have been his, has been performed by His Royal Highness the Duke of Connaught, and India will not readily forget the sympathy and love which inspired him, the devoted friend of India, in the discharge of his great mission. The Prince of Wales will come to India on this occasion as the Son of the King-Emperor and as the Heir to the Throne, not as the representative of any Government or to promote the interests of any political party, but in order to become personally

## [H. E. the Viceroy.]

acquainted with the Princes and the people of India, and to see as much as will be possible during his visit of this most interesting country. I know that I may safely count on those who belong to this great Indian Empire, and more particularly on the representatives of the Reformed Legislatures now gathered within these walls, to give to His Royal Highness, who has endeared himself to all who have been privileged to meet him, a warm welcome characteristic of the traditional loyalty of the Indian people and their devotion to the King-Emperor and his House.

You will already have learnt that the resignation tendered by Sir Thomas Holland has been accepted by His Majesty. In communicating to me the regret, with which he had reached his conclusion, the Secretary of State expresses his general sense of the importance of the contribution which Sir Thomas Holland had made to the Industrial development of India. The Secretary of State further records his appreciation of the high ability and strenuous labours which Sir Thomas Holland devoted during the war to the task of organising and increasing the supply of munitions. His services then rendered were of the highest value, not only to India but to the Empire, which the Secretary of State gratefully recognises. I associate myself with the tribute and add only that my regret is the greater because I lose a Colleague in the Council with whom I have been associated from the moment I became Viceroy. The facts and conclusions of my Government have already been placed before you in the official statement published by my Government, and I need not refer to them again. The public felt, and beyond all doubt rightly felt, that the proceedings in Court had shaken the very foundations of justice. Fundamental principles of administration and justice had been violated, and the acceptance of the resignation was therefore inevitable. Our conclusions were announced only in relation to the proceedings in Court and to the omission to refer to me as the head of the Government. Lest there should be any misapprehension, I must, however, add, on my own behalf and that of my Colleagues, that the existence of civil suits against the Government by the accused should be entirely disregarded in relation to the criminal case. Their unconditional withdrawal ought not to have any influence upon considerations of the withdrawal of the prosecution.

The lesson that we have learnt from these unfortunate events is, that it is very desirable that the direction and control of Government prosecutions should be in the hands of a trained lawyer. The matter will be considered by my Government. I cannot but think that the absence of this training contributed largely to the difficulties in which my late Colleague, Sir Thomas Holland, found himself involved.

Let me now turn to external affairs. You will naturally wish to know the result of our negotiations with the Afghan Government. I had hoped that I should be in a position to-day to make an announcement to you respecting them. But though it was so far back as January last, that at the invitation of the Afghan Government we despatched a Mission to Kabul for the negotiation of a Treaty of Friendship, its outcome is still uncertain. Negotiations of this character, especially when supervening on actual war, are often not brought to a speedy close and these negotiations have been protracted by developments beyond the limit of my Government's anticipations. But, despite all untoward

complications or unexpected difficulties, I hope that we may before long conclude a new and abiding Treaty of Friendship with Afghanistan which will ensure the continuance of our traditional relations with this nation.

The Frontier unhappily is still suffering from the unsettling influence of the Great War, and the other excitements and instigations of recent years; but, notwithstanding the drought and great scarcity of the present year which have done much to accentuate the economic difficulty that lies at the root of the Frontier problem, unrest in Baluchistan has almost wholly subsided. Even in the North-West Frontier Province, with its narrow belt of British districts between the Indus and the Frontier hills exposed at all times to the brunt of tribal lawlessness, there is comparative quietude save in Waziristan. Military operations have now been in progress in Waziristan for several months. They have been conducted by our troops in the face of many hardships and against an elusive enemy with a fortitude and gallantry worthy of all praise. I trust that these operations may not long have to be continued. They are slow and costly—the problem of the inhospitable Frontier does not lend itself to cheap or easy solution—but India's duty seems clear. And it must always be remembered that the expenditure on Frontier defence is incurred not merely for the defence of the sorely harassed inhabitants of our border districts against trans-frontier lawlessness and raids; it is incurred for the defence of India as a whole, and is an expenditure which India will assuredly not grudge.

Unhappily Greece and Turkey are still at war, notwithstanding the strenuous efforts of the Allies, and notably of His Majesty's Government, to effectuate a settlement of the grave disputes between these two countries. My distinguished predecessor, Lord Chelmsford, forcibly and persistently represented the views of the Indian Muslims to His Majesty's Government, and to the best of my capacity I have pursued and shall pursue the same course. It is also well known that the Secretary of State for India has laboured most loyally and strenuously to persuade the Allies to adopt a policy more in consonance with the opinions of India. I dare not at this moment when operations of war are proceeding hazard an opinion as to the future, but I may express my fervent hope that a Treaty of Peace may soon be concluded on terms which will be reasonably satisfactory to Turkey and also to Indian Muslim opinion.

May I also observe that differences between some portions of the Muslim population that hold extreme views and the rest of the Indian Muslim opinion do not strengthen the representations which I may make to His Majesty's Government in order that we may bring about a settlement satisfactory to Muslim opinion in India. (Applause.)

It is some consolation in these days to turn from the contemplation of warlike operations to the labours of the League of Nations. India took its stand from the first for the League which, in my judgment, gives the best hope of preventing future wars. The creation of a permanent International Court of Justice is one step, and not an unimportant step, in the settlement of disputes by the arbitrament of reason; and, in this connection, I am pleased to be able to inform you, that His Majesty has been graciously pleased on behalf of India to ratify the acceptance of the Statute for the constitution of a permanent Court of International Justice, which was accepted by the representatives of India on the Assembly of the League of Nations. The Judges of the Court will be elected by the Assembly of the League of Nations and

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by the Council from lists of persons nominated by national groups representing the various nations which have accepted and ratified this Statute. In appointing this national group for India, my Government have endeavoured to select persons of the highest reputation and competency, and I am confident, you will agree with me, that Mr. K. Srinivasa Iyengar, now a Member of the Executive Council at Madras, Mr. Justice Rankin, Judge of the High Court of Calcutta, Mr. S. Hassan Imam, Barrister-at-Law, Patna, and Sir Thomas Strangman, Advocate-General in Bombay, who have accepted the appointments as members of the national group, fulfil these conditions. Their duties will be to nominate persons from whom the Judges of the Court will subsequently be elected. The Court will have jurisdiction in cases of disputes between members of the League which the members agree to refer to it, and also in international disputes in labour cases and in transit and communications cases.

I have followed with the deepest interest the events at the Imperial Conference in London, where India had the good fortune of being represented by the Secretary of State, the Maharaja of Cutch, and the Right Honourable Srinivasa Sastri, one of His Majesty's Privy Councillors. Although they were not able to achieve all they wished, it cannot be doubted that they have secured a notable recognition of the status of Indians in the Empire. It may be a tardy recognition, but it establishes beyond all question, and authoritatively, by the conclusions of the Premiers assembled at the Imperial Conference, with one dissentient, the equal status of Indians in the Empire; secondly, the attitude of His Majesty's Government and their recognition of this principle will mean that it will be applied in other parts of the Empire which are not under Dominion Government, and notably in East Africa. In India, we cannot but rejoice at these conclusions, notwithstanding that we deeply regret that the representatives of South Africa felt themselves unable to accept them. We must not close our eyes to their difficulties, these are of a special character. But we must continue our efforts to bring about a recognition in South Africa. Assuredly we need not be discouraged by the result at the Imperial Conference: indeed, we should be stimulated to continue our labours, and I give you my assurance that I will strive to the full extent of the power and ability I may possess to obtain the recognition in South Africa and elsewhere of the principle accepted by the other Dominions and His Majesty's Government, and to secure that it shall be so interpreted as to satisfy Indian pride and patriotism. I cannot pass from this subject without expressing gratitude to the representatives of India who represented the interests of Indians so ably and eloquently. I have read with great pleasure the reports of the reception of the Maharaja of Cutch and Mr. Sastri. It is beyond doubt that they have raised the status of Indians in the Councils of the British Empire; they have contributed to the appreciation of the intellectual capacity, the graceful courtesy and the sensitive responsiveness of Indians, and have made a deep impression upon all with whom they have come into contact in England and elsewhere.

When I approach examination of the internal conditions of India, I find much that is hopeful for the future, and my belief in your capacity to assist me and my Government in promoting the general welfare of the country is a constant encouragement in the performance of our duties. But there is still unhappily unrest in some parts of the country which continues to receive the serious consideration of my Government. Its most recent manifestation is in

the district of Malabar, and thoughts naturally turn to the grave reports of crime and disorder which necessitated the issue by me of an Ordinance proclaiming Martial Law in certain parts of this district. I trust, I need not assure you, that having passed my life in the profession of the law and steeped as I am in the liberal traditions of England, I would never proclaim Martial Law unless I was convinced that it was absolutely necessary for the security of the country and for the safety of the population in the disturbed areas. In my judgment, I should have failed in my duty if I had not taken this step in the emergency that arose, and had not given to the Local Government all the assistance and support that could be rendered in quelling the uprising of the Moplahs and in protecting innocent citizens against the criminal acts of a violent mob. We must, however, be careful to view these disturbances in their proper setting. It would be rash and in my view wrong to assume that this rising is to be taken as symptomatic of the condition of the whole of India. It must be remembered that this district has always been a storm-centre, and serious disorders have occurred in the past. I shall not enter into a lengthy discussion of the events and conditions that led to this serious outbreak, which may be said, without exaggeration of the language, to have assumed the character of rebellion, because I am well aware that you will have opportunities of discussing these matters in the course of your debates. I shall only make some general observations for your consideration. It is obvious from the reports received that the ground had been carefully prepared for the purpose of creating an atmosphere favourable to violence, and no effort had been spared to rouse the passions and fury of the Moplahs. The spark which kindled the flame was the resistance by a large and hostile crowd of Moplahs, armed with swords and knives, to a lawful attempt by the police to effect certain arrests in connection with a case of house-breaking. The police were powerless to effect the capture of the criminals, and the significance of the incident is, that it was regarded as a defeat of the police and, therefore, of the Government. Additional troops and special police had to be drafted to Malabar in order to effect the arrests. The subsequent events are now fairly well known, although it is impossible at present to state the number of the innocent victims of the Moplahs. These events have been chronicled in the Press and I shall not recapitulate them. The situation is now, to all intents and purposes, in hand. It has been saved by the prompt and effective action of the military and naval assistance for which we are duly grateful, although some time must necessarily elapse before order can be completely restored and normal life under the Civil Government resumed. But consider the sacrifice of life and property! A few Europeans and many Hindus have been murdered, communications have been obstructed, Government offices burnt and looted, and records have been destroyed, Hindu temples sacked, houses of Europeans and Hindus burnt. According to reports, Hindus were forcibly converted to Islam, and one of the most fertile tracts of South India is threatened with famine. The result has been the temporary collapse of Civil Government, offices and courts have ceased to function, and ordinary business has been brought to a standstill. European and Hindu refugees of all classes are concentrated at Calicut, and it is satisfactory to know that they are safe there. One trembles to think of the consequences if the forces of order had not prevailed for the protection of Calicut. The Non-Muslim in these parts was fortunate indeed if either he or his family, or his house or property, came near the protection of the soldier and the police. Those who are responsible for causing this grave outbreak of violence and crime must be brought to

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justice and made to suffer the punishment of the guilty. But apart from direct responsibility, can it be doubted that when poor, unfortunate and deluded people are led to believe that they should disregard the law and defy authority, violence and crime must follow. This outbreak is but another instance on a much more serious scale and among a more turbulent and fanatical people of the conditions that have manifested themselves at times in various parts of the country. And Gentlemen, I ask myself, and you and the country generally, what else can result from instilling such doctrines into the minds of masses of the people? How can there be peace and tranquillity when ignorant people who have no means of testing the truth of the inflammatory and too often false state ments made to them are thus misled by those whose design it is to provoke violence and disorder. Passions are thus easily excited to unreasoning fury. Although I freely acknowledge that the leader of the movement to paralyse authority persistently, and, as I believe, in all earnestness and sincerity, preaches the doctrine of non-violence and has reproved his followers for resorting to it, yet, again and again, it has been shown that his doctrine is completely forgotten and his exhortations absolutely disregarded when passions are excited as must inevitably be the consequence among emotional people. To us who are responsible for the peace and good government of this great Empire, and I trust to men of sanity and common-sense in all classes of society, it must be clear that defiance of the Government and constituted authority can only result in widespread disorder, in political chaos, in anarchy and in ruin. There are signs that the activity of the movement, or at least of one section of it, may take a form of even a more direct challenge to law and order. There has been wild talk of a general policy of disobedience to law, in some cases I regret to say accompanied by an open recognition that such a course must lead to disorder and bloodshed. Attempts have even been made by some fanatical followers of Islam to seduce His Majesty's soldiers and police from their allegiance—attempts that have, I am glad to say, met with no success. As head of the Government, however, I need not assure you that we shall not be deterred one hair's breadth from doing our duty. We shall continue to do all in our power to protect the lives and property of all law-abiding citizens, and to secure to them their right to pursue their lawful avocations and, above all, we shall continue to enforce the ordinary law and to take care that it is respected. It is the manifest duty of every loyal subject of the King-Emperor, just as it is the interest of all who wish to live peaceful lives with a security of protection against violence and crime, to oppose publicly a movement fraught with such dangerous possibilities and to help the officers of Government in their task of preventing and suppressing disorder. And all this time I and my Colleagues are ready and anxious to do all that is possible to allay legitimate discontent and to remedy the grievances of the people of India. I am free to admit that there are grievances to be remedied, and we are constantly directing our attention to devising the proper remedies for this purpose; and I am well aware that we can rely upon your assistance in this and future Sessions, for you sit here to mirror public opinion, and I and my Government will continue gladly to welcome the help you may give to us.

You, the first representatives of this Legislature, can already point to solid achievement as the result of your deliberations and activities. I shall not attempt to chronicle them, but I shall refer to some important instances. A

Committee was appointed to examine the laws dealing with the Press: its report is now before you. The personnel of the Committee, which included Members of both your Houses, was predominantly non-official, and its recommendations, which I am glad to say, were unanimous, may be accepted as reflecting the popular views of the laws in question. Legislation on the lines recommended by the Committee will shortly be laid before you. Its most important feature will be the proposal to repeal the Press Act of 1910. There is, however, one part of the Report upon which, I think, it is necessary to make some reservation, and that is in relation to the protection hitherto afforded since 1910 to Ruling Princes against seditious attacks upon them in newspapers published in British India. If the Press Act is repealed, it may become necessary to consider what form of protection shall be given to them in substitution. I will not pursue the subject now, but it will doubtless be discussed at a later stage.

The Repressive Laws Committee—another Committee of a very similar character—has recently made a careful examination of certain laws and regulations which confer extraordinary powers on the Executive Government. Their Report will shortly be published, and I trust that it will command your approval and that of the country at large. I cannot make an announcement regarding the legislative measures that will result from the Committee's labours as they have not yet been considered by my Government. But I think I may safely say that a number of laws, popularly regarded as infringements of the liberty of the subject, will, in all probability, be repealed.

The consideration of this subject brings me not unnaturally to the cases of the 86 men sentenced in connection with the Punjab Disturbances of 1919 who are still in jail. I wish it had been possible for me to-day to have announced my decision to you: but I am not yet quite ready to declare it. I confess that when I undertook myself to examine each of these 86 cases, I under-estimated the labour involved, and I did not sufficiently realise the constant demands upon my time consequent upon the responsibility of the position I occupy. Unexpected events happen and decisions must be made immediately, and I am sure that I need not remind you of the unexpected incidents that have happened during my short period of office.

You will remember that, as the result of discussion last Session, an important Committee under the Presidency of His Excellency the Commander-in-Chief has sat to consider the military requirements of India. The report of the Committee will be considered in London by a Sub-Committee of the Committee of Imperial Defence and we must await their decisions.

A Notification has been issued constituting seven Territorial Force Units in different parts of India and in Burma in addition to the University Corps. It is hoped that numbers of recruits will be forthcoming to take advantage of the opportunity thus afforded for acquiring military training, so as to fit them to take a share in the defence of their country. My Government will spare no pains to further the interests of the Territorial Force, and it now rests with the people of India to make the scheme a success.

A Resolution was passed by the Legislative Assembly last Session recommending the establishment of a College in India to train Indian lads who desired to enter the Indian Army through Sandhurst. A scheme on these lines has been forwarded for the approval of the Secretary of State, and as soon as that has been received, rapid progress will be made with the adaptation of the

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buildings formerly occupied by the Imperial Cadet Corps at Dehra Dun so as to fit them for a College of this nature. It is hoped that the Prince of Wales may be pleased to perform the opening ceremony, and that the preliminary work will be completed in time to enable the College to be in working order. The College will be large enough to accommodate 90 pupils in the first instance, and, if it proves a success, it will be possible to make expansion in the immediate vicinity of the College.

A subject which has occupied your attention and that of the Indian public, and roused great interest, is that relating to the free admission of Indians to all arms of His Majesty's military and naval forces in India. In accordance with the Resolution passed by the Legislative Assembly, my Government is now in communication with the Secretary of State with the object of enabling Indians to qualify for Commissions in the Artillery and Engineer Services in the country, and it is examining, in consultation with the Secretary of State, the question of the provision of facilities for Indians to be trained for Commissions in the Royal Air Force. A scheme is also under consideration for assisting Indian lads to qualify themselves by a period of training in England for a commissioned rank in the Royal Indian Marine.

Financial discussion occupied much time last Session, and you will not expect me to say anything fresh at this moment regarding the present trade and financial conditions. We are still awaiting that long expected revival in the demand abroad for India's products; this has been a very long time in coming, and, I am sure, the patience of many of us must have been sorely tried. Those who are in touch with our export markets tell me, however, that there are, at last, some faint, though unmistakable, glimmerings of revival, and that, if the monsoon continues good to the end, as we now have reason to hope it may, we shall before long see the beginning of a return to more normal conditions, and, perhaps, to something like our pre-war balance of trade. I mention this feeling of mild optimism, as it seems to be held in well-informed circles. For myself, I cannot attempt to prophesy. I would, however, invite your assent to two general observations. The first is, that India's own financial position is, as I believe, intrinsically sound. The State may have been occasionally forced during the war to do things which must have seemed to be a departure from the severe conservatism which had hitherto characterised the management of India's finances. But when we remember what most other belligerent countries were forced to do, and the enormous inflation of currency and credit, leading in many cases to something like national bankruptcy, which has followed elsewhere, we may, I think, at the risk of being considered Pharisaical, thank Heaven that we are not as other countries. A country that can put up nearly 40 crores of new money for a national loan need not entertain many qualms as to its financial future.

My second observation is merely a corollary from the first. Seeing that the existing difficulties of India's trade are due almost entirely to causes external to herself, it follows that when that revival of international trade comes, as come it must, then India will be one of the first countries to reap the benefit. The products which she has to offer to the rest of the world are not luxuries, the purchase of which other countries can defer until their finances are in better order, but are for the most part necessities, either as food-stuffs or as raw products for their manufactures. All these factors combined must

make India's position one of great advantage as soon as trade revives, and justify a refusal to be depressed by budget deficits, a low exchange, or other circumstances of the moment.

In considering the conditions of the people of India the greatest importance must always be attributed to the high prices now ruling for the necessities of life. This subject is constantly engaging the attention of my Government, and, in particular, it has been directed to the extraordinary recent rise in the price, particularly of wheat and of rice. You will have observed from a statement issued by my Government this morning that we shall continue the existing prohibition of the export of wheat, atta and flour until at least the end of March 1922. It is also proposed that so far as possible the requirements of wheat for the Army in India or based on India be for the present supplied by the purchase of Australian wheat. It is hoped that by these means relief will be given, and that the rise will be checked if not counteracted. My Government will not fail to watch events in this connection. Their importance on the political condition of India is perhaps greater than is usually recognised.

Our arrangements for the Fiscal Commission are well advanced, and I trust that the Commission will begin its important labours next month. In recognition of India's advance towards fiscal autonomy, the majority of the members of the Commission will be Indians and it is also intended that the Chairman shall be an Indian. I regret that at this moment arrangements are not sufficiently completed to enable me to give the names. The task before the Commission is one of enormous difficulty. Its duty will be to advise the Government of India, not only whether India should approve, in the interests of the solidarity of the Empire, the principle of Imperial Preference, but also whether we should abandon our time-honoured policy of a tariff raised primarily for revenue purposes in favour of a policy of protection. The task thus opens up questions of great difficulty and complexity, but I am confident that the Commission will approach them with a high sense of responsibility and that its Report will be of the greatest assistance and value to the Government of India.

The Government recognise that during the last few years there has been a great awakening on the part of Indian labour, and they are fully alive to the new conditions that such an awakening demands. The Bill to amend the Indian Factories Act, which is now under your consideration, has the two-fold object of increasing the efficiency of Indian labour and of bettering its conditions.

Another social measure, to which we attach great importance, is a Bill to regulate the grant of compensation to workmen for injuries received in the course of their employment, which we hope to introduce early in 1922. The recent industrial unrest has also been accompanied by a growth in the number of Trade Unions, and the question of giving adequate protection and legal status to those Unions which are genuine labour organisations is at present under consideration. The Government are also carefully studying the question of arbitration and conciliation. We are glad to observe that this matter of the settlement of labour disputes is receiving considerable attention from Provincial Governments and in Provincial Legislatures. I am full of hope that the various measures that are now being adopted or being recommended to employers as well as to employees will establish the peace and harmony that is absolutely necessary for the development of our industries.



[H. E. the Viceroy.]

The evidence of strong racial antagonism that, to some extent prevails, has caused me the greatest concern since my arrival in India. Regrettable incidents have come to my notice. At the same time I am far from asserting that the fault is all on one side. It seems to me that among the factors contributing to this unhappy racial tension, instances of violence and discourtesy by Europeans against Indians, which occur from time to time—although in truth I believe infrequently—cannot be overlooked. There is generally, I venture to assert, no ground of complaint to be made, but any instance of incivility attracts far more attention than the usual and infinitely more numerous instances of courtesy by Europeans to Indians. Neither can it be said that the results of the trials of Europeans concerned in criminal cases arising from acts of violence or from improper conduct have always given satisfaction to the public. I have been made aware of a very prevalent feeling amongst Indians that in such cases strict justice does not always result when a European is concerned, and it cannot be said that the result of such trials always satisfies the public conscience. In particular, my attention has been directed to the differences in the legal procedure applicable to Europeans and Indians. Local Governments have been consulted, and an opportunity will be taken during the course of the present Session to lay before you the proposals of my Government as to the steps which should be taken for further examination of this question, and I trust that in the result means will be found to satisfy public opinion that justice will be done both to Europeans and Indians.

There are many other subjects which will be considered by you during the course of this Session. There are questions of importance to which I have not even referred as I do not wish to detain you too long. In particular, I would mention the interest taken by Sir Thomas Holland in the Industrial development of India. By his departure we lose the benefit of the services of one who has laboured faithfully and capably to this end. There are projects of irrigation which specially attract my attention. I wish I could have discussed them. There is again education which is dear to my heart and upon which I should like to have made some observations to you. But I must content myself with the knowledge that there will be other opportunities, and that all these subjects will come before you in the ordinary course of your deliberations and will receive careful attention.

During the time that I have been Viceroy I have been in constant intercourse with men of the Public Services of this country—both British and Indian—and I desire to take this opportunity of expressing publicly my grateful thanks to them for the assistance they have rendered to me and to Government, my appreciation of the services they are always ready to perform, my recognition of the inevitable promptness with which they have responded, to what I must confess to be the inordinate demands made by me upon their time and their labours.

Now, gentlemen, I shall not detain you longer. Sitting here in this Chamber, at the first meeting of this Session of the Reformed Legislature in Simla, I find my mind surging with imagination as to the future. I know that you are sitting here under a Constitution which has never been presented otherwise than for the purposes of the transitional stage. There are Resolutions that will come before you during the sittings of your Assembly urging your advance along the road of constitutional

progress. I am carefully watching and studying the working of this new machinery, and I am satisfied that in the short space of time, in which it has already existed, you have not yet sufficiently tested its perfections, if you are ready to admit that it has any, also its imperfections which no doubt you have already to some extent discovered. It is a human machine with human imperfections. It has never been presented otherwise than as a compromise, and it will take a little time before we can fully realise how it will work and how this machinery will fit in with the complex machinery of the Government of India. I will not at this moment hazard any observation as to the future. I am not so young as most of you who are present here. (Laughter.) I am prone to the caution of age and, therefore, will wait until I have had a little more opportunity of judging before I pronounce my conclusions. But these questions will be raised by you in this Legislature which has still some Sessions before it. There will be opportunities for full consideration and deliberation. I have already pointed out the results of the labours of this Assembly during the short period of its first Session. I have dilated briefly upon some of the results of the creation of this Reformed Legislature. You have gathered a good harvest, for, as a result of the Committees appointed and the legislation following upon your Resolutions, and the expression of your opinions duly recorded by Government, you are already able to point to a large volume of Government action taken to redress grievances. May I again taking advantage of my years as we elderly people so often do (Laughter)—add one word of warning? I do not think you can always expect at every Session to garner so rich a harvest. (Laughter.)

In conclusion, let me say to you, as a Member of this Legislature now present with you, addressing general observations upon present conditions, that we are all working together with one single purpose in view, the promotion of the welfare and happiness of India. (Applause.) We have no other object, we have no other desire except this which binds us all together, and which calls for the manifestation of that spirit of mutual good-will and forbearance, without which no deliberations can be effective and lead to lasting results.

In leaving you to your labours, I make an appeal to you, which I, am confident, I shall not make in vain: Do not content yourselves with merely doing your duty in this Legislature, although I know it makes a great demand upon your time. It needs patriotism to sacrifice leisure and sometimes remunerative occupation to take part in the deliberations of this Assembly. You may think—no, I will not say that—but some persons may think, that this is a sufficient demand to make upon you. It is not. No demand is too great when there is need for patriotism. It is essential that men like yourselves who are assisting Government by your advice, for Government is always seeking knowledge, should go forth among the people not only at time of election when constituents must always be remembered, but at other times. You must be conscious that you are taking part in important deliberations, and that you are thus assisting in moulding the destinies of this Great Empire. You are, permit me to say, inscribing your names on the golden roll of patriotic service, and are devoting yourselves to great work, and in this high purpose are true to your God, to yourselves and to your country. (Prolonged Applause.)



## COUNCIL OF STATE.

*Monday, the 5th September, 1921.*

The Council met in the Assembly Chamber at Eleven of the Clock. The Honourable the President was in the Chair.

### QUESTIONS AND ANSWERS.

#### PERSONNEL OF GREAT INDIAN PENINSULA RAILWAY.

1. The HONOURABLE MR. G. S. KHAPARDE: With reference to the statement made by the Agent of the Great Indian Peninsula Railway before the Railway Committee at one of its sittings at Bombay in February, 1921, and reported in the *Times of India* of the 10th of that month that he had a certain proportion of Europeans, Anglo-Indians and Indians in certain grades, will the Government be pleased to state—

- (a) How many posts there are in the Great Indian Peninsula Railway in the Superior and Upper Subordinate grades in each of its departments?
- (b) What is the proportion of them reserved for Indians in each of the grades?
- (c) How many Indians are there at present employed in each of the grades?

The HONOURABLE MR. SHAFI: As regards (a) and (c) of the Question, a statement is placed on the table which gives the desired information. As regards (b), there is no proportion of the posts referred to reserved for Indians.

#### GREAT INDIAN PENINSULA RAILWAY.

*Statement showing the number of posts and Indians employed in the Superior and Upper Subordinate grades in each of the Departments of the Great Indian Peninsula Railway.*

| Department.   | SUPERIOR GRADES.                  |          | UPPER SUBORDINATES<br>(RS. 250 AND OVER). |          |
|---------------|-----------------------------------|----------|-------------------------------------------|----------|
|               | Sanctioned<br>number of<br>posts. | Indians. | Sanctioned<br>number of<br>posts.         | Indians. |
| Agency ... .. | 7                                 | ...      | 9                                         | 3        |
| Audit ... ..  | 17                                | 2        | 44                                        | 17       |
| Cash ... ..   | 1                                 | ...      | 2                                         | 2        |

| Department,                      | SUPERIOR GRADES.                  |          | UPPER SUBORDINATES<br>(Rs. 250 AND OVER). |          |
|----------------------------------|-----------------------------------|----------|-------------------------------------------|----------|
|                                  | Sanctioned<br>number of<br>posts. | Indians. | Sanctioned<br>number of<br>posts.         | Indians. |
| General and Ticket Printing      | ...                               | ...      | 2                                         | 2        |
| Medical                          | 11                                | 3        | 21                                        | 15       |
| Stores                           | 7                                 | ...      | 12                                        | 5        |
| Engineering                      | 76                                | 4        | 154                                       | 53       |
| Locomotive                       | 34                                | ...      | 537                                       | 17       |
| Electrical Branch                | 6                                 | ...      | 25                                        | 15       |
| Carriage and Wagon               | 9                                 | ...      | 57                                        | 15       |
| Traffic (including Telegraph)... | 43                                | 4        | 281                                       | 32       |
| Educational                      | 3                                 | ...      | ...                                       | ...      |
| Mohpani Colliery                 | 3                                 | ...      | 9                                         | 1        |
| Karagali Colliery                | 3                                 | ...      | 1                                         | 1        |
| Total                            | 225                               | 13       | 1,154                                     | 178      |

## HYDERABAD (SIND) CANTONMENT.

2. The HONOURABLE MR. G. M. BHURGRI: Will the Government be pleased to state—

- (i) the class and number assigned to the Hyderabad (Sind) Cantonment in the All-India Cantonment List with respect to its financial position;
- (ii) the net revenue, expenditure and surplus, if any, of the said Cantonment during the last ten years;
- (iii) whether the Cantonment is self-supporting, or receives annual or periodical or lump-sum grants from the Government or any other source;
- (iv) (a) the amount of the annual or periodical or lump-sum grant, if any; and  
(b) the object for which it is paid?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (i) Cantonments are not classified or numbered according to their financial position.

(ii) A statement giving the information required, for the period 1911-12 to 1920-21, is laid on the table of the House.

(iii) The Cantonment Fund has been self-supporting in eight out of the ten years.

(iv) (a) The information is contained in the statement which I am laying on the table of the House.

(b) The grants-in-aid were made in order to maintain the Fund in a solvent condition.

| Years.  | Opening<br>balance. | Income<br>from L.S.* | Grant-in-<br>aid. | Total. | Expendi-<br>ture. | Closing<br>balance. |
|---------|---------------------|----------------------|-------------------|--------|-------------------|---------------------|
| 1       | 2                   | 3                    | 4                 | 5      | 6                 | 7                   |
|         | Rs.                 | Rs.                  | Rs.               | Rs.    | Rs.               | Rs.                 |
| 1911-12 | 8,456               | 30,507               | ...               | 38,963 | 36,048            | 2,915               |
| 1912-13 | 2,915               | 35,350               | 3,625             | 41,890 | 31,568            | 10,322              |
| 1913-14 | 10,322              | 34,264               | ...               | 44,586 | 32,457            | 12,129              |
| 1914-15 | 12,130              | 30,596               | ...               | 42,726 | 33,046            | 9,680               |
| 1915-16 | 9,679               | 33,176               | ...               | 42,855 | 35,037            | 7,818               |
| 1916-17 | 7,814               | 33,115               | ...               | 40,929 | 32,936            | 7,993               |
| 1917-18 | 7,995               | 37,260               | ...               | 45,255 | 37,954            | 7,301               |
| 1918-19 | 7,301               | 43,944               | ...               | 51,245 | 46,742            | 4,503               |
| 1919-20 | 4,503               | 45,817               | ...               | 50,320 | 46,620            | 3,700               |
| 1920-21 | 3,700               | 47,556               | 5,000             | 57,156 | 47,901            | 9,255               |

\* L. S. = Local Sources.

## SCHOOL IN HYDERABAD (SIND).

3. The HONOURABLE MR. G. M. BHURGRI: Will the Government be pleased to state—

- (a) whether there is any primary or Anglo-Vernacular school for the children of the residents in the Hyderabad (Sind) Cantonment maintained entirely from the funds of the Cantonment or with the grant-in-aid of the Government;
- (b) whether any application has been made by the residents of the said Cantonment to the authorities concerned for the opening of such a school;
- (c) whether the application has been disposed of and in what manner;
- (d) if it is a fact that the above representation has been rejected on the ground of no funds?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) The answer is in the negative.

(b) Yes, but about eight years ago.

(c) and (d) The Cantonment Fund has not been, hitherto, in a position to meet the cost of opening and maintaining a school of the kind referred to. It has been necessary, therefore, to postpone the consideration of the question.

#### HOUSES AND POPULATION, WATER-SUPPLY, ETC., IN HYDERABAD (SIND).

4. The HONOURABLE MR. G. M. BHURGRI: Will the Government be pleased to state—

- (i) (a) the number of houses and population in the limits of the Hyderabad (Sind) Cantonment;
- (b) the arrangement of water-supply;
- (c) the arrangement of drainage of superfluous water, and cleaning and disinfecting cess-pools;
- (d) whether it is a fact that, owing to insufficiency of sewage carts and defective system of drainage, superfluous and filthy water is thrown over the streets causing foul smell and nuisance?
- (ii) (a) whether the residents of the said Cantonment have made applications and personal representations to the authorities concerned for a better drainage arrangement;
- (b) if so, what steps have been taken in the above matter;
- (c) whether it is a fact that construction of drains cannot be taken up for want of funds?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (i) (a) The number of houses in the Cantonment of Hyderabad (Sind), excluding Government buildings, is 962; the population, according to the census of 1921, was 7,892.

(b) Water is supplied to the Cantonment by the Municipality.

(c) Waste water is collected in cess-pools, the contents of which are removed in carts.

When malaria is prevalent, kerosine oil is poured over these cess-pools.

(d) No. Waste water is not allowed to be thrown on the streets.

(ii) (a) In 1914, the residents of the Cantonment asked for the introduction of a system of drainage, and in 1920 a deputation of the Sadar Bazar waited on the Officer Commanding with the same object.

(b) and (c) The project was dropped, as the estimated cost far exceeded the financial resources of the Cantonment Fund.

#### TAXES IN HYDERABAD (SIND).

5. The HONOURABLE MR. G. M. BHURGRI: (i) Are the Government aware that—

- (a) the Hyderabad (Sind) Cantonment imposes a number of taxes on its residents, such as, Water-tax, House-tax, Dog-tax, Vehicle-tax, Conservancy-tax, and other Licence-taxes, which either do not exist or are much less exacting in the Municipal limits alongside the said Cantonment;
- (b) that the Water-tax is taken at a higher rate than that prevalent in the Municipal limits alongside the said Cantonment?

(ii) Will the Government be pleased to state—

- (a) the number of residents in the said Cantonment other than the military and the average tax per head;
- (b) the average tax per head in the Municipal limits alongside the said Cantonment;
- (c) the populated area in the said Cantonment;
- (d) the populated area in the Municipal limits alongside it?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (i) (a) The Cantonment imposes the following taxes:—House-tax, Conservancy-tax, Licence-tax, Water-tax, and Wheel-tax; the Municipality imposes Terminal-tax, Tax on Animals and Vehicles, Water-tax, and Conservancy-tax.

The incidence of taxation per head of population for the year 1920-21 in the Municipal area is reported to be Rs. 5-14-9, and in the Cantonment area Rs. 4-12-11. The taxes levied in the Cantonment are, therefore, less exacting than those levied by the Municipality.

(b) It is not possible to compare the incidence of the water-rate in the Cantonment with the incidence in the Municipality, as the principle of assessment varies in the two localities. In the Municipality, the tax is based on the income of the residents, whereas in the Cantonment, it is based on the rental of each house.

(ii) (a) According to the census of 1921, the residents in the Cantonment numbered 3,915, and the incidence of taxation per head is, as already stated, Rs. 4-12-11.

(b) Rs. 5-14-9.

(c) and (d) Government have no information on the subject.

#### HEALTH AND HIGH PRICES IN HYDERABAD (SIND).

6. The HONOURABLE MR. G. M. BHURGRI: Will the Government be pleased to state—

- (a) the distance of the Cantonment area from the centre of the city in military stations of the class to which Hyderabad (Sind) belongs;
- (b) whether they are aware that the congestion question in Hyderabad (Sind) is an acute problem endangering seriously the health of that city;
- (c) whether Government are aware of the repeated and urgent representations made by the people and the Municipality of that city to Civil and Military authorities that the Cantonment be removed from its position to a distance of not less than three miles from the centre of the city;
- (d) whether Government are aware that the delay in acceding to the wishes of the people in this matter has resulted in inflated high prices of land inflicting serious economic distress among the poor and middle classes of the city;
- (e) whether Government are aware that the Municipality of the city is prepared to make proposals which will not entail any financial sacrifice on the part of the Military Department;

- (f) whether Government will consider the feasibility of arranging a small conference of the Military Department, the representatives of Sind on the Assembly and the Council of State and the Local Municipality with a view to settle reasonable terms of transfer of Cantonment land, and to expedite the early disposal of this question?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (a) The distance separating the centres of cities from military cantonments varies in every case.

(b) The Government of India are aware that the city of Hyderabad (Sind) is seriously congested, with consequences that are detrimental to the public health.

(c) Yes—Amongst the various suggestions that have been made for the relief of the congestion is a proposal to remove the Cantonment from its present position.

(d) The Government are aware that the prices of building sites in and near the city have risen to a very high figure, but this is due partly to their natural advantages.

(e) and (f) The Government of India have recently directed that the question of the removal of the Cantonment to another site should be further examined by the local civil and military authorities concerned, and thereafter by the Government of Bombay in communication with the General Officer Commanding-in-Chief, Western Command. The Government of India have not yet had any final report regarding the result of these discussions.

They have, however, received a report from the General Officer Commanding-in-Chief, Western Command, which shows that there is no other site in the vicinity of Hyderabad which can be compared with the present site either in height, in freedom from mosquitoes or in space available for parade grounds.

In view of what has just been stated, the Government consider that the proposed conference would serve no useful purpose.

#### KHOREAL SHOOTING CASE.

7. The HONOURABLE MR. G. M. BHURGRI: Will the Government be pleased to state—

- (a) Whether the attention of Government has been drawn to the comments of the *Pioneer* in a leading article in its issue of the 2nd July on what is known as the Khoreal Shooting Case?
- (b) Whether Government contemplate modifying the special legal procedure adopted in cases of the trial of European British subjects?

The HONOURABLE MR. H. D. CRAIK : (a) The Government of India have seen the article referred to.

(b) The question is under consideration and a fuller statement as to the intentions of Government will be made later.

#### COTTON COMMITTEE.

8. The HONOURABLE MR. G. M. BHURGRI : (a) Will the Government be pleased to state what action, if any, has been or is proposed to be taken in connection with the Report of the Cotton Committee?

(b) With reference to the Government of India Resolution No. 404-22, dated 31st March, 1921, will the Government be pleased to state why no representation is given to any cotton-growing tracts in India on the Indian Central Cotton Committee?

The HONOURABLE MR. B. N. SARMA : (a) The attention of the Honourable Member is invited to the reply\* given to the Honourable Sardar Jogendra Singh's Question in the Council of State on the 28th February 1921. The reply then given explains the action taken or proposed to be taken by the Government of India on the recommendations contained in the report of the Indian Cotton Committee. The Central Cotton Committee, the formation of which was then under consideration, has since been constituted, and held its first meeting at Bombay on the 20th-22nd July 1921. Recommendations Nos. 10-17 in Chapter XVI of the Indian Cotton Committee's Report regarding the licensing of gins and presses and the restriction of transport of cotton-waste and loose *kaps* to check fraudulent mixing were referred to the Central Cotton Committee for their opinion and advice with a view to the introduction of legislation, if necessary. The views of that Committee have been received and are under consideration. As regards the establishment of cotton markets, the recommendation contained in paragraph 205 of the Cotton Committee's Report has been commended to Local Governments and Administrations who have been asked to give the matter their careful attention and to take necessary steps to give effect to the Committee's proposal, with the aid, where necessary, of local legislation. In connection with the above, the attention of the Local Governments has also been drawn to the Committee's recommendation contained in paragraph 212 of their Report regarding the standardisation of weights, and it has been suggested to them that in any local legislation for the establishment of cotton markets on the Berar system power should be taken to prescribe standard weights for use in those markets.

The question of the improvement of cotton forecasts is under the consideration of the Government of India along with the improvement of crop forecasts generally, and it is hoped that it will be possible to issue orders on the subject shortly. In the Reply to the Honourable Sardar Jogendra Singh it was stated that it had been decided not to impose a cotton cess to provide funds for the Central Cotton Committee and the pay of additional staff. The Central Cotton Committee have urged the reconsideration of this decision and the matter is under consideration.

(b) So far from no representation being given to any cotton-growing tracts the constitution of the Committee has been drawn up so as to give special representation to all the principal areas where cotton is grown.

The HONOURABLE MR. LALUBHAI SAMALDAS: May I ask a Supplementary Question, Sir? How is the representation given?

The HONOURABLE MR. B. N. SARMA: The Local Governments have been asked to recommend, in conjunction with the various bodies interested in cotton, and the Government of India have appointed a few, but I think the main recommendations came from the Local Governments, and they have been accepted. Later on, a representation has been made by the Bombay Indian Chamber of Commerce that it would be desirable to represent the Indian mercantile interests in Bombay and their request has been complied with.

\* Vide p. 277 of Vol. I of Council of State's Debates.

## SALARIES OF IMPERIAL SERVICES IN INDIA.

9. The HONOURABLE MR. G. M. BHURGRI: (a) Will the Government be pleased to state whether they propose to sanction further increase in the salaries of the Imperial Services in India?

(b) If so, to what Services, and what will be the total recurring cost per annum, and how are they going to meet this charge?

(c) Do they intend to have recourse to further taxation?

The HONOURABLE MR. E. M. COOK: (a) The Honourable Member has doubtless seen the Resolutions of the Government of India No. D-449, in the Home Department, dated the 26th July 1921, and No. 1559-E.A., in the Finance Department, dated the 16th August 1921, which contain the decisions of the Secretary of State on the memorials of the Imperial Services as regards their pay. Government have no further proposals for any general increase under consideration.

(b) and (c) Only a very small portion of the cost of the increase sanctioned in the Resolutions referred to will fall on Central revenues, and it will not of course be sufficient to involve taxation.

MR. HAMID ULLAH KHAN, POST MASTER, FEROZEPUR (PUNJAB).

10. The HONOURABLE MR. G. S. KHAPARDE: (a) Has the Government received a memorial submitted on 23rd April 1921, under Darva Ganj, Delhi, registered letter No. 627, dated 23rd April 1921, by Mr. Hamid Ullah Khan, late Post Master, Ferozepur (Punjab), addressed to His Excellency the Viceroy and Governor General of India regarding acceptance of his resignation?

(b) If the answer to (a) above be in the affirmative, is the acceptance of the resignation, tendered by Mr. Hamid Ullah Khan as a protest, contrary to paragraph 4 of rule 539 of the Post Office Manual, Volume II?

(c) If so, will the Government be pleased to state what action it proposes to take in the matter, and how the period of unemployment is going to be treated?

The HONOURABLE MR. B. N. SARMA: (a) The memorial referred to has not been received either by His Excellency the Viceroy or by the Government of India. It was submitted by the petitioner through the Postmaster General, Punjab and North-West Frontier. When it reached the Director General of Posts and Telegraphs, that officer decided that the resignation tendered by Mr. Hamid Ullah Khan should be cancelled. Necessary orders are being issued by the Postmaster General, Punjab and North-West Frontier Circle.

(b) The rule quoted by the Honourable Member does not apply to this case. That rule contemplates the case of a man permitted to resign his appointment instead of being otherwise punished.

(c) The period of unemployment will be treated as leave without allowances.

## TRANSFER OF ADEN FROM THE GOVERNMENT OF INDIA.

11. The HONOURABLE LALA SUKHBIR SINHA: (a) Will the Government be pleased to state whether it is under contemplation to transfer the administration of Aden from the Government of India to the Colonial Office?

(b) Have they received any representation from the residents of Aden against this proposal?

(c) If there is any such proposal, what are the reasons on which it is based?

The HONOURABLE MR. DENYS BRAY: (a) and (c) I would refer the Honourable Member to the Answer given by me in the Council of State on the 26th March 1921 to a Question on this subject asked by the Honourable Mr. Bhurgri. The transfer of the administration of the Aden Settlement to the Colonial Office is still under consideration.

(b) Yes.

## TRANSFER OF U. P. CAPITAL FROM ALLAHABAD TO LUCKNOW.

12. The HONOURABLE LALA SUKHBIR SINHA: (a) Is the Government of India aware that the United Provinces Government propose to transfer the Capital from Allahabad to Lucknow?

(b) Is it aware of the public agitation in the Agra Province about this transfer?

(c) Is it possible for any Local Government to transfer its Capital from one place to another without the previous sanction of the Government of India and the Secretary of State?

(d) Does the Government of India propose to ask the United Provinces Government to postpone this proposal and not transfer any portion of the Secretariat to Lucknow till the whole question is properly considered and decided?

The HONOURABLE MR. H. D. CRAIK: (a) No.

(b) The Government of India are aware that allegations have been made regarding the intentions of the Local Government and that these have given rise to public agitation.

(c) The question has not yet definitely arisen. If it becomes necessary to decide it the orders of the Governor General in Council will be taken under Devolution Rule 4.

(d) The Government of India have called for a report from the Local Government on the subject.

## FOREST RESEARCH INSTITUTE, DEHRA DUN.

13. The HONOURABLE LALA SUKHBIR SINHA: (a) Will the Government be pleased to place on the table a statement showing how temporary vacancies occasioned by the absence on leave or otherwise of Research Officers at the Forest Research Institute, Dehra Dun, have been filled during the last five years, stating the qualifications for special research of the temporary incumbents?

(b) Is it a fact that in the past these vacancies have been filled by officers without any regard to the technical qualifications for the special branch of research of which they were placed in charge, e.g., an officer whose duties are more or less clerical being made to officiate as Forest Zoologist, and also officers holding no special qualifications for chemical research being made to officiate as Forest Chemist, in preference to the respective qualified assistants?

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(c) Is there any reason why the procedure of allowing assistants to officiate is not followed at the Forest Research Institute?

The HONOURABLE MR. B. N. SARMA: (a) The statement asked for is placed on the table.

(b) The Research Officers at the Forest Research Institute are selected officers with special qualifications in their own subjects, and in most cases it has been impossible to replace them by officers of similar qualifications when they have proceeded on leave. Special research work has therefore had to be suspended during their absence, and all that it has been possible to do has been to keep the administrative work of the branch running as efficiently as possible. In only two cases were the assistants considered capable of carrying on the work.

(c) In the beginning of this year one of the Assistants to the Forest Chemist was allowed to officiate for part of the time during which the head of his branch was on leave, but the period was too short to form a definite conclusion as to his fitness. Whenever an Assistant is considered fit to do so he will be allowed to carry on the duties of the head of his branch in the latter's absence provided a fully qualified officer is not forthcoming.

*Statement showing how temporary vacancies occasioned by absence on leave or otherwise of Research Institute Officers have been filled during the last five years.*

| Serial No. | Name of Research Officer who proceeded on leave. | Name of officer who held charge of the duties of the officer on leave.                                                       | Periods.               |
|------------|--------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|------------------------|
| 1          | Mr. C. F. C. Beeson, Forest Zoologist.           | Mr. N. C. Chatterji, Assistant Forest Zoologist, Officer-in-charge in addition.                                              | 5 5 1916<br>13 5 1916  |
|            |                                                  | Mr. B. B. Osmaston, President, Officer-in-charge in addition.                                                                | 19 5 1916<br>2 7 1917  |
|            |                                                  | Mr. J. E. Macpherson, Personal Assistant to President, Forest Research Institute and College, Officer-in-charge in addition. | 26 11 1919<br>6 2 1920 |
|            |                                                  | Mr. F. M. Howlett, Imperial Pathological Entomologist of Pusa, Officer-in-charge in addition.                                | 7 2 1920<br>8 7 1920   |
| 2          | Mr. Puran Singh, Chemical Adviser.               | Mr. C. E. C. Cox, Assistant Forest Economist, Officer-in-charge in addition.                                                 | 4 4 1918<br>1 6 1919   |
| 3          | Dr. J. L. Simonsen, Forest Chemist.              | Mr. A. J. Gibson, Forest Economist, Officer-in-charge in addition.                                                           | 15 11 1919<br>7 3 1920 |
|            |                                                  | Mr. C. F. C. Beeson, Forest Zoologist, Officer-in-charge in addition.                                                        | 19 9 1920<br>24 1 1921 |
|            |                                                  | Mr. Gopal Rao, Assistant to Forest Chemist, Officiating Forest Chemist.                                                      | 25 1 1921<br>20 3 1921 |

| Serial No. | Name of Research Officer who proceeded on leave. | Name of officer who held charge of the duties of the officer on leave. | Periods.                 |
|------------|--------------------------------------------------|------------------------------------------------------------------------|--------------------------|
| 4          | Mr. R. S. Pearson, Forest Economist.             | Mr. C. E. C. Cox, Assistant Forest Economist.                          | 27 8 1919<br>6 11 1919   |
|            |                                                  | Mr. A. J. Gibson, D. C. F. ...                                         | 7 11 1919<br>11 3 1920   |
|            |                                                  | Mr. C. E. C. Cox, Assistant Forest Economist.                          | 12 3 1920<br>3 7 1920    |
|            |                                                  | Mr. R. C. Milward, President, Officer-in-charge in addition.           | 4 7 1920<br>26 8 1920    |
| 5          | Mr. R. E. Marsden, Sylviculturist.               | Mr. R. S. Troup, D. C. F. and previously Sylviculturist.               | 2 2 1919<br>5 4 1919     |
|            |                                                  | Mr. W. F. Perree, President, Officer-in-charge in addition.            | 6 4 1919<br>20 10 1919   |
| 6          | Mr. R. S. Hole, Forest Botanist.                 | Mr. W. F. Perree, President, Officer-in-charge in addition.            | 5 5 1919<br>25 6 1919    |
|            |                                                  | Mr. C. F. C. Beeson, Forest Zoologist, Officer-in-charge in addition.  | 26 6 1919<br>25 11 1919  |
|            |                                                  | Mr. S. H. Howard, Sylviculturist, Officer-in-charge in addition.       | 26 11 1919<br>28 12 1920 |

#### INSTRUCTORS AT THE FOREST RESEARCH INSTITUTE AND COLLEGE AT DEHRA DUN.

14. The HONOURABLE LALA SUKHBIR SINHA: (a) Is it a fact that the duties of Instructors and Assistant Instructors at the Forest Research Institute and College are more or less identical?

(b) If the answer is in the affirmative, is there any reason why any differentiation should be observed in their designation?

The HONOURABLE MR. B. N. SARMA: (a) and (b) The duties are not identical in so far as the standard of teaching and the responsibilities involved are concerned.

#### INDIANS AS RESEARCH OFFICERS.

15. The HONOURABLE LALA SUKHBIR SINHA: (a) Has any attempt been made to find suitable Indians as Research Officers at the Forest Research Institute under the new scheme?

(b) If the answer is in the affirmative, will the Government be pleased to state the methods by which publicity has been given?

(c) If the answer is in the negative, will the Government be pleased to state what steps are proposed to be taken in future for utilising Indian talent for Forest Research?

The HONOURABLE MR. B. N. SARMA: (a), (b) and (c) For those of the posts reserved for members of the Imperial Service Indian and European

officers are equally eligible. As regards the newly conceived lines of investigation the Government of India lay special stress on the appointment at the outset of scientists who have already extensive experience and an established reputation in the particular line of research in which they are to be employed, and consider that no racial discrimination should affect the selection of the best talent for this purpose. Such posts as those of Wood Technologist, Seasoning and Timber Testing Specialist, etc., have been, or are being, filled by recruitment in England and America; these posts have not been advertised in India because the Government of India know of no source in the country from which men of the type, or with the knowledge, required can be obtained. Applications for the post of Organic Chemist, one of the new posts not yet filled, are being invited through the press in India.

#### INDIAN FOREST ENGINEER SERVICE.

16. The HONOURABLE LALA SUKHBIR SINHA: Will the Government be pleased to state in what way recruitment for the newly sanctioned Indian Forest Engineer Service is to be made, and if any publicity has been given with a view to securing suitable recruits from India?

The HONOURABLE MR. B. N. SARMA: No recruitment for the Forest Engineering Service is to be made this year.

#### EXEMPTION OF DOCUMENTS UNDER STAMP ACT.

17. The HONOURABLE SARDAR JOGENDRA SINGH: Do Government propose to consider the desirability of issuing a notification, under Section 9 of the Stamp Act, exempting from duty the following documents under the Articles of Schedule I mentioned below:—

*Article 4.*—Affidavit for the sole purpose of enabling any person to receive relief from a public, religious or charitable trust.

*Article 5.*—Agreement or Memorandum of an agreement to create a public, religious or charitable trust.

*Article 7.*—Appointment in execution of a power under a public, religious or charitable trust.

*Article 58.*—A settlement executed for a public, religious or charitable purpose.

*Article 62.*—Transfers of public, religious or charitable trust property from one trustee to another.

*Article 64.*—Declaration of a public, religious or charitable trust?

The HONOURABLE MR. SHAFI: The income from stamps is a Provincial source of revenue. The Honourable Member will realise that the Government of India are not in a position to take any such action as is suggested in this Question, except at the instance of Local Governments.

#### PENALTIES UNDER STAMP ACT.

18. The HONOURABLE SARDAR JOGENDRA SINGH: Do Government propose to consider the Question of issuing a rule under Section 75 of the Stamp Act to the effect that no penalty in excess of rupees five shall be levied in the case of insufficiently stamped documents creating or declaring public,

religious or charitable trusts, or agreements or memoranda of agreements to create such trusts?

The HONOURABLE MR. SHAFI: The Honourable Member is referred to the Reply which I have just given to Question No. 17.

#### EXEMPTIONS FROM OPERATION OF ARMS RULES.

19. The HONOURABLE LALA SUKHBIR SINHA: Will the Home Member be pleased to state why Magistrates and Members of the Council of State and Assembly have not yet been exempted from the operation of the Arms Rules as recommended in my Resolution passed by a majority in this Council in March 1921, and from what date effect is going to be given to the said Resolution?

The HONOURABLE MR. H. D. CRAIK: The undertaking given by the Honourable Home Member that the opinions of the Local Governments on the proposal would be obtained has been carried out. The views of the Local Governments have been invited and will be examined when all the replies have been received. I am therefore not in a position as yet to state whether and from what date effect will be given to this Resolution.

#### EXPENDITURE UNDER NEW REFORM SCHEME.

20. The HONOURABLE LALA SUKHBIR SINHA: Will the Finance Member be pleased to lay on the table a statement showing the total amount of increase in every Province and in the Government of India on account of the New Reform Scheme in all the departments?

The HONOURABLE MR. H. D. CRAIK: The attention of the Honourable Member is invited to the statement\* laid on the table on 14th February. Further figures are being collected so as to bring the information up to date which will be communicated to the Honourable Member in due course.

#### CONVICT SETTLEMENT, ANDAMANS.

21. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will the Government kindly state what steps they have taken to abandon the convict settlement in the Andamans as recommended by the Jails Committee?

The HONOURABLE MR. H. D. CRAIK: Government have decided to abandon the Andamans as a penal settlement and not to retain it in the modified form suggested by the Jails Committee. Deportation accordingly ceased in March last, and Government will shortly introduce legislation with a view to the abolition of transportation as a form of punishment. Orders have been issued for the return to India of political prisoners, and of those who are diseased or unfit to remain in the Settlement. We are also issuing orders for the repatriation of females (except those who wish to marry and remain in the Settlement) and adolescents. The repatriation of the general body of convicts, however, presents many difficulties and cannot be carried out at one stroke. I have with me a report submitted by an officer of the Government of India who was recently deputed to visit the Andamans and to make recommendations regarding repatriation, temporary reforms and the future of the Settlement. If the Honourable Member wishes I will be glad to show it to him.

\* Vide pages 30-41 of Vol. I of the Council of State Debates.

## COLONISATION OF ANDAMANS BY INDIANS.

22. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS :  
(a) Will the Government kindly state whether, after removal of the Convict Settlement from the Andamans, it is the intention of Government to open the islands to colonisation by Indians, and to take steps for the development of economic resources of the islands through Indian agency?

(b) If so, will the Government kindly state the steps they are taking in this direction?

The HONOURABLE MR. H. D. CRAIK : (a) and (b) An officer was deputed to visit the Andamans during the month of July and to report *inter alia* on the general question of the future of the Settlement when the penal Settlement is abandoned. His report has been received and is now under the consideration of the Government.

## GOVERNMENT LOANS.

23. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS :  
(a) Will the Government kindly state to what extent have the new Government loans been subscribed, both in England as well as in India?

(b) To what extent have old war bonds been converted into new loans?

(c) What was the rate of interest payable for such war bonds, and when would they have become payable by Government in ordinary course of time, had they not been now converted into the new loan?

(d) To what extent have the new loans exceeded the amounts budgeted by Government for the current year, the rupee as well as sterling loan?

(e) To what extent does the Government intend to utilise the excess in the new rupee loan subscribed, towards—

(i) reduction of floating debt,

(ii) deflation of the currency?

(f) How will the excess in the new sterling loan be utilised?

The HONOURABLE MR. E. M. COOK : (a) The total subscriptions to this year's rupee loan up to the 29th August amounted to Rs. 43.82 crores, of which 1.27 crores was received in England and the rest in India.

(b) 2.02 lakhs of 1921 Bonds and 3.19 lakhs of 1922 Bonds.

(c) 5½ per cent; the 1921 Bonds on the 15th September 1921, and the 1922 Bonds on the 15th August 1922.

(d) 28.82 crores in the case of the rupee loan and £2½ millions in the case of the sterling loan.

(e) As the Honourable Member will remember from what was said by the Finance Member in his budget speech, Government have these two objects very prominently in mind. The extent, however, to which it will be possible to spare money therefore cannot be stated at this stage of the financial year, for it must depend upon the state of the cash balances during the remainder of the year. So far as can be seen at present, it is very unlikely that the revenue surplus anticipated in the budget will be realised, and any revenue deficit in the current year, will have to be financed from the general cash balances.

## QUESTIONS AND ANSWERS.

(f) The increased receipts from the sterling loan will help to keep the Secretary of State in funds to meet expenditure which would otherwise have had to be met by remittances from India. I may mention that, among the Secretary of State's other liabilities, about £14 millions sterling has to be found abroad for railway capital expenditure in the current year.

## NOTE CIRCULATION AND METALLIC RESERVE.

24. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS :  
(a) Will Government kindly state what was the total amount of the note circulation on the 30th of June 1921?

(b) What was the amount of the metallic portion of the currency reserve in India on the same date?

The HONOURABLE MR. E. M. COOK : (a) 171½ crores.

(b) 95½ crores.

## REDUCTION OF NOTE CIRCULATION.

25. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Will the Government kindly state what steps, if any, they are taking to reduce the present note circulation and to increase the percentage borne by the metallic portion of currency reserve to the total note circulation?

The HONOURABLE MR. E. M. COOK : The Paper Currency Act passed this time last year provides for a gradual reduction of the treasury bills held in the Currency Reserve by the utilisation of the interest on the Currency Reserve investments, and such reduction involves the withdrawal of the currency notes issued against such bills. It is estimated that the interest available for this purpose in the current year will be over 4½ crores, and since April 1st, 1½ crores has already been spent in this way. Further, as announced when the Paper Currency Bill was under discussion in the Imperial Legislative Council last year, it has also been decided that, as soon as the Gold Standard Reserve amounts to £40 millions, the income therefrom will be devoted to the same purpose: the Gold Standard Reserve now amounts to £39½ millions, so funds will also be available from this source in the course of next year, if not earlier.

The Honourable Member's question appears to imply that the present note circulation is excessive and that the present metallic backing is insufficient. It is always a matter of controversy as to when exactly a currency system becomes inflated, but the Government are not prepared to admit that the circulation of currency notes in India is in excess of the actual requirements of the country. It is true that of the total Currency Reserve, against the present circulation of 175 crores 60 crores is represented by Indian treasury bills issued *ad hoc*, and the Government admit that they would like to see most of these either replaced by other securities or discharged as the result of the withdrawal of currency notes. As I have mentioned, this process of discharge has already begun. As regards the present metallic percentage, this is now over 57 and is, the Government consider, very satisfactory; the Honourable Member will find that it compares extremely favourably with similar percentages borne in most other countries. Moreover, this percentage is arrived at by valuing the gold in the reserve at ten rupees to the sovereign, i.e., one rupee for 11.3 grains of fine gold. If the gold were valued at its actual market price, the percentage would work out to about 64.



## INDIAN EMIGRANTS FROM OVERSEAS.

26. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS:  
(a) How many Indian emigrants have returned to India from overseas during last two years?

(b) Will the Government kindly state the steps, if any, they have taken to help them in securing employment in India?

(c) How many of such emigrants have secured employment?

(d) What is the present means of livelihood of such emigrants as have not so far secured employment?

The HONOURABLE MR. B. N. SARMA : (a) 9,812.

(b) The Government of India suggested to the Governments of Bengal, Madras and the United Provinces, to which provinces most of the repatriates belong, that it might be well to form local advisory committees, one of the duties of which is to meet returning emigrant ships and to help the emigrants to find work, acting as a sort of labour bureau.

A Committee composed of officials and non-officials has been formed in Bengal under the Chairmanship of Mr. W. R. Gourlay, C.I.E., I.C.S., with these functions. The authorities at Madras and Bengal have been asked to forward to the Director of Industries, United Provinces, all applications for employment from Indians belonging to those provinces. It is understood also that the Servants of India Society have started a depôt for repatriates at Cawnpore.

(c) The Government of India have no information.

(d) Some of them have drifted down to the depôt at Calcutta in hopes of securing a voyage back to their colonies. They are being maintained there partly by charitable subscriptions, partly out of a subvention granted by the Government of India, and partly by such daily labour on hire as they are able to obtain. There are understood to be about 600 persons in the depôt awaiting a chance of returning to Fiji, as soon as the Committee will permit them to go, and over 100 waiting to go to Surinam and Trinidad, if the Legislative Assembly will vote a grant for their repatriation. One of the reasons for delaying their departure is the desire of certain members of the Committee to give the Indian public a chance of assisting these unfortunates to settle down and find employment in this country.

## APPOINTMENT OF INDIAN TRADE COMMISSIONERS.

27. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS:  
(a) Will the Government kindly state what steps, if any, they are taking to appoint Indian Trade Commissioners in foreign countries with which India has foreign trade?

(b) In what countries so far have Indian Trade Commissioners been appointed?

(c) Have Government considered the desirability of appointing Indian Trade Commissioners from among the Indian mercantile communities of this country?

(d) If so, will the Government kindly state how many of the Trade Commissioners appointed so far are Indians?

The HONOURABLE MR. SHAFI : I would refer the Honourable Member to the reply\* given in the Legislative Assembly on the 17th February last to a similar Question asked by Mr. Manmohandas Ramji.

## FREIGHT CHARGES ON INDIAN RAILWAYS.

28. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS:  
(a) Will the Government kindly state whether it is under contemplation to undertake a revision of freight charges on Indian Railways?

(b) If so, is the Government appointing a Committee consisting of officials and non-officials to undertake this revision?

(c) If the answer be in the affirmative, when is such a committee going to be appointed, and what are to be its terms of reference?

The HONOURABLE MR. SHAFI : (a) The revision of freight charges on Indian Railways is under contemplation. This revision, it may be explained, is with a view to increasing the rates when the existing freight-tax ceases on the 31st March next. This, it may be pointed out, is considered necessary to meet the enhanced cost of working.

(b) It may be explained for the information of the Honourable Member that a schedule of maxima and minima rates (consisting at present of six classes) is sanctioned by Government, and applies to the traffic of the majority of railways in India. There is then a commodity classification under one or other of these classes; and in deciding on the classification appropriate to a particular commodity, local and other conditions have to be taken into consideration, with the result that the classification of the same commodity may, and indeed does, differ on two or more railways. Railways are permitted to vary their charges within the sanctioned maxima and minima of the class rates and here various factors arise, impossible to detail within the compass of this reply, and which have a bearing on the ultimate fixation of charges. In the circumstances, it is difficult to see how a Committee such as that suggested could usefully deal with a complicated and intricate subject such as the revision of freight rates which have been framed after much experience of what the traffic in each case can bear.

(c) This question does not, under the circumstances, arise.

## CLAIMS AND TRAFFIC INSPECTORS, NORTH-WESTERN RAILWAY.

29. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS:  
(a) Will the Government kindly state what is the number of Claims Inspectors, Traffic Inspectors, and Assistant Traffic Inspectors, on the North-Western Railway, recruited from among—

(i) Hindus, (ii) Muhammadans, (iii) Sikhs, (iv) Parsis, (v) Europeans, and (vi) Anglo-Indians?

(b) How many among each of these communities are graduates?

\* Vide page 193 of Part I of Volume I of Legislative Assembly Debates.

(c) What are the future prospects of these graduates in the North-Western Railway? Have any of them been promoted to higher appointments in the department?

The HONOURABLE MR. SHAFI: (a) The number of Claims Inspectors and Traffic Inspectors on the North-Western Railway is—

|                           | (i)     | (ii)          | (iii)  | (iv)    | (v)        | (vi)           |        |
|---------------------------|---------|---------------|--------|---------|------------|----------------|--------|
|                           | Hindus. | Muhammadians. | Sikhs. | Parsis. | Europeans. | Anglo-Indians. | Total. |
| Senior Claims Inspectors. | 1       | 1             | ...    | ...     | ...        | ..             | 2      |
| Junior Claims Inspectors. | 6       | 3             | 1      | ...     | ...        | ...            | 10     |
| Traffic Inspectors ...    | 5       | ...           | ...    | ...     | 36         | 8              | 49     |

(b) Of the above, four are graduates, two being Muhammadians, one a Sikh and one a Hindu.

(c) The future prospects of these men, as of other graduates employed on the North-Western Railway, directly depend upon the capacity they show in their railway work. If they show themselves to be sufficiently capable, there is no reason why they should not eventually rise to higher appointments in the Traffic Department.

#### EXPENDITURE ON INDIAN RAILWAYS OUTSIDE INDIA.

30. The HONOURABLE MR. LALUBHAI SAMALDAS: (a) What was the total amount spent on account of the Indian Railways outside India during the financial year 1920-21?

(b) How much of the above amount was disbursed by the Secretary of State or the High Commissioner, and how much by the Companies?

(c) Were any tenders called for any purchases on account of such Railways outside England and, if so, for what part of the total amount spent during the year were such tenders invited?

(d) Will the Government place on the table a statement showing the cases in which tenders have been invited and the prices asked for by each tenderer?

(e) Were there any cases in which orders were placed in England in spite of lower tenders being received from other countries and, if so, what was the total amount of orders so placed in England and what was the total saving that could have been effected in every case?

The HONOURABLE MR. SHAFI: (a) and (b). The total amount spent in England on account of Indian Railways during 1920-21 was £17,582,277 as below:—

|                                                                                                                                                     |             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| (i) Expenditure relating to State Railways worked by State representing direct disbursements by the Secretary of State or the High Commissioner ... | £3,785,431  |
| (ii) Expenditure relating to State Railways worked by Companies, i.e., payments made through Railway Companies ...                                  | £13,796,846 |
| Total ...                                                                                                                                           | £17,582,277 |

(c), (d) and (e). I am unable to give the complete information asked for in parts (c) and (d), but I lay on the table a copy of papers received from the High Commissioner, containing extracts from a minute on the subject of the purchase of stores in England for Indian Railways, extracts from Sir William Meyer's evidence before the Railway Committee, a note on the procedure of the Stores Department, and two statements, showing (1) cases in which British tenders have been accepted although lower satisfactory tenders have been received from foreign firms, for the period from the 1st October 1920 up to the 8th August 1921, and (2) cases during the same period where foreign firms' tenders have been accepted for the whole of a contract, or where orders have been divided between British and foreign firms, where British firms have been given an opportunity to reduce their prices. These statements will give the information required in part (e) of the question.

*Extract from a Minute by Sir W. S. Meyer, dated 8th August 1921.*

1. The printed note on the procedure of the Stores Department in respect of the purchase of stores for India annexed to this Minute gives a full statement of (a) the manner in which tenders are invited, and (b) the considerations which guide the acceptance of tenders. My evidence before the Railway Committee, which is attached, affords a commentary on certain features of the procedure and policy adopted, and it is only necessary for me to supplement it on points not already made clear or calling for revision.

2. I shall first deal with the question of calling for tenders. Tenders are usually invited by advertisement when large supplies are needed and the amount involved is considerable, e.g., demands for railway materials such as steel rails, etc. Advertisements are inserted in important newspapers and technical journals published in the United Kingdom. Most important foreign manufacturing firms have agents in this country who keep them in touch with business openings, and it has not in the past been found necessary to bring our requirements to the special notice of foreign firms, unless articles of a special nature obtainable only from such firms are required. In other cases recourse is had to "limited" tenders or to individual firms direct. Paragraphs 2—5 of the printed note explain the procedure in calling for tenders.

3. The next point is the policy which has been laid down to control the acceptance of tenders. I may summarise this briefly in a series of propositions explaining later the considerations which led to the adoption of principles which might be considered likely to give rise to criticism—

(i) As a general rule, the lowest satisfactory tender is accepted. The term "satisfactory" covers matters such as quality of article tendered, reliability of tendering firm, date of promised delivery, etc. This rule is, however, subject to the following qualifications:—

(a) In present abnormal circumstances and for the reasons explained in my evidence before the Railway Committee, I am willing to accept a satisfactory British tender in preference to a foreign tender when the gap between the

two is not excessive. As a general starting point, I have laid down that this gap should not exceed 10%. But each case has to come before me personally on its merits, and while sometimes no preference at all may be found necessary, in others there may be valid reasons for going beyond 10%. In the case of the wheels and axles referred to in my evidence, a preference up to about 20% was allowed to a British firm for the special reasons there stated.

- (b) Among British tenderers, preference is given to a firm on the King's roll, i.e., one which has on its staff at least 5 per cent. of disabled ex-service men, over a non-King's roll firm unless the latter tenders materially lower or undertakes to deliver more expeditiously where time is an essential factor.
- (ii) When a British and a foreign tender are equally satisfactory, the preference is invariably given to the former.
- (iii) When a foreign tender is much below a British tender, the terms of the former are confidentially communicated to the British firm to enable it, if possible, to come down to within a reasonable limit of preference. The use of this lever has often resulted in a material reduction of the original British prices.

4. I have explained in my evidence before the Railway Committee the reasons for the policy I have adopted which, I again reiterate, has been adopted by me as only a temporary measure in view of the present abnormal conditions in the industrial world. When the Stores Department came under me, I reviewed the position most carefully, and came to the conclusion that it would not at present be to the real ultimate advantage of the Indian Government to take into account nothing beyond the prices at the moment. Having regard to the Exchange and existing industrial conditions in Germany, for instance, British firms would in sundry cases not be able to compete on equal terms with German manufacturers, but the placing of all orders in the cheapest market might, by helping to destroy British industries, place us ultimately at the mercy of their foreign competitors. There are other considerations in the inspection of foreign materials before they can be passed for shipment, and in any case, inspection abroad is more expensive than it would be in England and occasionally the difficulty of obtaining delivery within the time specified in the indent. It must also be emphasised that, in the case of certain classes of material, e.g., Railway wheels, axles, etc., where reliability is a matter of public concern, it is inexpedient to attach too much importance to cheapness and to overlook the special reliability of a firm that has been in the past tried and found trustworthy, even at some extra cost to public revenues.

5. I enclose two statements, one showing the cases in which since 1st October 1920 a higher British tender has been accepted in preference to a lower foreign tender, and the other showing the foreign tenders accepted during this period.

*The 8th August 1921.*

W. S. MEYER.

*Extracts from Minutes of Evidence given by Sir William Meyer, G.C.I.F., R.C.S.I., before the Railway Committee.*

8190. May I first ask you about some matters that you know of in your present position? As I understand it, it is your business to be responsible for the purchase of stores, materials, and so forth, for Government departments generally?—Yes.

8191. And that includes the three State Railways?—Yes.

8192. I understand that the Government are setting up, if they have not already set up, a corresponding Purchase Department in India?—The question of the actual shape in which it is to be set up and its scope is still under consideration, but there was a Committee appointed on the subject on which your Secretary, Mr. Ryan, sat.

8193. But the policy of doing it is settled: is that right?—I think you may take it that that is so.

8194. At present, however, there is not a corresponding department in India with which you can dovetail?—No.

8195. The function of the High Commissioner will be to get things in England that could not be got in India; that will be the theory, I take it?—It is rather like this. The Indian Government and the departments determine what things they require in England.

The present policy is that whenever possible they shall purchase things in India at, of course, a reasonable price compared with England. They make up their minds as to what they can purchase in India, and then they indent for the residue, which is either stuff which is not procurable in India, or could only be procured at prohibitive expense or entirely through the agency of private firms. They do not want to employ middlemen. In all those cases they send me instructions to buy.

8196. Who are they—separate departments or a stores organization?—No, there is as yet no collective stores organization in India. My orders may come from the Army Department of the Government of India as regards particular army stores, or possibly, for the sake of convenience, from the Director General of Ordnance. Similarly, they may come from the Post Office as regards Post Office and Telegraphs, and from the various Public Works Departments as regards ordinary public works matters, and from the Railway Board, usually, as regards railway purchases.

8197. I assume that an urgent order on a small scale might come to you directly by cable from the Agent of the North-Western Railway?—That is so. On many matters there is direct communication between my Director General of Stores and the local people.

8198. You have to buy engines, rolling-stock, and things of that kind?—Yes.

8199. You have a firm of consulting engineers?—Yes.

8200. Do you make much use of them?—Considerable.

8201. They do the inspection for you during construction, I suppose?—In certain highly technical matters the consulting engineers come in, but the Stores Department has also got its own people to refer to.

8202. The Stores Department has its own experts?—Its own inspecting experts, I should say, rather than consulting experts. For a large number of purchases of relatively small things and local stores these experts are quite sufficient. One of the matters in which the consulting engineers are useful is this. One of the questions we have to consider at present is the purchase of stores in Germany, say—if we can get the material at a considerably cheaper price there. Before we consider the *pros and cons* of that, we often refer to the consulting engineer as to the status of a particular German firm or company that has tendered, as to the character of the goods they turn out, and as to the likelihood, where time is of the essence, of their being turned out promptly.

8203. Would you trust to your own knowledge as to the status and capacity of a firm in England?—I certainly should not trust to my own individual knowledge, but the Director General of Stores and the Stores Department have, of course, got very large information. They have dealt with firms for many years, but if there was any difficulty we would certainly go to the consulting engineer.

8204. (*Chairman*). I do not know whether you have any views on the question of the purchase of stores. One of the complaints that was made in India, in somewhat general terms as far as I can remember, was that the English companies gave a preference to England, although stuff might be bought cheaper and equally well in America or in Germany, and that thereby the Indian tax-payer has suffered. That is the case as stated. Have you any opinion on that, from your experience?—I cannot say what the companies do, but I can tell you as regards my own department, which includes the purchases of State Railways. One is rather between Scylla and Charybdis in these matters. You have got the Indian opinion demanding, from their point of view quite reasonably, that you should purchase absolutely in the cheapest market. I have a good deal of pressure put on me on various sides in England to deal with British firms and companies; they say it is very hard that they should be penalized by the abnormal advantage obtained by Germany through the rate of exchange and so on; that they have served India well in times past, and that if they have to shut up shop things will be worse for us in the future. I have always taken up the position that it is not the business of the Indian tax-payer to subsidise British industries or British labour, but that within certain limits one might give a bit of a preference especially to people who have formerly dealt with us. The Director General of Stores deals with the mass of contracts, but at present cases in which it is proposed to deal with a foreign firm come up to me. The general principle I have laid down (it is subject to specific and possibly different applications in particular cases) is that if the lowest British tender is within 10 per cent., say, of the German or Belgian tender, I give it to the British firm. Of course, time is sometimes of the essence of the contract. Sometimes the British firm can turn out the goods required within the time that the Government of India or the department that requires the goods, specifies, and the foreigner cannot. I also adopt the principle on occasion that if the lowest German tender, say, is considerably lower than

the lowest British tender, I communicate confidentially the terms of the German tender to the Britisher, and ask him if he will come down. Sometimes he comes down to an extent that justifies me in giving the business to him; sometimes he does not. Of course, as you understand, the Secretary of State is subject to various questions in Parliament about these matters and, although I am subordinate to the Government of India and not to him, I have explained my policy to him, and he so much approved of it that he said he thought of asking the companies to follow it also.

8210. You have raised a point there that I think is worthy of notice. You are an officer of the Government of India?—That is so.

8211. You happen to be temporarily housed, I understand, at the India Office?—I was, but I have got an office of my own now. I am a neighbour of yours: I am at 42 and 44, Grosvenor Gardens.

8212. The only way in which the Secretary of State can deal with you, so to speak, is through the Government of India?—Yes. If I were doing things that he considered objectionable, he might instruct the Government of India to instruct me to abate my actions, but no such case has arisen hitherto.

8213. I think we fully understand your attitude. The giving of a certain preference to England as a country that has supplied material, and to individual firms that have served you well, you regard as a businesslike and proper thing to do?—Exactly.

8214. You do not think it is contrary to the interests of India in the long run if you sacrifice 500*l.* or 5,000*l.* on an individual contract?—I think it is entirely to the interests of India in the long run. Perhaps I might bring to your notice, if it has not been already brought to your notice, one question with reference to the loan of 7½ millions that was floated here a little time ago. There was a guarantee given by the India Office, on behalf of the Government of India, that all the proceeds of that loan would be applied to the purchase of railway material in this country. Of course, it is quite easy to carry out that policy without any infringement of the other line of policy to which I was referring just now, because we shall spend about 14,000,000*l.* this year for the purchase of railway material, and in any case at least 7½ millions—probably very much more—will come from British undertakings.

8215. Thank you very much. I do not think I appreciated before the point of purchase in Great Britain as distinct from purchase in Europe. That is, of course, a distinct difference.

8399. I do not propose to ask you any questions on the technical side at all. I will read out the question in order that the Committee may know what it was. Question No. 3 was: "Are tenders for supplies from foreign countries freely invited and received, and if so, will the Director-General kindly state the number of foreign tenders received during the periods 1912-13, 1913-14 and 1919-20?" The reply is: "The usual method of inviting tenders from foreign countries is by advertising the requirements. This is done whenever it is thought that the requirements are such as to attract foreign competition. Thirty-nine foreign tenders were received during 1919-20. The numbers for 1912-13 and 1913-14 are not available." Who exercises the discretion as to whether "the requirements are such as to attract foreign competition" or not?—The Director General of Stores.

8400. What guides him in his decision?—The past. He would look up to see what foreign companies in the past had offered for like requirements.

8401. Whether stores of that nature can be obtained in foreign countries or not—is that what would guide him?—Either that they cannot be obtained in foreign countries, or that for a series of years, let us say, Canada did not send in any tenders. Then he might reasonably conclude that it was not of any particular use advertising the requirements in Canada. Another point you have to bear in mind is that very often he is asked to get stores urgently, and to advertise in foreign papers necessarily means a little delay.

8402. In reply to No. 5 two examples are given. The answer says: "In a few instances foreign tenders from 30 per cent to 50 per cent. lower than British tenders have been received, and have been dealt with in accordance with the policy indicated in the answer to Question 4. One or two recent examples are given below:—

*Rails.*—Foreign price, 10*l.* 10*s.*

British price 17*l.*, subsequently reduced to £11 10*s.*

"*Wheels and Axles.*"—Foreign price, 45*l.*

British price, 83*l.* 15*s.*, subsequently reduced to 67*l.*"

Is it possible that what happened in those two cases of rails and wheels and axles

may have happened in the case of other materials in regard to which the Director General of Stores exercises his discretion? You see, the difference is enormous?—I explained at the outset to the Chairman the policy which I have laid down in respect to foreign tenders. This case of wheels and axles I know about personally. The 45*l.* was a German price. The original British tender was nearly 84*l.* In accordance with the policy I indicated to the Chairman, the German price was communicated to the company which offered it and they were asked whether they could reduce. They said they could reduce to 67*l.* I said that was not enough, but that I was willing, as a special case, to give them the tender at 55*l.*, having regard to the fact that they had done very good work for us in the past, and that they might be supplying us with wagons later on for debentures instead of for cash. They are still thinking over the offer; I gave them time to consider it. The foreign price for the rails was 10 guineas and, in the first instance, the British price was 17*l.* It was subsequently reduced to 11*l.* 10*s.* I imagine that the reduced British price was accepted.

8403. (*Mr. Purshotamdas.*) I should like to put this question arising out of the answer you have just given. If you call for tenders and if, instead of giving the order to the lowest tenderer, you send for the next lowest competitor and tell him you have got a lower tender, does it not discourage the lowest tenderer from tendering again? Will he not say: "Our tender is only called for in order to get the others to reduce their prices?" There is not what is called in ordinary business (I do not at all mean it is so in this case) fair tender facilities available to all. Does it strike you that, by the adoption of this method, the foreign tenderer may absolutely cease to tender at all?—Your criticism would be absolutely just in normal times. One would not think of adopting this system in normal times, but we have to face a very abnormal situation in which the Germans, thanks to the exchange position and to their necessity of having to pay a huge amount of reparations, are putting up what you may call an artificial price. We do not want to see the British firms ruined by German artificial prices; the result would probably be that you might get a German monopoly. On the other hand, as I said to the Chairman, it would not be legitimate to use the Indian tax-payer to any material extent to subsidise British firms, so I have adopted a medium position—a moderate amount of preference to British firms which will only last while the present abnormal economic situation continues.

8404. I take it that this policy did not prevail before the war, and that it will stop in the near future as soon as the other circumstances to which you have referred adjust themselves?—I was not responsible for the administration of the Stores Department before the war; I have become responsible only lately. I understand that before the war they went on the general principle of going to the cheapest market, and hereafter (in normal conditions) they will do the same. Of course, you must take it that in certain cases, as I explained to the Chairman, time is of the essence of the demand, and foreign people may not be able to supply within the requisite time.

#### *Procedure of the Stores Department in the purchase of stores and engagement of freight to India.*

1. Action in regard to purchase is only taken on receipt of indents of telegrams from India. Each indent must be accompanied by a certificate showing that funds have been provided to meet the proposed expenditure.

2. "Draft Orders" are prepared in the precise terms of the indent, each order including such items as will have to be obtained from one class of manufacturer. The draft orders are then referred to the Superintendent of the Depot, the Consulting Engineers, or other officer appointed to undertake the inspection of the stores, and are completed by him, with the necessary specifications, departmental pattern numbers, if any, such other information as may be necessary to guide the supply. They then form the basis on which tenders are invited for supply.

3. There are three ways in which tenders are obtained:—

(1) By advertisement ("open tender").

(2) By invitation to a limited number of firms ("limited tender").

(3) By invitation to one firm only "single tender" or ("private purchase").

It is left to the discretion of the Department to decide which of these three ways shall be adopted, as explained in the following extract from a Minute by the Under Secretary of State, dated the 9th December 1918:—

"In 1874, a Committee of the House of Commons (of which Mr. J. Hobus was Chairman) sat and reported on the purchasing Departments, War Office, Admiralty,

India Office, etc. They made no special recommendations, with respect to the India Office, but, on the general question, they were of opinion that it would be 'unwise to restrict the purchasing officer to any one of these modes of purchase' (viz., open tender, limited tender, purchase by broker, or private purchase) 'to the exclusion of the others.' 'In all cases,' they say, 'where the circumstances will admit of it, public tender is the best and safest mode of buying, but the Committee are not prepared to recommend any restriction upon the discretion of the heads of the purchasing Departments. To enable them to buy to the fullest advantage, they must, within certain limits, be left untrammelled.' 'The practice of purchasing privately does not prevail to any great extent in any department. The purchasing officers appear to be aware of the danger of indulging in it when it is not necessary; but to prohibit it absolutely, under all circumstances, your Committee would deem to be unwise.' These remarks apply to the present system."

4. When "limited tender" is adopted the names of the firms to be invited are, as a rule, determined as follows:—

A register is kept, under the various heads of supply, of firms known to be willing and able to execute contracts. Every effort is made to have full, and, at the same time, efficient lists, and every encouragement is given to firms desirous of being recorded; but, before noting new firms in the register, inquiry is made by reference to other Government Departments, or to large private firms, to ascertain the ability of the applicants to execute contracts satisfactorily. In many instances the firm is also asked to send samples of its work for examination and its works are visited. Firms are also required to give an undertaking that they will comply with the terms of the Fair Wages Resolutions of the House of Commons, dated the 13th February 1891, and 10th March 1909. When thought necessary names are removed from the register.

From this register the names of firms to be invited are selected by the Director General of Stores or the Deputy Director General.

5. Competitive tenders are generally invited, except in the case of—

(a) Patents and specialities.

(b) Comparatively small supplies.

(c) Highly finished work such as surgical and scientific instruments. For these it is not unusual to invite single tenders from thoroughly reliable firms, as it has been found by experience that competition is liable to result in lower prices at a sacrifice of quality.

6. Single tenders are opened as received, and, if considered reasonable and satisfactory, are accepted, subject to the rules as to acceptance shown below.

7. Competitive tenders are appointed to be sent in by a fixed day and hour. They are opened under the supervision of the Director General of Stores, or the Deputy Director General, and of a junior clerk. Each tender received is initialled by both the officers, and a list enumerating the tenders received is kept for record.

8. The quotations having been checked, an abstract of each set of tenders is prepared, and, when necessary, is referred with the tenders to the Inspection Branch for report.

9. Tenders are accepted under the authority of the Director General of Stores, subject to the following limitations:—

(a) The acceptance of any tender over 50,000*l.* requires the approval of the High Commissioner.

(b) If the tender proposed to be accepted is not lowest complying with the requirements of the Stores Department and of the indenting Department, the acceptance requires the approval of the High Commissioner, except that when the amount involved does not exceed 5,000*l.* and the acceptance of the tender is justified on such ground as superior quality, superior trustworthiness of the firm tendering greater facility of inspection, quicker delivery, etc., the Director General may authorise the acceptance, a weekly abstract of such cases being submitted to the High Commissioner.

10. The acceptance of foreign tenders is governed by Rule 9, subject to the conditions that—

(a) When a British and a foreign tender are equally favourable, the British tender is to be preferred.

(b) No German or Austrian tender is to be accepted without the special sanction of the High Commissioner, except that the Director General of Stores may accept a tender from a British firm which includes German goods of a value not exceeding 100*l.* provided that he is satisfied that suitable article cannot be obtained at a reasonable price of British manufacture.

11. The firms whose tenders are not accepted are informed to that effect.

12. Tenders for freight are generally invited by advertisement, and are dealt with in consultation with the Shipping Agents.

The acceptance of freight tenders is subject generally to the same rules as those governing the acceptance of tenders for stores.

13. A weekly list of the contracts entered into for stores and freight is submitted for the information of the High Commissioner.

December, 1920.

G. H. C.

Cases in which British tenders have been accepted although lower satisfactory tenders have been received from foreign firms (for period commencing 1st October 1920).

| Name of firm receiving order. | Contract number.                      | Stores.       | Price at which order was placed. | Lower tender from foreign firms.              | Difference in price as percentage of lower tender. | REMARKS.                                                                                                                                                                                                                                                                                                                                |
|-------------------------------|---------------------------------------|---------------|----------------------------------|-----------------------------------------------|----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| B1                            | 734-6678, dated 16th February 1921.   | Axles ..      | £ 12,574                         | F1. (German) £11,666.                         | 7.8%                                               | The delivery offered by the British firm was quicker than that offered by the German firm, and the former firm was considered to be more reliable. The British firms reduced their price by £1,944 as a result of negotiations.                                                                                                         |
| B2                            | 484-6688, dated 2nd February 1921.    | Tyres, steel. | 6,600                            | F1. (German) £6,025.<br>F2. (Swedish) £6,375. | 9.5%                                               | The delivery offered by the British firm was 4-7 weeks, that of the German firm 20 weeks.<br><br>The cost of inspection abroad would be £250 more than in this country. As a result of negotiations the British firm reduced their price by £1,470.                                                                                     |
| B2                            | Z4971-5857, dated 16th November 1920. | Do. ..        | 14,882-15                        | F1. (German) £10,432-16.                      | 38%                                                | British firm accepted on ground of superior trustworthiness and in view of Consulting Engineers' report that the state of the German works was not known or whether they could obtain the high grade ores necessary (German phosphoric ores not being suitable). The British firm were asked to reduce their price but could not do so. |

| Name of firm receiving order. | Contract number.                 | Stores.           | Price at which order was placed. | Lower tender from foreign firms. | Difference in price as percentage of lower tender. | REMARKS.                                                                                                                                                              |
|-------------------------------|----------------------------------|-------------------|----------------------------------|----------------------------------|----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| B3                            | 1697-887, dated 21st April 1921. | Spikes, dog.      | £ 4,080                          | F3. (Belgium) £3,683.            | 11.1%                                              | The extra cost of inspection in Belgium would be 3 per cent. of the cost of the stores. As the result of negotiations the British firm reduced their price by £1,075. |
| B1                            | 3127-6766, dated 28th July 1921. | Wheels and axles. | 41,000                           | F1. (German) £6,900.             | 22.2%                                              | The British firm's price was reduced by negotiation from £33.15 per pair to £55 per pair.                                                                             |
| B5                            | 175-265, dated 21st April 1921.  | Keys, steel.      | 7,812.10                         | F4. (Belgium) £6,908-10-0.       | 13%                                                | The British tender was accepted on the grounds of superior quality and superior reliability.                                                                          |

*Cases where Foreign Firms have been accepted for whole contract or order divided between British and Foreign Firms where British Firms have been given an opportunity to reduce their prices (for period commencing 1st October 1920).*

| Name of firm receiving order and nationality. | Contract number.                   | Stores.               | Rate per ton or total value of contract.                                  | Reasons for giving the order to firm.                                                                                                                                                                                                                                                                                                                           |
|-----------------------------------------------|------------------------------------|-----------------------|---------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| F-3 (Belgian)                                 | Z-46-41-4996 of 22nd October 1920. | 1,250,000 Dog spikes. | At 1.820 francs per ton f.o.b. Antwerp (at 5) francs to £26-8-0 per ton). | Lowest quotation F-3 delivery six months. A British firm (on behalf of Belgian firm) next lowest but passed over in favour of firm B-3 for portion on score of urgency. B-3 delivery ten weeks. In view of coal strike not possible to place whole order with British firm though British makers promised greater output when strike settled.                   |
| B-3 (representing British firm.)              | Z-1642-4996 of 22nd October 1920.  | 1,400,050 Dog spikes. | At £11 per ton. Liverpool.                                                | British makers were given an opportunity to reduce extra cost by division over lowest complete tender (allowing for extra cost of inspection in Belgium) about £1,440. It was considered necessary to pay this higher price in order to secure delivery within reasonable time, otherwise the order could not have been completed in less than 11 to 12 months. |

| Name of firm receiving order and nationality. | Contract number.                   | Stores.                 | Rate per ton or total value of contract.         | Reasons for giving the order to firm.                                                                                                                                                                                                                                                                                                                                                                                                |
|-----------------------------------------------|------------------------------------|-------------------------|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| F-5 (Belgian)                                 | No. 176-5682 of 18th January 1921. | 3,000 Axle boxes.       | Total = 510,000 francs (at 56 to £9,107 approx.) | Divided Order.<br>Firm F-5 lowest tender. Firm B-6 lowest British tender, price reduced by negotiation. Delivery of both firms long. Order divided in order to meet, as far as possible, India's requirements in respect of delivery.                                                                                                                                                                                                |
| B-6                                           | No. 177-5982 of 13th January 1921. | 1,200 Axle boxes.       | Total £4,905                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| B-7 (For German made cups).                   | No. 3085-1423 of 23rd July 1921.   | 255,000 Insulator cups. | Total £8,490                                     | The lowest tenders for British made goods were received from Firms B-8 and B-9 who quoted equal prices. Both firms reduced price of item 1 from £35 per 1,000 to £24 per 1,000 against £33 per 1,000 for German made insulators. The total cost of British made goods would have been £24,237 or 187 per cent. above the cost of the German. The order was consequently given to the firm B-7 on account of their much lower prices. |

#### PAY OF STAFF ON EASTERN BENGAL RAILWAY.

31. The HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY, of KASIMBAZAR: (a) Will the Government be pleased to state—

- (i) What were the scales of pay in force in the year 1914 for each of the following classes of staff on the Eastern Bengal Railway:—  
Indian Station Masters, Assistant Station Masters, Guards, Booking Clerks, Goods Clerks, Signallers, Ticket Collectors and Trains and Transhipment Clerks?
- (ii) What are the scales of pay at present in force for each of these classes?
- (iii) What is the average percentage of increase in each case?
- (b) Do the Government propose to take steps to provide that—
  - (i) the Station Masters and Assistant Station Masters are allowed the same percentage of increase as has been given to Signallers, Ticket Collectors, etc.,
  - (ii) the scales of pay of Station Masters and Assistant Station Masters are further modified and improved so as to place these classes on an appreciably better footing than the other classes referred to in (a) (i)?

The HONOURABLE MR. SHAFI: (a) (i), (ii) and (iii). Statements marked 'A' and 'B' giving the information asked for are placed on the table.

(b) (i) Government do not propose to give the same percentage of increases to Station Masters as has been given to Signallers. The percentage increases have been based in accordance with the grades of Station Masters, Assistant Station Masters and Signallers. The lower grades getting a large percentage of increases than the higher grades. In granting these increases consideration has been given to duties, responsibilities and market-value of men employed.

(b) (ii) It is not at present considered necessary to further modify the scales of pay for Station Masters and Assistant Station Masters.

*Eastern Bengal Railway.*

STATEMENT 'A.'

| Designation.                                                            | Pay in 1914.                                                                       |
|-------------------------------------------------------------------------|------------------------------------------------------------------------------------|
|                                                                         | Rs.                                                                                |
| Station Masters (Indian) ...                                            | 35-38-41-45.<br>50-55-60-65.<br>80-86-93-100.                                      |
| Assistant Station Masters (Indian) ...                                  | 30-32.<br>35-36-41-45.<br>50-55-60-65.<br>80-86-93-100.                            |
| Signallers ...                                                          | 20-22-23.<br>30-33-36-40.<br>50-55-60-65.                                          |
| Station Transhipment and Goods<br>Shed Clerks and Ticket Collectors ... | 15-17-20.<br>25-27-30.<br>35-37-40-45-50-55.<br>60-65-70-80-85-90.<br>100-110-120. |
| Guards ...                                                              | 20-25-29-33-37-41-45.<br>50-55-60-65-70-75.<br>85-95-105-115-125.<br>130-140-150.  |

*Eastern Bengal Railway.*

STATEMENT 'B.'

| Designation.                                        | Pay in 1920. | Percentage increase.                                                                                                                                             |
|-----------------------------------------------------|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                     | Rs.          |                                                                                                                                                                  |
| (1) Station Masters ...                             | 200-10-250   | In 1914 there was no fixed progressive scale of pay as at present and records of 1914 are not available. The percentage of increase cannot accordingly be given. |
| (Important Stations) ...                            | 300-10-400   |                                                                                                                                                                  |
|                                                     | 420-20-500   |                                                                                                                                                                  |
| (2) Assistant Station Masters (Important Stations). | 280-10-330   |                                                                                                                                                                  |
|                                                     | 52-4-80      | 60 per cent.                                                                                                                                                     |
|                                                     | 85-5-120     | 39 "                                                                                                                                                             |
| (3) Station Masters ...                             | Special :—   |                                                                                                                                                                  |
|                                                     | 130-10-170   | New scale.                                                                                                                                                       |
|                                                     | 40-4-70      | 61 per cent.                                                                                                                                                     |
| (4) Assistant Station Masters ...                   | 80-5-95      | 62 "                                                                                                                                                             |
|                                                     | 100-5-120    | 23 "                                                                                                                                                             |
|                                                     | 30-4-70      | 72 per cent.                                                                                                                                                     |
| (5) Signallers ...                                  | 75-5-115     | 60 "                                                                                                                                                             |
|                                                     | 120-10-170   | New scale.                                                                                                                                                       |
|                                                     | 20-1-28      | 41 per cent.                                                                                                                                                     |
|                                                     | 30-2-40      | 29 "                                                                                                                                                             |
| (6) Station Transhipment and Goods<br>Shed Clerks.  | 30-4-70      | 16 "                                                                                                                                                             |
|                                                     | 75-5-110     | 27 "                                                                                                                                                             |
|                                                     | 115-10-145   | 18 "                                                                                                                                                             |
|                                                     | 40-5-100     | 52 per cent.                                                                                                                                                     |
| (7) Guards ...                                      | 100-10-210   | 31 "                                                                                                                                                             |
|                                                     | 32-4-60      | 29 per cent                                                                                                                                                      |
|                                                     | 65-5-90      | 20 "                                                                                                                                                             |
| (8) Ticket Collectors ...                           | 95-5-120     | 23 "                                                                                                                                                             |
|                                                     | 130-10-160   | 20 "                                                                                                                                                             |
|                                                     | 160-10-250   | 96 "                                                                                                                                                             |

# PAY AND NATIONALITY OF STAFF OF THE EASTERN BENGAL RAILWAY.

32. The HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY, OF KASIMBAZAR: Will the Government be pleased to state—

(a) (i) What is the total number of each of the following classes of staff at present in the service of the Eastern Bengal Railway:—

Transportation Inspectors, Traffic Inspectors, Assistant Traffic Inspectors, Train Controllers, Assistant Train Controllers, Transshipment Inspectors, Ghât Inspectors, Platform Inspectors, Luggage Inspectors, Travelling Ticket Inspectors, Goods Supervisors, Claims Inspectors and Assistant Claims Inspectors?

(ii) What are the existing scales of pay for each class?

(iii) What is the total number of Indians employed in each class?

(b) (i) Whether it is a fact that, in appointing men to the classes of posts referred to in (a) (i), outsiders with little or no railway experience are very often selected, while the claims of Indians, who have put in long service in the Department, are ignored?

(ii) Whether it is a fact that the junior European and Anglo-Indian Guards with little or no experience in station duties are put on to officiate in the higher appointments, e.g., Traffic Inspector, Train Controller, etc., in preference to senior Indian Station Masters?

(iii) Whether it is a fact that, during the years 1919 and 1920, the Eastern Bengal Railway Administration appointed three outsiders as Traffic Inspectors on an initial salary of Rs. 500 each, thereby completely overlooking the claims of senior men working in the department?

(c) Do the Government propose—

(i) to take such steps as will put a stop to the importation of outsiders to fill vacancies in the classes of posts referred to in (a) (i) to the exclusion of Senior Indians in the Department; and

(ii) to issue orders for the employment of a larger proportion of Indians in each of these classes of appointments?

The HONOURABLE MR. SHAFI: (a) (i), (ii) and (iii) A statement giving the information asked for is placed on the table.

(b) (i) The reply is in the negative. A few outsiders have been appointed from time to time, but they have usually been men of experience gained on other railways.

As regards Travelling Ticket Inspectors, vacancies are filled from among railway employees when suitable men are available. Preference is given to men of the 49th Bengali Regiment when appointing outsiders.

(ii) The reply is in the negative.

(iii) In the year 1919 two outsiders, one European and the other Indian, were appointed as Traffic Inspectors on an initial salary of Rs. 250 and Rs. 200, respectively. The European was a man of experience gained on other railways. In 1920 no such appointments were made.

(c) (i) Outsiders have only occasionally been imported to fill vacancies in the classes of posts referred to in (a) (i) in the past, but it is not intended to import outsiders in future unless very good and special reasons exist for doing so.

(ii) A larger proportion of Indians is being employed as suitable men become available.

Statement showing the number and scales of pay of Traffic Inspectors, Ghât Inspectors, etc. on the Eastern Bengal Railway.

| Designation.                               | Total No. | Indians.              | Scale of pay.                                                     |
|--------------------------------------------|-----------|-----------------------|-------------------------------------------------------------------|
|                                            |           |                       | Rs.                                                               |
| Transportation Inspectors ...              | 5         | Nil                   | 300—20—500                                                        |
| Traffic Inspectors ...                     | 16        | 3                     |                                                                   |
| Assistant Traffic Inspectors ...           | Nil       | ...                   | Nil.                                                              |
| Train Controllers ...                      | 3         | 1 (Offg.)             | 300—10—350                                                        |
| Assistant Train Controllers ...            | Nil       | ...                   | Nil.                                                              |
| Transshipment and Ghât Inspectors ...      | 9         | 1 A.<br>B.<br>Special | 150—10—200<br>220—10—300<br>320—10—350                            |
| Platform Inspectors ...                    | 2         | Nil                   | 200—10—300                                                        |
| Luggage Inspectors ...                     | 2         | 2                     | 150—10—250<br>100—10—150                                          |
| Travelling Ticket Inspectors ...           | 37        | 17                    | 65—5—80<br>80—7—150<br>150—10—210<br>450 (Sub-Officer in charge). |
| Goods Supervisors ...                      | 8         | 5 A.<br>B.<br>C.      | 150—10—200<br>300—10—400<br>420—20—500                            |
| Claims Inspectors and Assistant Inspectors | 16        | 7 A.<br>B.<br>C.      | 150—10—180<br>200—10—250<br>300—20—450                            |

## SUPERIOR TRAFFIC SERVICE ON INDIAN RAILWAYS.

33. The HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY, OF KASIMBAZAR: (a) Will the Government be pleased to state the number (i) of European and Anglo-Indian subordinates, and (ii) of Indian subordinates, respectively, promoted to the Superior Traffic Service on each of the following Trunk lines since the year 1905 up to date:—

(i) North-Western, (ii) Oudh and Rohilkhand, (iii) Eastern Bengal, (iv) East Indian, (v) Bengal-Nagpur, (vi) Great Indian Peninsula, (vii) Bombay, Baroda and Central India, (viii) Madras and Southern Mahratta, and (x) South Indian Railways?



(b) Are the Government aware that there is a good deal of discontent amongst Indian subordinates on Indian Railways generally on account of the very low percentage of Indians hitherto promoted to the Superior Traffic Service?

(c) Are the Government also aware that there is far greater discontent amongst Indian subordinates on the Eastern Bengal Railway specially on account of the fact that up to date not a single Indian on that Railway, barring one exception of an outsider who was first appointed as a Traffic Inspector, has been promoted to the Superior Traffic Establishment?

(d) Do the Government propose to press for the promotion of a larger number of qualified Indians to the Superior Traffic Establishment on all State Railways, and specially on the Eastern Bengal Railway?

The HONOURABLE MR. SHAFI: (a) A statement giving the information asked for is placed on the table.

(b) Government are not aware of any discontent on the grounds mentioned. It may be added that recruitment from the subordinate grades is the exception not the rule, and that no one can claim such promotion as of right.

(c) and d) No. The number of Indians in the subordinate grades of the Eastern Bengal Railway who have given evidence of their fitness for advancement to the Superior Establishment has been negligible in the past, but this does not mean that no Indians have been appointed to the Superior Traffic Department of the Eastern Bengal Railway. As a matter of fact eight young Indians of good education and some standing have been appointed as Assistant Traffic Superintendents during the last ten years, the seniors of whom are now acting as District Traffic Superintendents.

*Statement showing the number of (i) European and Anglo-Indian and (ii) Indian Subordinates promoted to the Superior Traffic Service on the following Railways from 1905.*

| Railways.                                    | European and Anglo-Indian. | Indian. |
|----------------------------------------------|----------------------------|---------|
| North-Western Railway ...                    | 12                         | 2       |
| Oudh and Rohilkhand Railway ...              | 6                          | 3       |
| Eastern Bengal Railway ...                   | 9                          | ...     |
| East Indian Railway ...                      | 30                         | 1       |
| Bengal Nagpur Railway ...                    | 4                          | 5       |
| Great Indian Peninsula Railway ...           | 16                         | 2       |
| Bombay, Baroda and Central India Railway ... | 8                          | 7       |
| Madras and Southern Mahratta Railway ...     | 7                          | 4       |
| South Indian Railway ...                     | 6                          | 1       |

#### REST-HOUSES AT KURSEONG.

34. The HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY, OF KASIMBAZAR: (i) Is it a fact that the Government have recently sanctioned the purchase of two rest-houses at Kurseong for the use of the convalescent officers and subordinate employees of the Eastern Bengal Railway? If so, what has been the price paid for these rest-houses?

(ii) Is it a fact that, when sanctioning the purchase of these rest-houses, the Railway Board distinctly told the Agent of the Eastern Bengal Railway that one of these should be reserved for the use of gazetted officers and the other for the use of subordinate employees?

(iii) Is it a fact that the Agent of the Eastern Bengal Railway has recently, in reply to an application from an Indian subordinate, said that the subordinates' rest-house at Kurseong is not intended for Indians?

(iv) Did the Agent issue these orders on his own responsibility or under instructions from, or with the approval of, the Government of India? If the latter, will the Government be pleased to state the reasons for issuing such instructions or according such approval? If the former, will the Government be pleased to instruct the Agent to rescind the orders?

(v) If the answer to part (i) is in the affirmative, what action do Government propose to take against the Agent for placing an embargo on Indian subordinates in contravention of the orders of the Railway Board?

The HONOURABLE MR. SHAFI: (i) The Answer to first part of the Question is in the affirmative. The cost of purchasing the houses and rendering them habitable was Rs. 46,970.

(ii) The proposal submitted to the Railway Board contemplated one rest-house for officers and another for subordinates, and this proposal was sanctioned.

(iii) In June 1920, the Agent received an application from the Chief Auditor, Eastern Bengal Railway, on behalf of three Indian clerks on duty for being accommodated in the subordinates' rest-house. This was refused because the rest-house was built for purposes of rest and convalescence and not as lodging for men on ordinary duty.

(iv) The Agent issued these orders on his own responsibility. The Government do not propose to ask the Agent to rescind these orders, as the rest-houses are meant for the recruitment of health of the staff who need it, and would not be serving their legitimate purpose, if men on duty were allowed to occupy them as ordinary quarters.

#### SALARIES OF STATION MASTERS, EASTERN BENGAL RAILWAY.

35. The HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY, OF KASIMBAZAR: (i) Will the Government be pleased to state at what rates the Station Masters of Poradah, Rajbari, Kushtia, Ranaghat and Khulna on the Eastern Bengal Railway were paid their salaries when these posts were filled by European Station Masters, and what are the rates of salaries of Station Masters of those places since Indians are being employed in these posts?

(ii) Are the Government aware of the fact that the important transshipment junctions of Khulna and Serajganjhat on the Eastern Bengal Railway

are in charge of Indian Station Masters and that their management of these stations has been thoroughly efficient and satisfactory?

(iii) Do the Government propose to consider the justice and advisability of appointing a larger proportion of Indians to the higher grades of Station Masters and Assistant Station Masters on the Eastern Bengal Railway?

(iv) Are the Government aware that the guards and drivers on the East Indian, Bengal-Nagpur and Eastern Bengal Railways, who are all employed on monthly wages, are given Sunday and other holiday allowances in addition to their usual mileage allowances when they are made to work on such days? Are Indian Station Masters and Assistant Station Masters, who work on those days given such allowances? If not, why not?

The HONOURABLE MR. SHAFI: (i) The present scale of pay for the Station Masters of the five stations referred to is as follows:—

|                            | Rs.        |
|----------------------------|------------|
| Poradah ... ..             | 130—10—170 |
| Rajbari and Kushtia ... .. | 85—5—120   |
| Ranaghat ... ..            | 300—10—400 |
| Khulna ... ..              | 200—10—280 |

It is some years since European Station Masters were posted at Poradah, Kushtia and Khulna and one year since the European Station Master at Rajbari was removed on the station losing a very considerable amount of its importance owing to the transfer of the goods working from Goalundo.

The Station Master, Ranaghat, is a European. Up to April 1918 the pay of European Station Masters was Rs. 200 per mensem and then was raised to Rs. 250. The stations referred to had no salaries fixed for the Station Master appointed thereto; he drew his grade pay. Recently, however, salaries have been fixed for these stations, and the salary is drawn irrespective of whether the holder of the appointment is an Indian or a European.

(ii) The transshipment stations of Khulna and Serajganjghat are in charge of Indian Station Masters who are giving satisfaction in the discharge of their duties.

(iii) There is nothing to prevent a larger number of Indians being appointed to the higher grades of Station Masters if and when considered suitable for advancement. Another Indian has recently been promoted to the higher grade of Station Masters.

(iv) The European and Indian Station Masters and Assistant Station Masters are not given Sunday and holiday allowances as they have only fixed hours of duty, and unlike guards and drivers are not required to be away from their headquarters on those days.

#### MEDICAL ATTENDANCE FOR EMPLOYEES OF EASTERN BENGAL RAILWAY.

36. The HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY, OF KASIMBAZAR: (a) Will the Government be pleased to state—

(i) The number of employees of the Eastern Bengal Railway who get the advantage of being treated by the Chief and Deputy Chief Medical Officers?

(ii) The number of Medical Officers, Civil and Military Assistant Surgeons, on the Eastern Bengal Railway?

(iii) The number of beds occupied by the staff during 1919 and 1920 as indoor patients in hospitals excepting the hook-worm patients?

(iv) The number of nurses maintained?

(b) Will the Government be pleased to state whether there is any cook attached to the hospitals? How is the work of cooks and nurses managed when and where the hospitals have not got any?

(c) Will the Government be pleased to state—

(i) The number of major operations performed in the year 1920?

(ii) The number of Sub-Assistant Surgeons on the Eastern Bengal Railway and the number of stations and staff placed under each of them and what additional facilities are provided to them, excepting the trains, to attend urgent cases?

(d) Will the Government be pleased to state whether patients are given ordinary diet free? If not, what are the charges? Is it a fact that an ordinary porter on Rs. 12 is made to pay Re. 0-1-0 to Re. 0-5-0 as his diet charge when he is in hospital without pay?

The HONOURABLE MR. SHAFI: (a) (i) No definite figures can be given. The Chief Medical Officer and Deputy (now District) Medical Officer render superior medical aid in cases of serious illness to all staff whenever requisitioned.

(ii) There are 11 Medical Officers, i.e., six Military and five Civil Assistant Surgeons.

(iii) During 1919—836 beds.

During 1920—854 beds.

(iv) No nurses are maintained.

(b) Cooks are employed. No indoor patients are taken where there is no cook.

(c) (i) The number of Sub-Assistant Surgeons is 34. The number of stations under each Sub-Assistant Surgeon is shown in the statement laid on the table. Information as to the staff under this medical control is not available. Besides the usual Passenger and Goods trains and pilot engines, trolleys and bicycles are maintained, according to requirements, to enable the Sub-Assistant Surgeons to attend urgent cases.

(ii) A statement is placed on the table.

(d) Diet is charged for at the following rates:—

|            |     |     |          |
|------------|-----|-----|----------|
| Full diet  | ... | ... | 6 annas. |
| Half diet  | ... | ... | 4 "      |
| Milk diet  | ... | ... | 6 "      |
| Spoon diet | ... | ... | 4 "      |

Diet is supplied free at the hospital only in cases of bona fide accident while on duty.

## Para. (c) (iv).

| Item No. | Sub-Assistant Surgeon.                      | Head Quarters. | No. of Station under each. |
|----------|---------------------------------------------|----------------|----------------------------|
| 1        | Travelling Sub-Assistant Surgeon            | Scaldah        | ...                        |
| 2        | Ditto ditto                                 | Naihati        | 34                         |
| 3        | Ditto ditto                                 | Kanchrapara    | 12                         |
| 4        | Ditto ditto                                 | Ranaghat       | 6                          |
| 5        | Ditto ditto                                 | Poradah        | 19                         |
| 6        | Ditto ditto                                 | Paksey         | 19                         |
| 7        | Ditto ditto                                 | Bongong        | 13                         |
| 8        | Ditto ditto                                 | Khulna         | 18                         |
| 9        | Ditto ditto                                 | Krishnapur     | 23                         |
| 10       | Ditto ditto                                 | Sara           | 19                         |
| 11       | Ditto ditto                                 | Sirajganj      | 13                         |
| 12       | Resident Sub-Assistant Surgeon              | Sirajganjghat  | 16                         |
| 13       | Travelling Sub-Assistant Surgeon            | Bogra          | 1                          |
| 14       | Ditto ditto                                 | Parbatipur     | 12                         |
| 15       | Ditto ditto                                 | Saidpur        | 14                         |
| 16       | Ditto ditto                                 | Kaunia         | 10                         |
| 17       | Ditto ditto                                 | Lalmanirhat    | 15                         |
| 18       | Ditto ditto                                 | Barsoe         | 17                         |
| 19       | Ditto ditto                                 | Katihar        | 12                         |
| 20       | Resident Sub-Assistant Surgeon              | Godagari       | 20                         |
| 21       | Travelling Sub-Assistant Surgeon            | Godagari       | 2                          |
| 22       | Ditto ditto                                 | Sorbhog        | 15                         |
| 23       | Ditto ditto                                 | Rangiya        | 10                         |
| 24       | Ditto ditto                                 | Cooch Behar    | 17                         |
| 25       | Ditto ditto                                 | Jainti         | 9                          |
| 26       | Resident Sub-Assistant Surgeon              | Santahar       | 8                          |
| 27       | Ditto ditto                                 | Naihati        | 1                          |
| 28       | Ditto ditto                                 | Lalmanirhat    | 1                          |
| 29       | Ditto ditto                                 | Saidpur        | 1                          |
| 30       | Ditto ditto                                 | Kanchrapara    | 1                          |
| 31       | Ditto ditto                                 | Koilaghat      | 1                          |
| 32       | Ditto ditto                                 | Calcutta       | 1                          |
| 33       | Rly. Sub-Assistant Surgeon                  | Calcutta       | ...                        |
| 34       | Sub-Assistant Surgeon, Emigration Hospital. | Amingaon       | 1                          |

The HONOURABLE THE PRESIDENT: Before I ask the Honourable Maharaja to proceed with his other questions, I would invite his attention to Standing Order No. 14 (6), and ask him to observe that Standing Order in framing questions in the future.

## ACCOMMODATION FOR OFFICERS OF THE EASTERN BENGAL RAILWAY.

37. The HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY, OF KASIMBAZAR: (a) Will the Government be pleased to state particulars about the nature of the accommodation of the following classes of quarters for the officers on the Eastern Bengal Railway:—

- (i) Type B.; (ii) Type Z.; (iii) Special Z.?  
 (b) What is the average cost of each quarter of the above types?  
 (c) To which class of officers are generally assigned each of the above types of quarters?

(d) How many Special Z. type quarters are there on the Eastern Bengal Railway?

(e) Is it a fact that the servants' quarters of a European officer drawing Rs. 350 a month on the Eastern Bengal Railway correspond practically to the accommodation provided for the Indian officers drawing over Rs. 250 a month?

The HONOURABLE MR. SHAFI: A statement giving the information asked for is placed upon the table.

Statement containing the information asked for in Question No. 45 in the Admitted List No. 10-C.

(a) and (b) The particulars of accommodation and average cost of the quarters in question are:—

(i) European Type B. has 2 living rooms, areas 210 and 231½ sq. ft., respectively; 2 bed rooms, area 225 sq. ft. each; 2 bath rooms, 2 godowns and outhouses, viz., 1 kitchen, area 108 sq. ft., 2 servants' quarters area 90 sq. ft., each. Permissible cost is Rs. 15,000.

(ii) Indian Type Z. has one living room, area 110 sq. ft.; 2 bed rooms, areas 165 and 110 sq. ft., respectively; 1 godown, 1 kitchen and 2 latrines. Permissible cost is Rs. 1,550.

(iii) Indian Type Special Z. has 2 living rooms, area 150 sq. ft. each; 2 bed rooms, area 140 sq. ft. each; 1 godown, 1 kitchen, 1 servant's quarter and 2 latrines. Permissible cost is Rs. 6,500.

(c) B. Type is for the European Staff drawing Rs. 350 and over; Special Z. Type is for the Indian staff drawing over Rs. 250; and Z. Type is for the Indian staff drawing Rs. 125 to Rs. 259.

(d) The Special Z. Type was approved by Government only recently, and, so far as is known, only one such quarter has been erected.

(e) No. The area of the servants' quarters of a European Officer on Rs. 350 is much less than that of the living accommodation provided for an Indian Officer drawing over Rs. 250 a month, inasmuch as the area of the former is only 180 sq. ft. as against 580 sq. ft. of the latter.

## CLOTH MANUFACTURED BY HAND-LOOMS.

38. The HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY, OF KASIMBAZAR: Have the Government any definite figures for the last two years as to the quantity of cloth manufactured by hand-looms in the country? If so, will the Government be pleased to state them? If no definite figures are available, will the Government state approximate figures of such production for 1918, 1919 and 1920?

The HONOURABLE MR. SHAFI: No definite figures are available in regard to the quantity of cloth manufactured by hand-looms in India, nor would it be possible to obtain any reliable statistics on the point. A recent estimate, however, of the total production of cloth by hand-looms in this country, based

upon the quantity of yarn estimated as available for the hand-loom industry, gives the following figures :—

|         |     |     |     |     |     | Crores of yards. |
|---------|-----|-----|-----|-----|-----|------------------|
| 1918-19 | ... | ... | ... | ... | ... | 113              |
| 1919-20 | ... | ... | ... | ... | ... | 61               |
| 1920-21 | ... | ... | ... | ... | ... | 118              |

This estimate cannot, however, be regarded as more than approximately correct.

#### OPIMUM TRADE WITH CHINA.

39. The HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY, OF KASIMBAZAR : What has been the annual net loss of revenue to the Government of India by the stoppage of our opium trade with China, and is it open to the Government to re-open the question now ?

The HONOURABLE MR. E. M. COOK : It has been estimated that the annual net loss of revenue to India has been over £4 million sterling. The matter is one of treaty obligations and cannot now be re-opened.

#### TRAINING SHIP FOR INDIA.

40. The HONOURABLE MR. G. M. BHURGRI : With reference to Question\* No. 52 and the Answer given to it by the Government in this Council on the 14th February last, will the Government be pleased to state—

(a) whether they have received any communication from the Secretary of State for India about a ship suitable for use as a Royal Indian Marine Training Ship for Indian ratings, including engineers, artificers, on which facilities can also be provided for the training of cadet and special ratings, such as wireless operators ;

(b) when the ship will be available for the above purposes in India ?

His EXCELLENCY THE COMMANDER-IN-CHIEF : (a) The answer is in the affirmative.

(b) About the beginning of the cold weather of this year.

#### APPOINTMENT OF INDIANS TO THE POSTS OF SECRETARIES, DEPUTY SECRETARIES, ETC.

41. The HONOURABLE MR. G. M. BHURGRI : (a) Will the Government be pleased to state how many Indians have been appointed to the posts of (i) Secretaries, (ii) Under Secretaries, (iii) Deputy Secretaries, in the Government of India Secretariat during the last ten years ?

(b) How many Indians hold such appointments now ?

The HONOURABLE MR. H. D. CRAIK : A statement is laid on the table giving the information.

\*Vide page 39 of Volume I of Council of State Debates.

The information is given in the table below :—

| Department.                         | INDIANS APPOINTED DURING LAST 10 YEARS AS |             |             | INDIANS AT PRESENT HOLDING POSTS OF |             |             |
|-------------------------------------|-------------------------------------------|-------------|-------------|-------------------------------------|-------------|-------------|
|                                     | Secy.                                     | Depy. Secy. | Under Secy. | Secy.                               | Depy. Secy. | Under Secy. |
| Home                                | ...                                       | ...         | ...         | ...                                 | ...         | ...         |
| Foreign and Political               | ...                                       | ...         | ...         | ...                                 | ...         | ...         |
| Finance                             | ...                                       | ...         | ...         | ...                                 | ...         | ...         |
| Legislative                         | ...                                       | 1           | ...         | ...                                 | 1           | ...         |
| Revenue and Agriculture             | ...                                       | ...         | ...         | ...                                 | ...         | ...         |
| Commerce                            | ...                                       | ...         | ...         | ...                                 | ...         | ...         |
| Industries                          | 1                                         | ...         | ...         | 1                                   | ...         | ...         |
| Public Works                        | ...                                       | ...         | ...         | ...                                 | ...         | ...         |
| Education and Health                | ...                                       | 1           | ...         | ...                                 | 1           | ...         |
| Army                                | ...                                       | ...         | ...         | ...                                 | ...         | ...         |
| Financial Adviser, Military Finance | 1                                         | ...         | ...         | ...                                 | ...         | ...         |

The following remarks are called for :—

*Finance.*—Indians have officiated for short periods as Deputy Secretary. The post of Under Secretary is in abeyance.

*Industries.*—There are no posts of Under Secretary in this Department.

*Education and Health.*—There are no posts of Under Secretary but Indians have officiated for short periods as Secretary and Joint Secretary.

*Financial Adviser, Military Finance.*—There are no actual posts bearing the designations in question, though the Financial Adviser and Deputy Financial Adviser correspond to Secretary and Deputy Secretary, respectively.

#### PROBATIONERS FOR THE IMPERIAL FOREST SERVICE.

42. The HONOURABLE MR. G. M. BHURGRI : (a) How many probationerships for the Imperial Forest Service were advertised for recruitment in India last year ?

(b) How many candidates were finally selected ?

(c) How were the remaining posts filled in ?

(d) How many probationerships were advertised this year and how many candidates were finally selected ?

(e) How many of these latter were Indians ?

(f) Is it a fact that persons with requisite qualifications, who joined the Provincial Service of the department before the scheme of recruitment in India came into existence, were debarred from applying ?

(g) Is it a fact that, in spite of the extension of the date for sending in applications, the number of applications from candidates with requisite qualifications was comparatively small ?

(h) Is it a fact that there are a number of officials in the Provincial Service of the department who possess such qualifications as would make them eligible for selection in the Imperial Forest Service and in addition are trained at the Forest Research Institute at Dehra Dun ?

(i) Does Government propose to consider the desirability of removing technical restrictions upon such officials so as to enable them to apply for probationerships in the Imperial Forest Service or of sending them for a practical course to Europe after selection, if necessary ?

The HONOURABLE MR. B. N. SARMA : (a) 15 in India and 3 in Burma.

(b) Four.

(c) They were not filled up.

(d) No number was specified because at the time the Regulations were issued the total number of all classes to be recruited had not been decided upon. Actually, however, the number aimed at was 22 in India and four in Burma.

(e) Twenty Indians were selected.

(f) Officers already in the public service are not eligible.

(g) The number of applications received from qualified candidates by the Government of India was 41. It is impossible to say that no other qualified candidates applied to Local Governments.

(h) Officers of the Provincial Service are eligible for promotion to the Imperial Service in posts specially reserved for them, namely, 12½ per cent. of the charges to be filled by members of the Imperial Service. These promotions are made by Local Governments. The Government of India have no knowledge of the qualifications or suitability of particular members of the various Provincial Services.

(i) No.

#### SUKKUR BARRAGE SCHEME.

43. The HONOURABLE MR. G. M. BHURGRI : With reference to Question No. 89\* and the Answer given to it by Government in this Council on 16th February last, will Government be pleased to state—

(a) whether the sanction of the Secretary of State for India to the Sukkur Barrage and Canals Project has been received by the Government ;

(b) how is it proposed to finance the scheme ?

\* Vide page 85 of Volume I of Council of State Debates.

The HONOURABLE MR. B. N. SARMA : (a) The Secretary of State has approved the Sukkur Barrage and Canals Project, but final sanction has been withheld pending receipt of the detailed proposals of the Government of Bombay as to how the scheme will be financed.

(b) The financing of the scheme is a matter which rests entirely with the Government of Bombay.

#### AMOUNT INCURRED IN RESPECT OF EXCHANGE.

44. The HONOURABLE SIR DINSHAW WACHIA : Will the Government be pleased to inform the Council of the amount that has been annually incurred in respect of exchange, under each of the following heads, commencing from 1910-11 to 1919-20 :—

- (1) Army services, effective and non-effective, and army requirements of all kinds, including ordnance.
- (2) Civil Departments, Miscellaneous Civil Charges and Civil Public Works.
- (3) Railways.
- (4) Other heads, if any ?

The HONOURABLE MR. E. M. COOK : During the period referred to in the Question, the par rate of exchange was fifteen rupees to the pound. Compared with this rate, there was no loss but a gain. A statement, showing the amount of the gain accrued during each of the ten years referred to, under the several heads, is being sent to the Honourable Member.

#### COMMISSION GRANTED TO SERGEANT-MAJOR FAHEY, HYDERABAD.

45. The HONOURABLE MR. G. M. BHURGRI : (a) Are the Government aware that Sergeant-Major Fahey was awarded a Commission and created the Cantonment Magistrate and Secretary of the Hyderabad (Sind) Cantonment ?

(b) Is it a fact that, although Mr. Fahey on the expiry of his term retired from the military service in October 1920, he continued to retain and exercise the powers of Cantonment Magistrate till December 1920 ?

(c) If not, will the Government be pleased to state who was doing the work of Cantonment Magistrate and Secretary between the dates of Mr. Fahey's retirement in October and Captain Gearing's appointment in December ?

(d) Is it a fact that, on the appointment of Captain Gearing as Cantonment Magistrate and Secretary, a new post of Cantonment "Overseer" was created with a salary of Rs. 6,000 *per annum* chargeable to the Cantonment Funds, and the said Mr. Fahey was appointed to the newly created post ?

(e) Are the Government aware that there is no such post as that of "Overseer" in other Cantonments in India, nor does any subordinate Cantonment Officer draw such a salary as is assigned to the new post created in the said Cantonment ?

(f) Are the Government aware that all the work of the Secretary, of supervising the office, attesting signatures to papers, granting land for building

construction, approving tenders for various contracts and of working on the Cantonment Committee is being done by the "Overseer" and not the Cantonment Magistrate?

(g) Are the Government aware—

(i) that Mr. Fahey has been granted powers of a first class Magistrate, and

(ii) that Mr. Fahey does not possess any University or law degree?

(h) Is it a fact that even after the appointment of Captain Gearing and investment of the powers of Cantonment Magistrate in him, Mr. Fahey was trying all cases although he had no power to do so?

(i) Are the Government aware that Mr. Fahey still is virtually the Cantonment Magistrate and that popular belief in the station is that Mr. Fahey is really the Cantonment Magistrate and not Captain Gearing?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) Yes. Sergeant-Major Fahey was promoted 2nd-Lieutenant on the 31st December 1915. The object of granting him the commission was not, as the Question implies, to appoint him Cantonment Magistrate. He was appointed to this post, in addition to his other duties, in April 1916.

(b) The answer is in the affirmative.

(c) This question does not now arise.

(d) Yes. Lieutenant Fahey was appointed Cantonment Superintendent on Rs. 500 a month in place of the then Superintendent whose pay was Rs. 150 a month. This appointment was made on public grounds, as Lieutenant Fahey, while Cantonment Magistrate, had succeeded in largely increasing the revenue of the Cantonment and had been instrumental in bringing to light certain alleged frauds which are now under judicial inquiry. Also he had important schemes in hand for improving the financial position of the Cantonment.

(e) There are posts of Overseer and Superintendent in several other Cantonments in India. Lieutenant Fahey's salary is not considered excessive in view of the benefits derived by the Cantonment Fund and the responsible nature of his duties.

(f) It is not a fact that all the duties referred to are performed by Lieutenant Fahey. He only performs such duties as are allotted to him by the Cantonment Magistrate, whose responsibility remains unimpaired.

(g) (i) Lieutenant Fahey has been invested by the Local Government with the powers of a Magistrate of the first class.

(ii) The answer is in the affirmative.

(h) No. Lieutenant Fahey tries cases in the exercise of his first class Magisterial powers.

(i) Whatever the popular belief may be, it is not a fact that Lieutenant Fahey is virtually the Cantonment Magistrate at Hyderabad, Sind.

#### DIVORCE AND MARRIAGE OF HINDU WOMEN.

46. The HONOURABLE MAHAMAHOPADHYAYA DR. GANGANATH JHA: Will the Government be pleased to state—

(a) among what Hindu castes, if any, divorce and marriage of divorced women are prevalent; and

(b) what is the number of persons belonging to those castes?

The HONOURABLE MR. H. D. CRAIK: Government have no information beyond that which is available to the Honourable Member in general reference books on Hindu Law and Usage and in the Census Reports.

#### UP-KEEP OF SCHOOLS BY THE EASTERN BENGAL RAILWAY.

47. The HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY, OF KASIMBAZAR: (a) Will the Government be pleased to state whether it is a fact that the Eastern Bengal Railway Administration pays a monthly subscription towards the up-keep of schools attended by children of European and Anglo-Indian employees, and Re. 0-8-0 only per child in the case of schools attended by children of Indian employees?

(b) If so, will the Government be pleased to state the reasons for treating the Indian schools differentially?

(c) Will the Government be pleased to state whether it is a fact that the Eastern Bengal Railway Administration grants regular monthly assistance to European and Anglo-Indian employees for the education of their children in hill schools?

(d) Will the Government be pleased to state the amount of assistance given by the Railway for each child receiving education in a hill school and quote the rules and conditions under which such assistance is given?

(e) Will the Government be pleased to state whether it is a fact that the assistance referred to in (c) and (d), which was hitherto only restricted to hill schools, has now been extended to plains schools in the case of European and Anglo-Indian employees only?

(f) Will the Government be pleased to state the number of European and Anglo-Indian employees at the end of the year 1920, who received the assistance referred to in (c) and (d) but whose children received education in plains schools?

(g) Will the Government be pleased to state the amount of expenditure incurred out of the revenues of the Eastern Bengal Railway on account, respectively, of (i) contributions granted to Indian schools, (ii) contributions granted to European schools, and (iii) schools assistance granted to European and Anglo-Indian employees during each of the following years:—1915-16, 1916-17, 1917-18, 1918-19, and 1919-20.

(h) Will the Government be pleased to state the reasons why Indian employees are treated differentially in this respect?

(i) Are the Government aware that considerable discontent is prevalent amongst the Indian staff on account of these distinctions?

(j) Will the Government be pleased to have the existing distinctions removed?

The HONOURABLE MR. SHAFI: (a) and (b) The Eastern Bengal Railway grants pecuniary assistance for educational purposes to all classes of

its subordinate employees. As regards day schools, the assistance takes the form of a lump-sum monthly grant or a capitation grant, usually the latter. The fees of European schools are higher than those of Indian schools and in consequence the capitation grant is higher in their case. The grant for Europeans is generally Rs. 2 per child per month, and for Indians annas eight per child per month which it is believed, in proportion to the expense of running, the different schools constitutes greater relative assistance than in the case of European schools.

(c) and (d) The Eastern Bengal Railway, like other railway administrations, encourages its employees to send their children to boarding schools in the hills. There are practically no schools of this class for Indian children, and the Indian subordinates ordinarily prefer to keep their children in the plains and let them attend a day school. The case of hill schools is, therefore, special. The amount of assistance given is detailed in the copy of the rules placed on the table. The rate varies with the rates of school fees paid.

(e) Where owing to medical reasons or exceptional circumstances, an employee sends a child to an approved boarding school in the plains instead of in the hills, assistance on the scale referred to may be allowed at the discretion of the Agent of the Railway.

(f) and (g) The information has been called for from the Eastern Bengal Railway but is not ready yet. It will be furnished to the Honourable Member when received.

(h) This is explained in the reply to (a) and (b).

(i) and (j) Government are not aware that any discontent prevails. No representation has been received from the Eastern Bengal Railway, or from either of the other State Railways as to the inadequacy of the assistance granted to Indians in the matter of the education of their children. Railway administrations are fully alive to the advantage of assisting in the education of their employees' children, in accordance with the requirements of the various classes, who, as they grow up, form a large proportion of their recruits, and Government do not consider it desirable to interfere.

*Extract from the "Weekly Gazette", No. 47, dated 23rd November, 1919.*

#### *Improved Assistance for Education at Hill Schools.*

The fees at Hill schools vary from about Rs. 30 to 60 per month, and the shares of fees to be borne by parents is required to vary accordingly, being less for the cheaper schools and more for the more expensive schools.

2. The following items are assistable :—

Board and tuition.

Use of books—stationery.

Games—library—use of gymnasium.

Medical attendance and medicines.

Washing.

All other items, such as, repairs to boots and clothes and special subjects like dancing and music, are not assistable, and the fees for these must be borne entirely by the parents.

3. The parent's share of the fees for assistable items shall be the actual fees subject to the following items :—

#### *Board and Tuition Fees.*

|                            | Class A.<br>(Rs. 30 and below.) | Class B.<br>(Rs. 40 to Rs. 49.) | Class C.<br>(Rs. 50 and over.) |
|----------------------------|---------------------------------|---------------------------------|--------------------------------|
| One child ...              | 7½ per cent. of salary.         | 7½ per cent. plus Rs. 5.        | 7½ per cent. plus Rs. 10.      |
| Two children ...           | 12½ per cent. of salary.        | 12½ per cent. plus Rs. 9.       | 12½ per cent. plus Rs. 18.     |
| Three children or more ... | 15 per cent. of salary.         | 15 per cent. plus Rs. 12.       | 15 per cent. plus Rs. 24.      |

*Note.*—Salary for the purposes of this ruling does not include "allowances" of any description.

So far as is known to this office, the above-mentioned schools belong to the various classes as follows :—

Class A.—Victoria, Dow Hill, Goethal's Memorial, St. Helen's Convent, Pine Mount.

Class B.—Diocesan High School, St. Joseph's, St. Edmund's, Loreto Convents, Shillong and Darjeeling.

Class C.—St. Paul's.

4. In the case of parents having children at several High Schools :—

(i) The percentage of salary will be based solely on the total number of children at school and will be independent of the number of schools attended.

(ii) The amount of surcharge will depend on the number of children at each class of school, independent of the number of schools attended, the more expensive schools being taken first. The following examples will make this clear :—

(a) One boy and one girl at separate 'B' class school. . . . . Total surcharge Rs. 9.

(b) One boy at 'C' class and girl at 'B' class school. . . . . Surcharge for first is Rs. 10 and for second is Rs. 4 (Rs. 9 minus Rs. 5) Total Rs. 14.

(c) Two boys at 'C' class and two girls at 'B' class schools. . . . . Surcharge for two boys is Rs. 18 and for two girls is Rs. 3 (Rs. 12 minus Rs. 9)—Total Rs. 21.

5. These revised rules take effect from 1st January 1920. The scheme is only applicable to subordinates.

*Extract from "Weekly Gazette" No. 3, dated 18th January, 1920.*

In continuation of Notification No. 1351 of *Weekly Gazette* No. 47 of 23rd November 1919, the staff are informed that assistance will be afforded in the case of other Hill schools only when the accommodation in the approved Hill schools is not available, or under special circumstances. In such cases separate applications must be submitted through District Officers and Heads of Departments to the Agent with full reasons as to the necessity for sending children to other Hill schools.

No assistance will be given for education in European schools in the plains except in cases where it is shown there is no accommodation available in Hill schools or when there are

medical reasons or exceptional circumstances preventing the applicant from sending a child to the hills. In these cases applications for assistance with full particulars must be submitted through District Officers and Heads of Departments to the Agent. Assistance will be given in very special cases and only when children are sent as Boarders away from the stations at which their parents are employed.

For purposes of this rule, the staff at Chitpore, Narauldanga and Sealdah will be considered as being employed in Calcutta.

Employees who wish to send their children to the schools listed in Notification No. 1351 above referred to may do so without any further sanction from the Agent. They must, however, advise the Chief Auditor through their District Officers at the beginning of each year of the names and relationship of such children. The Chief Auditor will prepare bills in accordance with paragraph 6 of Notification No. 1351 of *Weekly Gazette* No. 47 of 23rd November, 1919.

In the case of other schools, application for sanction must be made to the Agent through District Officers and Heads of Departments annually at the beginning of each year.

An advance of one month's pay recoverable in ten equal monthly instalments will also be made by the Chief Auditor on application to him at the beginning of each year towards the purchasing of outfit for children attending the schools listed in Notification No. 1351. In all other cases application must be made to the Agent through the District Officers and Heads of Departments.

#### PRODUCTION, IMPORT AND EXPORT OF COTTON.

48. The HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY, OF KASIMBAZAR: Will the Government be pleased to lay on the table a statement for each year from 1917 to 1920, showing:—

- (a) the total quantity of raw cotton produced in India;
- (b) the total quantity of raw cotton imported into India;
- (c) the total quantity of raw cotton exported from India;
- (d) the total quantity of twist and yarn manufactured in the various Indian mills of the following description of counts:—

(1) Nos. 1—25,

(2) Nos. 25—40,

(3) Nos. from 40—upwards;

(e) the total quantity of twist and yarn of each variety imported into India;

(f) the total quantity of each variety exported from India;

(g) the total quantity of grey and bleached piece-goods manufactured in Indian mills—

(1) up to 40 counts,

(2) from 40 counts upwards;

(h) the total quantity of each variety imported into India;

(i) the total quantity of each variety exported from India?

The HONOURABLE MR. SHAFI: The Honourable Member will find information regarding imports and exports of the commodities he mentions in

the "Annual Statement of the Seaborne Trade of British India with the British Empire and Foreign countries" by the Department of Statistics. Statistics of the production of cotton in India and of manufactured cotton goods in the various Indian Mills are published in the "Estimates of Area and Yield of Principal Crops in India" and the monthly statistics of "Cotton Spinning and Weaving in Indian Mills", respectively. These publications are available in the Library.

#### RAILWAY TRUCKS, ETC., SENT TO MESOPOTAMIA, EGYPT, ETC.

49. The HONOURABLE MAHARAJA BAHADUR KESHAVA PRASAD SINGH, OF DUMRAON: (a) Is it a fact that the Government of India in war time sent Railway trucks, rolling-stock and plant to Mesopotamia, Egypt, East Africa, Aden and the Persian Gulf?

(b) What has happened to them after the war?

(c) Has the Government of India got them back to India?

The HONOURABLE MR. SHAFI: (a) Rolling-stock and other railway material were supplied to Mesopotamia and other theatres of war. Particulars of the rolling-stock and rails supplied were given in the answer to Question No.\* 119 put by the Honourable Sir Manockji Dadabhoi on the 16th February 1921.

(b) and (c) 45 engines and 93 wagons have been returned to India. The balance is understood to be unfit for return and has, or will be, paid for as a charge against the war.

#### RECOMMENDATIONS OF IRRIGATION COMMISSION OF 1901.

50. The HONOURABLE MAHARAJA BAHADUR KESHAVA PRASAD SINGH, OF DUMRAON: (a) Is it a fact that the Irrigation Commission of 1901 recommended a total expenditure of 14 crores of rupees for irrigation in twenty years beginning from April 1905?

(b) Will the Government be pleased to state the total amount of actual expenditure on construction of irrigation work, province by province, since April 1905?

(c) How much of this has been allotted to Bihar and Orissa irrigation works, and what proportion does it bear to the amount allotted to the other Provinces?

The HONOURABLE MR. B. N. SARMA: (a) The reply is in the affirmative, as far as capital expenditure is concerned, and a matter of Rs. 30 crores odd have been so expended during the 15 years—1905-06 to 1919-20.

(b) and (c) A statement is laid on the table.



Statement showing the total direct capital expenditure on construction of irrigation works in India from 1905-06 to 1919-20.

| Year.   | Madras.   |           | Bombay.   |           | Bengal.     |           | United Provinces |     | Punjab. |     | Birma. |     | Bihar and Orissa. |     | Central Provinces. |           | North-West Frontier Province. |        | Rajputana. |             | Baluchistan. |             | Total.      |             |
|---------|-----------|-----------|-----------|-----------|-------------|-----------|------------------|-----|---------|-----|--------|-----|-------------------|-----|--------------------|-----------|-------------------------------|--------|------------|-------------|--------------|-------------|-------------|-------------|
|         | Rs.       | Rs.       | Rs.       | Rs.       | Rs.         | Rs.       | Rs.              | Rs. | Rs.     | Rs. | Rs.    | Rs. | Rs.               | Rs. | Rs.                | Rs.       | Rs.                           | Rs.    | Rs.        | Rs.         | Rs.          | Rs.         | Rs.         | Rs.         |
| 1905-06 | 18,68,586 | 7,73,029  | 11,03,244 | 30,61,087 | 45,46,918   | 13,07,638 | —                | —   | —       | —   | —      | —   | —                 | —   | 5,50,456           | 4,93,911  | 4,93,911                      | 74,824 | 10,828     | 1,37,89,785 | 10,828       | 1,37,89,785 | 1,37,89,785 | 1,37,89,785 |
| 1906-07 | 24,69,512 | 7,05,986  | 11,83,157 | 36,43,942 | 72,88,678   | 12,76,974 | —                | —   | —       | —   | —      | —   | —                 | —   | 7,55,696           | 4,73,378  | 4,73,378                      | 80,735 | 10,019     | 1,79,01,877 | 10,019       | 1,79,01,877 | 1,79,01,877 | 1,79,01,877 |
| 1907-08 | 16,05,131 | 15,37,915 | 12,50,880 | 32,94,952 | 84,64,531   | 11,75,868 | —                | —   | —       | —   | —      | —   | —                 | —   | 10,79,161          | 6,30,233  | 6,30,233                      | 59,038 | 28,931     | 1,93,76,690 | 28,931       | 1,93,76,690 | 1,93,76,690 | 1,93,76,690 |
| 1908-09 | 13,83,871 | 21,76,437 | 12,46,284 | 24,75,721 | 1,02,57,971 | 16,18,944 | —                | —   | —       | —   | —      | —   | —                 | —   | 14,34,997          | 18,13,890 | 18,13,890                     | 7,289  | 2,84,162   | 2,21,49,796 | 2,84,162     | 2,21,49,796 | 2,21,49,796 | 2,21,49,796 |
| 1909-10 | 11,87,545 | 28,44,404 | 18,48,801 | 19,84,273 | 1,10,56,057 | 12,24,280 | —                | —   | —       | —   | —      | —   | —                 | —   | 14,18,129          | 16,81,198 | 16,81,198                     | 6,031  | 2,44,874   | 2,34,95,692 | 2,44,874     | 2,34,95,692 | 2,34,95,692 | 2,34,95,692 |
| 1910-11 | 9,65,308  | 23,34,287 | 12,25,116 | 21,21,137 | 1,24,63,781 | 12,15,875 | —                | —   | —       | —   | —      | —   | —                 | —   | 10,06,394          | 21,45,656 | 21,45,656                     | 25,418 | 3,26,315   | 2,42,19,217 | 3,26,315     | 2,42,19,217 | 2,42,19,217 | 2,42,19,217 |
| 1911-12 | 5,85,667  | 27,82,348 | 11,17,102 | 20,61,315 | 1,60,44,967 | 20,01,044 | —                | —   | —       | —   | —      | —   | —                 | —   | 18,62,690          | 30,38,142 | 30,38,142                     | 941    | 2,44,621   | 2,97,39,437 | 2,44,621     | 2,97,39,437 | 2,97,39,437 | 2,97,39,437 |
| 1912-13 | 7,66,827  | 29,22,328 | 1,02,158  | 22,17,210 | 1,28,96,643 | 26,54,375 | —                | —   | —       | —   | —      | —   | —                 | —   | 26,82,287          | 30,58,256 | 30,58,256                     | 7,909  | 2,63,950   | 3,82,83,014 | 2,63,950     | 3,82,83,014 | 3,82,83,014 | 3,82,83,014 |
| 1913-14 | 9,53,661  | 44,55,950 | 2,07,418  | 28,78,968 | 99,17,267   | 19,35,331 | —                | —   | —       | —   | —      | —   | —                 | —   | 44,54,263          | 54,63,926 | 54,63,926                     | -7,163 | 3,20,108   | 2,68,69,373 | 3,20,108     | 2,68,69,373 | 2,68,69,373 | 2,68,69,373 |
| 1914-15 | 14,21,592 | 50,96,456 | 7,10,613  | 26,30,626 | 75,55,469   | 17,60,954 | —                | —   | —       | —   | —      | —   | —                 | —   | 51,15,374          | 26,35,097 | 26,35,097                     | 5,343  | 1,86,863   | 2,73,75,914 | 1,86,863     | 2,73,75,914 | 2,73,75,914 | 2,73,75,914 |
| 1915-16 | 14,45,700 | 42,79,714 | 3,20,770  | 26,61,032 | 46,64,241   | 28,56,814 | —                | —   | —       | —   | —      | —   | —                 | —   | 49,77,611          | 13,96,490 | 13,96,490                     | 178    | 1,74,365   | 2,27,62,580 | 1,74,365     | 2,27,62,580 | 2,27,62,580 | 2,27,62,580 |
| 1916-17 | 10,94,996 | 27,71,996 | 7,11,769  | 16,59,269 | 34,55,739   | 5,62,949  | —                | —   | —       | —   | —      | —   | —                 | —   | 25,73,707          | 9,32,138  | 9,32,138                      | 798    | 2,11,908   | 1,40,92,582 | 2,11,908     | 1,40,92,582 | 1,40,92,582 | 1,40,92,582 |
| 1917-18 | 10,69,789 | 27,47,218 | 3,41,762  | 13,33,378 | 26,09,605   | -23,746   | —                | —   | —       | —   | —      | —   | —                 | —   | 30,16,673          | 6,32,773  | 6,32,773                      | 1,101  | 91,066     | 1,19,76,351 | 91,066       | 1,19,76,351 | 1,19,76,351 | 1,19,76,351 |
| 1918-19 | 12,23,511 | 25,29,580 | 3,97,345  | 11,00,009 | 11,59,967   | 6,02,078  | —                | —   | —       | —   | —      | —   | —                 | —   | 26,35,954          | 8,695     | 8,695                         | 12,430 | 1,27,133   | 99,41,886   | 1,27,133     | 99,41,886   | 99,41,886   | 99,41,886   |
| 1919-20 | 10,40,935 | 37,92,770 | 7,04,969  | 10,06,216 | -1,19,783   | 4,09,688  | —                | —   | —       | —   | —      | —   | —                 | —   | 23,95,378          | 3,79,244  | 3,79,244                      | 16,737 | 94,718     | 98,68,858   | 94,718       | 98,68,858   | 98,68,858   | 98,68,858   |

GRAND TRUNK ROAD.

51. The HONOURABLE MAHARAJA BAHADUR KESHAVA PRASAD SINGH, OF DUMRAON: (a) Will the Government be pleased to state if any terms or conditions have been laid down for the maintenance of the Grand Trunk Road?

(b) As a result of the constitutional reforms, have the Local Governments concerned been relieved of the responsibility to maintain this road in a condition suitable for heavy transport?

(c) Are the Government aware that near Barli in Hazaribagh District on the Grand Trunk Road there is a bridge which will only allow a vehicle weighing not more than three tons and that this is causing great inconvenience to traffic and transport?

(d) Will the Government be pleased to order an inquiry as to the weight-carrying capacity of bridges on the road in view of probable developments of motor transport?

The HONOURABLE MR. B. N. SARMA: (a) The Grand Trunk Road, except in Delhi and the North-West Frontier Province, is under the control of the respective Provincial Governments in the provinces through which the road passes, and no terms or condition have been laid down by the Government of India in respect to its maintenance.

(b) The position is that, subject to such conditions as regards control over construction and maintenance of means of communication declared by the Governor General in Council to be of military importance, Provincial Governments now have full discretion regarding the standard of maintenance for the Grand Trunk Road and all roads under their control.

(c) The Government of India have no information on the subject. The question is one of provincial concern.

(d) The Government of India consider that the importance of the Grand Trunk Road in respect to provincial and inter-provincial communications and the improvements necessary for the development of motor transport are matters for the consideration of the Provincial Governments concerned in consultation with the military authorities, and do not therefore propose to order an inquiry as suggested by the Honourable Member.

EMIGRANTS ABROAD.

52. The HONOURABLE MAHARAJA BAHADUR KESHAVA PRASAD SINGH, OF DUMRAON: (a) Will the Government be pleased to state the present total number of emigrants abroad, province by province?

(b) Will the Government be pleased to state the total number of emigrants, province by province and year by year, for the last twenty years?

The HONOURABLE MR. B. N. SARMA: (a) A statement showing, as far as possible, the number of Indians resident in British Colonies and Dominions is placed on the table. Figures are not available to show from what Indian provinces they originated, or what percentage of them are emigrants under the Emigration Act.

(b) I would refer the Honourable Member to Volume IV of the Statistics of British India (Table 55) which contains the information which he requires. A statement summarising the information for the Honourable Member's convenience is placed on the table.

Statement showing the number of Indians resident in British Colonies and Dominions.

| Colony.              | Indian population.            | Date.        |
|----------------------|-------------------------------|--------------|
| Ceylon               | 440,000 (approximately).      | Present day. |
| Straits Settlements  | 80,430                        | 1911 Census. |
| Malay States         | 185,958                       | 1911 Census. |
| Hong Kong            | 2,555                         | 1911 Census. |
| Mauritius            | 258,251                       | 1911 Census. |
| Seychelles           | 332                           | 1911 Census. |
| Wehaiwei             | 8                             | 1911 Census. |
| Gibraltar            | 50 (approximately).           | Present day. |
| Nigeria              | 100 "                         | Present day. |
| Kenya                | 12,616                        | 1916.        |
| Uganda               | 3,516                         | 1918.        |
| Zanzibar             | 10,000                        | 1919.        |
| Nyasaland            | 407                           | 1918.        |
| Tanganyika Territory | 10,500 (approximately).       | Present day. |
| Jamaica              | 19,194                        | 1920.        |
| Trinidad             | 129,756                       | 1919.        |
| British Guiana       | 134,785                       | 1918.        |
| Fiji                 | 62,640                        | 1919.        |
| Basutoland           | 179                           | 1911 Census. |
| Swaziland            | 7                             | 1911 Census. |
| N. Rhodesia          | 39                            | 1911 Census. |
| S. Rhodesia          | 701                           | 1911 Census. |
| Surinam              | 2,413                         | 1918.        |
| Canada               | 5,000 (approximately).        | 1918.        |
| Australia            | 4,103 (including (Cingalese). | 1911.        |
| New Zealand          | 500 (approximately).          | 1918.        |
| Natal                | 135,515                       | 1919.        |
| Transvaal            | 10,072                        | 1911 Census. |
| Cape Colony          | 6,124                         | 1911 Census. |

Statement showing the number of emigrants, and the districts from which they were drawn.

| Years.  | Bengal and Bihar and Orissa. | Pro-United vices. | Madras. | Bombay. | Sind. | Punjab. | Pro-Other vices. | Native States. |
|---------|------------------------------|-------------------|---------|---------|-------|---------|------------------|----------------|
| 1900-01 | 634                          | 8,675             | 6,919   | 220     | 43    | 7,233   | 1,224            | 1,560          |
| 1901-02 | 1,472                        | 7,828             | 10,113  | 2       | 2     | 2,280   | 792              |                |
| 1902-03 | 1,000                        | 5,813             | 4,963   | 27      | 6     | 163     | 2,127            | 1,255          |
| 1903-04 | 568                          | 5,552             | 4,235   | —       | 2     | 18      | 2,162            | 1,128          |
| 1904-05 | 500                          | 4,950             | 8,788   | 8       | 59    | 68      | 843              | 723.           |
| 1905-06 | 600                          | 8,326             | 9,300   | 41      | 24    | 428     | 831              | 1,576.         |
| 1906-07 | 836                          | 9,344             | 7,725   | 13      | 11    | 808     | 654              | 1,613.         |
| 1907-08 | 379                          | 7,998             | 5,754   | 40      | 82    | 352     | 148              | 355.           |
| 1908-09 | 515                          | 8,777             | 1,911   | 28      | 18    | 64      | 150              | 381.           |
| 1909-10 | 714                          | 7,286             | 2,847   | 34      | 78    | 39      | 154              | 492.           |
| 1910-11 | 559                          | 7,181             | 6,211   | 63      | 105   | 183     | 461              | 586.           |
| 1911-12 | 575                          | 6,951             | 4,486   | 39      | 314   | 422     | 630              | 775.           |
| 1912-13 | 643                          | 6,405             | 3,149   | 106     | 92    | 337     | 1,077            | 848.           |
| 1913-14 | 477                          | 4,601             | 1,096   | 135     | 109   | 294     | 397              | 624.           |
| 1914-15 | 81                           | 1,740             | 655     | 111     | 192   | 256     | 48               | 203.           |
| 1915-16 | 241                          | 3,455             | 2,608   | 441     | 216   | 178     | 162              | 329.           |
| 1916-17 | 306                          | 2,445             | 1,848   | 1,748   | 423   | 521     | 206              | 182.           |

NOTE.—Emigration was stopped in March 1917 under rule 16-B of the Defence of India (Consolidation) Rules, 1915.

### MOTION FOR ADJOURNMENT.

THE HONOURABLE THE PRESIDENT: Before we proceed to the business of the day, I will remind Honourable Members that I have already read to the Council an application for leave to move the adjournment of the House standing in the name of the Honourable Mr. Khaparde. The Honourable Mr. Khaparde has seen me informally before the meeting, and I understand he desires to make a statement with reference to that application.

THE HONOURABLE MR. G. S. KHAPARDE: Sir, in view of the observations made in the speech from the Throne and the circumstance that Sir Thomas Holland is not in the House, I do not wish to press the motion.

[The President.]

THE HONOURABLE THE PRESIDENT: The application by the Honourable Member for leave to make a motion for the adjournment is withdrawn.

THE HONOURABLE THE PRESIDENT: I have an application from another Honourable Member for leave to move the adjournment on another matter. It is from the Honourable Sir Maneckji Dadabhoi. The notice runs as follows:—

'I beg to inform you that when the Council of State meets on the 5th instant, I propose, with reference to the Standing Order No. 21 to ask the leave of the President to make a motion for the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance, namely, the state of affairs in Malabar and the details of the Moplah outbreak.'

That application is in order, but before we proceed on it I should also like to say that I have also received another notice much in the same terms from the Honourable Mr. Annamalai Chettiyar. The Honourable Sir Maneckji Dadabhoi's notice was received by me first, and, therefore, he has the right to priority. The motion being in order, it remains for me to ascertain if the Honourable Member has the necessary support. I would invite those Members who support the Honourable Sir Maneckji Dadabhoi's application for leave to move the adjournment of the House to rise in their places.

Several Honourable Members rose in their places.

THE HONOURABLE THE PRESIDENT: The Honourable Member has the necessary support. Honourable Members will kindly resume their seats.

Under the Standing Order such motions are normally to be taken at 4 o'clock. I am unaware whether Government have any application to make on that matter.

THE HONOURABLE MR. H. D. CRAIK: I venture to ask if it would not be to the convenience of the Council if, with your permission, Sir, a slight departure could be made from the Standing Order and the motion taken at 3 o'clock instead of at 4. That would enable the Honourable Government Member, who would ordinarily reply, to be present. He will be elsewhere at 4 o'clock.

THE HONOURABLE THE PRESIDENT: The object of the rule requiring the postponement of a debate till 4 o'clock is to secure some notice to the Government. Since the Government are prepared to dispense with the full notice, I see no reason why, if the Honourable Sir Maneckji Dadabhoi has no objection and the Council generally has no objection, the application should not be granted.

THE HONOURABLE SIR MANECKJI DADABHOI: I am agreeable to the suggestion.

THE HONOURABLE THE PRESIDENT: I think that is the general sense of the Council. The debate will, therefore, take place at 3 o'clock and will terminate, if it runs its full length, at 5 o'clock instead of at 6 o'clock. I trust that meets with the wishes of Honourable Members.

THE HONOURABLE THE PRESIDENT: We will now pass on to the business of the day which consists of Resolutions. I call upon the Honourable Sir Maneckji Dadabhoi to move the Resolution which stands in his name.

## RESOLUTION RE ADDRESS OF WELCOME TO HIS ROYAL HIGHNESS THE PRINCE OF WALES.

THE HONOURABLE SIR MANECKJI DADABHOI: Sir, before I move my Resolution I ask your leave to make a slight verbal alteration in my Resolution.

I propose to insert the words "and invites the co-operation of the Legislative Assembly in constituting a committee of the Indian Legislature to draft a suitable address for the purpose" in substitution of the original phraseology. It is merely a verbal alteration. Have I your leave?

THE HONOURABLE THE PRESIDENT: I understand that the alteration is purely verbal, but I would ask the Honourable Member to read the Resolution as amended to the Council when moving it.

THE HONOURABLE SIR MANECKJI DADABHOI: Mr. President, I beg to propose the following Resolution:—

'This Council recommends to the Governor General in Council that he may be pleased to convey to His Royal Highness the Prince of Wales its humble request that he may be graciously pleased to accept a loyal and dutiful address of welcome from the Indian Legislature, and invites the co-operation of the Legislative Assembly in constituting a committee of the Indian Legislature to draft a suitable address for the purpose.'

Mr. President, if there be one Resolution which this Council will accept readily, with enthusiasm and with the united voice of all the members, it is the one which I have just read. No lengthened observations or persuasion from me are necessary to commend this Resolution to the acceptance of Honourable Members. My task to-day is greatly simplified by the observations made by His Excellency the Viceroy in this connection on Saturday last. The weighty and eloquent sentiments to which His Excellency then gave expression in this connection are still ringing in our ears, and I have no doubt that they will be received with approbation and satisfaction throughout the length and breadth of India. I do not propose to go over the same ground which His Excellency covered with such consummate dexterity. In requesting His Royal Highness the Prince of Wales to accept a loyal and dutiful address of welcome from the Indian Legislature, they are not only honouring themselves, but primarily discharging a duty which all the members owe to themselves and to the great Indian Empire whose representatives they are. His Royal Highness comes out to India as the representative of our Sovereign who rules over a great and mighty Empire,—mighty not only in the sense of its area and population over which it wields its sceptre, but mighty in the traditions on which it is founded, the principles of liberty, justice, equality and truth. It is a matter of common knowledge that His Imperial Majesty is sending out the Prince to India early in life to make a personal acquaintance with the people and to acquire an intimate knowledge of the country and of the many important problems affecting the welfare of the people. His Imperial Majesty has thus given one further proof of his deep attachment and abiding interest in the welfare of our country, and therefore, as loyal citizens, we are bound to accord to the Prince a most enthusiastic, splendid and glorious welcome. There is another aspect of the case. Indians are by sentiment, tradition and religion devoted to the monarchical form of government. From the very beginning of our history we have been taught to respect the King and his family, and to look upon him as the fountain-head of justice. We are taught to take all our troubles to the King and expect redress from him. The inauguration of the constitutional régime in India during the present reign adds another claim to the homage and affection that we all owe to the King-Emperor. Constitutionalism in India has come to us in a different form, but after all it is not a new institution. Therefore, to the son and heir of our Sovereign Lord the King we shall extend a most loyal welcome. Indians of all

[Sir Maneckji Dadabhoy.]

racess and creeds will unite in according him a most loyal homage. In proposing this Resolution I am not unmindful of the opposition raised in certain quarters against our welcoming and entertaining the Prince. I have seen it to my regret opinions expressed by some leaders of a certain school of thought that the Prince is coming out to India to represent a system of bureaucracy with which the people are not in sympathy, and that therefore no welcome should be given to him. I make myself bold to say that the Prince or the King represents no system of government. Our King is a Constitutional Monarch, and the Prince will follow in the footsteps of his great line of ancestors. I quite concede that we have our differences with Government, that we have our quarrels with the bureaucracy; we shall settle our quarrels and differences in the forum of the Council, but we shall not permit these differences to interfere with the demonstration of our loyalty and in the expression of our gratitude to our future Sovereign. I now have the honour of moving this Resolution, and I have not the slightest doubt that this Council will unanimously accept it. There is a similar Resolution being proposed in the other Assembly to-day, and therefore I shall not mention to-day the names of members who are to serve on this Committee. I shall await the result of the motion in that House, and later on request the President to give me permission to propose the names of members whom I propose to appoint on the committee. With these words, Mr. President, I beg to move my Resolution.

The HONOURABLE RAJA SIR HARNAM SINGH: Sir, I have great pleasure in giving my support to the Resolution moved by my Honourable friend Sir Maneckji Dadabhoy. His Royal Highness the Prince of Wales has recently made a very successful tour through many parts of His Majesty's Dominions, and it is in the fitness of things that he should visit the largest and most important of the King-Emperor's Possessions beyond the seas. I trust that the traditional hospitality of the people of India will make the Prince's visit to this country one of interest and pleasure to him. His Royal Highness will have ample opportunity not only of seeing representative Indians and places of historic interest, but will be able to study the currents of new thoughts and ideas which have affected India in recent years. I may remind the Council that it was the famous speech of His Majesty the present King-Emperor at the Guildhall with its message of sympathy and hope after his visit to this country as Prince of Wales that assisted in the introduction of the Morley-Minto Reforms. I hope and believe that His Royal Highness' coming visit will also bring about a closer understanding between England and this country, and that before long India will have made another advance in the direction of full responsible government.

In support of the Resolution I wish to associate the Indian Christian Community which I have the honour to represent in this Council, and to offer His Royal Highness on behalf of this Community a hearty and respectful welcome to this land.

The HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY: Sir, I have much pleasure in supporting the Resolution which has been moved by my Honourable friend, Sir Maneckji Dadabhoy, to give an address of welcome to His Royal Highness the Prince of Wales. The Indians are a loyal people, and it is desirable that, when His Royal Highness the Prince of Wales visits India, we should present an address to him, if only to express

how deeply attached we are to the British Throne. His Royal Highness is our future Sovereign, and when he does come, and visits all parts of India, he will know the conditions under which we live. Seeing our condition now—the condition of his Indian subjects—he will remember it when he comes to the Throne and make a very successful Sovereign. With these few remarks, I heartily support the Resolution.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: Sir, this is a Resolution upon which we all agree, no sane man would think differently. There may be certain lunatics in the country who have no patriotism and who will not welcome His Royal Highness to this country, but every one of us agrees that it is our duty to accord to His Royal Highness such a welcome as is befitting to him. It is only our gracious Sovereign who has kept together all the parts of the Empire to which we have the honour to belong, and who has pulled us through the greatest war ever known in the history of the world.

His Royal Highness is coming here after seeing many other countries where he has been splendidly received, and if India does not fulfil her grand traditions, it will not be right and proper because it will be our duty to present him with an address when he visits the country and sees our Legislatures.

It is the Sovereign who has kept all the various castes and creeds together in this country. We have had an Utopian idea of being a nation, but that idea has never been realised. There is a chance that under the British Crown we may realise it, and it is for this reason that we should strengthen the string which is keeping us together like a string of beads, because if we do not, we shall break the string and be thrown all over the place so as never to get together. With these few observations, Sir, I lend my cordial support to the Resolution.

The HONOURABLE SIR B. C. MITTER: Mr. President, I have much pleasure in supporting the Resolution which has been moved. Originally I intended to lend my silent support, but example is catching and I rise to say a few words.

Sir I feel confident that by instinct, by tradition, by our religious teachings, and by the great love and affection which we feel towards our beloved Sovereign, we are all anxious to accord to his Royal Highness a most cordial and rousing welcome. If that is so, and I do not doubt that it is so, which is the body which ought to approach first? surely the Indian Legislature consisting of this House and the Assembly, because they represent the Indian nation and are its accredited agents to voice its sentiments. Therefore, I congratulate the Mover in bringing his Resolution before this House.

With these few words on behalf of the Constituency which I have the honour to represent, I give this Resolution my most cordial support.

The HONOURABLE MR. ANNAMALAI CHETTIYAR: Sir, I beg to associate myself with all that has been said by my Honourable friend Sir Maneckji Dadabhoy and by other Honourable Members. The House needs no persuasion from me for the acceptance of this Resolution. No more loyal people can be found than we, the people of India, and therefore it is right and proper that we should offer a most hearty and spontaneous welcome to His Royal Highness the Prince of Wales. With these few words I heartily support the Resolution.

[Sir Alexander Murray.]

The HONOURABLE SIR ALEXANDER MURRAY: Sir, I rise with much pleasure to endorse the sentiments so eloquently expressed by the Honourable Mover of this Resolution.

I need not enlarge on the many qualities that go to make the Prince of Wales such a favourite. Previous speakers have referred to the fact that the Prince has been visiting other parts of the Empire. And having had the honour of meeting His Royal Highness during one of these Empire tours, I would like to tell the House something of the manner in which the Prince was received in another part of the world.

As one of India's delegates at the International Labour Conference held in America nearly two years ago, I was present in the Capital of the United States when the Prince of Wales paid a visit to that City. The representatives of Canada at the conference had just previously met His Royal Highness during his Canadian tour. Amongst them were representatives of Capital and of Labour, Conservatives and Liberals, whose points of view on matters industrial, commercial and political were very wide apart. Yet where the young Prince was concerned they were all of one mind. Over and over again did I hear them give expression to the feelings of regard and affection which they entertained for the Prince as the result of their personal contact with him.

Representatives, too, of other countries outside the British Empire did not hesitate to voice their opinions of the invaluable asset which they consider the Empire possesses in the person of the heir to the throne. These opinions were expressed not only by the democrats and the republicans of the great country which the Prince was then visiting, but also by representatives of South American, Continental and Eastern Countries holding all shades of opinions on matters political and otherwise.

I feel certain, Sir, that where a welcome to the Prince of Wales is concerned, we shall forget all differences of opinion and with one voice, as members of the newest Legislature in the great Empire to which it is our privilege to belong, we shall extend to His Royal Highness a hearty and enthusiastic welcome.

The HONOURABLE SARDAR JOGENDRA SINGH: Sir, it is right that we should welcome the Prince to our hearts for his own sake and as the son of the Monarch who of all others has endeavoured to communicate his love of India in all parts of the Empire. The power of bringing diverse people into sympathy is surely the most king-like of all qualities.

It is right that we should come forward representing the millions of India and in their name assure His Royal Highness of our loyal support and affection, in which we and the people we represent hold the Royal House of England. The great grandson of the Empress Victoria who is enthroned in the hearts of the people surely deserves a warm welcome from his people. At a time like the present when the world of thought is as much disturbed as the world of action, which but reflects the absence of a common dominating ideal, our choice certainly lies in our devotion to the Crown or Chaos. In the East the ideal King is he, who is most God-like in his relation with his people, and even to day the King is the symbol and the sign of Imperial unity, and his greatness has ensued from service and sacrifice. Indeed the proof of our professions, that we wish to grow into equal partnership in the Empire, is our

unbroken devotion to the Emperor in whose person Imperial unity is realised. He is the sign and symbol of the Empire over and above hereditary princes, and modern democracies, linking them into a growing brotherhood to carry out great and common interests. He brings with him the greatest of all qualities, the quality of understanding and true sympathy, and love of the Empire, to which his father when he visited India gave such an expression. I remember in Delhi, when the Great Darbar was held, how on the first day the King marched in procession unnoticed by the crowd that hungered for his sight, and the next day he walked into the Polo ground and the crowd surrounded him. Indeed he had won perfect confidence, and he trusted his people and showed himself as their King-Emperor. That was the day of days. How can we turn away our faces and refuse to welcome His Royal Highness the Prince of Wales? This perhaps is the greatest political blunder made by Mr. Gandhi, and perhaps it is a blunder which he will admit at no remote date. We may look forward to find in his person a Prince who loves his people, and the same charm of manner, the same understanding, the same desire to promote commonweal and a sense of comradeship between his people of various races and creeds which animates our Emperor, and which in his turn he inherited from King Edward and the great Queen Empress whose memory is cherished in every remote village.

The HONOURABLE MR. A. H. FROMM: Sir, it is already self-evident that this Resolution, which has been so ably moved by the Honourable Sir Maneckji Dadabhoi, will commend itself to this Council and be received with unbounded approval. I find it somewhat difficult to say anything further without repeating what has already been said by the other Honourable Members of this Council, but I feel that I should be failing in my duty to those in Bombay who sent me here if I did not add on their behalf an expression of entire approval of this Resolution. Bombay is fortunately situated inasmuch as she will be the first to extend to His Royal Highness the Prince of Wales the warm land of welcome to India, and I can assure the Honourable Members of this Council that the rejoicings of Bombay will be unbounded and will not be exceeded in any other City or Presidency in this Empire.

There is one point, Sir, which has already been referred to by the Honourable Mover, and that is, I should like to draw the attention of the Members of this Council to the remarks uttered by His Excellency the Viceroy when addressing us together with the Members of the Legislative Assembly the other day, remarks which, I think, we should carry prominently before us and should repeat to the people who have elected us to this Council. I refer to what His Excellency said as to the visit of His Royal Highness to this country being in no way associated with politics. How glad we shall all be to drop politics on the great occasion. His Royal Highness is coming to India to make himself known to the Ruling Princes and the people of this country, and the welcome of the Indian Legislature to one, who has already so endeared himself to the people of the other parts of the Empire, will, I feel sure, be wholeheartedly sincere, unstinted, and unboundedly enthusiastic. With these words, Sir, I heartily support the Resolution.

The HONOURABLE SIR DINSHAW WACHA: Sir, I also, as representing Bombay, beg cordially to support the Resolution proposed by the Honourable Mover. I think it is our bounden duty as the Indian Legislature that we should give a hearty welcome to His Royal Highness the Prince of Wales

[Sir Dinshaw Wacha.]

when he arrives here. Bombay, as the Honourable Mr. Froom has already said, is, by its geographical position, the very first City in India on which the Royal foot is always planted. Three Princes of Wales during the last 46 years have arrived in the first place in Bombay. King Edward came as Prince of Wales in 1875. Then came King George as Prince of Wales in 1904, and now we shall have the greatest pleasure of receiving the present beloved Prince of Wales. In 1889, the son of King Edward (who, of course, was then the Heir Apparent as the Prince of Wales), the late Duke of Clarence, came. Bombay, Sir, in all its respective welcome to these Princes and at all periods, has surpassed with loyal pride, if I may say so, all the other Cities of the Empire which each visited. I vividly remember, Sir, how the Prince of Wales, the first future ruler to be of the Royal House of Victoria, was received at Bombay and the unbounded enthusiasm that prevailed. Thousands and thousands of people, men, women and children, came to see the son of the Great Queen, and at the same time they thronged together to see his bright, genial and Kingly face. The Princes of Wales, whenever they have come, have received in Bombay a very warm welcome and a very grand reception. As a member of the present Executive Committee of Bombay to welcome Prince Edward, I may say, from my own personal knowledge, that the Committee are doing all that they can and are making every effort to see how they can give the warmest reception to the Prince. Of course, Sir, all the other Cities of the Empire which His Royal Highness the Prince of Wales will visit will be equally enthusiastic and hearty in their reception, and I believe, Sir, also that, whatever other people may say, there will be unanimity in all India without distinction of religion, race or creed, in giving a warm reception to His Royal Highness, who will no doubt win their heart and affection.

The HONOURABLE LALA SUKHBIR SINHA : Sir, with great pleasure I rise to give my support to this Resolution. It is the sacred duty of all the Indians and especially of the Hindus, to give a hearty welcome to the Prince of Wales, because in our sacred books it is laid down that we cannot live in this world without a King or without a Ruler. When *Brahma* created the world the saints asked him under whose control they would be, and He said that He would create a Raja or Ruler, and He created a Ruler. Therefore, according to our sacred books, we are bound to give our whole-hearted welcome to our King and all the members of the Royal Family. There may be some difference of opinion about the political rights and privileges of the people, but I think they should not stand in the way of our giving a befitting welcome to the Prince of Wales. With these few words, Sir, I support this Resolution on behalf of the Constituency that I have the honour to represent in this Council.

The HONOURABLE MR. G. M. BHURGRI : Sir, coming from that great community, the Mussulmans of India, whose loyalty I may say has at the present juncture been tried sorely owing to a certain policy, I feel, that at this moment I would not be doing my duty if I fail to support this proposition. Though, Sir, as I said, the Mussulman community has been sorely tried on account of certain reasons which I will not now go into, we, Mussulmans of India, are yet loyal to the Throne, which we consider is above all controversy. Whatever differences we may have with the Government of this country or with the Government in England, this proposition is above all controversies. I believe my community and the vast majority of my countrymen certainly

realised and certainly endorse that view. That is why I do not like to give a silent vote. I, therefore, heartily support the Resolution on behalf of the Mussulmans.

The HONOURABLE LALA RAM SARAN DAS : Sir, I heartily associate myself with the Resolution moved by my friend the Honourable Sir Manckji Dadabhoi. Devotion to the Crown and loyalty to the Throne have always been traditional characteristics of the people in this country. In India the people have never been known to have failed in showing proper respect and devotion to the Royal Family. Hence as an august representative of His Imperial Majesty the King-Emperor, His Royal Highness the Prince of Wales is sure to receive a hearty and cordial welcome at the hands of all Indians. The Royal Family, as is well known, is above politics, and all classes of people in this country whatever political views they may hold, will certainly accord a right royal and enthusiastic welcome to the Prince. The Prince of Wales, the messenger of peace and good-will as he should rightly be called, has been successful in strengthening the bonds of affection and true comradeship between England and the self-governing dominions. Shall not the relations between India and the other members of this great British commonwealth be also put on the same happy footing? The British Empire is in itself, on a smaller scale, a League of Free Nations. The equal status of India in this league has just been recognised by the Imperial Conference that held its sittings in London recently. The Royal House of Windsor should bind, in affectionate brotherhood, all the members of this great League of the Nations. The Royal Family is, therefore, a symbol of unity, equality, and brotherhood among all the units of this Empire. The Prince of Wales has been touring all over the Empire to strengthen these ties. It is desirable that we should help him to build and strengthen those ties here in this country as well, for surely his visit will enable India to occupy a proud and honourable position in the British commonwealth of free nations.

The HONOURABLE SIR ZULFIQAR ALI KHAN : Sir, I wish to associate myself whole-heartedly with the remarks which have already fallen from the various speakers who have expressed their sentiments before me. If we were to judge, Sir, from the sentiments or ideas expressed by a section of the Indian population who are very vocal, one would judge that, perhaps His Royal Highness the Prince of Wales would not be welcome if he visited India. But there are people, and an overwhelming majority of people in India, who think otherwise and who hold the Royal Family in the greatest affection and whose devotion to the Royal Family has always been strongly expressed. Sir, I am glad that the Honourable Sir Manckji Dadabhoi has given us this opportunity of expressing our ideas about this visit, and I have no doubt that, when this Resolution has started from the Council of State, it will travel all over India and encourage those who feel perhaps abashed or diffident on account of the too vocal energies of the minority who are trying to impress not only India but the world that His Royal Highness would not be welcome to the Indians, and this Resolution will, I hope, express the true feeling of the masses. Sir, if Mr. Gandhi and his party could only see the situation in its true perspective, they would realise that India cannot stand without the support which England alone could give it. History shows that not only do we need the support of England, but also the support of the mighty armament which England possesses in the shape of the Navy and the Army. India is exposed on three sides by sea and the north is exposed to the invaders by land. Can any one expect that



[Sir Zulfiqar Ali Khan.]

India can defend herself without the support of England? If the British power were to withdraw its support to-day from India, I do not know what calamities and what bloodshed would befall this country, and how we should be able to carry on the administration for even a month. Sir, India requires that we should not create a sentiment of disloyalty to the British Crown, because whatever we possess and to whatever stage of progress we have reached we owe it to the British Crown, and whatever we possess has been given to us under the auspices of the Royal Family. Sir, with these few words I whole-heartedly support the Resolution now before the House.

The HONOURABLE SAIYID RAZA ALI: Sir, in spite of the grave provocation that has been given to me by an honourable and gallant member of this Council to play the role of a lunatic, I rise to give my support to this Resolution. Sir, as is known to students of Medical science, lunacy displays itself in more forms than one, but I have no inclination this afternoon to dilate on the subject any further.

Sir, the Honourable Sir Maneckji Dadabhoi deserves to be congratulated on the terms of his Resolution and the careful manner in which he has avoided all controversial subjects. Under any circumstances I take it, Sir, that it would have been a graceful act on the part of this Council to accord a hearty welcome to the Heir to the Throne on his visit to this country, but I feel that much more should we do so now when the voice of dissent and controversy has been raised in certain quarters. I for one, Sir, must say that I am not prepared to deny the right of holding their views to the non-co-operators. But, at the same time, I ask them in their turn to extend the same right to us. Further than that I am not prepared to go, and, after all, I do not think that this is a subject on which we need go into the whole history of the causes of, and remedies for, non-co-operation. Let them do their duty; on the other hand, we should not be slack in doing ours.

Sir, while giving my support to this Resolution, I, with the permission of the Council, feel it my duty to say that the way in which His Royal Highness' visit has been announced does not commend itself to me. As a matter of fact, it was announced by a Royal Proclamation in December 1919 that the Heir to the Throne would be coming out to this country and would perform the opening ceremony of the Chamber of Princes and of the Indian Legislature. I need hardly say that expectations ran high in this country to accord a welcome to His Royal Highness which was worthy of him and worthy of this country.

Unfortunately, it was announced last year that, after all, His Royal Highness could not come to this country and the uncle of the King-Emperor was chosen to visit this country and perform those ceremonies. Now, Sir, my grievance, and it is a friendly grievance, is that the Government did not take the two Chambers of the Indian Legislature into confidence. I have not the slightest doubt, Sir, that, if we had been consulted in this matter, whether the visit has been proposed by His Majesty's Government in England or by the Government of India, I know what response would have been made to this proposal. As it is, it is rather unfortunate that we were not consulted in this matter, which would to a certain extent show want of confidence in us by the Government of India. I do hope, Sir, that in future, when momentous decisions of this character are taken—and I do hold that the visit of His Royal

Highness is a very momentous affair—the Government of India will place greater confidence in us and will make it a point to consult us on questions of this character.

One word more, Sir, and I have done. While we, on our part, are prepared to accord a welcome to His Royal Highness which we can under the circumstances, my respectful plea to the Government of India is that, looking to the conditions obtaining in the country, and by “the conditions obtaining in the country” I mean more the economic distress with which we are faced to-day than anything else, those who are in charge of the arrangements in connection with His Royal Highness' visit will see to it that, while the reception prepared for His Royal Highness is suitable and is worthy of India, no unnecessary money is spent on mere show and *tamashas*. We have already had the privilege of having amongst us His Royal Highness the Duke of Connaught. I need hardly mention what reception we accorded to His Royal Highness. It, at the same time, as my Hon'ble friends will remember, has entailed a considerable financial burden on us. This time too, since the Prince has a higher position in the Royal Family than the Duke of Connaught, what I fear, Sir, is that, after all, His Royal Highness' visit may not involve a financial burden on us which might accelerate the discontent that is obtaining in the country.

With these few words I welcome the Resolution that has been so guardedly and so cautiously moved by the Honourable Sir Maneckji Dadabhoi.

The HONOURABLE MR. ALTAF ALI: Sir, I beg to associate myself with this Resolution. It has been so ably put by my friend the Honourable Sir Maneckji Dadabhoi and has been so amply supported, that I hardly think it is necessary to add to what has already been said.

Sir, I have great pleasure in supporting the Resolution on behalf of myself and of the Mulanmadans of Eastern Bengal whom I have the honour to represent in this House.

At this stage the Honourable Sardar Jogendra Singh rose in his place.

The HONOURABLE THE PRESIDENT: The Hon'ble Member has already spoken.

The HONOURABLE SARDAR JOGENDRA SINGH: I wanted your permission to make an explanation regarding the remarks which the Honourable Saiyid Raza Ali made.

The HONOURABLE THE PRESIDENT: Is it a personal explanation?

The HONOURABLE SARDAR JOGENDRA SINGH: On behalf of the Reception Committee.

The HONOURABLE THE PRESIDENT: I think the matter does not arise.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: In accepting this Resolution now before the Council, on behalf of the Government, it is perhaps desirable that I should emphasise what His Excellency the Viceroy has already laid stress on in regard to the coming visit of His Royal Highness the Prince of Wales. He visits India as the Heir to the Throne, as the representative of our Royal House, and as the living emblem of that strongest of all bonds which holds together the sister nations of this great Empire.

[H. E. the Commander-in-Chief.]

Following the foot-steps of his Royal father and of his grand-father, he comes in order to learn and to realise what India is, for no one, until he has seen and felt India, can have even a remote conception of what the Indian Empire really means. In his visit there is no breath of politics. In his wonderful tours of Canada, Australia and New Zealand, which have been one unbroken triumph, all parties, sections and religions have sunk their differences in order to join hands and accord him a more than enthusiastic welcome. To those of you who have not yet come under the magnetic influence of his personality or who have not heard him deliver an address, I can tell you that there is a pleasure in store, and I think probably a surprise also. Notwithstanding that, in India to-day, there are certain shortsighted sections of the people who desire to refrain from according that welcome to which for every reason he is entitled, the Resolution now before the Council is clear evidence of the true feeling of the overwhelming majority of the Indian people. It is therefore with sincere pleasure that the Government of India accept this Resolution and will convey it to His Royal Highness through the proper channels. Steps will likewise be taken, in accordance with the terms of the last part of the Resolution, to appoint a Committee in conjunction with the Legislative Assembly to draft a suitable address of welcome for presentation to His Royal Highness on his arrival in India.

The HONOURABLE THE PRESIDENT : The question is that the following Resolution be adopted :—

'This Council recommends to the Governor General in Council that he may be pleased to convey to H. R. H. the Prince of Wales its humble request that he may be graciously pleased to accept a loyal and dutiful address of welcome from the Indian Legislature, and invites the co-operation of the Legislative Assembly in constituting a Committee of the Indian Legislature to draft a suitable address for the purpose.'

I think it would be in accordance with the wish of the Council that we should pass this Resolution standing.

The Motion was adopted unanimously, the Council standing.

## RESOLUTION RE: WELCOME TO LORD READING ON HIS ASSUMPTION OF OFFICE.

The HONOURABLE MAHARAJADHIRAJA SIR RAMESHWARA SINGH OF DARBHANGA : Sir, I beg to move the following Resolution :—

'This Council recommends to the Governor General in Council to convey to His Excellency Lord Reading a cordial welcome on his assumption of his high office, together with an assurance of the loyal and whole-hearted support of the Council in the discharge of his onerous and difficult duties.'

I feel confident I voice forth the unanimous opinion of the Council in moving the Resolution that stands against my name. His Excellency Lord Reading has come out to govern India with a reputation for able statesmanship, amply borne out by the brilliant record of his magnificent services to the Empire, which marked him out as the one Statesman to whose hands the destiny of India could be safely entrusted by his Sovereign. As Lord Chief Justice of England, he made a name for himself by his broadminded view of

justice and his keen solicitude to administer equity. As the British Ambassador to the United States during the Empire's dark hour, His Lordship displayed an instinct for doing the most effective thing, which was the high watermark of statesmanship. As the Viceroy of India, the popularity of His Excellency has already been secured by his sincerity, good faith and zeal for the welfare of the people, and it needs no special gift to prophesy that the next five years will mark him out as one of the most successful administrators who has presided over the destinies of India. Ever since he assumed charge of his high office, it has been his sincere endeavour to maintain the glorious traditions of British justice in all affairs of State, and to bring about harmony and goodwill between the people and the Government. We are particularly fortunate that His Excellency is here in India to guide us at a time when a constitutional régime is beginning, which opens a broad path in which the Indian people, with their ancient culture, could march hand in hand with the British nation towards a common goal. It is, therefore, in the fitness of things, that the Honourable Members of this Council should extend a most hearty welcome to His Excellency and do all they can to co-operate whole-heartedly with His Excellency in all measures tending to maintain law and order and the security, contentment and prosperity of the millions whom he has been called upon to rule.

The HONOURABLE RAJA SIR HARNAM SINGH : Sir, I beg to support the Resolution moved by my Honourable friend, the Maharaja of Darbhanga. India is very fortunate in having Lord Reading as her Viceroy. His Excellency has had a highly distinguished and successful career, and, though the times are difficult, we have reason to hope and believe that His Excellency's wide experience and full knowledge of men and affairs will enable him to pilot the ship of State through troubled waters to a peaceful haven. It is necessary, however, on our part to give His Excellency adequate time to study the needs of this country and to support him in every endeavour to promote the political, economic and social progress of India.

The HONOURABLE MR. G. M. BHURGRI : Sir, I rise to associate myself whole-heartedly with the object of the Resolution of my honoured Colleague, and to accord a most cordial welcome to Their Excellencies, Lord and Lady Reading.

Sir, I do this not out of sheer formality or flattery. I do it because we Indians have special reasons to hail His Excellency's appointment as Viceroy and Governor General of India at the present juncture. His Excellency comes to preside over the destinies of this great country at the time, not only of the inauguration of a New Era of Constitutional Reforms, but also when, owing to reasons too well known to require reiteration here, large black clouds threaten the very horizon which it was intended to make brighter and broader by the new dispensation or order of things. To make the Reforms a reality, and to avert a calamity brought about by the mistakes and misdeeds of the past, India wanted a Statesman of broader outlook, sympathy and foresight than any she has had before, to captain, guide and steer the great ship of the State, which, while the prospects of the Promised Land lie before her, has been overtaken by a heavy storm of violent and harmful propaganda in the midst of angry surges of unrest and discontent, threatening her quiet, placid and steady march towards the goal.

In such an hour of trial and tribulation, in spite of the wrongs and mistakes we did not lose faith. But in the interest and welfare of mother India,



[Mr. G. M. Bhurghri.]

in the Empire's own welfare, prayed and asked for an administrator, a doctor, who would not aggravate the malady, but with the salve of sympathy, goodwill and broadminded statesmanship heal the wounds and right the wrongs, taking the country onward on her steady march of progress and self-realization!

We cannot say, Sir, whether it was in response to our prayers and requests that he was sent here. For what better choice could there be than that of a man steeped in the most liberal traditions of Great Britain, a man universally respected for his high attainments and acumen as Judge, Financier and Administrator? India has never so sorely needed one who combined in him the three great gifts, and used these gifts in promoting her happiness and welfare. We, the members of the House, and if I may be allowed to speak for those who are outside this House and who share my sentiments, we have every confidence that His Excellency will fulfil this hope. His Excellency has already justified our hopes by his wise and sympathetic administration for the last few months he has been here, and more specially by his speech before the Legislature the other day. The speech makes one thing quite clear. That, in spite of the troubled times, His Excellency is earnest and means to do his very best by India and by Indians. His Excellency gave expression to the sentiment that he looked up to the Legislature to assist him in the discharge of his heavy responsibilities. I, as one of His Excellency's humble legislators, want to assure him that that is a duty, a most sacred duty, which every one in this House, I feel confident to say, feels his first obligation to perform.

In his speech, His Excellency has exhorted us, the members of the Legislature, and rightly, not to content ourselves with doing our duty inside the House, but also to go forth *outside* among the people. May I assure His Excellency that in very many matters most of us who are co-operating with the Government have to bear the brunt of many an unpleasant thing outside this House. For the sake of our country, for the sake of that connection which we feel as essential for the welfare and development of the Empire as for India, we have been doing our very best, not without risking many things dear and near to us, in the shaping of affairs outside this House, quietly and persistently. If, Sir, our efforts have borne little fruit, if we have not appreciably succeeded in rendering effective assistance in the discharge of His Excellency's heavy responsibilities, it is, I assure His Excellency, for no fault of ours. I am not here to find fault with, or pass a verdict upon, individuals, or even policies. But from personal experience, dispassionate study and observation of the events of the past few years, having given my most anxious time and thoughts to them, I confess, Sir, I am again and again driven to the inevitable conclusion, namely, that the remedy lies in other hands than our own.

There are, as His Excellency himself has said in his address, some grievances, legitimate grievances, which require to be remedied. I submit, Sir, it is not possible to redress these grievances, without removing the deep-rooted causes of the present discontent, before it gets altogether out of control. So far, even at the risk of public opprobrium, we, on our part, have been rendering every possible assistance to the Government inside this House, and using our best influence and effort outside, to suppress disorder, and prevent chaos and catastrophe. But, Sir, we are becoming day by day more and more conscious of our helplessness and the futility of our efforts, without that remedy

being instantaneously applied which, as I have said above, lies in other hands than our own, and which to us appears to be the only panacea for the present situation, the only redress for the root-cause of the present unrest and agitation.

That remedy, Sir, is in a word, "a policy of steady and courageous conciliation." We have the lesson of our past experience,—say, for instance, the agitation against the partition of Bengal, when that agitation was at its highest. My revered leader, the late Mr. Gopal Krishna Gokhale, then ventured to tender the following advice to the Government. Addressing the Honourable the then Home Member of the Government of India, in the course of the debate on the Seditious Meetings Act, he said :—

'Let me say this to the Honourable Member, whether the 'Moderates' remain silent or denounce the 'Extremists,' it will make very little difference in the hold which the Extremists are acquiring on certain minds of India. There is only one way in which the wings of disaffection can be clipped, and that is by the Government pursuing a policy of steady and courageous conciliation.'

The annulment of the Partition, many years later, proved the correctness of these views. They are as correct and sound now as they were then, and I take this opportunity while according a hearty welcome to His Excellency humbly to press them on his attention.....

THE HONOURABLE THE PRESIDENT: Order, order. I have already allowed the Honourable Member considerable latitude, but I think he is going too far and he must adhere to the terms of the Resolution.

THE HONOURABLE MR. G. M. BHURGRI: His Excellency has pointed out to us the results of the labours of the Reformed Legislature during the short period of its first Session, and the good harvest gathered thereat. At the same time he has uttered a word of warning. He asks us not to expect at every Session to garner so rich a harvest. May I once again, in performing that very pleasant duty which prompts me to speak on this Resolution, beg you, Sir, to convey to His Excellency the humble message that the country expects a richer harvest still during the present and subsequent Sessions in the immediate future. I am.....

THE HONOURABLE THE PRESIDENT: Order, order. Does the Honourable Member desire to move an Amendment to this Resolution? The Honourable Member must be aware that it is impossible for me to convey a message to His Excellency unless it is through the Council. Therefore, if the Honourable Member wants to move an Amendment to the Resolution, he must be prepared to do so, but as it is he is going too far outside the terms of the Resolution.

THE HONOURABLE MR. G. M. BHURGRI: If you will allow me to move an Amendment I am prepared to do so.

THE HONOURABLE THE PRESIDENT: If the Honourable Member wishes to do so, I have no objection.

THE HONOURABLE SIR ALEXANDER MURRAY: Sir, I wish to associate myself with the remarks that have fallen from the Honourable Mover of this Resolution.

I leave it to other speakers to refer to the benefits that India may expect to reap from having at the head of Government one so well versed in politics and law as Lord Reading.

[Sir Alexander Murray.]

As the representative here of a Constituency whose members are largely interested in India's Commerce and Trade, I have no hesitation in saying we welcome His Excellency as Viceroy. We cannot forget the great services rendered by Lord Reading to the Empire in the world of Finance on the outbreak of war, and we remember with gratitude the assistance rendered by him to India when, as Ambassador to the United States of America, he persuaded the Government of that country to place at India's disposal all the silver necessary to prevent a currency crisis here.

At that time India's problem was how best to replenish exhausted reserves with silver rupees and to prevent exchange from rising. The problem now is how best to dispose of overflowing hoards of silver and to prevent exchange from falling.

We feel that Lord Reading's wide knowledge and experience will be of the greatest assistance to his Government when matters of this description are under consideration. And I can assure His Excellency that he may rely on the loyal and whole-hearted support of the community I represent, in all matters that tend towards the peace and good government of this great country, and that will enable it to take its rightful place as one of the leading countries in the world of Industry, Commerce and Trade.

The HONOURABLE SIR MANECKJI DADABHOY: Sir, this Resolution marks a new departure in the history of the Council, and under ordinary circumstances I should not have supported it, because it is clear to me that an address of this kind should be given to a Viceroy at the termination of his office and not at the commencement. But, in the case of Lord Reading, we must make an exception. His high sense of patriotism and a strong feeling of duty have brought him out to India. He has exchanged an exalted office in England for the anxious cares and burdens of the Indian Viceroyalty, particularly in face of the fact that the Viceroyalty of India at the present juncture is not, I may venture to say, a bed of roses. I, therefore, have pleasure in giving my support to this Resolution.

The HONOURABLE MR. A. H. FROMM: Sir, I have much pleasure in supporting this Resolution. I have listened with great interest to the remarks which have fallen from the lips of my Honourable friend Sir Alexander Murray in recalling to the memory of the Members of this House the great services rendered to India by His Excellency when Ambassador at Washington. I have listened to those remarks with interest because a similar expression of gratitude was embodied in the address which I, when Chairman of the Bombay Chamber of Commerce, had the honour of presenting to His Excellency on his arrival in this country. I cannot help thinking that the recognition that Bengal also has not forgotten those services must be a source of gratification to His Excellency. I do not desire to detain the Council any longer with a speech on this subject, but I feel sure that all the Members of this Council will accord their hearty support to this Resolution.

The HONOURABLE MR. ANNAMALAI CHETTIYAR: Sir, it is a great pleasure to me to rise in support of this Resolution. As the representative of the Sovereign, it is our duty to accord a cordial welcome to His Excellency. But the duty becomes a pleasure when we remember that His Excellency has as his watchword "justice." Now, Sir, India is passing through a very critical

time, everywhere there is unrest seeking to find a new outlet for the new aspirations born of the war. The realization of these aspirations can be had either through the path of peace and progress, the opposite leading to bloodshed. But we have deliberately chosen the former, the path of peace and progress, and therefore it behoves us all to support His Excellency who stands for ordered progress and justice. We may confidently hope that during the time of His Excellency, Indian aspirations will be substantially realised. With these few words, Sir, I support the Resolution.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: Sir, in rising to support this Resolution, I should like to say that this welcome is not an ordinary welcome such as we extend to other Viceroys. This welcome is a particular welcome to a particular man. Lord Reading is considered to be not only one of the ablest Viceroys, but he is known to be one of the ablest men in England, and we should all be very grateful to His Majesty the King to have sent him out at a time when India was in need of such a man. We are glad he has come out here at a time when we most needed him and when we wanted peace in the country. We all want peace but we are unhappily being disturbed by a clique who are bent on doing mischief, and they do not stop even at causing bloodshed. I sincerely trust that my remarks do not fit anyone in this House—I am sure they do not. With these few words, Sir, I heartily support the Resolution.

The HONOURABLE SARDAR JOGENDRA SINGH: Sir, there is something peculiar in the wording of the Resolution. It asks the Governor General to convey the thanks of this Council to the Governor General. I wonder if it would be possible . . . .

The HONOURABLE THE PRESIDENT: The Resolution runs "that this Council recommends to the Governor General in Council to convey to His Excellency, etc." The Governor General in Council is an entirely different person from the Governor General.

The HONOURABLE SARDAR JOGENDRA SINGH: I see the distinction, Sir. But what I was going to say, was that possibly a direct Resolution from this Council conveyed by the Honourable the President would be more straight forward. We welcome the Viceroy for many reasons. One of the strongest is, that we expect him to give us a new programme and a policy. I associate myself with the short and sweet speech made by the Honourable Raja Sir Harnam Singh, hoping that the new Viceroyalty will be marked by industrial and economic development of the country. As the Honourable Sir Alexander Murray pointed out a little while ago, what India needs is a stable exchange and industrial development, and in the field of politics, we want more than ever a consistent policy. For the last few years we have had too many shifts and expedients guiding the policy of the Government of India, and we hope that the new Viceroy will give us a new programme and a constructive policy which would bring peace and tranquillity to India. I associate myself with the Honourable the Mover of this Resolution in welcoming the new Viceroy to the difficult task which is before him.

The HONOURABLE MR. G. S. KHAPARDE: Sir, I originally did not intend to speak on this Resolution, but I do so to support it because I see in it the beginnings of a constitutional practice which, I hope, will become general. There is always an inaugural speech when a Session begins. In

[Mr. G. S. Khaparde.]

England, there is a speech from the Throne and then both the Houses have a debate or something like a debate, called Address on the Speech. That is to say, they move certain propositions by way of saying that it is an Address to be presented to the King, and there are a few grievances also added to it. I am glad to see that this practice has begun, and it has begun very well, because it has come from one of the oldest Members in this House, the Honourable Raja Sir Harnam Singh, and my friend the Honourable Sardar Jogendra Singh sitting behind him has also mentioned that economic problems and all such things should be included. I, therefore, welcome this Resolution immensely both for the personal greatness of the Viceroy and for his attainments, for all that he has done and also for all that we expect will be done. Along with that we should like to help him by telling him something of the most important problems on which we would like him to concentrate his attention. In this spirit, therefore, that hereafter, after every speech from the Throne there will be an Address voted in this House and the other House also. I heartily support this Resolution.

The HONOURABLE MR. G. M. BHURGRI : Sir, I want these words to be added at the end of the Resolution :

'And this House hopes that His Excellency will pursue a policy of conciliation at this juncture and thereby secure peace and tranquillity which this country so sorely needs.'

The HONOURABLE THE PRESIDENT : To the Resolution which has been moved by the Honourable Maharajadhiraja Sir Rameshwara Singh, an Amendment has been proposed by the Honourable Mr. Bhurgri, *viz.*, that at the end of the Resolution the following words be added :

'And this House hopes that His Excellency will pursue a policy of conciliation at this juncture and thereby secure peace and tranquillity which this country so sorely needs.'

The HONOURABLE LALA RAM SARAN DASS : Sir, I cordially support this Resolution.....

The HONOURABLE MR. LALUBHAI SAMALDAS : May I rise to a point of order, Sir ? Is the Resolution or the Amendment now before the Council ?

The HONOURABLE THE PRESIDENT : We are discussing both the Amendment and the Resolution.

The HONOURABLE MR. PHIROZE C. SETHNA : May I ask if the Amendment has been seconded ?

The HONOURABLE THE PRESIDENT : Under our rules it is not necessary to second an Amendment.

The HONOURABLE LALA RAM SARAN DASS : Sir, I cordially support the Resolution so ably moved by my esteemed friend the Honourable Maharaja of Darbhanga. There is more than one reason why India wants to extend a hearty welcome to His Excellency Lord Reading. In the first place, as His Excellency reminded us only the other day, he is steeped in the Liberal traditions of England. The reforms that have recently been introduced in the Indian constitution can only be worked and developed successfully by a Liberal Viceroy. Secondly, the one thing that India requires above all at this day is justice. The appointment of Lord Chief Justice of England as Viceroy of India is, therefore, greatly appreciated by the people. The new Viceroy comes with a past record which will eminently fit him to solve

the many difficult problems with which India is at present confronted. India with the rest of the world is at present passing through a great crisis, and we are sure that through the skilful guidance of the Viceroy the country would be led to the haven of peace, prosperity and internal tranquillity. Let me assure His Excellency that all moderate and sober public opinion in the country will be with his Government in the heavy and difficult task of reconstruction that lies before it. We pray that before His Excellency lays down his high office, India will occupy a proud and honourable position in that fraternity of free and equal nations called by the name of British Empire.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN then rose to speak.

The HONOURABLE THE PRESIDENT : I think the Honourable Member has spoken before.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN : Not on the Amendment, Sir. I strongly oppose the Amendment. I oppose the Amendment which has been put forward by the Honourable Mr. Bhurgri because, if we incorporate it in the Resolution, we will be dictating a policy to the Viceroy and I think that is not right.

The HONOURABLE MR. G. S. KHAPARDE : I wish to speak in support of the Amendment, Sir. I do so because, as I said, a constitutional practice of voting on the Address as it is technically called in England may be introduced here, and when a speech from the Throne indicates the points which Government wish to bring out in the Session, we in voting on the Address will bring out what few points we want to urge, and that is my reason for supporting the Amendment suggested by my Honourable friend Mr. Bhurgri.

The HONOURABLE THE PRESIDENT : I will ask the Council to bear with me one second while I endeavour to explain this matter. The Resolution now before the House accords a welcome to His Excellency on his assumption of high office. There can be no parallel. —I think it is quite evident to the Council—there can be no parallel between an Address of welcome at the commencement of a five years' term of office by His Excellency the Viceroy and the discussion which takes place every year at the opening of Parliament on the King's speech. It may be, and possibly will be, a constitutional development in this country that in the future, after the opening speech by His Excellency the Viceroy at the commencement of our Session, something analogous to the debate on the King's speech will grow up, but such a debate can clearly not be founded on the present Resolution.

The HONOURABLE MR. G. M. BHURGRI : My object really was to set up some sort of precedence for a debate on the Address. And as I knew I would not have any other opportunity of doing so, I have brought in the Amendment.

The HONOURABLE THE PRESIDENT : I feel that in this matter this Council desires to be unanimous. I understand that the Honourable Mr. Bhurgri wishes to set up a constitutional practice, a matter which does not really arise on this Resolution. In order that we may have unanimity in this matter, I therefore appeal to the Honourable Mr. Bhurgri to withdraw his Amendment, which has sufficiently served his purpose.

[5TH SEPT. 1921.]

[Mr. G. M. Bhurgri.]

The HONOURABLE MR. G. M. BHURGRI: In deference to your wishes, Sir, I withdraw the Amendment.

The Amendment was, by leave of the Council withdrawn.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: On behalf of His Excellency the Viceroy, I am anxious to express his appreciation both of the Resolution itself and the way in which it has been received by this Council. We have listened with rapt attention and I would add with feelings of confidence and respectful admiration to the words which His Excellency has addressed to us on Saturday in another place. It is abundantly clearly that the task which lies before him is one of unusual delicacy and exceptional complexity, but he approaches it with a sympathy and a good-will coupled with a complete knowledge of affairs, which claims our implicit confidence. Whatever action it may be deemed necessary or desirable to take in order to preserve the peace and good government of India will, I am sure, receive the whole-hearted support of the members of this Chamber, (Hear, hear), and it is for this reason that His Excellency welcomes the Resolution now before the Council, a Resolution which the Government of India will take steps to respectfully convey to His Excellency in the usual manner.

The HONOURABLE MAHARAJA SIR RAMESHWARA SINGH OF DARBHANGA: I have nothing more to say. I do not think there can be any two opinions on the matter and I have no more observations to make.

The HONOURABLE THE PRESIDENT: Before I put the Resolution, there is one matter that I should mention. It is quite clear that the discussion on Mr. Bhurgri's Amendment has shown a desire on the part of the Council generally to find, if possible, some procedure for raising a debate on matters dealt with in the speech of His Excellency the Viceroy at the opening of the Session. This will involve a consideration of the constitutional position which it must always be remembered is not identical with that of the English constitution. I hope, however, in consultation with my Colleague who presides in the other Assembly to be able to submit later on to the Council some suggestions on that point. (Hear, hear.)

The question is that the following Resolution be adopted:—

'This Council recommends to the Governor-General in Council to convey to His Excellency Lord Reading a cordial welcome on his assumption of his high office, together with an assurance of the loyal and whole-hearted support of the Council in the discharge of his onerous and difficult duties.'

The motion was adopted unanimously.

The HONOURABLE THE PRESIDENT: The Council will now adjourn till 3 P.M.

The Council re-assembled after lunch at Three of the Clock. The Honourable the President was in the Chair.

#### MESSAGE FROM LEGISLATIVE ASSEMBLY.

The SECRETARY OF THE COUNCIL: A Message has been received from the Legislative Assembly.

The HONOURABLE THE PRESIDENT: Let the Message be read.

The following Message was then read out by the Secretary of the Council:—

Sir,

I am directed to inform you that the following Resolution was passed in the Legislative Assembly at their meeting of the 5th September:—

'This Assembly recommends to the Governor General in Council that he may be pleased to convey to His Royal Highness the Prince of Wales its humble request that he may be pleased to accept a loyal and dutiful address of welcome from the Indian Legislature; and further recommends that the co-operation of the Council of State be invited therefor and that a Committee of both Chambers to which the following members of this Assembly shall be nominated be appointed to draft the address:—

- (1) Sir P. S. Sivaswamy Aiyer,
- (2) Mr. T. V. Seshagiri Ayyar,
- (3) Prof. S. C. Shahani,
- (4) Mr. Harchandrai Vishindas,
- (5) Chaudhuri Shahab-ud-Din,
- (6) Lala Girdharilal Agarwala,
- (7) Mr. J. Chaudhuri,
- (8) Mr. C. W. Rhodes,
- (9) Rai Bahadur Debi Charan Barua,
- (10) Mr. J. P. Cotelingam,
- (11) Syed Rajan Baksh Shah,
- (12) Mr. Jamnadas Dwarkadas,
- (13) Lieutenant-Colonel H. A. J. Gidney, and
- (14) Dr. H. S. Gour.'

2. The Legislative Assembly desire the concurrence of the Council of State in the Resolution.'

The HONOURABLE THE PRESIDENT: With reference to the message which has just been received by this Chamber, a motion will be made to-morrow. In the meantime this Chamber has now met to consider the motion for the adjournment which stands in the name of the Honourable Sir Maneckji Dadabhoy.

An Honourable Member asked me as I was leaving the Chamber what object was served by a motion for an adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance. It is, of course, to give the Council an opportunity of hearing the Government views on a matter of public importance. If the adjournment is carried against the Government, that is a disapproval by this Council of the explanation of Government. If the motion is withdrawn with the consent of the Council that is construed as approval of the Government action. I am sorry to have troubled Members with this explanation, but, as one member at least was in some doubt, I thought it right to do so.

The HONOURABLE SAHYID RAZA ALI: I hope Members will be given an opportunity to discuss the speech made by the Honourable Member in charge of this matter on behalf of the Government.

The HONOURABLE THE PRESIDENT: The rules are perfectly clear. An Honourable Member moves; a Member of the Government will presumably speak at some stage of the debate. Other Members of course are at liberty to discuss any matters that arise out of the Government Member's speech. Otherwise the motion would be entirely fruitless.

## STATE OF AFFAIRS IN MALABAR.

THE HONOURABLE SIR MANECKJI DADABHOY : Mr. President, I now move that the House be adjourned. My object in moving this adjournment of the House is to give this Council an opportunity of discussing a definite matter of urgent public importance, namely, the state of affairs in Malabar and the full details of the Moplah outbreak. In moving the adjournment I may at once say that my object is not to embarrass the Government in any manner in the arduous task which it has before it now, nor do I wish to make any remarks or criticisms that will in any way make matters difficult for the Government of India or the Government of Madras. I shall in no way anticipate or pre-judge any action that may be taken in connection with the atrocities which have been committed. I shall, therefore, endeavour not only to be brief, but at the same time to make my remarks as innocuous as possible. But the importance of the subject needs not only a brief *résumé* from me of important events but a full, explicit and exhaustive statement from the Home Member on behalf of Government. I shall be particularly brief and precise, as I understand my Honourable friend Rai Bahadur Annamalai Chettiyar, who has given notice of a similar motion and who is more intimately acquainted with the state of affairs in the Madras Presidency than I am, intends to follow me.

Sir, we have all read in the newspapers the accounts of the terrible atrocities which are now going on in Malabar with poignant grief. I am representing the sentiments of the Indian nation when I say that the catastrophe which has taken place in Malabar is now pre-eminently occupying the attention of the general public and every news in connection therewith is waited by the general public with great interest and anxiety. It is unfortunate that the Government of the Madras Presidency is having a very anxious time. We have all read the harrowing accounts; we have also seen the fragmentary official and unofficial news and notices; we have read the Madras Government's Communiqué on the subject; but the Council will agree with me when I say that the whole history of the outbreak has not been presented by the Madras Government in a connected narrative form, and we, therefore, await to-day a most exhaustive statement from the Government of India on the subject. We have read the Chapter of crimes committed in Malabar, of the destruction of public and private property, the looting of Government Treasuries and Sub-Treasuries, the defiling of Hindu temples and also of the forcible conversion of Hindus to Islam, with great horror and real grief. We want to know who is responsible for these acts and atrocities, and was it not within the power of Government to have avoided this catastrophe or minimised the severity of this catastrophe to a certain extent? It is true that the state of affairs in Malabar has been bad for the last six months. It is well known that the preachings of seditionists, that the poisonous doctrines which these seditionists and anarchists were daily pouring into that highly fanatical soil of Malabar was gaining ground. Government was aware of it. Government knew of the danger that was coming. And in this connection I will draw the attention of the House to a statement made by my friend the Honourable Sir William Vincent in February last in the Legislative Assembly. He said :

We are now faced in this country with the frequent prospects of disorders here and there. I myself think that we shall be very fortunate if we escape in the next six months without serious outbreaks of sporadic disorder in different places.

I have made it perfectly clear that the Government anticipated danger, and I cannot therefore understand why Government did not take precautionary

measures for the suppression of these atrocities in Malabar. As Government knew that the people of Malabar were collecting swords, spears, fire-arms and other instruments, it is difficult to understand why stringent measures of a precautionary character were not adopted in the right time. It might have averted a great deal of bloodshed, it might have averted the sanguinary battles that have taken place there and the loss of innocent lives that has unfortunately occurred. I, therefore, think that in this connection an explanation is due to the country from the Government, which cannot be altogether exonerated from a certain measure of responsibility in this matter. Further, Sir, it is perfectly clear that the Moplahs were prepared for the occasion and that there was a wide-spread organisation behind them; all these pitched battles with three and four thousand people which recently took place clearly demonstrate the existence of a well-conducted and nefarious organisation behind the back of these revolts. It is therefore necessary that the Government should make a complete statement on the point and place before the country any information that may exist on the subject, as I consider the time has now arrived when there is no longer any necessity for keeping the matter secret. I make bold to say in this connection, and I feel I echo the sentiments of all of us here, official and non-official Members, whether they be Europeans or Indians, that in any measures which Government may decide to adopt for the suppression of these revolts, for the promotion of order and the maintenance of peace, this Council will whole-heartedly give its support. Things are going from bad to worse; innocent lives are being lost; the country is almost in a state of consternation; riots are taking place not only in Malabar, but in all parts of India; everywhere there are seen forces of disruption and disorganisation; law-abiding citizens are not in a position to do their ordinary work; there is a state of havoc and intense anxiety. I think the time has arrived when the Government should adopt strict measures for the suppression of these riots and for the maintenance of peace and order. I would also like the Honourable the Home Member to enlighten the Council, as fully as possible, as to the origin and cause of these disturbances; a history of the genesis of these disturbances will be extremely valuable. I would also like the Honourable the Home Member to distinctly state the total number of casualties, both European and Indian. I would also like the Honourable the Home Member to assure this Council that Government have now taken precautionary measures immediately in the troubled parts of Madras, and within what period he expects peace and order to be fully restored in that troubled country. Government have promulgated the Martial Law Ordinance; a Martial Law Ordinance is always distasteful and unpalatable to the people. It can only be justified in case of absolute necessity, and I have no doubt that the Government was satisfied before the promulgation of the Ordinance in substituting martial law for the common law of the country. In this connection we have heard with great satisfaction the sentiments to which His Excellency Lord Reading gave expression to on Saturday last, and, if I remember his words aright, they were that nurtured as he was in the traditions of the Inns of Court he had satisfied himself as to the absolute necessity of the promulgation of martial law before issuing orders for the same. I think that statement is quite satisfactory; it will settle the controversy in the country. I have seen in various newspapers and in various journals a lot of adverse reference about the introduction of martial law; but I think the explanation which His Excellency has given puts the matter out of controversy, and I have no doubt that nurtured as His Excellency is in the free atmosphere of the English bar and in the traditions of English justice I

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shall accept his statement fully and implicitly, and I have not the slightest doubt that the country at large will similarly accept it. Further, I am very pleased, and the country has noticed with great satisfaction, that in the preparation of this Martial Law Ordinance the blunders that were committed at the time of the Punjab affair have been studiously avoided. The power and authority of the civil law has been to a certain extent maintained. Consultations by the military officers with the Civil Department have been rendered obligatory, and prior to the issue of notices and regulations, and the rules for summary trial of cases the necessity of following the provisions of the Code of Criminal Procedure has been indicated and enforced. So far it is satisfactory. I say on behalf of the country that martial law being the negation of the ordinary law, it will only be enforced and kept in operation for the period for which it is actually required and absolutely justified. It will, I trust, be removed, as early as possible, and every measure will be taken to restore the peace of the country and the authority of the ordinary common law of the Realm.....

The HONOURABLE MR. G. M. BHURGRI: May I know, Sir, if the Honourable Member is speaking on behalf of the Government or on behalf of himself? He says 'It will be removed and every measure will be taken, etc.'

The HONOURABLE THE PRESIDENT: I would remind the Honourable Member that under the Standing Orders a speech on a motion for adjournment is limited to fifteen minutes.

The HONOURABLE SIR MANECKJI DADABHOY: I am coming to an end, Sir. I will not take more than the prescribed fifteen minutes.....

The HONOURABLE THE PRESIDENT: The Honourable Member must conclude his speech as rapidly as possible. He has already spoken for fourteen minutes.

The HONOURABLE SIR MANECKJI DADABHOY: I would also request Government to state whether they have issued instructions to the authorities administering martial law to carry out the injunctions embodied in the Secretary of State's despatch No. 108 of the 26th May 1920, in connection with the Hunter Committee's report. There certain canons of procedure and "standards of conduct" were laid down for the instruction of military authorities, and I hope those canons will be religiously and strictly observed.

In conclusion, I shall ask the Government to take the House into confidence and to place before it every important matter which is worthy of information. The country is very much distressed over this affair, and a full and complete answer is required as regards the state of things prevailing at the present juncture. With these few words I move the motion.

The HONOURABLE SIR WILLIAM VINCENT: Sir, I wish I could have heard what the Honourable Member opposite has to say on the subject before rising to reply to the motion. But unfortunately I have to attend in another place at 4 o'clock this afternoon to answer a similar motion there, and

I hope the Council will, therefore, excuse me for speaking now: I hope also that the Honourable Member opposite will accept my apology for not waiting to hear him before I rose.

The Honourable the Mover of this Motion for Adjournment with his usual courtesy gave me previous notice of the points to which he was going to draw attention, and this has facilitated my task to a great extent in answering the motion before the House.

It would perhaps interest Honourable Members if I were to preface my remarks with a brief reference as to the origin and cause of this rising in Malabar. The fact is that these Moplahs are an ignorant people, many of them poor and nearly all of them fanatical and entirely under the influence—as I learn from the information before me—of a bigoted priesthood. As I think all Honourable Members know they are descendants of Arab traders and soldiers who first came to the Malabar coast some time, I think, about 800 A. D., and we are told that they later established themselves by intermarriage and conversion, or perversion, whichever term appeals to different Honourable Members of this Council, of the local residents to Muhamadanism. There have been many outbreaks of these people who now number about a million in the past, indeed during a period of about 20 years—between 1836 and 1853, there were 22 outbreaks, but the biggest one about which I have any information occurred in 1885 after which 20,000 arms including 9,000 guns were collected from the insurgents.

The present rising in itself appears to be purely religious, though, no doubt, it has been accentuated by economic distress. In the past agrarian trouble has frequently been at the bottom of risings, but I have no information before me which leads me to think that Hindu landlords are responsible for the present outbreak. It is, however, known that certain Extremist Muhammadan agitators—I do not wish to use any word that will cause resentment, because many gentlemen feel very strongly about the Khilafat who are not really Extremists in the sense I mean—have been at work for two years in this locality working up the people over the Khilafat. There is on the information before us no sympathy for the non-co-operation movement as such, and indeed there is little regard for Mr. Gandhi's personality. There is certainly no sympathy for a movement of purely non-violent, non-co-operation as the results show. At the beginning of this year, Honourable Members will remember certain inflammatory speeches were delivered at Erode, Mangalore and in Madras, and there is no doubt according to the reports we have had that those speeches had considerable effect on this fanatical population of Malabar which is singularly prone to violence; the situation in April and May was in consequence somewhat dangerous. It subsequently, as we thought, or as the Local Government thought, improved, and we were told that the Ramzan had been the quietest known for years in the Malabar District. In June, there were reports that volunteer associations were being formed, but later again we were told that these associations had ceased as the leaders had realised the danger of continuing them. That information, I am afraid, was incorrect, and these associations were being secretly organised all the time. The Government and local authorities were apparently misled in this matter, but there was nothing to show this till the end of July when the situation suddenly deteriorated largely as the result, as has been reported to us, of the Karachi Conference. Now I should like to cite



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here a passage from the Madras letter on this point. I have the leave of the Madras Government to cite it. This is what it says:—

'It is difficult to arrive at an exact appreciation of the situation at present, but there seems to be no doubt that continual provocative speeches on the Khilafat question, combined with the resolutions of the recent All-India Khilafat Conference at Karachi, have produced an impression on the mind of the Mappilla that the end of the British Raj is at hand. It is certainly true that, as the result of Khilafat propaganda, the Mappillas are better organised than they used to be and also better informed as to the strength of their own position and the difficulty of taking military action against them.'

The first actual signs of lawlessness occurred on the 31st July when some Police-officers went to arrest a man who was accused in a criminal case. I think there had been a case of housebreaking in the residence of a Nambudri Brahmin. Armed Moplahs collected in large numbers to prevent the arrest, and there was grave danger of a serious riot. That was happily averted, and the police apparently, though this is not clear from the reports before me, went home without arresting any one. In any case, the police were powerless to face the mob, and the incident was significant because it was regarded by the Moplahs as a victory and a defeat for the Government. The District Magistrate then applied for extra troops to be sent to Calicut, and they were sent. Finally, on the 20th, the District Magistrate determined to arrest certain persons who were in the possession of arms, under the Moplah Outrages Act, at Tirurangadu, with the aid of a military force. Three men were arrested without any trouble, and a party of police were left behind to search for others. In the course of this search a mosque was entered by the Moplah Police-officers who, however, removed their shoes before entering. I may say that in times past rebellious Moplahs have frequently taken refuge in mosques. While these occurrences were taking place, news had quickly spread round as to what was happening and a large mob of Moplahs collected, some coming by train and some on foot. This mob first attacked the party of police and later on in the day attacked the military forces to which I have referred. The attack was beaten off, but I regret to say with the loss of two British Officers, one being Lieutenant Johnstone of the Leinster Regiment and the other a Police-officer named Rowley. By this time railway communications had been cut and the telegraph wires destroyed, and the troops had to remain where they were. Subsequently the outbreak of violence in this single area of Tirurangadu developed into a general rising throughout a large part of the Malabar District of a definitely anti-Government character: *Swaraj* was proclaimed and a green flag hoisted.

I have here rather an interesting account of the reasons for this outbreak from an officer who has had considerable experience of this locality. He has given me leave to use it. This is an extract of a letter received by him:—

'The Moplah believes that the Sirkar is nearing its end, and the day is looming when he will not have to pay either taxes to the Government or rent to the Hindu landholders. Economic distress is another factor not to be left out of account.' Then he goes on to speak of the failure of the monsoon.

This is not an official account. Here is another extract:

'At first all the violence shown was anti-official and anti-European, but now the mobs of five thousand and ten thousand are seen to be disintegrating into small gangs who having no telegraph lines to cut or culverts to destroy are devoting their scheme to harrying the Hindus, especially the high caste Hindus: Nambudris and Noyars whom they looted their grain and riches and occasionally murder.'

I think I have now told the Council all I can in the time available as to how this rising originated.

As to the casualties our information is that up to the present one British Officer and three British of other ranks have been killed, one British Officer and a number of other ranks have been wounded; two Assistant Superintendents of Police, one Inspector and two Head-Constables have been killed, a planter has been murdered, and others have narrowly escaped. We cannot be sure now that this death roll is complete. Many Hindus have been murdered. Numbers are missing, but we hope that some of them may escape and turn up later on. Some have been forcibly converted, as I understand, and r threat of death. I dare say Honourable Members have read the account of the maltr at ent by the Moplahs of an old lady of over 84 at Calicut, the mother of a Mr. Menon, who is a member of the local municipality. They have also probably heard of the murder of a retired Indian Inspector of Police whose head was cut off and carried about on the top of a spear. There has also been very great damage to property of all kinds. Temples, I regret to say, have been desecrated and numerous acts of arson and pillage committed. As regards Moplah casualties, I can give no figures except that I am informed that in an engagement 400 men were killed. The press reports indicate about a thousand deaths, but this is purely a matter of surmise, though I expect it is by no means an excessive estimate. We know that at Pudukottur these Moplahs who are exceedingly courageous and fearless of death, fought desperately for many hours. In fact their attacks on the troops were only repelled after five hours of heavy fighting. They were armed with carbines looted from the police, sporting rifles taken from various places and with swords and knives. This is all the information I can give on the second portion of the Honourable Member's motion.

I have explained that it is doubtful how far this movement or rising can be ascribed clearly to non-co-operation—non-violent non-co-operation—i.e., Mr. Gandhi's movement, but it certainly seems on the information before us to be connected very definitely with the Khilafat. The policy of Government towards the non-co-operation movement has been very fully explained to this Council on previous occasions, but the Honourable Member now attacks me and says, "why did not Government do more? Why did you not take more vigorous action and prosecute these people, and arrest them." Now what I want to put to Honourable Members is that this Council cannot have it both ways. Last Session, when I stood up in this Council, and stood up in the Legislative Assembly, was there a single man here—except perhaps one or two—who asked Government to take any more strenuous measures than they were taking? I do not remember the Honourable Sir M. Dadabhoi standing up then and saying: "You must take more drastic action; you must strengthen your military force, prosecute here, and prosecute there," and I think it is rather hard on us that we should be challenged therefore in this Council on that account. On the merits I would put it in this way. The question when to undertake and when to forbear from general repressive measures against a movement of this character is always one of difficulty for any Government to decide, and very much more difficult in present political circumstances in India. I think every one will admit that. The Government have been very much exercised over this situation, but we had no reason to believe that it was going to develop in such a speedy manner in this area.

There is also another aspect of this question. You cannot say because there has been a rising in Malabar among a notoriously turbulent people that the Government of India should embark upon a general campaign of repression throughout India.....

The HONOURABLE SIR MANECKJI DADABHOY: May I say a word of personal explanation, Sir? I never said "campaign of repression" at all. I said "what precautionary measures were adopted by Government in anticipating these disturbances and suppressing them."

The HONOURABLE SIR WILLIAM VINCENT: Then I gather that the Honourable Member does not attack us on that ground, and I will at once leave the point. I have explained the precautionary measures taken immediately before the rising. There are however two facts which I omitted to mention. The first is that there were in July certain very violent speeches made in Malabar, and the Government of Madras were considering the question of prosecuting the speakers when these outrages occurred. The second is one to which I ought in justice to the Madras Government to refer. In May the Local Government were about to prosecute Mahomed Ali for speeches delivered down in Madras and Erode. Council are aware that after that there were meetings between His Excellency the Viceroy and Mr. Gandhi, and rightly or wrongly, the Government of India thought that it was only fair to give this gentleman Mahomed Ali a *locus poenitentiae* after his apology in the hope that he would abstain from preaching violence in future.

As to precautionary measures, troops were sent down to Calicut immediately the demand was made by the local authorities. That, I think, was between the 11th and the 14th. The numbers were not large. But unless the Members of the Legislative Assembly are prepared to vote considerably larger sums of money than they do at present for internal defence and other military expenditure, we must take certain risks of being able to check disturbances of this kind with small forces.

As to the situation, at present, I can only say that all possible measures to suppress the rising have been taken, but the situation is far from satisfactory. An appreciation of the present situation from Madras runs as follows:—

'Your telegram, Political, dated 28th August 1921. Appreciation general situation. Malabar Railway to Calicut has been temporarily restored for running by day and is being held by troops. Garrison Malappuram having been brought back to Calicut the whole interior of South Malabar except Palghat Taluk is in the hands of the rebels. Probable that the troops will again have to meet and overcome determined resistance by the rebels in force. Subsequent operations will take the form of locating and dealing with numerous small and mobile parties of Moplahs in extremely difficult country. Active assistance by local inhabitants cannot be counted on. Situation from point of view of civil administration is that local machinery of Government has broken down. Throughout the affected area Government offices have been wrecked and looted and records destroyed. Communications have been obstructed. Those officials who have not escaped are, so far as known, either captives or in hiding. All Government offices and Courts have ceased to function and ordinary business is at a standstill. Famine conditions imminent in portions of affected area. Europeans and numerous Hindu refugees of all classes now concentrated at Calicut.'

I do not propose to tell the Council, and I think they will not expect me to tell them, the exact military force available, because any information that is published will undoubtedly get to the Moplahs themselves and indeed to others who perhaps are hostile to Government. I may say, however, that the Madras Government asked for further reinforcements recently, but the last I have heard is that they are satisfied with the number of troops they have now in Malabar. The situation is now in hand. We shall, however, probably hear of at least one more serious attack by these Moplahs, and then I hope that the thing may dwindle down to more or less desultory disorders. As

an indication of the prevalence of crime, I may say that in one police-station there are said to have been reported 45 dacoities. I do not think after what His Excellency said the other day and the facts that I have given to this Council in the short time available, that it can be suggested that in the circumstances martial law was not necessary. I may say, however, that we have issued a manual of Martial Law Instructions, which will, I think, ensure that all possible care is taken to avoid the use of unnecessary force, anything that is humiliating to Indians or any racial distinctions which are unfair and unreasonable. If I had time I should have liked to read to the Council many extracts of these Instructions. Among them these citations may, however, interest the Council:

'Everything which is likely to cause bitterness or permanent hostility should, as far as possible, be avoided. Even if the population or a part of it is in rebellion, it must be remembered that the inhabitants are our fellow-subjects whose loyalty and affection it is desirable to recover and retain.

'There should be no greater interference with liberty or property than the situation renders necessary. The suspension of the ordinary law does not mean that justice ceases to be administered. On the contrary the suspension makes it doubly imperative that all concerned should see that justice and not irresponsible violence is done. There should be no punishment without a trial. Offenders should be brought to trial with the least possible delay. If sufficient evidence is not forthcoming within a reasonable time, they should be released. The punishment of whipping should not ordinarily be awarded except for an offence of violence or an offence for which whipping may be awarded under the ordinary law. Interference with liberty and property and public convenience must be limited to what is necessary. Orders likely to humiliate individuals or classes or likely to offend religious sentiment, should be avoided.'

And so on.

No one can however altogether avoid action which may affect religious sentiments if a number of armed Moplahs collect in mosques in furtherance of their criminal purpose.

I think I have now given the Council all the information I have, but I should like to convey to the people, in Malabar, some expression of sympathy, some expression of regret from the Government of India and from this Council for the lives lost, temples desecrated, injuries caused, and property destroyed, and I am sure I am voicing the sentiments of everybody in this Council in this matter. I should like also to convey to the Naval, Military and Auxiliary Forces, and indeed to all servants of the Crown in Malabar, our gratitude for their services. I should like also, if I may, to express our sympathy with the Madras Government and to convey to them an expression of our recognition of the manner in which all concerned have performed duties, both arduous and distasteful.

The HONOURABLE MR. ANNAMALAI CHETTIYAR: Sir, after hearing the speech of His Excellency the Viceroy the other day and the speeches made by the Honourable Mover and by the Honourable the Home Member, I do not think I shall be justified in inflicting upon you a repetition of the details. But I do hope you will bear with me if some of the incidents are touched upon.

In the first place, Sir, I should like to inform the Honourable Members of this Council that I do not intend to enter into the cause of the Moplah outbreak. I am rather concerned with its disastrous effects.



[Mr. Annamalai Chettiyar.]

These Moplahs are a set of fanatics full of zeal and ardour for the propagation of their religion by any means. Having secured the isolation of Malabar by cutting off all communications in an organised manner, and having paralysed the authorities by raiding police-stations and killing some of the officials, the rebels began their work of destruction and plunder. They flung themselves on the unoffending inhabitants, carrying desolation and destruction wherever they went. Nothing could stop their fanatical fury. With Koran in one hand and the sword in the other these lawless bands marched through rich villages forcing conversion or death on the unwilling Hindu population of the locality. The houses of these Hindus and other non-Muslims have been broken into and properties, valued at several lakhs of rupees, have been looted and carried away. Inmates of houses were tortured. Men, women and children were murdered in cold blood. Age and sex mattered not to them. Hindu temples were destroyed; the images were broken; the temple jewels were carried away. The landed aristocracy of the place were subjected to a most cruel treatment. People in large numbers have been forced to leave off their belongings and flee for life to the town of Calicut where they have now taken refuge. The European community also have suffered much at the hands of the rioters, and it is miraculous that some of them have been able to make good their escape across the troubled area into Calicut. Such is the nature of the tragedy enacted in Malabar.

Mr. Yakub Hasan, the President of the Madras Provincial Conference, who says that he knows these Moplahs rather intimately has some fine things to say of them. In his Presidential address at Tanjore, he says, "Once the blood of the Moplah is up, there is no knowing what it will lead to. Leaders of the community who have influence with the Moplahs, alone can pacify them." The blood of the Moplah is up, Sir, and we know to our cost what it has led to.

While events are thus moving so rapidly in Malabar, it is a matter for very great regret that responsible Muslim leaders in different parts of the country have not yet come forward with their condemnation of this dastardly rising. It may be suggested that an immediate expression of their opinion will not carry weight with the Moplahs now that they are in the full swing of their fury. It is my humble opinion, however, that such an expression of their opinion will go far to pacify the rioters, to allay public feeling and restore peace which we all so much desire.

It may not be out of place here to refer to the attempts made in recent years by the leaders of the two great communities, the Hindu and the Muhammadan, for the promotion of good feeling and for the establishment of a Hindu-Moslem unity. That, Sir, is a consummation devoutly to be wished. I for one am a firm believer in the growth of such a feeling. But, for the unity to be harmonious, it must be spontaneous and when such a unity does establish itself, we shall have no more of these regrettable occurrences. I appeal to you, Sir, whether actions of this kind, such as the wholesale destruction of life, the looting of property, the desecration of sacred temples, the cold-blooded murders of men, women and children and the trampling under foot of the cherished sentiments of the Hindus, whether these are calculated to secure that unity which we have so much at heart. I am sure a decided 'no' will be the answer.

from the responsible leaders of the Muhammadan community. Having regard to the present outbreak it is imperative therefore that responsible Muslim leaders should come forward boldly to denounce and condemn the action of these unruly Moplahs, take the initiative in the matter of giving relief to the sufferers and thus pave the way for a real unity among the two great communities.

If the outbreak has been nipped in the bud, all the later serious developments would not have taken place. I think the Government in the beginning was little slow to move. Probably the outbreak was so sudden that it was some time before they found out where they were. Having moved, they have done everything with commendable promptitude. It is a matter for gratification that no excesses have been committed by the military.

To restore confidence in the public mind and to prevent similar risings from springing up all over the country with the inevitable effect of plunging the whole country into a state of anarchy and chaos, the Government should take immediate steps to mete out adequate punishment to the guilty.

Confining myself, as I do, to the disastrous effects of this rising, I shall be failing in my duty if I do not point out that there is an urgent necessity to grant adequate relief to the sufferers and make them feel that there will be no repetition of such outbreaks in future. Unless safety of life and property be guaranteed, most of the people will be reluctant to return to their desolated homes to begin, what is for all practical purposes, a new life. The Government of Madras have issued a Communiqué stating that there is likely to be a famine in Malabar owing to the looting and the blocking up of the main roads. I believe that, should such be the case, the Government will take immediate steps to ascertain the extent of relief required and to send in adequate supplies of food-grains for the consumption of the people in the affected area.

I am sure that the Government will spare no pains to ascertain the extent of the loss sustained by the unfortunate sufferers and compensate them fully by recovering from the Moplah rebels the full amount of their loss. I am also sure that in this, its laudable desire, the whole country will rally round the Government and the Muhammadan community especially will certainly support any action that the Government may take with a view to alleviate the terrible suffering caused by the wanton destruction of a fanatical mob.

In conclusion, I appeal to the Honourable Members of this Council, more especially to the Muhammadan Members, to support in unambiguous and unequivocal terms any action seeking to give the innocent victims adequate relief for all the losses they have sustained through no fault of their own, irrespective of any consideration other than the extent of their losses and the demands of justice.

THE HONOURABLE COLONEL SIR UMAR HAYAT KHAN: We have heard with great concern all that has been said by the Mover and by the local Member, as well as by the Honourable the Home Member. Of course a great deal is said about the Moplahs, but what I personally think of this is, that it is not a big affair, because there is nobody to help the Moplahs. They are only a small class; they have got the sea on the other side of them, and it was quite natural that they must be defeated very soon. I am very glad that martial law has been proclaimed. But when martial law was first

[Colonel Sir Umar Hayat Khan.]

proclaimed, in the Punjab, this Council was against it. The Viceroy was then accused and so were the local authorities. What has happened now? Exactly the same thing. History has repeated itself and it will repeat itself . . . .

The HONOURABLE MR. G. M. BHURGRI: The Honourable Member is quite wrong. He says we accused the Viceroy and the Government. That is not the case.

The HONOURABLE THE PRESIDENT: Order, Order, unless the Honourable Member proposes to intervene with a personal explanation, I must desire him to reserve his remarks.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: There is one thing, Sir, that I want particularly to put before the Council, and that is the cause and effect. There has always been one thing. The agitators have spoken and made violent speeches to the mobs, be they Moplahs, Punjabis, or working classes. And what has happened? These mobs have got together and have rioted and killed people, with the result that they have had to be fired upon. Why does this happen? I think it is absolutely because when such a thing was done in the Punjab, weakness was shown. I can positively assert that the Punjab disturbances were far ahead of these Moplah disturbances. The Moplahs could not be helped by any one. The Punjabis could be helped by a foreign invasion and lots of fanatics on the other side of the Indus would have joined them, and the thing would have been most serious. That was a far bigger affair, but the Council then was a critic of the Government. Whatever Government did they made out was wrong, and, of course the Government was criticised. Now, I am very glad that the Council knows that they are also part and parcel of the Government, and that, when these things happen, they must also bear the consequences. That is why some of my friends are now saying "Oh, stop this, oh it is very bad!" and this and that. Before that, was it not a weakness shown to those who had done mischief that resulted in all that happened afterwards? Take Ahmedabad and all these troubles with the mill-owners, everything in fact; which has all resulted from the same cause. There is a Persian saying which translated means "If you want to test a big granary, you only take one handful out of it."

Sir, again, sometimes when you do not want to make a thing public, the best thing is to whisper it into a man's ears as a secret and tell him "Please do not say anything about it." When you do so, it at once spreads. When you do not want violence, say "This Satanic Government wants to kill you all; you are going to be nowhere in India if this Government remains." Then quietly say "Don't you touch them." Look at Adam, Sir, when he was told not to touch a fruit. What did he do? He touched it. It is human nature. You tell them that such and such people are your greatest enemies and they are doing their very best against you. But you are not to do anything. How can human nature act like that, or that it will be good to its enemies? They are not all saints, and one of the causes, I think, is that directly you say "be non-violent," people get violent at once.

At the end I would only emphasise this fact that now, when we Indians have got a hand in the Government, we should work up to the mark and take

our responsibilities and stop all these happenings. That can only be done by co-operation with the Government, and I think this Moplah trouble ought to be the last. If we again act in the same way, let out all the Moplahs who have done anything, say that martial law was introduced wrongly, firing was resorted to wrongly, and all that sort of thing, then the same things will be repeated again. I only hope now that such a step or steps will be taken as to finish this rotten state of affairs for ever and relieve poor India from the clutches of what I may describe, if I am not interrupted, as that little class who are bent on mischief and who want to bring revolution into the country.

The HONOURABLE SARDAR JOGENDRA SINGH: Sir, I had no desire to join in the discussion; moreover unfortunately, I was not present when the Honourable Sir Manekji Dadabhoy introduced his motion; but my friend the Honourable Sir Umar Hayat Khan has given expression to views which are peculiarly his own and which he has professed for many many years. I think it is too late for him now to change his views or to think that there is such a thing as human happiness or human freedom.

It does not matter to him whether individual freedom is safe; he is not concerned about it at all. What matters to him is to uphold authority an abstract idea which obsesses his mind; he does not realise that authority primarily is used for the well-being of the people, to safeguard their freedom and to protect their rights. Civil law cannot be abrogated merely because a disturbance has taken place. He said a little while ago that matters in the Punjab were far worse than matters in Madras are to-day. Well, here again, I think it is a matter of opinion. His Royal Highness the Duke of Connaught, and the Government of India have pronounced their judgment. It is impossible to credit the views of the Honourable Member as to the fact, that matters in the Punjab were much worse than matters in Madras are to-day. The Honourable Sir William Vincent a little while ago recounted what has happened there; we never heard of anything of that kind in the Punjab. This, however, is a digression. One thing, however, I want to put to the Council, and that is the strange change in the attitude of the Council, the Honourable Sir William Vincent stood out and upheld that repression was not wanted, while Honourable Members of the Council here counselled that stronger measures were necessary. To me it seemed like giving counsel to a horseman who was riding a spirited horse and knew how to control it, telling him to lash the horse as the best means of control. I think you had better leave the horseman alone, he knows how to manage the beast.

I wish to associate myself with the Honourable Sir William Vincent in regretting the loss of lives, both European and Indian, which has taken place. But, at the same time, I deprecate strongly any strong pronouncement of opinion till we have all the facts before us, and can form a correct judgment. We need not fear that these events will jeopardise Hindu-Muslim unity; it is a lover's quarrel. I think, perhaps, as a Sikh myself I can appreciate how the blood of a Moplah can be up, for I know how the blood of the Sikhs in the Punjab can be up, but we are quick to fight and as quick to make it up. Things, I hope, will soon settle down, and I think we shall soon have peace in Madras. The Honourable Mr. Chettiyar referred to another point. He said that we should charge these Moplahs with all the loss that has been incurred. To my mind this is no way of making a real peace.

[Saiyid Raza Ali.]

Real peace is made by forgetting and forgiving and by establishing a strong and permanent control. Events in India are moving very rapidly and I strongly feel that we must strengthen the forces of law and order; but we can only do so by recognising our responsibilities here and our responsibilities to the people outside. Members of this Council cannot divorce themselves from the feelings of their constituencies outside; what they can do is to educate public opinion and at the same time educate Government into newer ways of appreciating the needs and the wishes of the people.

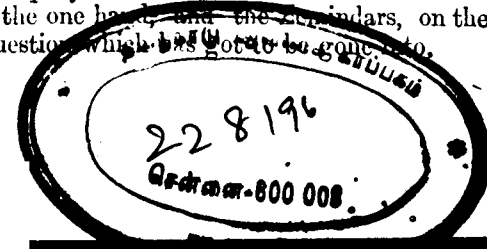
THE HONOURABLE SAIYID RAZA ALI: Sir, it is with a very heavy heart indeed that I rise to take part in this discussion. The occasion to me is too solemn and serious to allow me to indulge in any language which would betray on my part a sense that I want to treat the matter lightly. In fact, Sir, it is with the deepest grief and sorrow that I listened to the speeches of the Honourable the Home Member, on the one hand, and my friend, the Honourable Mr. Chettiyar, on the other. Our difficulty at present, so far as I can see, is that sufficient material has not been placed before us to enable us to form our judgment in a very definite matter on this question. What, Sir, I must say, appeared in the form of Communiqués or fragmentary news issued by the District Magistrate of Malabar, on the one hand, and in certain nationalist newspapers, on the other, tells us that the situation in Malabar is very serious and grave indeed. Nobody perhaps deplores the loss of life both European and Indian more than I as an Indian belonging to the humblest ranks of public workers do. My friend, the Honourable Mr. Chettiyar has addressed a very strong appeal to the Muslim Members to make an expression of opinion on this matter. Now, Sir, I am quite prepared to say that, so far as I know, there is not one Mussalman whom I have met who is prepared either to condone the excesses committed by the Moplahs, or to have any sympathy with them. On the other hand, it is impossible not to condemn the campaign of destruction on which these ignorant men have been out for some time past, or not to support the Government in all reasonable measures that it has taken or it may propose to take in future to restore law and order in that unfortunate district. As I said a minute ago, the occasion is very solemn and very serious, and I feel the difficulty of giving expression to my views in the absence of all those materials which would enable us to trace the cause and effect and to see how the Moplah mind was working, if it is possible to see that, in the course of this rioting. Now, we are very sorry indeed that excesses have been committed by the Moplahs who belong to the religion to which I have the honour to belong, and that they have acted in a manner which cannot be said to be anything but mad and insane. All the same since the discussion has come up before this Council, I would just, with the permission of my Honourable Colleagues, make a few suggestions which, I hope, would be helpful to Government, on the one hand, and my Hindu friends on the other. As a matter of fact there is no Hindu-Muhammadian question involved in the unfortunate disturbances, with this exception that the Moplahs happen to be Mussalmans. Well, excesses have not been unknown in the past, though I would not like to refer to them, in which perhaps the boot has been on the other leg; but I feel convinced that whether in the past in some places excesses have been committed by the Hindus or at present excesses on a larger scale, a much larger scale, are being committed by the Moplahs who are Mussalmans, that will not and that cannot affect the question of Indian nationality in any way. That is

how I feel. No doubt these disturbances will give a set-back to the movement for the time being, but there is not the least doubt that in course of time we will be able to see these disturbances in their true perspective, and after that there will be an inclination on the part of my Hindu friends to forgive the ignorant and highly excitable Moplahs who have enacted a very sad Chapter in the history of India.

Now, Sir, I come to my suggestions. It seems to me that two sides of the question have been placed before the public. One, as I have already suggested, was given in the Government Communiqués and in the Notifications that were issued by the District Magistrate of Malabar. On the other hand, we find that Mr. Yakub Hussan, a prominent member of the Muhammadian community who recently presided at the Provincial Conference at Tanjore, has given a version which on certain points is absolutely irreconcilable with the other version. It is not possible for me to say which of these two versions is correct.

I think I would rather wait and see what shape matters take and what inquiries are held and what opinions are pronounced by the Courts of Law, but it does seem to me rather strange that all of a sudden the Moplahs should have started on a wholesale campaign of destruction of life and property, and should they have gone insane and mad, I can say no word in justification of their conduct, but as was pointed out in a nationalist paper the other day, the gunpowder was there but who lighted the match? This is a question which I would ask my Honourable Colleagues to consider carefully. The Honourable the Home Member referred to the events which took place on the 31st July and subsequently he went on to say that an attempt was made towards the end of the third week of August to arrest certain persons, and certain members of the police entered the mosque after taking off their shoes. In the statement that has been officially issued by the Madras Government, I notice that that has been stated to be the main cause of the trouble, and, if that is so, are we not entitled to ask ourselves and ask the Government to hold an inquiry into the whole question as to how it is that knowing, as the District Magistrate did, the excitable nature of the Moplahs and the religious fanaticism with which they have always been fired, whether it was discreet, whether it was right and proper, whether it was expedient to order a Moplah police force to enter the mosque? I do not say that this action was a sufficient justification, or any justification at all, for the Moplahs starting on their murderous campaign. I do not say that at all, but the incident is not unconnected with the subsequent events, and, if so, is not the District Magistrate responsible for that order? It seems to me that, while we condemn the men and ask the Government to take all reasonable steps, and that as expeditiously as possible, to restore law and order, it is the bounden duty of this House to approach the Government with the request that they do appoint a Committee to go into the whole question.

The Honourable the Home Member referred to the economic distress and I have seen it stated in the Press that to a certain extent the present rioting is not unconnected with the treatment of the Zemindars most of whom are Hindus. I do not for one moment say that that allegation is correct, but all the same it is high time that an inquiry should be made into the relations between the Moplah peasants, on the one hand, and the Zemindars, on the other. That is another important question which has not yet been gone into.



[Saiyid Raza Ali.]

It is stated in official documents that the Moplahs had proclaimed "swaraj" and it is also stated that they were forcibly converting Hindus to Islam. I am not prepared to say whether this is correct or not. But if I know the word correctly and if I know its proper meaning, it means not only the rule of the Muslim, not only the rule of the Hindu, nor of the Christian, of the Jew, of the Sikh, and of the Parsi, but the rule of all those nationalities and creeds united together. If the Moplahs are such great patriots as to declare "swaraj" then I entirely fail to see how they can possibly convert by force Hindus to Islam. That is another question which has got to be inquired into. Whichever way we may look at it, we come to the conclusion that the disturbances which have occurred in the Malabar District are of sufficient importance to justify us in asking the Government to appoint a small Committee to inquire into these questions at an early date and to submit its report, which in the fulness of time, I have no doubt will be laid on the table of this Council.

Then there is one more matter . . . . .

THE HONOURABLE THE PRESIDENT: The Honourable Member has exceeded his time.

THE HONOURABLE MR. G. S. KHAPARDE: Sir, I rise in my seat to see whether it is not possible for me to put a different interpretation on to the discussion which has taken place up to the present. It appears to me that endeavour has been made to determine a question of fact, and it has been suggested by the Honourable Member who has just sat down that he is not able to decide whether they are questions of fact. But in my opinion I think we should take the facts as expressed by the Honourable the Home Member, and we should take those facts and apply them to the lessons which we learnt from the disturbances which took place in the Punjab. To my mind, it is no use saying, "Look here, you condemned the application of Martial Law in the Punjab and therefore you must never on any occasion proclaim Martial Law anywhere else." What are the lessons which I learnt from the regrettable disturbances in the Punjab? First of all I learnt that civilian officers were not sufficiently associated with the military officers who were called upon to restore law and order. It was found, and I think subsequently admitted, that the action which was taken was taken in too much of a hurry. It must always be remembered that military officers are trained to act at once and act as effectively as they possibly can. Hereafter, if it ever fell to my lot to speak on a matter of that description, I should say that if you put a military officer in a disturbed area to restore law and order, you should also place a civilian officer who would work in conjunction with him. Then the people would know what to do and how they should proceed. Then, if matters did not improve and it was found impossible to persuade the people to remain peaceful and quiet, the civilian officer would make the control of affairs over to the military officer. But before doing so, it would of course be necessary to ascertain that everything possible had been done to pacify the people and, if possible, bring the two parties together. All these things should be tried before resorting to martial law. That is the first thing.

Another lesson which I learnt as the result of the Punjab disturbances was, that after placing the military authorities in power, you should retain the

power of pacifying the people yourself from time to time, as was determined in the case of the disorders in the Punjab.

The District Magistrate was there. He did nothing. He left it to the military and he sat quiet and all these things took place. It is naturally asked, what was the District Magistrate doing when these things were taking place? If he took the military people there, why did he not tell the military people to do this way and that? That is how we have felt. The military law is to be resorted to ultimately. It is to be the last resource of maintaining peace, order, and everything else. I admit that. But as the law of last resource, it should be tried the last. You should not begin with military law. It should be tried the last.

Another point which I wish to enforce so far as it lies in me to do so is this. It has been stated, and by the Honourable Mover also, that martial law means a negation of all law. I humbly submit it is not so, though I know that in text-books it has been so mentioned and the aphorism goes about that martial law is a negation of all law. I humbly submit it is not so. We are in the twentieth century, and working as we do in a complex society such as is in India, martial law should be something like the amalgam of the judicial system of finding out a man to be guilty and the military system of executing him at once. It is to be the speedy carrying out of orders but careful in arriving at those orders, how the orders are to be given and when they are to be given. Later on, I suppose, legislation is coming as to what warnings are to be given before fire-arms are used and so on. So martial law hereafter is not the negation of all law, but the application of the best portion of the judicial system of finding a man guilty and the best portion of the military system of executing him or releasing him at once. Speedy action and judicial assistance have to be combined, of course not by rules, not by arguing at the bar, but by entrusting the administration to the highest military officer and the highest civil officer, if possible the civil officer being assisted by a small Committee of respectable local people. That would be the right way of dealing with these things hereafter, as I conceive it. I therefore ventured to take up the time of this Honourable Council on this question, though I hope that these matters will be considered, evidence will be collected and looked into, and guilt will be adjudged when the time arrives. At present we are concerned only with tendering what advice we can to the executive officers as to how peace is to be restored, and as far as possible without undue, if I may say, severity being displayed, because severity after all leaves bitterness behind, and it is better to be civil a little and secure friendship rather than carry out the idea of revenge to its utmost. Whether they are Hindus or Muhammadans it does not matter to me. I am something like a cosmopolitan. I partake of the nature of both or I disclaim both if you like to say so. It may be the fault of the Hindu landlords or it may be the fault of these Moplahs who are poor and ignorant and therefore revolutionary in their character and very excitable and fanatical and so on. That has nothing to do with us at present. At present our endeavour is to find out how we shall pacify the Malabar Coast, how we shall allow the military to retire from the scene, and how we shall restore civil administration and our judicial methods. I think, Sir, I have at least said what little occurred to me.

THE HONOURABLE MR. K. V. RANGASWAMY AYYANGAR: Sir, as soon as I heard of the distressing news from Malabar, I wanted to ascertain the cause of the trouble as well as what was going on there, but the postal authorities and the telegraph authorities refused to despatch my wires, and I

[Mr. K. V. Rangaswamy Ayyangar.]

could get no information as to who was responsible for the trouble and also as to what was going on there. In the absence of any information I am not disposed to blame any party for the troubles. It is most unfortunate. Not only is there an absence of information, but the facts are contradictory. One locates the trouble to an agrarian dispute, another to the Khilafat movement, another to the non-co-operation movement, another to the provocation caused by entering a mosque forcibly, and so on. With such scanty information how can we blame any party? The whole matter will go before a judicial tribunal, and we should not anticipate the judgment and blame one party for the whole trouble. I have also to contradict the fact that the Moplahs were responsible for the destruction of Hindu temples, of Hindu houses, and for the wholesale looting. Here is a telegram from an authentic source. The source is no less than that of a District Magistrate of the Presidency of Madras who has been deputed to the Cochin State, as Dewan—Mr. T. Vijayaragava Chariar. He had been to visit the borders of the Cochin State where the trouble was intense, that is, the Ponnani Taluk. He says that he visited the border with certain European officers and the Commissioner of Police, and I quote his statement: "Looting, plunder, etc., are reported to be prevailing by small gangs of K. D.'s, *not of the Moplah fanatic gang*, in the British amsons there." He says clearly that some of the K. D.'s have taken advantage of the disturbances that there is wholesale looting going on and that the destruction of the Hindu temples is not by the Moplahs but by these K. D.'s.

The HONOURABLE SIR ALEXANDER MURRAY: May I ask who K. D.'s are, Sir?

The HONOURABLE THE PRESIDENT: Will the Honourable Member kindly inform the Council what a K. D. is?

The HONOURABLE MR. K. V. AYYANGAR: K. D.'s are *badmashes* who were convicted before.

The HONOURABLE SIR ALEXANDER MURRAY: May I ask if they are Hindus or Muhammadans?

The HONOURABLE THE PRESIDENT: Are the gentlemen in question Hindus or Muhammadans?

The HONOURABLE MR. K. V. AYYANGAR: I do not know whether they are Muhammadans or Hindus or Christians.

Mr. Vijayaragava Chariar says that looting, plunder, etc., are reported to be by small gangs of K. D.'s *and not by the Moplah fanatic gang*. He says that the wholesale looting of the Hindu temples is not by these people (Moplahs). There is a long extract from a correspondent of the *Hindu* to prove the same point, but I am not going to read that to the Council at this late hour. In the absence of information and in the face of conflicting rumours I am not disposed to blame the Moplahs for these outrages. This Council may be aware that there is on the Statute what is called the Moplah Outrages Act. This Act was passed long before the Khilafat movement or the Home-rule movement came into existence. It has been in existence for the last so many years. I do not exactly know the number of years, but I know definitely that it has been in existence on the Statute-book long before the Khilafat movement.

The mere fact that the Moplah Outrages Act exists there shows the temperament of the Moplahs, and how they are susceptible to these fanatical outrages at the mere incitement. By the existence of this Act we know the volatile and inflammatory nature of the element of which the Moplahs are composed. My friend the Honourable Mr. Chettiyar and others have also stated that the Moplahs are by nature volatile and excitable, and knowing them to be such, we should not blame any movement for this revolt or rebellion.

I may say that even such inflammatory people have kept quiet until now even when most provocative action was taken when Mr. Yakub Hassan and others were arrested. I should attribute it to the non-violent nature of the preaching of Mr. Gandhi. They have been keeping quiet only on account of this preaching, and the Khilafat Secretary wires that in those places where there was preaching of non-violence, the rebellion was not so serious and that in those places where there was no preaching of the doctrines of non-co-operation the Moplah outbreak was intense. That also shows that the cause of the trouble is not the Khilafat or the non-co-operation movement. I do not belong to the non-co-operation movement, but I should say that the facts are such as I have described. I may say one more thing. I should emphatically disapprove of the action of His Excellency Lord Willingdon in not having allowed the leaders of the non-co-operation movement to go to the spot as soon as they offered to go to the area and allay the unrest. I am not here to defend the Moplahs or the Khilafat movement, but to state that, in the absence of information, we should not locate the trouble to a particular cause and we should not blame a certain party for the whole trouble.

The HONOURABLE MR. V. G. KALE: Sir, I find it rather difficult to follow my honourable friend in what he has stated just now with regard to the causes and the origin of the trouble in Malabar. I am quite prepared to suspend my judgment as to the share of responsibility which has to be thrown upon the various parties concerned in this affair, but I think the Honourable Mr. Rangaswamy Ayyangar has gone rather too far in trying to exonerate the Moplahs of almost all responsibility for the excesses that have been admittedly committed in that district. He has been telling us on the authority of a certain telegram, while against that I think there are hundreds of other telegrams which have been received by the Government and the people,—he has been pitting a certain message against a hundred telegrams and trying to convince us that the Moplahs have not been responsible for plunder and desecration of temples, but some other people whom we do not know. Whatever we may think about the real origin of the trouble, I do not think that the Moplahs, however, unfortunate and ignorant they may be, can be exonerated of all responsibility in this matter. Then, again, he has gone to the length of saying that this trouble has occurred not on account of certain agitation that has been carried on in the district, but is due to some other causes. If we are really to suspend our judgment, we ought not to be positive on that score also. How can the Honourable Mr. Rangaswamy Ayyangar tell us that because non-co-operation is non-violent or supposed to be non-violent, therefore it must have nothing to do with the Moplah trouble. This is just like the dilemma which my honourable friend Mr. Saiyid Raza Ali has put before us. He says, "How could the Moplahs have declared Swaraj and at the same time have tried to convert Hindus to Islam?" According to him, these two things are absolutely inconsistent, but I do not see any incompatibility between the two. The Moplahs may have declared Swaraj and independence, but we know they are



[Mr. V. G. Kale.]

ignorant. They are fanatical and they do not know what real 'Swaraj' is. If they had understood what Swaraj means, namely, equality and liberty, certainly they would not have committed the fanatical excesses imputed to them; but Swaraj is a slogan, the true significance of which is hardly understood by even one per cent. of the population of the country. As they do not know what Swaraj means, what liberty is and what democracy is, there is no inconsistency whatever between the declaration of independence on the part of the Moplahs and their attempts to convert Hindus to Islam. Similarly, in the case of the dilemma on the horns of which our friend Mr. Rangaswami has attempted to throw us, namely, that as non-co-operation is non-violent, it is not likely that the Moplahs could have been actuated by any motives which had any relation to the non-co-operation movement. We do not know how the Moplahs have really been influenced, and to what extent they have been influenced, by the non-co-operation movement. But we know that in several parts of the country in spite of the attempts that have been made by the leaders to keep the movement non-violent, violence has been resorted to. The violence may not have been so serious and dangerous, but violence of a sort there has been. Even in such a simple matter as the boycott of cloth, has there not been some violence? Has there not been use of force? There has been. It may be the ideal of the leaders to keep the movement as non-violent as possible, but those leaders, according to their own showing and on their own admission, have not succeeded everywhere in keeping the movement non-violent, so that there may be some relation between the agitation that has been carried on in the district and the fanatical outbreak which has taken place in Malabar. Therefore I am prepared to suspend my judgment with regard to the share of responsibility that must fall to the lot of different parties, but I do not want that we should go to the other extreme and absolve the Moplahs of all responsibility for the excesses which have been committed. Let us ask Government to probe into the whole matter, to make an inquiry and publish a report as to the origin and the causes of this rising, and it will be the duty of every one in this Council to support Government in whatever steps it deems necessary for the restoration of order as speedily as possible.

The HONOURABLE MR. H. D. CRAIK: Sir, I think Government may take courage as a result of this debate, which seems to me to have shown clearly that the Council as a whole supports Government in the action that has been taken. Not a single speaker has suggested that the imposition of martial law has been unjustified or hasty, or that any action taken by Government has been in excess of the necessities of the situation.

There are, however, one or two points made by speakers during the course of the debate to which I would like to make a very brief reply. The Honourable Mr. Chettiyar spoke of compensation to the sufferers and the necessity of checking the evil results of famine. Compensation can be awarded, I believe, under the Police Act, and, I think, there is also a special provision in the Moplah Outrages Act. That, however, is a matter for the Madras Government, and surely at the present moment when the rebellion is still in active progress, it is rather premature to think of compensation. But I can assure the Honourable Member that neither that point nor the necessity of providing food where communications have been interrupted or food-stocks depleted will be lost sight of.

One or two members, notably the Honourable Saiyid Raza Ali, have spoken of there being insufficient material before the Council for it to form a judgment. Well, I agree that our information is in some respects defective and fragmentary. That, again, is largely due to the interruption of communications between Malabar and Madras, but I can assure the Honourable Member and I can assure the Council, as a whole, that there is not the slightest desire on the part of Government to conceal any information which it has received. We have published, I think, every single telegram that we have received from the Madras Government with a single exception, which the Honourable Sir William Vincent read to the House just now. We have not, to the best of my recollection, kept back a single telegram dealing with the facts. The military telegrams, as the Honourable the Home Member explained, cannot be made public, nor have we made public all expressions of opinion, which obviously must be treated as confidential. If the Honourable Member meant to suggest that we have not put forward all that we know of the actual events, then I can assure him that he is mistaken.

The same Honourable Member, Mr. Saiyid Raza Ali, spoke of there being some contradiction between Government Communiqués or the Communiqués issued by the District Magistrate and the statements made by Mr. Yakub Hassan. Well, I leave the Council to judge whether Mr. Yakub Hassan can be accepted as an altogether impartial authority. There is possibly no single person who has done more to excite the feelings of the Moplahs than Mr. Yakub Hassan, and, early in this year, only a few months ago, he was arrested for his attempts to stir up sedition in the very district which is now in the throes of rebellion. He was even then treated with extraordinary consideration and an offer was made to him, if I recollect aright, to furnish security or to obey an order forbidding him to address public meetings in that district. But he refused to accept the offer and was sent to jail. There he remained till the other day; when cholera broke out in the jail, he begged for his release. That is the gentleman whose testimony you are asked to accept in preference to that of the District Magistrate, to that of the Local Government, and to that of the Government of India. As I say, I leave the House to judge.

We were asked also if it was not desirable to appoint a Committee of Inquiry into the incident, when, on the orders of the District Magistrate, the police entered a mosque, with all due precautions not to offend the religious susceptibilities of the people who worshipped at the mosque, in order to search for arms. Here, again, I am perfectly content to leave it to the House to decide as to whether this is the moment to appoint a Committee of Inquiry into that incident. That was done in exercise of the ordinary authority conferred by the law on the Magistrate and on the police, and, until order has been restored, and until the guilty have been brought to justice, I can see no reason whatever for having any special inquiry into that incident. There will no doubt in due course be a general inquiry into the whole history of this rebellion, but why that particular incident should be magnified into one of such importance that it requires a special inquiry, I fail altogether to see.

The Honourable Mr. Saiyid Raza Ali also suggested that the present agitation, which led to this outbreak of violence, arose from bad relations between the Muhammadan peasantry and the Hindu landlords. Well, he may have sources of information which are not in my possession, but I wish to repeat what the Honourable the Home Member said in the course of his speech that

[Mr. H. D. Craik.]

we have no evidence whatever to point to the fact that agrarian unrest of any kind is at the bottom of this trouble. The trouble may be described as religious, it may be described as political, but it is certainly not, so far as any information we have is concerned, agrarian.

The Honourable Mr. Khaparde made a point which I accept without hesitation as a most reasonable point, that some of the mistakes made during the administration of martial law in the Punjab two years ago were due to the fact that there was not sufficiently close association between the civil and military officers. I wish to re-assure the Honourable Member on this point. We recognised that this was a defect in the Punjab, and special precautions have been taken this time to ensure that that mistake shall not be repeated. The Government of India in a recent telegram to the Government of Madras asked, or rather directed, that special orders should be promulgated for the military to consult and keep in the closest touch with the civil authorities. They went on to say—“The Government of India presume that all officers, civil and military, will observe the instructions relating to martial law recently issued.” Those are the instructions from which the Honourable the Home Member read out a few extracts. The cardinal principle of those instructions is that there should be the closest possible association between the military commander and the civil officials. The military commander is bound on every important question to consult the civil officer and, though he is not bound to take his advice, and ultimately the responsibility rests with the military commander, yet, he disregards the advice of his civil colleague at his peril, and he would have to justify his doing so afterwards. I may add that similar orders have been issued by His Excellency the Commander-in-Chief direct to his military subordinates. In addition, Mr. Evans, who, I believe, is a senior civilian in Madras, with a particularly intimate acquaintance with the Malabar district, has been placed on special duty in that district to co-operate with the military commander.

One last word I would like to say in reply to what fell from the Honourable Mr. Aiyangar. Mr. Aiyangar says that he is not disposed to blame the Moplahs. Well I think he must, at any rate in this Council, be alone in holding that opinion. He puts the blame on a caste I have never heard of called the K. D's. Well, if these are what we know in Northern India as *kudis*, there may be something in it, but I really do not think the word K. D. occurs in any of the information we have received from the Government of Madras. To say that the Moplahs have not been guilty of the desecration of Hindu temples, the looting of Hindu houses, or even of the forcible conversion of Hindus is to ignore what are palpable facts admitted by everybody else. They have been guilty of these things; there is not the slightest doubt about it. It is not as if this was the first occurrence of its kind. Whenever a Moplah breaks out in this way, he is guilty of these particular forms of excess. It may interest the House if I read a very short extract from a Gazetteer written some years ago describing what happened on the occasion of the last Moplah outbreak. The publication says:—

“The saddest part of the whole affair was its want of reason. The few survivors could point to no single grievance that would bear examination; but it is plain that a plot had already been hatched, when on February 1896, (that is 25 years ago) the arrest of four of the ringleaders precipitated the outbreak before the plans of the fanatics had been fully matured. The same evening a gang of 20 Mappilas went out on the warpath from

Chembrosseri *ansam*, and for five days in ever-increasing numbers they terrorised the country side. Hindus were murdered, or their *kudumis* were cut off, and they were summarily converted to Islam.

Temples were desecrated and burnt; houses were looted in search of food, money and arms. Finally, on March 1st, hard-pressed by the pursuit of the troops the fanatics entered the Manjeri temple determined to make their last stand on a spot hallowed in their eyes as the scene of the first triumphant act of the tragedy of 1849. Twenty soldiers were guarding the treasury on the hill opposite the temple, and with them shots were exchanged. At 9 A.M. when the main body of the troops came up in great anxiety for the safety of the treasury guard and occupied the hill overlooking the temple, from a distance of some 750 yards across a deep valley covered with trees and bushes.....

THE HONOURABLE THE PRESIDENT: Order, order. I do not think we need have any more of this lengthy extract read in Council.

THE HONOURABLE MR. H. D. CRAIK: There is only one point more, Sir. The survivors of these Moplahs who took part in this rising, 92 in all, were not taken alive, not a single one of them; those who were not killed by the troops were murdered by their own comrades as it was apparently a point of honour that none of them should be taken alive by the troops.

Sir, I think I have replied to all the points made during the course of the debate which seemed to me to require some statement or assurance on the part of Government. I can only repeat what I stated in the beginning, that I think Government have every reason to be grateful to the Council for the line it has taken and to thank the Honourable Member who brought forward this motion for having done us a service. As I said before, the hands of Government have been greatly strengthened by the proceedings in this House to-day, as there has been an unmistakable expression, I take it, of approval of the action taken and of determination to support Government in any future action they may take.

THE HONOURABLE MR. E. L. L. HAMMOND: Sir, there is one point, a very small point, which I think has escaped the notice of previous speakers in connection with the speech of the Honourable Saiyid Raza Ali. I am anxious not to misquote the Honourable Member; doubtless he will correct me if I am wrong; but I think he said that an inquiry, the usual inevitable inquiry, must be made because when there had been a lot of gun-powder spread he wanted an inquiry as to whose hand it was that lit the match. I venture to suggest that that is ridiculous. If you are going to have people spreading gun-powder about, without making any inquiry as to who brought in the inflammable material, it is no use suggesting, as the Honourable Member did, that it may be the tactlessness of the police which lighted the match.

THE HONOURABLE SIR ZULFIKAR ALI KHAN: Sir, I am very reluctant to detain the Council after so many speeches have been delivered on this subject, but I think that my silence on this occasion, when affairs of such gravity are being discussed here, would carry the impression that I took no interest in affairs which vitally concern the community to which I have the honour to belong. Sir, nobody deplores and regrets the excesses committed by the Moplahs in the Malabar district more sincerely than myself; a few Europeans have been murdered; innocent Europeans and Hindus, as we learn from the reports, have been murdered, and their temples have been desecrated, and it is also said that they have forcibly converted some Hindus to Islam. All these matters are very painful to those who wish that peace and order may reign in India. But these people who have committed these outrages have



[Sir Zulfikar Ali Khan.]

suffered the penalty of their criminal and fatuous behaviour and have got their deserts. Hundreds of them have been killed, and it is a matter of reflection that when so many people have been killed by the military nobody condemns the action of Government in this matter. I think therein consists the strength of Government and the wise action of Government on this occasion. The only thing that we all feel is this, that after some time when the situation is less obscure Government would adopt a policy which tends towards leniency and sympathy, as some of my Hindu colleagues even have advocated. The strength of Government will further be reinforced by showing merciful and sympathetic treatment than by adopting a vindictive policy as some members have suggested. The difference between the present attitude of Government and the attitude adopted by the same Government in the Punjab is this, that whereas in the Punjab there was such bitter feeling about the application of martial law, on this occasion there is nobody even criticising the Government, much less condemning it. Therefore, Sir, I think that on this occasion when the situation is not very clear, it is not possible for any member to advise Government as to the course which they should adopt, because they will let the law run its course; but I hope, as I said before, that Government will not show to the people that they are unnecessarily severe or vindictive in the measures which they may adopt against these Moplahs.

The HONOURABLE SIR MANECKJI DADABHOY: Sir, I am perfectly satisfied with the explanations which have been given by the Honourable the Home Member and the Honourable Mr. Craik, and I now ask your leave to withdraw my motion for adjournment.

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

The Council adjourned till 11 o'clock on Tuesday, the 6th September, 1921, in the Council Chamber.

## COUNCIL OF STATE.

Tuesday, the 6th September, 1921.

The Council met in the Council Chamber at Eleven of the Clock on Tuesday, the 6th September, 1921, with the Honourable the President was in the Chair.

### QUESTIONS AND ANSWERS.

#### RECRUITMENT FOR MILITARY SERVICE FROM BIHAR AND ORISSA.

53. The HONOURABLE MAHARAJA BAHADUR KESHAVA PRASAD SINGH, OF DUMRAON: (a) Will the Government be pleased to state the total number of people from Bihar and Orissa recruited for military service during the last war?

(b) How many of them were wounded, killed or otherwise disabled?

(c) What steps have the Government taken to relieve the families of those who were killed or disabled to do any active work?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) The total number of men recruited from Bihar and Orissa during the Great War were—

|                |     |     |     |     |        |
|----------------|-----|-----|-----|-----|--------|
| Combatants     | ... | ... | ... | ... | 8,776  |
| Non-Combatants | ... | ... | ... | ... | 32,976 |
| Total          |     |     |     |     | 41,552 |

(b) Altogether, 1,099 casualties were sustained during the war, among the personnel recruited from the province of Bihar and Orissa. It is regretted that detailed information is not available to show how many of these were killed, wounded or otherwise disabled.

(c) Family pensions, which range between Rs. 6 and Rs. 50, according to the status of the individual, are granted to the families of those men who were killed. In addition to these pensions, a children's allowance ranging from Rs. 1-8-0 to Rs. 4 per mensem according to the rank held by the parent, is admissible for each legitimate child.

Disability pensions under the conditions laid down in Army Regulations, India, Volume I, are also granted to those who have been disabled. The present rates of disability pensions are under revision.

#### WORKING EXPENSES OF THE GREAT INDIAN PENINSULA RAILWAY.

54. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS:

(a) Is it a fact that in the current year the estimated working expenses of—

(i) Great Indian Peninsula Railway are 75-80 per cent. of its gross receipts;

- (ii) North-Western Railway are 75.40 per cent. of its gross receipts ;
- (iii) Bombay, Baroda and Central India Railway are 67.51 per cent. of its gross receipts ; and
- (iv) East Indian Railway are 50.94 per cent. of its gross receipts ?

(b) If so, will Government kindly explain the reason why the working expenses of the East Indian Railway are, as compared with all other Indian Railways, the lowest ?

(c) Will Government kindly state why the working expenses of other Railways in India cannot be reduced to the same level as is the case with the East Indian Railway ?

The HONOURABLE MR. SHAFI : (a) The percentages of working expenses to gross receipts as given by the Honourable Member are in accordance with the receipts and expenditure anticipated in the Budget for the current year.

(b) and (c) The low percentage on the East Indian Railway is mainly due to favourable situation near the coal fields which provides a cheap fuel supply. It is also due in a lesser degree to easy gradients and freedom from special expenditure such as ghats and ferries which handicap other lines. The low figure in relation to earnings is also of course largely attributable to the high earning capacity of a line which serves about the richest large tract in India. It is impossible to expect other lines whose geographical position does not give them these advantages to be worked at the same relative rates.

#### ENHANCEMENT OF PASSENGER FARES ON EAST INDIAN RAILWAY.

55. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : (a) Is it a fact that the East Indian Railway proposes to enhance its passenger fares from 1st October 1921 ?

(b) Will the Government kindly state the reason for the enhancement ?

(c) Do the Government propose to consider the desirability of advising the East Indian Railway administration to desist from enhancing the passenger fares ?

The HONOURABLE MR. SHAFI : (a) The reply is in the affirmative.

(b) The working expenses of the East Indian Railway which were Rs. 4,22,77,000 in 1915-16, rose to Rs. 6,11,45,000 in 1919-20 and to Rs. 7,66,02,000 in 1920-21. This represents an increase of about 81 per cent. in the working expenses for 1920-21 as compared with those for 1915-16. The percentage of working expenses to gross earnings on the East Indian Railway rose from 39 in 1915-16 to 44.93 in 1919-20 and 52.72 in 1920-21.

(c) In the circumstances explained above, Government do not propose to take the action suggested.

The HONOURABLE MR. A. H. FROMM : May I put a supplementary question, Sir ? Having regard to these increased working expenses of the railways in India, is it a fact that the railways were ready to introduce a revised

freight tariff from the 1st of October ? And if it is a fact, would the Government be pleased to state why the revised tariff was not introduced on that date ?

The HONOURABLE MR. SHAFI : I must have notice of that question.

The HONOURABLE MR. LALUBHAI SAMALDAS : May I put a supplementary question, Sir ?

In view of the fact that the East Indian Railway expenses are only 52.72, as stated by the Honourable Member in reply to Question No. 55, and the percentages of expenses on other railways are so high, is it necessary that there should be an increase in the passenger fares ?

The HONOURABLE MR. SHAFI : That is a matter of opinion.

#### COLONIAL AND INDIAN PROBATIONERS FOR FOREST SERVICE.

56. The HONOURABLE MR. PHIROZE C. SETHNA : Will Government be pleased to give particulars showing the number of British, Colonial and Indian probationers trained for Forest Service in India at the Universities of Oxford, Cambridge and Edinburgh, respectively, during the last five years ?

The HONOURABLE MR. B. N. SARMA : Of 23 British recruits 14 were trained at Oxford, 3 at Cambridge and 6 at Edinburgh. Of 2 Indian recruits 1 was trained at Oxford and 1 at Edinburgh. In addition 25 British and 4 Indian probationers were selected last year, but the Government of India do not know how these have been distributed among the Universities. The Government of India have no information as to whether any of the recruits were from the Colonies.

#### SUBSIDY FROM INDIAN REVENUES TO UNIVERSITIES.

57. The HONOURABLE MR. PHIROZE C. SETHNA : Will Government be pleased to state the amount of subsidy, if any, paid by the Secretary of State during the last five years from the Indian revenues to the Universities of Oxford, Cambridge and Edinburgh, respectively, for Forestry studies ?

The HONOURABLE MR. B. N. SARMA : So far as is known the Secretary of State pays no subsidy to the Universities on account of Forestry studies.

#### CREATION OF POST OF DIRECTOR OF FORESTRY STUDIES AT OXFORD.

58. The HONOURABLE MR. PHIROZE C. SETHNA : Will Government be pleased to state—

(a) In what year was created the post of "Director of Forestry Studies" at Oxford for helping Indian forest probationers in the United Kingdom ?

(b) What are his duties ?

(c) Who is the present incumbent, when was he appointed and what is his pay ?

(d) What is his present age and for what fixed period, if any, is the appointment made ?

The HONOURABLE MR. B. N. SARMA : (a) In 1911.

(b) The duties of this appointment are :—

- (1) To arrange for and direct the training in practical forestry of the probationers for the Imperial Forest Service and to exercise supervision over them while so engaged.
- (2) To consult with all Universities where there may be Imperial Forest Service probationers as to the special studies to be undertaken by them, and as to the examinations or tests of proficiency to be required of them.
- (3) To give lectures, if so required by the Secretary of State, in Indian Forestry to Forest probationers at an approved Forest School.
- (4) To serve, if so required, on the Board of Enquiry for reporting on the qualifications of candidates.

(c) and (d) Mr. A. M. F. Caccia, C.B., M.V.O., retired Conservator of Forests, is the present incumbent. He was first appointed to the post on its creation in 1911, and held it until December 1916 when it was temporarily discontinued owing to suspension of recruitment on account of war. The post was revived in 1919, and the same officer was again appointed to it for a period of 5 years on a salary of £900 per annum. His present age is 52½ years.

#### ESTABLISHMENT OF EMPIRE FORESTRY RESEARCH INSTITUTE.

59. The HONOURABLE MR. PHIROZE C. SETHNA : Will Government be pleased to state—

- (a) if they have received from the Secretary of State any proposal with regard to the establishment at some centre in the United Kingdom of an Empire Forestry Research Institute;
- (b) if so, whether they will give an assurance that they will take no action thereon before obtaining the views of the Council of State and the Legislative Assembly; and
- (c) what are the estimated initial and recurring contributions to be made by India to such Institute if the proposal is adopted?

The HONOURABLE MR. B. N. SARMA : (a), (b) and (c) Proposals were made at the Empire Forestry Conference in England in 1921 for the establishment of an Empire Forestry Bureau in England. These proposals, so far as India's participation is concerned, are under the consideration of the Government of India; the contributions required will depend upon the extent to which the Home Government, the Dominions and the Colonies agree to participate and before the Government of India are committed the contribution, if any, proposed will be subject to the vote of the Assembly.

#### COST OF BUILDING IN LONDON FROM INDIAN REVENUES.

60. The HONOURABLE MR. PHIROZE C. SETHNA : Will Government be pleased to state—

(a) if the whole or any portion of the cost of the building in London in which is situated the India Office was paid out of the Indian revenues and, if so, what was the amount so paid; and

(b) if the cost of the fittings and furniture were also paid out of the Indian revenues and, if so, the amount thereof?

The HONOURABLE MR. E. M. COCK : No information on the subject is available in India but it has been asked for from Home. If the Honourable Member will kindly repeat his question later on, I hope to have the information ready.

#### ANNUAL RENTS FOR OFFICES IN LONDON.

61. The HONOURABLE MR. PHIROZE C. SETHNA : Will Government be pleased to state the amount of annual rents payable for the offices in London (a) of the High Commissioner for India, and (b) of the Trade Commissioner?

The HONOURABLE MR. SHAFI : (a) The only rent payable for the building occupied by the High Commissioner in London is a ground rent of £15½ per annum. Government have purchased the lease of the two houses for 35 years.

(b) An annual rent of £ 2,250 is paid for the offices in London of the Indian Trade Commissioner.

The HONOURABLE MR. PHIROZE C. SETHNA : May I ask a supplementary question, Sir? I understood the Honourable Member to say that Government had purchased the lease for 35 years. May I know the amount paid for the same?

The HONOURABLE MR. SHAFI : I shall give information as to that later on.

#### LIST OF RAILWAYS FOR DACCA DIVISION.

62. The HONOURABLE MAHARAJA SOSHI KANTA ACHARYYA CHAUDHRI, OF MUKTAGACHA : Will Government be pleased to make a statement giving a list of Railways projected up to date for the Dacca Division, noting in each case the stage of progress reached, the proposed gauge, length, initial and terminal points, estimated cost, estimated return and the order of urgency and importance fixed by the Government?

The HONOURABLE MR. SHAFI : A statement giving the information asked for is laid on the table.



| Name of project.                                | Con-<br>nected<br>existing<br>rail-<br>ways. | Initial and<br>terminal<br>points.                 | Surveyed or not.               | Gauge.    | Length. | Esti-<br>mated<br>cost at<br>present<br>rates. | Esti-<br>mated<br>return<br>on<br>capital<br>outlay. | REMARKS.                                                                                                                                                                                                                                                                                                                                      |
|-------------------------------------------------|----------------------------------------------|----------------------------------------------------|--------------------------------|-----------|---------|------------------------------------------------|------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Seraiganj Mymensingh Rail-<br>way.              | S. S.                                        | Seraiganj to My-<br>mensingh.                      | Not ..                         | 3' 3 3/4" | ..      | ..                                             | ..                                                   | The possibility of establishing a wagon ferry at Seraiganj being a condition precedent to the construction of this line a survey for location of a site for a suitable crossing on the Jamuna for the proposed wagon ferry has been carried out, and the views of the Agent, Eastern Bengal Railway on the results of the survey are awaited. |
| Mymensingh Tangail Railway                      | E. B.                                        | Mymensingh to<br>Tangail.                          | Surveyed in 1913-14            | 3' 3 3/4" | 50      | 60-00                                          | 5%                                                   | Alternative to the Seraiganj Mymensingh Railway. The Seraiganj Mymensingh line is preferred to the Mymensingh Tangail Railway.                                                                                                                                                                                                                |
| Tangi-Tangail Singhaiani<br>(Jamalpur) Railway. | E. B.                                        | Tangi to Singhaiani<br>(Jamalpur, via<br>Tangail). | Surveyed in 1917-18            | 3' 3 3/4" | 80      | 89-36                                          | 4 1/2%                                               | The alignment of this line has been definitely accepted but construction has been postponed till funds are available.                                                                                                                                                                                                                         |
| Dacca-Aricha Railway<br>or                      | E. B.                                        | Dacca to Aricha ..                                 | Not (Reconnaitred<br>in 1915). | 3' 3 3/4" | 46      | 88-21                                          | 4%                                                   | In view of the nature of the country lying between the Padma and the Dhaleswari rivers, a committee comprising                                                                                                                                                                                                                                |

|                                                 |          |                                                                                                                |                             |           |                    |        |    |                                                                                                                                                                                                                                                                 |
|-------------------------------------------------|----------|----------------------------------------------------------------------------------------------------------------|-----------------------------|-----------|--------------------|--------|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Aricha-Munshiganj Railway                       | E. B.    | Aricha to Munshiganj with branches to Rajban Lohaju, etc.                                                      | Not (Reconnaitred in 1916). | 2' 6"     | 100                | 104-97 | 6% | railway drainage and sanitary experts and representatives of the steamer companies and certain public bodies, was appointed, last year, to investigate the general question of railway extensions in this area and the committee's recommendations are awaited. |
| Netrakona Mohungunge Rail-<br>way.              | M. B. B. | Netrakona to Mo-<br>hungunge.                                                                                  | Surveyed in 1916 ..         | 3' 3 3/4" | 17 1/2             | 17-00  | 6% |                                                                                                                                                                                                                                                                 |
| Mymensingh Brairab Bazar<br>Railway extensions. | M. B. B. | Kishorgunge to<br>Bigipur Atharabari to Gogh<br>Bazar Atharabari to<br>Hosseinpur Kishoregunge to<br>Gonespur. | Surveyed in 1920 ..         | 3' 3 3/4" | 13<br>26<br>13 1/2 | 68-59  | 6% |                                                                                                                                                                                                                                                                 |
| Bakshiganj-Jamalpur Nali-<br>tabari Railway.    | E. B.    | Bakshiganj to<br>Jamalpur with<br>an extension to<br>Nalitabari.                                               | Surveyed in 1916 ..         | 3' 3 3/4" | 38                 | 34-47  | 5% | Proposals for construction under Branch Line Terms have been received from private promoters but these projects have been held in abeyance in view of the difficulty of financing them under existing conditions.                                               |
| Mymensingh Phulpur Haloes-<br>ghat Railway.     | M. B. B. | Mymensingh to<br>Phulpur with an<br>extension to<br>Haloesghat.                                                | Surveyed in 1916 ..         | 3' 3 3/4" | 26                 | 23-23  | 6% |                                                                                                                                                                                                                                                                 |
| Faridpur-Bhangat<br>Railway.                    | E. B.    | Faridpur to Barisal<br>via Bhangat.                                                                            | ..                          | 5' 6"     | 84                 | ..     | .. | Reconnaissance sanctioned in 1920.                                                                                                                                                                                                                              |
| Jessore Faridpur Chord<br>..                    | E. B.    | Jessore to Faridpur                                                                                            | Not.                        | 5' 6"     | 58                 | 83-00  | 3% | Reconnaitred in 1917. As the project is by no means an urgent one it has been dropped for the present.                                                                                                                                                          |

## TRANSFER OF DACCA SECTION TO ASSAM-BENGAL RAILWAY COMPANY.

63. The HONOURABLE MAHARAJA SOSHI KANTA ACHARYYA CHAUDHRI, OF MUKTAGACHA: (a) What has been the result of the negotiations for the transfer of the working of the Dacca Section of the Eastern Bengal Railway to the Assam Bengal Railway Company, Limited?

(b) Will Government be pleased to lay on the table the latest correspondence on this subject between Government and the authorities of the Assam Bengal Railway Company, Limited?

The HONOURABLE MR. SHAFI: (a) The matter is still under consideration and no definite decision has yet been reached.

(b) It is not considered that any useful purpose would be served by giving publicity to the correspondence while the case is still *sub judice*.

## RAILWAY BETWEEN GAUHATI AND SHILLONG.

64. The HONOURABLE MAHARAJA SOSHI KANTA ACHARYYA CHAUDHRI, OF MUKTAGACHA: What progress has been made regarding the question of construction of a Railway between Gauhati and Shillong or between Pandua and Shillong?

The HONOURABLE MR. SHAFI: The proposal to provide Shillong with railway communication was first considered in 1912, when a survey was made for a line along the existing motor road between Gauhati and Shillong, but this project was abandoned as it would interfere with the motor transport and bullock cart traffic. Subsequently a line from Pandua to Shillong was surveyed in 1919, but in view of the poor prospects of the project, the limited money at present available for new construction, and the more urgent and important projects waiting to be undertaken, the question of the construction of the Pandua Shillong Railway has had to be deferred.

## RELAYING OF THE HYDERABAD-BADIN RAILWAY.

65. The HONOURABLE MR. G. M. BHURGRI: Will the Government be pleased to state—

(a) whether it is a fact that orders had been issued for the relaying of the Hyderabad-Badin Railway?

(b) If so, what has become of these orders, and why no work has as yet been started?

(c) When it is expected to start the work?

The HONOURABLE MR. SHAFI: (a) Yes.

(b) and (c) Work has already been started and the following progress has been made. Preparation of ballast for the whole line, and repairs to staff quarters and buildings at certain stations have been completed, and a certain amount of work on minor bridges has been carried out. Tools and plant and certain engineering stores have been collected and are held in readiness for relaying the line.

Further progress has been delayed for want of requisite materials.

## ARTICLE HEADED "LALA SRI RAM SUD" IN TRIBUNE.

66. The HONOURABLE MR. G. M. BHURGRI: (a) Has the attention of the Government been drawn to the article headed "Lala Sri Ram Sud" in the *Tribune* of the 22nd July last?

(b) Is any proposal of granting land to this official under the consideration of the Government of India or the Local Government?

(c) If so, what are the reasons for such special grant?

The HONOURABLE MR. H. D. CRAIK: (a) Yes.

(b) No.

## IMPERIAL FOREST ENGINEERING SERVICE.

67. The HONOURABLE MR. G. M. BHURGRI: (a) Is it a fact that the Imperial Forest Engineering Service has lately been inaugurated by the Secretary of State for India?

(b) How many probationerships were advertised by the Secretary of State, and how many appointments were made?

(c) Were there any Indian applicants from India?

(d) How many selected candidates were Indians?

(e) Is it not the intention of Government to recruit Indians for this Service?

(f) Is the Government prepared to entertain such applications?

The HONOURABLE MR. B. N. SARMA: (a) Yes.

(b) The Secretary of State advertised for 13. 17 appointments were made.

(c) The Government of India have no information.

(d) None.

(e) There is at present no intention to recruit further for this Service; when the question arises every endeavour will be made to recruit suitable Indians.

(f) Not at present for the reasons given in the answer to (e).

## TRAINING OF INDIAN OFFICERS IN THE CIVIL SERVICES.

68. The HONOURABLE MR. G. M. BHURGRI: Will the Government be pleased to state—

(a) whether they have tried the experiment of training Indian officers in the Civil Services (both the Imperial and Provincial Service) as Reserve officers for the Indian Army on a similar basis as the European civilians are trained in the Indian Army Reserve of Officers?

(b) If so, with what measure of success?

(c) If not, the reasons why Government do not try the scheme?

The HONOURABLE MR. SHAFI: The Departments concerned in the reply to this question are still in consultation. With your permission, Sir, may we give the answer to this question at the meeting on the 19th?

The HONOURABLE THE PRESIDENT: I think, as a general rule, Government should be prepared to give answers of some kind on the day for which questions are set down. But in the circumstances stated by the Honourable Mr. Shafi, I see no objection.

#### CHEMICAL SERVICE COMMISSION'S REPORT.

69. The HONOURABLE SARDAR JOGENDRA SINGH: Will the Government be pleased to state what action has been taken on the Chemical Service Commission's Report and when the Indian Chemical Service will be started?

The HONOURABLE MR. E. M. COOK: The main recommendations of the Chemical Services Committee were:—

- (1) the creation of an all-India Chemical Service;
- (2) the establishment of a Central Chemical Research Institute under the control of the Imperial Government;
- (3) the establishment of provincial research institutes at the chief centres of industries in the various provinces under Local Governments.

The opinions of the Local Governments were invited on these proposals and on the Committee's recommendations generally, and on receipt of their replies the Government of India would ordinarily have proceeded to take further action. But, as in the meantime the reformed constitution had come into being, they considered it desirable that Provincial Governments in their new form should be given an opportunity of giving their opinions on the proposals, in particular on the proposal to constitute an all-India Chemical Service.

The subject was accordingly discussed at a Conference between the Provincial and Central Departments of Industries in May last as the result of which the Ministers in charge of the development of Industries asked for further time in which to consider the question of constituting an all-India service. It is hoped that a final opinion will be given in January next.

The Government of India are most anxious to be able to proceed with the more important recommendations of the Chemical Services Committee, and they wish, pending the decision regarding the proposed Chemical Service, to take up at once the establishment of a Central Chemical Research Institute. Land has already been acquired for this purpose at Dehra Dun, and the Legislative Assembly is being asked during its present Session to agree to a proposal being placed before the Secretary of State that a post of Director of the Institute be sanctioned from the next financial year. As soon as a Director is appointed the plans for the Institute and other details can be worked out.

#### INDIAN CLAIMS IN KENYA.

70. The HONOURABLE SARDAR JOGENDRA SINGH: What action is the Government of India going to take to protect Indian claims in Kenya?

The HONOURABLE MR. B. N. SARMA: The policy of the Government of India towards the Indian question in Kenya Colony was fully explained in their despatch of October 21st, 1920, which has already been published. The action which they may take to protect Indian claims must depend on the extent to which the recommendations contained in that despatch are accepted.

#### DEPUTATION FROM LANCASHIRE RE: COTTON.

71. The HONOURABLE MAHARAJA SOSHI KANTA ACHARYYA CHAUDHRI, OF MUKTAGACHA: (a) Is there any proposal of a deputation from Lancashire to come to India to discuss the situation caused by the imposition of the new tariff on the import of cotton goods?

(b) If so, will Government be pleased to make a statement regarding the matter?

The HONOURABLE MR. SHAFI: In April last His Majesty's Secretary of State for India invited the views of the Government of India on a proposal of the Lancashire Members of Parliament that a British Delegation should visit India to discuss with the Legislative Assembly and other interested bodies the best method of increasing good-will and amicable trading relations between the United Kingdom and India. The Government of India in their reply welcomed the proposed visit on the ground that there would be great mutual advantages to the British and Indian business communities if the Delegation learnt first-hand from Indian leaders the Indian point of view on such matters as the Indian demand for fiscal autonomy and the necessity for the recent increases in import duties. They made it clear, however, that the visit would not be in any way an official visit and that the Delegation should make their own arrangements for meeting Chambers of Commerce and Piece-goods Associations in India. If the Delegation came out during the Simla or Delhi Session of the Legislative Assembly, the Government of India anticipated no difficulty in arranging for the Members to meet informally Members of the Assembly. The Government of India have been informed that His Majesty's Secretary of State for India has taken steps to have this message communicated to representatives of the trade in Lancashire, and they understand from reports which have appeared in the Press that the question of a Deputation of Lancashire Cotton employers and employees being sent to India is now being considered by the trade.

#### RUPEE LOAN SUBSCRIBED IN ENGLAND AND INDIA.

72. The HONOURABLE MAHARAJA SOSHI KANTA ACHARYYA CHAUDHRI, OF MUKTAGACHA: Will Government be pleased to make a statement showing the total amount of the new rupee loan subscribed in England and India, respectively, and, how much of the same is represented by cash subscription, and how much by converted war bonds for 1921 and 1922?

The HONOURABLE MR. E. M. COOK: The Honourable Member is referred to the reply I gave yesterday to the Honourable Rai Bahadur Lala Ram Saran Das' question on the same subject.

#### LEAFLET ENTITLED "RELIGIOUS FUTWA OF THE MUSLIMS."

73. The HONOURABLE SAIYID RAZA ALI: (a) Has the attention of Government been drawn to the order of the Chief Commissioner of the Delhi Province, forfeiting to Government all copies of a *futwa* which bore the signatures of about 500 leading Maulvis throughout India and was issued by the *Jamiatul Ulemas*?

(b) What are the reasons which led the Delhi administration to take this step?

[Saiyid Raza Ali.]

(c) Will Government be pleased to make a full statement on the subject, including the measures it is contemplated to take to remove this Muslim grievance?

The HONOURABLE MR. H. D. CRAIK: The order of the Chief Commissioner declared forfeited to Government all copies and all translations of a leaflet in Urdu entitled the "Religious Futwa of the Muslims of all India." The leaflet was not in fact the *futwa* drawn up by the Ulemas' Conference of November last, but purported to contain extracts from that *futwa*. The order of proscription was issued at the suggestion of the Government of India, and they take full responsibility for the action taken. The leaflet, of which I have a photographic copy here in my hand, contains a sentence of which the following is a literal translation.

'All Government services, which are a help to Government, are unlawful (*haram*). It is specially very sinful to serve in the police or in the army because they have to fire on their brethren.'

Government consider that this sentence is an incitement to Muslim soldiers in His Majesty's Army to disregard, or fail in, their duty, and they have evidence that it has been widely distributed in the Army. It will thus be obvious that the leaflet is of a political rather than of a religious character, and that its proscription involves no encroachment on the religious liberties of Muhammadans in regard to which Government have no intention of departing from its well-established policy of non-interference with religious questions. This policy has been affirmed on many occasions and is well-known to be one of the fundamental rules underlying our system of government. But no Government can be expected to stand by and permit an attempt such as is made in this leaflet to tamper with the loyalty of its troops, which is moreover a clear contravention of the ordinary criminal law.

The HONOURABLE MR. H. D. CRAIK: May I add that I am obliged to the Honourable Member for giving me an opportunity of explaining the attitude of Government in regard to this matter? If the Honourable Member, or any other Member, desires any further information on the subject, I shall be glad to furnish it to the best of my ability. Government are particularly anxious that their attitude on this question should be fully understood and that there should be no misunderstanding whatever.

#### MOTION FOR ADJOURNMENT.

The HONOURABLE THE PRESIDENT: Before we proceed to the business of the day, I may say that I have received a notice from the Honourable Lala Sukhbir Sinha, that he desires to move the adjournment of this Council on the 15th instant in regard to certain matters which he states in his letter. I think I must draw the attention of this Council to the fact that, if an Honourable Member desires to move for adjournment under rule 11, he must move at the very earliest opportunity. The power to move for an adjournment under rule 11 is not a substituted power for the power to bring in a Resolution. It is a power which enables a Member of this Council to bring a matter of urgent public importance before the Council. Therefore, when an Honourable Member desires to move in that sense, he should certainly ask for the earliest possible open date and not for a date at a distance, because by doing so he shows that he does not consider the matter to be of urgent public importance. I think it is my duty to call the attention of this Council to this matter, because the procedure by motion for adjournment under rule 11 does not seem

to be thoroughly understood. I will not say that, if the Honourable Member gives me notice of the same matter later on, I will not treat it as a matter of urgent-public importance, because circumstances may have changed in the meantime; but this particular notice, I am afraid, I must discard.

The HONOURABLE LALA SUKHBIR SINHA: May I say a word, Sir? I was informed that 15th September was the date fixed for the next meeting of the Council, and therefore I gave notice for the 15th. My idea was to take up the matter at the earliest possible date, but as I was told that 15th was the next date, I gave notice for that day. The matter might be taken earlier, I have no objection.

The HONOURABLE THE PRESIDENT: I have tried to explain to the Honourable Member that if he thought the matter was of such urgent importance he should have moved for the adjournment of the House to-day.

I understand that it is desired to make a motion with reference to the message which was received from the Legislative Assembly yesterday in regard to the address to His Royal Highness the Prince of Wales.

#### MEMBERS TO FRAME ADDRESS TO HIS ROYAL HIGHNESS THE PRINCE OF WALES.

The HONOURABLE SIR MANECKJI DADABHOY: Sir, I beg to propose that the following Honourable Members be appointed to serve on the Joint Committee for drafting an address of welcome to His Royal Highness the Prince of Wales. The other House has appointed fourteen members on the Committee and though I believe that number is rather unwieldy, I have no option but to propose a similar number here. I propose that the following members be appointed on the Committee:—

Honourable Sir D. E. Wacha, Honourable Mr. A. H. Froom, Honourable Mr. G. M. Bhurgri, Honourable Sir Alexander Murray, Honourable Sir B. C. Mitter, Honourable Mr. E. L. L. Hammond, Honourable Sir Zulfiqar Ali Khan, Honourable Mr. J. A. Richey, Honourable Mr. V. G. Kale, Honourable Mr. E. S. Lloyd, Honourable Sardar Jogendra Singh, Honourable Mr. G. S. Khaparde, Honourable Saiyid Raza Ali and the Honourable Mahamahopadhyaya D. E. Ganga Nath Jha.

The HONOURABLE SAIYID RAZA ALI: Is it too late to move that the Honourable the Mover of the Resolution be added to the Committee?

The HONOURABLE SIR MANECKJI DADABHOY: I wish to be excused because my movements are uncertain.

The HONOURABLE THE PRESIDENT: It is a well-known rule that no Member's name should be brought forward to serve on any Committee or otherwise unless the Honourable Member has previously ascertained the willingness of the Member in question to serve.

The motion was adopted.

#### STATEMENT LAID ON TABLE.

The HONOURABLE MR. B. N. SARMA: I lay on the table the correspondence regarding the policy of Government with regard to the utilisation of the various large waterways in the country for the purposes of trade, with reference to the Honourable Sir Dinshaw Wacha's \*question in Council on the subject on the 14th February, 1921.

\*Vide page 29 of Volume I of Council of State Debates.



[Mr. B. N. Sarma.]

## No. 21 Public Works.

GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.*Civil Works—Irrigation.*

To

THE RIGHT HONOURABLE EDWIN MONTAGU,

*His Majesty's Secretary of State for India.**Simla, the 4th September 1919.*

SIR,

WE have the honour to refer to your despatch No. 35-P.W., dated the 19th July 1918, forwarding a copy of a question asked in the House of Commons on the 20th June 1918, and of the answer made to it, on the subject of the constitution of a Waterways Board in India to deal with questions of river transport, and requesting that information may be furnished to enable you to reply to the specific points raised in the question. Subsequent to the receipt of this despatch, we received with the India Office letter No. P.W.-638-19, dated the 8th April 1919, a copy of a representation made by Lord Inchcape and others on the same subject, and of your reply thereto, dated 28th March 1919.

2. As regards the formation of a Waterways Board for the whole of India, such as is apparently contemplated in Mr. Shaw's question, we would explain that inland steamer navigation is almost exclusively confined to Burma and to what may be termed the Ganges-Brahmaputra-Megna group of waterways which connect Bengal with Bihar and Orissa on the one side and with Assam on the other. Elsewhere the rivers have been very extensively tapped for irrigation purposes, and the amount of steamer navigation is practically negligible; a limited number of such vessels continue to ply on the Indus, but these also will probably cease when the large irrigation canals in the Punjab and Sind, at present under investigation, are constructed. Burma may be left out of consideration for the present as there is no evidence of any desire for centralized control in connection with the navigable channels in that province, nor has any representation been received in regard to the numerous rivers in other provinces upon which navigation by country boats is practised; interference by any central authority in regard to the management of the latter would almost certainly be strongly resented by the Local Governments concerned. The question of the formation of a Waterways Trust has arisen only in Bengal, where the rivers are used for navigation to a greater extent than elsewhere, and we shall confine this despatch to a discussion of the subject in so far only as the waterways of that province are concerned.

3. As you are already aware, in March 1912, the Steamer Companies of Bengal submitted a representation to the Secretary of State urging that steps might be taken towards the improvement of the waterways of the province, and in Lord Crew's despatch No. 23-P. W., dated 3rd May 1912, the Government of Lord Hardinge were requested by His Lordship to furnish him with their observations on that representation. In reply, the Government of India, in their despatch No. 3-P. W., dated the 30th January 1913, reported that the question was already engaging the attention of the Government of Bengal, that a reorganized and enlarged Standing Committee had been appointed to advise the Local Government on the subject of the measures to be taken, and that a further communication would be made on receipt of the matured views of the Local Government. Owing to shortage of staff and to the numerous pre-occupations arising out of the war, which have seriously delayed the preparation and submission of the Grand Trunk Canal Project, upon the execution of which the question of the feasibility or otherwise of the formation of the proposed Trust largely depends, the Local Government had not yet furnished us with their final opinions when your despatch under reply was received, but the question has, throughout, received their most careful consideration, and the improvement of their waterways has occupied a foremost place

in their provincial programme. Much important and useful work has already been carried out, and in this connection we would invite your attention to pages 25—29 of the Review of Irrigation in India for 1917-18, copies of which were submitted for your information with our Public Works Secretary's letter No. 213-I., dated 30th July 1919, as also to the completion report of the Madaripur Bhil Route, which was forwarded with our despatch No. 4-P. W., dated the 19th March 1919.

4. On receipt of your despatch of 19th July 1918, we requested the Government of Bengal to report to what extent public opinion favoured the constitution of a Waterways Board, to give a history of what had been done in the past, and to set out the policy which the Local Government proposed to adopt for the future. The Government of Bengal have dealt with the whole question exhaustively in their letter No. 407-I., dated the 11th February 1919, a copy of which is forwarded with this despatch.

5. In that letter, the Government of Bengal have given a clear exposition of the past history of the case which, in our opinion, refutes completely the allegations that non-official interests have not been adequately considered and safeguarded. The Local Government have worked throughout in close communication with the Steamer Companies and with the Bengal Chamber of Commerce, as is shown by the increased numbers of non-officials who have been nominated to the Standing Waterways Committee. Whereas, in 1906, this Committee consisted of three officials and one commercial representative, it now consists of four officials, one railway representative, one representative of the Calcutta Port Trust and four representatives of commercial interests.

6. In 1914 and again in 1917, the question of the formation of a Waterways Trust was discussed by the Standing Waterways Committee, but, in spite of the strong non-official representation, no conclusion was arrived at, mainly because the Committee were unable to put forward any practical constructive proposals for the establishment of such a Trust on a sound financial basis. In April 1918, the subject was again re-opened in a letter from the Joint Steamer Companies of Calcutta in which that body urged the necessity for centralized control, representing that greater co-ordination in the matter of river conservancy between the various Local Governments concerned was desirable, that there was, under the existing system, a lack of continuity of policy owing to the frequent changes in the executive; and that the interests of the waterways were insufficiently safeguarded in comparison with those of the railways. Later in the year, the Bengal and the Narayanganj Chambers of Commerce addressed the Local Government upon the same subject, strongly advocating, on similar grounds, the immediate formation of the suggested Waterways Trust.

7. The three points raised by the Steamer Companies may now be examined and discussed. As regards the validity of the arguments put forward in favour of more co-ordination between the various Governments concerned, it is, of course, clear that when steamers have to ply through three provinces in the course of a single voyage, it must necessarily be inconvenient if three different systems of river conservancy are in force. It does not, however, appear to us that this fact in itself has any great weight as bearing on the question of the formation of a Trust, and we are of opinion that the co-option of representatives of the other provinces on the Bengal Standing Waterways Committee would equally well serve the purpose of obtaining the desired co-ordination.

8. With reference to the second point urged by the Steamer Companies in favour of unified control, namely, the lack of continuity of the executive in the past, while the list of Chief and Superintending Engineers who have held charge of the Irrigation Branch and of the South-Western Circle lends colour to the charge, the Local Government challenge the statement that there has been any lack of continuity in policy owing to the frequent changes in personnel. There may, however, be some grounds for the complaint, and in our opinion it can best be met by the institution of a separate branch of the Public Works Department in Bengal responsible for the construction and up-keep of all work relating to irrigation, drainage, inland navigation and river conservancy. Hitherto, the officers of the Public Works Department in that Presidency have been borne on a single list and have been responsible for the multifarious duties included under buildings, roads, irrigation and waterways. The Government of Bengal are preparing a scheme for the reorganisation of their Irrigation staff, and we understand that they desire a complete separation of the Buildings and Roads Branch from that responsible for hydraulic work; indeed this separation would probably have already been effected had it not been for the war, and the scheme will now be carried out as soon as it is financially possible. With a separate Branch, whose sole duty will be the control of rivers in the joint interests of navigation, drainage and irrigation, there should be no risk of discontinuity of policy.

[Mr. B. N. Sarma.]

9. Adverting to the third point urged by the steamer companies, namely, the security of waterways interests, the allegation is made that, in the absence of a representative trust, the Companies are unfairly handicapped in their competition with the railways. This is an argument to which we cannot subscribe. It is true that, in the past, we have occasionally had to reject the demands of the Companies in regard to bridge headways, etc. (a fact which appears to form the basis of the allegation) but such action has only been taken when the demands put forward were wholly unreasonable. It has been claimed, for example, that waterways and headways, sufficient to pass the largest vessels of the fleets, should be provided at the railways' expense, not only over rivers on which steamer services are already established, but also over those on which, either because they are unsuitable for navigation or for other reasons, no services are run at present. It has also been claimed that it is incumbent on the railways to provide headways suitable for steamers of considerably greater size than those at present in use, in order that the Companies may be able, in future, should they so desire, to increase the dimensions of their boats. Compliance with such demands would add largely both to the capital cost of railways within the area in question and also to their recurring working charges, owing to the greater rise and fall which would have to be negotiated by all traffic passing over the bridges, and in some localities would practically put a stop to railway expansion. It is, of course, to be remembered in this connection that it is to the interests of the Steamer Companies to restrict such expansion in the Gangetic area within the narrowest possible limits, and we are inclined to think that some of the representations received have been to some extent coloured by this fact.

10. In deciding the question of headways over navigable channels we are guided largely by the opinions of the Local Governments concerned, which may invariably be trusted to support, within all reasonable limits, the interests of navigation, and in almost every case their considered views are accepted. We have, moreover, in February of this year, issued certain definite rules for determining the headways and waterways of bridges over navigable rivers, the effect of which is to transfer the decision to the Local Government and to local opinion. A copy of these rules is enclosed for your information.

11. In our opinion, the proposal for the formation of a Trust must be resisted on two grounds; firstly, because for many years to come, there is no prospect of such a Trust being able to be constituted on any sound financial basis, and, secondly, because it is essential that in any projects for the conservation of the rivers in Bengal, the interests of irrigation and drainage, and not solely those of navigation, should be weighed and safeguarded. The Local Government have made it clear that none of the advocates of the Trust have so far suggested any method of financing it, except that Government should do so, but, in our opinion, any arrangement under which Government would undertake the responsibility for finding the funds, while at the same time divesting themselves of the responsibility for their proper application, must be ruled out as opposed to all accepted tenets of sound finance and administration. A Trust formed on the lines advocated by the Steamer Companies would, indeed, be a negation of the whole principle of a 'Trust,' such as the Port Trusts, the essence of which is that they should be self-supporting; and the proposal that the Government should unreservedly place funds at the disposal of such a body is one which we find ourselves unable to endorse. It appears to us, moreover, probable that the Trust would prove a more expensive agency for the execution of work than does the Public Works Department.

12. In paragraph 19 of their letter, the Bengal Government show that during the last twelve years, the cost of maintenance of the waterways in Bengal has exceeded the amount received in tollage by more than half a crore of rupees, and that a further loss of 8 lakhs is anticipated during the next five years. If the Grand Trunk Canal is sanctioned, the Trust would be committed to a further expenditure of 288 lakhs of rupees, while it is anticipated that the receipts from this scheme will not cover the working expenses until the ninth year after the commencement of construction, and that the arrears of interest will not be wiped out till seven years later. There can, therefore, be no hope of a self-supporting Trust in the near future and, as we have already explained, we could in no case contemplate one formed on any other basis. Until the receipts from tollage are at least sufficient to cover the working expenses, it would, in our opinion, be unjustifiable to finance the development of waterways in the manner proposed, since this might enable an otherwise unremunerative undertaking to compete with the railways, and thus merely result in our subsidising the less economical form of transport. The only Trust which could possibly be formed at the present juncture would be one in which the running of the steamers and the maintenance of the waterways were combined, the cost of the latter being paid from the profits of the former,

with, possibly, some financial assistance from Government. This is, however, a suggestion which the Steamer Companies have never put forward, and which they would be extremely unlikely to accept.

13. It will, of course, be understood that the remarks made in the last paragraph are not intended in any way to prejudice consideration of the construction of the Grand Trunk Canal or of projects of the same kind, where these can be shown to be capable of earning their maintenance and interest charges. Where this essential condition exists the construction of such works is certainly legitimate, but until the stage has been reached when the waterways of Bengal as a whole fulfil this condition, it appears to us premature even to consider the formation of a Trust such as that proposed.

14. As a guide to the expenditure which might be incurred in making suitable for steamer traffic the 20,000 miles of Bengal waterways, which are said to be navigable, experience with the Mississippi and Missouri rivers in America may be quoted. More than £16½ millions have been spent on 15,000 miles of navigable waterways on these rivers, and the bulk of this was spent on a length of some 700 miles. But even with this expenditure the Steamer Companies were unable to divert traffic from railways except when the volume offering was too great for the railways to carry. We do not suggest that the physical conditions of the Bengal and American rivers are exactly similar but, having regard to the admitted instability of the rivers of Bengal, it is safe to state that American rivers are not less stable, and consequently that river conservancy works are at least as permanent in their nature as those of India are likely to be. From American experience it is evident that large schemes and programmes for the conservancy of rivers for navigation purposes in India should be closely scrutinized before expenditure is undertaken, and we deprecate the disbursement of State funds on facilities solely for the benefit of public carriers, unless the revenue to be recovered in dues will give a return on the capital and cover ordinary working expenses. There has, in the past, been no tendency on the part of the Steamer Companies to pay tolls which will give a fair return on the capital expenditure on works carried out for their use.

15. A further and, in our opinion, a very weighty argument against the formation of the proposed Trust is that to which the Government of Bengal themselves refer in paragraph 20 of their letter, viz., that the maintenance of rivers cannot be carried on solely with a view to the interests of the Steamer Companies. There are other functions, besides navigation, which the rivers fulfil, such as the irrigation and drainage of the country, the latter being a matter of special importance in Bengal. It might quite easily happen that measures taken to improve rivers for navigation would cause deterioration to them or to their branches as drainage channels, while irrigation interests have also to be considered. All these interests are interconnected and could not properly be controlled by a staff which was only concerned with one of them, as would be the case with a Waterways Trust.

16. The lines of policy recommended by the Government of Bengal are recapitulated below:—

- (i) to increase the personnel under the Irrigation Department and to create new Waterways Circles;
- (ii) to construct the Grand Trunk Canal and ultimately to place the control of it and its attendant feeder channels under an executive Trust;
- (iii) to create a Communications Board for All-India, on which would sit representatives of water transport by boat as well as of land transport by rail; and
- (iv) enlarge the sphere of the existing Waterways Advisory Committee by making it possible to have extra-provincial representatives.

For the reasons already stated we are of opinion that the formation of a Trust is out of the question. We advocate the continuance of the present system and its improvement by organizing, as recommended in paragraph 8, a special branch of the Public Works Department to deal with irrigation, navigation and drainage, thus forming a body of trained engineers to deal with all hydraulic questions. We are also prepared to consider favourably the advisability of constructing the Grand Trunk Canal, but we must reserve our final recommendations on that project until the estimate, which has lately been received by us, has been examined by our technical advisers. It may possibly be feasible eventually to place it and other artificial (as opposed to natural) navigation channels under the control of an executive trust, as proposed, but this question cannot be taken up until the projects are constructed and have proved themselves to be remunerative. We also accept recommendation (iv) of the

[Mr. B. N. Sarma.]

Local Government regarding the enlargement of the sphere of the existing Waterways Advisory Committee, co-ordination between the several Governments concerned being secured by permitting the Committee to co-opt nominees of the Bihar and the Assam Governments.

17. We are not favourably impressed with the third recommendation made by the Government of Bengal, viz., the formation of a Communications Board for All-India on which the interests of water-borne traffic would be represented along with others. In the first place, as stated in paragraph 2 of this despatch, river communications are not confined to Bengal; there is navigation of various kinds on many other rivers in regard to which the Government of India have not been asked to interfere, and, though the important waterways in Bengal may originate in other provinces, the main problems arising in connection with them fall within the sphere of the Bengal Government. This being so, their administration should also remain within the provincial sphere. Moreover, so far as the safeguarding of waterways as opposed to railway interests is concerned, we consider that the former are safer in the hands of the Public Works Department than they would be if they were represented on a Communications Board, upon which the railways would naturally have a predominant influence. It would further prove extremely difficult, if not impossible, satisfactorily to demarcate the field of action of the proposed Communications Board and its engineering staff, in so far as navigation rights were concerned, and the field of action of the Bengal Government and its staff so far as riparian and water rights were concerned; that the latter rights must remain under the control of the Local Government appears to us to be axiomatic.

18. As, therefore, it appears to us inadvisable to constitute either a Waterways Trust for Bengal or a Communications Board for the whole of India, the only alternative is to continue the existing arrangements, suitably modified, and the conclusions at which we have arrived and which are detailed in the preceding paragraphs may be summarized as follows:—

- (i) that the Irrigation Branch of the Public Works Department in Bengal should be separated entirely from the Buildings and Roads Branch, and that its duties should be confined to the charge of irrigation, navigation and drainage; the services of an expert body of men who have been trained in these special works being thus secured,
- (ii) that the construction of the Grand Trunk Canal, or of any other navigable channel which can be shewn to be a productive work, should be taken up on the same principles as Government now takes up irrigation works, and
- (iii) that the existing Waterways Committee in Bengal should be continued; that the sphere of its action should be enlarged by the nomination to it of extra-provincial representatives, and that the consideration of the question of a Waterways Trust should be postponed for the present.

We have the honour to be,

Sir,

Your most obedient, humble Servants,

(Signed) CHELMSFORD.

„ C. C. MONRO.

„ G. R. LOWNDES.

„ G. S. BARNES.

„ W. H. VINCENT.

„ R. A. MANT.

„ H. F. HOWARD.

„ MUHAMMAD SHAFI.

*Schedule of Enclosures.*

1. Letter No. 407-I, dated 11th February 1919, from the Government of Bengal.

2. Rules for determining the headways and waterways of bridges over navigable channels in Bengal.

GOVERNMENT OF BENGAL.  
PUBLIC WORKS DEPARTMENT.

*Irrigation Branch.*

No. 407-I.

FROM THE HON'BLE MR. F. A. A. COWLEY,  
*Secretary to the Government of Bengal,*

TO THE SECRETARY TO THE GOVERNMENT OF INDIA,  
PUBLIC WORKS DEPARTMENT.

*Dated Calcutta, the 11th February 1919.*

SIR,

I am directed to refer to your letter No. 276-I, of the 27th September 1918, regarding a proposal for the constitution of a Waterways Board in India to deal with questions of river transport, in which the Government of Bengal were asked to furnish a report explaining to what extent public opinion favours the constitution of such a Board, with a history of what has been done in the past and setting out the policy which the Local Government propose to adopt in regard to the question. It appears from the enclosure to your letter that the question of a Waterways Board in India to look after the interests of river transport in India was raised by a question in the House of Commons by Mr. Shaw in June 1918. No proposal for a Waterways Board with jurisdiction over the whole of India has hitherto been mooted as far as this province is concerned, but a proposal to constitute a Waterways Trust to control and manage the waterways of Bengal and the adjacent administrative areas of Bihar, the United Provinces and Assam, has been mooted in various forms at different times within the last ten years in Bengal. I am directed to furnish in the following report, first of all, a history of the past discussions and negotiations; and, in the second place, the lines of the policy which the Government of Bengal, as at present advised, would be disposed to support.

*1.—History of the proposals for the constitution of a Waterways Trust.*

2. In the year 1906, when the Government of Bengal had for several years been at work on the improvement of the navigation channel which is now known as the Madaripur Bil Canal, the question arose whether the charge of this canal should remain with the Bengal Government or with the Government of Eastern Bengal and Assam. By the partition of Bengal in the year 1905 the district in which the Madaripur Bil Canal lies became part of the province of Eastern Bengal and Assam. It was decided, with the concurrence of the Government of Eastern Bengal and Assam, that the Bengal Government should retain charge of that canal, and that the Government of Eastern Bengal and Assam should be consulted with respect to its management and development. It was also considered desirable that the natural and artificial channels connecting Calcutta with the districts of Eastern Bengal and Assam, which were largely used by steamers, as well as by country boats, should receive attention from both provinces. It was deemed that this object would be met by the appointment of a Standing Committee, on which the Governments of both provinces and the Agents of the Steamer Companies would be represented. It was, therefore, directed, with the concurrence of the Government of Eastern Bengal and Assam, that a Standing Committee be appointed to inspect periodically the natural and artificial waterways between Calcutta and Eastern Bengal, and to suggest measures for their improvement.

The constitution of the Committee as then fixed was as follows:—

|                                                                                                                                                                                                             |                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| Chief Engineer and Secretary to the Government of Bengal, Irrigation Department.                                                                                                                            | } <i>President.</i> |
| Superintending Engineer, South Western Circle, Bengal.                                                                                                                                                      |                     |
| Superintending Engineer, Eastern Bengal Circle, Eastern Bengal and Assam.                                                                                                                                   | } <i>Members.</i>   |
| A representative of the Steamer Companies to be nominated by the Managing Agents of the India General Navigation and Railway Company and the Agents of the Rivers Steam Navigation Company, acting jointly. |                     |

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It was further decided that at that time the scope of the Committee should be limited to the channels from Calcutta as far as Barisal and Madaripur. The Committee was instructed to furnish both Governments with suggestions in respect to the measures of construction and maintenance which might be required to give greater facilities of traffic, and also to measures of control or regulation of the traffic.

3. In 1911, Mr. A. Pointon of the India General Navigation and Railway Company put forward un-officially certain proposals for the enlargement of the Standing Committee by the addition thereto of non-official members. Mr. Pointon based his arguments upon the fact that in Prussia the Chief and Local Advisory Councils who advised Government on waterways matters were so comprised, that not more than one-third of the members were Government paid officials, while the rest, who were appointed by the State, represented Commerce, Navigation, Agriculture, Fisheries, and other interests. Mr. Pointon's proposal was that the Standing Committee of Bengal and Eastern Bengal and Assam, which consisted of three official, and one non-official, members, should be converted into a preliminary Waterways Advisory Council for Bengal and Eastern Bengal and Assam and consist of two official, and four non-official, members; their duties being the same as those of the Standing Committee of 1906.

Mr. Pointon then went further and suggested that the Governments of Bengal and Eastern Bengal and Assam should, at an early date, create Local Waterways Advisory Councils and extend the representation on the preliminary Advisory Council and convert it into a General or Central Advisory Council for the two provinces.

He also suggested that the proposed General or Central Advisory Council for Bengal and Eastern Bengal and Assam should, as soon as possible subsequently, be converted into a responsible Waterways Commission for Bengal and Eastern Bengal and Assam on the lines of the Port Trust of Calcutta, with a permanent staff of executive officers.

4. In February 1911, the Bengal Chamber of Commerce addressed the Secretary to the Government of Bengal, Irrigation Department, on the same subject. The Chamber of Commerce pointed out that the Standing Committee of 1906 had been in existence for nearly five years, and there was a feeling that its usefulness might be enhanced if its membership were enlarged by the addition of mercantile representatives. They were also of opinion that it was desirable that the Commissioners for the Port of Calcutta should be represented on such a body as the Commissioners are necessarily deeply concerned with the progress of the waterways of both provinces and their co-operation would, therefore, add great advantage not only to the Government, but to the trade also. The Chamber also considered that it might be possible and advisable to bring all the waterways in Bengal and Eastern Bengal and Assam within the scope of the Committee, and the Committee would thus be to all intents and purposes an advisory body for the waterways of both provinces. The Committee would also be a medium of communication between Government as the controlling authority of the waterways and the commercial community by whom they are mainly utilized. In conclusion, the Chamber expressed the hope that a still further advance in the same direction might be made at no distant date. It seemed to them that the Standing Committee might consider measures for a much greater enlargement of its power and duties, that there was nothing unreasonable in anticipating that it might become not merely an advisory, but also an executive, body responsible for the conservation and improvement and general management of the waterways of both provinces. Such an organization would, of course, work under the control of Government and in intimate association with the trading community. It might also be aided in this work by the formation of Local Committees or Local Advisory Councils. The waterways might be divided into four or five divisions in each of which a Local Committee could be formed. It would be the business of these bodies to examine and to consider the needs of their districts and to make recommendations and suggestions to the central authority. There would thus be eventually called into existence a systematized form of administration on which every interest concerned with inland navigation could be represented and which would be capable of thoroughly developing and efficiently improving and managing the waterways.

5. The observations and recommendations of the Bengal Chamber of Commerce were duly considered by the two Governments concerned. In July 1911, the following additions were made to the existing Standing Committee of 1906 :—

- (i) a representative of the commerce of the province of Bengal to be nominated by the Bengal Chamber of Commerce;

- (ii) a representative of the commerce of the province of Eastern Bengal and Assam to be nominated by the Lieutenant-Governor of Eastern Bengal and Assam;
- (iii) the Chief Engineer and Secretary to the Government of Eastern Bengal and Assam, Public Works Department; and
- (iv) the Vice-Chairman of the Commissioners for the Port.

6. The next stage was reached in February 1912, when the non-official members of the Standing Waterways Committee made the following proposals for the constitution of a Waterways Department under Government :—

- (1) That a Waterways Department should be formed, which should have control of the Ganges, Brahmaputra, and Megna system of rivers, including its delta.

If this proposal was carried out, the whole of the waterways of the new provinces of Bengal, Assam, and Bihar would come under one control, together with certain sections of the Ganges and Gogra and such other waterways in the United Provinces of Agra and Oudh as may be thought necessary.

- (2) That the new department should be in charge of a high official conversant with waterways and possessing a good knowledge of modern dredging.
- (3) That he should have under him a permanent staff of officers and, so far as it is possible, they should be specially qualified for this class of work.
- (4) That the present Standing Waterways Committee should be re-named "The General Waterways Advisory Council," and that its sphere of action should include all the above waterways.

The Standing Waterways Committee supported these proposals; and recommended that the present standing Waterways Committee should be re-named "The General Waterways Advisory Council," and that its sphere of action should include all the waterways under the control of the proposed Waterways Department, that it should be representative of those interested in the waterways of the three provinces concerned, and that its powers and duties would be periodically to discuss and criticize schemes prepared by the Waterways Department and have power to submit schemes and suggestions for the consideration of the Waterways Department.

7. Shortly afterwards in March 1912, and before any orders had been passed by Government on the Resolutions, the non-official members of the Standing Waterways Committee addressed Government and asked for a special meeting of the Standing Waterways Committee to consider :—

- (i) that the waterways remain under the Revenue and Agricultural Department;
- (ii) that the system of waterways be at once placed under a body constituted on the same lines as the Port Trusts of Calcutta and Bombay; and
- (iii) that, failing the appointment of such a body or in the event of any delay taking place before its appointment, a special officer be appointed to give his whole time to the work at present in hand and contemplated.

The Government of Bengal sanctioned the discussion of these proposals; but requested the non-official members to formulate definite proposals and to work them out in some detail. Information on the following points was considered particularly desirable :—

- (1) the proposed constitution of a Trust;
- (2) its power;
- (3) its source of funds;
- (4) the proposed strength and pay of members of the Trust and its officers;
- (5) the proposed establishment for carrying out works and its pay;
- (6) a financial forecast for fifteen years, showing that after this period the Trust would be likely to be in a sound financial condition and would not be levying an unduly heavy tax on the traffic; and
- (7) A budget for the next two years of anticipated receipts and expenditure, with a rough programme of the work to be carried out.

Unfortunately, the proposed meeting never took place, as it was considered that the re-distribution of the territories of Bengal, with effect from the 1st April 1912, would require the re-construction of the Committee.

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8. The new Government of Bengal took up the matter, and reviewed the position in May 1912; and in July 1912 a special meeting of all the interests concerned was convened to consider the formation of a new Waterways Standing Committee.

It was decided that the enlargement of the Advisory Waterways Committee was desirable, and that it should be composed of the following members :—

|                                                                                     |                                  |
|-------------------------------------------------------------------------------------|----------------------------------|
| Member of the Executive Council in charge of the Public Works Department portfolio. | } <i>President.</i>              |
| Chief Engineer for Waterways                                                        |                                  |
| An officer with Financial experience                                                | } <i>Members (Official).</i>     |
| Superintending Engineer, South-Western Circle                                       |                                  |
| A Railway representative                                                            |                                  |
| Vice-Chairman, Port Commissioners                                                   | } <i>Members (Non-official).</i> |
| A Commercial Member, Bengal                                                         |                                  |
| Ditto ditto, Eastern Bengal                                                         |                                  |
| A representative of Steamer Companies                                               |                                  |
| An Indian representative from the National Chamber of Commerce.                     |                                  |

It was decided that the Committee should, in all cases in which other provincial interests were affected, ask the Chief Engineer of that province to attend the meeting.

This meeting also recommended that a Special Committee composed of the following should prepare a scheme for the formation of a Waterways Trust :—

- (1) a representative of the Steamer Companies ;
- (2) the Vice-Chairman, Port Commissioners ;
- (3) a Public Works Department officer ;
- (4) a representative of the Chamber of Commerce ; and
- (5) an officer with a special knowledge of Accounts and, if possible, of Canal Accounts.

It may be of interest to record that at this meeting Sir Frederick Dumayne, speaking on behalf of the non-official members, desired to explain that the proposal to form a Trust should not be taken as in any way reflecting on the conduct of waterway affairs in the past by the Public Works Department officers. He said that the commercial community fully realized how much they were indebted to the Chief Engineers and other officers of the department for their efforts to maintain the Bengal waterways.

9. The first recommendation was accepted by the Bengal Government in the following terms in August 1912 :—

(1) That a Standing Committee be appointed to advise Government on the subject of the measures to be taken for the maintenance and improvement of the waterways of the Presidency of Bengal and for the regulation of traffic on those waterways, and that the said Committee be composed of the following members, with such additional members as may be appointed by Government, from time to time :—

|                                                                                                                                                                            |                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| The Member of the Executive Council in charge of the Public Works Department portfolio.                                                                                    | } <i>President.</i> |
| The Chief Engineer to the Government of Bengal                                                                                                                             |                     |
| An official Member to be nominated by Government to advise the Committee on Financial matters.                                                                             | } <i>Members.</i>   |
| The Superintending Engineer, South-Western Circle                                                                                                                          |                     |
| A representative of Railway interests to be nominated by Government.                                                                                                       |                     |
| The Vice-Chairman, Port Commissioners, Calcutta                                                                                                                            |                     |
| A Member to be nominated by the Calcutta Chamber of Commerce.                                                                                                              |                     |
| A member to be nominated by the Bengal National Chamber of Commerce.                                                                                                       |                     |
| A member to represent the Commercial interests of Eastern Bengal to be nominated by the Narayanganj Chamber of Commerce.                                                   |                     |
| A member to be nominated by the Managing Agents of the India General Navigation and Railway Company and the Agents of the Rivers Steam Navigation Company, acting jointly. |                     |

(2) That the Government of Bihar and Orissa and the administration of Assam be asked to assist the Committee, when occasion shall arise, by deputing their Chief Engineers to advise the Committee upon such matters as may come under its consideration which directly affect the waterways situated in those provinces.

As regards the second recommendation, dealing with the formation of a Waterways Trust, the Bengal Government examined it carefully. They were not favourably impressed by the financial possibilities of such a Trust, but agreed that the Advisory Waterways Committee might consider the matter, especially the methods of financing such a Trust.

A Sub-Committee was accordingly appointed under the Waterways Committee.

Its final recommendations were submitted in April 1914, and were as follows :—

- (a) that there was no possibility of the formation of a Waterways Trust until the new Grand Trunk Canal had been sanctioned and funds provided for its construction ; and
- (b) that the Government of India would be required to guarantee the interest on the capital raised for work in the same way as Government now guarantees the interest on capital raised for Railway construction or for the Port of Calcutta.

Mr. Pointon, who signed the report as a representative of the Steamer Companies, submitted a note explanatory of the financial position of a proposed Trust, with a list of the waterways which the Trust should control. A financial statement prepared on the best data then available, showing the probable expenditure and revenue on Mr. Pointon's proposal, resulted in a net deficit of Rs. 14,00,000 per annum, which Mr. Pointon proposed should be met from subsidies by the Government of India, the Governments of Bengal, Bihar and Orissa, and Assam, and by certain District Boards.

10. The report of the Sub-Committee was considered at a meeting of the Standing Waterways Committee in December 1914. The Government attitude was defined as favouring the establishment of a Waterways Trust when such a step was justified by the financial position of the new Grand Trunk Canal. The non-official members of the Committee pressed for the immediate formation of a Trust and for the construction of the canal by engineers under the control of the Trust. It was also pointed out that, before a Trust which would control the waterways in three provinces could be formed, legislation would be necessary by the Imperial Government. The official Members, however, maintained that, as Government was to be called upon to provide the funds for the construction of the canal, it was essential that Government should either carry out the project, or control the Trust who carried it out.

11. The subject was again discussed by the Standing Waterways Committee in February 1917 after the revised project for the Grand Trunk Canal had been prepared. It was again urged by the non-official Members of the Committee that the formation of a Trust should be decided upon from the outset of the construction of the Grand Trunk Canal. The view of one of the non-official Members was that the scheme would bring about an enormous improvement from the business-point of view in encouraging trade, cheapening transport, and relieving delay, but still more from the point of view of the health and sanitation of one of the most insanitary areas in Calcutta. He also thought that one great advantage to be obtained from the early starting of a Trust was the great interest which it would evoke amongst the commercial community and the incentive which it would be to those anxious to take up land for jute presses and so on. He also emphasized that if the mercantile, shipping, and railway people were strongly represented on the Trust this would have a very beneficial effect in bringing about greater co-operation and would result in an enormous development of the Port of Calcutta. Another non-official member reiterated his conviction that the Waterways Trust should be formed at once, with executive powers. He held that a body that watched over and controlled the scheme from the beginning would be better able to promote the growth of industries and give better financial results than a body brought into existence many years later after the scheme had been completed. It was also the case that a body of this kind would be able to build up an expert waterways staff, which was not practically possible under the present system of the Public Works Department owing to constant changes of officers. The security to Government was ample and the canal would not disappear. The Honourable Member of Council in charge of the Public Works portfolio, as President of the Committee, again pointed out that the proposed Trust would control not only this canal, but the waterways of Bengal and Assam generally.



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The general opinion of the Committee was that a Trust should be started at once; but if Government must retain full financial control, the Trust should have power to lay out land and develop it, with limited financial and constructional powers until the scheme became a paying concern.

12. The subject was re-opened in April 1918 when the joint Steamer Companies addressed Government at length on the subject. The preceding discussions were summarized in the following terms:—

"The Waterways Advisory Committee recommended to Government in 1912 the desirability of the formation of a Waterways Trust or Department which would deal administratively with all matters concerning the waterways of Bengal and the Eastern districts. The Government of Bengal was favourably inclined towards this proposal, but as the Grand Trunk Canal Scheme was under consideration at that time—as a matter of fact it is still under consideration—Government was of opinion that the formation of the Trust should await the completion of the Grand Trunk Canal, the working of which would form a nucleus for its administrative activities.

"The mercantile community, as voiced by the Chamber of Commerce of Calcutta and Narayanganj, was of a different opinion, and suggested that the Trust should be formed as early as practicable and should charge itself with the control of all existing waterways and, *inter alia*, the construction of the Grand Trunk Canal, if and when that scheme fructified.

"The matter of the formation of a Trust did not go any further at this point but, in order to render the Waterways Advisory Committee a more effective one in dealing with water-borne trade, it was enlarged to eleven members, including representatives of Commercial, Railway, Port Trust, and Steamer interests, in addition to the departmental officers intimately connected with the Public Works of the provinces concerned.

"This body is really the nucleus of the Waterways Trust, but it lacks one important factor—Authority. It can advise, suggest, object, or criticize, but it cannot act, and is thus incapable of vigorously addressing itself to the many important questions which arise from time to time in connection with waterways and water-borne traffic."

The letter then proceeded to give its grounds for centralized control.

"The necessity for systematized control appears to us to be threefold: (1) co-ordination between the various Governments; (2) continuity of executive; and (3) security of waterways interests.

"(a) Taking these in order we would point out that the great rivers of Northern and Eastern India flow through the provinces of Bengal, Assam, Bihar and Orissa, and the United Provinces. Many of our steamers in the course of a single voyage pass through three of the above four provinces. There is no common system of river conservancy and each Government has its own departments with necessarily divergent views as regards river control. We respectfully submit that there should be a central authority over the whole system of rivers with a common control, irrespective of political boundaries.

"(b) With reference to the second point—continuity of executive—we would point out the numerous changes that have been made in the past in the executive charged with the control of waterways. We have already touched upon this in an earlier part of this memorial, but we would respectfully urge the formation of a Trust somewhat after the lines of the Port Commissioners of Calcutta where a compact body of experts deals with the varied questions arising in connection with the river and trade of Calcutta with authority based upon a long familiar and continuous handling of these subjects. At one time the changes in Chief Engineers, Superintending Engineers, and Executive Engineers in the Public Works Department were bewildering in their frequency, and with each change there were inevitable alterations of programme, differing opinions, and the natural hesitation of decision while the responsible officer was picking up the threads of an unfamiliar subject.

"(c) The third point—security of waterways interests. This is an important matter as under the present procedure the interests of waterways where they conflict with those of railways are not secure. As an example of conflicting interests of waterways and railways we might instance the matter of bridge headways. The railway officer naturally wishes to construct his bridge as cheaply as possible with a low headway and short span. These limitations throttle water-borne traffic and in extreme cases may stop it altogether. It should never be lost sight of that the right to use a waterway is a public one of much longer standing than any rights acquired subsequently by railways. If railways desire to bridge waterways there can be no objection to their doing so, but only on the understanding that the right of navigation is not permanently interfered with, and that water communication should be free and open to all, as before. The present procedure in such cases where

waterway and railway interests are in conflict is for the Local Government to consider schemes and make recommendations to the Railway Board. A comparatively recent scheme might be instanced as an example. When the Sara-Serajganj Railway was designed the interests of waterways and railways in the matter of bridge headways were found to be in sharp conflict. Much discussion resulted, and the Local Government ultimately held a meeting, of which the Member of Council holding the Public Works portfolio was Chairman, and at which the Public Works Department waterways and railways concerned were fully represented. Considerable difference of opinion was revealed at the meeting and the Chairman stated that the Local Government would submit a report to the Railway Board. The waterways representatives were subsequently advised that 'the decision of the Railway Board' would be conveyed to them in due course. Thus the ultimate decision in a conflict of opinion as between waterways and railways rests with the representatives of one of the interests concerned. The vital interests of the public in waterways and the interests of those who work the traffic carried on waterways cannot possibly be secure under such an arrangement.

"It is not, in our opinion, correct that the onus of upholding the right of a free waterway should devolve upon private carriers, and we hold that such onus should be on a suitably constituted Trust including representatives of the carriers.

"The usefulness of water transport is being demonstrated at the moment of writing. The East Indian Railway is unable to carry the goods tendered for carriage, and a very welcome relief is at hand in the shape of steamer services on the Ganges. These services are able to convey goods to and from stations in Bihar and the United Provinces, Bengal, and Assam. Thus Patna and Buxar are in direct touch with Dacca, Gauhati, and Dibrugarh to the great advantage of the trade of the country. Very much more could be done in this direction if the Ganges received the attention that it deserves. Three Governments are concerned, working without any reference to each other, with the result that there is not efficient executive charged with the conservancy of the river as a whole, and the trade of the country suffers in consequence from this neglect of an Imperial duty in maintaining the rivers in the highest degree of efficiency such as obtains on the Rhine, etc.

"There is one further aspect which can be alluded to in this connection, and that is the security of communication by water in the event of railways being tampered with and temporarily rendered non-effective. As an example, the security of Dacca and the Eastern districts depends principally upon the integrity of the Eastern Bengal Railway. Patna and Bihar are also dependent upon the East Indian Railway. In both cases water transport would be immediately available, and would be inviolable."

13. The representatives of the Steamer Companies were then invited to put forward a definite scheme for the consideration of Government. They were also informed that, presumably, a Trust of this sort would have to be self-supporting; that at the present time Government spend large sums annually and the receipts barely cover the outlay on establishment and maintenance and the tolls certainly yield no profit on the capital expenditure involved. The representatives of the Steamer Companies were not, however, prepared with any definite scheme or any definite proposal, but asked for the compilation of the net financial results on the operation of the locked lengths of the Circular and Eastern Canals system. This has been since prepared after a careful and exhaustive examination of the accounts as far back as the year 1885.

The Bengal Chamber of Commerce shortly after this, in May 1918, addressed Government in terms similar to those used by the Steamer Companies. The Chamber of Commerce was also requested to inform Government how they proposed that such a Trust should be financed and, in reply, the Chamber stated that the Trust might be financed by loans, the payment of the interest on which, and the repayment of the principal, being guaranteed by Government; that the revenue required might be derived from dues or charges, to be recovered from the users of the canals and waterways, or other facilities provided and controlled by the Trust; and that, if waterways schemes not directly benefiting users of the waterways or their constituents, were undertaken for some general reason considered to be necessary by Government, or for purposes of irrigation or sanitation, Government would, as at present, finance, or contribute to the financing of, such schemes.

14. Finally, in August 1918, the Narayanganj Chamber of Commerce also addressed Government in favour of some systematized control of waterways. They suggested the establishment of a permanent Waterways Trust, with powers corresponding to those of the Railway Board, as the most suitable means of dealing with all matters pertaining to waterways; and pointed out the dissatisfaction that existed in connection with the decisions of the Railway Board regarding bridge headways.

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2.—*Lines of future policy.*

15. The above summary of the past history of the case indicates that the attitude of the Steamer Companies, who are the bodies most concerned, to the proposal for the creation of a Waterways Trust in Bengal has been governed by different considerations at different times. One such consideration was that the changes in the personnel of the Chief Engineers of that branch of the Bengal Public Works Department which deals with the conservancy of waterways, namely, the Irrigation Branch, have led to changes in policy. A list of the Chief Engineers who held office since 1889 is annexed in appendix A. It may be conceded at once that a continuity of the executive is undoubtedly desirable, but His Excellency in Council does not subscribe to the argument that owing to the changes amongst the officers there has, in fact, been no continuity with reference to the engineering aspect of the case.

16. Another factor in determining the views of the Companies was the want of harmony between the interests of waterways and railways which came into acute conflict when the question of constructing a railway bridge over a navigable waterway arose. The Government of Bengal are prepared to concede that the present position is unsatisfactory. The practice is that the Local Government on being consulted by the railway concerned endeavours to ascertain the views of all the parties concerned and all the relevant facts regarding the particular problem, and then submits a report to the Railway Board. If the views of the Local Government are accepted orders are issued to the Railway Administration concerned; but if the views are not accepted, or if the Railway Administration enters any caveat, then a prolonged three-cornered controversy is instituted, while the Steamer Companies consider that the Railway Board, which has the last word on the subject, has prejudiced views on their claims.

17. A third factor which has governed the representations of the Steamer Companies is the desirability of co-ordination between the action taken within the limits of the different provinces. On this point the Government of Bengal are in accord with the view that it is desirable that there should be some centralized organization dealing with the handling of river problems in the areas affected by the great river systems of the Ganges and the Brahmaputra.

18. The above being the factors which have promoted the suggestions of the Steamer Companies, it is apparent from the history of the case that their recommendations have taken the following forms:—

- (i) the constitution of a purely advisory body;
- (ii) the constitution of a Waterways Department under the Government of Bengal;
- (iii) the constitution of a local Trust representative of official, commercial, and shipping interests, with executive powers to deal with provincial problems; and
- (iv) the constitution of a Central Board for the whole country.

The first three proposals have been mooted locally, and the fourth appears to have been mooted through the London representatives of the Steamer Companies concerned.

19. The question which above all others is to be answered in dealing with a problem of this nature is whether any change of any kind is desirable. The present system is that the conservancy of the rivers in this province is handled by a branch of the Public Works Department, and the representatives of the steamer interests are careful to point out that they have no complaint against the existing personnel, and that much has been done, and is being done, to conserve and improve navigable channels. A change may, however, be considered desirable on economic, administrative, or political grounds. As regards any economic justification for a change it is clear that no trust would be in a better financial position than Government itself. During the last twelve years the total expenditure, including capital expenditure on the Bengal waterways, has been nearly 1½ crores; while the revenue has been nearly ¾ of a crore. The resulting deficit is 58½ lakhs. It has been met from provincial funds. Again, the programme of work allotted for the next five years for only obligatory expenditure, exclusive of any capital expenditure, amounts to 51 lakhs, whereas on the most optimistic basis the gross expected receipts for the same period will be only 42½ lakhs. This excludes all consideration of capital expenditure on the Grand Trunk Canal, on the new waterways now under investigation in the Dacca division, on the improvement of Tolly's Nullah, and on other similar projects.

The view of the Bengal Government has been that they favour the formation of a Waterways Trust when such a step can be justified by the financial conditions under which such a Trust could be constituted. But the above figures show that it is not financially

possible to constitute a self-contained Trust on the lines of the Port Trusts of Bombay and Calcutta which would be self-supporting.

20. As regards any suggestion that there are reasons for change on administrative grounds, I am to say that it is only too apparent that the existing staff of the Irrigation Department in Bengal is too small to deal efficiently with the interests involved. There should be created one, preferably two, Waterways Circles, in charge of Superintending Engineers with the necessary complement of Executive and Assistant Engineers and Upper and Lower subordinates. The sole duties of these officers would be to deal with the problem of the conservancy of the waterways and the efficient drainage of the country, their work should be controlled by the Chief Engineer for Irrigation. It is perhaps somewhat lightly assumed that as there is little irrigation proper in Bengal there is little work in the Irrigation Department. The letter No. 243E, dated the 23rd January 1918, from this Government to the Public Works Department of the Government of India has given a full statement of the duties of the Chief Engineer for the Irrigation Department and the duties therein indicated, so far as they relate to (a) protection from floods or from the sea, (b) drainage from the interior to the sea, and (c) conservancy of all navigable channels, are all inter-connected and can only be efficiently performed by an appropriate staff. His Excellency in Council has in view the creation of such waterways circles under the Chief Engineer for the Irrigation Branch as soon as it is financially possible.

21. There is much to be said on administrative grounds for the creation of a Trust or Board which would control the trunk waterways of the Province of Bengal, Bihar, and Assam; for action in Bihar or Assam might profoundly affect the water facilities of Bengal. But, if such a Board is to be extra-provincial, it must be under the Government of India; and it would be only on rare occasions that representatives from all the three provinces could be brought together. It would be more satisfactory if the existing Bengal Advisory Waterways Committee were permitted, as was suggested in 1912, to co-opt in its deliberations nominees of the Bihar and Assam Governments. Until the Grand Trunk Canal is a completed project, at which time it may be possible to create a self-supporting Board to administer it and its feeder channels, His Excellency in Council maintains that any Trust in Bengal must be advisory.

22. As regards a third possible reason for a change, namely, political grounds, it is desirable that the Steamer Companies in this province should not be subjected to an unfair handicap in competition with the railway communications. His Excellency in Council is not in favour of accentuating the existing differences by creating a separate Waterways Trust or Board merely as a counterpoise to the Railway Board. He thinks that the more natural line of development, and one which is followed in other countries, would be to create an organization which could deal fairly and finally with both sets of contending interests. He would, therefore, favour the creation of an All-India Communications Board, on which the waterways interests would be represented, in place of the existing Railway Board. The views of the Industrial Commission in paragraph 279 of their Report would appear to lend support to this proposal. In the past, in Bengal, the development of railways and water communications has followed to a considerable extent the respective lines of least resistance; but at the present and in the future their spheres of influence are tending more and more to overlap and to come into conflict. The Local Government are not in a position to act as arbiter, while, as already stated, the Railway Board is looked upon by one of the parties as prejudiced in favour of one of the interests concerned.

23. I am, therefore, to recapitulate the lines of policy which, as at present advised, the Governor in Council would favour:—

- (i) to increase the personnel under the Irrigation Department and create new Waterways Circles;
- (ii) to construct the Grand Trunk Canal and ultimately to place the control of it and its attendant feeder channels under an executive Trust;
- (iii) to create a Communications Board for All-India on which would sit representatives of water transport by boat as well as of land transport by rail; and
- (iv) to enlarge the sphere of the existing Waterways Advisory Committee by making it possible to have extra-provincial representatives.

I have the honour to be,  
SIR,

Your most obedient servant,

F. A. A. COWLEY,

Secretary to the Government of Bengal.



[Mr. B. N. Sarma.]

## APPENDIX A.

*List of Chief Engineers, Irrigation Department, since 1889.*

| NAME.                                                          | DATE OF CHARGE. |            |
|----------------------------------------------------------------|-----------------|------------|
|                                                                | From—           | To—        |
| Lieut.-Col. C. W. I. Harrison, R.E.                            | 8-7-1886        | 14-1-1890  |
| Col. J. M. McNeill, R.E.                                       | 15-1-1890       | 29-3-1891  |
| Mr. C. W. Odling                                               | 30-3-1891       | 29-4-1891  |
| Col. J. M. McNeill, R.E.                                       | 30-4-1891       | 4-3-1892   |
| Mr. C. W. Odling                                               | 5-3-1892        | 21-3-1894  |
| Lieut.-Col. A. D. McArthur, R.E.                               | 22-3-1894       | 1-5-1894   |
| Mr. C. W. Odling                                               | 2-5-1894        | 11-3-1895  |
| Lieut.-Col. A. D. McArthur, R.E.                               | 12-3-1895       | 8-3-1896   |
| Mr. T. H. Clowes                                               | 9-3-1896        | 8-4-1898   |
| Col. A. D. McArthur, R.E.                                      | 9-4-1898        | 8-3-1899   |
| Mr. D. B. Horn                                                 | 9-3-1899        | 15-4-1899  |
| Col. A. D. McArthur, R.E.                                      | 16-4-1899       | 15-7-1899  |
| Mr. B. B. Buckley                                              | 16-7-1899       | 22-8-1902  |
| Mr. D. B. Horn                                                 | 23-8-1902       | 2-3-1905   |
| Mr. W. A. Inglis                                               | 3-3-1905        | 17-7-1907  |
| Mr. T. Butler                                                  | 18-7-1907       | 10-10-1907 |
| Mr. W. A. Inglis                                               | 11-10-1907      | 21-1-1908  |
| Mr. E. E. Carter                                               | 25-1-1908       | 26-3-1908  |
| Mr. W. A. Inglis                                               | 29-3-1908       | 4-12-1908  |
| Mr. T. Butler                                                  | 7-12-1908       | 7-9-1911   |
| Mr. C. A. White                                                | 8-9-1911        | 10-3-1912  |
| Mr. T. Butler                                                  | 11-3-1912       | 31-3-1912  |
| Mr. B. K. Finimore                                             | 1-4-1912        | 24-7-1912  |
| Mr. H. H. Green                                                | 25-7-1912       | 14-10-1912 |
| Mr. B. K. Finimore                                             | 15-10-1912      | 28-8-1913  |
| Rai A. P. Sarkar Bahadur                                       | 1-9-1913        | 19-3-1914  |
| Lieut.-Col. A. C. deL. Joly deLotbiniere, R.E., C.S.I., C.I.E. | 20-3-1914       | 8-12-1914  |
| Mr. F. A. A. Cowley                                            | 9-12-1914       | 25-4-1916  |
| Mr. C. P. Walsh                                                | 26-4-1916       | 25-10-1916 |
| Mr. F. A. A. Cowley                                            | 26-10-1916      |            |

*List of Superintending Engineers in charge of the South-Western Circle, since 1889.*

| NAME.                                                          | DATE OF CHARGE. |            |
|----------------------------------------------------------------|-----------------|------------|
|                                                                | From—           | To—        |
| Major A. D. McArthur, R.E.                                     | 4-6-1888        | 5-4-1890   |
| Mr. W. H. King                                                 | 6-4-1890        | 5-7-1890   |
| Lieut.-Col. A. D. McArthur, R.E.                               | 6-7-1890        | 22-3-1893  |
| Mr. D. B. Horn                                                 | 23-3-1893       | 19-6-1893  |
| Lieut.-Col. A. D. McArthur, R.E.                               | 23-6-1893       | 21-3-1894  |
| Mr. D. B. Horn                                                 | 22-3-1894       | 2-5-1894   |
| Lieut.-Col. A. D. McArthur, R.E.                               | 3-5-1894        | 11-3-1895  |
| Mr. D. B. Horn                                                 | 12-3-1895       | 6-3-1898   |
| Mr. K. H. Stephen                                              | 7-3-1898        | 4-12-1898  |
| Mr. D. B. Horn                                                 | 5-12-1898       | 8-3-1899   |
| Mr. K. H. Stephen                                              | 9-3-1899        | 16-4-1899  |
| Mr. D. B. Horn                                                 | 17-4-1899       | 15-3-1900  |
| Mr. T. Butler                                                  | 16-3-1900       | 1-6-1900   |
| Mr. D. B. Horn                                                 | 2-6-1900        | 2-7-1900   |
| Mr. A. H. Thomson                                              | 3-7-1900        | 28-9-1900  |
| Mr. D. B. Horn                                                 | 29-9-1900       | 21-4-1901  |
| Mr. O. C. Lees                                                 | 22-4-1901       | 15-9-1901  |
| Mr. G. C. Maconochy                                            | 16-9-1901       | 16-10-1901 |
| Mr. O. C. Lees                                                 | 17-10-1901      | 23-3-1903  |
| Mr. C. H. DeMello                                              | 24-3-1903       | 29-3-1903  |
| Mr. G. C. Maconochy                                            | 30-3-1903       | 24-10-1904 |
| Mr. P. G. Jacobs                                               | 25-10-1904      | 30-10-1904 |
| Mr. P. G. Maconochy                                            | 31-10-1904      | 19-11-1905 |
| Mr. O. C. Lees                                                 | 24-11-1905      | 2-4-1906   |
| Mr. R. E. Carter                                               | 3-4-1906        | 24-1-1908  |
| Mr. G. C. Jacobs                                               | 25-1-1908       | 3-5-1910   |
| Rai A. P. Sarkar Bahadur                                       | 4-5-1910        | 31-8-1913  |
| Mr. C. Addams-Williams                                         | 1-9-1913        | 1-1-1914   |
| Lieut.-Col. A. C. deL. Joly deLotbiniere, R.E., C.S.I., C.I.E. | 2-1-1914        | 19-3-1914  |
| Mr. C. Addams-Williams                                         | 20-3-1914       | 24-6-1916  |
| Rai A. N. Das Bahadur                                          | 25-6-1916       |            |

## SUPPLEMENT TO TECHNICAL PAPER No. 192.

*Rules embodying the principles to be observed in determining the headways and waterways under railway bridges over navigable channels in Bengal and Assam.*

No. 65 P-16, dated Simla, the 3rd February 1919.

From—W. R. HORN, Esq., Assistant Secretary, Railway Board,

To—  
(1) The Secretary to the Government of Bengal, Public Works Department, Railway Branch,  
(2) The Honourable the Chief Commissioner of Assam.

With reference to the correspondence ending with (1) your letter No. (1) 5220-L, dated the 7th-27th November 1917

(2) Your Public Works Department Secretary's letter No. (2) 5524-B. Eys, dated the 17th December 1918 regarding the principles to be observed in future in determining the headways and waterways to be provided under railway bridges over navigable channels in Assam and Bengal, I am directed to say that the Government of India accept generally the recommendations of the Conference, which was held in Calcutta on the 17th November 1917, to consider the suggestions made by the Railway Board in their letter No. 65 P-16, dated the 25th May 1917, on the subject, and after considering the remarks offered thereon by the Government of Bengal and the Assam Administration, the Government of India are of opinion that the rules contained in the enclosure to this letter will reasonably safeguard the legitimate interests of the steamer companies and of railways.

2. I am accordingly to request that if (1) His Excellency the Governor in Council sees no objection, the principles embodied in these rules may be observed in future in fixing headways and spans for railway bridges over the waterways of (1) Bengal (2) Assam.

ENCLOSURE TO LETTER No. 65 P-16, DATED THE 3RD FEBRUARY 1919.

*Rules embodying the principles to be observed in determining the headways and waterways under railway bridges over navigable channels in Assam and Bengal.*

In the case of rivers on which steamer services are already established full provision should be made for these services by the railway. Reasonable provision should also be made at railway cost for any development of river traffic that can be shown to be definitely in sight when the construction of a railway is taken in hand.

2. In the case of rivers which are navigable but which have not hitherto been served by steamers, the railways should not be called upon to provide greater headways or wider spans than are necessary for the passing of flood water and country boats of the largest size among those which habitually use the stream unless the Steamer Companies can show that there is a genuine prospect of river services being opened within a reasonable period and that such services are required in the public interest. What is a genuine prospect and what is a reasonable period are questions of fact to be decided in each case as it arises.

3. As regards rivers which are unsuitable for steamer traffic railways should not be required to provide any facilities for steamer services, since possible improvements in the future must be purely hypothetical. Whether a river is suitable or unsuitable for navigation should be decided by the Local Government after hearing the Steamer Companies and the railway concerned.

4. In all cases other than those mentioned in clauses 1 and 2, Steamer Companies should provide the whole or such portion, as the Government of India may in each case determine, of the additional cost of any increase of span or headway which they desire should be provided and which is not necessary for the purposes of the railway.

5. Headways should generally be calculated above the normal high flood level, taking, if possible, an average of not less than ten years' recorded high flood levels.

[Mr. B. N. Sarma.]

6. In fixing headways it must be remembered that if railways are required to make bridges high enough to pass all established steamer traffic, Steamer Companies, on their part, should reasonably be expected to adopt a suitable type of steamer with dipping funnels, kept as low above water level as possible, so as not to raise the cost of bridges unnecessarily. It is considered that standard types of steamer, requiring headways, as detailed below, will be suitable for all kinds of river traffic :—

14 Feet.  
20 Feet.  
28 Feet.  
35 Feet.  
40 Feet.

Over 40 feet (with the previous approval of the Local Government.)

With the steamers classified thus, it will merely be necessary in order to determine what headway should be provided over a river in any given cases to decide for what particular type of steamer the bridge should be constructed.

7. If the cost of providing the required headway should prove excessive lifting or swing bridges may be substituted for fixed spans. In that case provision must be made for opening the movable span at reasonable intervals so as not to obstruct the steamer traffic unnecessarily.

8. Provision should be made for country boat traffic in the case of all rivers, on which country boats ply or it is possible for them to ply.

9. In regard to the waterway to be provided, in any given case, provision should be made for spans of width sufficient to pass steamers with two flats alongside in the case of large river and steamer with one flat along side in the case of smaller rivers.

10. Disputes or differences of opinion in particular cases should be settled in respect of each case by the Local Government after reference, if required, to a local Committee representative of all interests and presided over by the Commissioner of the Division or Valley concerned.

INDIA OFFICE, LONDON,  
5th February 1920.

Public Works,  
No. 14.

To

HIS EXCELLENCY THE RIGHT HONOURABLE THE GOVERNOR  
GENERAL OF INDIA IN COUNCIL.

MY LORD,

I have received the letter from Your Excellency's Government No. 21 P. W., dated the 4th September last, in which you discuss the feasibility of the question of measures for the improvement of river transport in India.

2. I agree with your Government that the formation of either a Waterways Board or a Communications Board for the whole of India is undesirable, and that in present conditions the proposal that a Trust should be constituted to undertake the conservancy and development of the navigable waterways of Bengal, Bihar and Assam cannot be entertained. The existing arrangements, with the modifications indicated in the last paragraph of your letter, must therefore apparently be continued for the present.

3. I caused a copy of your letter to be communicated to Mr. Alexander Shaw, M.P., who has since informed me that both he and Lord Inchcape recognise the soundness of your conclusions. They only desire to urge that the use of the waterways of India, giving employment, as they do, for thousands of people and offering cheap means of transport, should be encouraged, and nothing should be done in constructing railway bridges over waterways which would be likely to interfere with river traffic. As to the latter point, the rules of February 1919, which formed an enclosure to your letter under reply, appear to be adequate to meet the legitimate claims of the steamer companies.

4. While deciding on projects for new navigable channels by the test of productivity, you will not of course overlook the fact that expenditure on the improvement of existing waterways from which it may be impossible to obtain any direct revenue return, may still be justified by its effects upon the increase of trade and of general prosperity.

I have the honour to be,  
My Lord,

Your Lordship's most obedient humble Servant,  
(Signed) EDWIN S. MONTAGU.

### CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

THE HONOURABLE MR. H. D. CRAIK : Sir, I move for leave to withdraw the Bill further to amend the Code of Criminal Procedure, 1898, and the Court-fees Act, 1870, which was introduced in the Council of State on the 21st February 1921. In asking for leave I wish to make an explanation, which I am afraid may occupy a little time, as to the attitude of Government and the reasons which have determined it to put the motion in this form. When the Bill was introduced in this Council in February last by the Honourable Sir William Vincent, he explained that it had a somewhat chequered career. It was originally introduced in the old Legislative Council as long ago as March 1914. It was then circulated for opinion and referred to a committee containing a number of very eminent lawyers, Sir George Lowndes, Mr. Justice Piggott, Mr. Justice Kumaraswami Sastri, Mr. (now Lord) Sinha and Sir James Walker. They submitted a report in accordance with which the Bill was modified and then re-introduced on the 26th September 1917. At that time, however, it was impossible to proceed with the Bill owing to other pre-occupations arising out of the war. After the Bill had been introduced in this Council last February, a motion was made in this Council to refer it to a Joint Committee of both Houses of the Legislature, and that was passed in this Council on the 28th of February. A few days later a motion was made in the Legislative Assembly to accept the recommendation of the Council of State and to appoint a Joint Committee to consider this Bill.....

THE HONOURABLE MR. G. M. BHURGRI : What date ?

THE HONOURABLE MR. H. D. CRAIK : That was on the 1st of March.

That motion was defeated in the Assembly. Certain Honourable Members raised a point that they had not sufficient time to consider the provisions of the Bill owing apparently to a mistake on the part of the department concerned in circulating the papers. The refusal of the Legislative Assembly to accept the motion raised a position which was at the time a novel one,—I believe it was the first instance of the kind which had occurred,—and the matter was discussed in this Chamber, when you, Sir, gave a ruling on the subject. The purport of your ruling was that this House had full power to discuss the Bill and it was open to the Member in charge, subject of course to the rules as to notice, to make any other motion in regard to the Bill which he could have made after introduction, but he was not entitled to repeat during the same Session the motion that it be referred to a Joint Committee. Well, Sir, Government have considered most carefully what is the proper attitude to take in these circumstances, and they have come to the conclusion, after considerable hesitation, that they should be guided in this matter entirely by the

[Mr. H. D. Craik.]

wishes of this Council. The form of my motion, it is true, asks for leave to withdraw, but I do not in the least wish to press for withdrawal. The only object of Government is to facilitate the progress of the Bill, and if it is the general sense of this Council that it should be proceeded with in this House, I shall be glad not to press the motion which stands in my name.

The last thing which Government wishes, I may explain, is to take any steps whatever in this matter, or I may say in any other matter, which would be incompatible with the dignity of this Council, or would in any sort of way belittle its position or derogate from its control of the legislative business coming before the Indian Legislature. If, therefore, I may take it that it is the general sense of this House that the Bill should be proceeded with here, either in the form of a renewal of the motion for a Joint Committee of both Houses or in any other form, then Government will be quite prepared to accept that view. I merely bring this motion before the House in order that the House may have an opportunity of expressing its opinion in the matter, and, as I said, I am quite prepared to withdraw it if the House should prefer that the Bill should be proceeded with in this House.

The HONOURABLE SIR ALEXANDER MURRAY: I believe, Sir, that I am expressing practically the unanimous opinion of the non-official Members of this House when I say that in their opinion the Bill ought to remain in this House, and that the Government ought to consider whether we should proceed further either by a reference to a Joint Committee, which I think most of us would prefer, or by the appointment of a Committee of this House. If the Honourable Member is prepared to accept that as the view of this House, I am prepared to sit down, but if not I am afraid I shall have to bring the whole question before the House. May I sit down and await a reply?

The HONOURABLE THE PRESIDENT: I think the Council would like the Honourable Mr. Craik to give a further expression of his opinion which will make the matter quite clear.

The HONOURABLE MR. H. D. CRAIK: I am quite prepared to accept that.

The HONOURABLE MR. G. M. BHURGRI: Sir, after what has fallen from my Honourable friend my task has become lighter. I confess I came prepared to oppose the motion, but I feel that at this juncture I should say one word in fairness to the other House in regard to the reference of the motion to a Joint Committee. From the proceedings of that House, I find that the sole ground on which that House objected to the motion was that they were not supplied with copies of the Bill in time. As a matter of fact, one Honourable Member said that he received a copy of the Bill only the night before, and another Honourable Member said that he had not got a copy at all. So it is clear that that House did not object to the Bill being introduced in this House, but they threw out the motion solely on the ground that the Members of that House had not received a copy of the Bill in time. I believe that if I had been in that House I too would have taken up that position. Therefore, Sir, I think that if the Honourable Member cares to accept the suggestion of my Honourable friend, Sir Alexander Murray, I do not think that House will disagree with us now.

The HONOURABLE SAIYID RAZA ALI: Sir, I do not propose to take up much time of this Council after the declaration that has been made by the Honourable Mr. Craik. I am glad that the Government have recognised that a motion to withdraw a Bill of this character, without consulting this House, would no doubt be a reflection on this House, and I am very glad and thankful to Government for modifying their view and for the declaration that has been made by the Honourable Mr. Craik. To me, it seems, Sir, that it is quite open to us under rule 29 of the Rules of this Council to appoint a Select Committee of this House and proceed with the Bill.....

The HONOURABLE THE PRESIDENT: A Select Committee of this House can only be appointed on a motion. We have no motion for the appointment of a Select Committee before us. It is not open to the House to appoint a Select Committee without a motion.

The HONOURABLE MR. SAIYID RAZA ALI: These are the alternatives that we can adopt. What we can do is that at a subsequent stage a Select Committee can be appointed and we can proceed with the Bill ourselves. But I think that will not be a very proper course, especially in view of what has happened in the past. The grounds on which the Legislative Assembly did not accept the motion for having a Joint Committee are known to most of the Honourable Members here, and the Honourable Mr. Bhurgri has already mentioned them. Now I believe there has been sufficient time at the disposal of the Members of the Assembly to go through and consider the draft Bill. In these circumstances, I think the best course for us would be to adopt a motion at a subsequent stage for a Joint Committee again, and to invite the co-operation of the members of the Legislative Assembly. If in this matter they co-operate with us,—and I do hope that the real objection having been removed they will do so,—so much the better. But in case it is thrown out by them, it will be open to us to appoint a Select Committee of our own and proceed with the Bill. All the same, this is a very important matter, and we as Members of this Council, should insist on our rights, and if any Bill is referred to this House, I submit, Sir, that we are entitled under the Government of India Act to proceed with it unless the Government show very good reasons to the contrary. I am glad that in this case the Government have taken a very reasonable view.

The HONOURABLE SIR MANECKJI DADABHOY: Sir, I may be allowed to add one word to this discussion. I thank the Honourable Mr. Craik for wisely adopting the only course that was open to him in this matter. I may at the same time say that this Council will always most jealously watch its privileges, and will not allow or suffer to be done anything which would be incompatible with its dignity. As regards the course to be adopted, I think we should leave the Government to exercise its judgment, but if the Government decides that this Bill should be expeditiously proceeded with in this Council, we will readily welcome it and will enter upon our task.

The HONOURABLE MR. H. D. CRAIK: Sir, I have only one word to say, but I should like to assure my Honourable friend Saiyid Raza Ali Khan that I fully realise the importance of the question raised in this discussion, and I do not think Honourable Members will expect me to make a definite announcement as to what course we intend to pursue. We must have time for consideration, but the wishes of this House will be respected. I understand, Sir, that I have the leave of the Council to withdraw the motion that stands in my name.

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

[Mr. H. D. Craik.]

### CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

The HONOURABLE MR. H. D. CRAIK : Sir, I move for leave to introduce a Bill to provide that, when fire-arms are used for the purpose of dispersing an assembly, preliminary warning shall, in certain circumstances, be given.

Sir, it will be within the recollection of Honourable Members of this Council that during the last Session the Right Honourable Mr. Srinivasa Sastri moved a Resolution on the 3rd of March recommending to the Governor General in Council that the Code of Criminal Procedure, and if necessary other enactments, be so amended as to secure certain points in the suppression of riots and unlawful assemblies. I need not trouble the Council with all these points, of which there were 8 in all, but the important one is number 5, which was to the effect that before a crowd is actually fired on a previous warning shall be given. That portion of the Right Honourable Mr. Sastri's Resolution was accepted by Government, and the result was that Government gave an undertaking to introduce legislation to give effect to it and the principle therein stated, and the Bill which I ask for leave to introduce to-day is the outcome.

One Honourable Member told me just before the Council met that he had not received a copy of the Bill, and as it is a very short one and has only one operative section, I may perhaps be permitted to read it out to the Council. The effect is to add to the Code of Criminal Procedure after section 131 a new section which will run as follows :—

‘ 131-A.—Where under the provisions of this Chapter any person determines to disperse any such assembly by the use of fire-arms, such person shall, before directing that the assembly be fired on, warn the assembly by such means, if any, as may be available at the moment that, unless it disperses forthwith, it will be fired on.’

The Council will observe that the section contains the words “ by such means, if any, as may be available at the moment.”

Circumstances may arise where an officer whose duty it is to disperse a crowd may have no means whatever of communicating a warning to the mob. The noise may be so great or the crowd may be so close around him that his words would not be heard and he may not have a whistle or any other instrument of that sort at hand.

I do not think, Sir, that I need detain the House by enlarging on the provisions of the Bill which, as I have already said, is a very simple one. I hope the Bill will eventually be passed without giving rise to much discussion. I need only add that the provisions embodied in the Bill are already contained in the Executive Instructions which the Government has issued, in the Indian Army Regulations and in the various Police Manuals. But having given an undertaking that legislation would be initiated to give effect to the principles stated by the Right Honourable Mr. Sastri, the Government wish to abide by that promise in the most scrupulous manner possible, and they therefore propose to embody in the statutory law what is already embodied in their Executive Instructions.

I need only, in conclusion, add, Sir, that I am sure the whole House will agree with me when I say that it is a matter of regret that the Right Honourable Mr. Sastri, who is really in a way the originator of this Bill, is absent on this occasion.

The HONOURABLE THE PRESIDENT : Does the Honourable Sir Maneckji Dadabhoi desire to oppose the motion ?

The HONOURABLE SIR MANECKJI DADABHOY : No, Sir, I only want to suggest that there is a general feeling in this House that the Bill should be expedited and passed this Session, if possible.

The motion was adopted.

The HONOURABLE MR. H. D. CRAIK : Sir, I now beg to introduce the Bill.

### CATTLE-TRESPASS (AMENDMENT) BILL.

The HONOURABLE MR. H. D. CRAIK : Sir, I beg to move for leave to introduce a Bill further to amend the Cattle-trespass Act, 1871.

This Bill, Sir, cannot be described as a very urgent or a very important piece of legislation, but, at the same time, I think it will introduce a reform which will be of considerable practical value. The Cattle-trespass Act, which was passed in 1871, laid down in section 12 a fixed scale of fines which could be imposed for cattle impounded. The scale ran from 2 rupees for an elephant to one anna for a ram, ewe, sheep, lamb, goat or kid.

An amending Act was introduced and passed at a later stage which empowered Local Governments, in localities where cattle were habitually allowed to trespass, to notify and enforce a scale of fines double that laid down in the original Act.

But except for that power of doubling the scale of fines, Local Governments had no discretion in the matter and, owing to the rise in prices, the scale even when doubled became inadequate. You cannot, for example, feed a horse on 4 annas a day, or even on 8 annas a day these days. It is, therefore, provided in the Bill, which I ask for leave to introduce, that the minimum fines shall be levied in accordance with any scale which shall be presented from time to time by the Local Government by Notification in the official Gazette. Different scales may be prescribed for different localities, and that will give Local Governments complete discretion in the matter and will make the Act more useful as a legislative measure. I do not think any further remarks are required as the Bill is a very simple one.

The motion was adopted.

The HONOURABLE MR. H. D. CRAIK : Sir, I now beg to introduce the Bill.

### INDIAN FACTORIES (AMENDMENT) BILL.

The HONOURABLE MR. SHAFI : Sir, I beg to move that, to fill an existing vacancy, I be nominated to serve on the Joint Committee appointed to consider and report on the Bill further to amend the Indian Factories Act, 1911.

The motion was adopted.

### INDIAN ELECTRICITY (AMENDMENT) BILL.

The HONOURABLE MR. SHAFI : Sir, I beg to move that, to fill an existing vacancy, I be nominated to serve on the Joint Committee appointed to consider and report on the Bill further to amend the Indian Electricity Act, 1910.

The motion was adopted.

The HONOURABLE THE PRESIDENT: I would ask the Government if they are in a position to make any announcement as to the legislative business or other kind of business to be brought forward on Monday, the 19th.

#### GOVERNMENT BUSINESS FOR 19TH SEPTEMBER 1921.

The HONOURABLE MR. SHAFI: The next meeting of the Council for official business will be held on Monday, the 19th September, and the following business will probably be brought forward on that day:—

1. A motion to introduce a Bill to amend section 503 of the Code of Criminal Procedure.

2. Motions to consider and pass the Code of Criminal Procedure (Amendment) Bill, which is on the agenda for to-day's meeting for introduction, and any other legislative measures which may have reached this stage.

3. Bills which may be passed by the Legislative Assembly at its meetings prior to the 19th September will be laid on the table in this Chamber.

The Council adjourned till Thursday, the 15th September, at 11 O'clock.

#### COUNCIL OF STATE.

Thursday, 15th September, 1921.

The Council of State met in the Council Chamber at Eleven of the Clock. The Honourable the President was in the Chair.

#### QUESTIONS AND ANSWERS.

##### REPORT OF MILITARY REQUIREMENTS COMMITTEE.

74. The HONOURABLE MR. G. M. BHURGRI: Will the Government be pleased to state, in view of the great public importance and interest involved in the question, whether they intend to publish such parts of the Military Requirements Committee's Report and the evidence tendered thereat, dealing with the question of expenditure and retrenchment, as can be published without prejudicing the necessary secrecy of military plans and organisation?

11 A.M. HIS EXCELLENCY THE COMMANDER-IN-CHIEF: The Report is now under the consideration of a Sub-Committee of the Committee of Imperial Defence. The Government of India are not prepared, therefore, to consider the question of its publication at present in whole or in part. In no case could the evidence tendered before the Committee be published, since this evidence was given on the distinct understanding that it would be treated as confidential.

##### SUBORDINATE ACCOUNTS DEPARTMENT, STATE RAILWAYS.

75. The HONOURABLE MR. G. M. BHURGRI: Will the Government be pleased to state—

- (1) When the scale of pay and allowance of the Subordinate Accounts Department, State Railways, was originally fixed?
- (2) Whether this scale has since been revised; if so, when?
- (3) Whether the revised scale has been given in consideration of the increase in the cost of living, or of the huge development and progress made by Railways and, consequently the increasing responsibilities and high standard of efficiency required of the Service, and greater care in the selection of candidates of ability and qualifications?
- (4) Whether the minimum and maximum pay and allowances under the revised scale continue to remain the same as devised in the original scale fixed over 50 years ago, and if so, how the Service is benefited by the revision?
- (5) What method was adopted at the time of revision in fixing the initial pay, annual increment and the maximum pay?

- (6) What percentage of pay the increase granted by the revised scale amounts to?
- (7) Whether Government has attempted to go into the adequacy of such an increase, in view of the existing high cost of living, and to know the amount of relief afforded by that increase; if so, with what results?
- (8) Whether it is a fact that the maximum pay of Accountants on the important company-worked railways is Rs. 600, and they have no examination to pass, while the State Railway Accountants have to pass the 2nd grade test and their maximum is Rs. 450?
- (9) Whether Government have received any representations from members of the Service, strongly supported by their superior officers, dealing with the utter inadequacy of the revised scale and praying for a more reasonable scale commensurate with the present day requirements; if so, what action Government propose to take on those representations?

The HONOURABLE MR. E. M. COOK: (1) and (2). The scales of pay for this Department were originally fixed in 1864 and were revised in 1920.

(3) In revising the pay, both the advance in the cost of living and the increasing importance of the duties of the service were taken into account.

(4) Yes. The service has benefited by the reduction in the number of grades to two, thereby ensuring greater continuity of promotion. The increments have been increased in amount, so that, for example, an accountant can reach Rs. 150 in six years as against ten years under the old scale. As existing incumbents were permitted to count previous service in determining their pay under the revised scale, the majority have gained considerably. Those who did not benefit sufficiently by this concession were granted personal allowances varying from 20 to 30 per cent. of their pay on the date of introduction of the new scales.

(5) I am sending to the Honourable Member a statement comparing the old and new scales. The method of calculating initial pay has already been stated.

(6) The revised scale gives an average increase of 12½ per cent.

(7) The adequacy of the pay in accounts offices is now under further consideration.

(8) The maximum pay which can be attained by an employé of this class on a company-worked railway varies from Rs. 360 to Rs. 600, the latter figure being attainable only in one railway. As regards examinations the reply is in the affirmative.

(9) Proposals based on representations from the Railway Accounts Service were received by Government from the officer who was officiating as Auditor General, but it was considered desirable to postpone final decision of this question until the return of the permanent Auditor General, who is now considering the general question of the adequacy of pay in the accounts offices under his control,

#### ASSISTANT AUDIT OFFICERS, RAILWAY ACCOUNT SERVICE.

76. The HONOURABLE MR. G. M. BHURGRI: Will the Government be pleased to state—

- (1) What gave rise to the creation of the class of officers known as Assistant Audit officers of the Railway Account Service?
- (2) Whether they are intended to be an addition to the existing cadre, thereby giving relief to the lower grades in the matter of promotion, or whether they are promoted from the highest grade of the subordinate service?
- (3) Whether it is a fact that before the creation of this class of officers, promotions used to be made from the subordinate grades into what is known as "Enrolled List of Officers." If so, whether these promotions are open now?
- (4) What is the number of such promotions for the ten years—
  - (i) preceding the creation of the Assistant Audit Officers Class;
  - (ii) following the creation of that Class?
- (5) How many of such promoted persons were Europeans or Anglo-Indians and how many Indians?
- (6) Whether it is true that appointments to the class of Assistant Audit Officers are made by selection from qualified subordinates? If so, whether promotion to the "Enrolled List" is made from the subordinate ranks overlooking this class?
- (7) Whether there is any difference or distinction between the duties performed by this class of officers and those who are in the "Enrolled List." If so, whether there are any junior charges set apart for the former?
- (8) If not, why there is distinction in the cadre and rates of pay of the two classes?
- (9) Whether it is a fact that, in determining the percentage of increases in the revised scales of other Railway Departments, it is a recognised principle that the lower the pay the greater the percentage increase?
- (10) Whether this principle has been adhered to in the case of the Railway Accounts Service? If not, why not?

The HONOURABLE MR. E. M. COOK: (1) and (2) In 1910, it was decided to reduce the number of appointments in the Superior Accounts Service of the Public Works Department (which then included the Railway Accounts) filled by promotion from subordinates from 1/3 to 1/9 (since raised to 1/6). To compensate accountants for their consequent loss of prospects, 13 appointments in the first grade of accountants (the highest grade of the Subordinate Service) were converted into gazetted appointments of Chief Accountants. These officers have since 1917 been known as Assistant Accounts Officers or Assistant Audit Officers, according as they have been borne on the ordinary Public Works list or the Railway list. There is no separate service known as the Railway Accounts Service.

(3) The answer to both parts of the question is in the affirmative.



(4), (5) and (6) The Superior Accounts Service of the Public Works Department (including Railways) was amalgamated in 1910 with the Enrolled List of the Indian Finance Department, and promotion to the General List, as it is now called, is by pure selection, as was also the case with the Superior Accounts Service before that amalgamation. It is quite possible for a subordinate to be selected for promotion to the General List, even though he may not have already been promoted to be an Assistant Accounts Officer. No separate figures, therefore, can be given of promotions from among officers of the Railway list. The total number of promotions to the Superior Accounts Service of the Public Works Department for ten years before the amalgamation (i.e., 1901-1910) was 14, of whom one was an Indian and the rest were Europeans or Anglo-Indians. The total number of promotions to the combined General List from subordinate grades of the Department since the amalgamation (i.e., 1911-1920) has been 18, of whom 7 were Indians and the rest Europeans or Anglo-Indians.

(7) and (8) No definite charges are formally set apart for these officers in the various Audit offices; but, as a general rule, they are entrusted with the less important charges. Their maximum pay is equal to what an officer of the General List would get in his tenth year of service under the new scale, and officers of the General List of more than ten years' standing are almost always entrusted with more important charges.

(9) Yes.

(10) It is understood that the principle has been adhered to, as far as practicable, in the case of men serving in Railway Accounts offices.

#### SEPARATION OF DISTRICT OF DARJEELING FROM BENGAL.

77. The HONOURABLE RAJA PRAMADA NATH ROY, OF DIGHAPATIA: Would the Government be pleased to state—

- (i) Why was it necessary to separate the District of Darjeeling from the rest of Bengal and place it directly under the control of His Excellency the Governor?
- (ii) Is it contemplated to reunite it and bring it within the jurisdiction of the Reformed Council?
- (iii) If so, when is the amalgamation going to take place and what steps are being taken in the matter?

The HONOURABLE MR. H. D. CRAIK: (i) The district of Darjeeling was considered not to be suitable for the type of government proposed for the province generally, and accordingly it has been treated as a backward tract under section 52A, sub-section (2), of the Government of India Act. The asking of questions on the district is prohibited by clause 3 of the schedule attached to the notification of the Government of India in the Reforms Office, No. 2-G., dated the 3rd January 1921. I may mention that similar questions are also prohibited in the Legislative Council of the Government of Bengal, save with the sanction of the Governor.

(ii) and (iii) The Government of India have not before them at present any proposal to rescind the notification declaring the Darjeeling District to be a backward tract, and they do not propose to take any such action unless and until they are moved thereto by the Government of Bengal. A proposal to amend the schedule to the notification is however under consideration.

#### RELIGIOUS MINISTRATIONS FOR SOLDIERS.

78. The HONOURABLE RAJA PRAMADA NATH ROY, OF DIGHAPATIA: Do the Government provide religious ministrations for Indian soldiers in the same way as they do for European soldiers? If so, what amount does the Government spend for the religious ministrations of the different denominations for the army in India?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: The answer to the first part of the question is in the affirmative. To the second part, the answer is that religious instructors are provided to minister to the members of every denomination represented in the Indian Army. One or more teachers of each denomination, according to requirements, are allotted to each unit of the Army. The conditions of service are the same for all religious teachers, viz:

Pay at Rs. 25 per mensem, free rations as for combatant soldiers, and gratuity on retirement, calculated at one month's pay for each complete year's service as a religious teacher since the 1st April 1921.

The total annual cost of the service, excluding gratuities, is estimated at Rs. 1,59,750.

#### RAILWAY FARES, DARJEELING-HIMALAYAN RAILWAY.

79. The HONOURABLE RAJA PRAMADA NATH ROY, OF DIGHAPATIA: (a) Is it a fact that the Railway fares of the Darjeeling-Himalayan Railway were already much higher than those of the other railways in India, distance for distance, and that in spite of the strong protest of the public assembled in a meeting last October, the Darjeeling-Himalayan Railway enhanced the fares still more?

(b) Would the Government consider the desirability of taking over this line under the management of the State in the interest of a large body of people both European and Indian who have to go up to Darjeeling every year?

The HONOURABLE MR. SHAFI: (a) Higher maxima rates and fares than apply on other railways have been sanctioned over the Darjeeling-Himalayan Railway in view of its being a hill railway; within these maxima the Railway has the power to vary its rates and fares. Owing to the heavy increase in working expenses, the Railway was compelled to increase, with effect from 1st October 1920, rates for certain articles within the authorised maxima. From the same date concession fares for 2nd and 3rd class passengers by local and mixed trains were withdrawn.

(b) The right of Government to acquire the line is governed by the terms of the contract under which the earliest date on which the Government can acquire the line from Siliguri to Darjeeling is 4th May 1929.

#### QUESTION OF CART ROAD IN CONTRACT BETWEEN GOVERNMENT AND THE DARJEELING-HIMALAYAN RAILWAY.

80. The HONOURABLE RAJA PRAMADA NATH ROY, OF DIGHAPATIA: (a) Is it a fact that in the contract between the Government and the Darjeeling-Himalayan Railway it is distinctly stated that the line shall be laid in such a



way so as not to interfere with the safety and security of the passengers and live-stock using the Cart Road?

(b) If so, would the Government consider the desirability, for the safety of the other traffic, either to issue orders to remove the level-crossings immediately or in the event of the Railway's inability to do so, to compel the Railway to construct gates or bars at the level-crossings to prevent accidents, as laid down in the Indian Railways Act?

(c) If so, would the Government consider the fairness of levying either rent or compensation from the Darjeeling-Himalayan Railway for the use of the District Cart Road with retrospective effect in the interest of the public?

(d) Is it a fact that only recently some of the cartmen were killed on the Mahanady bridge between Sukna and Siliguri of the Darjeeling-Himalayan Railway owing to the Railway line being in the middle of the bridge?

(e) If so, would the Government consider the necessity of instructing the said Railway to relay their lines on the bridges in such a manner that sufficient room be left for the motor and cart traffic on the bridge in question?

(f) Is it a fact that the Darjeeling-Himalayan Railway has been offered, free of charge, the land just below their existing goods-shed in the Darjeeling Bazar by the Municipality for the purpose of relaying the line for the goods traffic with a view to do away with the present terrible congestion in the bazar where there are at present three level-crossings within a distance of 200 yards?

(g) If so, do the Government propose to direct the Darjeeling-Himalayan Railway to take up this work without any loss of time for the safety of the public and in preference to any other work that they consider necessary to take up in Darjeeling at the present moment?

The HONOURABLE MR. SHAFI: (a) It is laid down in the contract that the Railway shall be laid so as to interfere, as little as possible, with passengers and live-stock using the cart road, also that it shall be worked in accordance with such regulations as may be considered necessary to safeguard the convenience and security of users of the road.

(b) As many as 25 level-crossings have recently been eliminated and the removal of others is under contemplation.

(c) Under the terms of the contract the use of the cart road in question has been granted free of cost to the Railway Company, and the question of levying rent or compensation cannot therefore be considered.

(d) The accident referred to, took place in March 1918 due to a collision between a train and carts when one cartman was killed.

(e) The re-laying of railway track on the bridge in the manner suggested is structurally impossible, but since the accident referred to above took place, the bridge approaches have been provided with gates and signals, and these arrangements have been approved by the Senior Government Inspector of Railways and the District Magistrate.

(f) The answer is in the affirmative.

(g) The Railway Administration is at present undertaking an extensive scheme for remodelling the Darjeeling passenger station which is greatly congested and is of more importance than the remodelling of the goods yard. Funds for undertaking both the works simultaneously are not available at present.

# PROMOTION OF RAILWAY ENTERPRISE.

81. The HONOURABLE SARDAR JOGENDRA SINGH: (a) In what directions does the Railway Board promote Railway enterprise and provide increased facilities to meet new demands?

(b) Has the Board any power, and does it ever use it, in compelling a non-co-operating Railway Company to co-operate with connecting Railways and arrange their time-tables to serve the convenience of the travelling public?

The HONOURABLE MR. SHAFI: (a) The Honourable Member is referred to the following Resolutions, copies of which are laid on the table—

(i) Railway Department (Railway Board) Resolution No. 457-R. P., dated 14th November 1913, and

(ii) Railway Department (Railway Board) Resolution No. 1894-86-P., dated 7th January 1915.

It may be mentioned that the terms offered by Government for the construction of Branch Lines which are contained in these Resolutions are being reconsidered.

(b) The Railway Board have the power under contracts with the Railway Companies to exercise general control over the train service, but they have not had occasion during the last ten years to make use of this power.

No. 457-R.P. OF 1913.

GOVERNMENT OF INDIA.

RAILWAY DEPARTMENT:

(RAILWAY BOARD.)

Simla, the 14th November, 1913.

TERMS ON WHICH THE GOVERNMENT OF INDIA ARE PREPARED TO CONSIDER OFFERS FOR THE CONSTRUCTION BY THE AGENCY OF PRIVATE COMPANIES OF BRANCH LINES FORMING FEEDERS EITHER TO STATE LINES WORKED BY THE STATE OR TO RAILWAYS WORKED BY COMPANIES.

RESOLUTION.—In supersession of all previous orders on the subject, the following information is published detailing the conditions on which the Government of India will be prepared to receive applications for the grant of financial assistance to companies formed to provide capital for the construction of such branch railways as Government may be prepared to entrust to companies. The terms offered have been made considerably more liberal in several respects.

2. No concession can be granted for the construction of a branch line until the line has been surveyed and detailed estimates of its cost and an adequate report on its traffic prospects have been prepared by an agency approved by the Government of India. When promoters are desirous that such a survey should be made, an application should be submitted to the Railway Board in the form prescribed in memorandum B, attached.

3. The conditions on which concessions for the construction of branch lines will be granted are as follows:—

(i) The prospectus of the company to be formed for the purpose of providing capital for the line must be submitted to, and approved by, the Government of India before issue. The capital of the company must be expressed in rupees, and subscription must be invited only in India. The amount of capital to be raised will be subject to the approval of the Government of India, and the construction of the line will not be begun until the Government of India are satisfied that capital sufficient to meet the estimated expenditure has been subscribed.

- (ii) The railway shall be built according to plans and estimates approved by the Government of India, and must conform to the fixed and moving dimensions for the time being prescribed. The gauge of the line, the route followed, the situation of stations, and details of a similar character, shall be subject to the approval of the Government.
- (iii) All land in British territory, which is, in the opinion of the Government of India, required for the construction of the line, will be provided free of charge, including land permanently or temporarily required for quarrying ballast, for brickfields, and similar purposes.
- (iv) The results of existing surveys will be made available to persons applying for concessions under these rules. In cases where this is considered advisable by the Railway Board, fresh surveys will be made at the request of promoters inquiring into the probable prospects of any projected line, on the understanding that no preferential claim to a concession for the construction of the line is thereby established. If permission be eventually given for the construction of any line, the cost of all surveys, whether special surveys or surveys previously made at the cost of, or with the approval of, Government, shall be included in the capital cost of the railway. The Government of India expressly disclaim all responsibility for the accuracy of any survey, plan, estimate, or other information supplied by them.
- (v) Electric telegraphs and telegraphic appliances will be supplied and maintained by the Government of India at the charges and on the conditions in force for the time being for similar services on State railways.
- (vi) Railway materials for the construction of the branch line will be carried over railways owned and worked by the State at the special rates charged for similar materials belonging to State railways.
- (vii) The Government of India will grant financial assistance to approved companies either in the shape of a guarantee of interest, or of a rebate to the branch line company from the net earnings of the main line from traffic interchanged with the branch. Assistance in the latter form can only be promised where the main line is worked by the State; but the Government of India will, in other cases, endeavour to arrange on behalf of the branch line company a similar agreement with the company working the parent line. A rebate and a guarantee of interest cannot be granted simultaneously in respect of the same branch line. In cases where the entire capital is raised by the issue of shares, the following terms will apply:—
- (a) *Guarantee of interest.*—The Government of India will be prepared to guarantee from the close of the period during which interest is payable out of capital interest at the rate of  $3\frac{1}{4}$  per cent. per annum on the approved paid-up share capital of the company to the end of the financial year in respect of which the dividend is declared, subject to the condition that all surplus profits which may be earned by the company after paying interest on the paid-up share capital at the rate of 5 per cent. shall be equally divided between the Government and the company. This guarantee, where given, will remain in force until the line is purchased by the Government. Any sums payable by the Government under the guarantee shall be payable in rupees.
- (b) *Rebate.*—When the branch line connects with a railway owned and worked by the State, the Government of India will be prepared to allow the company in respect of and at the end of each financial year, by way of rebate, such a sum, not exceeding in any year the net earnings (exclusive of earnings derived from the carriage of revenue stores) from traffic interchanged between such State railway and the branch line as shall, together with the net earnings of the branch line, make up an amount equal to interest at the rate of 5 per cent. per annum on the approved paid-up share capital of the company. This undertaking will be subject to the proviso that, when the net earnings of the company, without the assistance of a rebate, suffice to pay interest at a rate exceeding 5 per cent. on the paid-up share capital, the surplus shall be divided equally between the Government and the company. The payment of rebate shall commence at the close of the period during which interest is payable from capital. Payments on account will, subject to subsequent adjustment, be permissible at the end of each half-year. For the purpose of calculating the rebate, the net

- earnings of the main line from traffic interchanged with the branch will be assumed to bear the same proportion to the gross earnings of the main line from such traffic as the net earnings of the whole main line system, including the branch bear to the gross earnings of the whole system.
- (viii) (a) If, in the case of a concession granted under either of the conditions of the foregoing paragraph, it be intended by the branch line company to construct and work the branch line itself, the amount to be spent each year on working expenses will be subject to the approval and sanction of the Government of India.
- (b) In such cases the Government of India may, from time to time, appoint any one person to be a Director of the branch line company who shall be *ex-officio* a member of all Committees appointed by the Board of Directors of the company or by the company in relation to the undertaking or any other matter connected therewith, and shall have power to exercise at his discretion an absolute veto in all proceedings of the Board of Directors, and shall not be removable except by the Government of India, and may act by a Deputy appointed by the Government of India.
- (c) If a branch line company, which has been granted financial assistance under clause vii (a) above and permitted to work the railway by its own agency, be guilty of any breach of contract or of gross mismanagement, or if the working expenses of the railway exceed the gross earnings for six consecutive half-years, the Government of India may at any time, after giving six months' notice, assume the working of the railway by State or any other agency. If the working of the line is so assumed, the terms of working will be fixed by Government.
- (ix) Where the main line is a railway owned and worked by the State, the main line administration will, if it is so desired, work the branch line for a percentage of the gross earnings of the branch. When the branch and main line are of the same gauge this percentage will usually be that obtaining on the whole system, including the branch, from time to time, but will not in any case exceed 50 per cent. of the gross earnings of the branch from all sources, and will include all charges on account of the use of the main line rolling-stock, subject to the condition that the company shall, if and when required to do so during the continuance of the working contract, bear the capital portion of the cost as stated by Government of strengthening the permanent-way and bridges of the branch line to enable the rolling-stock for the time being of the working railway to be used on it without restriction. Where the gauges are not the same, special working terms will be fixed in each case. When the main line is not worked by State agency, the Government of India, if desired to do so by the branch line company, will endeavour to negotiate similar terms for working with the main line administration.
- (x) No capital expenditure by the branch line company shall be recognised, as between the Government of India and the company, unless the prior sanction of the Government of India to that expenditure has been obtained. The company shall have no power to increase its share or stock capital without the sanction of the Government of India or the Secretary of State, or to borrow money, otherwise than for purely temporary purposes, except on conditions to be specified by these authorities.
- (xi) Any unexpended capital which the company may have shall be invested or deposited at interest in a manner to be approved by the Government of India and in the name of the company, not in that of the Managing Agents, and the return therefrom shall be treated as net earnings of the railway.
- (xii) The branch line company, if so required, shall keep accounts in forms approved by the Government of India, and they shall supply, free of charge, all accounts required by the Government. The accounts will be subject to audit by officers appointed by the Government.
- (xiii) Funds for the execution of new works chargeable to capital, which may be found to be necessary for the safety, economy, or efficiency of working after the branch railway has been opened to public traffic, shall be provided by the branch line company. Such works, and their cost shall, when the branch railway is worked by the main line administration, be agreed upon between the branch line company and the main line administration before they are undertaken; in the event of any difference of opinion as to the necessity for, or the cost of, any

such work, the matter shall be referred to the Railway Board, whose decision shall be final.

In the event of the branch line company failing to provide, after six months' notice, any additional capital for work required under this condition or conditions (ii) and (ix) above, the Government of India shall be at liberty to supply the necessary funds, and to carry out the work, and shall be entitled to receive from the sums payable to the branch line company, by way of net earnings or rebate, interest at 5 per cent. (or any lower rate that it may in special cases agree to accept) on funds so applied.

(xiv) Subject to the law for the time being in force, payment out of capital will be sanctioned, during a period which may extend to the close of the half-year in which the railway shall have been opened throughout for public traffic, of such sums as, with the interim net earnings, shall be required to pay interest at a rate to be agreed upon on the paid-up capital of the company.

(xv) Such expenses on account of administration of the branch line company as the Government of India may sanction may be charged during construction to the capital account of the company, and with effect from the date on which the line is opened for traffic throughout will be charged as follows :—

(a) if the branch line company works its own line, as part of the working expenses of the line;

(b) if the company's line is worked by the main line administration,

(1) when the net earnings do not suffice to pay interest at 5 per cent. (or suffice to pay only 5 per cent) on the paid-up share capital of the company, as part of the working expenses to be met out of the stipulated percentage of the earnings of the branch taken by the working agency :

(2) when the net earnings exceed 5 per cent. on the paid-up share capital of the company, as a first charge on surplus profits before division; provided that, if the surplus profits are insufficient to meet the administration charges, the balance will be paid by the working agency out of the stipulated percentage of the earnings of the branch taken by it.

(xvi) The rates and arrangements in force on State railways as regards services rendered to other departments of State shall apply to the branch line. The branch line company shall also be liable when called on to provide, at such stations as may be ordered by Government, buildings for post office and quarters for post office staff at a charge not exceeding 7½ per cent. per annum on the capital cost of the said buildings and quarters.

(xvii) The Government of India reserve the right to fix and vary from time to time the classification of goods for tariff purposes, and the maximum and minimum rates for each class of goods and for passengers. They also reserve a general right of control in respect of the number and timing of trains.

(xviii) During the first year after opening of the branch line, or part thereof, the expenditure incurred on the maintenance of the line may be charged to capital.

(xix) Notwithstanding anything in the preceding clauses, expenditure due to extraordinary accidents and casualties, or to defects and their consequence in the construction of the line or in any part thereof shall be met by the branch line company, in addition to the percentage of earnings payable to the main line as working expenses, and shall be charged against the branch line net earnings, or against capital, according to circumstances, in accordance with the general usage on Indian railways.

(xx) All agreements for lines constructed under these terms shall include a special purchase clause permitting the Government of India to purchase the lines at any time, after giving one year's notice, in the following cases :—

(1) When the Government of India consider it desirable that the gauge of the branch line should be altered.

(2) When it is desired to convert the branch line into a line of through communication.

(3) When the Government of India desire to extend the branch line (without altering the gauge or making the line part of a through route), and the

branch line company is unable or unwilling to supply the necessary capital for such extension.

In the event of a line being purchased under this clause, the price payable shall be 25 times the average net earnings (excluding payments on account of guarantee or rebate) during the three years preceding the purchase, or 115 per cent. of the capital expenditure on the line, whichever may be the greater. All payments shall be made on a rupee basis.

(xxi) The agreements shall also include an ordinary purchase clause permitting the Government of India to purchase the lines at the expiry of 30 years from the date on which the railway was declared open for traffic or at subsequent intervals of 10 years, subject to the condition that at least one year's previous notice of the intention to purchase has been given. The price payable on purchase under this clause shall be 25 times the average net annual earnings (excluding payments on account of guarantee or rebate) during the three years preceding the purchase, subject to a maximum of 120 per cent. and a minimum of 100 per cent. of the capital expenditure on the line at the time of purchase. All payments shall be made on a rupee basis.

4. Applications for concessions under these orders should be submitted in the forms prescribed by Memorandum A attached to this Resolution. Copies of the forms may be obtained on application to the Secretary to the Railway Board. Requests from promoters for information as regards existing surveys, or for new surveys—*vide* paragraph 3 (iv)—should be addressed to the Secretary to the Railway Board. Applications for new surveys should contain the information required by Memorandum B hereto attached.

The Secretary to the Government of Madras, Public Works Department, Railways.

The Secretaries to the Governments of Bombay, Bengal, Burma, the United Provinces of Agra and Oudh, the Punjab, and Bihar and Orissa, Public Works Department.

The Honourable the Resident at Hyderabad  
The Honourable the Resident in Mysore and Chief Commissioner, Coorg.

The Honourable the Chief Commissioners of the Central Provinces and Assam.

The Honourable the Agents to the Governor General for Rajputana, Central India and Baluchistan.

The Honourable the Agent to the Governor General and Chief Commissioner, North-West Frontier Province.

The Accountant General, Railways.

The Bombay, Bengal, Bengal National, Upper India, Punjab, Karachi, Madras, Burma, Chittagong, Southern India, and Indian Chambers of Commerce and the Indian Merchants' Chamber and Bureau.

ORDER.—Ordered that this Resolu-

tion be forwarded for information to the Local Governments and Administrations, to the officers and to the Chambers of Commerce noted in the margin.

ORDERED also that the Resolution be published for general information in the *Gazette of India*.

T. RYAN,

Secretary to the Railway Board.

#### Documents accompanying.

Enclosure No. I.—Memorandum A for the guidance of persons or syndicates desirous of submitting proposals for the construction of branch or feeder railways, with Form A and Appendix A.

Enclosure No. II.—Memorandum B for the guidance of persons or syndicates desirous of having surveys made for branch or feeder lines of railway by the Railway Board.

Enclosure No. I (with Form A and Appendix A) to Government of India Resolution No. 457-R.P. of 1913.

#### MEMORANDUM A.

FOR THE GUIDANCE OF PERSONS OR SYNDICATES DESIROUS OF SUBMITTING PROPOSALS FOR THE CONSTRUCTION OF BRANCH RAILWAYS IN INDIA FORMING FEEDERS EITHER TO STATE LINES WORKED BY STATE OR TO RAILWAYS WORKED BY COMPANIES.

1. All applications for leave to construct a branch or feeder railway in any part of British India are to be addressed to the Secretary to the Railway Board.

2. All such applications shall be printed, and shall be drawn up, as far as may be in Form A attached hereto, and shall specify—

- (a) the company, person, or syndicate by whom the application is preferred; the proposed amount of capital, the number of shares and the amount of each share;
- (b) all the termini, together with the names of all the principal towns from, through, into, or near which the railway is intended to be constructed, as well as the names of each civil division and district to be traversed by the proposed alignment;
- (c) the length, so far as known, of the proposed railway;
- (d) the gauge, the weight of rails, etc.;
- (e) motive power to be employed;
- (f) the maximum tolls, rates, and fares proposed to be charged on the projected railway;
- (g) the proposals for working the railway when constructed; and if any agreement is under contemplation, or has been provisionally arranged with any existing Railway Administration under which the proposed line, when constructed, is to be leased out for working by such Railway Administration, the exact nature and terms of such agreement;
- (h) the charges proposed by the applicants for floating the branch company;
- (i) the charges proposed on account of the general administration of the branch company's affairs;
- (j) any further information that may be required to enable Government to thoroughly understand the scope of the proposals.

3. Every such application shall be accompanied by a map to a scale of one mile to one inch, with the line of the proposed railway delineated thereon, so as to show its general course and direction, and also by an estimate as correct as may be of the works proposed to be authorised.

4. When the applicants draw up their own detailed plans and estimates, these documents are invariably to be prepared in strict accordance with the Rules for the preparation of railway projects issued under the authority of the Government of India, of which copies may be obtained on payment from the Superintendent of Government Printing, Calcutta.

5. If Government are prepared to entertain an application put forward in respect of a line that has already been surveyed, permission will be accorded on application to the Secretary to the Railway Board, to inspect, at all reasonable hours, the detailed plans, sections, and estimates at the disposal of Government; and copies of such plans, sections and estimates will be furnished on payment of the cost of copying.

6. But in regard to all such information, statistics plans, sections, or estimates, which may be furnished, it is to be recognised that the information thus offered to any person interested in the matter, is simply the best information of the kind at the disposal of Government, and that Government cannot accept any responsibility whatever in regard to the accuracy of any of the documents.

#### FORM A.

To accompany all applications for leave to construct a branch or feeder railway in any part of British India.

| Nature of particulars to be specified.                                                                                                                                 | Particulars. |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| 1 The name of the company, person or persons by whom the application is preferred; the proposed amount of capital, the number of shares, and the amount of each share. |              |
| 2 The termini, together with the names of all the principal towns from, in, through, or into, or near which the railway is intended to be constructed.                 |              |

| Nature of particulars to be specified.                                                                                                                                                                                                | Particulars.                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 3 The length, as far as known, of the proposed railway.                                                                                                                                                                               | Reference to an Appendix (vide Appendix A) may be here given, if necessary. |
| 4 The gauge proposed and weight of rails, etc.                                                                                                                                                                                        |                                                                             |
| 5 The motive power to be employed.                                                                                                                                                                                                    |                                                                             |
| 6 The maximum tolls, rates, and fares intended to be charged on the proposed railway.                                                                                                                                                 |                                                                             |
| 7 Details of any agreement which may have been provisionally arranged, or which it is desired to enter into, under which the proposed line, when constructed, is to be leased out for working to any existing Railway Administration. |                                                                             |
| 8 The charges proposed by the applicants for floating the branch company.                                                                                                                                                             |                                                                             |
| 9 The charges proposed on account of the general administration of the branch company's affairs.                                                                                                                                      |                                                                             |
| 10 Any further information that may be required to enable the Government of India to thoroughly understand the scope of the proposals.                                                                                                |                                                                             |

#### APPENDIX A.

Schedule of maximum and minimum rates and fares intended to be charged on the proposed branch railway.

|                                    | Maximum.<br>Pies per mile.                              | Minimum.<br>Pies per mile.                              |
|------------------------------------|---------------------------------------------------------|---------------------------------------------------------|
| <i>Passenger fares</i>             |                                                         |                                                         |
| 1st class                          | ...                                                     | ...                                                     |
| 2nd class                          | ...                                                     | ...                                                     |
| Intermediate class                 | ...                                                     | ...                                                     |
| 3rd or lowest class                | ...                                                     | ...                                                     |
| <i>Carriages—</i>                  | Maximum.<br>Pies per mile.                              | Minimum.<br>Pies per mile.                              |
| Single Carriage                    | ...                                                     | ...                                                     |
| Two or more carriages on one truck | Maximum.<br>Pies per truck.                             | Minimum.<br>Pies per truck.                             |
|                                    | ...                                                     | ...                                                     |
| <i>Horses—</i>                     | Maximum.<br>Pies per mile.                              | Minimum.<br>Pies per mile.                              |
| Single horse                       | ...                                                     | ...                                                     |
|                                    | Maximum.<br>Pies per 50<br>miles or portion<br>thereof. | Minimum.<br>Pies per 50<br>miles or portion<br>thereof. |
| <i>Dogs—</i>                       | ...                                                     | ...                                                     |
| Each                               | ...                                                     | ...                                                     |
| <i>Parcels and luggage—</i>        |                                                         |                                                         |

If it is proposed to adopt the rates approved by the Indian Railway Conference Association, it will be sufficient to state this fact; otherwise the rates proposed should be stated.

| Goods rates—                                    |     |     |     | Maximum.<br>Pies per maund<br>per mile. | Minimum.<br>Pies per maund<br>per mile. |
|-------------------------------------------------|-----|-----|-----|-----------------------------------------|-----------------------------------------|
| 5th class                                       | ... | ... | ... | ...                                     | ...                                     |
| 4th "                                           | ... | ... | ... | ...                                     | ...                                     |
| 3rd "                                           | ... | ... | ... | ...                                     | ...                                     |
| 2nd "                                           | ... | ... | ... | ...                                     | ...                                     |
| 1st "                                           | ... | ... | ... | ...                                     | ...                                     |
| Special class                                   | ... | ... | ... | ...                                     | ...                                     |
| X class (Explosives, including dangerous goods) | ... | ... | ... | ...                                     | ...                                     |

Enclosure No. II to Government of India Resolution No. 457-R. P. of 1913.

### MEMORANDUM B.

INFORMATION TO BE SUPPLIED BY PERSONS OR SYNDICATES DESIROUS OF HAVING SURVEYS FOR BRANCH OR FEEDER LINES OF RAILWAY IN INDIA CARRIED OUT AT THE COST OF GOVERNMENT.

#### 1. All such applications shall specify—

- the company, person, or syndicate by whom the application is preferred;
- all the termini, together with the names of all the principal towns from, through, into, or near which the survey is intended to be carried, as well as the names of each civil division and district to be traversed by the proposed alignment;
- the length, so far as known, of the proposed railway;
- the gauge and the motive power to be employed;
- the intentions of the applicants as to the construction and working of the railway. If it is intended that the working shall be leased to any existing Railway Administration, the nature of the contemplated agreement shall be specified.

2. Every such application shall be accompanied by a map to a scale of one mile to one inch, with the line of the proposed survey delineated thereon, so as to show the general course and direction.

No. 969-R.P. of 1914.

GOVERNMENT OF INDIA.

RAILWAY DEPARTMENT.

(RAILWAY BOARD.)

Simla, the 13th March 1914.

TERMS ON WHICH THE GOVERNMENT OF INDIA ARE PREPARED TO CONSIDER OFFERS FOR THE CONSTRUCTION BY THE AGENCY OF PRIVATE COMPANIES OF BRANCH LINES FORMING FEEDERS EITHER TO STATE LINES WORKED BY THE STATE OR TO RAILWAYS WORKED BY COMPANIES.

READ—

Railway Department (Railway Board) Resolution No. 457-R.P., dated the 14th November 1913.

OBSERVATIONS.—It has been represented that it will facilitate the raising of capital for the construction of feeder railways under the Resolution cited above if a part of the required capital be provided on guarantee terms and the balance on rebate terms.

The Government of India have accordingly resolved to modify Resolution No. 457-R.P., dated the 14th November 1913, in order to permit of the capital required for feeder lines being raised in the manner proposed.

RESOLUTION.—For the sentence "A rebate and a guarantee of interest cannot be granted simultaneously in respect of the same branch line" in clause 3 (vi) of the Resolution of 1913, substitute the following :—

"A rebate and a guarantee of interest cannot be granted simultaneously in respect of the same capital; but capital may be raised for the same branch line, partly under the guarantee system and partly under the rebate system."

After clause 3 (vii) (b) of the Resolution add the following new clause :—

"(c) *Combination of guarantee and rebate terms.*—When the capital of a branch line has been raised partly on guarantee and partly on rebate terms, the Government of India will allow in respect of the share capital issued on the <sup>guarantee</sup>rebate system the amount (if any) which would have been due on such share capital from time to time had the entire capital been raised on <sup>guarantee</sup>rebate terms."

The Secretary to the Government of Madras, Public Works Department, Railways.

The Secretaries to the Governments of Bombay, Bengal, Burma, the United Provinces of Agra and Oudh, the Punjab and Bihar and Orissa, Public Works Department.

The Honourable the Resident at Hyderabad.  
The Honourable the Resident in Mysore and Chief Commissioner, Coorg.

The Honourable the Chief Commissioners of the Central Provinces and Assam.

The Honourable the Agents to the Governor General for Rajputana, Central India and Baluchistan.

The Honourable the Agent to the Governor General and Chief Commissioner, North-West Frontier Province.

The Accountant General, Railways

The Bombay, Bengal, Bengal National, Upper India, Punjab, Karachi, Madras, Burma, Chittagong, Southern India, and Indian Chambers of Commerce and the Indian Merchants' Chamber and Bureau.

ORDER.—Ordered that this Resolution be forwarded for information to the Local Governments and Administrations, to the officers and to the Chambers of Commerce noted in the margin.

ORDERED also that the Resolution be published for general information in the *Gazette of India*.

T. RYAN,

Secretary to the Railway Board.

Resolution No. 1224-P. of 1915.

GOVERNMENT OF INDIA.

RAILWAY DEPARTMENT.

(RAILWAY BOARD.)

Simla, the 7th January 1915.

GRANT OF SPECIAL CONCESSIONS TO BRANCH LINE COMPANIES FORMED FOR THE CONSTRUCTION OF RAILWAYS IN ASSAM.

Observations.—The Government of India have recently had under their consideration the question of adopting further means to encourage the construction of feeder railways in the Province of Assam. It has been recognised that improved means of communication are essential if the material development of which that Province is capable, is to be brought about, but that, in the present partially developed state of large tracts, the immediate financial prospects of branch railways constructed in those tracts are less favourable than are the prospects of similar railways in other Provinces of India. In these circumstances, the Government of India consider that, in order to encourage the formation of companies for the construction of feeder railways in partially developed tracts in Assam, some increased measure of financial assistance is required during the early years after the opening of such railways and before the country traversed has attained to that state of development to which the existence of a railway may be expected to conduce. The Government of India have therefore decided, with the approval of His Majesty's Secretary of State in Council of India, that the Assam Administration may in approved cases supplement the financial assistance by way of guarantee, the grant of which at the charge of Imperial revenues is contemplated by the Government of India Resolution No. 457-R.P., dated the 14th November 1913.

**Resolution.**—In the case of branch line companies formed for the construction of railways in partially developed tracts in Assam, the Government of India will be prepared, provided the conditions implied in the foregoing Observations are fulfilled, to sanction an arrangement by which, in addition to the Imperial guarantee of 3½ per cent contemplated in clause 3 (VII) (a) of their Resolution No. 457-R. P., dated 14th November 1913, the Assam Administration shall undertake for a fixed term of years to make good to the branch line company the sum necessary to increase the rate of dividend to 4½ per cent on the paid-up capital of the company when its net earnings are insufficient to admit of the payment of a dividend at this rate. The period during which the Assam Administration will undertake this liability must depend on the circumstances of each individual case and the prospects of early development which it presents. In all other respects the orders for the time being in force regarding the formation of companies for the construction of feeder railways in other parts of India will apply to the formation of companies for a like purpose in the province of Assam.

**ORDER.**—Ordered that this Resolution be forwarded for information to the Government of Assam and that the same be published for general information in the *Gazette of India*.

T. RYAN,

Secretary, Railway Board.

#### HINDUS AND MUHAMMADANS IN POST AND TELEGRAPH DEPARTMENTS.

82. The HONOURABLE MR. ALTAF ALI: Will the Government be pleased to lay on the table a statement showing separately the total number of Hindus and Muhammadans in the Post and Telegraph Departments holding the following appointments in each Circle on the 31st December 1920:—

##### Postal Department.

- (a) Gazetted officers of each rank.
- (b) Non-gazetted officers of each rank.
- (c) Ministerial officers of each rank, including Inspectors of Post Offices, Head Clerks of the offices of the Superintendents of Post Offices, Clerks, and Head Assistants to the Postmaster General and Deputy Postmaster General and in the Directorate, in the Stock Depôts and the Dead Letter offices.
- (d) Overseers of different ranks and Postmen in each division.

##### Telegraph Department.

- (e) Gazetted officers of the Engineering and Traffic branches in each rank.
- (f) Non-gazetted officers of the Engineering and Traffic branches in each rank, including Telegraphists.
- (g) Ministerial officers, including the clerks in the Directorate, offices of the Director of Telegraph, Divisional Engineers, Deputy Assistant Engineers, and Store Yards in each rank.
- (h) Telephone Inspectors and Operators.
- (i) Sub-Inspectors and Linemen?

The HONOURABLE MR. B. N. SARMA: The printed List of officers of the Post and Telegraph corrected up to 15th June 1921 contains full information in respect of clauses (a) and (e) and partial information in respect of (b), (c), (f) and (g), and I shall be glad to hand a copy to the Honourable Member if he so desires. The remaining items of information asked for are not available with the Government of India, who would take this opportunity

to point out that the labour involved in compiling the required statistics would, in their opinion, be incommensurate with the value when compiled.

#### POSTS HELD BY HINDUS AND MUHAMMADANS IN THE POSTAL DEPARTMENT, BENGAL AND ASSAM CIRCLES.

83. The HONOURABLE MR. ALTAF ALI: Will the Government be pleased to—

- (a) lay on the table a statement showing the number of appointments held by Hindus and Muhammadans, respectively, in the Postal Department in Bengal and Assam Circle from the 2nd December, 1919 to the 31st December, 1920; and
- (b) state whether the Postmaster General's Circular letter No. A-1-42, dated 2nd December, 1919, regarding the recruitment of Muhammadans, has been given effect to by the Superintendents, 1st class, Head Postmasters and the Deputy Postmaster General of different Ranges? If not, why not?

The HONOURABLE MR. B. N. SARMA: (a) It is regretted that the figures are not readily available, but could be compiled and forwarded to the Honourable Member in due course if he presses for the information.

(b) The instructions contained in the Circular letter referred to applied only to the Dacca and Shillong Ranges and not to the whole of Bengal and Assam Postal Circle. A subsequent Circular letter No. A-1-12, dated the 5th March, 1920, was issued by the Postmaster General, a copy of which is laid on the table. It is being acted upon by Superintendents and first class Postmasters.

*Copy of a letter No. A-1-42, dated the 5th March 1920, from the Postmaster-General, Bengal and Assam Circle, to the Deputy Postmasters-General, Dacca and Shillong, all Superintendents of Post Offices and 1st Class Postmasters, Bengal and Assam Circle.*

It has been decided that one-third of the ministerial appointments in the Post Office in the Bengal and Assam Circle should ultimately be held by Muhammadans, with a view to secure a fair representation of Muhammadans in the Post Office in this Circle, and to increase the recruitment of Muhammadan candidates for such appointments, the following instructions are issued for the guidance of the recruiting officers:—

- (1) Until the standard mentioned above is reached Muhammadans should, as a rule, be appointed at least in every third vacancy, provided that suitable candidates are available. For this purpose it is not necessary that the appointment should be to the actual vacancy that has occurred, but it should be somewhere in the chain of vacancies caused by the filling of the original vacancy.
- (2) In order to secure suitable Muhammadan candidates, care should be taken to see that timely information of the occurrence of vacancies reaches those who are interested in the matter.
- (3) The assistance of recognised Muhammadan Associations and of the Assistant Director of Public Instruction for Muhammadan Education should be freely asked for to obtain suitable candidates.

#### RULES FOR SELECTION OF POSTAL EMPLOYEES.

84. The HONOURABLE MR. ALTAF ALI: (a) Will the Government be pleased to state whether the Postmaster-General, Bengal's letter No. A-12-12 (a), dated the 29th January, 1920, regarding the rules for the selection of Postal employees to sit as candidates at the Inspectors' examinations, is being given effect to?



(b) If the answer is in the affirmative, will the Government be pleased to state the number of Hindus and Muhammadans who have been appointed as Inspectors, Head Clerks and nominated for the ensuing examination?

The HONOURABLE MR. B. N. SARMA : (a) Yes.

(b) Out of 24 officials nominated from the Dacca Range for the last Inspectors' examination, 2 only were Muhammadans. Altogether 58 officials appeared in that examination including these two Muhammadans who failed to pass. Thus properly qualified Muhammadans are not available.

#### MUHAMMADAN CANDIDATES FOR EMPLOYMENT IN POSTAL DEPARTMENT.

85. The HONOURABLE MR. ALTAF ALI : (a) Will the Government be pleased to state whether the orders about taking the assistance of recognised Muhammadan Associations and the Assistant Director of Public Instruction for Muhammadan Education in obtaining suitable Muhammadan candidates contained in the Postmaster General, Bengal's letter No. A.-1-42, dated the 5th March, 1920, have been given effect to?

(b) Will the Government be pleased to state if any notice regarding the occurrences of vacancies in the Bengal and Assam Circles of the Postal Department was given to recognised Muhammadan Associations and the Assistant Director of Public Instruction for Muhammadan Education as directed in the letter referred to above? If not, why not?

The HONOURABLE MR. B. N. SARMA : (a) Yes.

(b) Government are making inquiries and the result will be communicated to the Honourable Member.

#### CLERKS FOR POSTMASTER-GENERAL'S OFFICE, BENGAL AND ASSAM CIRCLES.

86. The HONOURABLE MR. ALTAF ALI : Will the Government be pleased to lay on the table a statement containing the number of clerks sanctioned for the Postmaster-General's office, Bengal and Assam Circle, including Range officers, and the number of appointments held by the Hindus and Muhammadans, respectively?

The HONOURABLE MR. B. N. SARMA : The information asked for by the Honourable Member is given below :—

|                        |     |     |     |     |     |
|------------------------|-----|-----|-----|-----|-----|
| Total number of clerks | ... | ... | ... | ... | 174 |
| Number of Hindus       | ... | ... | ... | ... | 152 |
| Number of Muhammadans  | ... | ... | ... | ... | 7   |

#### HINDUS AND MUHAMMADANS, POSTAL DEPARTMENT (SUPERINTENDENT'S OFFICE).

87. The HONOURABLE MR. ALTAF ALI : Will the Government be pleased to lay on the table a statement showing the number of clerks employed in each Superintendent's office in the Bengal and Assam Circles of the Postal Department and the number of such posts held by Hindus and Muhammadans, respectively, in each division?

The HONOURABLE MR. B. N. SARMA : The figures are not available. They will be collected and supplied to the Honourable Member in due course.

#### APPORTIONMENT OF REPARATIONS RECEIPTS.

88. The HONOURABLE SAIYID RAZA ALI : (a) By what standard has the Imperial Conference agreed to apportion the reparations receipts among the various members of the Empire in the manner recently announced by Reuter?

(b) How is it that India is to receive only 1·2 per cent. of the total receipts, while Canada and Australia and even New Zealand are to receive much more?

The HONOURABLE MR. H. MONCRIEFF SMITH : The standard of apportionment adopted at the Imperial Conference was based on the actual sums by which it was estimated that the States of the Empire would eventually be out of pocket under the headings for which Germany agreed to pay reparation in the Treaty of Versailles. India is to receive less than Canada, Australia or New Zealand because she will be less out of pocket than those countries under these headings.

The Government of India are not yet in a position to give detailed information of the figures for the various parts of the Empire on which the apportionment was made.

#### WITHDRAWAL OF PROSECUTION AGAINST KARNANI AND BANNERJI.

89. The HONOURABLE SAIYID RAZA ALI : (a) With reference to the withdrawal of the prosecution against Karnani and Bannerji, in what is commonly known as the Munitions Board case, has the attention of Government been drawn to the Press comments that one of the reasons which led to the withdrawal was a desire "to save some persons in the highest positions from cutting sorry figures in the witness box"? Is there any truth in the suggestion?

(b) How much public money has already been spent over the case?

(c) In his statement before the Presidency Magistrate, did the Advocate-General exceed, and, if so, in what respect, the instructions given to him? Is there any objection to placing on the table a copy of the communication sent from Simla conveying instructions to the Advocate-General for withdrawing the case?

(d) Will Government be pleased to publish all the papers which may enlighten the public as to the real cause of the withdrawal, including the replies of the Member of Commerce and Industries to the questions sent by the Secretary of State?

The HONOURABLE MR. SHAFI : (a) There is no truth whatever in the suggestion made.

(b) I am unable to state the expenses incurred by the Government of India for the conduct of the prosecution in this particular case. It would be extremely difficult and laborious to separate the expenditure on this particular case from the total expenditure on all the criminal prosecutions undertaken in Calcutta with regard to what is known as the Munitions cases, inasmuch as the bills received in the Audit Office at headquarters do not specify the particular case on which each item of expenditure is incurred. Moreover, some of the fees paid to Counsel cover payments for services rendered in connection with all the cases without making distinctions between them; while it would be impossible in any case to separate in reference to each particular



case, establishment and miscellaneous contingent charges incurred in connection with all of them. I may, however, say that the total expenditure up to the 22nd August 1921, on all these cases, amounted to Rs. 3,26,394-11-6, out of which a sum of Rs. 1,77,849-10-0 was on account of legal fees. A considerable part of this expenditure was incurred in the extradition proceedings in England in the case of the Crown *versus* Waite, Stoddart, Billingham, Blackburn and Michael, and the proportion of the expenditure incurred on the case against Karnani and Bannerji to the whole is relatively small.

(c) and (d) The Honourable Member is referred to the full statement made by the Government of India in their Communiqué published on the 28th August 1921.

#### AMAN SABHAS OR SECURITY LEAGUES.

90. The HONOURABLE SAIYID RAZA ALI : (a) In how many and which of the provinces have *Aman Sabhas* or security leagues been started? Have the Provincial Governments concerned initiated the leagues on their own responsibility, or have they adopted this policy in consultation with the Government of India?

(b) Will Government be pleased to state what object the leagues were intended to serve?

The HONOURABLE MR. H. D. CRAIK : (a) The Government of India are not in a position to give the information asked for. This can more appropriately be obtained from the Local Governments concerned. At least one Local Government initiated the Leagues referred to on its own responsibility, but the Government of India have, on more than one occasion, drawn the attention of Local Governments, to the necessity of counter-propaganda directed against the non-co-operation movement, and have also recently invited the attention of Local Governments, to the possibility of establishing *Aman Sabhas* or similar organisations to combat the movement.

(b) The object of the Leagues appears sufficiently from the answer given to the first part of the Honourable Member's question. The Government of India do not believe that the establishment of these Leagues has in any way given an impetus to the non-co-operation movement. On the contrary, the information in their possession is to the effect that the Leagues have, in several provinces, been supported by a large section of Moderate non-official opinion and have attained a considerable measure of success in counteracting the non-co-operation movement.

#### PASSPORTS FOR MEMBERS OF DEPUTATION TO MESOPOTAMIA.

91. The HONOURABLE SAIYID RAZA ALI : (a) Has the *Anjuman Ahat Aliat* of Lucknow (a representative body of Shia Moslems) written to the Government of India asking for passports for members of a deputation that it proposes to send to Mesopotamia to inquire into certain events that are alleged to have taken place there?

(b) In view of the growing excitement produced among the Indian Shias by reports from Mesopotamia, do Government propose to give facilities to the proposed deputation to visit that country, with a view to find out whether there is any truth in the reports that have appeared in the Press in India?

The HONOURABLE MR. DENYS BRAY : (a) No such application has reached the Government of India.

(b) Yes. In this connection the Honourable Member's attention is invited to the reply I gave him on the 24th March last.

#### TOUR OF LORD LYTTON'S COMMITTEE IN INDIA.

92. The HONOURABLE MR. G. M. BHURGRI : (a) Is it a fact that Lord Lytton's Committee has finished its work in England, and now proposes to tour in India next cold weather?

(b) What is the information they seek by touring in India?

(c) Are not the Government of India in a position to supply such information to the Committee without their coming to India?

(d) What will be the cost of the proposed tour in India?

The HONOURABLE MR. SHAFI : (a) According to the *Communiqué* issued in England, the Indian Students' Committee are continuing their work in England during the current month and will leave England about the end of October with a view to continuing their investigations in India.

(b) The Committee hope, by means of their tour in India, to co-ordinate arrangements in this country with those in England. They also desire to investigate the reasons which at present induce Indian students to leave India for education or technical training, to examine the existing facilities in India, the equivalence of Indian degrees, the questions connected with State scholars and other cognate matters.

(c) It is considered essential that the Committee, having already gathered a large amount of information in the United Kingdom, should examine the problem on the spot in India also in the light of the information they have collected in the United Kingdom.

(d) The cost of the proposed tour in India has been roughly estimated at Rs. 2 lakhs.

#### APPOINTMENT OF FISCAL COMMISSION.

93. The HONOURABLE MR. G. M. BHURGRI : With reference to the reply given to Mr. Jamnadas Dwarkadas, M.L.A., in the Legislative Assembly, on the 1st of March last, will Government be pleased to state—

(a) if they have appointed the Fiscal Commission; if so, what is the personnel of the Commission?

(b) when the Commission would be in a position to start its work?

The HONOURABLE MR. SHAFI : (a) The composition of the Commission has not yet been finally settled, but the Government of India hope shortly to be able to make a pronouncement on the subject.

(b) It is hoped that the Commission will begin work towards the end of October.

#### INDIANS HOLDING GAZETTED APPOINTMENTS IN LOCO. DEPARTMENT, NORTH-WESTERN AND OTHER STATE RAILWAYS.

94. The HONOURABLE SIR ZULFIQAR ALI KHAN : (a) Will Government be pleased to state the number of Indians holding gazetted

appointments in the Loco. Department of the North-Western and other State Railways?

(b) If there are none, will the Government be pleased to consider the desirability of introducing the Indian element?

The HONOURABLE MR. SHAFI : (a) and (b) There is one Ind'an Locomotive Officer on the Eastern Bengal Railway. The Public Services Commission recommended an increase in the Ind'an element, and Government are endeavouring to provide for this.

#### RISE OF INDIAN APPRENTICES ON RAILWAYS TO GAZETTED RANK.

95. The HONOURABLE SIR ZULFIQAR ALI KHAN : (a) Do arrangements exist in the North-Western Railway and other State Railways under which educated Indians are entertained as apprentices and given thorough practical training in all branches of the work of the Loco. Department with a view to afford them equal facilities with Europeans and Anglo-Indians to rise to be gazetted Officers in the Department?

(b) Will Government be pleased to supply similar information with regard to the Carriage and Wagon Department?

The HONOURABLE MR. SHAFI : (a) and (b) There are no facilities at present on State Railways for the training of Indian or European apprentices for appointment to the Superior Locomotive and Carriage and Wagon Departments, but considerable progress in the direction of building technical schools or colleges in the neighbourhood of the Central Workshops of the North-Western, Oudh and Rohilkhand and Eastern Bengal Railways is being made. Technical education rests primarily with the Local Governments, but, in co-operation with the civil authorities, Railways generally are taking steps to enlarge the scope of the training and improving facilities at their shops as it is fully recognized that the better training of Indians in mechanical engineering is a most important consideration.

#### INDIANS AND NON-INDIANS HOLDING GAZETTED APPOINTMENTS ON RAILWAYS.

96. The HONOURABLE SIR ZULFIQAR ALI KHAN : Will Government be pleased to lay on the table a statement showing the numbers of Indians and non-Indians separately holding gazetted appointments in each Department of the North-Western Railway and other State Railways?

The HONOURABLE MR. SHAFI : A statement is placed on the table.

*Statement showing the numbers of Indians and Non-Indians holding gazetted appointments on State Railways.*

| Department.               | Indians. | Non-Indians. |                |
|---------------------------|----------|--------------|----------------|
| Engineering ... ..        | 35       | 160          |                |
| Traffic ... ..            | 30       | 90           |                |
| Locomotive ... ..         | 1        | 74           |                |
| Carriage and Wagon ... .. | 2        | 12           |                |
| Stores ... ..             | 23       | 23           |                |
| Coal Department ... ..    | 18       | 18           | *Probationers. |

#### INTRODUCTION OF INDIANS IN THE SUPERIOR SERVICES OF RAILWAYS.

97. The HONOURABLE SIR ZULFIQAR ALI KHAN : (a) Will the Government be pleased to enlighten the Council as to the causes of absence or great paucity of Indians in the higher ranks of Railway Services, and what remedial measures are under contemplation?

(b) Are Government prepared to take steps so as to improve matters as regards the introduction of Indians in the service of Railways?

The HONOURABLE MR. SHAFI : (a) In the superior traffic establishment, State Railways, 25 per cent. of the officers are Indians; in the Engineering Department, State Railways, 20 per cent. are Indians, in the other departments (the Locomotive, Carriage and Wagon and Stores Departments) the percentage is negligible.

It is intended to recruit in future Indians from the Roorkee and other Engineering and Technical Colleges with a view to raising the number gradually, as qualified men become available, to 50 per cent. of the total in all departments as recommended by the Public Services Commission. I would refer also to my reply to Question No. 15.

The comparative paucity of Indians in the higher ranks of Railway Service is due to the shortage of qualified candidates, and to a certain unwillingness, hitherto, on the part of educated Indians to undergo the training and apprenticeship necessary. The nature of the employment also did not apparently appeal to them.

(b) As just stated it is only of comparatively recent years that the better educated class of Indians has shewn any willingness to come forward with a view to taking up a career on Railways. Civil Engineering Colleges have been in existence for many years, and the question of providing better opportunities of obtaining a good Mechanical Engineering training in this country is receiving the careful consideration of Government.

The Government of India are desirous of obtaining fully qualified Indians for appointment to the Superior Services of the Railway Department, but it will be understood that they must have had some qualifying training.

#### GAZETTED APPOINTMENTS HELD BY INDIANS IN LOCO. AND CARRIAGE AND WAGON DEPARTMENTS, NORTH WESTERN AND OTHER STATE RAILWAYS.

98. The HONOURABLE SIR ZULFIQAR ALI KHAN : Will the Government be pleased to state if Indians have ever held gazetted appointments in the Loco. and Carriage and Wagon Departments of the North-Western Railway and other State Railways? If so, will their names and particulars be stated?

The HONOURABLE MR. SHAFI : Mr. Upendra Nath Bannerjee, appointed by the Secretary of State in 1919, is the first Indian appointed as Assistant Locomotive Superintendent. The particulars of his education and training are—

Educated in Calcutta Technical (Night) School.

Is an A. M. I., Locomotive Engineers, A. M. I. of Engineers and Ship-builders in Scotland. Trained in Locomotive Workshops of North British Locomotive Company, Glasgow.

No Indian has as yet held a gazetted appointment in the Carriage and Wagon Department.

INDIANS, EUROPEANS AND ANGLO-INDIANS DRAWING RS. 300 AND OVER.

99. The HONOURABLE SIR ZULFIQAR ALI KHAN: Will the Government be pleased to lay on the table a statement showing the numbers of Indians and Europeans and Anglo-Indians drawing Rs. 300 and more in the service of Railways owned by the State and worked by Companies?

The HONOURABLE MR. SHAFI: The statement asked for is laid on the table.

*Statement showing staff on Company-worked Railways drawing Rs. 300 and over a month.*

| Railways.                               | Indians.                                        | Europeans or Anglo-Indians. |
|-----------------------------------------|-------------------------------------------------|-----------------------------|
| Assam Bengal ... ..                     | 10                                              | 93                          |
| Bengal Nagpur ... ..                    | 53                                              | 370                         |
| Bombay, Baroda and Central India ... .. | 59                                              | 353                         |
| East Indian ... ..                      | 66                                              | 1,003                       |
| Great Indian Peninsula ... ..           | (Information will be sent later when received.) |                             |
| Madras and Southern Mahratta ... ..     | 20                                              | 236                         |
| South Indian ... ..                     | 25                                              | 160                         |

#### PRIZE POSTS IN THE POST OFFICE.

100. The HONOURABLE SIR ZULFIQAR ALI KHAN: Is it a fact that prize posts in the Post Office, *e.g.*, the post of Postmaster, Simla, the Superintendent of Post Offices, Kashmir Division, are, as a rule, held by Europeans and Anglo-Indians to the exclusion of Indians, who are allowed to act in short temporary vacancies only?

The HONOURABLE MR. B. N. SARMA: Government are not aware that the appointments in question are prize posts. In fact, Simla and Kashmir in the cold weather season would, it is thought, be considered as anything but "prize posts" by an Indian officer. On account of the large European communities resident in each of these places, it has been considered hitherto desirable to have European officers whenever available.

#### CHARGE OF PRESIDENCY POST OFFICES, CALCUTTA AND BOMBAY, UNDER INDIANS.

101. The HONOURABLE SIR ZULFIQAR ALI KHAN: Will the Government be pleased to state if Indian gentlemen have ever held charge of the Presidency Post Offices of Calcutta and Bombay as a permanent measure? If so, will the Government state the names and particulars? If not, what is this due to?

The HONOURABLE MR. B. N. SARMA: No. One Indian gentleman, Mr. Vythialingham Pillai, Presidency Postmaster, Madras, was offered the Presidency Postmastership of Calcutta and he refused it. No other Indian has as yet been found eligible by seniority and qualifications for either of the two appointments named.

#### APPOINTMENTS OF INSPECTOR-GENERAL, DEPUTY INSPECTOR-GENERAL, ETC., OF RAILWAY MAIL SERVICE HELD BY INDIANS.

102. The HONOURABLE SIR ZULFIQAR ALI KHAN: Will Government be pleased to state if Indian gentlemen have ever held the post of Inspector-General, Deputy Inspector-General, or Deputy Postmaster-General of Railway Mail Service and Sorting. If so, their names and particulars should be stated? If not, what is this due to?

The HONOURABLE MR. B. N. SARMA: The posts of Inspector-General and Deputy Inspector-General of Railway Mail Service for India, which ceased to exist in 1907, were never held by Indians, as no Indian Officer at the time became eligible for promotion to any of these posts by seniority and fitness. There are now three appointments of Deputy Postmasters-General, Railway Mail Service, formerly designated Inspector-General, Railway Mail Service. One of these posts was held by Rai Bahadur Hananta Kumar Raha, M.A., who was Deputy Postmaster-General, Railway Mail Service, Eastern Circle, in 1917. At present two out of the three posts are held by Indians, *i.e.*, Mr. Mahendra Nath Lahiri, B.A., permanent Deputy Postmaster-General, Eastern Circle, and Rai Sahib Jogesh Chandra Bannerji, B.A., under orders of confirmation as Deputy Postmaster-General, Railway Mail Service, Western Circle.

#### INCREASE OF PAY OF POSTMASTERS.

103. The HONOURABLE SIR ZULFIQAR ALI KHAN: (a) Will Government be pleased to state if postal officers designated Postmasters have as a class ever received an increase of pay in consideration of the abnormal increase in prices during the Viceroyalties of Lords Minto, Hardinge and Chelmsford as officers of the other services have? If so, particulars may be stated. If not, what is this due to?

(b) Is it a fact that there is a widespread discontent among this class of public servants owing to their not having received any increase in the scale of their pay?

The HONOURABLE MR. B. N. SARMA: (a) There are two classes of Postmasters, *viz.*, non-gazetted and gazetted. The pay of both classes was revised in 1907, but the increases were sanctioned mainly in consequence of the withdrawal of the commission on the sale of postage stamps previously paid to them. At the same time, the pay of Postmasters, Deputy Postmasters, and Assistant Postmasters at the Presidency-towns and at Lahore and Rangoon were revised mainly owing to the increase in their responsibilities. The non-gazetted Postmasters, as a class, came within the scope of inquiry of the Postal Committee of 1920 and their pay was increased last year in the general revision sanctioned by Government in connection with the Committee's proposals. Particulars of the revision sanctioned will be found in the Department of Commerce Resolution No. 6458, dated the 23rd September 1920, a copy of which is laid on the table.

The existing scales of pay for gazetted Postmasters are Rs. 300—400, Rs. 400—500, Rs. 500—600, Rs. 600—800, Rs. 800—1,000 and Rs. 1,000—1,200. These scales were sanctioned in 1907, and the Public Services Commission did not think it necessary to recommend any revision. As, however, the highest scale of pay for non-gazetted Postmasters was, by the revision of

1920, raised from Rs. 200—300 to Rs. 250—350, it has been decided to raise the pay of gazetted Postmasters on Rs. 300—400, Rs. 400—500, Rs. 500—600, and Rs. 600—800 to Rs. 350—450, Rs. 450—550, Rs. 550—650 and Rs. 700—800, respectively.

(b) The gazetted Postmasters have memorialised Government for an increase of pay, but they have not been alone in this respect. Government are not aware of any special discontent among these officials.

# DEPARTMENT OF COMMERCE.

## RESOLUTION.

### POST AND TELEGRAPH ESTABLISHMENTS.

No. 6458.

*Simla, the 23rd September, 1920.*

In continuation of the Resolution in the Department of Commerce No. 4737, dated the 30th July 1920, the Government of India, agreeing generally with the recommendations of the Postal Enquiry Committee, are pleased to pass the following orders with regard to the clerical establishments in Post Offices the pay of which does not exceed Rs. 200—20—300 Inspectors of Post Offices, Head clerks to Superintendents of Post Offices, Departmental Branch Postmasters and Overseers.

(1) *Clerical staff in Post Offices.*—Officials of the clerical class employed in Post Offices other than those to be allotted to the selection grades dealt with in the next clause will be on time-scales as shown below :—

(a) Bombay General Post Office and its town offices, Aden and Rangoon Head Offices and their town offices, and all offices in the Persian Gulf ..... Rs. 50—50—60—3—105—5—140.

*Efficiency bars at Rs. 81 and Rs. 105 stages.*

(b) Calcutta and Madras General Post Offices and their town offices, Alipore, Howrah, Karachi, Lahore and Delhi Head Offices, and their town offices and all offices in Baluchistan..... Rs. 45—45—50—3—65—4—105—5—140.

*Efficiency bars at Rs. 73 and Rs. 103 stages.*

(c) 1st class Head Offices (including their town offices) other than those included in categories (a) and (b), all offices in Burma other than the Rangoon Head Office and its town offices, and all offices in Sind other than the Karachi Head Office and its town offices..... Rs. 40—40—45—3—54—4—130.

*Efficiency bars at Rs. 70 and Rs. 102 stages.*

(d) 2nd class Head Offices and their town offices and all sub-offices other than those which fall under categories (a), (b) or (c) . . . Rs. 35—35—40—3—64—4—120.

*Efficiency bars at Rs. 61 and Rs. 92 stages.*

A local allowance of Rs. 5 will be granted to officials employed in the Nagpur, Wardha and Nimar Districts and in the Berar Districts, with the exception of (1) clerks in the Nagpur Head Office and its town offices, who have been granted a special scale of pay, and (2) the Sub-Postmasters, Chikalda and Dharni who will retain their existing allowances.

The Government of India accept the opinion of the Committee that efficiency bars should be prescribed at suitable stages in the time-scale and that these bars should be rigorously enforced, but the exact tests to be applied will be reserved for further consideration.

Paid probationers as a separate class will be abolished. When a person is selected for employment in the Post Office, he will ordinarily be placed on the minimum pay of the time-scale applicable to the office to which he is attached, and will remain on that pay for a period of 2 years during which he will be regarded as under training and on probation. If the recruit is a man who has passed the Intermediate Examination, his starting pay will be that admissible from the beginning of the 3rd year of service under the appropriate time-scale, while, if he is a graduate, he will start on the pay admissible from the beginning of the 5th year of service under the same time-scale.

Unpaid probationers will, for the time being, be retained for appointment to temporary vacancies.

(2) *Selection grades.*—Grades of Rs. 250—20—350, Rs. 175—10—225 and Rs. 145—5—170, corresponding to the existing grades of Rs. 200—20—300, Rs. 150—10—200 and Rs. 100—10—150, will be introduced for non-gazetted Head Postmasters, Deputy and Assistant Postmasters, Head Clerks of Branches and Senior Accountants in Presidency Post Offices and Sub-Postmasters in charge of offices in which five or more clerks are employed or in which monetary transactions are exceptionally heavy. The appointments which will at the outset be included in these selection grades are those shown in the appended Schedule.

(3) *Inspectors of Post Offices and Head Clerks to Superintendents of Post Offices.*—All these officials will be on a time-scale of Rs. 100—5—175, and the ordinary rate of daily allowance for an Inspector will be increased from Rs. 2 to Rs. 3.

(4) *Departmental Branch Postmasters and Overseers.*—The following time-scale will be sanctioned for Departmental Branch Postmasters and Mail and Cash Overseers :—

### Departmental Branch Postmasters:

|  | India | Burma | Rs.     |
|--|-------|-------|---------|
|  | ...   | ...   | 24—1—32 |
|  | ...   | ...   | 25—1—35 |

Branch Postmasters who are men of the clerical class will be replaced as soon as possible by men of the postmen class, and pending absorption will be given such personal allowance as will raise their emoluments to the pay to which they are entitled on the time-scale for clerks.

### Overseers.

|  | India | Burma | Rs.     |
|--|-------|-------|---------|
|  | ...   | ...   | 32—1—40 |
|  | ...   | ...   | 22—1—30 |
|  | ...   | ...   | 35—1—45 |

2. *Entry on the new scales of pay.*—(1) The Government of India accept the Committee's recommendation that in bringing men in the service on to the time-scales shown in paragraph 1 (1) of this Resolution all past permanent service from the date of admittance to the Department substantively as paid probationer should be allowed to count for increments on those scales, subject to the condition that ordinarily no one should be allowed to draw under this rule more than 50 per cent. in excess of the sum of the pay proper plus war allowance drawn by him on the date of issue of these orders. The Government of India, however, have decided that the 50 per cent. limit shall be relaxed to the extent that no one shall draw less than the minimum pay of the new scale applicable to him in spite of the fact that such minimum pay may be more than 50 per cent. in excess of the pay plus war allowance drawn by him on the date of issue of these orders. In order to provide for graduates and others who on account of special qualifications entered the Department in a grade above the lowest, the rule for determining initial pay on the time-scale will be that such pay should be the pay on which the man was appointed plus an increment for every year of service, from the stage on the time-scale in which he is absorbed which is nearest the pay on which he was appointed. When pay calculated under these rules falls between two stages on the progressive scale, the pay admissible shall be that of the next higher stage. The following examples indicate how the rules should be applied :—

EXAMPLE 1.—A in the grade of Rs. 70 has on the 1st December 1919 completed 16 years of service since he was confirmed as paid probationer. He is acting in the grade of Rs. 80 and is in receipt of Rs. 10 as acting allowance. He is at a place where the scale Rs. 40—40—45—3—54—4—130 is applicable. His pay on transfer to the time-scale will be Rs. 98.

EXAMPLE 2.—B in the grade of Rs. 50 (plus 5 war allowance) is in the 19th year of his service on the 1st December 1919 counting from the date of confirmation as a paid probationer and is to be absorbed in the grade Rs. 35—35—40—3—64—4—120. Here the 50 per cent. limiting rule applies and B is entitled on the time-scale to Rs.  $(50 + 5) \times \frac{1}{2} = 82\frac{1}{2}$ . But as Rs. 82-8-0 is not a stage of the scale his pay should be fixed at the next higher stage, viz., Rs. 84.

EXAMPLE 3.—C a graduate was taken into the Department on Rs. 60 and is now in receipt of Rs. 80 plus a war allowance of Rs. 4. He has eighteen years' permanent service on the 1st December 1919 and is at a place where the scale Rs. 45—45—50—3—65—4—105—5—140 is applicable. The nearest stage to

Rs. 60 in the new time-scale is Rs. 59 and the addition of eighteen increments for his permanent service entitles him to Rs. 135. But here the 50 per cent. limiting rule applies and C is entitled to Rs.  $(50 + 4) + \frac{1}{2}(84) = 128$ , which, however, not being a stage of the proposed scale, his pay should be fixed at the next higher stage, viz., Rs. 130.

(2) The officials to be allotted to the new selection grades will enter those grades in accordance with the ordinary rules of the Civil Service Regulations, and the same rule will be followed in respect of Departmental Branch Postmasters and Overseers.

(3) Inspectors and Head Clerks to Superintendents in India will be allowed the benefit of one increment for every two years of service, and those in Burma one increment for every year of service, substantive or acting, as Inspector or Superintendent's Head Clerk or both.

3. *Date of giving effect to the new scales of pay.*—The Committee have recommended that the new scales of pay together with the local allowances proposed in certain districts in the Central Circle should be introduced from the 1st December 1919, in view of the fact that revision of pay of the Telegraph Department was introduced from that date, and the Government of India have decided to accept this proposal. From the arrears of pay which will become due under this order, the advance of one month's pay sanctioned under the orders passed by the Government of India in this Department on the 31st May 1920 shall first be deducted. If the advance already drawn exceeds the total arrears due, if any, the balance shall be recovered from the monthly pay in three equal instalments.

4. *Local and house-rent allowances.*—All existing house rent allowances will be continued. Existing local allowances will also be continued up to 31st December 1920, after which date they will be withdrawn unless on examination they are found to be justified in addition to the enhanced rates of pay now sanctioned. Postmasters-General are being instructed at once to examine all existing local allowances and to submit proposals for the continuance of such as they may consider necessary. This examination should be concluded in time to allow of fresh sanction being given where necessary before 31st December 1920, but if for any reason the fresh sanction cannot be given in time, the allowances when eventually sanctioned will have retrospective effect from 1st January 1921. In the case of local allowances (other than those which are given as compensation for depreciation of currency, for example, the Cutch currency allowance) which have been sanctioned on the basis of a fixed percentage on pay, the allowance to be continued will be the amount which is actually drawn at the date of issue of these orders and not a percentage on pay.

5. *War and grain compensation allowances.*—With the introduction of the revised scales of pay shown in the preceding paragraphs, the war allowances (including those which in the case of certain officials in Bombay and Karachi were substituted for local allowances) and grain compensation allowances hitherto drawn by the staff will be discontinued with effect from the 1st December 1919. The Director-General of Posts and Telegraphs has been authorised to sanction the grant of a personal allowance to any person who may be adversely affected by the revision, so as to protect him from actual loss of emoluments.

6. *Cost of revision.*—The total cost of this revision of pay is estimated at approximately Rs. 54½ lakhs a year.

ORDER.—Ordered that a copy of the Resolution be forwarded to the Director-General of Posts and Telegraphs and to the Finance Department.

ORDERED also that it be published in the *Gazette of India* for general information.

#### SCHEDULE.

##### LIST OF SELECTION GRADE APPOINTMENTS.

Rs. 250—20—350. (106).

##### BENGAL AND ASSAM.

*Postmasters.*—Darjeeling, Alipore, Burdwan, Comilla, Shillong, Barisal, Sylhet, Faridpur, Pabna, Jalgaipuri, Midnapore.

*Deputy Postmaster.*—Dacca.

*Three Assistant Postmasters.*—Calcutta General Post Office.

*Sub-Postmasters.*—Bara Bazar, Bow Bazar, Dharamtalla, Simla (Calcutta), Camac Street, Beadon Square, Amherst Street.

*Accountant.*—Calcutta General Post Office.

*Four Head Clerks.*—Calcutta General Post Office.

*Superintendent.*—Sanitary Department, Calcutta General Post Office.

*Traffic Supervisor.*—Calcutta General Post Office.

#### QUESTIONS AND ANSWERS.

##### BIHAR AND ORISSA.

*Postmasters.*—Muzaffarpur, Cuttack, Gaya, Patna, Ranchi, Chapra.

##### BOMBAY.

*Postmasters.*—Surat, Hyderabad (S.), Belgaum, Baroda, Rajkot, Sukkur.

*Deputy Postmasters.*—Karachi and Poona.

*Four Assistant Postmasters.*—Bombay General Post Office.

*Sub-Postmasters.*—Mandvi, Kalbadevi.

*Accountant.*—Bombay General Post Office.

*Five Head Clerks.*—Bombay General Post Office.

##### BURMA.

*Postmasters.*—Pegu, Moulmein, Akyab, Bassein.

*Two Assistant Postmasters.*—Rangoon.

*Two Head Clerks.*—Rangoon Head Post Office.

##### CENTRAL.

*Postmasters.*—Indore, Ajmer, Raipur, Jodhpur.

##### MADRAS.

*Postmasters.*—Dhanushkhodi, Trichinopoly, Calicut, Mysore, Ootacamund, Kumbakonam, Tanjore, Coimbatore, Rajahmundry, Tinnevely and Negapatnam.

*Deputy Postmaster.*—Bangalore.

*One Assistant Postmaster.*—Madras General Post Office.

*Sub-Postmaster.*—Mount Road.

*Accountant.*—Madras General Post Office.

*Manager, M. O. and S. B. Department.*—Madras General Post Office.

*One Head Clerk.*—Madras General Post Office.

##### PUNJAB AND NORTH-WEST FRONTIER.

*Postmasters.*—Ludhiana, Sialkot, Srinagar, Gujranwala, Hoshiarpur, Ferozepore, Jhelum, Multan, Lyallpur.

*Deputy Postmasters.*—Delhi, Simla, Rawalpindi.

*One Assistant Postmaster.*—Lahore Head Post Office.

*Sub-Postmaster.*—Chandni Chowk (Delhi).

##### UNITED PROVINCES.

*Postmasters.*—Naini Tal, Mussorie, Jhansi, Bareilly, Gorakhpur, Moradabad and Muttra.

*Deputy Postmasters.*—Cawnpore, Lucknow.

Rs. 175—10—225. (268).

##### BENGAL AND ASSAM.

*Postmasters.*—Chinsura, Rangpur, Krishnagar, Jessore, Silchar, Berhampore, Dibrugarh, Bankura, Noakhali, Gauhati, Dinajpur, Jorhat, Barrackpore, Rajshahi, Malda, Khulna, Bogra, Cooch Bihar, Dhubri and Tezpur.

*Deputy Postmasters.*—Chittagong, Mymensingh, Howrah.

*Two Assistant Postmasters.*—Dacca Head Post Office.

*Sub-Postmasters.*—Asansol, Hatkhola, Narayanganj, Chandernagore, Raniganj, Diamond Harbour, Entally, Chandpur, Kishanganj.

*Deputy Sub-Postmasters.*—Bara Bazar, Bow Bazar, Dharamtala.

*Eighteen Head Clerks.*—Calcutta General Post Office.

##### BIHAR AND ORISSA.

*Postmasters.*—Aitah, Hazaribagh, Monghyr, Bhagalpur, Lahiria Sarai, Purnia, Puri, Purnea, Jharia, Sambalpur, Balasore and Motihari.

*Sub-Postmasters.*—Patna City, Nepal.

##### BOMBAY.

*Postmasters.*—Ahmednagar, Bhavnagar, Dharwar, Bushire, Nasik, Broach, Dhulia, Ratnagiri, Sholapur, Jalgaon, Satara, Karwar, Bijapur, Thana, Kaira and Bhuj.

*Deputy Postmasters.*—Ahmedabad and Aden.

*Two Assistant Postmasters.*—Karachi Head Post Office.

*Assistant Postmaster.*—Poona Head Post Office.

*Sub-Postmasters.*—Girgaon, Poona City, Umarchadi, Crawford Market, Mumbadevi,

Byculla, Grant Road and Bandar Abbas.

*Assistant Accountant.*—Bombay General Post Office.

*Twenty-four Head Clerks.*—Bombay General Post Office.

#### BURMA.

*Postmasters.*—Tavoy, Toungoo, Prome, Shwebo, Meiktila, Monywa, Mogok, Port Blair, Bhamo, Taunggyi, Pakokku, Myitkyina, Mergui, Maubin.

*Deputy Postmasters.*—Mandalay, Moulmein.

*Sub-Postmasters.*—Maymyo, Nanttu, Pazundang, Fraser Street, Rangoon Cantonment, East Rangoon.

*Treasurer.*—Rangoon Head Post Office.

*Seven Head Clerks.*—Rangoon Head Post Office.

#### CENTRAL CIRCLE.

*Postmasters.*—Akola, Amraoti, Bhopal, Hoshangabad, Kotah, Jaipur, Bikaner, Neemuch, Saugor Cantonment, Bilaspur, Sambhar Lake and Khandwa.

*Deputy Postmasters.*—Nagpur, Jubbulpore.

*Sub-Postmasters.*—Mhow, Jaipur City and Pachmarhi.

#### MADRAS.

*Postmasters.*—Guntur, Vellore, Cocanada, Salem, Vizagapatam, Mangalore, Masulipatam, Bellary, Chittoor, Shimoga, Nellore, Pondicherry, Cuddalore, Cochin, Berhampur, Trivandrum, Cuddapah, Chingleput, Kurnool.

*Deputy Postmasters.*—Dhanushkodi, Madura, Hyderabad.

*Sub-Postmasters.*—Bangalore City, Secunderabad, Park Town, Sowcarpet, Vepery and Triplicane.

*Five Head Clerks.*—Madras General Post Office.

#### PUNJAB AND NORTH-WEST FRONTIER.

*Postmasters.*—Abbottabad, Dera Ismail Khan, Gujrat, Kohat, Bannu, Sargodha, Gurdaspur, Campbellpur, Jullundur, Jammu, Dharamsala, Dera Ghazi Khan, Rohtak and Hissar.

*Deputy Postmasters.*—Amritsar, Quetta, Peshawar and Ambala.

*Two Assistant Postmasters.*—Simla.

*Two Assistant Postmasters.*—Delhi.

*One Assistant Postmaster.*—Lahore.

*Two Assistant Postmasters.*—Rawalpindi.

*Sub-Postmasters.*—Kohi-Malik-Siah-Ziaret, Simla Secretariat, Murree, Lahore Cantonment, Multan City, Dalhousie, Kasauli, Nowshera, and Fort Sandeman.

#### UNITED PROVINCES.

*Postmasters.*—Muzaffarnagar, Mirzapur, Shahjahanpur, Fatehgarh, Ghazipur, Basti, Rae Bareilly, Bulandshahr, Almora, Jaunpur, Dehra Dun, Aligarh, Azamgarh, Saharanpur, Fyzabad, Ballia, Sultanpur, Banda, Partabgarh, Etawah, Sitapur and Gonda.

*Deputy Postmasters.*—Agra, Allahabad, Benares City, Meerut.

*Assistant Postmasters.*—Lucknow, Cawnpore.

*Sub-Postmasters.*—Aligarh City and Allahabad City.

Rs. 145—5—170. (440.)

#### BENGAL AND ASSAM.

*Postmasters.*—Nowgong, Sari.

*Deputy Postmasters.*—Alipore, Sylhet, Comilla, Burdwan, Shillong, Darjeeling, Pabna, Rangpur, Jalpaiguri, Faridpur, Jessore, Midnapore, Krishnagar, Chinsura, Silchar, Cooch Behar, Dhubri and Tezpur.

*Assistant Postmasters.*—Mymensingh, Chittagong.

*Sub-Postmasters.*—Kyd Street, Cossipore, Ballygunge, Bagh Bazar, Bhawanipur, Kidderpore, Fort William, New Market, Shyam Bazar, Sirajganj, Madaripur, Jamalpur, Netrokona, Tangail, Munshiganj, Jhalakati, Patuakhali, Manigonj, Goalundo, Bhairab, Fenir, Habiganj, Karimganj, Colootola, Khengrapati, Tirretta Bazar, Ramna, College Street, Nator.

*Deputy Sub-Postmasters.*—Camac Street, Simla (Calcutta).

*Two Assistant Sub-Postmasters.*—Bara Bazar.

*Assistant Postmasters.*—Bow Bazar, Dharamtala.

*Assistant Traffic Supervisor.*—Calcutta General Post Office.

*Twelve Head Clerks.*—Calcutta General Post Office.

#### BIHAR AND ORISSA.

*Postmasters.*—Daltonganj, Dumka, Chaibassa.

*Deputy Postmasters.*—Gaya, Chapra, Cuttack, Muzaffarpur, Ranchi, Monghyr, Hazaribagh, Arrah, Patna, Bhagalpur, Purulia, Purnea, Puri, Jharra, Sambalpur, Balasore, Motihari.

*Sub-Postmasters.*—Siwan, Jamshedpur, Dinapore Cantonment, Darbhanga, Ranchi Secretariat, Katihar, Sakrigali, Bhagalpur City.

#### BOMBAY.

*Postmasters.*—Wadhwan Camp, Alibagh.

*Deputy Postmasters.*—Baroda, Belgaum, Nasik, Dharwar, Surat, Bhavnagar, Ahmednagar, Rajkot, Jalgaon, Satara, Ratnagiri, Sholapur, Dhulia, Broach, Sukkur, Karwar, Bijapur, Thana, Kaira, Bhuj, Hyderabad.

*Assistant Postmasters.*—Ahmedabad, Poona, Belgaum, Karachi and Hyderabad.

*Sub-Postmasters.*—Malabar Hill, Navsari, Cutch Mandvi, Ahmedabad-Kalupur, Hubli, Kirkee, Jamnagar, Kalyan, Kolhapur City, Bulsar, Patan, Bhusaval, Anjar, Nadiad, Bagalkot, Chiplun, Godhra, Devlali, Junagad, Shikarpur, Karachi City, Larkana, Aden Camp, Bandra, Parel, Mazgaon, Sangli, Pandharpur, Satara City, Porbandar, Ankleshwar, Dhoraji, Malvan, Viramgam, Amreli, Mehsana, Mirpur, Khas, Apollo Street, Veraval.

*Deputy Sub-Postmasters.*—Poona City, Mandvi, Girgaon, Kalbadevi, Mahabaleshwar.

*Assistant Sub-Postmasters.*—Mandvi, Kalbadevi.

*Sixteen Head Clerks.*—Bombay General Post Office.

#### BURMA.

*Postmasters.*—Mawlaik, Magwe, Kyakpyu.

*Deputy Postmasters.*—Toungoo, Tavoy, Akyab, Pegu, Prome, Mogok, Shwebo, Bassein, Monywa, Mergui, Myitkyina, Maubin, Meiktila, Bhamo.

*Sub-Postmasters.*—Insein, Rangoon Secretariat, Kandawgly, Kemmendine, Myingyan, Henzada, Pyapon, Yenangyaung, Sagaing, Katha, Myaungmya, Pyinmana, Minbu, Thayetmyo.

*Assistant Postmaster.*—Mandalay.

*Assistant Treasurer.*—Rangoon Head Post Office.

#### CENTRAL.

*Postmasters.*—Udaipur, Buldana, Chanda.

*Deputy Postmasters.*—Ajmer, Indore, Bilaspore, Raipur, Akola, Jodhpore, Amraoti, Bhopal, Hoshangabad, Bikaner, Saugor Cantonment, Jaipur, Kotah, Neemuch, Sambhar Lake, Khandwa.

*Assistant Postmasters.*—Nagpur, Jubbulpore.

*Sub-Postmasters.*—Katni, Chhindwara, Kamptee, Sutna, Rutlam, Nasirabad, Nagpur City, Alwar, Burhanpur, Beawar, Yeotmal, Indore, Sharifa and Gondia.

*Deputy Sub-Postmasters.*—Mhow.

#### MADRAS.

*Postmasters.*—Ramanad, Hassan, Chikmagalur and Anantpur.

*Deputy Postmasters.*—Calicut, Ootacamund, Mysore, Trichinopoly, Vizagapatam, Negapatam, Kumbakonam, Vellore, Masulipatam, Cocanada, Rajamundry, Salem, Coimbatore, Guntur, Mangalore, Tanjore, Tinnevely, Bellary, Cuddalore, Nellore, Berhampur, Cochin, Shimoga, Chittoor, Pondicherry, Cuddapah, Chingleput, Kurnool.

*Two Assistant Postmasters.*—Hyderabad.

*Two Assistant Postmasters.*—Bangalore.

*Assistant Postmasters.*—Dhanushkodi, Madura, Negapatam.

*Sub-Postmasters.*—Mylapore, Cannanore, Tuticorin, Ellore, Tellicherry, Dindigul, Coonoor, Palghat, Vizianagram, Palamcottah, Bezvada, Chidambaram, Alleppy, Conjeevaram, Teppakulam, Nayavaram, Erode, Tenali, Vellore Fort, Karur, Mercara, Bangalore Bazar, Periyakulam, Mannady, Flower Bazar, Cuddalore old town.

*Deputy Sub-Postmasters.*—Secunderabad, Bangalore City, Mount Road.

#### PUNJAB AND NORTH-WEST FRONTIER.

*Postmasters.*—Gurgaon, Mianwali Jhang, Drosh, Karnal, Bahawalpur, Muzaffargarh and Montgomery.

*Deputy Postmasters.*—Ludhiana, Ferozepore, Srinagar, Jhelum, Sialkot, Multan, Dera Ismail Khan, Lyallpur, Abbottabad, Hoshiarpur, Gujranwala, Jammu, Gujrat, Gurdaspur,



Sargodha, Jullundur, Kohat, Campbellpore, Dharamsala, Dera Ghazi Khan, Rohtak, Hissar and Bannu.

*Assistant Postmasters.*—Amritsar, Ambala and Quetta.

*Two Assistant Postmasters.*—Peshawar.

*Sub-Postmasters.*—Chota Simla, Jullundur City, Peshawar City, Sialkot City, Mathura, Ferozepore City, Nathiagali, Ambala City, Sirsa, Bhiwani, Rewari, Batala, Tank, Rawalpindi City, Loralai and Naulakha.

*Deputy Sub-Postmasters.*—Chandni Chowk, Multan City, Secretariat (Simla).

*One Head Clerk.*—Lahore Head Post Office.

#### UNITED PROVINCES.

*Postmasters.*—Bijnor, Etah, Mainpuri, Kheri-Lakhimpur, Fatehpur, Unao, Bahraich, Budaan, Pilibhit, Pauri, Bara Banki, Hardoi.

*Deputy Postmasters.*—Jhansi, Mussorie, Bareilly, Naini Tal, Mirzapur, Jaunpur, Azamgarh, Aligarh, Fyzabad, Muttra, Bulandshahr, Muzaffarnagar, Gorakhpur, Fatehgarh, Almorah, Moradabad, Saharanpur, Shahjahanpur, Rai Bareilly, Dehra Dun, Ballia, Sultanpur, Banda, Partabgarh, Etawah and Sitapur.

*Assistant Postmasters.*—Meerut, Allahabad, Lucknow, Benares City, Cawnpore and Agra.

*Sub-Postmasters.*—Benares Cantonment, Hathras, Kanauj City, Farrukhabad City, Roorkee, Agra City, Rampur State (United Provinces), Ranikhet, Bishewarganj, Collector-ganj, Generalganj, Chakrata, Lansdowne, Lucknow Chowk, Chandausi, Katra (Allahabad).

C. A. INNES,

Secretary to the Government of India.

#### BLACKMAIL BY STATION MASTERS AND GOODS CLERKS, NORTH WESTERN RAILWAY.

104. The HONOURABLE SIR ZULFIQAR ALI KHAN: Is it a fact that Station Masters and Goods Clerks on the North Western Railway levy blackmail on consignees of goods and parcels and refuse to deliver consignments unless and until the blackmail is paid? If so, will Government state what steps they contemplate taking to put a stop to such malpractices?

The HONOURABLE MR. SHAFI: Government are not aware that it is a fact that Station Masters and Goods Clerks on the North Western Railway levy blackmail on consignees of goods and parcels and refuse to deliver consignments unless and until the blackmail is paid. Isolated cases of the kind may possibly occur, but Government are not aware that they are peculiar to the North Western Railway. In the event of any direct charge being brought against a railway employee of the nature referred to, the Railway Administration takes immediate steps to investigate the matter, and, if evidence is forthcoming, he is promptly dealt with. If the Honourable Member is aware of any specific instance of this kind, I have no doubt the Department will take action should the Honourable Member inform them of it.

#### REFUSAL BY STATION MASTERS, PUNJAB, TO SUPPLY WAGONS.

105. The HONOURABLE SIR ZULFIQAR ALI KHAN: Is it a fact that Station Masters in the service of the Railway in the Punjab refuse to supply wagons to intending consignors of merchandise unless certain fixed 'Bakhshish' is paid? If so, do Government propose to investigate the matter through non-official agency and take measures to put an end to this state of affairs?

The HONOURABLE MR. SHAFI: Government are aware that instances have occurred of Station Masters selling wagons. Repeated and continuous efforts have been made to put a stop to this practice, but it is felt that, unless

the public will themselves assist in putting down such practices, it is a very difficult matter for the Railway Authorities to deal with such cases which require due evidence from those who have offered the bribe.

A Conference was recently called by the Punjab Government to consider this question among others and certain suggestions have been put forward which include the assistance of the public themselves and of the Civil Authorities. The Railway Board will cordially co-operate with any such assistance in putting a stop to malpractices of the kind referred to.

#### MEASURES FOR CREATING PASTURES NEAR URBAN AREAS.

106. The HONOURABLE SIR ZULFIQAR ALI KHAN: (a) Do Government contemplate measures:—

(i) for creating pastures near the urban areas;

(ii) for affording facilities to rural populations for the grazing of their cattle;

(iii) for financing or otherwise encouraging establishment of dairies all over the country?

(b) If so, what measures?

The HONOURABLE MR. B. N. SARMA: The Government of India do not contemplate any action regarding the measures suggested in paragraphs (a) (i) and (a) (ii) of the question, which relate to matters of purely provincial concern. The measure suggested in paragraph (a) (iii) of the question is likewise a matter primarily of provincial concern, but the Government of India are considering the establishment under the Central Government of a dairy at Lucknow for purposes of training students.

#### APPOINTMENTS IN THE IMPERIAL FOREST AND VETERINARY DEPARTMENTS.

107. The HONOURABLE SIR ZULFIQAR ALI KHAN: Will Government be pleased to state:—

(a) The number of appointments made in the Imperial Forest and Veterinary Departments during the current year?

(b) The number of such appointments allotted to different communities in India?

The HONOURABLE MR. B. N. SARMA: (a) No appointments have been made in the Imperial Forest Service during the current year. Appointments are usually made later in the autumn. If, however, the Honourable Member refers to the appointment of probationers, I may explain that 20 Indian and 10 European probationers have been selected by the Government of India this year. Among these, 4 Indians and all the Europeans were selected under the special regulations for the recruitment of persons who had done military service. In addition, the Secretary of State has selected in England 24 Europeans and 2 Indians.

Three appointments have been made by the Secretary of State to the Civil Veterinary Department. All these are Europeans. So far as is known, no qualified Indian candidate was forthcoming. The Government of India have also selected 5 Indians who have been sent to England as State scholars with a view to their training for the Civil Veterinary Department.



(b) Appointments have not been definitely allotted to the different communities in India; but out of the 20 Indian Forest probationers selected in India, 14 are Hindus, 5 Sikhs and 1 is a Muhammadan. Of the 5 Veterinary State scholars, 3 are Hindus, 1 Sikh and 1 Muhammadan.

#### MOPLAH RIOTS AND CASUALTIES.

108. The HONOURABLE SIR ZULFIQAR ALI KHAN: Will the Government be pleased to state—

- (a) The circumstances which led to excitement among the Moplahs?
- (b) The number of casualties among Moplahs on account of shooting by Government troops?
- (c) The number of officials murdered by Moplahs?
- (d) The amount of damage done to property by the mob?

The HONOURABLE MR. H. D. CRAIK: (a) The Honourable Member is referred to the speech made by the Honourable Sir William Vincent in this Council on the 5th September, 1921, which dealt with the whole subject.

(b) It has not been found possible to arrive at any definite estimate of the number of casualties among the Moplahs; but rough estimates have appeared in the Press.

(c) So far as is known, the answer is 12 killed and 10 wounded. The number killed includes one person not in the employment of Government; while the number of police officials wounded has not yet been reported. In addition to these casualties, unverified reports indicate that a number of Hindus of the civil population have been murdered.

(d) In existing circumstances, it is impossible to collect even approximate particulars of the damage to property in the disturbed area. A statement is laid on the table giving such information as is available.

#### Statement.

1. Railway Stations at Kadalandi and Parapangadi attacked and looted. Line for former cut in three places.
2. Post Offices at Parapangadi and Tanur looted.
3. Railway damaged at several places west of Shoranur.
4. Road and telegraphic communications reported interrupted by Sub-divisional Magistrates of Malapuram and Palghat.
5. Police Inspector at Waluvanad reports that two police thanas were attacked, the records burnt and the carbines taken.
6. Manjeri treasury gutted and treasury at Waluvanad looted. (The Accountant-General estimates that the former contained 1 lakh and 30 thousand in cash and 4½ lakhs in notes and the latter, 27 thousand in cash). The District Magistrate reported that other public offices had been destroyed and Manas and Kovilakones (i.e., houses of Nambudris and Rajas) pillaged.
7. Dacoity and looting was reported to be rife in Waluvanad, Ernad and Ponnani taluks also east of Calicut by the District Magistrate, Calicut. Line cut to Kuttippatam, perhaps beyond; bridges broken from 10th mile from Calicut.
8. Forest Officer's bungalow, Nilambur, and Range Officer's quarters and lines gutted.
9. Plundering of houses and liquor shops reported by Sub-divisional Magistrate, Palaghat.

10. A telegram from Madras dated 30th August reported that the railway to Calicut had been temporarily repaired and that throughout the affected area Government offices had been wrecked and looted and records destroyed. Communications had been obstructed, all ordinary business was at a stand-still, and famine conditions were imminent in portions of the affected area.

11. Press reports state (1) that Hindu houses at Tirur were plundered, also the Trikanthiyur Temple, near Tirur, and the Tanur fishery station sacked, (2) the Kerala rubber estate was attacked, the bungalows, factory and dispensary burnt and cash and property looted.

The HONOURABLE MR. G. S. KHAPARDE: Sir, I do not propose to put the question.

The HONOURABLE THE PRESIDENT: Does the Honourable Member in charge of the Government desire that the answer be given?

The HONOURABLE MR. SHAFI: No, Sir.

Question No. 109 was therefore withdrawn.

#### ELECTRIFICATION OF SUBURBAN SERVICES OF GREAT INDIAN PENINSULA AND BOMBAY, BARODA AND CENTRAL INDIA RAILWAYS.

110. The HONOURABLE MR. PHIROZE C. SETHNA: Will the Government be pleased to give an indication as to the dates by which they expect at least the suburban services of the Great Indian Peninsula and Bombay, Baroda and Central India Railways from Bombay northwards to be electrified?

The HONOURABLE MR. SHAFI: It is not possible at present to give any indication as to the dates by which the suburban services of the Great Indian Peninsula and Bombay, Baroda and Central India Railways from Bombay northwards will be electrified, as the question of financing these schemes is still under consideration.

#### REPORT OF RAILWAY COMMITTEE.

111. The HONOURABLE MR. PHIROZE C. SETHNA: Are the Government prepared to give an assurance that they will take no action on the report of the Railway Committee now sitting without first giving an opportunity to the Indian Legislature to express their views on the same?

The HONOURABLE MR. SHAFI: The Honourable Member is referred to the Resolution moved by Mr. B. S. Kamat at the Delhi Session of the Legislative Assembly on 24th February, 1921, when Government gave an undertaking that, as far as practicable, steps will be taken to ensure that no action, administrative or legislative, be taken on Reports of Commissions or Committees appointed by the Secretary of State for India or the Government of India until an opportunity shall have been given by Government to the Indian Legislature to express its opinion thereon.

#### PROGRESS OF REVENUE AND EXPENDITURE.

112. The HONOURABLE SIR MANECKJI DADABHOY: Are the Government in a position to make any statement regarding the progress of revenue and expenditure in the current financial year, and as to whether the budget expectations regarding a surplus are likely to be realised?

The HONOURABLE MR. E. M. COOK : The Honourable Member will, I hope, appreciate the difficulty of making any forecast, at this stage in the financial year, as to how far the budget expectations are likely to be realised. The actual figures are available for the revenue and expenditure of the first four months of the financial year, *i.e.*, April to July, and have been published, while for August we have approximate figures. It would not, however, be safe to base thereon any definite estimate of the figures for the full year. The heads of revenue which have been allotted to the Central Government are such as depend almost entirely upon trade conditions, and it follows that the figures for months which, even in a normal year, represent a period of slack trade, cannot give any conclusive indication of the probable revenue receipts during the whole of the year. The conditions of the second half of the year, which is the busy season, are the decisive factor in influencing our revenue. I can therefore only give an indication of the general trend so far of our revenue and expenditure.

It is probable that by the end of August we collected about 13 crores of Customs revenue. Even allowing for a higher scale of receipts during the coming cold weather, it is safe to say that this year's revenue from Customs will fall short, probably by several crores, of the budget figure of 38½ crores. This deterioration is likely to occur in all the important tariff heads except sugar and machinery, the imports of which, if maintained on their present scale, will be in excess of those anticipated. The other important head of revenue is railways. The gross traffic receipts have not fallen off so much as might have been expected when one considers the marked slump in trade. It is certain, however, that the working expenses of the railways will show a considerable excess, much of which will be due to large purchases of foreign coal rendered necessary by the small raisings of Indian coal; the excess expenditure on account of coal alone is likely to amount to at least 3 crores.

On the expenditure side, the interest charges will be larger by about a crore and a half owing to the large loan receipts. There will also be an excess of military expenditure due to the necessity for continuing the occupation of Southern Waziristan and Wana, budget provision having been made for the occupation of Northern Waziristan only. As regards exchange, the budget provided for a debit of 5½ crores on the basis of an average rate of 1s. 8d. If the average rate for the year works out at only 1s. 4d. the extra debit, working on the basis of net expenditure in England as budgeted for, *i.e.*, about £25½ millions, will be about 7½ crores; if at 1s. 5d. the extra debit will be about 5 crores, and if at 1s. 6d. about 3 crores.

These are the more important variations which, so far as can be seen at present, are likely to occur, and I need hardly say that the surplus of 71 lakhs entered in the budget will not be realised.

#### FOREST RESEARCH INSTITUTE AND COLLEGE.

113. The HONOURABLE LALA SUKHBIR SINHA : (a) Is it a fact that all the students of the Ranger Class in the Forest Research Institute and College are Indians?

(b) Is the post of House Tutor filled by an Indian or a non-Indian?

(c) What special qualifications has the present incumbent for this post?

The HONOURABLE MR. B. N. SARMA : (a) The two classes at present under training consist entirely of Indians.

(b) The post is at present filled by the Senior European Instructor.

(c) He is an Imperial Service Officer of 14 years' service on the United Provinces list, who has been specially selected to fill the post of Principal when the College is transferred to the control of the Government of the United Provinces.

#### PAY, PROSPECTS, ETC., OF POSTMASTERS GENERAL.

114. The HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY, OF KASIMBAZAR : (a) Has the attention of the Government been drawn to a letter from the Secretary, Postal Officers' Association, to the address of the Secretary, Public Works Department, on the subject of the pay, prospects and recruitment of departmental Postmasters-General?

(b) Is it a fact that different rates of pay have been fixed for I. C. S. Postmasters-General and departmental Postmasters-General?

(c) Is it a fact that with the new rates of pay, while I. C. S. Postmasters-General will get an increase of pay, some of the departmental Postmasters-General will get less than what they have been drawing?

(d) If so, do the Government propose to re-examine the whole position and remedy the grievance pointed out by the Postal Officers' Association in their letter referred to in (a) above?

The HONOURABLE MR. B. N. SARMA : (a) Yes.

(b) Yes. Postmasters-General who are members of the Indian Civil Service draw pay on the time scale of that service *plus* Rs. 250. Departmental Postmasters-General draw pay on time scale of Rs. 1,750—100—2,250 with one selection post on Rs. 2,500.

(c) Yes. Some of the departmental Postmasters-General, if brought on to the time scale under the ordinary rules, would draw less than what they were drawing. This matter is under adjustment.

(d) The representation of the Association is only just to hand and will receive due consideration.

#### SUCCESSION TO OFFICE OF POSTMASTER-GENERAL, BENGAL AND ASSAM.

115. The HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY, OF KASIMBAZAR : (a) Is it a fact that the present temporary incumbent of the office of the Postmaster-General of Bengal and Assam, who happens to be an Indian gentleman, is about to be succeeded by a junior European officer as a permanent incumbent to that office?

(b) If so, will the Government be pleased to state the reasons for this?

The HONOURABLE MR. B. N. SARMA : (a) and (b) The Honourable Member presumably refers to the selection of Mr. G. W. Talbot for permanent transfer to the cadre of Postmaster-General instead of Mr. G. P. Roy. If this is the case the facts are as follows. Both the officers were appointed to the Telegraph Department on the same date and were promoted to administrative rank on the same date. Mr. Talbot was employed as Postmaster-General with effect from the 6th December 1916, and at the end of 1918 expressed his willingness to forego his chances of promotion in the Telegraph branch if he was transferred permanently to the cadre of Postmaster-General. Mr. Roy's appointment as

Postmaster-General dates from the 1st February, 1920. He did not apply for a permanent transfer to the Postmaster-General's cadre until it was declared that such transfer did not involve a renunciation by a telegraph officer of his chances of advancement in his own line. In the circumstances, it was decided that Mr. Talbot had a stronger claim than Mr. Roy for a permanent transfer to the cadre of Postmaster-General. Mr. Roy's pay as Director of Telegraph Engineering is the same as the pay drawn by him as Postmaster-General.

#### INCREASE TO THE NUMBER OF INDIAN APPRAISERS.

116. The HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY, OF KASIMBAZAR : (a) Will the Government be pleased to state if they have issued any instructions to the Collectors of Indian Custom Houses to raise the number of Indian appraisers to half of the total number of appraisers employed under them ?

(b) If so, what action, if any, has been taken so far in the Custom House of Calcutta to give effect to the above instruction ?

(c) What is the total number of appraisers in the Custom House in Calcutta now, and, of these, how many are Indians ?

(d) Is it a fact that in the case of Indians applying for these appointments some kind of commercial training is insisted upon as a general rule, while no such qualification is demanded of applicants who are Europeans or Anglo-Indians ?

The HONOURABLE MR. SHAFI : (a) In matters of this kind the Government of India do not issue instructions direct to Collectors of Customs. In 1900, they asked the Government of Bengal to try the experiment of appointing Indians as Appraisers, and again in 1909 they invited the attention of the Local Government to those orders.

(b) and (c) The total number of Appraisers at present employed in the Calcutta Custom House is 26, of which 8 are Indians.

(d) The Calcutta Custom House is under the administrative control of the Local Government, and the Government of India have no information on the point.

#### IMPERIAL CUSTOM SERVICE.

117. The HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY, OF KASIMBAZAR : (a) Have there been cases of promotion of officers or other employees from the subordinate to the Imperial Custom Service in the Calcutta office ?

(b) If so, of the persons so promoted, how many have been Europeans and Anglo-Indians, how many Bengalis and how many non-Bengali Indians ?

The HONOURABLE MR. SHAFI : (a) No officer of the subordinate service in the Calcutta Custom House has been permanently promoted to the Imperial Customs Service. Arrangements have, however, been made from time to time to fill temporary vacancies in the Imperial Service by acting promotion of subordinates who are specially recommended by the local authorities for such promotion.

(b) The officers so promoted have hitherto been Europeans or Anglo-Indians.

The HONOURABLE THE PRESIDENT : There is one other point, I have received a private notice of a question which, it has been represented to me, it is desirable in the public interest should be answered at an early date. It is a question by the Honourable Sir Zulfiqar Ali Khan, but, as it does not appear in the paper, I would ask the Honourable Member to read the question.

#### ALLEGED OCCUPATION OF HOLY PLACES OF ISLAM BY BRITISH TROOPS.

The HONOURABLE SIR ZULFIQAR ALI KHAN : I wish to ask the following question :—

"118. (a) Are the Government aware of the dissemination among the Moplahs and other uneducated classes of rumours that the Holy Places of Islam are being occupied and defiled by British troops ?

(b) If so, what steps do they propose to take to counteract the dissemination of such falsehoods ?"

The HONOURABLE MR. DENYS BRAY : (a) Yes, the Government are aware that the lying slander that the Holy Places of Islam are being occupied and defiled by British troops is still abroad, and the Moplah rising is an illustration of the tragic consequences of this and similar malevolent fabrications among an uneducated people. Its wicked falsity was demonstrated in Lord Chelmsford's message to the Muslim people of India published in the Gazette Extraordinary of May 15th, 1920. Nothing has since occurred to call for any diminution of that solemn assurance. The relevant passage is long, but the gravity of the issue demands its reiteration in full. It runs as follows :—

'In the countries of Arabia, Irak and Palestine are situated the Holy Places of Islam with which all Muslims are profoundly concerned. When the war began the Allies gave a solemn pledge that the Holy Places would remain inviolate. This pledge has been observed in the spirit and in the letter during the actual occupation by His Majesty's forces of the territories in which some of the Holy Places are situated, and steps have been taken to ensure their strict sanctity. The City of Jerusalem was not attacked as has been stated, but surrendered without violence offered or attempted, after it had been isolated in the course of operations against enemies armed in the field. The fullest measures were straightway taken to preserve the sanctity of the Holy Places within it, and the city, which is in itself as sacred to Christians as to Muslims, was entered by the victorious British General on foot. The Muslim shrines continue as before in the hands of their own Muslim custodians. In Mesopotamia the Holy Places of Kerbala and Najaf were never attacked and no acts of war were committed there by our troops. The scrupulous forbearance of His Majesty's soldiers was gratefully acknowledged by the inhabitants themselves. The unopposed occupation of Baghdad as of Jerusalem involved no attack on the Holy Places, but was an inevitable incident in the field operations of the war. The shrines in these three sacred places of Mesopotamia are now in the custody of a distinguished Muslim whose charge of them is an ample assurance that their sanctity will continue to be fully respected. The British forces have conducted no operations whatever in the Hedjaz, and any reports that Mecca or Medina have been entered by British troops are utterly without foundation. These places are entirely under Arab control.'

(b) The Honourable Member's question and this answer will be sent at once to each Local Government for widespread publication. In their desire for publicity, Government are assured that they can rely on the invaluable co-operation of the Press.

- (1) APPOINTMENT OF RIGHT HONOURABLE SRINIVASA SASTRI TO PRIVY COUNCIL.
- (2) MOTION FOR ADJOURNMENT.
- (3) PLACING OF ANSWERS ON THE TABLE HALF AN HOUR BEFORE THEY ARE GIVEN.

**THE HONOURABLE THE PRESIDENT:** Before we proceed to the business of the day, I have certain communications to make to the Council.  
 11-45 A.M. There is one matter which I particularly desired to mention the last time we met, but which escaped my memory. Even at this late stage, however, I cannot allow the occasion to pass by unnoticed. I refer to the distinguished honour which has been conferred on a Member of this Chamber, by the appointment of the Right Honourable Srinivasa Sastri to be of His Majesty's Privy Council. (Continued Applause.) As appears clearly from the manner in which that announcement has been received by the Council, it is evident that I am unanimously voicing your opinion when I say that we warmly congratulate our Honourable Colleague on this great distinction. (Hear, hear.) We feel that he will worthily maintain before the audiences he is now addressing—larger, but not more dignified, Assemblies (laughter)—the high standard of oratory which has so often charmed our ears. Though we must regret that his pre-occupations have deprived us of his assistance during the current Session, we may congratulate ourselves on the reflected glories which, I am sure, he will confer on this Council.

There is another matter which has been before this Council on several occasions. It is with regard to a motion for adjournment under rule 11 put forward by the Honourable Lala Sukhbir Sinha. I am sure all of us sympathise with the Honourable Lala Sukhbir Sinha in his efforts to raise a discussion on the question of high prices. When this came up in this Council on the last occasion, I was unaware of the fact that at the time there were several Resolutions on the Notice List dealing with the same subject. I really must point out to the Council that the right to move an adjournment under rule 11 is, as I said the other day, not a substitute for procedure by Resolution. A Member cannot obtain priority over another Member who has given notice of a Resolution by proceeding by means of a motion for adjournment. Still less can he not obtain priority over himself. The right to move an adjournment is, by rule 12, subject to five restrictions. I will not read the whole rule, but restriction (iv) is relevant. I will read it to the Council, and will ask them to consider it carefully. It runs as follows:—

(iv) The motion must not anticipate a matter which has been previously appointed for consideration, or with reference to which a notice of motion has been previously given.

That is what is called the rule against anticipation and it is a common-sense rule, for, if you have not a rule of that kind, the House may discuss somewhat infructuously on a motion for adjournment a matter which they would subsequently re-discuss on a formal motion. A motion for adjournment ought to be restricted to a definite urgent matter of public interest, when it is desirable that the Government should have an opportunity of making its position clear. I am perfectly aware there is a strong opinion in the Council that there should be a discussion on this question of high prices, and that Honourable Members wish to express their views on the matter: and therefore I suggested to the Honourable Member in charge (on behalf of Government),

that a day should be allotted for a discussion. This will enable the question to be considered in a more fructuous way than on a motion for adjournment, which in any case in this instance is barred by the rules against anticipation. I understand that the Honourable Member is in consultation with the Honourable Lala Sukhbir Sinha on the matter, and that he will bring forward a Resolution on this subject at our meeting on Saturday. By this means we shall comply with our rules which must be observed, and satisfy the desire of the Council and of the Honourable Lala Sukhbir Sinha to discuss the question.

There is one other matter which I should like to mention before we proceed to business. I have been asked to give a direction that answers to questions should be placed on the desk half an hour before they are given. Well, gentlemen, I am not in a position to do that. The Standing Orders empower me to direct how questions should be put, and answers given, but it does not empower me to direct that answers should be given before questions are put. If the Government desire to lay the answers to questions on the table before the meeting, that is a matter in the hands of the Government. I am not able to make a direction of that kind. But I will make a direction that where answers have been printed, copies of the printed answers should be immediately made available to a Member as soon as the question has been put. These will be on the table.

The Honourable Lala Sukhbir Sinha, I gather, desires to say something.

**THE HONOURABLE LALA SUKHBIR SINHA:** I wish to say, Sir, that my Resolution simply refers to the exports of wheat and flour. My object was to deal with the whole question of high prices of grains and other foodstuffs. But I agree with your ruling, and I will accept it, provided that Mr. Sarma agrees to an amendment I shall propose to him.

**THE HONOURABLE THE PRESIDENT:** I am gratified that the Honourable Member agrees with my ruling.

#### RESOLUTION *re* RELIGIOUS AND MORAL EDUCATION.

**THE HONOURABLE LALA SUKHBIR SINHA:** Sir, the Resolution which stands in my name reads:—  
 11-49 A.M.

This Council recommends to the Governor General in Council that he may be pleased to forward to all Provincial Governments the recommendation of this Council that they should take necessary steps for introducing religious and moral education in all aided and Government schools and colleges.

The Resolution, as it stands, is very moderate. It may be said in some quarters here that it is a Provincial subject and a Transferred subject and, therefore, should not have been taken up in this Council. But I beg leave to point out that it involves a very great question of principle. Up to this time the Government of India and the Local Governments have acted up to the policy of neutrality in all matters of religious and moral education in schools and colleges. But the time has now come when people of almost all sections of opinion agree as to the importance of this question, and say that it is absolutely necessary to have some sort of religious education in our schools and colleges. Recently, the Madras Government have also recognised the importance of the subject, and they have said in a Communiqué that the time has arrived for a partial removal of the embargo which has been placed hitherto on the imparting of religious instruction in schools, and for the complete removal of the minor restrictions which at present are supposed to hamper the imparting of such

[Lala Sukhbir Sinha.]

instruction, so as, at any rate, to remove the impression which is understood to exist that the Government are hostile to the encouragement of religious education.

Remembering the importance of this subject, I have ventured to bring this matter before this Council. The United Provinces Government made some rules on this subject in 1912 and later on in 1916. They appointed Committees also to consider this question and the consensus of opinion was that something should be done, but the rules made there have been found impracticable and not quite suitable to the people. For instance, I may cite an example at my own place where I have started a religious class in the Government High School for the last six or seven years. The difficulties I found in my way I explained to the Director of Public Instruction and also to other officers, but nothing has been done up to this time, simply owing to the fact that Government officers still think it is not for the Government to allow any religious education in schools and colleges, because the Government has from time immemorial maintained a strict policy of religious neutrality. In the Punjab also some rules have been made, but very little has been done. In Madras, they have just started work in their schools and colleges, but I do not know how far they will go, for they have made these rules only tentatively and for public opinion to approve. In Burma, something more has been done. So looking at all these things, I think the time has come for the Government of India to make a statement of their policy on this subject, and I hope the Honourable Member in charge of Education will be able to let us know what Government think on the subject and what they are going to do to have some sort of religious and moral education in schools and colleges.

Sir, in this country great stress is laid on education in religion and morality. If you go to any Hindu *Pathshala*, you will find some kind of religious instruction given there. If you go to any Muhammadan *Muktab*, you will find the same thing. In the *pathshalas* they have to read religious books and recite prayers from beginning to end, and in *muktab*s the same thing is done. Religious instruction is a very useful thing for a man, and there is no reason why some sort of religious instruction should not be provided in Government-aided colleges and schools. I know the difficulties that will arise. I know there are so many religions, so many castes and sub-castes, that great difficulties will arise. But it is for man to overcome these difficulties. It is for the Government and the people to think out some measures, some system, by which we can give some sort of religious education to our students. I think most Honourable Members will agree with me that those students who come from religious *pathshalas* and *muktab*s are much more obedient to their elders and to their God—whatever you may call Him, whether God, or Iswar, or Bhagwan; but those who come out of our modern schools and colleges are of a quite different type and have no respect for their teachers or anybody else. So, I think, the time has come now when some change should be made in this matter, some steps should be taken to give some sort of religious education in our Government schools and colleges. I think this does not require much discussion, and I commend my Resolution to the acceptance of this Honourable Council. I hope the Honourable Member in charge of Education, when he gets up to reply, will be able to let us know what the policy of the Government is or will be on the subject.

The HONOURABLE RAJA SIR HARNAM SINGH: Sir, I am in favour of the introduction of religious education in schools and colleges, and if there still exists any bar, removable only by the Government of India, I would recommend its removal. The details, *e.g.*, the best ways and means, of imparting such education I would leave to the Local Governments and Local Legislatures since they are in touch with local conditions and sentiment, and since education is now a Provincial and Transferred subject. It will be for them to determine how far and by what means it will be practicable to give religious education.

The HONOURABLE MR. SHAFI: Sir, I venture to intervene at this early stage in the hope that the statement which I am about to make on behalf of Government may help to curtail the discussion on my Honourable friend's Resolution. During the earlier stages of British rule the Statesmen at the helm of Government, finding themselves in the midst of a vast population composed of various communities following divers religions, adopted what has been known as a policy of strict religious neutrality. In the circumstances of this country, for a European Christian Government administering the affairs of a Hindu, Muhammadan, Sikh, Buddhist and Parsi population, the adoption of such a policy was undoubtedly based on far-sighted statesmanship. (Hear, hear.) But carried into the realm of education unfortunately this policy resulted in the entire exclusion of religious and moral instruction from our schools. The need for the introduction of such education was, I believe, first felt in the enlightened State of Mysore some time about the year 1908. Subsequently this matter was brought to the notice of the House of Commons by two Honourable Members of Parliament. On the 6th March 1911, Mr. Arnold-Ward, M.P., asked a question in the House of Commons inviting attention to the facilities accorded to the representatives of different religious denominations by the Government of Mysore for giving religious instruction in Government schools and colleges in that State and to the success which had attended the experiment in that State, and inquired if the Government of India would consider the desirability of introducing a similar system in British India. In his reply, the Secretary of State promised that the attention of the Government of India would be drawn to the subject. The matter was again referred to in the House of Commons by Sir John Jardine and Captain Murray in questions put by them to the Secretary of State on 30th March 1911.

The matter was again referred to in the House of Commons by Sir John Jardine and Captain Murray in questions put by them to the Secretary of State on the 30th March 1911. Accordingly, the Government of India took up this question. I do not propose to weary the Council by taking Honourable Members through the multifarious proceedings and references to Local Governments that took place during those years. It is sufficient to mention that, when I assumed charge as Education Member, I found that no definite decision had yet been arrived at. In view of the somewhat strong views held by me on this question, I took up the matter in earnest, and finally, Lord Chelmsford's Government unanimously arrived at the conclusion that the time had arrived when the embargo hitherto imposed upon religious and moral instruction in our schools should be removed, leaving it to the Local Governments to take whatever action was compatible with local conditions in their respective provinces. The intention at that time was to issue a Resolution embodying this new policy of the Government of India. I may here mention



[Mr. Shafi.]

that the Secretary of State expressed his entire sympathy with the object we had in view. But, meanwhile, the Government of India Act, 1919, came into operation on the 1st January of the present year, making education a Transferred Provincial Subject. Education from that moment came under the control of Ministers selected from among the elected representatives of the people and for the administration of their departments responsible to the Provincial Legislative Councils. Indeed, from that moment Education became truly national. In these circumstances, it was out of the question for the Government of India to issue a Resolution giving any directions to the Local Governments. Meanwhile, during the last Session of the Legislative Assembly an Honourable Member, Mr. Mahmood Schamnad Sahib Bahadur, asked a question on the 10th March 1921 in connection with this subject. In reply to that question, the Government of India said that religious instruction had already been allowed in Government or other publicly-managed schools in certain parts of India under certain conditions. They were willing to see further relaxations in this direction and would address the Local Governments in this matter. Accordingly, a Circular letter was issued by the Government of India on the 19th March 1921 to the various Local Governments, a copy of which I now place on the table of this House. As the letter is not very long and embodies a change of policy, so far as the Government of India is concerned, affecting the well-being of millions of Indian people, perhaps the Council will permit me to read one or two important paragraphs out of that letter. After stating that, in compliance with the undertaking given in the Legislative Assembly, the Government of India are circularising the Local Governments in this connection, the letter went on to say :

- 'The Government of India, so far as they are concerned, have no intention whatever of receding from their attitude of strict religious neutrality or from the principle that Government schools ought not to be used as a means of fostering any one religion at the expense of others. But they are of opinion that the embargo which hitherto has been placed on the introduction of religious instruction in publicly-managed schools may be removed. Accordingly, there would be no objection to the withdrawal of the objections which now exist or are supposed to exist in publicly-managed schools and colleges to—
- (a) the utilization of school premises for religious teaching or simple prayers ;
  - (b) the utilization of teachers of the institution for such instruction, etc., where they voluntarily undertake the work ;
  - (c) making religious teaching or observance compulsory for the boys whose parents or guardians have expressed a wish that this should be done ;
  - (d) deducting the time spent by any boy on religious teaching or observance from the prescribed curriculum period permanently at the beginning or at the end of the school day.'

It will be observed that the policy of the Government of India is a cautious one. It is calculated to remove the minor restrictions which at present hamper or are supposed to hamper the introduction of religious instruction in publicly-managed schools, and thus to obliterate the impression which is understood to exist that Government is hostile to the encouragement of this form of education.

In conclusion, the Secretary to the Education Department said :

'I am to emphasise that the present announcement is not of a mandatory character, nor do the Government of India desire to bind them to a definite line of policy. They seek rather to remove the restrictions which possibly are regarded as hampering the freedom of Local Governments in this respect. The matter is one in which the Local Governments can now adopt such line of action as they think fit.'

Honourable Members will notice that in this Circular letter the Government of India went as far as it was possible for them constitutionally to go. Education, as I said a moment ago, is now a Transferred Provincial Subject, and it is beyond the competence of the Government of India to issue any directions to the Ministers in charge of Education in the various Provinces. All they could do was to remove the embargo imposed on the introduction of religious and moral instruction which hitherto was supposed to exist. They have done that. It is now the business of the Ministers, who represent in the Local Governments the elected representatives of the people, to take such steps as they may deem suitable in each Province, with due regard to local conditions, towards the realisation of the object which my Honourable friend has in view, and which, as I have already said, has the sympathy of both the Secretary of State and the Government of India. Beyond this, neither we, as a Government, nor, I venture to submit, this Council, in the new circumstances which have come into existence, can go. I would, therefore, advise the Council to let the matter rest there, and would appeal to my Honourable friend to withdraw his Resolution.

The HONOURABLE DR. GANGANATH JHA : Sir, as one who has been in very close touch with the subject of religious instruction in schools and colleges in the United Provinces, I join in the appeal which the Honourable the Education Member has made to the Honourable Mover, not to press his Resolution at this stage. In the United Provinces, Sir, we have been considering this subject since 1897. I may state at the very outset that my remarks are confined to the religion of Hinduism alone. In fact, long before 1908,—I believe I shall not be mistaken if I say that it was in 1898 or 1897,—that the matter of religious instruction in schools was taken up at Benares by the people who started the Central Hindu College, and after two or three years of consultation throughout the country, the Managing Committee of that institution evolved a scheme of religious education which was introduced in the Central Hindu College and the school attached to it. The scheme as propounded by them was, as it was bound to be, a compromise, and, like all compromises, it failed to satisfy anybody. The orthodox section of the community thought that it was too radical, and the more advanced section of the community thought that it was too reactionary, and my Honourable friend himself knows what treatment the series of textbooks, composed by the old Board of Trustees of the Central Hindu College, received at the hands of the orthodox community. Since then, Sir, we have had the Benares Hindu University started, and one of the avowed purposes of that University was the introduction, in right earnest, of a regular system of religious instruction.

Nearly five years have passed since that University came into existence, and if I am not mistaken, up to this date, that body also has not succeeded in evolving any definite scheme. In the absence of such a practical scheme, to force anything like religious instruction would, I am afraid, defeat the very purpose which my Honourable friend has in view.

Another important point is, that mere formal religious instruction is, if I may say so, absolutely futile. Throughout the world, wherever religious instruction is imparted in a formal manner, it has, I am sure, proved futile, absolutely useless, and to be useful, religious instruction has got to be imparted by religiously-minded teachers well versed in the scheme that they are issuing instructions upon. At present, I may make bold to say that we have not half

[Dr. Ganganath Jha.]

a dozen teachers in the whole country. Under the circumstances, I am sure the effect of imposing upon our young boys not only in colleges but also in schools a system of instruction with practically no well-considered scheme of religious teaching and no qualified teachers for doing that work, will be quite the reverse of what my Honourable friend has in view, because, as has been remarked, the best way of producing scoffers is to place religious instruction in the hands of duffers. At present, if I may be excused for saying so, from the point of view of Hindu religiousness, I do not know if there are any teachers who will not come under the class of duffers.

Another ground on which I am not inclined to agree with my Honourable friend is a somewhat pedantic one. Paradoxical as it may seem, a proposal to institute religious instruction, I mean doctrinal religious instruction for school boys, is repugnant to the spirit of the Hindu *Sastras*. Apart from the teaching of simple religious practices a Hindu boy should not be given any doctrinal religious teaching before he has completed his study of the *Vedas*, that is to say, before the age of twenty. Before that age he is not supposed to be fit to understand the most abstruse doctrines upon which Hindu religion is based. But that objection, as I said, is a somewhat pedantic one and I shall not press that point.

I do base my objection to the Resolution at the present stage upon two entirely practical considerations. One is, that we have not yet evolved a practical scheme of religious instruction, and the other, that we have not got ready persons qualified enough to impart that religious instruction, and so long as these two things have not been got ready, it would be suicidal to press religious instruction upon our boys in schools or colleges. Of course my friend has remarked that it is for man to overcome difficulties. Well, let man actually overcome the difficulties, let man produce a well-considered scheme of religious instruction, and let man provide duly qualified teachers, then and then alone, will man be justified in seeking to impose religious instruction upon our young boys.

The HONOURABLE RAJA SIR RAMPAL SINGH: Sir, without meaning in any way to sound a strong discordant note or to minimise the importance of the Resolution, I may be permitted to observe that the question of moral and religious education in Government schools and colleges is beset with many difficulties,—some of them almost insurmountable,—and cannot find an easy solution. Our schools and colleges are not meant for boys of one religion or race or sect, and there is so much diversity of religious beliefs and moral standards, that proper arrangement to minister to the wants and requirements of every section of the inmates of such schools and colleges is not an easy matter. Then, again, the paucity of good and capable religious teachers amongst Hindus especially, whose population is the largest in India, will greatly stand in the way of the development of any scheme of such education. Any attempt to impart such teaching by incapable men with ill-digested ideas of religion and morals will not only be futile, but also harmful. No such education will be worth the name which will not imprint on the hearts of the boys a faith in the teaching never to be effaced thereafter. Then, in the consideration of this question, we cannot lose sight of the fact that the welcome spirit of criticism which the present day secular education engenders, and which unfortunately now and then exceeds the limits and reaches to the extent of carping,

cannot obtain satisfaction at the hands of half-penny two-penny men who may be engaged for this important work. The days are gone, no more to come back again, when the words and the teachings of *Gurus* were taken as immutable truths on which beliefs and faiths had their foundations. I have personal experience of two institutions with which I am closely in touch and in which there is provision for religious instruction, but the results have not been quite satisfactory. However, it is undeniable, and regretfully we have to admit, that the education imparted in our schools and colleges from top to bottom is of a too secular kind which cannot be truly beneficial in the long run from a national point of view. It is a wonder that the drift towards infidelity to religion has not been so marked or rapid as the circumstances warranted, but, on the contrary, of late a most welcome reaction is unmistakably discernible though not in proper form and spirit. I do hold that so far as it may be practicable it is the duty of the State, as well as of the people, to remedy this flaw in the present system of education. To devise a scheme for this purpose will very much exercise the minds and touch the purses of the Local Governments, and so, while supporting the recommendation made in it, I would certainly appeal to the Honourable Mover to withdraw the Resolution and leave the matter to the Local Governments to devise a plan for imparting such education.

There is one more point which, Sir, with your permission I may bring to the notice of the House. The matter treated in this Resolution is not only a Provincial subject but also a Transferred one. It is incomprehensible to me how a Resolution of which I came to know very recently, sent by my Honourable friend Sardar Jogendra Singh in connection with the land-revenue policy which is a reserved subject, should have been disallowed on the ground that the matter dealt with in it was a provincial subject and did not concern this House...

The HONOURABLE THE PRESIDENT: Order, order. The Honourable Member is not at liberty to question the decisions of the Governor General as to the admissibility of Resolutions.

The HONOURABLE RAJA SIR RAMPAL SINGH: If that Resolution had been carried, it would have been not a mandatory but only a recommendatory Resolution.

The HONOURABLE SIR MANECKJI DADABHOY: I now move, Sir, that the Motion be now put.

The HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY: Mr. President, it affords me very great satisfaction to be able to associate myself with the object of the Resolution which has been moved by my friend, the Honourable Lala Sukhbir Sinha. When the East India Company first initiated the present system of education in this country, they had very good reasons to give moral and religious training a very wide berth. They were perfectly strangers to our habits and thoughts of life, and the ground was so delicate. With a hundred years of a purely secular education now, we have found out its great defects and shortcomings; we realise every day of our life what a godless system of education we have now, and how it has revolutionised all our moral and religious ideas and lowered down the culture of our race. Many people also believe that the present unrest and disaffection in the country, together with the spirit of defiance of law and order, age and authority, that now predominates among us, is due to the absence of an ethical and moral basis in our system of education. The experience of man through



[Maharaja Sir Manindra Chandra Nandy.]

the centuries has taught him that, for a well-regulated life, a certain amount of moral and spiritual training is almost essential. With this view, some of the most important scriptures of the world are prescribed as textbooks in the schools and colleges of all civilized nations. India has been an unfortunate exception to this rule, and, I am afraid, has paid rather dearly for the experiment of divorcing our education from ethics and religion. In Burma and in Ceylon, where the Buddhist system of education still obtains, some sort of religious training is made practically compulsory by the *phoongies* in all educational institutions. In the *mukhtabs* and *madrassas* in this country, the *Koran* is taught everywhere as a matter of course. In the Christian schools is also enjoyed a compulsory study of the Bible. It is only in the case of the vast majority of our general secular schools and colleges that no moral or religious training of any kind is provided for, excepting perhaps in the case of the colleges affiliated to the Benares University. We want our young men to grow with definite moral and religious ideas and shape their conduct according to approved and accepted canons of ethics for their own benefit as much as for the well-being of the body-politic, and, with this view, I would very much like the Government to open facilities for such training in all our schools and colleges and press on all the Provincial Governments the wisdom and desirability of following a uniform standard of instruction in this matter.

But as we have learnt from the Honourable the Education Member that a Circular has been issued long ago on this matter, I think it is needless to discuss it at greater length at this place. We shall try our best now in our Provincial Councils to spread religious and moral education in our schools and colleges.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: Sir, in reality the motion has been carried in a way because all that was wanted by the Resolution has been accepted by the Education Member . . . .

The HONOURABLE MR. SHAFI: As much as can be done has been done.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: If the Resolution is defeated, its effect will be absolutely lost, but if it is withdrawn, I think it would have carried a great deal of weight. Now, Sir, as to religious instruction, I have always been in favour of this, because I think otherwise the ship of learning is without a rudder and without moorings. When I was in the Chiefs' College, I always felt the necessity of this, and, later being on a committee, I asked the other members to see that religious instruction was made absolutely compulsory. Since then we have seen that when all the boys of the other colleges were taken away by the agitators, we found the Chiefs' College boys staunch just as they were before. I think, Sir, that if a person does not learn to know God, he naturally does not know the meaning of government, nor enough of his father and elders. One of the troubles in India now is that these people, who do not know whom to respect, are simply carried away by anyone. I think the Resolution has now carried enough weight, and I will ask the Mover to withdraw it.

The HONOURABLE LALA SUKHBIR SINHA: Sir, I think the statement made by the Honourable Member in charge of Education is quite satisfactory, and I thank him very much for the action that has been

taken on the subject. Some members have said again that it is a Provincial subject and should not have been taken here; but, as I said in my opening speech, it involves a matter of principle, and therefore I brought it up here. Some members have mentioned difficulties that will take place in imparting religious and moral education. I admit, Sir, there will be difficulties. Difficulties have been experienced by me also, but they can be removed. That is my submission. In Muzaffarnagar, I found there were difficulties about the buildings, and about the time allotted for this education. The question of buildings has been answered by the statement made by the Honourable Member in charge of Education, but the question of time remains, and I may state my experience to this Council. Very few boys attend, and they do not come in time. Most of the boys run away, being tired of five hours' hard work, and therefore they cannot attend the classes. They find it very inconvenient to attend them either before or after school time. Therefore, it is a question for the consideration of local Councils. Well, I will again bring this very important question before the Council. Leaving aside all the difficulties, I think something should be done to give moral and religious education to our boys, so that they may go out of the schools good and religious citizens of the country. Therefore, Sir, with your permission, I would like to withdraw the Resolution, with the request that a copy . . . . .

The HONOURABLE THE PRESIDENT: Order, order. If the Honourable Member withdraws the Resolution, he withdraws it.

The HONOURABLE LALA SUKHBIR SINHA: Sir, the Honourable Member in charge has agreed to send a copy of the Resolution and of the discussion to Provincial Governments, and I therefore . . . . .

The HONOURABLE THE PRESIDENT: If the Honourable Member has agreed, it is quite unnecessary to make any further request.

Is it the pleasure of this Council that leave to withdraw the Resolution be given?

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

#### RESOLUTION re REMOVAL OF CENTRALIZED SYSTEM OF ADMINISTRATION.

The HONOURABLE SAIYID RAZA ALI: Sir, I beg leave of the Council 12-30 P.M. to enable me to move the Resolution which stands against my name on Saturday, the 17th of this month, which is a non-official day. I ask you, Sir, very kindly to ask the Council whether it will permit me to do so. I hope the Honourable Member who is to reply on behalf of Government has no objection.

The HONOURABLE THE PRESIDENT: In the first place, I would ask the Honourable Member in charge of the Government to say whether he has any objection?

The HONOURABLE MR. H. D. CRAIK: Sir, I should have preferred this Resolution to be taken up to-day, but at the Honourable Member's request, and with the consent of the Council, I agree that it should be taken up on Saturday.

[The President.]

The HONOURABLE THE PRESIDENT: The request is a somewhat unusual one, and Honourable Members must generally be prepared to take Resolutions on the day for which they are put down. But in view of what has been said by the Honourable Saiyid Raza Ali and the Honourable Member of Government in charge of the Department concerned, I will put it to the Council. Subject to this, I must protect the rights of the Honourable Lala Sukhbir Sinha, and this Resolution must come up after his Resolution on Saturday. I will put the question in this form: Is it the pleasure of this Council that the Honourable Saiyid Raza Ali's Resolution\* which now stands next on the list be taken after the Honourable Lala Sukhbir Sinha's Resolution on Saturday.

The motion was put.

The HONOURABLE THE PRESIDENT: I think the Noes have it.

The HONOURABLE SAIYID RAZA ALI: Sir, I ask for a division.

The HONOURABLE THE PRESIDENT: It is not usual to divide the House on a question of procedure.

(After two minutes.)

The HONOURABLE THE PRESIDENT: I will put the question once again.

Is it the pleasure of this House that the Honourable Saiyid Raza Ali has permission to move the Resolution now standing second on the list, on Saturday?

The motion was adopted.

## RULING OUT OF ORDER ANY REFERENCE TO LEGISLATIVE ASSEMBLY.

The HONOURABLE THE PRESIDENT: Before I call upon the Honourable Sir Maneckji Dadabhoy to move his Resolution, I desire to draw his attention to the fact that I am afraid I must rule out of order any reference therein to the Legislative Assembly. The Legislative Assembly are a body perfectly competent to make their own demands felt, and I think it would be constitutionally wrong for this Council to endeavour to speak in their name. You may be quite sure that they will bring forward their claims and privileges in a forcible manner if they so desire, and I think it would be wrong and liable to be misunderstood if this Council should even appear to attempt to speak for the Legislative Assembly. I, therefore, have to rule any reference to the Legislative Assembly in the Resolution as out of order. I will now ask the Honourable Member to move his Resolution with that restriction.

\* \* \* This Council recommends to the Governor General in Council the removal of the highly centralised system of administration that obtains in this country under which many classes of officials, especially District Magistrates and collectors, have vast powers.

## RESOLUTION RE COMMITTEE TO INQUIRE INTO GRIEVANCES.

The HONOURABLE SIR MANECKJI DADABHOY: Before I proceed, 12-35 P.M. Sir, I wish to obtain your leave to two slight alterations that I propose to make in my Resolution. I want to limit the scope of my Resolution, as far as possible, and therefore I have decided to remove the word "*personal*" and in place of it to substitute the word "*public*." I also wish to remove the words "*to deal with it in any manner thought desirable*"—that is, to take away the power of dealing with it, and to substitute the words "*to make a report to this Council*."

The HONOURABLE THE PRESIDENT: Would the Honourable Member kindly read out the Resolution as amended?

The HONOURABLE SIR MANECKJI DADABHOY:

'This Council recommends to the Governor General in Council that this Council be authorised, if necessary by Statute, to receive from the public petitions on all matters relating to public wrong, grievance or disability or to any act or acts of public servants or to public policy; to investigate the complaint and to make a report to this Council; and that a Committee be constituted on public petitions with powers to examine witnesses and record evidence.'

The reasons underlying the motion are obvious. The Councils are destined, sooner or later, rather sooner than later, to discharge Parliamentary functions. It is true the constitution of the Central Government has not been materially changed, but the declared policy of the Imperial Government is that in time, by a process of gradual evolution, the Central Government should be made responsible to the people through the Legislature. The first steps towards the realisation of the ideal thus set before us have not been the same here as in the Provinces, but important reforms have been introduced both in the constitution and functions of the Central Legislature. It is intended that the Central Legislature equally with Provincial Legislatures should be as representative of the people as present conditions would allow. The Electoral Roll has been thoroughly overhauled, and the present electorate, though not as numerous as one might wish, is fairly representative, strong, and capable of taking an intelligent interest in political issues, and of enforcing its will upon Government through the Councils. The elections to the Council of State and the Indian Legislative Assembly have been, within the limitations imposed by cautious advance, fairly satisfactory. There is no reason to believe that the Central Legislature, as re-constructed under the Reform Scheme, is not representative of the best mind of India. That we have not reached a state of perfection is certain. No human institution is perfect. Even the Mother of Parliaments has its shortcomings. That it may be a long time yet before the present Legislature develops into anything like the British Parliament; is equally certain. But the whole point is, with all its imperfections and all its restricted powers, the Central Legislature commands in a far greater measure the confidence of the public than the Executive. From considerations of expediency, therefore, if for nothing else, Government should invest the Central Legislature with adequate powers of dealing with public grievances from the very beginning. That is about the best way of securing the co-operation of the people with Government. People, especially an Eastern people, are usually swayed by emotions in their judgment of Government action. They do not move in the clear light of reason and base their conduct and action by such light. Consequently, it is always wise for Government, never mind what

[Sir Maneckji Dadabhoy.]

its form and character, to allow the people to subject Government action to a fair and reasonable scrutiny based on facts.

Investigation of public grievances by an agency owing its origin to, and deriving its power and authority from, the highest legislative body, is in every way expedient and advisable, and it is essential that it should be one of the primary functions of the re-constituted Councils. The power is inherent in all representative Assemblies wielding real power and responsibility. If Government be answerable to the Legislature for their actions, it would be wisdom for the State to grant to that body one of the most effective instruments to enforce its will. Discussions upon all subjects within certain limitations can even now be raised in the Council of State and the Indian Legislative Assembly by Members. The limitations do not affect public and private grievances. Logically, there would be an act of sagacious statesmanship to allow the two Councils adequate facilities for motions relating to public grievances .....

The HONOURABLE THE PRESIDENT: Order, order. The Honourable Member, I think, is going beyond the scope of his Resolution.

The HONOURABLE SIR MANECKJI DADABHOY: I am only referring to this matter, by the way, Sir. It may be argued that since the Members of the two Councils have already the privilege of moving Resolutions on any public question, the submission of petitions to the Councils, with its corollary the formation of a special Committee to deal with petitions, recommended in the motion now before the Council, is superfluous and unnecessary. But a little consideration will show that the motion covers new ground altogether. Discussions may now undoubtedly be raised by motions regarding any question of public interest or importance not excluded from the purview of the Councils by statutory provisions. But it is extremely doubtful if the power and jurisdiction of the Councils extend to cases of grievances of public bodies or those of *quasi*-public character. It is consequently desirable in every way for the Councils to have the power to investigate all cases of public importance or interest. Members may be safely trusted to use the power with discretion and moderation.

The position of the Councils with regard to public questions is that at present Members raise discussions on their individual responsibility, at times without anything to show that there is really at the back either public will or even the support of individuals. The submission of petitions, as suggested in the present motion, on the contrary, will enable Members to make out a *prima facie* case for Government action, and will be helpful to a thorough discussion. The Members in charge of a particular petition will come to the Council with their well-considered report based on facts closely sifted. Formal complaints certainly provide surer ground for motions than mere suggestions of individual Members. Government and the Councils will naturally pay greater heed to grievances brought to their notice in due and regular form.

The Councils will by a natural process of evolution have the power to go into Committee on any subject and to take evidence for a proper adjudication upon the points at issue. Parliament has that power, and there is every reason, therefore, to provide similar provision for the Indian Councils intended and designed to develop into full Parliamentary institutions. The old idea was that the Imperial Legislative Council and the Provincial Legislative Councils

could not go into Committee on any subject unconnected with legislation. But we have now travelled far beyond that stage. The principle of Committees of the Councils on other than legislative subjects has now been recognised. The legitimate end of this principle is the gradual adoption of the Parliamentary principle of Select Committees on all important subjects with powers to take evidence. And so far as this particular development is concerned, there is no serious risk in accelerating the pace. But the present recommendation is not for the formation of Select Committees on Parliamentary lines. It is only for the submission of petitions to the Councils and the formation of a Board of Petitions on the model of the Parliamentary Board.

The main idea underlying the Reforms is to profit by the wisdom and experience of the British nation, and to keep, as much as possible, to the Parliamentary model in evolving institutions for the due expression of the public will. And when we find that the extension of power recommended in the motion has been long enjoyed by Parliament, there is no reason to doubt either its need or its wisdom. There is nothing too in Indian conditions to make a similar development specially risky or superfluous.

On the contrary, if ever there was need for the free reception of complaints by the Legislature, it is in India where the action of Government is liable to serious misconstruction, and the political and moral consequences of irresponsible and exaggerated reports in the Press are incalculable. It is impossible to overrate the danger of allowing the public to draw their own inferences from complaints in the Press of the nature of the one addressed to the District Superintendent of Police, containing details of Police oppression by a resident of Sind on 28th February last, published in the papers in the following April. This is only one of the many typical cases. During the past few months there have been disturbances of a more or less serious nature at numerous places, about the incidents of each of which there have been two versions, one official and the other non-official. For reasons we need not stop here to discuss, the official version has not been accepted by the people, and the demand has uniformly been for open inquiry by non-officials. Government have not seen their way to appoint a non-official Committee of inquiry in each case. This has only helped to increase the volume of discontent in the country, and to give a handle to the disaffected. Moreover, it has led to the appointment of non-official Committees by the people themselves, the conclusions of which founded upon evidence untested by cross-examination, always adverse to Government, have been generally and credulously accepted by a large section of the Indian public as gospel truth. This state of matters must be held to be highly unsatisfactory and in no way conducive to the best interests of the Administration. And yet the appointment of a special Committee of inquiry regarding each disturbance cannot be the normal feature of administration. For one thing, the cost will impose an unnecessary and extra heavy burden upon the general tax-payer. Disturbances so common now-a-days may be expected to diminish or decline under my motion if agreed to—a consummation devoutly to be wished by every well-wisher of the country. The moral effect of the suggested additional right of petition will, I venture to forecast, be very great. People will feel that they have not to depend wholly upon executive good-will for the redress of wrongs, real or fancied. Another advantage will be that a good deal of Government's time, which presently is taken up by consideration of memorials, will be saved. On all these grounds I commend the Resolution to the Honourable Members and trust they will accord their support to it.

The HONOURABLE MR. H. D. CRAIK : Sir, I did not raise any objection when the Honourable Mover was allowed to amend his Resolution, 12-49 P. M. partly because I considered that the Resolution would be greatly improved by the Amendment, and partly out of consideration for the Honourable Mover himself. But I think that I am entitled to some consideration when dealing with this question because of the very radical changes which have been made in the Amendment at the last moment. I hope the House will realise that the subject we are now debating is in certain very important respects radically different from that which I expected to have to discuss.

I gladly acknowledge, Sir, the moderation with which the Honourable Mover has stated his case, and I think the Council will be grateful to him for bringing this important question before it. I sympathise with a great deal of what the Honourable Member has said. I sympathise with his wish to do everything to increase the confidence of the public in the Indian Legislatures, or rather, I should say, in this Council, and I also sympathise with his wish that Parliamentary institutions in this country should develop on the lines of those in the United Kingdom.

Although the Government is unable to accept the Resolution, even in its modified form, yet I hope to be able to show the Honourable Member that Government are prepared to deal with the question in a manner which will satisfy him, and perhaps, if I am able to convince him of this, he will agree to withdraw his Resolution.

Sir, the Resolution raises several difficult and interesting constitutional questions. The first of these is that indicated by the words in the Resolution "if necessary by Statute". I think it is a somewhat doubtful point whether the functions of this Council are limited to those which are specifically assigned to it in the Government of India Act, or whether it is competent to exercise any functions which are not definitely withdrawn from it by that Statute. If the former view is correct, that is to say, if the Council's functions are limited to those defined in the Statute, then it obviously will be necessary to legislate to give it the power of receiving petitions or of investigating complaints. If the other view is correct, and I think I may say that the balance of opinion tends that way, then this Council has the inherent power that every independent Legislature has of receiving petitions and of inquiring into them. In that case, all that would be required would be the formulation of rules of procedure or standing orders, to regulate the method in which petitions should be presented and dealt with after presentation.

The next most important question arising out of the Resolution, which requires consideration, seems to me to be, what is the actual practice in Parliament at Home in the matter of petitions? I take it that the Honourable Mover's object is to give this House powers concurrent with those exercised by Parliament. I do not imagine that he wishes to give this House wider powers than those exercised by Parliament, and I hope I may be pardoned for saying that certain passages in his speech indicated that he was under some misapprehension as to the powers Parliament actually does exercise. I trust the Council will forgive me if I go into a brief digression on this point. It is perfectly true that the right of petitioning the Crown and Parliament is acknowledged to be a fundamental principle of the British constitution, and it has been exercised without interruption from very early times, but so far as I have been able to judge in the brief time at my

disposal for looking into this question, the origin of the custom of petitioning Parliament is to be found in the early days when the judicial and legislative functions of Parliament were not very clearly defined. As a consequence of this combination of the two functions in Parliament, it became the custom to address petitions to Parliament on the subject of grievances for which the common law provided no remedy, that is to say, petitions dealt with in the early days presented mainly personal or private grievances, and were then dealt with rather in a judicial than in a legislative way. They were transmitted to persons who were styled Receivers of Petitions, who were usually the Masters in Chancery, and were examined by them. If the Receivers found that the common law provided no remedy, then they referred the matter to Parliament. At a later stage in Parliamentary history, when the Courts of Equity had relieved Parliament of a good many of its judicial functions, petitions became more in the nature of petitions for private legislation, that is to say, for private Bills, than petitions asking for the remedy of grievances. It may not perhaps be known to all the Members of the Council that in the United Kingdom every private Bill is originated by petition, and that private Bill legislation still retains a great many judicial forms. The parties who oppose or support the Bill have the right to be heard and to plead as if before a Court, and the decision to legislate is largely a decision of a judicial character. It was only in comparatively recent years that the habit of presenting petitions to Parliament on matters of general public policy became common, and during the last two or three centuries petitions increased so much in number and the time of the House was so much taken up by these petitions, that special Standing Orders were passed to deal with the matter. The most important of these lays down that no debate is ever allowed on a petition presented to Parliament, with one exception and that is in the case of a petition complaining of a present personal grievance, calling as an urgent necessity for an immediate remedy.

The HONOURABLE SIR MANECKJI DADABHOY : My Resolution only recommends making a report to the Council of State. I have not asked for the right to debate.

The HONOURABLE MR. H. D. CRAIK : I understand the Honourable Member's point. I was merely explaining what is done in Parliament as regards which he is, I think, under some misapprehension. What actually happens in the House of Commons is, that a Member desirous of presenting a petition drops it in a bag behind the Speaker's Chair, or, if it is too big for that to be done, it is carried up to the table of the House. But no debate is allowed, and as a matter of actual practice, I think, I am correct in saying that in 99 cases out of 100 nothing more ever happens at all. The petition is put into the bag and that is the last that is heard of it. All petitions are, as a matter of form, referred to a committee on petitions, and that committee examines them with a view to seeing that there is no flaw in their form, that the signatures are not obviously fabricated, that they contain no disrespectful language and so on. But the committee (this is the important point) the committee on petitions does not investigate. It merely tabulates petitions sent to it, and from time to time issues reports stating the contents of the petitions, by whom they were presented, the number of signatures and so forth. Occasionally, the report prints the petition *in extenso*, but that is the exception rather than the rule. Certainly, I think, I am correct in saying that the committee on petitions of the House of Commons never investigates the petition and never

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records evidence or summons witnesses. In fact, I doubt very much whether the committee has the power to do so. The position then, briefly, is that, though in theory there is this constitutional right to apply to Parliament or to the Crown for the remedy of grievances, in practice the right is largely obsolete, with two exceptions, namely, the petitions from which private Bills originate, which are quite distinct from the kinds of appeals which the Honourable Member contemplates because we have nothing in this Council corresponding to the private Bill procedure in England, and, secondly, petitions on general matters of public policy which, as I say, are merely presented to the House. An instance of those is the monster petitions that were presented during, I think, the course of the Woman Suffrage Bill through Parliament. Honourable Members may remember that there were pictures of two or three lusty policemen staggering up to the table of the House with an enormous petition.

I think I may call this practice an interesting survival, but what I ask Honourable Members to bear in mind is, that as a rule nothing happens on a petition and it is not investigated in any way. It may possibly have a certain influence on the course of the Bill regarding which it is presented, but otherwise it has no practical effect whatever. I should like to make it clear that to that form of petition, that is to petitions on matters actually under the consideration of this Council, I see no objection whatever. The standing orders of one Legislature, *viz.* that of Madras, do in fact provide for the presentation of such petitions. I will give the purport of the standing order, which is very brief:—

'Petitions to the Council must relate to some matter actually under the consideration of the Council. They must be addressed to the members of the Council, they must be dated and signed and must not contain disrespectful language. The Council shall not receive petitions proposing the expenditure of public monies or the imposition of any charge on public revenues.'

That, of course, is a limitation which reflects the Financial limitation on the powers of Councils imposed by the Government of India Act. Now, Sir, it seems to me that the Honourable Member's Resolution would, if accepted, give this Council very much wider powers in the matter of petitions than are actually enjoyed by either House at Home. I admit that the chief point in the Resolution which I took exception to has been deleted by the amendment which the Honourable Member was allowed to make this morning, that is, by the omission of the words "deal with it in any manner thought desirable". At the same time, he does give the Council power,—I am not sure if he gives it to the Council or to the committee,—to investigate complaints, and that I take it connotes the power to summon witnesses and record their statements, and possibly even to administer an oath. That is a power that was not in practice exercised by the House of Commons or by its Committee. It seems to me that if the Council is given power in these very wide terms to receive public petitions on all matters relating to personal wrong, grievance or disability or to any act or acts of public servants, there might be a serious encroachment by this Council on the functions of the judiciary. The terms of the Resolution would include the consideration of grievances for which a statutory remedy is provided, and, I think, Honourable Members will agree that it is most undesirable that this Legislature should interfere with the functions of the Courts. Secondly, it would give the Legislature great potentialities for encroaching on the functions of the Executive Government, poten-

tialities for which, it seems to me, at the present stage of development of Parliamentary institutions in this country we are not yet ready. It seems to me that the proper way in which this Council should bring its influence to bear on Government is by the constitutional methods already provided, that is to say, by asking Questions, by moving Resolutions, or, if necessary, by moving the adjournment of the House. That is the way in which the House of Commons brings its influence to bear on the Government at Home, and that, I think, is the proper method for this House to follow.

There is one other point which seems to me to differentiate India from England in this respect. In India, we have all over the country a network of Government officials who are in a position to investigate, and who actually do investigate, complaints presented to them by members of the public, by individuals or by associations or societies, and to a great extent they make those investigations under powers conferred on them by Statute, subject, of course, to the restrictions which the various Statutes impose. In England, there is no such organisation, there is no network of officials. We have here a machinery to investigate personal complaints and even public complaints. That is a facility which does not exist in England, and, I think, that is a point which the House should seriously consider. I do not wish to pronounce any definite or final opinion, but I think it will be better to confine the rights of the Council at the present stage of its development to receiving petitions on matters actually under its consideration, as is the case in the Madras Legislative Council whose standing-order I have just read. That would be a development of the existing practice whereby petitions on legislative proposals under the consideration of the House are now presented in large numbers to Government. They are frequently made "papers to the Bill" if of sufficient importance, and are thus available for the use of members of the House. I see no objection to modifying this procedure so as to allow such petitions to be presented direct to the Council, but I am very doubtful if it would be wise to go beyond that.

One objection, not a constitutional but a practical objection, is that if you constitute this committee with power to receive petitions and complaints of any kind, the members of it would be flooded with memorials of all sorts. Everybody knows how addicted the people of this country are to the habit of petitioning. Every District Magistrate, every Commissioner, Judge, every Secretary to Government, every Head of a Government, receives hundreds of petitions during the year. Members of the proposed committee would, I say, be swamped with petitions. Every person with a grievance, real or fancied, would think himself entitled to address them and to the best of his ability would insist on some sort of answer. The appointment of a committee with these unrestricted powers would, it seems to me, seriously handicap not only the business of this House, but the administration of all the Government Departments. Apart from this, it would tend to encroach very seriously on the powers of Local Governments, and, I think I may say, on the powers of Local Councils. If a Committee of this House were entitled to receive and investigate any petition presented to it, it might take many matters out of the hands of the Local Government or Legislature who ought properly to consider it.

Those, Sir, are some of the objections that occur to me in regard to the proposal which is now under our consideration. But I admit that my examination of the question has been cursory owing to the short time at my disposal, and not so nearly detailed as I should have liked. It seems to me that a very important constitutional question of this kind should be considered



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with far greater deliberation than the Council can give to it in the course of a single day's debate,—and it should be considered preferably by a committee composed of persons of far greater legal and constitutional knowledge than I can pretend to. But Government are prepared, if it is the wish of this Council, to appoint a small committee to go into the whole of this very interesting problem, and to consider what powers should be exercised by this Council in regard to petitions, and possibly, whether a standing committee should be appointed, and, if so, what should be its procedure, and what limitations should be imposed on its power. That would seem to be a more satisfactory way of solving this very interesting problem than by debating it here. Much careful deliberation is required and, I think, a considerable amount of historical research. I would suggest to the Honourable Mover, if he accepts my view that that is the best way of disposing of this question, that he should withdraw his Resolution. As I say, I am authorised to give an undertaking that Government will appoint a committee of the nature indicated as soon as possible, and will be careful to include among its members all persons at the disposal of Government who are best qualified to deal with this question and to suggest a satisfactory solution. I hope the Honourable Member will see his way to accept that offer.

**THE HONOURABLE SIR B. C. MITTER:** Sir, I greatly sympathise with the Honourable the Mover in his Resolution, but the Resolution, as it stands now, presents a good many difficulties. Now, it has been explained to this House what the present position of the Houses of Parliament is with regard to petitions. The right of petitioning Parliament in Great Britain, no doubt, is a fundamental principle of their constitution. It originated many centuries ago. Originally, petitions used to be presented for the redress of private wrongs. That was principally necessary, because the common law as administered was inadequate to give sufficient reliefs for all kinds of personal wrongs, with the result that petitions were often presented to the High Court of Parliament, and there were men who were appointed to form committees of prelates, peers and judges. This practice, after a time, fell into disuse, when Courts of Chancery were appointed, and, as a matter of fact, from the time of Henry IV these petitions were more or less in the nature of petitions for private Bills for equitable remedies for private wrongs. As I said, when the Courts of Chancery were formally established, petitions, so far as they affected private wrongs, fell into disuse, and looking at the present practice, we find that petitions with reference to public wrongs, when they are presented, are simply dealt with in this way. There is a summary made of those petitions, a record kept of the signatures appended to these petitions, and of the prayers of these petitions, and then, ordinarily, they are kept in the records. There is no further debate with regard to that, as the Honourable Member on behalf of Government explained. Therefore, the power that is at present enjoyed or exercised in any way is a very limited power. The question is, is there any great urgency for the passing of this Resolution just now? If we are merely to follow the procedure which obtains in the Houses of Parliament, what particular benefit shall we derive merely by recording these petitions, by keeping a record of the signatures, by keeping a record of the prayers of those petitions? Surely that would not advance matters. If, on the other hand, we are to enjoy powers larger than those exercised by the

Houses of Parliament, then various considerations arise. Now, in the first place, the question is, can we do so except by Statute? No doubt this House may pass a Resolution authorising them to receive petitions, but if their decisions on those petitions are to be binding, the question arises, can that be done except by Statute? I venture to submit that it cannot be so done, except by Statute. I do not desire to be misunderstood. It may be perfectly possible for this House to pass a Resolution authorising it to receive petitions, but if the decision, or the opinions which the House expresses upon it, are to be binding in any way, the question arises, can it be done except by Statute? I venture to submit that this House is a creature of Statute, our powers are circumscribed within that Statute, and therefore, if we desire to have these additional powers, it can only be done by Statute, which means we cannot do it alone, but that it must go to the Legislative Assembly again. Then there are other practical difficulties. I will take an illustration. Supposing a petition is presented against the Magistrate, say, of Rajshahi. This House goes into committee, and another petition is presented to the Provincial Council with regard to it. Very well, if we can claim that power, probably the Provincial Council will claim similar powers. What is the position of the poor unfortunate Magistrate, with the witnesses coming up to Simla and Delhi,—and is the accused person to come up to Simla and Delhi, also? Supposing you come to a decision. The Provincial Council, again, may come to a different decision. Now if complaints of a particular character are to be investigated by a Court of Law, certain sanctions are necessary. That is a protection, and I venture to say a salutary protection enjoined by the law of the land. Now take the recent instance in Rajshahi. Is it a feasible thing that the investigation of matters of that kind, which have taken place thousands of miles away, should be done by a committee of this Legislature? Therefore, I venture to think that there are very grave difficulties if we are to investigate questions that may be raised in the petitions.

I submit that much further discussion is necessary than we can give to-day to this Resolution, before we can accept it. I am in sympathy with it, but I see grave practical difficulties. I, therefore, appeal to the Honourable Member not to press the Resolution in the form that it has been brought to-day. As a matter of fact, a great deal of his argument really applies to the original Resolution.....

**THE HONOURABLE SIR MANECKJI DADABHOY:** No.

**THE HONOURABLE SIR B. C. MITTER:** For instance, the Honourable Member referred to both the Legislatures several times. Now that cannot be done under his present Resolution. If we are to be authorised by Statute, I suppose the other House will claim similar rights.

These are all considerations which may have to be taken into account, and, under these circumstances, I submit that the Resolution, as it stands, ought not to be accepted by this Council, but if the matter is further investigated, something practical may be evolved out of it.

**THE HONOURABLE SAIYID RAZA ALI:** Sir, I must say at the outset that I am not prepared to go into the question of details. It is only the principles that are embodied in the Resolution of the Honourable Mover which I wish to take into consideration in a few words.

Now, Sir, the real question which this House has to consider is, whether it is desirable to have a body which will invite petitions from those persons



[Saiyid Raza Ali.]

who in any way imagine, or as the Honourable Member for Government put it, have actually received any public wrong. That is the really important point. Now I must at once admit that a whole field of difficulties is opened to us as soon as we accept that position. But again on the other side, the question is, whether the present condition of affairs is satisfactory, and whether it does not require a step forward being taken in that direction. These are, I believe, the two propositions which should be taken into consideration. Now the one really vital objection made by the Honourable Member who represents the Government to this proposition, was that the control of this House should be exercised in the form of Questions, Resolutions and Motions for Adjournment. I entirely agree with the Honourable Member that if full responsible government had been granted to this country, and if the Government of the country were responsible to the Legislature, and the Legislature in its turn responsible to the constituents and the public, no doubt that would be an ideal arrangement, and after that it would be absolutely unnecessary to have any Committee to invite these petitions. But as it is, unfortunately full responsible government is yet to come. Take a case in which some person thinks that injustice has been done to him by some Government officer. I will not name any body, and I will not even give a hypothetical case by mentioning this or that Government official. Now supposing one of the Honourable Members of this Council raises the question, either by means of interpellation, by a motion for adjournment or in the form of a Resolution, one may well ask whether the Government are bound to take any notice of it. And if the Government are not so bound, much less are the lower officers. Then the net result is that, in spite of a series of questions being put and a number of Resolutions being moved, it is open to the original wrong-doer—assuming that wrong was done—to sit tight and take no notice of our debates and resolutions or any other part of our activities. So the real proposition before us is, that till full responsible government is granted to this country, is it not worth while to have a committee of this description? I for one am not prepared to minimise the scope of the activities of such a committee. In course of time, if not in its preliminary stage, it can be a sort of a roving commission, and I suppose its activities may include inquiries perhaps into frontier raids, the complaints of the coolies working in Assam tea gardens, the Khilafat movement, the rise in prices, the dismissal of certain clerks in the Archaeological Department, and perhaps the improvement of the breed of cattle. All these are very important subjects we must admit. But again the point is, whether we should be so much overwhelmed with a sense of the gravity of the question that we should give up the proposal. I for one certainly believe, Sir, that it will be in the fitness of things to set up a Committee—a small committee—with limited powers to go into important questions where wrong is alleged to have been done. I do not want this Committee, as a matter of fact, to be invested with very great powers, but all the same if it is to be of any use, you will have to give that Committee some powers. I will ask this House not to confine itself to the words of the Resolution, but to address itself to the real question which, as I have stated, is whether it is not desirable to have a committee which will set right the wrongs that are done—I hope unconsciously—by the agents of Government from time to time. That is the real proposition. So far as the procedure is concerned, that can be worked out hereafter, and I believe that it can be worked out in a practical shape. So, if my Honourable friend the Mover will allow me to say so,

I would ask him to be content with the promise made on behalf of Government. I take it that promise was that the Government will take some action in this direction and they will take steps to constitute a committee with certain powers.....

The HONOURABLE Mr. H. D. CRAIK : I am sorry to interrupt the Honourable Member. What I said was that the Government would undertake to appoint a committee to investigate this question and to make recommendations.

The HONOURABLE SAIYID RAZA ALI : Well, Sir, that promise, I must say, does not go a long way. But for the present I should advise the Honourable Mover to be content with that promise. I do not think he should press this Resolution to a division. With these words I support his proposal.

The HONOURABLE Mr. V. G. KALE : Sir, from the speech of the Honourable Member, it was not quite clear what he wanted to be the arrangement that should be established for the purpose of getting redress for the grievances of the public. He made a reference to the system and practice prevailing in England, but, as has been pointed out, that practice and that system do not practically give any redress to the grievances of the public. I want to know whether he wishes to reproduce that system here ...

The HONOURABLE SIR MANECKJI DADABHOY : Have you studied the English constitutional procedure on the subject?

The HONOURABLE THE PRESIDENT : Order, order. If the Honourable Member wishes to interrupt, he must stand up. If the other Honourable Member wishes to give way, he must sit down.

The HONOURABLE SIR MANECKJI DADABHOY : May I know from the Honourable Member whether he knows the constitutional practice in England, and whether those petitions are only put on record and no further action taken. I know that the Honourable Mr. Craik made that statement, but I cannot agree with it.

The HONOURABLE Mr. V. G. KALE : I do not know why my Honourable friend wants to inquire from me whether I know a particular subject or not. I may also put the same question to him, and inquire whether he has any real knowledge, any practical knowledge of the British constitution. I might certainly assure him that I know as much of the British constitution as he does, if not more, and I do not know whether it was a very pertinent and a respectful question to put to an Honourable Colleague whether he has studied any subject or not.....

The HONOURABLE THE PRESIDENT : I think the Honourable Mr. Kale might let the matter rest there.

The HONOURABLE Mr. V. G. KALE : However, to resume what I was saying. I do not know whether the Honourable Member wants to reproduce the system that prevails in England, and inasmuch as the Executive Government there is directly and fully responsible to the Legislature, that system does not practically redress the grievances of individuals or institutions. But inasmuch as the Legislature has full control over the Executive Government, many such occasions are not likely to arise and do not in recent times arise. While I was

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wading through the proceedings of the Indian Legislative Council of 60 years ago very recently, I noticed that certain petitions were received from the public by the Legislature, and a reference has been made therein to this effect, and Honourable Members on behalf of Government have mentioned the fact that petitions were received at the table of the House and that they should be printed. There was this system in vogue in the Indian Legislature itself of receiving petitions, and I think that if such a practice is revived, it will be a very great assistance to the members of the House. For example, numerous petitions are sent to Government. Questions are raised on those petitions; resolutions are sometimes moved and questions are asked. If Honourable Members were put in possession of the information contained in those petitions, certainly it would go a very long way to assist the members in transacting their business. But if the Honourable Mover of the Resolution wants that this House should be enabled to exercise some control over the Executive, then certainly not only a Statute will have to be passed, but very important modifications in the constitution and governmental practice will have to be effected. How that is to be done, is not made clear by the Honourable Mover, and that is my grievance against him. He has simply said that it is desirable that petitions should be considered and witnesses examined, but how that is to be accomplished is not explained. Various practical difficulties have been pointed out. How they are to be got over, how is a Committee of Enquiry consisting of Members of this House to be appointed, whether that Committee will be in a position to investigate all those petitions which will be received by the House, are matters which have not been made clear. These are really very serious difficulties, and unless we know exactly how the proposed system is going to work, how it is going to exercise any control over the Executive Government, or whether it is intended only to supply information to the Honourable Members of this House and place them in possession of full facts, what are the limitations that are to be imposed, what are the duties and functions which that Committee is to be asked to perform, unless we know all these things, I do not know whether it is possible for us to give any support to the Resolution which has been moved by my Honourable friend.

The HONOURABLE SARDAR JOGENDRA SINGH: I move, Sir, that the question may now be put.

The HONOURABLE THE PRESIDENT: I shall now ask the Honourable Mover to reply.

The HONOURABLE SIR MANECKJI DADABHOY: Sir, I may at once 1-36 P.M. frankly acknowledge that the question which I have raised is not free from difficulties. It is beset with complexities, more or less of an insurmountable nature in this country, but some of the Honourable Members who followed the Honourable Mr. Craik think—I at least gathered it from their speeches—that in bringing forward a Resolution of this character my aim and object was to obtain immediately from Government what was embodied in the Resolution. Those Members who have been long in this Council will bear me out when I say that the only way in which I could move (and they from their personal experience will agree with me) is by formulating and placing Resolutions in broad terms before this Council, by pressing our demands and forcing the hands of Government to give replies in a definite manner. I never for a moment thought that my Resolution in its present form would be accepted by Government. My object was to open a ground for

debate, and enable Government to take action after due investigation and inquiry which may result in securing for the people of this country greater liberty of discussion and larger facilities for bringing up all important problems in which they differed from the rulers as regards methods of government, as regards the exercise of their scope and power and in many other ways, and in order that the Councils which are now constituted should be living Councils, and not that they may do mere debating and formal work. It was with this object in view that I brought forward this Resolution. I know the difficulties and I am fully conscious of the shortcomings of my Resolution.

Now there are one or two points which my Honourable friend Sir B. C. Mitter specially mentioned, and which require some explanation. He asked what particular advantage would be gained by merely receiving petitions. Surely the scope of my Resolution is not merely to authorise the Council to receive petitions and file them, but the Committee that would be appointed by the Council would consider carefully the scope of the petitions, and if they thought that the matter required fuller and further deliberation by the entire Council, it would be open to the Committee to place the petitions before the Council for their consideration. If the Council as a body thought that the matter was worthy of being considered further, it would take up any such complaint and deal with it in any manner it thinks fit. That is the scope, aim and object of my Resolution.

It was also pointed out, by my Honourable friend, Sir Binode Mitter that thousands of petitions would be received and no action would be taken on them. That is quite true. Thousands of memorials are received by the Government of India now from all quarters. Do they take action on all of them? In the same way, when these petitions are received,—this Council,—and I expect that according to my original idea a Joint Committee of both the Houses would be ultimately appointed,—would carefully consider whether a certain petition is worthy of being probed into and fully considered, or whether it should be consigned to the waste-paper basket. I think we could safely leave the Members of this Committee to discriminate what complaints are of such importance as to need a full investigation, and which should be consigned to the waste-paper basket. Of course, my Honourable friend Sir Binode Mitter is perfectly right in stating that it may necessitate fresh legislation. Well, if fresh legislation is necessary in the interests of the country, it will be open to any member hereafter to move in the matter. I did not say that to give effect to my Resolution it will not require fresh legislation. We are a progressive body. Only the first stages of responsible government have been given to us, and it is our duty not only to make the present stage of responsible government a success, but, at the same time, to prepare the ground for further concessions which will safeguard the interests of the people of this country. It was only with that object that I placed my Resolution before the Council. My object has been gained by the Government undertaking to make a full inquiry into the subject, and as any further discussion would not only be superfluous but merely academical, I readily accept the offer given by the Honourable Mr. Craik. I would only request him that in appointing this committee constitutional lawyers of eminence, retired High Court Judges, Indian as well as European, would be placed on it, and if my Honourable friend Mr. Craik can give an undertaking that a proper and well-constituted committee will be appointed to go thoroughly into the whole question, I do not at all desire to press this Resolution. I have explained

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[Sir Maneckji Dadabhoi.]

why I brought this Resolution before the Council, and in view of what has fallen from the Honourable Mr. Craik, I now ask your leave, Sir, to withdraw my Resolution.

The Honourable Secretary has drawn my attention to the fact that my Resolution will require some slight modification.

THE HONOURABLE THE PRESIDENT: Well, if the Honourable Member is successful in withdrawing his Resolution, that naturally drops. (To the Honourable Mr. Craik.) Does the Honourable Member desire to make any observation?

THE HONOURABLE MR. H. D. CRAIK: I only had one observation to make, Sir, relating to a remark by a Member who has left the House, so I shall not make it.

THE HONOURABLE THE PRESIDENT: Before I put the question whether leave be given to the Honourable Mover to withdraw his Resolution, I must draw the attention of Members to the common and loose practice, (though it was a general practice in the old Council), of withdrawing Resolutions on an undertaking by Government. That is a course which the Council of State can authorise by agreeing to the withdrawal of a Resolution, but I fear it often fails to elicit the real opinion of the House. It also sometimes fails to present the case to the Council at large in the way that it should be presented. It may well be the Honourable Sir Maneckji Dadabhoi (my remarks are intended to be entirely general and have no bearing on the individual case) it may be that the Honourable Mover of a Resolution is perfectly willing to accept the particular statement of Government. But it may be that there are other Members of Council who, if the undertakings have been the subject-matter of a formal amendment, would have been in a better position to have expressed their views. I am merely pointing out to the Council the danger which the particular precedent is open to. It may deprive individual Members of an opportunity of bringing forward their views.

I will now ask if it is your pleasure that the Honourable Sir Maneckji Dadabhoi have leave to withdraw his Resolution.

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

#### RESOLUTION RE APPLICATION TO INDIAN STUDENTS OF THE CECIL RHODES SCHOLARSHIPS.

THE HONOURABLE THE PRESIDENT: In order to save the Honourable Mr. Sethna's Resolution I will ask him to rise and read it.

THE HONOURABLE MR. SETHNA: Sir, I beg to move that—

'This Council recommends to the Governor General in Council to request the Secretary of State for India to apply to the Trustees of the 'Cecil Rhodes Scholarships Settlement' to transfer to Indian students the scholarships reserved under the settlement for German students which have been discontinued since the war, and further that, in the event of such transfer not being possible for any reason, to apply to the Trustees and, if necessary, to the Executors to create new scholarships for the benefit of Indian students.'

THE HONOURABLE THE PRESIDENT: That will enable the Honourable Member to carry his Resolution over. In these circumstances, I adjourn the Council to Saturday, the 17th instant, at 11 o'clock.

The Council adjourned to Saturday, the 17th September, at 11 O'clock.

## COUNCIL OF STATE.

Saturday, the 17th September, 1921.

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

### QUESTIONS AND ANSWERS.

#### WAGONS FOR TRANSPORT OF FOOD-STUFFS.

119. THE HONOURABLE RAJA MOTI CHAND: (a) Are the Government aware that for a considerable time past there have been great difficulties in obtaining the use of wagons by tradesmen for transport of food-stuffs and other goods in consequence of which markets have been glutted?

(b) If so, do the Government propose to take steps, at an early date, to remove these difficulties?

THE HONOURABLE MR. J. A. RICHEY: (a) and (b) Government are aware that, until recently, the position on railways generally as regards wagon supply was difficult. This was due in a great measure not only to the fact that as the result of the war wagons themselves were short, but also to the absorption of a large proportion of the available supply in the coal traffic. The coal position however is easier, and the wagon position generally has much improved. Temporary congestions on particular railways are always likely to occur, but railways generally are reported to be coping satisfactorily with public demands for wagons.

It is anticipated that some 6,000 wagons will be added to the stock during the current year.

#### HIGH PRICES OF FOOD-STUFFS.

120. THE HONOURABLE RAJA MOTI CHAND: In view of the admittedly high prices of food-stuffs obtaining in the country at the present time, will the Government be pleased to state what action, if any, they propose to take to meet the abnormal conditions?

THE HONOURABLE MR. B. N. SARMA: The attention of the Honourable Member is invited to the Press Communiqué of the 2nd September.

I understand that steps are being taken by the Governments of the United Provinces and the Punjab to help local bodies to open cheap grain shops.

#### PROFITEERING AMONG MERCHANTS.

121. THE HONOURABLE RAJA MOTI CHAND: (a) Are the Government aware that there is at the present time a good deal of profiteering among food-grain merchants?

(b) If so, do the Government propose to take steps to remove this state of affairs?

The HONOURABLE MR. B. N. SARMA : (a) Government do not know the extent, if any, to which profiteering exists.

(b) Inquiries are being made and Government are considering what steps can be taken, but they do not, as at present advised, consider that any useful purpose would be served by interfering with trade.

#### WEIGHTS AND MEASURES.

122. The HONOURABLE RAJA MOTI CHAND : (a) Are the Government aware of the diversity in weights and measures obtaining in the country ?

(b) Do the Government propose to take steps to standardise weights and measures for the whole of British India ?

The HONOURABLE MR. E. M. COOK : Government are aware that great diversity exists. The Council will have an opportunity of considering the whole subject on the Resolution which the Honourable Dr. Ganganath Jha proposes to move.

The HONOURABLE LALA SUKHBIR SINHA : I do not propose to ask Question No. 123, Sir, as it will be covered by the Resolution which I shall move to-day.

The HONOURABLE THE PRESIDENT : Does the Honourable Member in charge desire to answer the Question ?

The HONOURABLE MR. B. N. SARMA : No, Sir.

Question No. 123 was therefore withdrawn.

The HONOURABLE THE PRESIDENT : I have received private notice of a question which does not appear on the paper, but I consider it to be of public importance. I, therefore, call upon the Honourable Sir Maneckji. Dadabhoi to read the question of which he has given me private notice.

#### AFFAIRS IN MALABAR.

The HONOURABLE SIR MANECKJI DADABHOY : Can Government give the Council any further information about affairs in Malabar ?

The HONOURABLE MR. H. D. CRAIK : Following is the general purport of a telegram received from the Government of Madras on the 14th of September. In the light of information elicited during the visit to Malabar of His Excellency the Governor of Madras, it appears that the position is still serious. The spirit of the rebellion is unbroken, and, except in the immediate vicinity of troops and close to the railway, the life and property of non-Muhammadans are unsafe. Roads and bridges repaired by troops are broken after they have passed. On the 12th September, the office of the Sub-Registrar at Manmaar Ghat was destroyed. The interior of the taluks of Ernad and Walluvanad is still in the hands of rebels, of whom five bodies, estimated to have a total strength of three thousand, are known to be in existence. The military are experiencing difficulty in dealing with them owing to their mobility and our difficulties regarding transport and communications. It is impossible to

re-establish police stations, and still more so to re-open the ordinary Courts and offices, or even to ascertain the amount of damage done to private and public property. At present all that is possible is to maintain close association between the civil and military authorities, and to provide for the trial of those who have been arrested for serious offences. The Collector of Malabar has started a relief fund, but till normal conditions are restored, its administration will be impracticable. The trials that have taken place are for offences against the ordinary law in normal times, *e. g.*, dacoity, arson, robbery, extortion, damage to railway and telegraph and not merely for any breach of special regulations. It has not been possible to capture many wounded rebel prisoners, but the few taken are being looked after in exactly the same way as our own men. At present it is quite impossible to forecast when the termination of Martial Law will be practicable.

The HONOURABLE SAIYID RAZA ALI : May I ask a supplementary question, Sir ? Is it a fact that large bodies of Moplahs are actively engaged in helping Government and are placing their assistance at the disposal of Government ?

The HONOURABLE MR. H. D. CRAIK : Not so far as I have heard.

#### GOVERNMENT BUSINESS FOR 19TH SEPTEMBER, 1921.

The HONOURABLE THE PRESIDENT : I would ask the Honourable Member representing Government if he is prepared to make a statement of Government business to be brought forward on the 19th of September.

The HONOURABLE MR. B. N. SARMA : A complete agenda is being circulated to Honourable Members to-day, but provisionally it has been arranged that the Home Department will move that a Bill in respect of firing on mobs be taken into consideration and that the Bill be passed. They will also move that a Bill to amend the Cattle-trespass Act be taken into consideration and move that the Bill be passed; that the Bill to amend the Code of Criminal Procedure and the Court-fees Act be referred to a Joint Committee; also that a Bill to enable Commissioners for recording evidence of British Courts be taken into consideration.

The HONOURABLE THE PRESIDENT : I understand that the agenda will be circulated.

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

The HONOURABLE MR. H. MONCRIEFF SMITH : Sir, in accordance with rule 25 of the Indian Legislative Rules, I lay on the table copies of Bills passed by the Legislative Assembly at its meeting on the 15th September 1921. They are :—

- (1) A Bill further to amend the Negotiable Instruments Act, 1881 ;
- (2) A Bill further to amend the Indian Post Office Act, 1898 ;
- (3) A Bill further to amend the Indian Marine Act, 1887 ;
- (4) A Bill further to amend the Indian Works of Defence Act, 1903.

[Mr. Phiroze C. Sethna.]

The HONOURABLE THE PRESIDENT: I particularly invite the attention of Honourable Members to rules 26 and 27.

We will now resume the interrupted debate.

#### RESOLUTION *RE*: CECIL RHODES SCHOLARSHIPS.

The HONOURABLE MR. PHIROZE C. SETHNA: Mr. President, I beg to move the Resolution which stands in my name and runs as follows :—

‘This Council recommends to the Governor General in Council to request the Secretary of State for India to apply to the Trustees of the “Cecil Rhodes Scholarships Settlement” to transfer to Indian students the scholarships reserved under the Settlement for German students which have been discontinued since the war, and further that, in the event of such transfer not being possible for any reason, to apply to the Trustees and, if necessary, to the Executors to create new scholarships for the benefit of Indian students.’

I take it, Sir, that my Resolution will commend itself not only to every individual member of this Council, but also to Government. The “Cecil Rhodes Settlement” has been acknowledged, and rightly acknowledged, as one of the greatest benefactions made by any philanthropist in the early part of this century. It came into existence soon after the death of the donor in 1902. Cecil Rhodes was the son of a clergyman, and being one of nine sons, had to leave home early in life to earn a living for himself. He decided to proceed to South Africa to join his brother in farming. This he did in 1870. Just a year previous, in 1869, the first South African diamonds were found, and there was consequently a very heavy rush to the diggings. Rhodes was drawn into the movement and met with success. Within three years he made enough to enable him, if he so chose to do, to realise his heart’s desire to have a University education. He therefore sailed for Home in 1873, passed the Oxford Matriculation and joined Oriel College. It happened, however, that his health at this time gave way, and a specialist he consulted gave it as his opinion that Rhodes had only six more months to live if he persisted in staying in the old country. There was no other recourse left for him but to return to South Africa, which he did. So determined was he however to get a University degree that, during the next eight years, whenever his health and his means permitted, he returned to Oxford for brief spells just to put in more terms, and eventually succeeded in graduating in 1881. Thereafter, Rhodes stayed in South Africa continuously and he rose very soon to great eminence, not only as a businessman but as a politician. After his return from Oxford to South Africa and being fresh from the University atmosphere, he conceived the idea that a closer consolidation of the British Empire into an organic whole would be an object of supreme political importance, not only for his own nation, but for the world at large. The Imperial idea was the point from which he started. He believed in the British Empire and in its efficiency for doing good. He wished to see the various parts of the Empire drawn closer together, not as an agency of aggression, but in the interests of peace, industry and civilisation. For this end he believed in the full advantages of citizenship to every one who chose to become a member of the Empire and a full share in its work to be extended to civilised men of any race or creed, provided they came within its bounds and accepted its ideas of free government.

According to Rhodes himself, he received great inspiration in his college days from a sentence he read in Aristotle, *viz.*, that “the greatest happiness in

life is to be derived from a conscious pursuit of a great purpose.” Rhodes conceived such a great purpose for himself. He believed in, and worked for, the unity of South Africa from the time he entered public life in that country. He believed further in the unification of the great British Empire, and he also hoped that there would be a closer affinity as time went on between the different Anglo-Saxon races. For this purpose he strove, and strove strenuously, during his short life and when he died at the early age of 49 possessed of millions, he devoted the bulk of his fortune for founding scholarships to enable students from the different Colonies as also from the different States in the United States of America to proceed to Oxford to receive the benefit of University education. The motive which induced Rhodes to allow his generosity to take this particular shape is best explained by him in his will where he says :

‘Whereas I consider education of young colonists at one of the Universities in the United Kingdom is of great advantage to them for giving breadth to their views, for their instruction in life and manners and for instilling into their minds the advantages to the Colonies as well as to the United Kingdom of the retention of the unity of the Empire.

Rhodes held that, if young men, working in different capacities throughout the Empire could be made familiar with each other in their youth and by an education in common, grow into mutual understanding, that it would go a long way to solve the problem of united action when the necessity for the same should arise. This Council will therefore see that the underlying idea of these scholarships was the unification of the British Empire, and he hoped that the scholarships would lend an impulse to that great cause.

From a publication issued by one who has had much to do in connection with the framing of the regulations for these scholarships, a publication to which I am indebted for most of my remarks, I find that Rhodes in his will has left a very wide discretion to the Trustees in the matter of administering this fund; confining his directions chiefly to a general statement of principles. In the will itself Rhodes has given scholarships to students from the different Colonies in the Empire and to students from the United States of America. Each of these scholarships was to be tenable for three years, and is for £300 per annum. The will was made in 1899, but two years later by a codicil Rhodes gave five more scholarships, and these were expressly reserved for German students to promote his idea of a closer affinity between Anglo-Saxon races, and my Resolution seeks for the transfer of these scholarships meant for German students for the benefit of students in this country. The German scholarships were originally for £250. These, I find, were also raised subsequently to £300 per annum.

India, Sir, was not as much to the fore in world politics at the date when Rhodes made his will in 1899, or when he made his codicil in 1901—as it is now, and were Rhodes alive to-day a man with his deep-rooted ideas of the retention of the unity of the British Empire, he would certainly not have excluded India from his benefactions. On the contrary, I submit, that were he alive to-day, he would assuredly have made a second codicil by which he would have given to India not five, but twice or three times as many scholarships. The statement that I make that Rhodes would have done so is borne out by his speeches, and for the benefit of the Council I may be permitted to read two or three small extracts which, I hope, will convince the Council that Rhodes would

[Mr. Phiroze C. Sethna].

by no means have left out India. On one occasion at a speech he made in the Cape Assembly, he said :

'The supremacy of my country was due to its adherence to two cardinal axioms, that the word of the nation when once pledged is never broken, and that when a man accepted the citizenship of the British Empire, there was no distinction between the races ?

He was equally if not more insistent on another occasion when in reply to a deputation of coloured people in South Africa he said :

'My motto is equal right for every civilised man, and what is a civilized man?—a man, whether black or white who has sufficient education to write his name, has some property or works, in fact is not a loafer.'

and, Mr. President, there is yet another quotation which is still more pertinent. It is to be found in the directions and suggestions he has given for the selection of scholars, and to this I would draw the particular attention of my Colleagues in the Council. This is what he observed :

'No student shall be qualified or disqualified for election to a scholarship on account of his race or religious opinions.'

Could anything be more emphatic ? And I contend, Sir, that an Empire Builder, as Cecil Rhodes has rightly been called, would certainly not have excluded India from the benefit of his endowment if he had lived only a few years longer. If the Trustees therefore now accede to our request, they will be doing nothing more than furthering the intentions of the great donor.

These German scholarships I have referred to were discontinued after the commencement of the Great War in 1914, but to enable the Trustees to do so, it was necessary for an Act of Parliament to be passed. A Bill was therefore introduced in the year 1916, and clause 4 of the Bill reads as follows :

'The Trustees shall as soon as practicable after the passing of this Act establish for male students 12 scholarships of the value of £300 each to be tenable at any College in the University of Oxford for three consecutive academical years by students, or from such Colonies, dependencies or places within the British Empire as the Trustees may from time to time determine in substitution for the scholarships established pursuant to the German codicil which cease to be payable under the provisions of this Act.'

I have not been able to obtain a copy of the Act, and I do not know what shape this Bill assumed when it became an Act, but I have reasons to believe that this particular clause which I have quoted has not been altered. If that be so, the Council will see that the Trustees have taken to themselves the very wide powers of giving these scholarships to any one they pleased in any part of the British Empire without any restriction whatever. This was in 1916. It is five years since then, and we know that no scholarships have yet been allotted to India. We do not know the reasons for this, although, as I say according to the powers the Trustees have taken to themselves, they could have done so. It may be that at that date all the available scholarships were disposed of, for, Mr. President, about the year 1916 or 1917 a question was asked in the House and from the reply given to it, it appears that on that date there were 62 scholarships distributed as follows :—

|                          |     |     |     |     |    |
|--------------------------|-----|-----|-----|-----|----|
| South Africa             | ... | ... | ... | ... | 11 |
| Australia                | ... | ... | ... | ... | 7  |
| Canada                   | ... | ... | ... | ... | 10 |
| Jamaica and Bermudas     | ... | ... | ... | ... | 2  |
| United States of America | ... | ... | ... | ... | 32 |
|                          |     |     |     |     | —  |
| Total                    | ... | ... | ... | ... | 62 |

If for any reason therefore, namely, that they have previously committed themselves or that there is any legal hitch, the Trustees cannot now divert any of the existing scholarships, the point I want to make out is that so far as I know the income of the Trustees for these scholarships is a steadily growing revenue, and I believe that in course of time they will have to found more scholarships, and we shall be content and more than content if an assurance is given to us by the Trustees that future scholarships will be devoted for the benefit of students in this country.

If we fail in this, there is yet another quarter we may well approach. Whilst the Scholarship Settlement was made a Trust, Rhodes after setting apart large sums for specific purposes has left the remainder of his fortune to a chosen group of personal friends for them to carry out and further the plans which engaged his mind in his life-time for the benefit of South Africa, as also for the benefit of the Empire in general. Therefore, Sir, if the Trustees of the Settlement fail to respond to our request, the Right Honourable the Secretary of State may be requested to approach the Executors. At no time has there been a greater necessity for a closer understanding between the British and the Indians as at present. Therefore, whenever any such opportunity offers itself, I think it ought to be availed of to its fullest extent by either side. It is a fortunate circumstance that, among the Executors and the Trustees, there are such broad-minded and sympathetic Statesmen as Viscount Grey, Lord Milner and others. Lord Rosebery was one of the first Trustees, but I understand he has resigned and his place has been taken by some other Englishman of eminence. If these Executors acquiesce in our request, they will, as I say, not only further the intentions of the illustrious donor, but will help to vindicate that cardinal axiom on which Rhodes laid such great stress—that "when a man becomes a member of the British Empire, no matter whatever his race or creed, there is to be no distinction between races."

Mr. President, during the last few years Indian students have been experiencing very great difficulty in gaining admission into the different colleges of the Universities in the United Kingdom. This causes discontent and in some cases disaffection. If, therefore, at a time like this we had some Indian Rhodes Scholars who could have got admission very easily into Oxford colleges, they would be the means of bringing about a better understanding between Indian students and other students in the Universities of the United Kingdom. I have said, Sir, that if there were Indian Rhodes scholars they would have been admitted readily into the Oxford colleges. It is well known that, while the Oxford colleges are chary in admitting students who come from anywhere, they receive with open arms Rhodes scholars no matter from where they hail, knowing full well that they are the picked men from different countries, and knowing also that if such men are admitted into their respective colleges, they will do credit to their institutions.

The first Rhodes scholars arrived in Oxford in 1903 and were of course very few in number at that date. By 1912, the number rose to 700, and to-day I would not be surprised if the number is nearer 2,000 than 1,500. If, out of this large number, there were say only 100 Rhodes Indian scholars, they by their superior education would undoubtedly be occupying positions of trust and responsibility in this country, and, as such, at the present time would have proved a most valuable asset, because, if for nothing else, in



[Mr. A. H. Froom.

bounden duty and out of gratitude to the great donor by whose beneficence they had received a University education, they would have done all they could to promote the aim and object of the founder, namely, the retention of the unity of the Empire and, consequently, a closer relationship between the British and the Indians.

Sir, I have referred to the disabilities under which Indian students suffer at present in getting admission to the colleges. To remove these disabilities, a committee has recently been appointed, and in answer to a question put by my Honourable friend Mr. Bhurgri in this Council Government replied two days ago that this Committee will be continuing its deliberations in England till the end of this month. I do hope it will be possible to convey to the Committee the contents of this Resolution if passed, for any intervention on their part will, I am sure, prove of invaluable help. That Committee, Sir, is presided over by Lord Lytton. Lord Lytton is the present Under Secretary of State for India, and we know that he has as much sympathy, and evinces as keen an interest in all that pertains to the welfare of India as does his distinguished chief, the Right Honourable Mr. Montagu: and let us hope that, between them, they will render yet one more service to this country and prevail upon the authorities—I mean the Cecil Rhodes Executors and Trustees—to devote at least a few of the Rhodes scholarships expressly for the benefit of Indian students.

The HONOURABLE MR. A. H. FROOM: Sir, I think that the members of this Council will appreciate the feelings which prompted my Honourable friend Mr. Sethna to introduce this question of the allocation of a certain number of Rhodes scholarships to students from India. In fact, the terms of the late Mr. Rhodes' will seem to provide room for this. As already pointed out by Mr. Sethna, one of the clauses,—and I think I also may repeat the clause—reads:

'No student shall be qualified or disqualified for election to a scholarship on account of his race or religious opinions.'

Unfortunately, I understand that the scholarships reserved for German students, which were withdrawn, soon after the outbreak of war, by special legislation in England, had already been allocated elsewhere, and they are not therefore available for students from this country. The Honourable Mr. Sethna in his Resolution appears to have anticipated this, for, as an alternative, he suggests that the Executors of Mr. Rhodes' will should create new scholarships for the benefit of Indian students. No doubt, Mr. Sethna has in view that the capital fund of the Rhodes scholarships must of necessity increase as time goes on, when the deaths occur of certain beneficiaries under the will, but, to my mind, the question presents itself as to whether it would be consistent with the dignity of this Council to accept the Resolution, which is in the nature of a supplication to the Trustees. In his will Mr. Cecil Rhodes allocated scholarships to many countries. The Honourable Mr. Sethna has referred to them, but I do not think I should be wearying the Council if I again enumerated them to show the ideas the late Mr. Cecil Rhodes had in his mind. In the Colonies, he included Rhodesia, the Provinces of South Africa, the States of the Commonwealth of Australia, Tasmania, New Zealand, the Provinces of the Dominion of Canada, the Island of Newfoundland and its dependencies, the Islands of Bermuda, and the Island of Jamaica. Then followed America, and lastly, according to a codicil in his will, Mr. Rhodes included Germany. India was not mentioned, although I

cannot help thinking with my friend Mr. Sethna that, had the late Mr. Cecil Rhodes been alive to-day (he died in 1902) and had been able to follow the progress of India during the past 20 years, he would have included this country in the great benefits conferred under his will. The fact remains, however, that India was not mentioned, and for that reason, I would rather that the Trustees came forward and offered scholarships to Indian students, than that this Council should pass a Resolution applying for them. Therefore, while in entire agreement with the idea which prompted my Honourable friend to bring this question before the Council, I venture to suggest that his wishes would be met if Government undertook to communicate with the Rhodes Trustees and expressed the feelings of the Members of the Council of State in the matter rather than that a Resolution should be adopted, which appears to me to be in the light of an appeal for participation in a privilege which might more appropriately be offered than asked for. There is another point, Sir. No doubt the debate on this question, which is one of absorbing interest, will be read widely throughout India: and it will not have been in vain if it stirs some patriotic citizen to come forward and found scholarships for Indians at either Oxford or Cambridge University.

It is not even necessary to be dead before creating a fund for such a noble purpose. The provision of a few scholarships on the lines of the Rhodes Scholarships would not require a very large capital fund, and such Scholarships, in addition to immortalising the name of the donor, would provide an invaluable opportunity for a number of students,—unable themselves to afford a finishing education at either of the great Universities,—to acquire a broader knowledge of the affairs of the British Empire than can be learnt from studies in this country alone.

Sir, my earlier remarks will have shown that I am in close sympathy with the ideas of the Honourable Mr. Sethna, but I consider it would be more appropriate to the standing of the Council of State if he would withdraw his Resolution, on Government undertaking to represent in the proper quarter at Home India's undoubted interests in any new allocation of the scholarships founded by the late Mr. Cecil Rhodes.

The HONOURABLE MR. J. A. RICHEY: Sir, I may begin by assuring the Members of this House that the Government of India are in cordial sympathy with the object of this Resolution. Indeed, the question of awarding a certain number of Rhodes scholarships to India was taken up in 1916 by the Secretary of State when the Bill to which the Honourable Mover has alluded was before the House of Commons, and was brought to the notice of the Trustees of the Rhodes estate. A statement to this effect was made by Sir Sankaran Nair in the late Council in reply to a question by the Honourable Maharaja Sir Manindra Chandra Nandy in 1917. The question was further raised, as the Honourable Mover has mentioned, by Sir Charles Yate in the House of Commons in 1916. The Act transferring the power to distribute the German scholarships was passed in that year, and clause 4, the draft of which has been read out by the Honourable Mover, was passed in substantially the form in which he read it to this House. The Trustees then re-distributed the German scholarships under the powers conferred on them by the Act, but they allotted no scholarships to India. Whether they will, in future, be able to do so depends, firstly, on their interpretation of the wishes of the

[Mr. J. A. Richey.]

distinguished founder of these scholarships, and, secondly, on the resources at their disposal.

As to the wishes of the late Mr. Rhodes, I think the Honourable Mr. Sethna has made quite clear what Mr. Rhodes' ideal was when he founded these scholarships. To my mind his intention was to bring together in one atmosphere of culture and common thought the future leaders of the British Empire and the Anglo-Saxon race, in order to inspire them with common ideals for the promotion of peace and unity. In order to secure that, as far as possible, the scholarships should be awarded to those who would be leaders in the several States and countries to which they were allotted, he devised a unique system of selection, to which the Honourable Mover has not made reference. These scholarships are not awarded as scholarships usually are solely on intellectual attainments. Three other factors are taken into account, namely, athletic prowess, qualities of leadership and popularity with their fellow students. The House will, I am sure, excuse me mentioning this point when I tell them that I was privileged to be one of the judges at the award of the first Rhodes scholarship, and that under the personal direction of Mr Rhodes himself. And here I would add a foot-note to the history which the Honourable Mr. Sethna has been giving us of Mr. Rhodes' life. In 1901, the last year of Mr. Rhodes' life, this idea of founding scholarships for the Anglo-Saxon race and for the members of the British Empire was before his mind, and he wished to test the method of selection which I have just described to you. He selected for that purpose a college near Cape Town at which, as it happened, I was at that time a Professor, and we conducted the first selection of the first Rhodes scholar. Though he was not called a Rhodes scholar then, and the Honourable Mr. Sethna was correct in saying that the first Rhodes scholarship was not awarded till 1903. Yet he was awarded a scholarship by Mr. Rhodes of the value of the present scholarships and he was selected upon methods approved by Mr. Rhodes and under his personal direction. The experiment was most interesting and Mr. Rhodes himself was so satisfied with the result of the method of selection, that he carried out his original intention and instituted this world-wide system of Rhodes' Scholarships. You will understand, therefore, that scholars selected under this system are different in a way to holders of ordinary scholarships. They are expected to be leaders or to have the qualities of leadership, and also to show some skill in athletics or some form of sport. I think that we may all be confident that, if Rhodes scholarships are allotted to India, representatives from this country will uphold the honour of India in other spheres of University activity just as our Government Scholarship holders have done in the field of learning. I also have no doubt that, had Mr. Rhodes been alive at the present moment and drawing up his scheme of scholarships for the first time, he would have included India in the list of countries to which scholarships should be allotted.

Turning to the question of funds, I regret to have to inform the House that there are at present no scholarships available which can be allotted to India, and that we have learnt that the Trustees do not anticipate that they will have funds for the award of fresh scholarships for some years. However, when we received notice of this Resolution, we communicated with the Secretary of State by cable and have just received a reply from him, to the effect that he has been in communication with the Secretary of the Rhodes' Trustees, and that, if this Resolution is passed by the Council, the Secretary

has promised to lay it before the Trustees at their next meeting. More than that I do not think we can expect.

Whether this Resolution will be passed by this Council or not now appears to depend on the opinion of the Council, on the Honourable Mr. Froom's suggestion that it would be beneath our dignity to make a request of this kind. I do not feel that myself. I feel that this is a very natural method of bringing to the notice of the Trustees a question which is not before them, and not likely to be before them for some years. It is possible that, if we do not lay our claims before them now, other parts of the Empire may, during the next few years, be less bashful, shall I say, and that, when the next scholarships are allotted, the claims of India will again be overlooked.

I have, therefore, much pleasure in accepting this Resolution on behalf of Government.

The HONOURABLE MR. A. H. FROOM : May I rise to make a personal explanation? In my remarks I did not suggest that no representation should be made by Government to the Trustees. I laid great stress that there should be, so that when the next allocation of scholarships comes before the Trustees, the claims of India may not be overlooked.

The HONOURABLE SARDAR JOGENDRA SINGH : Sir, I wish to associate myself with the remarks which the Honourable Mr. Froom made 11-48 A.M. when he said that it would be more appropriate if these scholarships were offered freely by the Trustees instead of this Council passing a Resolution and asking for them. The self-respect of India demands that we should not pass any such Resolution in this Council for a great many reasons. One of the most momentous reasons, to my mind, is that at the recent Imperial Conference which was held in England, it was South Africa that denied equal right to India; and surely we are not going to ask South Africa to give us these few paltry scholarships. I think our merchant princes in Bombay and Calcutta will be able to provide more scholarships than we want, and possibly the day may come when these scholarships may be distributed far and wide over the Empire. I believe firmly in the coming together of the different parts of the Empire, but I do not think that in this Council we should move a Resolution asking for a few scholarships, which surely our own people can easily provide.

The HONOURABLE SIR E. HOLBERTON : Sir, I have been induced to rise and make a few remarks in opposition to the position 11-51 A.M. taken up by my Honourable friend, Mr. Froom. I had not considered that it was in any way beneath the dignity of this Council to ask for money which had been made available by a great citizen of the Empire for citizens of the Empire. Nor do I at the present moment in any way recede from that opinion. And I cannot help feeling some regret that the Honourable Sardar Jogendra Singh has thought it necessary to bring into this debate the slightest hint of a political nature. Mr. Rhodes was a citizen of the Empire. He was only by accident born, brought up and had his business, in Africa; and I really and truly hope that the Council will be able to leave any idea of the question of South Africa out of the debate. Apart from that, this is a question, I think, on which it is necessary and desirable that the Council of State should give their opinion. I am myself a little tired and a little anxious over the procedure which has rather

[Sir E. Holberton]

come into force in this House of withdrawing motions not cleanly but, as our President so necessarily told us yesterday, with riders. Now the danger of these riders is that it is quite unknown whether they really carry the approval of the House or not. For instance, supposing the Honourable Mr. Sethna asked for leave to withdraw his Resolution on Government undertaking to put forward his petition or his suggestion to the Government at Home and to the Rhodes Trustees, the Government would be in the unpleasant position of undertaking to put forward a recommendation which had never been voted on by this House at all. They would be quite unable to know what the real feeling of this House on the subject was. Therefore, Sir, I do suggest that this Resolution should not be withdrawn on any such undertaking, but that it should either be withdrawn altogether, or that it should be put to the House and, if necessary, taken to a division; and I earnestly hope that when that does happen, the feeling of the Council will be found to be very strongly in favour of the very patriotic and proper motion which has been put forward by the Honourable Mr. Sethna.

The HONOURABLE SIR MANECKJI DADABHOY : Sir, I wish to associate myself fully with what has fallen from my friend, the Honourable Sir E. Holberton. If I am able to judge the feeling of this House, I think the general opinion is that the Honourable Mr. Sethna should not withdraw this Resolution, but should press it. He has already given us the full history of the circumstances under which the scholarships were created, and from the quotations which he has freely made from the will of the late Mr. Cecil Rhodes, it is perfectly clear that no distinction of race or creed was contemplated by the generous donor, and that, if he had been alive to-day, he would have perhaps extended the same generosity to the Indian Empire. Further, it is my opinion that after the definite statement made by the Honourable Mr. Richey to-day, that the purport of this Resolution has already been telegraphed to the Secretary of State, and that he has received an encouraging reply from him stating in clear terms that, if this Council passes this Resolution, he will be pleased to place it before the Secretary, so that it may be placed before the Trustees at their next meeting,—in view of that definite statement,—I think it would be a mistake to withdraw this Resolution. I am, therefore, not at all in accord with the sentiments expressed by my friend, the Honourable Mr. Froom or the Honourable Sardar Jogendra Singh, that out of self-respect we should not ask a grant of this nature. There is no question of self-respect in my opinion, at all, involved in making a request of this kind. The Scholarship which was founded by Mr. Cecil Rhodes was, as I understand, of a very broad and national character, and though there may be a good many people in India who may be ready to endow large sums of money for the purpose of creating similar scholarships, as pointed out by some Honourable Members, in my opinion, that is no reason at all for refraining to assert the claims of India in a matter in which, I think, the interests of this country are likely to be served.

The HONOURABLE SIR ZULFIQAR ALI KHAN : Sir, the Resolution which is now before the House has evoked rather an interesting discussion, and I feel induced to say something on the subject. We have heard some arguments for and against the proposition put forward by the Honourable Mr. Sethna, and other speakers, and I am strongly inclined to think that what the Honourable Sardar Jogendra Singh and Mr. Froom have just said is the correct attitude with regard to this Resolution. The Honourable Mr.

E. Holberton has said that Mr. Cecil Rhodes was a citizen of the Empire, and therefore there is no shame in accepting what he endowed for the whole Empire. But, Sir, the great consideration which attaches to this argument is this, that Mr. Cecil Rhodes made his fortune in South Africa, and therefore the Indians can lay no legitimate claim to a share in that fortune. And, besides, Sir, the hostile attitude adopted by the South African representatives this time in the Imperial Conference was such as to induce the people of this country to refuse a charity, so to speak, at the hands of the South African people. I therefore say that it is humiliating to the self-respect and dignity of this country to accept any such thing, which, I believe, was not meant for India.

The HONOURABLE SIR JOHN WOOD : I move that the question be now put.

The HONOURABLE THE PRESIDENT : I think the Council is now in a position to come to a decision on this matter, and I will call on the Honourable Mr. Sethna to reply.

The HONOURABLE MR. PHIROZE C. SETHNA : Sir, I am thankful to those Members who have taken part in this discussion, and particularly so to the Government Member who expressed his cordial sympathy with the Resolution which I have brought forward. Before referring to what fell from him, I may in brief refer to the discordant note sounded by two of the speakers who expressed sentiments with which I hope the majority of my Honourable Colleagues will not see their way to agree.

Cecil Rhodes was as much an Englishman as any other, and I think we are just as much entitled to ask the Trustees to give us the benefit of his benefaction as that of any other Englishman. I may remind Honourable Members of a similar request made many years ago, and by which many Indians have profited, I mean the Gilchrist Scholarships.

I need not enlarge upon this point as the Honourable Sir Edgar Holberton and the Honourable Sir Maneckji Dadabhoy have replied to it effectively. With regard to my Honourable friend, Mr. Froom, he has made a suggestion which I regret I am unable to accept. Even the Government Member has said that he would not consider it undignified for the Council to pass this Resolution. I may remind my Honourable friend, Mr. Froom, of a proverb in the vernacular, which says that even a mother will not give milk to her child unless it cries for it. Therefore, Sir, if there are these scholarships available, and if it is possible to obtain them, there is absolutely nothing wrong on the part of this country asking for the same.

Now, Sir, as to the two points mentioned by the Honourable Mr. Richey. He said that everything will depend (1) upon the interpretation of the wishes of the donor, and (2) that it will also depend upon the funds at the disposal of the Trustees. As regards the interpretation of the wishes of the donor, from the quotation which I read out, namely, clause (iv) of the Bill, the donor must have intended not to leave out any part of the Empire. The Trustees chose to word the clause as they have done, and as I have read it, according to this clause, they have taken to themselves the power of extending these scholarships to any Colony, dependency or any place within the British Empire. I therefore, contend, Sir, that the interpretation is wide enough. But what is more, from the quotations I have given, it will be seen that the Trustees or

[Mr. Phiroze C. Sethna.]

Executors have been given very wide powers, so that they may adapt and convert these benefactions according to change of time and circumstances. Again, Sir, I think that in the original will there is no mention of Jamaica and Barbados, whereas we find they have now given scholarships to both.....

The HONOURABLE MR. A. H. FROMM: There was provision in the original will.

The HONOURABLE MR. PHIROZE C. SETHNA: I stand corrected. Now as regards the second point, regarding the funds at their disposal, the Honourable Mr. Fromm pointed out, and I have also stated in my own remarks, that the revenue at the disposal of the Trustees is a large one and a growing one, inasmuch as life interest has been given to some relations and friends of the late Mr. Cecil Rhodes, so that when they die the amounts reserved for them will go to swell the amount at the disposal of the Trustees, from which they can give additional scholarships. Further, Sir, in the codicil there is mention of only five German scholarships, whereas we find that in the Bill this number has risen to 12, which shows that the number of scholarships is gradually increasing; and I do believe that the Trustees and Executors will have more funds at their disposal and consequently will be able to help India if they like. I thank Government for accepting the Resolution.

The Resolution was adopted.

#### RESOLUTION *Re* :STOPPAGE OF EXPORT OF WHEAT.

The HONOURABLE LALA SUKHBIR SINHA: Sir, I rise to move the 12-5 P.M. following Resolution, that—

‘This Council recommends to the Governor General in Council to stop the export of wheat or flour out of India till the next *Rabi* harvest and to take necessary steps to lower the high prices of other food-stuffs.’

Sir, the question of high prices has now become so serious, that every person, from the highest to the lowest grade, is very hard hit; and I think the Honourable Members of this Council will agree with me when I say that these high prices have acted a great deal in helping the non-co-operation movement. When these non-co-operators go to villages and to the ignorant people and say that these high prices are due to bad administration of government, to the wrong policy of taxation, loans, gold standard and so on, they at once believe them and admit that the high prices are the outcome of the bad administration of the British Government. Therefore, the situation has now become very serious, and all of us here, as well as outside the Council and also the Government, should think out what can be done to relieve the present position. Sir, so far as I remember, in no famine in this country did the rates rise so high as they are now. In the biggest famine of 1878 or 1879, the rate of wheat never went down below 6 or 7 seers a rupee, whereas now it is only 4½ seers to the rupee. I am glad to see that the Government of India have stopped the export of wheat and flour up to the next *Rabi* harvest; but I may say that this step has been taken rather too late. The average yield of wheat in this country is about 9 million tons; the yield this year was only 6 million tons, while we required for our people not less than 8 million tons, which shows that the yield this year was about 2 million tons less than what is required for our own maintenance. When there was no surplus, I wonder why the Government of India allowed any export of wheat at all out of the country.

(At this stage, the Honourable the President vacated the Chair, and the Honourable Sir Dinshaw Wacha occupied it.)

Sir, I have made some calculations; and if they are correct, I find that in this country a total of 76 million tons of all grains is produced. For our own maintenance, for the maintenance of the whole of the population of India, we require not less than 72 or 71 million tons every year, for the people as well as for our cattle and for seed. I have got several figures here and they show that we require about 50 million tons for the people, about 20 million tons for our cattle and about 2 million tons for seed; the total comes to about 71 or 72 million tons. The ordinary total yield is about 76 million tons, which gives a surplus of only 5 or 6 millions to be exported. This year the yield has been very little and there was hardly any surplus to be exported.

Now the question arises as to what has led to these high prices. It is a very difficult question to solve, but, so far as I can see, I think the reasons which have led to these high prices may be said to be these. First, there was no control on the export of food-stuffs, not only upon wheat, but upon other grains also. The second is, that there was less import of rice from Burma. That has also had a great effect on the price of rice and wheat in this country. The third reason, to my mind, is that this year on account of high prices the tenants have hoarded up some of the grain either for speculation or for their own use. Another reason was that there was a great shortage of wagons, with the result that it was not possible to take grains from one place to another in the country. For instance, if there was any cheap grain in one place, it was very difficult to take it to those places where the prices were higher, and, therefore, the high prices could not be relieved by getting cheap grain from places where it was abundant and the prices cheaper. Sir, similar is the case with other food-stuffs like milk and ghee, and we require these things every day for our tea, for our food, and for so many other purposes. The prices of these things have also gone up abnormally high. Now the question arises as to what can be done to relieve the present situation. I hope the Members of this Council will state their experience and their views on this subject, but I think the steps that should be immediately taken are that whatever grain is now stored at the sea-ports of Bombay, Karachi and Calcutta should not be allowed to be exported, and, if possible, should be sent back to those places from where it was taken. More Burma rice should be allowed to be imported into this country, because a large portion of the population in Bengal, Madras, Bombay and even in the United Provinces and the Punjab, depends upon rice, and I have no doubt this will relieve the situation to a large extent. Then, again, the railway authorities should be asked to supply more wagons to grain merchants in order to bring grain from one place to another when they can manage to do so. At present wagons are not sufficiently supplied, and the grain merchants feel a great want of them, and this should be remedied as soon as possible.

Another question now before us is, what should be done for the future. It is a very big problem for the Government to solve. Of course, the present situation can be solved by accepting the suggestions that I have laid above, but the great question to solve is, what we should do and what Government should do for the future, so that such a situation may not arise again. Sir, to my mind, the present produce per acre of land in this country is very small. If we compare the figures of produce in this country with other countries, they will be found to be very startling. The produce of wheat per acre in this country is only about 11 bushels; while in Denmark it is about 33 bushels; in

[Lala Sukhbir Sinha.]

Spain 14 bushels, France 13 bushels, Great Britain 29 bushels. It should be remembered that these countries are not agricultural, while India is an agricultural country. Then, again, the produce of wheat per acre in the Netherlands is 30 bushels, Sweden 23 bushels, Switzerland 32 bushels, Canada 17 bushels, United States 14 bushels, Japan 32 bushels and Egypt 29 bushels.

(At this stage the Honourable Sir Dinshaw Wacha vacated and the Honourable the President resumed the Chair.)

Now, Sir, from this we can see that India produces the smallest per acre, and there must be some reasons for this, but I am sorry that never has any serious attempt been made by the Government or the people to obtain more produce from land. Government no doubt has started Agricultural Departments in every Province, and they have a big Department here to control all the Provincial Departments. But as a man of some experience, as an agriculturist and as a big landholder myself, I can say that very little practical steps have been taken by these Departments. When India is an agricultural country, when we have everything available which Nature can give us, as regards manure, abundant water-supply and a fertile land, there is no reason why we should not be able to produce more than any other country on the face of this earth can produce. Sir, in order to get more produce from land, there are several factors which require investigation, and I will draw the attention of the Honourable Member in charge of the Revenue and Agriculture Department to give his full attention to these factors. If we can get more produce from land, we shall have it in abundance, not only for internal consumption, but also for export, in which case we shall have no objection to allow export from this country. I think that my Honourable friend, Sardar Jogendra, Singh will oppose the Resolution on the point of export. Last March I remember he moved a Resolution in this Council and I supported him in the matter of allowing exports. But, Sir, in this case when we find that we have no surplus to spare, when we find that we have hardly enough grain even for our own consumption, I do not know how far we shall be justified in saying that we should allow exports from this country. If we try to get more produce from land, we shall be able not only to maintain ourselves, but also to allow exports to other countries; but when there is no surplus, how can any export be allowed? To get more produce from land, the first thing to which we should devote our attention is to increase the bullock power, because until the land is properly tilled and ploughed, we cannot expect to get more produce. So far as my calculation goes, the bullock power here is only one-fourth of what it ought to be. The latest figures supplied to me so kindly by my friend, Mr. Hullah, Secretary to the Revenue and Agriculture Department, show that the total number of bullocks in this country is 43 millions, and of ploughs 23 millions. Deducting about half the bullocks from this total as doing other work of cartage, etc., and being infirm and old, there remain about 22 million bullocks for 11 million ploughs. The total number of acres ploughed is about 228 millions. That shows that one pair of bullocks has to plough about 20 acres, instead of 5 acres, the maximum which shows that the bullock power in this country is only one-fourth of what it should have been.

The question of manure is another very important thing. The villagers do not get sufficient manure. Whatever they get they burn for cooking food and for other purposes, and some steps should be taken to supply them with manure either from outside or from their own villages, and also scientific methods be

introduced by which they can improve their stock of manure and how to store it should be explained to them.

Well, Sir, I do not wish to take up too much of the time of this Council in discussing this question, but I do want to impress upon it that bone manure is the best of all. On some other occasion I propose to move a Resolution on this question, but that will be later on. I would add that I am not alone in saying that bone manure is the best because all the experts admit it. ....

The HONOURABLE THE PRESIDENT: Order, order. The Honourable Member must not give expression in anticipation to remarks which are relevant only to another Resolution of which he has given notice.

The HONOURABLE LALA SUKHBIR SINHA: After this comes the question of irrigation. In some Provinces the supply of canal water has reached its maximum. In the United Provinces, I think a new Sarda canal is being constructed, but no further extensions can be made. In the Punjab, I think one more scheme for a canal is going to be taken in hand. I would suggest that well irrigation be extended by putting pumps on wells and that more rain water should be utilised than is done at the present time. In this country out of about 37 inches of rain-fall, only about 2 inches were used for the purposes of irrigation, while about 13 inches passed off as waste. If steps be taken to reserve more rain-fall and to bring in some other systems of artificial irrigation, the country would be much better off.

There is one more point, Sir, and that is the question of cattle. In order to increase bullocks, I would strongly urge that the question of providing pasture land and dairy farms and putting a stop to the slaughter of cattle be carefully considered. If we shall have more bullocks and cows, I am sure the prices of foodstuffs, grain, milk and ghee are bound to go down, and I believe that if the Government, with the co-operation of the people, will do this, people will have more produce from the land and the scarcity will pass off very soon, making the people quite happy and contented. With these few remarks, Sir, I move my Resolution in the hope that Honourable Members of this Council will be in full sympathy with it, and that they will give us their views and experience in regard to this subject.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: Sir, my path regarding this Resolution is cut and dried because as a 12-23 P.M. Zemindar, I must oppose it. You, Sir, and the Council, will remember that we had a Resolution in Delhi last Session, and in the course of its debate my Honourable friend who has moved this Resolution helped us a great deal. But now he seems to have changed his mind, and we can now judge how much of a Zemindar he is. In my opinion the reason for the present scarcity is not because grain is being exported. This is incorrect. The Government of the Punjab have made inquiries into this question and have approached various firms on the subject, and they have come to the conclusion that the rumours are wrong. Neither a firm like Ralli Brothers nor any other firm can buy at the present high rates and be in a position to be able to sell it again. If I remember correctly, I think we Zemindars passed a Resolution in this Council to the effect that there should be no restrictions, and I appeal to my Honourable friends not to go back on their word. It would be quite a different thing if the Government thought it fit to bring in an Ordinance to change it; but to pass a Resolution like this to-day, in view of the Resolution which this Council accepted last Session would, in my opinion, be very wrong. You are all selected from



[Colonel Sir Umar Hayat Khan.]

different parts of the country, and to decide on a question and then contradict yourselves would be a most improper course to take .....

(The Honourable Lala Sukhbir Sinha rose to his feet.)

The HONOURABLE THE PRESIDENT: Order, order. The Honourable Member has no right to rise in his seat and interrupt another Member who is speaking, unless that Member gives way because the Member who is speaking is in possession of the House. The Honourable Member must therefore reserve any remarks he may wish to make until the termination of the speech of the Member who is speaking, unless that Member is willing to give way. I have already given that ruling on several occasions.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: Then, again, Sir, the Government have promised that we shall have cheap grain shops; they will be very useful. And there is a Fund in existence called the Famine Relief Fund. I think it is high time that that Fund saw the light of day and proved itself worthy of its existence.

It is a well-known thing throughout the country that whenever there is a tax, it is always put on to the Zemindars. Zemindars are not the wealthiest people in the country, why should not others be taxed to the same extent? Wealthier people should be taxed more—they spend their money as they like—that question, I venture to suggest, is one which the Government should take up, so as to get more money and run cheap grain shops for the benefit of the country. Some merchants buy up a lot of foodstuffs and hoard it till the prices go up, and then they sell it at a big profit. I think the Government ought to step in and inform them not to do so.

My Honourable friend who has moved this Resolution has given us a few calculations which I suppose he has worked out very carefully. To use a mild expression, I would say that I do not think they are accurate. For instance, my Honourable friend says that the Government has got no institution where people can be taught to produce more foodstuffs. I am afraid that it is not correct, because there is a college at Lyallpur where people are taught agricultural subjects, and where the various seeds like No. 8 and No. 11 are produced. I send some of my own men there so I am in a position to state facts. Now the Honourable Mover said that something like 20 acres are ploughed by a *kull*. I am not making a personal attack on my friend but am only chaffing him....

The HONOURABLE THE PRESIDENT: Order, order. The Honourable Member must address his remarks to the Chair.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: I beg your pardon, Sir. I will approach my Honourable friend through the Chair. In my Province the bullocks are much better than some of the bullocks I have seen in the United Provinces and they cannot do as much as 20 acres.

Then my Honourable friend referred to canals and he is again incorrect in his statement, because in my Province there are schemes under contemplation and also in Sind, besides various other places, and I think it will take something like 50 years before these schemes and these canals are completed.

In conclusion, Sir, may I again express the hope that the Government Member, who very kindly gave us an undertaking that very shortly the restrictions on the export of food-grains would be removed, though it was a long time past, will not, instead of fulfilling his promise, forget it or go back on it.

The HONOURABLE SIR MANECKJI DADABHOY: SIR, I fail to perceive the utility of this Resolution after the definite statement—at 12-31 P.M. least as regards the first part of this Resolution—made by His Excellency the Viceroy the other day in Council that no grains would be allowed to be exported from India till the 31st of March next, and I, therefore, presume that the object which my Honourable friend has in view in introducing this Resolution in Council is to invite an academic discussion on the latter portion of his Resolution, namely, that in which he asks Government to take the necessary steps to lower the high prices of food-grains.

I will at once state that the question of food-grains is of vital importance to the country and, in view of the fact that since the cessation of the war for the last three years the prices instead of going down have steadily increased, has given a great deal of concern and anxiety to the people of the country. But I am unable to see what steps Government could possibly take to lower the high prices of food-stuffs, and in this connection I expected to hear some concrete or constructive schemes or suggestions from my Honourable friend, Lala Sukhbir Sinha, but unfortunately in the long speech which he has just delivered, though he has somewhat digressed from the real issue and commented on the productive capacity of the country and the productive power of the soil of India as compared with other countries, he was not at all in a position to throw any material light on the subject.

I shall not speak about the productive power of the Indian soil or the yield which in India we can obtain per acre as compared with other countries, nor shall I answer his charge of inanition against Government because the Government Member is here and my Honourable friend, Mr. Sarma, will give him a complete reply on that point. But I may, in passing, in this connection, as well ask my friend, the Honourable Lala Sukhbir Sinha (and he himself says that he is a great Zamindar) what steps has he himself taken to improve the cultivation of his land to bring it in conformity with the standards of other European nations, what scientific measures, what scientific appliances has he himself adopted in his own part of the land for the purpose of improving the yield of the soil? If Zamindars of the capacity and great wealth of my Honourable friend, Lala Sukhbir Sinha, take a lead in the matter, I think that it will be a great day for this country, and they will do more good than attacking Government in season and out of season on the ground of their supposed inefficiency or inability to adopt suitable measures.

At the same time, Sir, the subject which my friend has touched is of considerable importance, and I hope that several Members will join in this debate and place before Government constructive schemes, if possible, in order to see if the prices of foodgrains could be lowered. To my mind, the whole difficulty is due to economic causes. It is impossible to ascribe these high rates of foodstuffs to any one single cause. There are a combination of causes, there are world factors besides which are operating since the closing of the last great war, and which have induced not only the prices of foodgrains to rise in this country, but in other countries. I also think the causes are more or less symptomatic. They are in conformity with the rise of prices in European countries. So far as the total yield of the country is concerned, it is not after all seriously small, and, with this year's plentiful monsoon, I do not share the apprehensions of my friend, the Mover of the Resolution, as regards the volume of the next crop.



[Sir Maneckji Dadabhoy.]

As the Council is aware, a great deal of profiteering is still going on. The great cause of this increase,—to my mind, the vital cause—is profiteering by merchants. I do not think there has been a substantial reduction in the aggregate quantity. Of course, our last two harvests have suffered in comparison with the previous harvests, but many of you must have noticed that the activities of the profiteers during the last two years have been very considerable. I know, from personal knowledge, that in some parts of the Province to which I belong, large stocks of foodgrains were held by big and wealthy merchants and that they were unwilling to part with their stocks under pressure of any kind. In this connection, of course, the system of control was brought into operation three years ago, but, as all of you know, that system of control has egregiously failed. The remedy was, to my mind, worse than the disease. The system of control gave much scope to corruption and also to the arbitrary exercise of certain powers which were resented by the people of this country and which also worked prejudicially to their interests. The great difficulty in this matter, to my mind, is not always the shortage of foodgrains, but at times the difficulty of transport. There may be in one part of the country or province large quantities of foodgrains which in the busy season which starts in November and ends in March, it is often very difficult to remove them. And therefore the difficulty of the consumer is considerably increased by the difficulty of transport. I was very pleased to see the other day that the Punjab Government has adopted a rather sagacious measure in the matter by issuing a Communiqué that the railway authorities in the Punjab had agreed to earmark a certain percentage of their wagons for the transport of foodstuffs, and that indents for wagons for foodstuffs would receive priority. I would appeal to the Government in this matter and trust they would see their way to impress upon all Provincial Governments and also upon the Railway Board the desirability of giving some sort of similar preference for the transport of foodgrains throughout India. If that is done, I think a certain measure of relief will be obtained, though I will not say that that relief will be wholly adequate or complete.

I would also suggest that, in the matter of foodgrains, the Provincial Governments, either through municipalities, wherever they exist, or through their local boards, should have some sort of survey of their food stocks periodically undertaken and when these surveys are completed, (of course it will be impossible to effectively deal with people who have large stocks of grain for absence of statutory powers), Government at any rate can issue executive instructions to the railway authorities that they should not supply wagons to those merchants and other profiteers who have got large stocks already on hand or in their godowns and who refuse to unload them. These people when they are able to obtain railway facilities give large orders for wagons, and when they have accumulated their stocks by cornering the market, they wait for such time till they can unload their stocks at considerably higher and ruinous rates.

So, I say that if something is done to prevent these people who keep large stocks in their hand from obtaining further facilities in the matter of transport, it will, in some measure, alleviate the difficulty. In this connection, as I said before, it is very difficult to suggest any constructive proposals, but I think that it will not be a bad idea for the local authorities, as well as for philanthropic citizens, whenever they find that in a particular area the prices of foodgrains are very heavy, to adopt in combination certain measures for opening rival grain-shops and to sell grain at a comparatively lower rate than that at which it is sold by traders. That would be one other method of attaining the object in view.

I do not at all, in suggesting these remedies, for a moment, urge that they are comprehensive remedies for securing the object in view. It is very very difficult in a matter like this to suggest anything very practical. But these are the few suggestions that I can possibly contribute on the subject. I shall be very glad if other Honourable Members who follow me have any other proposals to make, because the matter is of very vital importance and should not be treated with the levity with which my Honourable friend, Colonel Sir Umar Hayat Khan, has considered it.

As regards export, I think I would be wanting in all fairness if I did not congratulate the Honourable Mr. Sarma for his sagacious obstinacy during the last Delhi Session in resisting our proposal then to remove the embargo on the export of food-stuffs. The events that have taken place since we last met in Delhi have fully justified the position then taken up by him on behalf of Government. However, I must urge at the same time that there are other vital questions so much interwoven with the question of export that this embargo on export should not be allowed to remain a day longer than is absolutely necessary. Because, if you stop the export of food-grains, the producer is the person who, in the first instance, seriously suffers. If you allow free exports, the prices which the producer will obtain for his goods will be comparatively much higher than when the exports are stopped and only the needs of the local population are to be supplied. And, after all, as you know, it is the producer who has to be watched and protected in interest of the agricultural prosperity of the country. If he gets higher rates for his produce, he will go on cultivating food-stuffs. When the price of cotton, two years ago, was very very high, when cotton was sold at Rs. 700 per candy, what was the result? The following sowing season people went in for the sowing of cotton and not the other food-stuffs. A larger area was sown the following year with cotton. In conclusion, I appeal to the Honourable Member that as soon as circumstances permit, as soon as our harvest for the year in question has been secured and absolutely assured, not a day should be lost by Government in removing this embargo. I would also suggest to my Honourable friend, the Mover, that after the discussion that has taken place on this Resolution, and I presume his only intention in introducing it was to bring to the attention of Government the present serious position regarding high prices, he will see his way not to press his Motion.

THE HONOURABLE SAIYID RAZA ALI: Sir, I would just make one or two observations very briefly before the Honourable Mr. Sarma rises to make a reply on behalf of Government. Generally speaking, Sir, two factors contribute to the rise of prices. The first of these can always be, and has been so in this country, the export of grain from this country to other countries. The second cause, so far as I can see, can be cornering and profiteering by those who are engaged in this trade. On the first point, the Government have issued a Communiqué. His Excellency the Viceroy also dealt with the matter in his speech with which he opened the Session of the Legislature. I must join the Honourable Sir Maneckji Dadabhoy in congratulating the Honourable Mr. Sarma in stoutly refusing last March to remove the embargo on the export of foodstuffs. That being so, it seems to me that the only other cause that can operate to raise prices can be the holding of large stocks by those who are interested in the trade. That, I must say, is a matter on which not sufficient information is forthcoming, and it is therefore very difficult for us to discuss that proposition. Therefore, without moving any formal Amendment, I would simply suggest whether the

[Saiyid Raza Ali.]

Government would not be prepared to appoint a small Committee of two or three Members to go into the question and to visit the important centres of trade...

The HONOURABLE THE PRESIDENT : Order, order. If the Honourable Member wishes to make the suggestion, I must ask him to bring it forward in the form of an Amendment. It has been suggested once this morning, and I thoroughly agree with those remarks, that it is not fair to bring these matters forward by way of suggestion. If the Honourable Member thinks that he should bring up the point, it should be in the form of an Amendment.

The HONOURABLE SAIYID RAZA ALI : I hope, Sir, that as the Honourable Mover has requested in the Resolution, the Government will take necessary steps to lower the prices of foodstuffs. I do not know what steps Government propose to take. But the method I have suggested is one of those steps that are surely open to Government. I do not want to bring any Amendment, but I simply thought that that suggestion was covered by the last words of the Resolution. I do not think I need take up more of the time of this Council, and I would simply content myself with making that suggestion.

The HONOURABLE MR. B. N. SARMA : Sir, the subject-matter of this Resolution has been naturally exercising the minds not only of the officers of Government, but of the public at large, and I sympathise with the desire of the Honourable Lala Sukhbir Sinha to invite a discussion in this Council of a problem which is of essential importance to the welfare of the country. I am glad I have been able to give him a Government day for the discussion of the subject. It is clear now that the first part of this Resolution is unnecessary, inasmuch as the Government has already announced its policy of not relaxing the embargo on the export of wheat and wheat flour, except to the extent mentioned already in the Communiqué till the 31st March, 1922, because the word, "next *rabi* harvest" is rather vague, and the 31st of March, 1922, would practically comprise the period. I think we have therefore complied with the request made in the first part of the proposition.

What I was anxious about was to hear constructive suggestions as to the further steps, if any, which the Government, as a result of this discussion, might adopt to lower the prices of foodstuffs in general. I take it that the Honourable Member, when he used the words "other foodstuffs," was perfectly satisfied with the measures already adopted in respect of wheat and consequently that he wishes to see as to whether the Government can take steps towards lowering the prices of rice and other foodstuffs which are admittedly high. But I shall, however, deal with the subject of foodstuffs generally.

There is not the slightest doubt that the people are seriously embarrassed by the sudden rise of prices of foodstuffs, especially of wheat during the last few weeks. There is no apparent cause for this sudden rise inasmuch as no new factors have been introduced into the country accounting for this rise, nor does the world position in general justify it. We know, as a matter of fact, that the price of wheat in Australia and other countries is much lower than in this country, and merchants have already taken steps to import wheat from Australia into the country, because it pays them to do so, and the Government have tried to encourage them to do so by permitting the export of wheat flour to the extent of fifty per cent. of what is manufactured in the flour mills of this country from the quantities so imported. There is no doubt that last year's crop was a deficient crop as we anticipated it would be, perhaps a little more deficient than we expected it to be. It is 6,700,000 tons and not

6,000,000 as put by the Honourable Lala Sukhbir Sinha, but even taking that the production is so low, there is no reason to apprehend that there is not enough stock in the country to keep the country going till the next *rabi* harvest, because the previous year's crop was 10,000,000, and therefore the crop of the two years put together would be about 16,800,000, and we have not exported more than 3 or 400,000 of wheat during this period. Consequently, even assuming that the normal requirements of the country would be about 8,000,000 and odd, there must be enough wheat stocks in the country to maintain the people till the next *rabi* harvest, and therefore the Government do not think that the rise is due to any depletion of the stocks of wheat in this country. There is no doubt that there was some misapprehension in the minds of the people with regard to the price ruling in foreign countries, with regard to the policy of the Government whether they would remove the embargo on export, with regard to the quantities which have been exported from this country to foreign countries, and it may be that these factors, to a certain extent, brought about this sudden rise, especially in the Punjab. But it is unnecessary to expatiate upon them, because Government have already taken steps to show that there is absolutely no foundation for many of these misunderstandings and misapprehensions. No quantities of wheat beyond those that have been already communicated to the country have been permitted during the last few months. There has been an absolute prohibition, except to the extent already mentioned in this Council on previous occasions, not merely with regard to wheat, but with regard to rice and other foodstuffs, and consequently there is nothing that the Government could have done in the way of retaining within the country foodstuffs produced in this country, which has not been done during the last year or the last two years. But apart from that, there is ground for us to be a little optimistic as to the future. Crop reports from all over the country are clearly indicative of our being able to reap rich harvests in the next few months. The condition of the crops up to the present is described as fair in Burma, fairly good in Assam, fair in Bengal, good in Bihar and Orissa, good in the United Provinces, normal in the Punjab, thriving in Rajputana and Bombay, fairly good in Central India, and very good in the Central Provinces, and in Madras also, except in one or two east coast districts, the condition of the crops is very good. Consequently, during the next few months, inasmuch as we are likely to reap good *kharif* crops, the harvest is likely to go towards reducing the dependence of the people upon rice and wheat, and we anticipate a decline in the price of *jawar*, *bajra* and other food-crops and a consequent decline in the price of wheat as well as of rice. There are indications already that the maximum has been reached and that the prices are slowly declining. Wheat has declined from 9-14 to 9-6 in Lyallpur, and we see in Bombay, Delhi and Calcutta there has been a slow decline. With regard to rice, the price in Bombay has been fairly steady although it has increased during the previous few months. In Calcutta, it continues to be steady at 6-3. In Madras, it has fallen from 7-6 to 6-14. In Cawnpore, it has shown a decline from 8-5 to 7-13. In Nagpur, it is steady and in Patna, there has been a decline from 7-4-6 to 6-6-6. The latter figures that I am quoting are figures that we have had up to the 14th September. The price of *bajra* is unfortunately still high, in Bombay, it is steady, in the Punjab and Sindh, it shows a decline of 12 annas. In *jawar* there has been a decline during the recent few weeks. Consequently, both from the crop reports that we have received from the various Provinces, as well as the

[Mr. B. N. Sarma.]

indications we have in the decline in prices, I do not think that the country need be very apprehensive as to the immediate future. That does not mean that the Government are not apprehensive of the enormous increase which has already taken place, which even now obtains in the price of foodstuffs, because compared with pre-war prices, compared with the prices which obtained even in 1919, the prices obtaining at the present moment are very high, and consequently there must be a good deal of distress especially among the poorer classes throughout the country. But one significant feature which gives room for satisfaction is, that the figures regarding famine works, figures showing the number of people relieved from their distress in the various Provinces point to a steady decline in almost every affected Province, and that shows that the people are able to withstand this high price to a remarkably satisfactory extent. Government have been considering what further steps should be taken towards reducing still further the prices of these foodstuffs.

As Honourable Members are aware it is a very difficult problem, and we are fully conscious of the fact that any tinkering with trade or the interruption of the normal channels of trade would only make the remedy worse than the disease. There may be temporary relief afforded here and there, which may perhaps give some short-lived satisfaction. When the Government tried the experiment by introducing the Commerce Ordinance into the Punjab and Bengal, there was momentary relief, but the net result was that imports into districts where the food-grain stocks were low were interrupted and the prices grew to abnormally high dimensions. Consequently, Honourable Members, I feel sure, would support the Government in their desire not to interfere with trade as far as it may be possible to do so. Whatever could be done has been done and is being done. Encouragement is being given to the import of wheat. Encouragement is given by way of relaxing the embargo on the export of wheat flour from such imported wheat. With regard to rice, we have already stopped the export of rice from Burma to foreign countries, and the remaining quantity would be available to India and to countries dependent upon India. Exports to countries with a large Indian population has been the policy pursued by the Government unswervingly during the last two years, and I am sure that no Honourable Member here would ask the Government to depart from that policy of trying to meet the conveniences and the needs of the Indian population overseas. In respect of rice, therefore, we have taken all the steps that we could. The price of rice no doubt has risen abnormally in Burma. The Burma Government, which naturally had some doubts about what ought to be the correct attitude of the Government in this respect, is now somewhat anxious to see that prices do not go up further, and I am sure that with the co-operation of the people of Burma, the Burma Government, the Burma merchants and the Indian public in general and the bright prospects of the rice crop, the rice situation will be rendered easier and more satisfactory. With regard to *jawar*, *bajra*, *ragi* and the other food-grains on which the poorer classes of the people depend, we have no reason to believe that the next few months would not bring in a rich harvest.

Now, Sir, Honourable Members and the public, I hope, will be able to realise that we have to a certain extent given protection to the people of this country which may not long be permitted to continue, and the recent rise in prices is clearly indicative that the Government have done all that they could in order to provide a check over a rise in the price of foodstuffs. We

prevented wheat being purchased by any merchant for export at a price higher than Rs. 5-8-0, and while that Government prohibition continued we had reason to believe that the price mounted up to Rs. 5-12-0, 6-0-0, and it has since risen to 9-14-0, and it is now 9-6-0 at Lyallpur, though lower elsewhere. Of course it is bound to go down because it has been artificially raised to a figure which it ought never to have reached, because at that price it would pay a merchant to import wheat from abroad and consequently it is bound to go down to Rs. 8-14-0 or 8-12-0 at current rates. It cannot be maintained at the present rate at which it is being sold in the Punjab. But it will be foolish for us at the same time to expect that the prices would go down very low—to the same extent as they did occupy in pre-war times or in 1919 when our prices were lower than the world price. Consequently, while we may expect reasonably a fall in the price of wheat within the next few weeks owing to the imports of foreign wheat, it may not be unreasonable to expect the maintenance of a fairly high standard of price until possibly the next harvest comes. Of course it cannot be gainsaid that the previous harvest taken along with the balance of the crop of 1919-20 could be sufficient for the needs of the people during this year. But we are proceeding on statistical calculations, and we do not know where we are wrong and whether we are wrong in this particular respect. The Government of the Punjab and the Government of the United Provinces, which are the Governments principally concerned in this question, have during the last few weeks been instituting inquiries as to the immediate causes of the rise and how it can be remedied, and Honourable Members have already been told what steps are being taken by these Governments for this purpose by way of helping municipalities and local boards which are desirous of maintaining cheap grain shops. It is sometimes glibly talked as if the Central Government and Exchequer could rush to the rescue of the Provincial Governments and enable the people to buy grain at cheap rates. The Government of India are no longer responsible for famine expenditure. Subject to certain restrictions, that policy is now entirely in the hands of the Provincial Governments, and no Central Funds can be utilised for this purpose. Nor is there any indication of any desire to take advantage of famine relief as is clearly evident from the fact that the number of persons on relief works and receiving gratuitous relief generally has been steadily declining. But apart from that the cost would be prohibitive. Assuming that the normal production of food-grains is about 60 million tons for British India, it has been computed by the Honourable Mr. Innes to be roughly an average of about 57 during the five years preceding 1917-18 and about 62 in 1918-19, the normal export being about 2½ million tons from India proper which is a very low margin, about 5 million tons of food-stuffs are required in British India monthly. If the Government wants to help the people by reducing the price even to the extent of one rupee, it will cost them about 13½ crores per month or 162 crores per year. I do not know wherefrom this money can be found. If Honourable Members and the public can devise ways by which this huge sum of money can be found for the purpose of reducing artificially the price which must be paid, having regard to the normal level of prices, then some way could be found for it, but it seems to me to be such a gigantic task that no Legislative Council or Government would ever undertake, apart from the wisdom of the adoption of such a course. I only mention this for the purpose of removing a misapprehension that the Government has some means by which it could, if it chose, bring down prices, but that it does not exercise that power. Taking the total amount of wheat consumption per annum, at the figure

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mentioned by the Honourable Mover, it works out to be 18 million maunds per month. Eighteen million maunds per month at one rupee would mean a crore and 80 lakhs. Where United Provinces or Bihar or the Punjab are to find 2 crores of rupees per month is more than I can say. The figures would be smaller of course if the relief be limited to particular classes. Therefore, the country must be prepared to face, gradually no doubt, this position, namely, that it cannot be artificially protected and that it must be prepared to buy at world prices. It is the bounden duty of the public as well as the Government to make the transitional stage as easy as possible. I think I have already explained the measures that have been taken by the Government, and if Honourable Members would suggest any other measures they would be happy to adopt them if they are practicable. The Honourable Saiyid Raza Ali threw out a hint that a Committee might be appointed. I do not myself think that very great good will come out of that Committee. We had a Committee sitting during the life of the old Council, and I shall not have the slightest objection to invite as many members as may be interested in the matter to help me, when necessary, with suggestions and to devise ways and means by which we can alleviate the sufferings of the people. It need not be a formal Committee. It need not be appointed by a Resolution of the Government or of the Council, and I shall always be willing to receive the help of any members of this Council, the other House or the outside public in solving this problem.

I do not think it is necessary for me to go into the other points that have been mentioned by the Honourable Lala Sukhbir Sinha. I think the Honourable Mover was absolutely wrong in his remarks which may be construed as charging the Government with not doing its duty in not taking steps to increase the productive capacity of the soil or increasing the food production of the country. The question of aggregate food production has only got a relatively remote bearing on the immediate issue before us. The question as to what steps will have to be taken to increase food production in the near future or the distant future has got a bearing, no doubt, upon this Resolution, but I thought that what we were met for now is to devise what steps can be taken immediately to reduce the hardships of the people from this abnormal sudden rise of prices of some commodities. But I may remind the Honourable Member that the Government, as the public are already aware, have largely increased the irrigation facilities of the country, and they have during the last few months sent up to the Secretary of State large schemes and have either obtained his sanction, or are about to obtain his sanction to, projects worth crores of rupees, and that schemes costing 60 and 70 crores of rupees have been or are being worked out, and it only remains for the Local Legislatures and the people to find the ways and means for carrying out these projects which the Honourable Mover has so much at heart. If only we can find the people ready and willing to help us to find the means to carry out the projects we have on hand, the Sakkar Barrage project, the Sutlej Valley project, the Sardha project,—the Kistna and Metur project, the projects we have in Bengal and elsewhere—I am sure the food-production problem will to a great extent be solved. Nor is the Agriculture Department idle as the Honourable Member imagines. I think it is only those that have been watching the working of that Department who are aware of what great good has already been done by the officers of the Department in numerous ways, in analysing the soils, improving the quality of the seed, etc., in trying to combat disease among crops and cattle alike. It is

because in a poor country like ours, the means of finding money for the staffing, of its Departments and for carrying on our experiments, are very low and inelastic that nothing greater has been achieved. Give us the money, vote us the funds, and we shall show what we are capable of doing. I have nothing more to add.

The HONOURABLE SARDAR JOGENDRA SINGH: Sir, it was with no light heart in March last that I moved a Resolution to remove the embargo on the export of food. It is with no light heart again to-day that I am opposing this Resolution. But the speech which the Honourable the Revenue Member has just delivered has made my task very much easier. He has practically shown that, in spite of his personal wish to support the restrictions on the export of foodstuffs, it is simply impossible to do so. Politics for me have no other meaning but to increase the well-being, the self-respect and the freedom of the people. Neither the Honourable Mover of this Resolution nor the Honourable the Revenue Member have shown how the restriction on exports would lead to the betterment of the people who produce food. Let us examine the facts. Nine-tenths of our population produce their own food. Will the Honourable Member show if the price of their produce increases to keep pace with the increased price of production, such an increase is wrong in itself? If it is not wrong in itself, why should Government be thinking of adopting still further measures to keep it down? Does the Government want to keep the standard of happiness of villagers down by keeping prices down? Are the Government interfering with any other trade in India? Have they knowledge of all the factors that regulate prices? Whatever may be said, Sir, politics is one thing. One may like people to do certain things, but one cannot with impunity overlook the economic loss. The Honourable Lala Sukhbir Sinha was on sure ground when he spoke, though what he said had nothing to do with his Resolution about the need for increased produce from land, and the Honourable Revenue Member also in his concluding speech pointed out that the only way to regulate prices would be to increase the water-supply, to improve irrigation and other things, so that increased produce from land may meet the increased demand.

Let us now examine the question of distress. Certainly there is distress in certain parts. But I have had to do something with the famines in the United Provinces, and I have watched the famines in Bombay and other places also. Well, when it is said that the prices of foodstuffs were then low, I can certainly say that they were low then, and that they are high now. But neither the Honourable Lala Sukhbir Sinha nor the Honourable Revenue Member have pointed out that the distress this year is greater than it was in former years, when the prices were low. Then how can it be said that the distress to-day is such that it requires special measures to protect the people?

The HONOURABLE SIR DINSHAW WACHA: I propose that the question be now put.

The HONOURABLE THE PRESIDENT: The question is that the question be now put. In order that there may be no misapprehension I will explain that the result of an answer to such a question in the affirmative is to deprive the Mover of the right of reply. If he wants to protect his right he must vote against the Motion.

The motion that the question be now put was put and agreed to unanimously.

[The President.]

The HONOURABLE THE PRESIDENT : The question is that the following Resolution be adopted :—

'This Council recommends to the Governor General in Council to stop the export of wheat or flour out of India till the next *rabi* harvest, and to take necessary steps to lower the high prices of other food-stuffs.'

The Council will now divide.

Before the result of the Division was announced, the Honourable Sardar Jogendra Singh rose and said : Sir, there is just one question I should like to ask.

The HONOURABLE THE PRESIDENT : Does it relate to the Division ?

The HONOURABLE SARDAR JOGENDRA SINGH : Yes. Can a closure be moved when a Member is speaking ?

The HONOURABLE THE PRESIDENT : Certainly. A closure can be moved at any time.

The Council divided as follows :—

AYES—20.

Bray, Mr. Denys.  
Craik, Mr. H. D.  
Dadabhoy, Sir M. B.  
Ganga Nath Jha, Mahamahopadhyaya, Dr.  
Harnam Singh, Raja Sir.  
Keshava Prasad Singh, Maharaja Bahadur.  
Lalubhai Samaldas, Mr.  
Mitter, Sir B. C.  
Mohammad Ismail Khan, Haji Chowdhuri.  
Moti Chand, Raja.

Nandy, Maharaja Sir M. C.  
Nayudu, Diwan Bahadur V. R.  
Ram Saran Das, Rai Bahadur Lala.  
Raza Ali, Saiyid.  
Richey, Mr. J. A.  
Sarma, Rao Bahadur B. N.  
Sethna, Mr. P. C.  
Sukhbir Sinha, Lala.  
Wood, Sir J. B.  
Zulfiqar Ali Khan, Sir

NOES—11.

Froom, Mr. A. H.  
Hammond, Mr. E. L. L.  
Holberton, Sir E. J.  
Jogendra Singh, Sardar.  
Lloyd, Mr. E. S.  
Murray, Sir A. R.

Pratt, Mr. F. G.  
Rampal Singh, Raja Sir.  
Umar Hayat Khan, Colonel Sir.  
Wacha, Sir Dinshaw.  
Zahir-ud-din, Khan Bahadur S.

The Resolution was therefore adopted.

The Council then adjourned to Monday, the 19th instant, at 11 o'clock.

## COUNCIL OF STATE.

Monday, 19th September, 1921.

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

## QUESTIONS AND ANSWERS.

### TRAINING OF INDIAN OFFICERS IN THE CIVIL SERVICES.

124. The HONOURABLE MR. G. M. BHURGRI : Will the Government be pleased to state—

(a) Whether they have tried the experiment of training Indian officers in the Civil Services (both the Imperial and Provincial Service) as Reserve officers for the Indian Army on a similar basis as the European civilians are trained in the Indian Army Reserve of Officers ?

(b) If so, with what measure of success ?

(c) If not, the reasons why Government do not try the scheme ?

The HONOURABLE MR. DENYS BRAY : Proposals for the re-constitution of the Indian Army Reserve of Officers are under consideration.

These proposals include the training of officers, which heretofore had not been attempted in peace.

The scheme provides for the admission of Indian, as well as European, officers on the same conditions.

### GOVERNMENT PROMISSORY NOTES.

125. The HONOURABLE SIR MANECKJI DADABHOY : (a) Have Government received and considered the reports of the different Committees appointed to explore the possibilities of improving the market for the old stocks of 3 per cent. and 3½ per cent. Government Promissory Notes ?

(b) If so, when will final orders be passed on the subject ?

The HONOURABLE MR. E. M. COOK : The reports of the two Committees are being published to-day, together with a Communiqué, and copies are being sent to each Honourable Member. My Honourable friend will see from the Communiqué why it is that Government are not yet in a position to arrive at a final decision on the matter.

### RAILWAY ACCIDENTS.

126. The HONOURABLE SIR MANECKJI DADABHOY : (a) Is it a fact that since 1911 railway accidents, including collisions, have been steadily on the increase, and that the increase in number in 1919-20, compared to the figure for 1918-19, was exceptionally high ?

(b) If so, has any special inquiry been made into the whole question of railway accidents, and with what result ?



(c) Do Government propose to adopt special measures with a view to reduce railway accidents to the minimum, and in that connection to consider the British Board of Trade Rules on the subject and the system of automatic signalling, automatic continuous brake, automatic couplers and control of points and signals by electric power or air pressure adopted with considerable advantage on the railways of the United States of America?

The HONOURABLE MR. J. A. RICHEY : As the reply involved is very lengthy, the papers giving the particulars asked for are placed on the table.

(a) The total number of accidents on Indian Railways (including minor accidents not reported to Local Governments under section 83 of the Indian Railways Act) showed an increase from the year 1911 to 1914-15. There was a fall in 1915-16, and the number has again risen between the years 1916-17 and 1919-20.

Figures for the years 1911 to 1919-20 are given in the statement attached for the Honourable Member's information.

(b) No special inquiry has been made, but in regard to this part of the question, I do not think I can do better than to quote from a reply given by Sir T. R. Wynne, to a somewhat similar question in Council in September 1913.

'From the Honourable Member's question I am afraid he is under the impression that it is possible to find effective means to prevent any accident occurring in the future.

I can assure him this is an impossibility. The causes of accidents are numberless, often complicated and, in the case of derailments, sometimes inexplicable.

Under the present procedure every serious accident is thoroughly inquired into both in respect to its technical side and to the possibility of its being due to carelessness or neglect in working, and steps are at once taken to introduce any precautions possible to prevent its recurrence. Accidents are mainly caused by neglect in carrying out rules of working, and therefore cannot be entirely prevented. They can only be minimized by constant care and supervision of working by the railway officials and by securing strict obedience to rules of working.'

(c) The Honourable Member is presumably referring to the powers granted to the British Board of Trade under the Regulation of the Railways Act, 1889. In accordance with this Act the Board of Trade—now the Ministry of Transport—may, from time to time, order a Railway Company—

(a) to adopt the block system on all or any of their railways open for the public conveyance of passengers,

(b) to provide for the interlocking of points and signals on, or in connection with, all or any of such railways,

(c) to provide for, and use on all their trains carrying passengers, continuous brakes.

The position in India is that with the exception of a few unimportant Railways and certain sections of lines, the block system has been adopted on all Railways open for the public conveyance of passengers. Considerable progress has been made in interlocking of points and signals, and, generally speaking, nearly all lines carrying a heavy passenger traffic have installed a system of interlocking of points and signals at most of their stations. Further, most of the broad gauge coaching stock is equipped with the continuous brake, and considerable progress has been made on the metre gauge lines in this matter.

The question of automatic couplers is a large one. To begin with, it means the alteration of the present design of coupling on every vehicle on all the

broad gauge railways of India. It will, therefore, take a considerable time to introduce and will be extremely costly. The matter is, however, now under the consideration of the Government of India. I would add that all metre gauge stock already has an automatic coupler.

As regards the working of points and signals by electric power or air pressure, experiments have been made in this direction on some of the Railways, but without much success, and it is not considered that this would in any way conduce to greater safety. Electric control of points and signals is already in use on several railways.

Automatic signalling, if by this is meant signals actuated by the passage of the trains themselves, has not long emerged from the experimental stage, and, with the exception of the tube Railways in London, it is not in general use even in England. It is considered that the time is hardly ripe yet for its introduction into India. On certain of the busiest sections of railways in India, however, a starting signal cannot be lowered until a train has cleared the section ahead of it.

In India, the rules which govern the inspection of Railways before opening and periodically afterwards by a Government Inspector, are much more rigid than in great Britain, where the practice is that once a Railway or any new work in connection therewith has been passed by a Board of Trade Inspector, the railway or work is not inspected again during operation.

In India, the practice is that Railways are inspected and passed before opening for passenger traffic and annually after opening or more often if considered necessary.

It will be seen, therefore, that the Government of India have already adopted special measures with a view to reduce railway accidents to a minimum, and this is a matter which always has had, and still has, the careful attention of the Government of India.

Total number of accidents (i.e., those reported under section 83 of the Indian Railways Act and those not reported under that Act).

|                                           | 1911.  | 1912.  | 1913-14. | 1914-15. | 1915-16. |
|-------------------------------------------|--------|--------|----------|----------|----------|
| Total number of accidents of all classes. | 11,612 | 12,859 | 13,188   | 13,806   | 13,536   |
| Casualties per million of passengers—     |        |        |          |          |          |
| (a) Killed ...                            | 0.030  | 0.015  | 0.124    | 0.035    | 0.041    |
| (b) Injured ...                           | 0.338  | 0.375  | 0.223    | 0.310    | 0.276    |

|                                           | 1916-17. | 1917-18. | 1918-19. | 1919-20. | — |
|-------------------------------------------|----------|----------|----------|----------|---|
| Total number of accidents of all classes. | 14,043   | 14,485   | 16,286   | 17,951   |   |
| Casualties per million of passengers—     |          |          |          |          |   |
| (a) Killed ...                            | 0.097    | 0.126    | 0.026    | 0.163    |   |
| (b) Injured ...                           | 0.588    | 0.551    | 0.285    | 0.463    |   |



## DEHRA DUN COLLEGE OF FORESTRY.

127. The HONOURABLE RAJA MOTI CHAND : Will the Government be pleased to state—

- (a) If it is a fact that the Dehra Dun College of Forestry is only equipped for the instruction of the Provincial Service Officer?
- (b) If it is a fact that this College cannot at all provide for the instruction of the Imperial Service Officer?
- (c) If the replies be in the affirmative, do the Government propose to take steps at an early date for establishing an institution in India which will render the journey of Indian students to England for the purposes of training in Forestry unnecessary?

The HONOURABLE MR. B. N. SARMA : (a) Yes.

(b) Yes.

(c) The future place of training of probationers for the Imperial Service is under consideration. Alternative proposals, one of which is for the establishment of an institution in India, were fully set forth in the Government of India's Circular letter to Local Governments No. 934, dated the 5th July 1921 which, with all necessary papers, was published in the Gazette of India, dated the 20th August 1921. Local Governments have been asked for their opinions, and, in particular, to obtain Indian opinion. The Government of India will also give the Central Legislature an opportunity of discussing the subject before making their recommendations to the Secretary of State.

## TRAINING INDIANS IN THE ART OF NAVIGATION.

128. The HONOURABLE RAJA MOTI CHAND : (a) Will the Government be pleased to state if they propose to train Indians in the science and the art of Navigation so that they may become competent officers?

(b) If so, what steps do the Government propose to take in affording adequate nautical instruction for the purpose?

The HONOURABLE MR. E. M. COOK : As regards the Mercantile Marine, the Honourable Member is referred to the answer given by the Honourable Mr. A. C. Chatterjee to \*question No. 52, which was asked by the Honourable Raja Promada Nath Roy in this Council on the 14th February last.

With regard to officers in the Royal Indian Marine, the Government of India have under consideration proposals to send selected Indians to England to undergo a course of training in the training ships "Conway" or "Worcester" or at the Pangbourne Nautical College, with a view to their qualifying eventually for service in the Royal Indian Marine as Executive Officers. Their subsequent training will be carried out by the Royal Indian Marine authorities in India. Proposals are also under consideration to facilitate the training of Indians, if possible, in India and otherwise in England, so that they may qualify for employment as officers in the Engineer Branch of the Royal Indian Marine.

## BURMA MEAT TRADE IN THE UNITED PROVINCES.

129. The HONOURABLE LALA SUKHBIR SINHA : (a) Is the Government aware that the United Provinces Legislative Council passed a Resolution in March last to stop the Burma meat trade in the United Provinces and

\*Vide page 39 of Vol. I of Council of State Debates.

recently the Central Provinces Council has also passed a similar Resolution to stop the trade in the Central Provinces?

(b) Is the Government aware that the public feeling is very much against this trade?

(c) Do Government propose to put a stop to it without any further delay?

The HONOURABLE MR. B. N. SARMA : (a) Yes.

(b) Government are aware that a certain section of the public are opposed to this trade.

(c) Government are examining the position regarding this trade, and they are not at present prepared to define their policy in the matter.

## STAFF SELECTION BOARD.

130. The HONOURABLE MR. G. S. KHAPARDE : (a) Will the Government be pleased to state whether among the staff employed by the Staff Selection Board in their own branch, there are employees who are not qualified candidates in the sense of having passed the examination prescribed by the Board itself?

(b) If the answer to (a) be in the affirmative, will the Government be pleased to state whether there are employees in other Departments entertained or retained without passing the examination prescribed by the Staff Selection Board?

(c) Is Government aware that a number of candidates, who had the privilege to serve the Government during the hard time of war, have now failed to pass the Board's test, and consequently their Departments are under an obligation to dispense with their services, irrespective of the consideration of their approved and loyal services?

(d) Is it a fact that the temporary hands of long standing having, in some cases, the services of about five to seven years to their credit, have been examined by the Board and declared unfit, though their immediate superiors are satisfied with their work?

(e) Is it a fact that a representation praying for exemption from the test prescribed by the Board has been submitted by the employees of the Surplus Stores Department? If so, what action does Government propose to take on it?

The HONOURABLE MR. H. D. CRAIK : (a) The Staff Selection Board had originally two clerks, both temporary employees. The Board decided that one of these should appear at the first examination and the other at the second examination. It is obvious that the work of the Board during examination would have completely broken down if both clerks had had to be absent undergoing examination. The only clerk left is the one who will take the next examination. The clerk who had sat for the last examination passed and is now employed in the Secretariat.

(b) Yes.

(c) There have been some such cases; but the Board has taken the view that, where such men have proved to the satisfaction of the Department concerned that they are capable of performing their duties, and have been recommended by it, they should not be removed at once because they have failed to pass

the test. Such men have been retained in employment and will be allowed to appear at the Board's next examination. Those who were doing Assistant's work and were acting in the Upper Division have been allowed to continue to officiate therein.

(d) Yes; but such men are being retained in employment in the same way as those mentioned in part (c).

It should be added that, after the written examination, the Board interviews each candidate and is assisted at the interview by a representative of the Department concerned. The recommendations of this representative, and therefore of the Department, are always given the fullest consideration.

(e) A representation on the subject has been submitted by certain members of the clerical staff of the office of the Chief Controller (Surplus Stores). The matter is under consideration.

The HONOURABLE MR. G. S. KHAPARDE: May I ask a supplementary question, Sir? How long does it take to examine each candidate by this Staff Selection Board?

The HONOURABLE MR. H. D. CRAIK: I am afraid I must ask for notice.

#### MEMORIAL FROM JEMADARS, DAFFADARS AND PEONS.

131. The HONOURABLE MR. G. S. KHAPARDE:

(i) Will the Government be pleased to state—

(a) Whether they received memorials from Jemadars, Daffadars and Peons, dated 13th July, 1920, submitted through the Secretaries of the Departments in which they serve?

(b) Whether they received the subsequent reminders dated:—

(1) 21st June, 1921.

(2) 22nd July, 1921.

(ii) If the answer to (a) and (b) above be in the affirmative, will the Government be pleased to state what action has been or is intended to be taken on them?

The HONOURABLE MR. H. D. CRAIK: (i) (a) and (b). Yes.

(ii) Orders are about to issue.

#### JUDICIAL ADMINISTRATION OF FRONTIER PROVINCE.

132. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Do the Government propose to put the entire judicial administration of the Frontier Province under the control and supervision of the Lahore High Court, as is that of Assam under the Calcutta High Court?

The HONOURABLE MR. DENYS BRAY: The answer is in the negative.

#### IRREGULAR DELIVERY OF POSTAL ARTICLES.

133. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: (a) Is the Government aware that, specially in the Punjab, there is great irregularity in the delivery of postal articles, as well as their loss, by the Post Office? Will they kindly inform this Council what steps they have taken or they propose to take to remove this state of affairs?

(b) Is it a fact that this irregularity and loss has taken place from the time the sorting of postal articles has been transferred to the Railway Mail Offices? If so, do the Government propose to consider the desirability of reverting to the old system?

The HONOURABLE MR. B. N. SARMA: (a) There have been some irregularities in the delivery of postal articles in the Punjab owing to the strike of postmen and menials which took place in December last. There is not wide-spread complaint in the matter, and the delivery of postal articles has greatly improved since January.

(b) The answer to the first part of the question is in the negative and the second does not, therefore, arise.

#### STRENGTH OF THE CLERICAL STAFF, RAILWAY MAIL OFFICES.

134. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will the Government kindly state what was the strength of the subordinate and clerical postal staff in Railway Mail Offices before the sorting of postal articles was transferred to them? Will they also inform this Council what is the strength of such staff now? Does the Government contemplate any increase in this staff?

The HONOURABLE MR. B. N. SARMA: The information asked for by the Honourable Member is being collected and will be furnished when received.

#### COMPARISON OF POSTAL BUSINESS IN 1914 WITH PRESENT TIMES.

135. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will the Government kindly lay before this Council a statement comparing the volume of postal business, as well as the strength of the subordinate and clerical postal staff in 1914 with what it is now? If the present staff is not sufficient to cope with the increase in postal business, will the Government kindly state what steps they have taken or they propose to take in the matter?

The HONOURABLE MR. B. N. SARMA: The statistics required by the Honourable Member will be found in Appendices II, V (a), VI and XVIII of the Annual Report on the Department of Posts and Telegraphs for 1914-15 and Appendices II, IV (a), V (a) and XVIII of the Report for 1919-20.

The staff is constantly augmented to cope with the increase in postal business. An officer is being placed on special duty with a view to ascertain whether any further substantial addition to the strength of the staff is necessary.

#### STRENGTH OF SORTING STAFF IN POST OFFICES.

136. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will the Government kindly state what was the strength of the sorting staff in Post Offices before sorting was transferred to the Railway Mail Offices, to what extent was this sorting staff brought under reduction in Post Offices and to what extent was station sorting staff, excluding running sorting staff, increased in the Railway Mail Offices, when this transfer of sorting took

place? Has this change of system effected any saving in expenditure? If so, to what extent?

The HONOURABLE MR. B. N. SARMA: The information asked for by the Honourable Member is being collected and will be furnished when received.

#### INSUFFICIENCY OF SIMLA ALLOWANCES.

137. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Is it a fact that the allowances granted to postal clerks in Simla are insufficient in the present day prices, and are actually lower than what are granted in other Departments? If so, do Government propose to remove this inequality?

The HONOURABLE MR. B. N. SARMA: It is not considered that the allowances are insufficient. The position is that prior to 1st September 1921, postal clerks in Simla on pay below Rs. 50 drew a local allowance of Rs. 20, while those on pay of Rs. 50 and above drew Rs. 25. As a result of the recent increase in pay, a local allowance at a uniform rate of Rs. 20 has been sanctioned for them, with effect from the 1st September 1921. The Honourable Member's attention is invited to paragraph 26 of Chapter II of the Report of the Postal Committee of 1920. It will be seen that the Committee were of opinion that with the revision of pay proposed by them there was no occasion whatever to increase the amount of existing local allowances. The local allowances granted in other Departments will be found in the Simla Allowance Code, but no comparison between them and the local allowances of postal clerks is sustainable. In addition to the local allowance postal clerks are being allowed grain compensation allowance at the rates and under the conditions sanctioned by the Local Government, with effect from the 1st August 1921, as a temporary measure, on account of the temporary rise in the prices of grain.

#### BALLOT PROCEDURE RULES.

The HONOURABLE THE PRESIDENT: I desire to invite the attention of the Council to rule 6 of Schedule I, which contains the Ballot Procedure Rules with regard to which some difficulty appears to have arisen. The rule is as follows:—

'6. A member may select, subject to the priorities of the list, any day allotted for the disposal of non-official business. But he or some other member authorised by him must state there and then at the time of the ballot the Bill or Resolution that he wishes to have set down and the date on which he wishes it set down and, if he has not already given notice, (the notice of course being the 15 days' notice required by the rules) must do so on the day next following, or he will lose all priority'.

I understand that at the recent ballot an Honourable Member had had his name entered on the list, but did not attend on the day of the ballot. The Honourable Chairman who presided over the ballot, in the exercise of his discretion, decided that he had not authorised any other member within the terms of the rule to act on his behalf. That being so, he ruled—and ruled quite correctly—that the Honourable Member was debarred from taking part in the ballot. Subsequently thereto, the member gave notice of a Resolution apparently thinking he could do so under the concluding words of rule 6. As I have said, 'notice' there means notice for the purpose of the 15 days' rule, not for the purpose of stating the Resolution which an Honourable Member desires to bring forward. It is obvious, I think, to Honourable Members that the object of rule 6 is

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to allow those Honourable Members who do attend the ballot to vary the Resolution which they may wish to bring forward. On hearing the Resolutions named by Honourable Members who are above them on the lists they may find themselves blocked; perhaps the first Resolution they wish to bring forward may have been already mentioned by a member with priority. They therefore naturally will select another Resolution which is not blocked. It is clear that an Honourable Member must choose his Resolution either himself or by his delegate as soon as his name comes out in ballot and not a day later.

#### ARREST OF ALI BROTHERS.

The HONOURABLE THE PRESIDENT: Before we proceed to the business of the day, I must read to Council the following notice which I have received from the Honourable Sir Maneckji Dadabhoy. It runs as follows:

'I beg to inform you that when the Council of State meets this morning, I propose, with reference to Standing Order No. 21, to ask the leave of the President to make a motion for the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance, namely, the arrest of the Ali Brothers and others and the policy of the Government in the matter of political arrests of this nature'.

The HONOURABLE MR. G. M. BHURGRI: Sir, I understand from the Government Communiqué that has been published by the Bombay Government that the case is under trial under the ordinary law, and I think therefore that it will be against the interests of the accused to discuss this matter now. In these circumstances, I want to know, Sir, whether this motion for adjournment is in order.

The HONOURABLE THE PRESIDENT: In order to enable me to decide this matter, I would ask the Member of Government whether the facts are as stated by the Honourable Mr. Bhurgri.

The HONOURABLE MR. H. D. CRAIK: Sir, I will briefly state what the facts exactly are. The Government of Bombay decided, with the full approval of the Governor General in Council, to prosecute seven persons in all under section 120-B, read with sections 131 and 505 of the Indian Penal Code. The seven persons concerned are: Messrs. Mohammed Ali and Shaukat Ali, Dr. Kitchlew, Ghulam Mujadid, Maulvi Hasan Ali, Nisar Ahmad, and a Hindu calling himself Shri Shankaracharya, whose real name I have not ascertained. The prosecution has been launched in respect of the support given by these persons to a Resolution passed at the all-India Khilafat Conference. ....

The HONOURABLE THE PRESIDENT: Order, order. I should be glad if the Honourable Member will answer the question which I put to him. The facts I desire to ascertain are, whether these persons were arrested by an order of the Magistrate, under the ordinary process of law, or are held in detention under any special Act?

The HONOURABLE MR. H. D. CRAIK: So far as I know, Sir, four persons have been arrested, Messrs. Muhammad Ali and Shaukat Ali, Dr. Kitchlew and Pir Ghulam Mujadid, and a fifth accused is already in jail on another charge. Mr. Muhammad Ali was arrested by order of the Government of Madras under the security sections of the Criminal Procedure Code,

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and was detained at the place where he was arrested pending the arrival of a police-officer who held a warrant for his arrest issued by the Magistrate of Karachi. That police-officer has now arrived and Muhammad Ali was, I believe, taken into custody by him. Dr. Kitchlew was, I am certain, arrested here in Simla on a warrant issued by the Magistrate of Karachi. Mr. Shaukat Ali was arrested in Bombay, presumably on a warrant issued by the Magistrate of Karachi. There is no question of exercising any executive action whatever. The prosecution is not under the Defence of India Act, Regulation III or any other special law, but under the Penal Code.

The HONOURABLE THE PRESIDENT: The point is not whether the prosecutions were made under the Defence of India Act, but whether the arrests have been made under the ordinary criminal law. I understand from the Honourable Member that that is so.

The HONOURABLE MR. H. D. CRAIK: That is so, to the best of my belief.

The HONOURABLE SIR MANECKJI DADABHOY: When I gave notice of this motion I was not sure whether the arrests were made under the ordinary law or under any special Acts. In view of the statement made by the Honourable the Home Secretary, it is perfectly clear that these arrests were made under warrant under the ordinary criminal law. In that case my motion would be out of order and I will ask leave to withdraw it.

The HONOURABLE THE PRESIDENT: It is clear from the statement made by the Honourable Member that these persons were arrested by the ordinary process of law, and that they are about to undergo trial. There is no question of action under any special Act. The cases are therefore *sub-judice*, and the matter will not therefore be further proceeded with.

#### CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

The HONOURABLE MR. H. D. CRAIK: I beg leave to move—

‘That this Council do recommend to the Legislative Assembly that the Bill further to amend the Code of Criminal Procedure, 1898, and the Court-fees Act, 1870, be referred to a Joint Committee of this Council and of the Legislative Assembly, and that the Joint Committee do consist of 12 members.’

When I mentioned this Bill in this Council on the 6th September, I made it clear, I hope, that the Government would follow the wishes of this Council in deciding what was the proper course to adopt with regard to the Bill. It seemed that the opinion of the Council then was that the Bill should be again referred to the Legislative Assembly for the appointment of a Joint Committee, and that is why this motion appears on the List to-day. I think it is unnecessary for me to say anything more at this stage, except that the Bill is a very long one with 159 clauses, and that clearly the main work on it must be done in Committee. If this motion is accepted, Government will take steps to appoint a representative and fully qualified Committee to consider the Bill.

The HONOURABLE MR. G. S. KHAPARDE: Sir, I do not propose to oppose this motion, but I wish to point out that one matter, which appears to me to be rather important, has been left out through inadvertence. It

refers to the definition of the word ‘Pleader’ in clause 4, and I wish that, in the event of this motion being accepted, this matter may also be referred to the Joint Committee.

The HONOURABLE MR. H. D. CRAIK: I will take steps to bring that point to the notice of the Joint Committee.

The HONOURABLE THE PRESIDENT: The question is that the following motion be adopted:

‘That this Council do recommend to the Legislative Assembly that the Bill further to amend the Code of Criminal Procedure, 1898, and the Court-fees Act, 1870, be referred to a Joint Committee of this Council and of the Legislative Assembly, and that the Joint Committee do consist of 12 members.’

The motion was adopted.

#### CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

The HONOURABLE MR. H. D. CRAIK: Sir, I beg to move—

‘That the Bill to provide that, when fire-arms are used for the purpose of dispersing an assembly, preliminary warning shall, in certain circumstances, be given, be taken into consideration.’

It is a very short and simple Bill with a single operative section, and as explained at the time of introduction, it is the result of a motion moved by the Right Honourable Srinivasa Sastri at the last Session of the Council. One part of that Resolution was accepted by the Government and passed by the Council, namely, that when fire-arms are used for the purpose of dispersing an assembly, preliminary warning should, where possible, be given. This suggestion has been given effect to in the Bill by means of a direction that, before giving the order for the crowd to be fired upon, the person giving the order shall warn the assembly by such means, if any, as may be available at the moment that, unless it disperses forthwith, it will be fired on. I think the Council will realise that it is impossible to give in the Bill an absolute direction that warning must in all circumstances be given. There may be circumstances when it would be physically impossible for the officer giving the order to fire to give a warning. The crowd may conceivably be all round him and his forces at the moment may be actually in conflict with the crowd, and the noise and confusion in that case would probably be so great, that any warning given would be inaudible and ineffective. Similarly, the expression ‘if possible’ is not one that can be inserted in an Act, and we have, therefore, worded the operative clause of the Bill in the way in which it has been framed, namely, “warn the assembly by such means, if any, as may be available at the moment.” I do not think that there is anything else to say on this very short Bill, but if any Honourable Member has any suggestions to make I shall be glad to consider them.

The HONOURABLE THE PRESIDENT: The question is—

‘That the Bill to provide that, when fire-arms are used for the purpose of dispersing an assembly, preliminary warning shall in certain circumstances be given, be taken into consideration.’

The motion was adopted.

The HONOURABLE SAIYID RAZA ALI: Sir, as has been pointed out in the Statement of Objects and Reasons, the proposed enactment wishes to put into force the fifth clause of the Resolution that was moved in this Council by the Right Honourable Srinivasa Sastri on the 3rd of March 1921. Sir, there is no doubt that the proposed amendment explains the spirit of the

[Saiyid Raza Ali.]

law more clearly than perhaps would appear otherwise. All the same, Honourable Members of this Council should not feel exultant because any change of policy in this direction has been accepted by Government. I just want to make it quite clear that there is already in the Criminal Procedure Code a section which covers the amendment that has been brought forward by Government. As Honourable Members, especially that section of the Members who belong to the legal profession, are aware, the law relating to unlawful assemblies is incorporated in Chapter IX of the Criminal Procedure Code. Now, if Honourable Members will turn to section 130, sub-section (2), they will find it reads thus :—

‘Every such officer’ (namely, the officer dealing with unlawful assemblies) ‘shall obey such requisition in such manner as he thinks fit, but in so doing, he shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons.’

Now, Sir, it is quite clear that, if as little injury to person and property is to be done as is consistent with the circumstances of the case, then it would be the clearest duty of the Magistrate or officer dealing with an unlawful assembly to give as full notice as is possible. In that view I do not think it is very necessary to enact this amendment. I have no objection to the intention of the Legislature being made quite clear on the subject, but I feel it is my duty to point out that we are dealing with a measure that is already incorporated in the Criminal Procedure Code. The question is not as to whether this amendment gives us any right that we did not possess before, but the real question is, as to how the intention of the Legislature is to be carried into effect by those who are to act under Chapter IX. In other words, the letter of the law is there; but what we specially invite the attention of the Government to is that the spirit of the law should be fully followed and carried out. If the spirit of sub-section (2) of section 130 is carried out fully, as is clear from the letter of the law, I do not think it will be necessary to pass into law the amendment that we are considering to-day. Still, Sir, I must say that we must be thankful for the small mercies that may be shown to us, and in that view, though I am far from being enthusiastic in casting my vote in favour of the amendment, I do not think it will be right on my part to oppose the amendment. But I think it is our duty to consider whether the Government are actually giving anything to us. As I have shown, I do not think they are giving us anything at all, but perhaps they are putting the intention of the Legislature in more clear terms, and, therefore, I do not propose to oppose this amendment.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN : Sir, there is only one remark I want to make in connection with this. It is said that whenever it is possible, notice should be given. Now, I just want to say a word. There are mobs where the people are holding illegal meetings and are unarmed. It is quite all right to give them notice. But there are other mobs which have perhaps got fire-arms or sticks. With such mobs, particularly if they are at a short distance, if one wastes time so as to tell them “Please do not hit us,” I think the opposing police force or whatever it is will be killed before stopping the mob. So, what is wanted is to calculate the pace it is coming at, its numbers and then one’s own force. If they are already doing mischief, burning the bazar or attacking the people, to tell them “Please do not kill people or burn the bazar, otherwise we will shoot you,” would be a waste of time. I think it would be proper to warn the people when they are

unarmed and just having a sort of meeting which is illegal, but, if they are doing mischief, I think it would be wrong to lose any time.

The HONOURABLE SIR MANECKJI DADABHOY : Sir, I only wish to contribute one word to this Debate. I am rather surprised to hear my Honourable friend, Saiyid Raza Ali, say that this provision of the Act is covered by section 130, sub-section (2), of Chapter IX of the Indian Penal Code. Probably my Honourable friend was not present when the Right Honourable Srinivasa Sastri brought in his Resolution. The Right Honourable gentleman made it perfectly clear that what he wanted was to introduce into our legislation something on the analogy of the Riot Act, that our legislation in these matters should be so framed that the provision of the Riot Act, which made a warning obligatory, should be clearly introduced into the existing law. It was in consonance with that request that this legislation was promised by Government, and I am of opinion that this legislation is a distinct improvement on the existing law, and one which is essentially needed. I am also of opinion that the provision which is now contemplated by this new section is not at all covered by section 130 of the Indian Penal Code. I think a distinct legislation of this nature, which makes it obligatory that a warning should be given as far as it is possible in any way that may be available to such officer, will conduce very largely to quell such disturbances with the minimum of force possible. I therefore welcome this legislation, and I give my support to it.

The HONOURABLE RAJA PRAMADA NATH ROY, OF DIGHAPATIA : Sir, I beg to suggest that after the words “the assembly be fired on” the words...

The HONOURABLE THE PRESIDENT : Order, order. Is the Honourable Member moving an amendment? If so, he should have given notice in writing of it. Let him do so at once.

The HONOURABLE RAJA PRAMADA NATH ROY, OF DIGHAPATIA : I wanted to put in one word...

The HONOURABLE THE PRESIDENT : Does the Honourable Member wish to move an amendment? Then he will write out his amendment and hand it in at the table. While he is writing it out, the Debate may proceed.

The HONOURABLE MR. H. D. CRAIK : Sir, the Honourable Saiyid Raza Ali has said that Honourable Members should not feel exultant as this Bill indicates no change of policy on the part of Government. I entirely agree. I thought I had made it clear, when introducing the Bill, that there was no change whatever in the policy of Government. This direction that warning should be given before a crowd is fired on has for many years been included in executive instructions issued by Government, namely, in the Indian Army Regulations and in the various Provincial Police Manuals. We are not making the slightest change in policy; we are merely giving statutory effect to what is at present an executive order. I hope the Honourable Member understands that point....

The HONOURABLE SAIYID RAZA ALI : Unfortunately I do.

The HONOURABLE MR. H. D. CRAIK : As regards the point raised by the Honourable Member about section 130 (2) of the Code, I am afraid the Honourable Member’s reading of that sub-section has been rather perfunctory. In the first place, the sub-section does not contain a word as to warning of any

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kind. It merely says that an officer obeying a requisition to fire shall, in doing so, use as little force and do as little injury to person and property as may be consistent with dispersing the assembly. There is no word as to warning at all there.

Moreover, there is another point. Section 130 (2) refers to the single case stated in sub-section (1) of that section where a Magistrate requires a commissioned or non-commissioned officer in command of any soldiers to fire. It does not cover the case of a policeman firing or the case where a soldier or a policeman fires on his own initiative without the order of the Magistrate, a thing which sometimes may happen, and which I am sorry to say has been frequently necessary of late. Section 130 only refers to one of many kinds of cases where firing may be necessary. The Bill refers to every case where anybody, soldier, policeman or private individual, has to fire on a crowd. That seems to me to make a very great difference.

The HONOURABLE SARDAR JOGENDRA SINGH: Sir, there is just one thing that I wish to say regarding the Honourable Mr. Craik's declaration that there is no change of policy. I am rather surprised to hear this from the Honourable Member, because when the two Houses are sitting, representative of the whole of India, they will shape and re-shape the policy as they like. This is what responsible government means. How can he say that the policy of the Government is not changing when they have really amended and presented a Bill as the Right Honourable Srinivasa Sastri desired; so there is really a change of policy, and that change of policy has to be accepted by the Government. I have nothing more to add regarding the Bill itself, as I am not a lawyer and do not understand it.

The HONOURABLE THE PRESIDENT: An Amendment has been proposed for consideration. With reference to that I would say that it is exceedingly inconvenient that Amendments to a Bill should be brought up without notice. It is unfair to Government, and from my experience the practice leads to hasty and ill-considered legislation. I find, however, that the particular Amendment proposed by the Honourable Raja of Dighapatia is not a very difficult Amendment for the Council to follow. If Honourable Members will turn to the Bill, they will see that in the new section proposed to be inserted, the word "warn" occurs. The Honourable Raja proposes, if I have read his Amendment aright, that for the word "warn" the words "give reasonable warning to" should be substituted. Do I understand the Amendment correctly?

The HONOURABLE RAJA PRAMADA NATH ROY, OF DIGHPATIA: Yes.

The HONOURABLE THE PRESIDENT: The question now before the House is, that to the Bill now under consideration an Amendment has been proposed that for the word "warn" in the new section proposed to be inserted the words "give reasonable warning to" should be substituted. That matter is now under debate.

The HONOURABLE RAJA PRAMADA NATH ROY, OF DIGHPATIA: The reason for my putting forward this Amendment that for the word "warn" in new section 131-A the words "give reasonable warning to" should be substituted is, that I think it would make the meaning clear. It would not make any difference in the Bill, and that is why I bring forward

this Amendment. No doubt the meaning may be the same, but still I would like to put it that way, and if the Council would accept the Amendment, I do not think it would make much difference.

The HONOURABLE SIR MANECKJI DADABHOY: Sir, I object to this Amendment. I think if this Amendment is carried, it will cause a lot of complication by the incorporation of the word "reasonable." How is the officer on duty to interpret the word "reasonable" at the time? The word would be often liable to serious misconstruction, and the officer would not be able to perform his duty. The expression "reasonable" is very wide. Many things might be reasonable. Many things might be unreasonable for the moment; and I therefore think the word "warn" which has been used in the section is very suitable and meets the requirements of the case. I am of opinion that the Council should not allow any tampering like this with the plain language of an important piece of legislation. I, therefore, oppose the Amendment.

The HONOURABLE DIWAN BAHADUR RAMABHADRA NAIDU: I oppose the Amendment.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: Sir, I support the Amendment very strongly. Everything ought to be according to reason, and if that word is brought in it will really help, I think. We want all things to be done reasonably, and why should we not get in such a good word? I hope all will support the Amendment.

The HONOURABLE SIR B. C. MITTER: Sir, I support this Amendment, though I myself think that upon a true construction of the section, the word "warn" in a Court of law would be construed as meaning reasonable warning. Supposing in a Statute we have got the words "notice should be given" would not that mean reasonable notice? Reasonable notice would be such notice as the law considers that a reasonable man would consider sufficient. Therefore, probably the section as it stands really means reasonable warning. Supposing it is otherwise, is it to be contended that warning should be given within five seconds of the firing taking place? The circumstances of each case must determine what is reasonable. As one of the Honourable Members of this House pointed out, it may be that there is absolutely no time to give warning. Under such circumstances that matter will have to be taken into account. Therefore, if the matter comes before a Court of law, I venture to submit that the word "warn" must necessarily mean reasonable warning; but whether the Council would prefer not to have the matter left open for argument is a different question. I myself do not see any objection to clearing up the matter and amending the section in such a way as to accord with the real intention of the Mover.

The HONOURABLE MR. H. D. CRAIK: Sir, I am afraid I cannot accept this Amendment. In the first place, the Honourable Member who moved it admitted himself that it made no great difference. I certainly do not think it is an improvement on the Bill to insert the words "give reasonable warning to" in place of the brief and explicit Anglo-Saxon word "warn." The word "warn" is obviously governed by what comes later, that is to say, by the words "by such means, if any, as may be available at the moment"; that is to say, you give the officer who orders the firing a definite direction that he is bound to warn by all means that are available to him. Why complicate the clause and introduce what, I venture to think, would be an element of doubt, by the insertion of the words "reasonable warning"?



[Mr. H. D. Craik.]

The Honourable Sir B. C. Mitter, who is doubtless a much higher authority than I am, has admitted that the legal interpretation of the word "warn" is, ordinarily, to give a reasonable warning. If these words were inserted, you would introduce an element of doubt which may give rise to much discussion in the Court that may subsequently have to inquire into the matter. Lawyers would no doubt exercise their ingenuity in arguing whether the warning which was given, was, in fact, a reasonable warning or not. As I say, I do not see that this Amendment will in any way improve the Bill, and I submit that it would be much better to leave the Bill as it stands at present.

The HONOURABLE SAIYID RAZA ALI: Sir, I thought the Government would have no objection to accepting the Amendment of my Honourable Friend the Raja of Dighapatia. I should just like to read out what took place last March on the debate on the Right Honourable Srinivasa Sastri's Resolution. This is what the Honourable Sir William Vincent said:—"As regards the fifth proposal in the Resolution, I think that has always been acted upon and, as far as possible, warning is given. In many cases however,"—and this is important, Sir, "it is impossible to give a warning. In the case of a mob of 10,000 people, and that is the kind of mob in the case of which firing is resorted to, it is impossible to give a warning that will be heard by any save very few in the mob, but so far as possible, warning is always given and I have no objection to accepting this part of the Resolution." Now I should like to tell the Honourable Mr. Craik that what was said by Sir William Vincent on the 3rd March is just the spirit of the Amendment which has just been moved by my Honourable Friend. As a matter of fact, Sir William Vincent's point was that it was impossible to give a warning in every case, but the utmost that they could undertake to do was to give a reasonable warning. The Honourable Mr. Craik laid much stress on the word "reasonable," but, as a matter of fact, a Magistrate or an officer dealing with an unlawful assembly may not find it possible to give a warning that will satisfy everybody, but he could give a reasonable warning, and no man can undertake to give more than a reasonable warning, and any man who undertakes to give more than a reasonable warning, well I know not by what name we could call him. Therefore, I think the Amendment is one which should be accepted by Government, if on no other ground than that contained in the statement made by Sir William Vincent on the 3rd March last.

I need say but little regarding the speech made by the Honourable Sir Maneckji Dadabhoy on the Amendment. He was one of those who opposed the motion of the Right Honourable Srinivasa Sastri.....

The HONOURABLE SIR MANECKJI DADABHOY: You are mistaken.

The HONOURABLE THE PRESIDENT: Order, order. I have on several occasions laid down the rule that members must not rise to speak unless the member speaking gives way.

The HONOURABLE SAIYID RAZA ALI: I need not detain the Council on this question, but the Honourable Member's speech is in print here before me and it shows he opposed the Resolution.

The HONOURABLE SIR MANECKJI DADABHOY: Sir, may I rise to give a personal explanation? I did not oppose the Resolution of the Right Honourable Srinivasa Sastri at all. I supported that part of his Resolution

which has culminated in the introduction of this Bill. It was the other clauses of the Right Honourable Srinivasa Sastri's Resolution which I opposed. It is quite clear that the Honourable Member has not fully read my speech made on that occasion.

The HONOURABLE MR. H. MONCRIEFF SMITH: Sir, I do not think that my Honourable friend Saiyid Raza Ali has added very much to this debate. If I understand him rightly, he says that there may be occasions on which no warning could be given, and therefore he suggests that we should provide that reasonable warning should be given. I do not understand how no warning at all could be a reasonable warning. What he has said is met by the Bill as it stands.

The clause says:—

'such person shall.....warn the assembly by such means, if any, as may be available at the moment'.

If there are no means available he cannot give a warning at all, and it is not a question of giving a reasonable warning or not.

The chief objection to this Amendment, has, I think, been put forward by the Honourable the Raja who moved it and by those of His Honourable friends who spoke in support of it. They have all told us that it does not add to the Bill at all and that the law is quite clear as it stands.

I agree too with the Honourable Sir Maneckji Dadabhoy when he says that it introduces another element of doubt into the proceedings when they come before a Court of law. The Courts will always have to interpret those words, and but for the fact of their presence the point need not be raised. I would therefore ask the House to pass the Bill as it stands.

The HONOURABLE THE PRESIDENT: The question is that in the new section 131A proposed to be inserted by the Bill, for the word "warn" the words "give reasonable warning to" be inserted."

The Noes have it.

The HONOURABLE RAJA PRAMADA NATH ROY OF DIGHPATIA: I wish to press the Amendment to a division, Sir.

The Council divided as follows:—

AYES—15.

Acharyya Chaudhuri, Maharaja S. K.

Altaf Ali, Mr.

Bhurgri, Mr. G. M.

Harnam Singh, Raja Sir.

Mitter, Sir B. C.

Muhammad Ismail Khan, Haji Chowdhuri.

Moti Chand, Raja.

Nandy, Maharaja Sir M. C.

Rampal Singh, Raja Sir.

Ram Saran Das, Rai Bahadur Lala.

Raza Ali, Saiyid.

Roy, P. N., Raja of Dighapatia.

Sethna, Mr. P. C.

Sukhbir Sinha, Lala.

Umar Hayat Khan, Colonel Sir.

NOES—22.

Amin-ul-Islam, Khan Bahadur.

Bray, Mr. Denys.

Chettiyar, Rao Bahadur Rm. M. A. A.

Craik, Mr. H. D.

Dadabhoy, Sir M. B.

Froom, Mr. A. H.

Ganga Nath Jha, Mahamahopadhyaya, Dr.

Hammond, Mr. E. L. L.

Holberton, Sir E. J.

Kashava Prasad Singh, Maharaja Bahadur.

Khaparde, Mr. G. S.

Lalubhai Samaldas, Mr.

Lloyd, Mr. E. S.

Murray, Sir A. R.

Nayudu, Diwan Bahadur V. R.

Pratt, Mr. F. G.

Richy, Mr. J. A.

Robinson, Major-General W. H. B.

Sarma, Rao Bahadur B. N.

Smith, Mr. H. Moncrieff.

Wacha, Sir Dinshaw.

Zahir-ud-din, Khan Bahadur S.

The Amendment was therefore rejected.

[Mr. H. D. Craik.]

The HONOURABLE MR. H. D. CRAIK : I move, Sir, that the Bill to provide that when fire-arms are used for the purpose of dispersing an assembly preliminary warning shall, in certain circumstances, be given, be passed.

The motion was adopted.

#### CATTLE-TRESPASS (AMENDMENT) BILL.

The HONOURABLE MR. H. D. CRAIK : I move, Sir,—

That the Bill further to amend the Cattle-trespass Act, 1871, be taken into consideration.

Sir, this is a wholly non-controversial Bill, and I trust that it will be accepted by the House. It merely provides that, instead of the existing fixed scale of fees for cattle impounded, it shall in future be left to the discretion of Local Governments to prescribe a scale of fees which may vary for different local areas. I think every Honourable Member will admit that this is a convenient change to make in the law. The existing scale, which was fixed when the Act was passed 50 years ago, is now quite out-of-date owing to the rise in prices, and, although the Local Government may by the proviso to the existing section 12 double the scale of fees, it cannot otherwise vary it, and, as I pointed out in introducing the Bill, even doubling the existing scale is in present circumstances inadequate. We now propose to give Local Governments entire discretion, and I think Honourable Members will agree that they are the persons best qualified to fix the scale of fees suitable for any particular locality.

The HONOURABLE THE PRESIDENT : The question is that the Bill further to amend the Cattle-trespass Act, 1871, be taken into consideration.

The motion was adopted.

The HONOURABLE MR. H. D. CRAIK : I move, Sir, that the Bill be now passed.

The HONOURABLE THE PRESIDENT : The question is that the Bill further to amend the Cattle-trespass Act, 1871, be passed.

The motion was adopted.

#### CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

The HONOURABLE MR. H. D. CRAIK : Sir, I move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898, by providing for the issue by Courts in British India of commissions for the examination of witnesses to such Courts of Princes and Chiefs in India as are notified in this behalf, and for the execution by Courts in British India of commissions issued by such Courts.

Sir, the Bill which I ask for leave to introduce amends a single section of the Code of Criminal Procedure, section 503. That is its main object. It also makes smaller amendments in sections 505 and 507, and inserts a new section, section 508-A. The existing section 503 refers to the issue of commissions for the examination of witnesses who are residing beyond the jurisdiction of the Court, and the sub-section (2) of it runs as follows :—

‘When the witness resides in the territories of any Prince or Chief in India in which there is an officer representing the British Indian Government, the commission may be issued to such officer.’

Then sub-section (3) provides that—

‘the Magistrate or officer to whom the commission is issued shall proceed to the place where the witness is or shall summon the witness before him, and shall take down his evidence in the same manner, and may for this purpose exercise the same powers, as in trials of warrant-cases under this Code.’

That sub-section has given rise to some practical difficulty in the case of witnesses whose evidence is required by Courts in British India, but who may be residing in an Indian State. The main difficulty is this.

The Political Agent to whom the commission is issued is required by sub-section (3) either to go himself to the place where the witness resides or to summon the witness to appear before him. There is no power for the Political Agent to send the commission to a Darbar Court for execution. Consequently, in actual practice, it becomes necessary for the Political Agent to exercise within the area of the State certain powers not conferred on him by law which are an interference with the sovereign powers of the Darbar.

The Political Agent, I believe, has no legal power to summon witnesses who are resident in an Indian State, and though, in practice, he has done so, objection has been taken to that practice. Similarly, although in practice, Political Agents have sent commissions for execution to Darbar Courts, there is no statutory authorisation for that practice and the Darbar Courts might refuse to execute the commission. What we now wish to provide in this Bill is that the Governor General may, by notification in the Gazette of India, declare that any Court situated within the territories of any Prince or Chief in India, not being a Court established or continued in such territories under the authority of the Governor General in Council, is a Court to which commissions issued by Courts in British India may be sent through the officer mentioned in sub-section (2), that is to say, through the Political Agent. That will put the present practice on a legal and satisfactory basis. The Political Agent to whom the commission is issued by the British Indian Court will have the right to send the commission to a Darbar Court. The Darbar Court will then execute it, and in doing so can summon witnesses, etc., under its ordinary powers. Sub-clause (5) of the principal clause of the Bill gives the Political Agent discretion either to execute the commission himself, or to forward it to the Darbar Court for execution. The changes in clause 5 are consequential changes. Section 508-A introduces a new provision, namely, it empowers Darbar Courts, when notified in this behalf, and to send to the Political Agent commissions which they may desire to have executed by Courts in British India. That introduces the principle of reciprocity between Indian States and British India which, so far as I am aware, does not at present exist in regard to the examination of witnesses in criminal trials. The changes in the law which this Bill seeks to introduce have been framed in consultation with, and with the concurrence of, a committee of Princes and have been accepted, I think I am right in saying, by practically all the Darbars of the Indian States, and I think the Council will agree that the changes made will be conducive to the more rapid disposal of criminal cases as between British Courts and Courts in Indian States.

The HONOURABLE THE PRESIDENT : The question is that leave be given to introduce a Bill further to amend the Code of Criminal Procedure, 1898, by providing for the issue by Courts in British India of commissions for the examination of witnesses to such Courts of Princes and Chiefs in India

[The President.]

as are notified in this behalf and for the execution by Courts in British India of commissions issued by such Courts.

The motion was adopted.

THE HONOURABLE MR. H. D. CRAIK : I introduce the Bill.

#### POINT OF PROCEDURE.

THE HONOURABLE SAIYID RAZA ALI : May I rise to put a question relating to a point of procedure in regard to the time of the meeting of this Council?

THE HONOURABLE THE PRESIDENT : Order, order. The correct time for the Honourable Member to raise a question of order is after questions have been put and answered and before the commencement of the business of the day. If the Honourable Member will raise his question at the appropriate time when the Council meets next, he will be given an opportunity of doing so. The time of the adjournment is not the proper moment. The Council stands adjourned till Thursday, the 22nd at 11 O'clock in this Chamber.

The Council then adjourned till Thursday, the 22nd instant, at 11 O'clock.

#### COUNCIL OF STATE.

Thursday, the 22nd September 1921.

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

#### MEMBER SWORN:

Mr. Harry Alexander Fanshawe Lindsay.

#### QUESTIONS AND ANSWERS.

##### APPOINTMENT OF CURRENCY COMMITTEE.

138. THE HONOURABLE MR. V. G. KALE : Does Government contemplate the appointment of a Currency Committee or Commission at an early date?  
11 A.M.

THE HONOURABLE MR. H. A. F. LINDSAY : The Government of India do not, as at present advised, contemplate the appointment of such a Commission.

##### OUTSTANDING BILLS OF LANCASHIRE PIECE-GOODS.

139. THE HONOURABLE MR. V. G. KALE : Will Government be pleased to state its estimate of the amount of outstanding bills, which were not met by Indian importers of Lancashire piece-goods, on 1st January and 1st September of this year?

THE HONOURABLE MR. H. A. F. LINDSAY : Inquiries have been made on the subject, but it has been found that it would not be possible to frame any sort of estimate, even approximate, without a prolonged investigation. The information would have to be obtained from the Exchange Banks, who would have to pick out the details from all the bills on their books. Even if complete figures for post-due bills could be obtained, it would take a considerable time to ascertain which of those were drawn against Lancashire piece-goods and not against other imports or against piece-goods imported from elsewhere. There are also outstanding commitments which would not appear in the Banks' books at all. Government are not in a position to say whether there has been an increase or decrease of outstanding bills during the period in question.

##### AGRICULTURAL INTERESTS ON COTTON COMMITTEE.

140. THE HONOURABLE SARDAR JOGENDRA SINGH : Is there any representative of Agricultural interests on the Cotton Committee?

THE HONOURABLE MR. B. N. SARMA : The Indian Cotton Committee considered that, in present conditions, it is not practicable to provide for direct representation of the cultivating classes on the Central Cotton Committee, and

[Saiyid Raza Ali.]

in accordance with their recommendation, agricultural interests have been entrusted to the officers of the Provincial Agricultural Departments who are serving on the Committee. The question of providing representation for the growers of cotton is, however, being further considered.

### TIME AND DATES OF MEETINGS.

The HONOURABLE SAIYID RAZA ALI: May I put a question, Sir, with regard to the time and dates of our meetings? Under Standing Order 5 of the Manual of Business in this Council, Sir, the meetings of this Council are commenced ordinarily at 11 A.M. and terminate ordinarily at 4 P.M. But I need hardly remind the Honourable Members of this Council and you, Sir, that up till now our meetings generally finish at 1-30 P.M. Now, whether our dignity as 'Elder Statesmen' demands that we should not sit longer is more than I can say; but, in order to remove the charge of senility which is at times levelled at us by unkind critics, I suggest that you will be pleased to take action in the direction of enabling us to meet more frequently, or, if this is not possible, of enabling us to sit longer, so that we may be in a position to finish the work which appears on the agenda paper.

The HONOURABLE THE PRESIDENT: The word "ordinarily" of course refers to our meetings at Delhi. As regards Simla we have always held morning meetings, and it is not convenient on the whole, having regard to the great distance of this Council Chamber from other parts of Simla, to call Members back after lunch to sit for half an hour at the outside. But on the question of more frequent meetings, if the business of this Council requires it, I should have no hesitation in fixing meetings as frequently as necessary.

The present position is this. As far as I am aware, there is only one Resolution which has not been disposed of and which is standing on the notice paper, and that Resolution stands in the name of the Honourable Member who has just spoken. The reason for its so appearing is this. The Honourable Member asked this Council to postpone the Resolution, and the Council did postpone it though it postponed the Resolution very unwillingly. However, I am not going to press that matter. If Honourable Members themselves feel that we ought to fix more meetings and that there is enough of public business to require this, I have no objection; but I do feel that the Council will agree with me generally in thinking that to bring them back in the afternoon for half an hour is probably not desirable and calculated rather to inconvenience them than to forward public business. (Applause.)

### BILLS LAID ON TABLE.

THE HONOURABLE THE SECRETARY: Sir, In accordance with rule 25 of the Indian Legislative Rules, I lay on the table Bills which have been passed by the Legislative Assembly at its meeting of the 19th September 1921. They are:—

- (1) A Bill further to amend the Carriers Act, 1865, in order to empower the Governor General in Council to make by notification addi-

tions to the Schedule to that Act, and to free a common carrier from liability under that Act from loss or damage arising from the negligence of himself or of any of his agents or servants, in respect of any property which, being of the value of over one hundred rupees and of the description contained in the Schedule to that Act, has not been declared in accordance with the provisions of section 3.

- (2) A Bill to provide for the levy of customs-duty on lac exported from British India.

### GOVERNMENT BUSINESS FOR 26TH AND 27TH SEPTEMBER, 1921.

The HONOURABLE THE PRESIDENT: Can the Honourable Member in charge of Government business inform the House what the business is likely to be for the 26th and 27th September?

The HONOURABLE MR. B. N. SARMA: The following business will probably be brought forward on the 26th September:—

PROGRAMME OF BUSINESS FOR MONDAY, THE 26TH, AND TUESDAY, THE 27TH SEPTEMBER 1921.

*Meetings of the Council for official business will be held on Monday, the 26th September, and Tuesday, the 27th September.*

The following business will probably be brought forward on the 26th September:—

- (1) Bills which may be passed by the Legislative Assembly at its meetings immediately prior to the 26th September, will be laid on the table in this Chamber.
- (2) Motions to consider and pass the following Bills:—
  - (i) A Bill further to amend the Code of Criminal Procedure, 1898, to provide for the issue of commissions for the examination of witnesses to Courts of Princes and Chiefs in India, and for the execution by Courts in British India of commissions issued by such Courts.
  - (ii) A Bill further to amend the Indian Marine Act, 1887, and
  - (iii) A Bill further to amend the Indian Works of Defence Act, 1903.

On the 27th September, the following official business will probably be brought forward:—

- (1) Motions to consider and pass the following Bills:—
  - (i) A Bill further to amend the Negotiable Instruments Act, 1881.
  - (ii) A Bill further to amend the Carriers Act, 1865.
  - (iii) A Bill to provide for the levy of customs-duty on lac exported from British India, and
  - (iv) A Bill further to amend the Indian Post Office Act, 1898.
- (2) Bills which may be passed by the Legislative Assembly at its meeting on the 26th September, will be laid on the table in this Chamber.
- (3) The Honourable Mr. Shafi will move certain Resolutions relating to the recommendations adopted by the General Conference of the International Labour Organization of the League of Nations.

RESOLUTION *re* REPORT OF SUGAR COMMITTEE.

The HONOURABLE SARDAR JOGENDRA SINGH: Sir, I beg to move—

11-14 A.M. 'This Council recommends to the Governor General in Council that in so far as the recommendations contained in the Report of the Sugar Committee suggest action by the Central Government, such action be not delayed by previous consultation with the Local Governments; that effect be given to the recommendations contained in the Report of the Sugar Committee, as early as possible, and that the Government should foster the sugar industry—

- (a) by providing compact blocks of land for sugarcane plantation in all districts where 50,000 acres are already under cane;
- (b) by providing compact blocks from waste forest lands, etc., in suitable localities;
- (c) by guarantees of interest on the capital raised either in India or in England, or in both for the establishment of sugar factories.'

I hope the House will carefully consider the recommendations made by the Sugar Committee, as it deals with one of the largest industries in India. We have often heard both inside and outside this House that agriculture is one of the biggest industries in India, and the officials have promised their sympathy, and the non-officials promised their support to the promotion of the welfare of the agricultural classes. But when we come to actual doing we find that the officials have only offered sympathy so far that they have found the agricultural classes give them no trouble, and so they are naturally satisfied with them.

I must begin by thanking the Government of India for the opportunity they gave me to study the sugar problem by appointing me on the Sugar Committee, which has enlarged my thought and experience. For the first time I came to realise the magnitude of the problem and its solution, which is really the modernising of Indian agriculture. I am sure the Members will realise, when they read the Sugar Committee's report, how development of sugar can be made to serve the organization and promotion of intensive agriculture generally all over the country. Sugarcane in India has been grown from time immemorial, but like other industries, in which India held a strong position before in this also, India has lost ground, while other countries, with the assistance of science and organization of capital have made great advances both in the matter of increased produce and improved manufacture, we in India are producing almost the same amount of sugar per acre to-day as we did 500 years ago. We have lost ground, while other countries by careful organization have gained it. India has the largest area under cane, nearly 3 million acres. There is no other country which has such a large area under cane. It is five times the area of Java, and yet in modern factories we make only 30,000 tons of sugar, while a single factory in Java produced 44,386 tons of sugar. India consumes 2 million tons of gur and 1 million tons of sugar, while we produce in modern factories only 30,000 tons of sugar. Is this House going to be satisfied that with our large resources India should be content with producing 30,000 tons of sugar. It is the considered opinion of the Sugar Committee that India can produce enough sugar not only for her own requirements, but also for exporting it outside. Is not this House going to ask the Government to assist this industry and make India not only self-supporting, but also an exporting country as it ought to be?

Now when we turn to the yield of sugar per acre Java gets 4 tons of sugar to the acre as against India's one ton of gur to the acre. This low production is not due to the unsuitability of the soil, or any other factors beyond

our control, but because both our Government and people have neglected the industry for all these years. I shall presently show that, if we grow the proper kind of cane, use proper manure and irrigation, our yields can be equal to that of Java and other countries. Even in the Punjab we can grow equally good cane giving better yields than in Louisiana. Well, what has Java done? Java has organised the industry, while we have left it to take care of itself. We are still waiting for a miracle to happen to organise our industry; we are still waiting for slow and ordered progress without organizing the industry ourselves. The Java industry with its positive record of achievement points one moral, while India with its negative record of stagnation points the other. I sincerely hope that we are not going to let things stagnate; we are not going to let the Report of a Committee of Experts appointed at public expense to be used only to adorn or overweigh shelves of the Departments concerned. We must see that the action is taken. We do not want to wait for ten years or more for Government to take action. I think the two Houses can now join together and make the Government active and do something more substantial than sum up in a brief Resolution a few facts regarding sugar industry. I think the two Houses will not tolerate delays under the new conditions which have arisen. That is the only way to justify responsible government, and in this matter, I think we owe great responsibility to three hundred million people whose interests are in our keeping.

If we promote the sugar industry we can bring in a new income of Rs. 5 per head for the whole population of India. I think it will not be a small achievement. You will perhaps ask me why the sugar industry needs fostering?

The sugar industry, as it is now carried on in Java and other countries, requires scientific cultivation and manufacture. The work in the field is related to the work in the factories. You have agricultural experts who are all the time watching the growing and producing of better varieties of cane, manure and irrigation. All the factors which are essential to the growing of a superior kind of cane, are carefully looked into. In the factories the chemists and engineers are all the time working and watching of the results. They have attained such a high level of scientific research that they know exactly the amount of sugar on the cane and try to get it to the fullest possible extent. We in India hardly get half the sugar from the crop we grow. We lose half the sugar in the process of milling and manufacturing. The Sugar Committee calculated the total loss at 1,068,960 tons of increase (page 203 of the Sugar Committee's Report) from which something like 700,000 tons of sugar could be made representing a loss of nearly 23 crores, if the price of sugar falls to about 330 Rs. a ton, but during the war when sugar was at 850 Rs. a ton, India lost Rs. 59 crores a year.

What we need is concerted effort in the laboratory, in the field and in the factory. Full crops of sugarcane can only be secured under proper conditions, requiring good seed, good ploughing, adequate manure, irrigation and good drainage. Now, I ask you, how are the growers of cane going to learn how to grow better cane, unless some kind of demonstration is provided for them? We have districts in the United Provinces, in the Punjab, where 50 thousand acres of cane are grown in a single district, and yet no effort so far has been made to educate these cane growers to grow better varieties of cane. What I wish to point out is, that demonstration areas should be provided where better varieties of cane may be grown and people may learn to improve the yields from these large areas of cane. Unless we do this, unless we provide demonstrations on a field scale,

[Sardar Jogendra Singh.]

it is not possible to educate the Indian agriculturists to grow better crops. It is not only that these demonstration farms will serve the cane crops, but they will serve for other crops as well. In Shahjahanpur, where a small cane area is properly manured, wheat has been harvested giving from 30 to 40 maunds to the acre as compared to the ordinary average of 13 maunds of wheat to the acre. I ask the Government to support the sugar industry on public grounds of the most urgent nature. The Indian agriculturist, if he is to secure full crops from his land ought to know, how to do it, and he will only know it, when there is a field scale demonstration, and, when he sees that some one is making more money than he has made, he will then try to grow better crops. One demonstration farm will never do. You may have a demonstration farm in Shahjahanpur, but Peshawar will not benefit by it. The agricultural conditions are entirely different from province to province, very often from district to district. So we must have demonstration farms in every district where areas under sugar cultivation are about 50,000 acres. It will mean trebling the income of the agriculturist, and thus lay firm the foundations of his future prosperity by training him to grow cane and other crops on new and scientific lines. The Indian agriculturist is not altogether unaware of the advantages of growing a better class of cane. If you were to go to any city in the Punjab, United Provinces, Bengal, Bombay or Madras, you will see very good thick cane grown for chewing purposes. *Pounda*, to my mind, is equal to any cane grown in Java or elsewhere, but it is grown only on a small scale. The agriculturist is not able to grow it on a field scale, because he has not the capital to buy the manure for it.

The starting of a factory therefore can be combined for the demonstration of growing good canes by providing the factory with compact blocks of land for the growing of cane. In Java, even to-day, the Javanese agriculturist makes gur and he does not get better yields than the Indian agriculturist. His average is 28 to 30 maunds of gur per acre. Put alongside the factory sugar plantations yield 4 tons of sugar to the acre! The same thing is happening in India, and there is no reason why we should not, at least, double our yield. To show that the yields in India are almost equal to that of other countries, I refer you to Mr. Millingan's recent review, 'Agriculture in India.' He points out that in the year 1919-20 Bengal gave 108 maunds of gur or 40 tons of cane to the acre, while Assam gave 50 tons. In the Central Provinces, a profit of Rs. 1,200 per acre was made. In Shahjahanpur and Hardoi, 40 tons of gur to the acre were secured, Lyallpur gave 8 tons to the acre, and yet people in the Punjab say that the Punjab is not suitable for the growing of cane. Madras, Bombay and Burma give 40 to 50 tons of sugar-cane to the acre easily. Now let us compare this with other countries. Cuba gives an average of 1.96 tons of sugar to the acre. Java 4.12 tons of sugar to the acre. Now, I ask this Council where do our yields fail in comparison with other countries in the yields obtained after following the best scientific methods known for the growing of cane? Let us for a moment turn to Java again; the Sugar Syndicate formed by the sugar factories in 1919 and 1920 spent 1,200,000 guilders last year in research work. Compare this with our research expenditure. I hope when the Revenue Member makes his reply, he will point out what India is spending on research work for the biggest industry going. A guilder is equal to 1 shilling and 8 pence. One of the large factories in Java turned out 44,000 tons of sugar, while all our Indian

factories made 30,000 tons of sugar! Can we look back with pride on our past achievements that with 300 million acres under sugar cane, we should make only 30,000 tons of sugar? The facts speak for themselves. How long are we going to wait for the industry to grow by itself unaided by the Government or private enterprise? In spite of the heavy expenditure on research, cultivation and a well-paid staff cane in Java costs 6 annas a maund.

Our thin cane costs 5 to 6 annas a maund, while our *pounda* cane costs 8 annas a maund, so even in the matter of costs, India compares very favourably with Java and other countries.

Now, when we turn to the requirements for growing better varieties of cane, we find that we require about a million tons of oil cake for manure or 300,000 tons of sulphate of ammonia. We are exporting nearly a million and a half tons of oil seeds a year. If we start sugar industry, a million and a half tons of oil seeds which are going out would be kept in the country, and would bring us additional wealth of at least a million rupees providing at the same time adequate manure for our crops.

Briefly speaking, the agricultural possibilities of sugarcane in India are enormous. India has the largest area in the world under cane. India can produce the best varieties of cane equal to those produced anywhere in the world.

The knowledge for growing the crop is there. What is needed is capital and organisation. Capital cannot be attracted unless land is available for home plantations. In Java, in 1833, compact blocks of land were provided for factories, and to-day Java is reaping a rich harvest. India, again, if it is going to foster the sugar industry, and quicken the pace, will have to provide compact blocks of land in the early stages. Many of my Honourable friends will prick up their ears and say—we will have to dispossess somebody to provide these blocks of land. Indeed, we need not dispossess any one at all. Land acquired for sugarcane is acquired for agricultural purposes, the cane crop would be under control, but other crops will be as great as before. This is what is being done in Java. Eventually the agriculturist would be more thankful to the Government for having used a little bit of compulsion in educating him to better methods of cultivation than leaving him to starve as he is doing to-day and allowing him to waste his opportunities.

From the agricultural side if we turn to the manufacturing side, what is happening to-day is, that, when the crop is ready it is brought to the mill. The cane is crushed by small three-roller mills, the bullocks are not very powerful, and while the cultivator is extracting the juice he slackens off the rollers so that the bullocks may have an easy time, and the result is that he loses fifty per cent of the juice which a modern power mill would press out and make available for making sugar. Turn to a modern factory now. You find it has a sixteen-roller mill working, and not only that, but it extracts every drop of juice that there is on the cane. The Sugar Committee calculated that the available sucrose on cane for making gur was 3,144,000 tons and the loss due to primitive methods amounted to 1,068,000 tons. Mr. Padshah calculated that if requisite enterprise, capital and science were forthcoming, without a single acre being added and without any improvement in cultivation 700,000 tons of sugar, could be produced every year from the losses which are now incurred which is equal to our imports. We import from 700,000 to 900,000 tons of sugar...



[Mr. Lalubhai Samaldas.]

The HONOURABLE MR. LALUBHAI SAMALDAS : Is it 7,000 tons ?

The HONOURABLE SARDAR JOGENDRA SINGH : It was before the war 700,000 tons. It is about 408,700 tons now, but the value of the import now is 21,84 lakhs as compared with 15,87 lakhs of pre-war value tons last year. We can make 700,000 tons of sugar from the waste which is tolerated at the present moment. We can take another million tons of sugar if we improve our agricultural methods, and, if we put another half a million acres under sugarcane, we can depend on making 3 million tons of sugar a year, which will more than meet our demands and leave a fair amount available for export. Given capital, science, courageous statesmanship and enterprise, India can produce an additional three million tons of sugar within the next twenty years which at Rs. 500 a ton of sugar will amount to 1,50,00,00,000 rupees. (Laughter.) I see Mr. Froom laughing at the idea, but these are the facts—and facts are more eloquent than anything I can say. If you utilise the area under cane, if you save the losses, and if you calculate the money value of this loss, this new wealth can be guaranteed to India. But if India is content to laugh at the idea, of course this wealth can never be ours. We cannot maintain the army, we cannot help education and do other beneficent works, because the real big industry of India ; agriculture is starved, and unless agriculture is put on a sound modern basis no flow of wealth to India is possible. Think of the new business that it will bring. Think of the steamship lines that will be required to take the new trade, the railways that will be required and the new business for Bank and business-men. All this can only happen when the Indian agriculture is placed on a proper basis, and sugarcane provides the means of doing it. Sugarcane cultivation provides the means of introducing intensive agriculture in every district, and when once established in factory plantations, it will be taken up by the people everywhere leading to the enormous prosperity of the country.

To get this new wealth the capital required runs into crores also. If you put down Rs. 700 a ton as capital required and you want to make three million tons of sugar, you require nearly two hundred crores of capital. I do not think that two hundred crores is beyond the range of the Government of India to provide. If we have a fixed programme, say, running for 20 years, providing ten crores a year, in 20 years we can have the industry fully capitalised and working, bringing in the wealth that I have been just talking about.....

The HONOURABLE SIE MANECKJI DADABHOY : You mean ten crores or ten lakhs ?

The HONOURABLE SARDAR JOGENDRA SINGH : Ten crores.

To make these three million tons of sugar you need 400 modern factories and 400 modern factories will employ 800 chemists, 1,000 engineers, 1,000 managers, 400 secretaries, 1,000 accountants so that there will be enormous business which will be taken up by the people of the country. The figures may probably astound this Council which is used to talking in lakhs, but I suppose that if I were talking to an American syndicate or even an English syndicate they would seriously consider my proposals and set to providing the necessary capital for one of the most promising industries of India and thus securing the wealth that now flows by.

Before the Government or the people embark on a large scale, I suppose the Council will support me in advocating the establishment of a few pioneer factories in remarkably good sugar areas, and in asking the Government to lease areas from forest lands where such lands are available, to start these pioneer factories. Half a dozen pioneer factories would demonstrate how far the conclusions reached by the Sugar Committee can be carried into effect. Indeed, there are already sugar factories in India which during the war earned practically 100 per cent on capital. To discover the profits that have been made you must study the reserves that have been piled up.....

The HONOURABLE MR. LALUBHAI SAMALDAS : 100 per cent profit ?

The HONOURABLE SARDAR JOGENDRA SINGH : Yes ! If you look at the reserves of some of these factories during the last three years you will find they have doubled. I could mention names but I do not know whether it would be proper for me to do so.

The HONOURABLE THE PRESIDENT : Order, order. If the Honourable Member wishes to traverse the facts quoted by the Honourable Sardar Jogendra Singh, he should wait till he speaks himself.

The HONOURABLE MR. LALUBHAI SAMALDAS : I merely wanted information.

The HONOURABLE SARDAR JOGENDRA SINGH : In the matter of these big profits I would ask the Honourable Member to study the growth of reserves within the last four years. He will find that some factories have more reserve than their capital.

I would recommend the raising of 2 crores at once. Most of the plant needed for these factories will have to be purchased in England ; therefore, the bulk of the capital required should be raised in England, as it is in England that we shall have to buy the plant for the factories. The money needed for agricultural development we should raise in India. This raising of capital both in India and England would link the two countries together in the development of a great industry, and I earnestly believe that it is in this linking of interests that the future of the country, the prosperity of the country, rests. I believe some of the Members of the Council would like to know why it is that private capital has so far been shy. There are two factors operating against it. One is, that agriculture has not been properly studied by the commercial class, the other is, that sugarcane is not a material which can be transported from one place to another, and no capitalist would come forward to set up a factory costing something like 50 lakhs, without being assured of the raw material. Supposing to-morrow a big capitalist started a factory in an area where sugarcane was available, and the producer held up his produce, he would not know what to do. That is why it is necessary that he should have a certain amount of raw material in his own plantation so as to be secure of his supplies. Once we can offer compact blocks for home plantations, there can be no doubt that the necessary capital for financing the industry will be forthcoming.

As regards the question of the acquisition of land required for starting these plantations, the Sugar Committee, in paragraph 234 of their report, very carefully discuss the whole question. The members of the Sugar Committee admitted the need for providing these blocks, but on other grounds they did not go as far as they might have done. In any case they recommended that

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wherever a 1,000-ton factory was set up, 600 acres should be provided, so that in any case 200 acres may be available for growing proper varieties of seed, but these 200 acres need not be in one block. A great deal of misapprehension exists regarding these compact blocks of land. Some people assume that these should be in one block. That is not necessary. You can have an area split up into 5 or 10 blocks of 200 acres each and spread over a whole district, and this practice would be more to the advantage of the agriculturist than one block set apart in one part of the district. If you have these blocks spread over a district, you will not be taking any large blocks from one man, indeed, you can make up these blocks, by pooling specified areas, reserving the required area out of the whole and distributing the rest to the holders again, it will mean a mere fraction of an acre taken from each holding for demonstration purposes. A fraction of an acre taken from various holdings and set apart for promoting better agriculture, would, I think, be welcomed by everybody. People ignore the fact that these compact blocks can be provided by taking very little from each individual. . . .

The HONOURABLE THE PRESIDENT: Order, order. The Honourable Member is approaching his time-limit. I trust he will bring his remarks to a close as soon as conveniently may be.

The HONOURABLE SARDAR JOGENDRA SINGH: As the time at my disposal is very short, I will not enlarge on the agricultural and manufacturing problem, which, I think, I have stated fairly clearly before. There is one point I should like to mention that the demand for sugar in all countries has been growing. It has grown in some countries by 24 per cent. within the last ten years; in other countries from 8 per cent. to 14 per cent. In India, the demand within the last decade has increased by 15 per cent. So far as the market for sugar is concerned, I can assure this Council that it is expanding, and we need not be afraid that, in the near future, there will be no demand for sugar. In fact the market in India is expanding, it is at our very door. Then, we have got the advantages in freight, in the new duty, and in having to incur no expenses for marketing the produce, advantages which may be safely said to be over 30 per cent against countries.

I want to read out a letter which I received from one of the . . . . .

The HONOURABLE THE PRESIDENT: Order, order. I have told the Honourable Member that he must bring his remarks to a close as soon as possible. That will not be forwarded by his reading an extract.

The HONOURABLE SARDAR JOGENDRA SINGH: Then I will not read it. But Mr. Noel Deer, one of the biggest sugar experts, points out that the sugar position now is more favourable for India than it was ever before. In Hawaii, Cuba and other places, difficulties have arisen which make it very difficult for them to continue to expand sugar cultivation to any great extent, while, in India, we have hardly made a beginning and the limit of our expansion will not be reached for many many years to come. This is the opinion of one of the biggest sugar experts that the world has known.

One word more and I have done. I want to point out that there is no half-way house between the manufacture of sugar and the manufacture of *gur*. It is not possible to start a small sugar factory with a small plant. The loss on a small factory is considerable. There is a difference of about 30 Rs. a ton between a factory crushing 100 tons of sugarcane a day and another crushing 1,000 tons a

day. The advantage is on the side of the bigger factory. Therefore, if we are going to help in the advancement of agriculture, if we are going to set up big factories, and if the sugar industry is to become the dominant industry of the country—we must join together and press on the Government to start pioneer factories in India and foster the sugar industry in public interest—even in the interests of politics, to which so much attention is now given. Politics are based on economics; bring more wealth to the country, and there will be more contentment. You are only dealing with symptoms, applying solvents and counter-irritants, but you are not touching the disease at all. You must go to the root of the problem, then the country will prosper, agriculture will prosper, but this must be done with courage, with boldness, with enterprise.

The HONOURABLE MR. LALUBHAI SAMALDAS: Sir, most of us have not had the opportunity of reading the Sugar Committee's Report, and we are thus rather at a disadvantage. We have to accept the figures given by my Honourable friend, Sardar Jogendra Singh, although I must thank him for the courtesy shown by him in letting me have a copy of the report for a few days.

Now, Sir, I cannot give figures in millions, I cannot talk of India as a whole or other places besides Bombay, but I can talk of my own Presidency and of two small places situated therein. They are very small in importance compared with the Honourable Member's "millions." Sir, the first factory to which I want to refer is what is known as the Bellapur Company. The House would like to have some details about this because it is a practical proposition, it is practical business that we are carrying on; and, as has been said, an ounce of practice is worth a ton of theory. But before I come to the details of Bellapur Company, I must refer to the question of land acquisition. The Industries Commission have recommended, and almost all sugar experts have said, that, unless a factory has its own estate, it will be very difficult for it to work it successfully. There I am in entire agreement with what fell from the Honourable Sardar Jogendra Singh, but there are difficulties in the way of acquiring land. We, in Bombay, were lucky enough to start this factory on lands acquired for us by the Bombay Government. There was little opposition to the acquisition, probably because the ryots realised that their economic condition as agricultural labourers will be better than as mere agriculturists. Well, we have got the land from the Bombay Government; we have got all the facilities that we need for irrigational purposes, and we are getting the assistance and advice from the Agricultural Department. My friend, the Honourable Sardar Jogendra Singh, waxed very eloquent over the sins of omission and commission of the Government of India and the Local Governments. My friend, the Honourable Mr. Sarma, will be able to reply to that. I do not hold any brief on behalf of the Government, but when we have received real assistance from Government it is but fair that we, as non-officials, should stand up and inform the Council what the Government of Bombay has been doing for us; and I believe what the Government of Bombay has done for us, other Governments will be equally ready if only—and I do not wish to cast any aspersion on any of the other Presidencies—if only there are people of enterprise who will come forward and put down the money and prepare a working scheme. If that were done, I think the other Governments would be equally ready to help as the Bombay Government has been prepared to help us. Sir, we have acquired the land, we have got irrigation facilities, and we are now going ahead. It will take about a year or two before the factory is in working order. We shall then be able to manufacture about 6,000 tons of cane *per annum*. And that was the reason why I

[Mr. Lalubhai Samaldas.]

interrupted my Honourable friend when he said 7,000 tons, which he afterwards corrected to 700,000. So we shall be able to meet one hundredth part only of the demand of the country which is now met by imported sugar.

Then there is another factory in which I am personally interested as managing agent, while I was one of the promoters only of the Bellapore Company. Here without acquiring any land we are trying an experiment which we hope will be successful, of working in co-partnership and co-operation with the agriculturists. Sugarcane has been grown there for many years. Sugarcane cultivators there are an intelligent class of people. My Honourable friend Mr. Pratt, if he cares to speak, will be able to say much more about this. The sugarcane growers were approached by us and we have come to an arrangement by which they will sell their sugarcane to us either on a *gur* basis, i.e., the price of *gur* in the market, or the price of sugar. We have already placed the order for machinery. If that experiment succeeds, I do not see any reason why the Land Acquisition Act should be applied for dispossessing cultivators, because there is now a sentimental objection to the dispossession of the cultivators—at least in my part of the Presidency. Many Honourable Members of this Council must remember what is known as the Mulshipetha agitation. The Tata Company wanted land for the purpose of generating electricity because there was no other place where water could be collected so easily. But for one reason or another, either owing to agitation by political extremists or on sentimental grounds, the people took up a hostile attitude and the Bombay Government is very carefully considering the whole situation. I am always opposed to land acquisition for private companies, unless it is definitely proved that an industry of this kind cannot be started without this assistance, and unless the cultivators are taken into their confidence and either given a share in the profits of the factory or allowed to lease their lands. I may mention here that, as regards the Baramati factory, which I am putting up, we have arranged with the cultivators that, if the supply of sugarcane is on the *gur* or sugar basis, we will, after declaring dividends of 10 per cent., give them certain rebates on the cane they have sold us, so that they are interested in the success of the experiment. We cannot,—we ought not in these days,—to ignore the cultivators and take the land out of their hands without proper justification. The only way for the capitalists, the industrialists and the agriculturists all is to be friends and to work together. That is the way in which we ought to look at this matter; and I think the best course will be, Sir, to wait till the opinions of the Local Governments have been received. My Honourable friend, Sardar Jogendra Singh, fears that it might take years. He said it might take ten years before the Government wakes up, and it may then go to sleep again. Sir, I have much more faith in the Government of India, and even if the Government of India does go to sleep, what are the Councils for? What are we here for if not to wake them up and make them do their duty? But as a representative of one of the Provinces which has taken a lead in this matter, I do not want that my Government should be ignored, or that any action taken by this Council should be taken behind the back of my Government. After the opinions of Local Governments have been received, it will be time enough to take up all these recommendations with which many of us here are in entire sympathy. But it would not be proper that we should take action without consulting Local Governments, or that we should practically ignore all the Local Governments. That is the reason, Sir, why I think that, if the Honourable Sardar Jogendra Singh does not feel inclined to withdraw the Resolution, it

will be right that, after hearing the Honourable Member in charge of the Government, and if he gives us an assurance that he will not go to sleep over the matter, we should leave the matter entirely in the hands of the Local Governments. But if the Honourable Sardar presses his Resolution, then I think that the Honourable Mr. Kale's amendment . . .

The HONOURABLE THE PRESIDENT: The Honourable Member will have an opportunity of speaking on Mr. Kale's amendment if he moves it.

The HONOURABLE MR. LALUBHAI SAMALDAS: All right, Sir. I have only one word to add. The Honourable Sardar Jogendra Singh said that the existing factories are making 100 per cent. That might have been during the War. I can say that in many factories they were hardly able to declare dividends of 6 or 7 per cent. The low rate of dividend has been one of the chief reasons why many factories were not started. He said the reason was that industrialists did not take any interest in agricultural matters. I do not think it fair to industrialists to say so. We, in Bombay, have been studying this question for years, and I believe the Honourable Mr. Pratt will bear me out when I say that Mr. Keatinge, the Director of Agriculture there, has written a book to show that when *gur* prices rule high the factories cannot afford to make sugar at a profit.

There are certain other factors of which my Honourable friend Sardar Jogendra Singh, has not properly taken notice. One is, that the people in the villages like *gur* better than sugar. That is the chief reason why *gur* is manufactured to a greater extent than sugar. *Gur* is supposed to be more healthy and more nourishing than sugar. It may be a prejudice. My friend opposite will be able to say whether *gur* has these qualities or not. But that prejudice does exist, and, until that prejudice is removed, it will not be possible to introduce sugar all at once all over the country.

Then there was another hit against the Government. I do not mind it. Government's back is hard enough to bear all hits. But my Honourable friend said that financial assistance had not been given to the agriculturists for the purchase of manure—I am not speaking for Government but on behalf of the Central Co-operative Bank in the promotion of which I was concerned that the Bank is doing a good deal in encouraging agriculturists in this direction by enabling them to get their manure in the cheapest market and to sell their *gur* in the highest markets. On our side we have not neglected this industry. The Co-operative Department in my Presidency, I may mention to my Honourable friend the Mover, have been doing everything possible to encourage this industry.

As regards the tonnage of sugar per acre, I think we are not badly off. The cane produced in the Deccan, as the Honourable Mover himself has admitted, is absolutely the best, and we can get about 4 tons of sugar per acre. As a matter of fact, both of our factories have estimated the yield of sugar from 3½ to 4 tons per acre.

I have nothing more to add, Sir, but I do hope that my Honourable friend will not press this Resolution and will trust the Government of India to do their very best, because, when they appointed the Sugar Committee, it was a clear proof of their desire to encourage and advance the industry. If they really did not mean business, they would not have appointed the Committee, and since they appointed a Committee, why not trust them?

[Sardar Jogendra Singh.]

The HONOURABLE SARDAR JOGENDRA SINGH: They never mean business when they appoint Committees.

12-1 P.M. The HONOURABLE SIR MANECKJI DADABHOY: Sir, I may at the outset state that I am in full agreement with what has fallen from the Honourable Mover regarding the general advantages of starting the sugar industry, encouraging it and fostering its development. I do not think in this Council there could possibly be two opinions on the subject of developing the sugar industry of India, as it is a very important industry. Likewise, I share all his apprehensions about the shortage of our Indian yield as compared with the yield in other countries, and I admit the great potentialities of the Indian soil so far as regards the production of sugar. But granted all this, and though I am prepared to give him my moral support so far as his general observations on the subject are concerned, I am beset with serious difficulty in accepting this proposition, and a little reflection will show that it is impossible for this Council to adopt the Resolution, as it is worded at present. I understand from the tenor of his arguments that the agricultural industry in this country has not received the same measure of support, or to use his own words, it has not been favourably considered by Government. I do acknowledge that the agricultural industry is the corner-stone of all the industries in India, and that it should receive the fostering care and all manner of paternal attention from this Government. But my friend is not correct in stating that it has up to now not received an adequate measure of support from Government. I would be a happier man if I could find the Government extending to other industries the same amount of support which it has in the past accorded to the agricultural industry in general. The burden of the argument of my Honourable friend the Mover comes to this, that the Government must now immediately, without wasting any further time and without consulting the Local Governments on the Report of the Sugar Committee, unanimously adopt this Resolution which makes three important recommendations, and that the Government should forthwith find money by hook or by crook, even if other industries have to suffer, that the money must be promptly found for the development of the sugar industry, and every manner of encouragement should be given to this industry. I am afraid, Sir, in this connection my Honourable friend the Mover entertains views somewhat different from the Commission which as a body has arrived at certain definite conclusions. I shall refer briefly to one or two passages only of that Report. I have not had the time to go through this Report carefully because I got a copy of it only yesterday. But a cursory glance at some portions of the Report has convinced me that the subject was dealt with with a great amount of circumspection and caution by the Commission itself, and that my Honourable friend the Mover of this Resolution goes a little bit in advance of the proposals recommended in this unanimous Report.

In Article 346 it is stated:

'We would add that we have carefully considered the possibility of establishing such a factory as we have proposed by private enterprise assisted by a Government loan or subsidy, but have rejected it as we are convinced that, if the factory is to serve the purpose for which it is intended, such an alternative would involve a measure of dual control which would greatly impede, if not entirely prevent, its successful working.'

Later on, the Report says:—

'While we have no desire to fetter the discretion of the Local Governments in this matter, we feel bound to say that we see no necessity for such a course. Recent experience

has shown that capital in India is readily forthcoming for financing sound industrial undertakings. There is here no question of introducing an entirely new industry, or of supplying an existing deficiency in the interests of national safety.'

It is clear from these two passages to which I have drawn the attention of the Council, that the Commission is definitely of opinion that the industry should stand on its own legs and should be financed by private capitalists.

Now as regards the composition of this Resolution. In the preamble of the Resolution my Honourable friend has asked that such action be not delayed by previous consultation with the Local Governments. I submit that this is a course which this Council cannot countenance for a moment. Honourable Members are aware that Industry is now a Provincial Subject. If any action is taken in the matter, it is the Provincial Governments who will have to find capital for industrial development. It would be unfair, therefore, to the Provincial Government, and it would be unfair to the Ministers who are in charge of this Department, if they are not consulted on the general recommendations of the Sugar Committee, or if any action is taken without their concurrence or knowledge. I would go further and say that it would be an act of scant courtesy on the part of this Council to adopt such a Resolution which will certainly not be just to the Provincial Governments.

Sir, I shall now deal briefly with the three recommendations made by clauses (a), (b) and (c) in the Resolution moved by my Honourable friend. The Council has been treated with a very interesting speech by the Honourable the Mover as regards the general aspect of the subject, but he was somewhat shy of dilating on these very clauses, because I heard very few remarks from him with reference to these three clauses which form the most important portion of his Resolution. As regards the first clause "to provide compact blocks of land for sugarcane cultivation in all districts where 50,000 acres are already under cane," my Honourable friend Mr. Lalubhai has alluded to the difficulty of acquisition of lands, and I quite agree with him. It is an enormous difficulty. This difficulty has been very considerably felt by Provincial Governments.

I will allude to two recent cases only in this connection. One I remember was in 1919 in connection with the acquisition of agricultural lands for the encouragement of sugar industry in the Deccan, and to my knowledge there was a great deal of opposition in the matter. Another case which the Honourable Members who come from Bombay will doubtless remember, is the case of the Tata Power Company. The Tata Power Company wanted to acquire extensive lands for their catchment areas and the construction of their works, and there was a great row over it. As far as I am aware the whole scheme has been held up owing to the inability of the Government to help the Company in the matter of the acquisition of land. And then, gentlemen, you must remember that the acquisition of land is not a small matter. You cannot uproot villages, you cannot depopulate whole villages and send people away. You cannot acquire large plots of land at a time by a sweeping notification under the Land Acquisition Act. Such a course, even if it could be adopted, would, in my opinion, be politically dangerous. It will cause serious dissatisfaction in the country and it will create trouble. You will be asking for serious trouble if you uphold and enforce a policy of this kind in this country. My friend in the course of his arguments said that the whole 50,000 acres may not be acquired in one particular area, but large areas may be split up into small

[Sir Maneckji Dadabhoy.]

blocks and a few areas here and there may be discriminately acquired. This proposal does not solve our difficulty in any way. On the other hand, this enhances our difficulty insuperably, because the trouble will be greater. You will not only be disconcerting one portion of the population, but you will be spreading discontent in various parts. Instead of localising the discontent in one place, you will be spreading discontent promiscuously and you will be courting trouble.

I do not think, therefore, it is possible to acquire 50,000 acres of land either in one block or in a series of blocks without causing serious hardship, distress and discontent.....

The HONOURABLE SARDAR JOGENDRA SINGH : May I rise to a point of order, Sir ? I never meant that 50,000 acres should be acquired.

The HONOURABLE THE PRESIDENT : That is not a point of order, that is a personal explanation.

The HONOURABLE SARDAR JOGENDRA SINGH : Thank you, Sir. The Honourable Member seems to be under a misapprehension when he says that the acquisition of 50,000 is required. All that I am pointing out is, that 50,000 acres are under sugarcane already. That is a very different proposition from acquiring 50,000 acres. I do not want the Council to be under any misapprehension in any way—and .....

The HONOURABLE THE PRESIDENT : The Honourable Member must not make a speech ; he must confine himself to an explanation.

The HONOURABLE SIR MANECKJI DADABHOY : I am very thankful to the Honourable Member for his explanation, but I draw the Honourable Member's attention to his clause (b), which reads thus :—" by providing compact blocks from waste forest lands, etc., in suitable localities." My friend is here asking Government to acquire 50,000 acres of forest land for sugar cultivation. I say this is altogether not a feasible proposition. Apart from the financial position, there is another difficulty which my friend has not been able to perceive. You cannot simultaneously cultivate 50,000 acres. You may get blocks of 50,000 acres. But so far as I am able to see, even the Sugar Commission have said that there should be a steady growth of the industry.....

The HONOURABLE SARDAR JOGENDRA SINGH : May I add another word of explanation ?

The HONOURABLE THE PRESIDENT : The Honourable Member must really allow the Member who has possession of the House to proceed with his speech. Should this debate run its full course, he will have an opportunity of replying at that stage to any of the Honourable Member's statements which he does not think right. He himself was heard in silence and he must hear other people in silence.

The HONOURABLE SIR MANECKJI DADABHOY : This great industry must grow steadily. There is one passage of importance in the Report which I should like to read. " We have recognised " the Commission says " the many difficulties that beset the problem in India and we have framed our recommendations accordingly with a view rather to steady development than to an immediate transformation." So what they are urging is steady development. The

whole industry must evolve itself gradually and steadily. We cannot go in for a sweeping scheme like the one suggested by the Mover.

The third clause says " by guarantees of interest on the capital raised either in India or in England or in both for the establishment of sugar factories." Now this clause means in plain language that my friend wants protection for the sugar industry of the country. I do not propose to say anything in this connection because the Fiscal Commission is shortly going to meet, and I believe that all the problems connected with various industries will be considered by them. In view of the impending Commission, I think this House should not commit itself to any line of policy in this matter. I acknowledge that in their report the Sugar Committee have made a suggestion that the Government might give guarantees of interest. But I think it would be a very dangerous precedent for Government to adopt in connection with any particular industries. Other industries will be coming forward and asking for a similar concession, and I do not know where the Government is going to draw the line of demarcation. So I submit that this is a matter in which judgment should for the present be suspended. I do not think that we should accept the Resolution as it stands, though I am very anxious that all possible support should be given to the fostering of the sugar generally. But with these clauses inserted in it it is impossible to accept this Resolution.

The HONOURABLE MR. V. G. KALE : Sir, I beg to move the amendment  
12.17 P. M. which stands in my name, namely that the words " by previous consultation with the Local Governments " and " clauses (a), (b), and (c) " be omitted.

The HONOURABLE THE PRESIDENT : The original question was that—  
This Council recommends to the Governor General in Council that in so far as the recommendations contained in the Report of the Sugar Committee suggest action by the Central Government, such action be not delayed by previous consultation with the Local Governments ; that effect be given to the recommendations contained in the Report of the Sugar Committee, as early as possible, and that the Government should foster the Sugar industry—

- (a) by providing compact blocks of land for sugarcane plantation in all districts where 50,000 acres are already under cane ;
- (b) by providing compact blocks from waste forest lands, etc., in suitable localities ;
- (c) by guarantees of interest on the capital raised either in India or in England, or in both for the establishment of sugar factories.

Since which an Amendment has been proposed that the words " by previous consultation with the Local Governments " and " clauses (a), (b) and (c) " in the original Resolution be omitted.

That Amendment has now been moved and the debate must be restricted to the desirability or not of the omission of these words only.

The HONOURABLE MR. V. G. KALE : Sir, my work has been rendered easy by the speeches of the Honourable Members who have preceded me and who have practically supported my amendment in anticipation. My first difficulty with regard to the original Resolution was that Members of this House had had no opportunity of studying the important Report of the Sugar Committee. Through the courtesy of the Honourable Mover I was enabled to get a glimpse of the Report. But I found that the questions dealt with in the Report involved many controversial issues, especially concerning the acquisition of land by Government. Consequently, it is not fair to this Council to be asked to support a Resolution of this character which involves propositions about which Members of this House have had no time to make up their minds. Secondly, with respect to the clauses which have been added to the main Resolution suggesting the methods by which the Sugar Industry should be promoted and



[Mr. V. G. Kale.]

assisted by the Government, there are certain methods to which very strong objection will have to be taken. Much has already been said with regard to the difficulties in connection with land acquisition. In the body of the Report itself one of the members of the committee has suggested that, when other resources have been exhausted, compulsory acquisition of land by Government has got to be resorted to if the sugar industry in this country is to be placed on a sound footing. And from the remarks which have also fallen from the Mover of this Resolution, one may catch the idea that, unless a radical change is brought about in the present organisation of the agricultural industry in India, large factories for the production of sugar will not be a business proposition. I take it that we may all agree with regard to the necessity of better agricultural organisation, more capital, and more scientific methods; but it must not be forgotten that we cannot change the agriculturists, and we cannot change their agricultural methods in a moment. If the cultivator sticks to his small farm, mere theories of production on a large scale cannot be expected to convince him of the necessity of parting with his lands. We have to take the cultivator as he is. If it were not so and if it were easy to bring about a social and economic revolution, then many other industries could similarly be started on a large scale. The yield of food-grains might be increased threefold, if perhaps the agricultural industry could be carried on on a large scale. But we must know we are not writing on a clean slate. The agricultural industry is the oldest and the most important industry that we have in this country; and consequently we have to be on our guard with regard to the methods that we adopt in dealing with the poor and illiterate cultivators. I do not think that I can agree with the Honourable Sir Maneckji Dadabhoy when he suggested that the agricultural industry has been a comparatively pampered industry in India.....

THE HONOURABLE SIR MANECKJI DADABHOY: I did not say that, Sir.

THE HONOURABLE MR. V. G. KALE: I accept his assurance, but his words were calculated to produce an impression that it would be very lucky indeed if factories in this country were to receive from Government the same assistance as agriculture has received. But the poor agriculturist stands on a footing which is quite different from the footing on which the capitalist and the employer stands in this country, and consequently he cannot expect to receive the same assistance as the cultivator is expected to receive.

A good deal of attention of the Government has been latterly devoted to the helping of the cultivator by extending to him the capital that he requires and by starting demonstration farms. So far as the Bombay Presidency is concerned, much useful work has been done in the matter of sugarcane; and the Sugar Committee Report itself shows that valuable results have been achieved at the Manjri farm in that Province. No doubt we want this kind of work to be done on a much larger scale than is being done at present—but the method is not the method that has been suggested. The compulsory acquisition of land in large blocks or small blocks is a matter which requires serious consideration. The Honourable Sardar Jogendra Singh thinks that he can manipulate lands in a village by taking one-fourth of an acre from here and one-fourth of an acre from there, and in that way without injuring the interests of any particular cultivator he can bring together 200 acres of land. I do not know how this works out mathematically. Theoretically, it may be

all right, but in practice it may be very difficult. Were it so easy as it is represented to be, then the problem of the fragmentation of land would be immediately solved. We have been hammering at that problem for a very long time. Lands have been divided into small pieces or fragments, and we do not see our way to pass any legislation with the object of consolidating these uneconomic landholdings. If this difficulty, and it is an economic difficulty and a social difficulty, if this difficulty cannot be easily solved, I cannot understand how the sort of manipulation that is suggested can be brought about. Therefore the suggestion with regard to the acquisition of land is, to my mind, most impracticable and dangerous.

Secondly, with regard to the consultation of the Government of India with the Local Governments, this is, I think, rather a large order. There is already so much strong feeling in the Provinces on this question that if the Government of India were to take, on its own account, any measures in which the Provinces are deeply interested, then I think there would be a very strong resentment on the part of the Provincial Governments and of the people in the Provinces. No doubt, in the Resolution it has been said that the Government of India should take such action as is necessary on their own part without having to consult Local Governments. We may agree with it there. But from the suggestion that the Honourable Mover has actually made, it will be necessary to consult Local Governments before taking action, and therefore the two are not consistent with each other.

Then with regard to the guaranteeing of capital, as a general proposition, I am not against protection as my Honourable friend Sir Maneckji Dadabhoy is. I would certainly protect an industry if protection is thought to be absolutely necessary for it. I would not flinch from giving a subsidy to it, but in this instance, no details are available to us. It is only a general proposition that interest should be guaranteed. But under what conditions? What ought to be the safeguards? How is the consumer dealt with in this proposition? How is the general taxpayer protected as he should be? We do not know anything about it in detail, and the Honourable Mover asks us to agree to a proposition simply of guaranteeing interest on capital raised either in India or in England. So, this proposition is too general for the acceptance of this House. The question will have to be studied in greater detail, and then if we agree that such assistance is absolutely necessary for setting on its feet a particular industry temporarily for a time, even a subsidy may be reasonably given. But encouragement to indigenous industries may be given not in one particular form, but in different forms. For instance, in many cases, scientific advice and technical assistance will be a better form of encouragement than guaranteeing interest. All that will have to be discussed and a conclusion will have to be arrived at. For these reasons I want that these three clauses should be dropped and the words which refer to the consulting of Local Governments should be dropped. With these words I move my amendment.

THE HONOURABLE MR. F. G. PRATT: Sir, I rise to support this amendment. I agree with the last speaker that it will be extremely undesirable to exclude Local Governments from all consultation on the important matters raised in this Resolution. The conditions must necessarily vary enormously in different Provinces, the conditions of cultivation in general, and especially the conditions under which cane cultivation is carried on, and to take action without consulting the Local Governments as to what would be most suitable under their conditions, to rush



[Mr. B. N. Sarma.]

in all districts where 50,000 acres is already under cane. I understood that the Honourable Mover was a party to the majority report which explained the difficulties in the way of undertaking the action recommended in clause (a) except to a very small extent. If all that he means is that the majority report, in so far as it recommends the acquisition of small blocks of land for experimental purposes or the growth of improved seed should be accepted, then it may be possible to sympathise with his object more than if he asks the Council or the Government to discard the majority report. But I take it, as the Resolution stands here, that the Honourable Sardar has chosen to depart from his own recommendation the recommendation to which he was a party in that he joins the minority report in suggesting the acquisition of compact blocks without any limitation. However, inasmuch as this question is under examination by the Government, and the Government has already appointed an officer before the Committee's report was out from the press, I shall not say anything which is likely to prejudice any final adjudication on the merits which the Government of India may come to. I would not make one way or the other any remarks now which might commit the Government even in a partial way to the adoption of this or the other course. But I agree fully that there are insuperable difficulties such as have been suggested by previous speakers, and that it will require very careful examination before any proposition of this character can be accepted by the Government. I may also inform the Council that the revision of the Land Acquisition Act is under consideration and will shortly be laid before both the Houses, and this question may have to be considered in connection with that revision later on.

With regard to (b), I think we can promise more sympathetic support and the Irrigation Branch of my Department, in consultation with the Revenue, will investigate what can be done in the way of providing compact blocks from waste forest lands, etc., but I cannot say anything more now.

With regard to (c), I think I shall adopt the same course, although if the proposition advanced by my learned friend is correct he is out of court. In one place he has told us that, unless there is a radical change, there is not much room for the growth of factories. If that be so, we shall have to remove the conditions which have retarded the growth of factories, namely, the inability of the cultivator to provide cane in sufficiently large quantities for factory production running over large and extensive periods. We shall have to remove that cause before anything can be done, and a mere guarantee of interest will not be of any great use. If, on the other hand, factories have been earning such large dividends as has been represented to be the case, then in such areas there seems to be no necessity for any guarantee on behalf of Government. However, this question requires still further examination, and I think, therefore, that the Council will be well advised in dropping (a), (b) and (c) for the present, and also omitting the words "by previous consultation with the Local Governments." Inasmuch as the Chair has ruled that I should strictly confine myself to the Amendment proper, I shall not say more at present, but I would ask the Council to accept the Amendment—not that it would lead the Government to accept the Resolution as it stands,—because I hope to be able to show that even as it would stand altered it will not be possible to accept it.

THE HONOURABLE SARDAR JOGENDRA SINGH: Sir, about the Amendment moved by the Honourable Mr. Kale, I think just a few explanations would set the mind of the

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Council at rest. When I said "without previous consultation with Local Governments," my idea was, that the matter would ultimately go to the Local Governments, and that we should be strengthening their hands by passing this Resolution here. I did not mean to say that we, sitting here in Simla or the Imperial Government, were going to set apart blocks of land in other Provinces. All that I meant was, that if we pass this Resolution here, the Local Governments' hands will be strengthened, and they will be more readily inclined to carry out the recommendations of the Sugar Committee. So far as that goes, I have absolutely no objection to accepting the Amendment moved by the Honourable Mr. Kale.

Regarding (a), (b) and (c), the question was such a large one that I was not able to explain it fully. I think the Honourable Mr. Pratt's criticism is most cogent. He speaks from knowledge, and what I mean is exactly the scheme he has outlined of pooling together and then distributing the reserved blocks for sugar plantations. That is exactly what I meant. It does not involve taking away 50,000 acres, as some people who have no connection with agriculture seem to have imagined. It is just providing a small block of land as a demonstration farm—nothing more than that.

The Honourable Mr. Sarma pointed out that possibly I was going beyond the recommendations of the Sugar Committee; but, if he will look again at (a), (b) and (c) of my Resolution, he will see that I mentioned no specified area whatsoever. And, if he dips into the report, he will find that the Committee definitely recommends the acquisition of 600 acres for a factory manufacturing 10,000 tons of sugar. So I have not gone beyond the report, though I should very much like the Provincial Governments to go much beyond the report and adopt a much bolder policy.

Regarding the financing of these factories, I have hardly any doubt that when the Honourable the Revenue Member is able to provide the necessary conditions, such as compact blocks of land and irrigation, private capital will be forthcoming. But, in the meanwhile, as the Honourable Mr. Pratt pointed out, I am very anxious that the Government of India and the Local Government should take their share of the profits. It should not be only the capitalists who should get the profits, but the Government should get some also, and that is why in paragraph 245 of the Report the Sugar Committee recommends the raising of a loan for a factory carrying a guaranteed interest of 7 per cent free of income-tax and half share in all profits above 7 per cent and up to 13 per cent. By this means the Government of India would be promoting one of the biggest industries of India, and if that view is taken, I do not see why the Government of India should not come in for its share of the profits. If the Government is going to give blocks of land and to provide irrigation, it might also take a share in the profits. That is why I asked the Government to take a hand in promoting the industry.

I do not know how far I will be justified in accepting the omission of (a), (b) and (c). If the Council takes into consideration the views I have put forward before them—that the Resolution of this Council would not carry any mandatory effect on the Local Governments but would only strengthen their hands so far as carrying out the recommendations of the Sugar Committee is concerned,—if that view is accepted by the Council, I think I would add the words "Local Governments" and keep (a), (b) and (c), because we are not passing on a mandate to the Local Governments that they should do

[Sardar Jogendra Singh.]

so and so : we are merely recommending : that is the only effect the Resolution will have.

The HONOURABLE LALA SUKHBIR SINHA : Sir, I quite agree with my

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Honourable friend Mr. Kale in his Amendment, so far as it goes, about consultation with Local Governments. I think it would be quite inadvisable and undesirable on the part of the Imperial Government to take any action in this matter without previous consultation with Local Governments. But, Sir, as regards the omission of (a), (b) and (c), I would like to say a few words. I am much interested in this industry and have been interested for the last 20 years. I find from my experience that there are a lot of difficulties in starting a big sugar factory. I started a factory in the place I come from on the system of Mr. Hadi, who was formerly Director of Agriculture in the United Provinces. I tried my best to get sufficient cane from the cultivators. But it could not be obtained and the result was, that I had to stop the factory. In running large factories it is very necessary to have some land at the disposal of the company in order to grow its own cane and also to grow different kinds of cane sufficient to meet the requirements of the factory. It is possible that the tenants may come to some agreement to supply the cane to the factory at settled rates, but a time may come when they may not supply the cane at the proper time and the company may run a very serious risk. It is very necessary therefore to have some land at the disposal of the company so that it may grow its own cane.

With regard to clause (c) in the Resolution, I think it is very necessary that Government should guarantee a certain rate of interest. There is no doubt that public money will be forthcoming and people are anxious to have a factory. But if Government will give a guarantee, I am sure more money will come in and more factories could be started. In order to make this Resolution clear and acceptable to the Council, I have given notice of an Amendment, which means the same thing, that the Central Government may refer the matter to the Local Governments in order to take the necessary steps and to refer these items, also (a), (b) and (c) as recommendatory, and not as mandatory, so that they may take such action on them as they think fit in the matter. Sir, the development of this industry is now very important. I quite agree with the Honourable Mover that there is much scope in this country for the development of sugarcane cultivation and for the manufacture of sugar; and I quite agree with him that if proper steps are taken, this country can produce as much sugar as is necessary not only for our own consumption, but for the requirements of the whole world. Taking these facts into consideration, I think the time has come when the Central Government should take the necessary steps, and that immediately, to give all possible encouragement to this industry and refer the matter to the Local Governments for their immediate attention. If these three items are also included in the reference to the Local Governments, I think no harm whatever will be done. With these few remarks, Sir, I support the Amendment of the Honourable Mr. Kale so far as it relates to the question of referring the matter to the Local Governments, but as regards clauses (a), (b) and (c) I oppose that portion.

The HONOURABLE MR. PHIROZE C. SETHNA : With your permission, Sir, I beg to move an Amendment to Mr. Kale's Amendment. My

Amendment is to the effect that the words "as far as possible be added in the third line of the original Resolution after the words "that effect."

The HONOURABLE THE PRESIDENT : How does that affect the Honourable Mr. Kale's Amendment?

The HONOURABLE MR. PHIROZE C. SETHNA : The Honourable Mr. Kale retains the portion "that effect be given to the recommendations," and I accept his Amendment, but I only propose an addition of the words "as far as possible" after the words "that effect" in the third line of the original Resolution.

The HONOURABLE THE PRESIDENT : You may move your Amendment after we have disposed of Mr. Kale's Amendment.

The HONOURABLE MR. PHIROZE C. SETHNA : It is possible that the Mover of the Amendment may accept my Amendment.

The HONOURABLE THE PRESIDENT : It is not for the Mover of the Amendment to accept the Honourable Member's Amendment, but it is for the Council to accept it.

The HONOURABLE LALA SUKHBIR SINHA : When shall I have an opportunity to move my Amendment?

The HONOURABLE THE PRESIDENT : We are at present on the Amendment moved by the Honourable Mr. Kale. The opportunity for the Honourable Member to move his Amendment will depend in some measure on the fate of Mr. Kale's Amendment.

The HONOURABLE SIR. E. J. HOLBERTON : I move, Sir, that the question be now put.

The HONOURABLE THE PRESIDENT : I think the Council is now in a position to take a decision on the Amendment moved by the Honourable Mr. Kale. I will put this Amendment in two parts, for this reason that one Member in his speech has severed the two parts.

The first question is that the original Resolution be amended by the omission of the words "by previous consultation with the Local Governments."

The motion was adopted.

The second portion of the Amendment is that clauses (a), (b) and (c) in the original Resolution be omitted.

The motion was adopted.

I will read the Resolution as amended by the Honourable Mr. Kale which is now before the Council.

This Council recommends to the Governor General in Council that in so far as the recommendations contained in the Report of the Sugar Committee suggest action by the Central Government, such action be not delayed, that effect be given to the recommendations contained in the Report of the Sugar Committee as early as possible, and that the Government should foster the sugar industry.

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COUNCIL OF STATE.

[22ND SEPT. 1921.]

[Mr. Phiroze C. Sethna.]

THE HONOURABLE MR. PHIROZE C. SETHNA : Sir, I now beg to move an Amendment to the Resolution as amended by the Honourable Mr. Kale and which you have just read to the Council.

THE HONOURABLE THE PRESIDENT : Will the Honourable Member please read his Amendment ?

THE HONOURABLE MR. PHIROZE C. SETHNA : My Amendment is that the words "as far as possible" be added in the third line after the words "that effect."

THE HONOURABLE THE PRESIDENT : The question now before the Council is that in the Resolution as amended by Mr. Kale, the following further Amendment be made, namely, that after the words "that effect" in the third line of the Resolution, the words "as far as possible" be added.

I would ask Honourable Members to confine themselves strictly to the Amendment.

THE HONOURABLE MR. PHIROZE C. SETHNA : I heard the Honourable Member for Government say in the course of his remarks that it may not be possible to give effect to the recommendations even if the Council passes it. It is therefore with a view to enable the Government of India to give effect to the recommendations to the extent it may be possible for them to do so that I propose this Amendment.

THE HONOURABLE MR. B. N. SARMA : Sir, I ask the Council to support the Amendment for this reason. The recommendations of the Committee are under examination, and therefore we are not in a position to state as to what part of the recommendations we may be able to accept and to what extent. In accepting this Resolution as it stands amended now, therefore, we shall be committing ourselves to give effect to the recommendations as contained in the Report. That would be an impossible thing, and I take it that the essence of the Resolution is that we should take as speedy action as possible, and we have not the slightest objection to do it. Therefore, if the words "as far as possible" are included in the Resolution, Government have no objection to accept the Amendment.

THE HONOURABLE THE PRESIDENT : The question is that the words "as far as possible" be added in the third line of the amended Resolution which I just read out to the Council after the words "that effect."

The motion was adopted.

THE HONOURABLE MR. B. N. SARMA : I would just say a few words with reference to the Resolution.....

THE HONOURABLE THE PRESIDENT : Will the Honourable Member let me read the Resolution as it now stands ?

The Council recommends to the Governor General in Council that in so far as the recommendations contained in the Report of the Sugar Committee suggest action by the Central Government, such action be not delayed; that effect, as far as possible, be given to the recommendations contained in the Report of the Sugar Committee as early as possible, and that the Government should foster the sugar industry.

THE HONOURABLE MR. B. N. SARMA : Sir, the Council may rest assured that the Government has not been idle in this matter as may be

supposed from the remarks of the Honourable Mover of this Resolution. Even before the Committee's Report was out from the press, the Government took steps to ask the Local Governments to lend them the services of an officer to deal with the Report, and an officer has been kindly lent by the Bombay Government and he has been appointed on special duty for the purpose of dealing with the Sugar Committee's Report. He has noted largely on the subject and his notes are now before me. And I may assure the Honourable Member that he has succeeded in his object in keeping me awake and alive to the importance of the subject, in that he made me read up the report a few days earlier than I might otherwise have done. The Government realise fully that this is a question of food production and food supply, and that they cannot sleep over the matter if ever they can sleep over any matter, because during recent years the problem of food production, the sufficiency of food supplies in this country has forced itself upon the attention not only of the public, but of the Government as well, and the Council and the public may rest assured that, as far as it lies in the power of the Government, they will take steps to see that there is an increased production in the country. The Honourable Member has already indicated that the particular difficulties in the way of larger areas being brought under the cultivation of sugarcane and producing more per acre are partly irrigational difficulties and partly the inadequate supply of manures. Vast areas of new land are likely to be brought under cultivation if the Sukkur Barrage Project, and the Sadar Project, the Sutlej Valley Project, and the Indus Project are completed, and some of them at any rate have a very good chance of being completed in the near future.....

THE HONOURABLE SARDAR JOGENDRA SINGH : In ten years ?

THE HONOURABLE MR. B. N. SARMA : That depends entirely upon the people themselves, as to whether the people will find the money, will grow out of their prejudices, will not say that they will not pay more than the existing rates per acre although they may receive large profit by reason of increased irrigational facilities. If they can rise to the occasion and are willing to pay a proper share of what is due to the public for the assistance rendered to them at public expense, I feel sure that we will be able to complete some of these schemes within a shorter period than even the Honourable Member himself has imagined to be possible.

Further, agriculture is now a transferred subject, and it is entirely for the people themselves to say what shall be done, and nobody can accuse the Government hereafter that they have delayed the matter.

The question of manures has been rightly mentioned by the Honourable Mover. The increased supply thereof is a subject that is engaging our attention, and not much can be done unless manures can be brought within easy reach of the cultivator.

I am sorry to say that, so far as can be seen, the reports are not very encouraging as to whether under these new canals projects vast areas could be allotted for sugar production, but I may assure the Council that we will do all that lies in our power to induce the Local Government and the public to undertake and promote sugarcane cultivation on lands newly given out for irrigation under these projects. Whether we can give compact blocks from forest areas is a matter that will receive very sympathetic consideration from the Government. We hope to be able to communicate soon with

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Local Governments our provisional views with regard to the detailed recommendations of the Report. The Honourable Mover has remarked that the Government are in the habit of appointing Committees only to shelve inconvenient inquiries and when they do not mean to take action. I was rather surprised at this statement, because I am sure that the Honourable Member, when he accepted a place on this Committee, could not have felt that the Government's object was to take no action for I am sure he would not have lent himself to promote such an improper object. He has fallen a victim to the tendency to join a section of the public in their cheap sneers at the expense of Government, which do not cost much. But I need not point out that the Government are as alive to their sense of duty as the Honourable Member himself, and nothing will deter them from fulfilling that duty.

As regards Lala Sukhbir Sinha's suggestion, (a), (b) and (c) will go duly to the Local Governments as the other parts of the report, and the Honourable Member may rest assured that they will not be omitted from consideration.

The HONOURABLE LALA SUKHBIR SINHA: Sir, in view of the statement made by the Honourable Member in charge of this Department, I beg leave to withdraw my Amendments.

The HONOURABLE THE PRESIDENT: I should have ruled them out of order.

The HONOURABLE LALA SUKHBIR SINHA: I now rise to give my whole-hearted support to the Resolution as it stands in the amended form, and I hope the Central Government will see that the Local Governments will spare no time in giving all possible help to the expansion of this useful industry for which there is great scope for expansion.

The HONOURABLE SARDAR JOGENDRA SINGH: Sir, the discussion that has gone on before has made my task easier. As the Resolution now stands I need not go into some of the points which I was going to raise. Some of the points were discussed by the Honourable Mr. Lalubhai Samaldas and the Honourable Sir Maneckji Dadabhoy. There are one or two points which I merely wish to bring to the notice of this Council. One is, that the experiments in Bombay do not very much influence results in the Punjab or the United Provinces.....

The HONOURABLE THE PRESIDENT: The Honourable Member must not use his right to reply to the Resolution as now amended to deliver himself of a second speech on the Amendments.

The HONOURABLE SARDAR JOGENDRA SINGH: So far as that goes, Sir, there are one or two misconceptions which I want to remove. Sir Maneckji Dadabhoy, who took up the dignified attitude of defending the Government, pointed out that the Agricultural Department was started by the Government of India. It was started by a contribution given by an American during the Viceroyalty of Lord Curzon. The Government did not create the Department.....

The HONOURABLE SIR MANECKJI DADABHOY: May I give a personal explanation?

The HONOURABLE THE PRESIDENT: The Honourable Member did not give way.

The HONOURABLE SARDAR JOGENDRA SINGH: The Resolution as it now stands, Sir, I think will to a great extent serve in drawing attention to the Sugar Industry. I need not say very much now. All that I want is to quicken the pace. The Honourable Member said that when I accepted my appointment on the committee I could not have done it, knowing that no action will be taken on the report. Well I accepted the appointment conscious of the fact that I shall be able to quicken the pace. From what Mr. Sarma has said, the pace will be quickened, and if this is done we should not have to deal with this question in this Council again. If the pace is not quickened, we shall have to wait, as it seems to me, for ten years until the irrigation problems are solved. In that case we will again have to reconsider the situation and tell them to get a move on. So far as the Resolution is concerned, Sir, I can only beg this Council to consider that what we are now asking for is that the Government of India may be pleased to foster the sugar industry in India by drawing the attention of Local Governments by taking into consideration the recommendations of the Sugar Committee as soon as possible.

The only other thing, is about raising the capital. As that Amendment has been ruled out, that point, Sir, I will not go into now.

The only other point is that the Honourable Member, when putting the recommendations before the Local Governments, might ask them not to defer action till the new irrigation projects come into being. That will mean waiting at least ten years under the best possible conditions. The development of the sugar industry is in the interest of the whole agricultural community, and I therefore ask this House to support the amended Resolution unanimously, and if the time comes to take the matter up again and force Government to take action.

The HONOURABLE THE PRESIDENT: the question is that this Resolution as now amended be adopted.

'This Council recommends to the Governor General in Council that in so far as the recommendations contained in the Report of the Sugar Committee suggest action by the Central Government, such action be not delayed; that effect, as far as possible, be given to the recommendations contained in the Report of the Sugar Committee as early as possible, and that the Government should foster the sugar industry.'

The Resolution, as amended was adopted.

## RESOLUTION RE EQUALITY OF STATUS FOR INDIANS IN EAST AFRICA.

The HONOURABLE MR. LALUBHAI SAMALDAS: I beg to move the following Resolution.

1-11 P.M.

'This Council recommends to the Governor General in Council to take immediately all necessary steps to secure effect being given to the policy of equality of status for Indians in the East African Colonies and Protectorates in every respect as laid down in the Government of India Despatch on the subject.'

Sir, the Government of India's Despatch to the Secretary of State for India of 21st October 1920 has put the whole case of the Indians in East Africa so fully and clearly, and yet in such sober and dignified language, that if it had not been for the persistent agitation carried on thereafter by the

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Europeans in East Africa against the granting of equality of status to the Indians, this question need not have been brought before the Council.

(At this stage the Honourable the President vacated the Chair and the Honourable Sir Maneekji Dadabhoy occupied it.)

The position, however, has changed so much in the interval and my countrymen in East Africa have been so much upset by the agitation of Europeans and their threatening attitude, that it is necessary that we in this Council and the Government of India should by adopting this Resolution assure my countrymen there that the Government of India and the people of this country will do their level best to see that justice is done to the right claims of the Indians in East Africa. Before I refer to the present situation, Sir, I would like to give a short history to show how the position of the Indians in East Africa differs from the position of Indians in other Dominions.

The East Africa Protectorate now called the Kenya Protectorate was under the Foreign Office till 1905. It was thereafter that the control of that Protectorate came to the Colonial Office, and it was only as recently as the 23rd July 1920 that it was annexed and made a Crown Colony. As such its affairs are under the Secretary of State for the Colonies who, with the Secretary of State for India, is responsible to the British Parliament for the final policy to be adopted in the Crown Colonies. These Crown Colonies have not the independent status of the Dominions, and it cannot be argued in their case as in the case of the Dominions that the British Parliament has no right to interfere in their affairs. Secondly, Sir, Indians have been known to be trading with Zanzibar and East Africa as far back as the beginning of the Christian era. I may say that I have the authority of Sir Henry Johnston for this statement. When East Africa was under Arab control, they were treated as the equals of Arabs. We have historical evidence of fresh arrival of Indians in East Africa in 1687, and it cannot be claimed by the white settlers who followed very much later that they were there in East Africa before the Indians came. That argument may apply to the other Dominions, but it cannot in the case of these Colonies. Not only that, but the Indians who went there first began to develop the country, and if priority of arrival and the work done in the development of the country give any preference, preference should go to Indians and not to the white settlers. In this connection it would not be out of place to quote a remark made by Sir John Kirk before the Inter-Departmental Committee. He said :

‘It was entirely through being in possession of the influence of these Indian merchants that we were enabled to build up the influence that eventually resulted in our position.’

Mr. Churchill in his book “My African Journey” puts the case much more fully. He says :

‘It was the Sikh soldier who bore an honourable part in the conquest and pacification of these East African countries. It is the Indian trader, who, penetrating and maintaining himself in all sorts of places to which no white man would go or in which no white man could earn a living, has more than any one else developed the early beginnings of trade and opened up the first slender means of communication. It was by Indian labour that the one vital railway on which everything else depends was constructed. It is the Indian banker who supplies perhaps the larger part of the capital yet available for business and enterprise, and to whom the white settlers have not hesitated to repair for financial aid. The Indian was here long before the first British official. He may point to as many generations of (Here I want the Council to bear with me carefully) useful industry on

the coast and inland as the white settlers—especially the most recently-arrived contingents from South Africa (the loudest against him of all)—can count years of residence. Is it possible for any Government with a scrap of respect for honest dealing between man and man, to embark upon a policy of deliberately squeezing out the native of India from regions in which he has established himself under every security of public faith?’

Sir, the third argument that is raised is, that the Indians who go to the Dominions belong to the lowest strata of Indian civilisation. It has been proved that the Indians who went to East Africa were not indentured labourers, but were traders and they belonged—I do not say, to the topmost society in India, but they belonged to the respectable middle class of Indians,—and it cannot, in justice, be said that they did not come up to the same type of civilisation as the European settlers. As regards the European settlers we cannot say, nobody can say, that they are all of the same type. There are various gradations among European settlers. It cannot be said about our people there that they are in any way inferior in civilisation to the European settlers in East Africa. Then the fourth argument that has been raised is, that Indians have little stake in the Colonies, and it is the Europeans who have a great stake there. We have facts to show, and I am quoting from the Government of India's Despatch, that while the Indians were paying a municipal taxation of Rs. 1,20,000 per annum, the Europeans were paying a municipal taxation of Rs. 70,000. That shows that the stake of the Indians was more, was 70 per cent more. Fifthly and lastly, the most important point is this, whether the European population will be a permanent population or a shifting population. Here I am quoting Mr. Winston Churchill who is a very shrewd observer. He says ; “there seems to be a solemn veto placed upon the white man's permanent residence in these beautiful abodes,” and the Government of India also support that opinion, because they, in their Despatch, talk of the European settlers as a “shifting” population. Is it right, is it fair, I ask, that the country should be placed, should be given over entirely into the hands of a population of such a character? Mr. Churchill says : “It will be an ill-day for these native races when their fortunes are removed from the important and august administration of the Crown and abandoned to the fierce self-interest of a small white population.” I hope I have convinced the House that none of the reasons alleged for showing preference to the white population in the Dominions exists with regard to East Africa, and as the country is a Crown Colony no difficulty exists in the way of the British Parliament in exercising its authority to see that justice is done to India which, as a member and portion of the British Empire, has every right to claim this equality for her sons with all British subjects. In the Imperial Conference a Resolution was passed giving India equality of status in all Dominions. It is true that South Africa has protested. To that I shall come later on. Both as regards the Colonies, and even as regards the self-governing Dominions, India has been given a status of equality. Are we to be told that, while Dominions and Colonies are giving us this equality of status, Crown Colonies, which are under the British Parliament, will not give us the same status?

I will give a history of the agitation of the white settlers, which may be interesting. It is proved that before the Boer War the relations between the white settlers and Indians were not bad in East Africa. It was the advent of the Dutch settlers in the Highlands which was the first cause of trouble in this country. But so long as the administration was in the hands of the

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Foreign Office, there was very little trouble, and the agitation of the white settlers met with little success.

They tried to do justice between the Dutch and other white settlers and the Indians, but soon after the administration was transferred to the Colonial Office, there was a distinct change in the attitude of the local officials, who began to favour the demand of the white settlers for racial superiority.

This must have been noticed by Mr. Winston Churchill when he was there in 1907, for he said that "the speculator, the planter and the settler are knocking at the door." He however thought—but unfortunately his prophecy has proved wrong—that the day when the small white population would be powerful enough easily to get round both the Local Government and the Colonial Secretary and insist on having the administration abandoned to the self-interest of the white settlers was very remote. Unfortunately, for the Indians, in Kenya, Lord Elgin, as Colonial Secretary, gave certain pledges to the white settlers. It may be that he gave them in a moment of weakness, but these pledges are now being held up by the white settlers as their *magna carta*. Lord Elgin had no right to give away the rights of the Natives, who are most interested in the development of the country, or to give any concessions to the white settlers, without consulting the wishes of the natives there or the natives of India. Having obtained those concessions, and having obtained those lands in the Highlands, as they are called, the white settlers began to agitate for racial supremacy, by asking that no Indians should be allowed to acquire lands in these parts, and further that they should be segregated in other areas. The Indians got frightened at this attitude, and as they saw that their rights were being taken away by enactment of local laws—legislation in which they had practically no voice—they thought that the best course would be to approach the Government here and get their support. They also sent a deputation to England, headed by Mr. Jivanjee. Mr. Jivanjee saw Lord Milner. Lord Milner gave him an interview, but that interview was not allowed to be published. Mr. Jivanjee says in one of his speeches that the interview was not allowed to be published possibly, because Lord Milner wished the occasion to be treated as private, and this was and has been the keynote of the policy of the Colonial Office throughout, to keep everything as secret as possible so that all the Indians there, as well as the representatives of the Government of India when they went there, would be faced by the accomplished fact. In response to the appeal of the Indians the Government of India decided to send Sir Benjamin Robertson to make local inquiries and report thereon. Unfortunately Sir Benjamin Robertson's report was not published, so far as I know, but we take it that the Government of India's Despatch has been based on the recommendations of Sir Benjamin Robertson, and, as I said above, we in India and the Indians in Kenya were prepared to accept the proposals made in the Government of India's Despatch, as we thought that they were fair, reasonable and practicable. There is also an idea that when Sir Benjamin Robertson went there he had no opportunity of in any way modifying the recommendations in Lord Milner's Despatch on account of their being publicly announced before he reached there.

Lord Milner's Despatch gives to the white settlers practically all that was asked for by them, although it makes a nominal concession to the Indians by granting to the 30,000 Indians in East Africa the right of electing only

two members to the Legislative Council, and that also on a very restricted franchise, as against the right of the European settlers numbering only 7,000 to 8,000 to elect eleven men.

Naturally that Despatch caused dissatisfaction here. I may mention that Lord Milner in his Despatch dissociated himself most thoroughly from the very insulting remarks that were made by the economic convention of the European settlers. They said that the Indians were both unclean and had insanitary habits; let it be said to the credit of Lord Milner that he dissociated himself from that remark. But unfortunately he was so much obsessed by Imperialistic instincts that he used words, which practically make the Indians in East Africa political helots. I am not using strong language, because these very words were used by Mr. H. S. Polak at one of the meetings in England where Lord Chelmsford presided, and Lord Chelmsford himself acknowledged that Mr. Polak had used no exaggeration in his paper. When the Government of India's Despatch was sent to the Secretary of State, the white settlers saw that it was just possible that the Secretary of State would take up the cudgels on behalf of the Indians there, and might be able to succeed in convincing the Secretary of State for Colonies of the unfairness of the Europeans' demands. They then began to agitate against the acceptance of the Government of India's recommendations by the Secretary of State. Now, there has been agitation going on on both sides. I am not going to say that the Indians there are not agitating. But the European settlers have practically adopted the attitude of what one might call "active resistance"—the attitude that they will not allow any rights to be acquired by the Indians in East Africa even if it came to fighting the Government of Great Britain. The Indians, on the other hand, adopted the policy of what is known as "passive resistance," and the first item of their agenda or programme was the non-payment of taxes. I want to refer to one fact here, *viz.*, that as soon as this was known, the Government of India—I hope the Honourable Member for Government will correct me if I am wrong—sent a wire asking them to stop this agitation and not to take up the programme of "passive resistance."

This they have adopted, and I want to bring it forward here to show that my countrymen there are still in a reasonable frame of mind, and if they can be sure of the sympathy of the Government of India and of this Council, I believe they will not take any rash action or adopt any unconstitutional methods. When this agitation went on on both sides, the matter was referred to a Joint Parliamentary Committee. Their report, which has only appeared, I believe, in the last number of the Gazette of India, but which was published in some other papers, as usually happens, gives formal approval to the principles underlying the recommendations of the Government of India, while as regards the practical working out of those principles, it leaves the matter, or rather, it recommends that the matter should be left in the hands either of the local officials or of a Royal Commission. The former method, Sir, is not supported by my countrymen in East Africa. They have reasons for believing from the attitude of the Local Government—and especially of the Governor there—that they are quite antagonistic to our legitimate aspirations and rights. I shall quote only one remark which the Governor has made. In replying to the Indian Deputation at Nairobi the Governor said: "that this country is primarily for European development, and whereas the interest would not be lost sight of, in all respects the Europeans must predominate."



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The Chief Secretary to the Government in his written reply says that "His Excellency believes that though Indian interests should not be lost sight of, European interests must be paramount throughout the Protectorate." At the last Convention of the European Association, the Governor said openly that "the views of the Europeans in this country could not possibly have been put forward more strongly than they have been." And this was acknowledged by the Chairman of the Reception Committee. He plainly said that he is going to fight our fight. Those are his very words. If it had been merely in words, it would not have mattered much, but even in action the Governor has shown his hostile feelings towards Indians. It would be no exaggeration to say—and Honourable Members of this Council will bear me out—that the Indian troops helped to save East Africa to the Empire. There were during the war seven or eight thousand Indian troops about two-thirds of the total number of troops in East Africa, and the services of these troops have been recognised by Generals in the field as well as by His Majesty's Government. But when it came to giving lands to the soldiers for settlement, 1,500 farms, comprising over a million acres of land, were reserved for European soldiers. When the Indians approached the Governor to grant some land to the Indian soldiers, he added insult to injury by saying that it was for the big Indian landowners or for Indian citizens to find land for the Indian soldiers. If that is the attitude of the Government there, can my countrymen ever expect justice from them? But in spite of the support of the Local Government and the Governor, the Europeans must have necessarily felt that their case is a weak one, because what they have done now, is to send a deputation to South Africa to get the sympathy of General Smuts. We have only recently had a short telegram saying that General Smuts had asked them to carry on the agitation on constitutional lines. I do not know whether General Smuts wants to interfere in this matter, but I believe he is too much of a gentleman to interfere in matters which do not concern him, more specially as the Right Honourable Srinivasa Sastri has said in very clear language that South Africa has no concern in this matter. Nor do I think that it is possible for him to interfere in a matter like this, and being a statesman he would not like to take away the legal and inherent rights of other peoples in the country even if they have not the same colour of skin as General Smuts himself.

Sir, I fear I have very little time at my disposal, and I will not go over all the various grounds that the European settlers have taken up against the Indians, giving up one after another. There was first the ground of uncleanness of habits; then the ground that the natives of the place would be spoilt by coming into contact with us—practically charging us with immorality. It requires very great self-restraint, Sir, not to use strong language in reply to that charge; but I recognise that there is so much racial animosity abroad already, that I am not going to say anything here which might create further bitterness either here or there. But I cannot help saying that we Indians have never been land grabbers: we can show a clean sheet as regards that, and we hope other nations can do the same. As regards immorality, India can invite comparison with any nation. I have the authority of Mr. Andrews for saying that attempts were made to stir up the Africans against the Indians, and these have been so serious, that the Indian community has been obliged to appeal to the Africans as a whole as to whether the European version of the Indian character were true, with the result that convincing evidence was given both

in Kenya and in Uganda that the African community itself desired the presence of the Indian settlers among them and wished for closer contact with India. The Prime Minister of Uganda—he has an unpronounceable name—declared to Mr. Andrews that they wanted Indians to come and work with them because they believed that Indians were morally a superior people and their presence did them good.

Now they have openly said that they will resist by force any acknowledgments of the rights of Indians to acquire lands in the Highlands. That is a point, Sir, which I wish to bring before this Council. It is the Highlands that are to be barred to us. We do not want the Highlands on any sentimental grounds. Practically, there is no more land available there: all the lands have been given away to European settlers. It is the European settlers who now want to sell their lands and they are prevented from doing so. We do not want to fight for these lands as I just said on sentimental grounds only. But these Highlands are the one and only direct highway to Uganda and also to the great cotton belt to the north of Uganda now being developed mainly by Indian enterprise. If once this highway is stopped, it will be to the detriment not only of Indian interests, but to the trade and commerce of that part of the country generally. Now, if the European settlers could go and develop those lands themselves, perhaps there would be some justification for their attitude. But as Mr. Winston Churchill has said, it has still to be proved that European settlers can rear their children in equatorial regions even at a height of 6,000 feet, and till that is proved, the white man's country will remain a white man's dream.

One other agitation has now been started. It has been said that the Indians have not the same ideas about the honour of women as the European settlers. I say, Sir, this is a very insulting remark, and I appeal to my European friends here in this Council to say whether we have not always treated European ladies with great respect and even reverence.

If the honour of an English woman is safe in a country where the population of Englishmen and Indians is 1 to 300, there is no reason to be afraid of Indians in a country where the population is hardly more than 1 to 4, and we do not in the least want to encroach upon the rights or privileges of European population. But this argument and the appeal made in the name of white women to Her Majesty the Queen Empress can be understood only as showing that the European settlers feel that they have no case based on reason and that they are on their last legs.

I hope I have convinced the Council that Indians are asking nothing more than mere equality of status, when they ask for franchise on a common electoral roll and the right of acquiring land in open competition in any part of the Colony, including of course the so-called Highlands, and right to live in any parts of the town; and that to talk of these as asking for domination is wilful and perverse misrepresentation. The Council must have also seen that the aspersions cast against the Indians in East Africa have no justification, and to take the most charitable view the present uncompromising attitude of the white settlers may be attributed to a sincere but a mistaken misunderstanding of the demands of the Indians. On this hypothesis I appeal to my British friends in this Council and to non-official English friends outside in this country, to do their level best to remove all misunderstandings and to assure the Europeans there that the Indians do not want domination of any sort

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either over them or over the Arab settlers or the natives of the land. It is really a pleasure to see that many eminent Englishmen, like Sir George Buchanan, and others, are endeavouring their level best to remove the misunderstandings that exist between the two races. Is it too much, Sir, to expect that my European friends here in this Council and outside will appreciate the motives of the Indian settlers? They do not want to take away any of the rights of the native population. I hope, therefore, that efforts will be made on both sides to bring about a happier and better understanding between these two classes of people.

As I said my countrymen would be prepared to give franchise to the Arab settlers who are much more civilized than the native negroes. It has been said that we have not been able to manage our affairs in India, and that is shown as one of the reasons why we should not get any franchise. Fortunately, we have got our Reforms, and with them, if not full responsible self-government for which we are trying and which we hope to get in the near future, at least we have got the first instalment of self-government, and as such we can assure them that we can manage our affairs as well as any others.

Sir, the European settlers have in one of their meetings said that if England has to choose between losing India or East Africa, she should not mind losing India, because East Africa will provide greater facilities of a much better kind than India for British immigration. British statesmen are the best judges of what is good for their country, but it is because I do not want the British connection to cease, and because I believe there is a bright future for my country as an equal partner in the British Empire, that I ask the Government of India to support my countrymen's demand for equality of status, so that the strain on India's loyalty may not reach the breaking point. If the Colonial Office is not able to do justice between Indians and Europeans in East Africa, let them transfer the government of the Colony to the Government of India under whose administration we,—Englishmen and Indians,—have been living amicably and peacefully for more than a century and where the best members of each community try to take a dispassionate view even of racial problems coming up for their consideration. That British East Africa should be administered by the Government of India was the opinion of my late esteemed friend, Gopal Krishna Gokhale, and if I mistake not, Sir Theodore Morrison has practically endorsed the same view. If the British Government will not agree to the transfer of the Colonies to the Government of India, the Cabinet, as a whole, must use all their influence with the Secretary of State for the Colonies to see that there is no tinkering with the claims of the Indians in East Africa. I do not want to press my demand under any threat that India otherwise may be lost to the Empire, nor do I base it on the strength of the services rendered by my countrymen during the war. I base my demand on the equitable rights of Indians as the free citizens of the British Empire—a right recognised by the Imperial Conference and on the right of India as a Member of the League of Nations.

One word more and I have done. It seems from a telegram in the *Pioneer* that the European settlers have taken up a very uncompromising attitude, and have said that they look upon Lord Milner's Despatch as the minimum. This attitude is to be very much regretted. The Right Honourable

Srinivasa Sastri who is in intimate touch with the whole movement both in England and East Africa, at the last Saturday's meeting of the Assembly of the League of Nations said. I do not want to quote the whole of his remarks, because it will take time. What he said was "that there should be no colour bar in mandated territories as was likely to happen, if they did not take time by the forelock and pay due regard to their sacred trust." He added: "let not the time come when India and Japan would find it necessary to tell the Assembly that they were worse off under the League of Trustees than under the Germans, and his recommendation that there should be no colour bar should be applicable to East Africa also." Let the Government of India follow my Right Honourable Colleague's example and take time by the forelock and make a spirited move in the matter. With these few remarks I commend this Resolution for acceptance.

The HONOURABLE THE PRESIDENT: Further discussion of this Resolution will be resumed at 11 o'clock to-morrow till which time the Council stands adjourned.

The Council then adjourned till Friday, the 23rd September 1921.

## COUNCIL OF STATE.

*Friday, the 23rd September, 1921.*

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

The HONOURABLE THE PRESIDENT: We will now resume the adjourned  
11 A.M. debate on the Honourable Mr. Lalubhai Samaldas' Resolution.

### \*RESOLUTION *RE* EQUALITY OF STATUS FOR INDIANS IN EAST AFRICA.—*contd.*

The HONOURABLE MR. ANNAMALAI CHETTIYAR: Sir, I rise to  
11-2 A.M. support this Resolution. The Imperial Cabinet has passed a Resolution recognising the equality of status of Indians in the Empire, South Africa being the solitary exception. Sir, His Excellency's speech the other day has given us strong hopes of obtaining recognition of this principle even in South Africa and its interpretation so as to satisfy Indian pride and patriotism. Sir, I do not think it would be out of place to quote one or two sentences from His Excellency's speech. His Excellency said: "But it establishes beyond all question, and authoritatively, by the conclusions of the Premiers assembled at the Imperial Conference, with one dissentient, the equal status of Indians in the Empire. Secondly, the attitude of His Majesty's government and their recognition of this principle will mean that it will be applied in other parts of the Empire which are not under dominion government and notably in East Africa." Well, Sir, if England and her Imperial statesmen give effect to this Resolution of the Imperial Cabinet in practice, then the problem of Indians in Kenya is automatically solved. But there seem to be some difficulties. The opposition comes from the selfish ambition of a small number of people whose shortsightedness in matters of Imperial policy is much to be regretted. Indians were there in the colony long before the Europeans ever thought of colonising it. Here is an impartial letter, Sir, from the pen of Sir Harry Johnston, one of the oldest pioneers of the colony, to the London "*Times*," reproduced in "*New India*" of the 16th of this month which I received yesterday morning. I shall not take more than two minutes to read this. Sir Harry Johnston says:

'As a much earlier pioneer in East Africa than Sir Northrup McMillan, I must protest against the matter of his letter to you on the rights of Natives of India—an integral portion of the British Empire—to participate in the settlement, development and commerce of East Africa, or of any other portion of Africa under the British Flag. As recorded by Sir Richard Burton, the first person of non-African race and birth to enter the Kingdom of Uganda was a native of British India. Indians traded with East Africa soon after the commencement of the Christian era. The presence of large numbers of British Indians on

\* "This Council recommends to the Governor General in Council to take immediately all necessary steps to secure effect being given to the policy of equality of status for Indians in the East African Colonies and Protectorates in every respect as laid down in the Government of India Despatch on the subject."

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the Zanzibar Islands and coasts was 100, 80, 70, 50 years ago the main excuse and justification for British interference with those regions, and without the help, the bravery and discipline of Indian soldiers I doubt whether we should easily have got the better of Arab hostility, have suppressed slavery or the slave trade, or have acquired the magnificent Empire over East Africa that we now possess. The participation of Indians of all classes with us in the conquest from the slave traders, the survey, the opening up of the discoveries in botany and zoology of East Africa from Abyssinia and Zanzibar down to Natal, has been too noteworthy to be overlooked by the European immigrants into the British possession so ridiculously misnamed "Kenya." The British white men have been the leaders in East African enterprise, and they have been loyally backed up, laboured for, fought for, by thousands of Blackmen. But the intermediary role played by the Indian sepoy, non-commissioned officer, surveyor, clerk, surgeon, botanical collector, trader and horticulturist in all East Africa from the Zambesi to the Somaliland, has been far too important and loyal to be overlooked in the callous way characteristic of the thousand recent white settlers in the hinterland of Mombasa. The injustice of their attitude, the excess of their influence, revolts me, who strove before they were born to open up East Africa to knowledge by the help of Indian troops, Indian doctors and Indian clerks.

Sir, the Honourable Members of this House would like to know the credentials of the author of this letter. "*New India*" gives the following comment :—

'Sir Harry, readers may perhaps be aware, has unique and indisputable claims for pronouncing on the exact contribution of Indians to the opening up of Kenya, and in general of East Africa. His career as explorer, Consul, and Commissioner in the various parts of Africa dates from 1882-1883, and as Special Commissioner, Commander-in-Chief and Consul-General of Uganda, as also of leader of several expeditions to the Nyasaland territory and Tanganyika, he has been in touch with East Africa from very early times.'

This, Sir, clearly goes to substantiate our contention that the Indians were there long before the Europeans went there, and the Indians were responsible to a very great extent for the present progress and prosperity of the Colony. Sir, the fear that the eight thousand European settlers will be swamped by the Indians is groundless. If the two millions of the natives of East Africa cannot swamp them, there is no earthly reason why the thirty thousand Indians should. Common sense dictates and justice demand that the Indians should not be treated as helots within the Empire. Truly none are so blind as those who will not see. Even Sir Valentine Chirol, who cannot be said to have any great Indian leanings, deprecates the shortsightedness of those who refuse equal citizenship to Indians.

Sir, since the Colony is directly under the Imperial authority and the Secretary of State for the Colonies has admitted that no racial discrimination can be permitted in such territories, it is up to it to show now that it means what it says by granting full rights of citizenship to Indians in Kenya. Sir, if Imperial citizenship is to be a reality, if India is to continue to be the brightest jewel in the British Crown, if the growing national self-consciousness of the Indians is to be respected, there could be no two opinions on this matter of the equality of the status of Indians within the Empire. It is the acid test which will show the strength and sincerity or otherwise of Imperial statesmen.

The HONOURABLE DIWAN BAHADUR V. RAMABHADRA NAIDU : Sir, with regard to this important Resolution I have to make an appeal to my Honourable friends. We all well know that this is a matter in which we Indians are deeply interested. Let every Indian Member have his say on the subject. Let us not apply closure to this subject and bring it abruptly without full-dress debate. The Honourable Mr. Lalubhai

Samaldas has, in clear terms, stated how our Indians are treated in South Africa. Everybody is aware that the European settlers in East Africa have been carrying on a propaganda of hatred against the Indian emigrants.

We have heard of what our representatives in the Imperial Conference held in London had talked about equality of citizenship to Indians all over the Empire. Yet the conditions of the Indians in East Africa are simply deplorable. Although the strength of the Indians is more than thrice the number of European settlers there, yet the Indians are not allowed to have any voice in the administration of the country.

It is the Indians that redeemed parts of the country from primitive savagery before the beginning of British rule. Had it not been for the free sacrifice of the lives of our Indian soldiers in the recent great war, the British army could not have beaten the Germans.

The late lamented Mr. Gokhale even went to Africa to bring about friendly feelings between the Indians and the European settlers. The Indian Government also sent Sir, Benjamin Robertson all to no effect. We understand that the European settlers recently evoked the help of their women in the campaign against the Indians. Thus they hope to play on the fraternal sentiments of their people "at Home." The Right Honourable the Secretary of State for the Colonies was approached by them to consider their supposed untenable position. Not content with this they have cabled to Her Imperial Majesty the Queen-Empress. They are dead against the granting of equality of status to Indians.

We, the Indians in India, devoutly wish for the dawn of a future when there shall be equality of rights and friendly feelings between European and Indian settlers, and it is our duty to implore the Government to use their influence to their utmost and bring about the desired effect.

We all remember the earnest exhortation made by the Honourable Sardar Jogendra Singh the other day to preserve our self-respect in not accepting the Resolution about the Rhodes Scholarship on account of the bad treatment we have at the hands of white settlers in East Africa. Although many of us did not join him then and share his views fully, yet let us to-day vote in a body in favour of the Resolution and make our protest effectively heard in Great Britain.

The HONOURABLE MR. PHIROZE C. SETHNA : Sir, the Honourable Mover, in commending his Resolution for the acceptance of the Council, made yesterday a very forceful

speech. It was so pregnant with facts and interesting details, that I am sure it must have carried conviction to the minds of every individual Member of this Council, be he Indian or European, and that they will accord to the Resolution their hearty approval and sympathy. The status of Indians in the Empire, and notably in South and East Africa, is becoming very acute every day. At the present moment there is a bitter controversy raging over the recommendation made in the report of the Joint Select Committee on Indian affairs, the majority of whom have very strongly supported the contention of the Government of India that Indian settlers in the Colony of Kenya must be accorded equal status with the white settlers. Indians rely on the British sense of justice,

[Mr. Phiroze C. Sethna.]

and the doctrine that all subjects in the Empire are free and equal; the white settlers appear to rely on what they call the rights of the self-governing Colonies.

Kenya, Sir, as the Honourable Mover has told us, is the modern name for what was known till recently as British East Africa. Kenya has a population of 2 million natives and only 8,000 European settlers and as many as 30,000 Indians. The opposition from the white settlers to granting equal status to Indians is based on two grounds. In the first place, they say that the white settlers are entitled to special consideration, because the British white population were invited to East Africa to colonise that territory on the supposition that it would always remain a white man's colony. This statement necessarily requires to be supported by documentary evidence, but so far, no such evidence has been adduced. On the contrary, Professor Keith of the Edinburgh University, who was one of the majority signatories to the report, disputes the statement and inquires what authority there is for making such a statement. He asserts that no such invitation was ever extended by the Imperial Government, and he points out that the Imperial Government, and the Imperial Government alone, could hold forth such a prospect. This, therefore, disposes of the argument that they are entitled to special consideration.

Their next contention is, that if equal status is granted to Indian settlers, on account of their numbers they would absorb the whole government of the Colony and convert the Colony into an Indian dependency. They go further and say that such a result will prove very disastrous in the interests of the native population.

It is difficult to conceive how the granting of equal status to Indians, as is proposed, would enable Indians to convert a British Colony into an Indian dependency. As regards their solicitude for the welfare of the natives whose interests they say will be greatly jeopardised, this is a pretence that can be called by no other name than "wicked moonshine" and is a covert attempt to advance their own selfish ends and further to brand the Indians as an inferior race.

Previous speakers have pointed out that Indian settlers have lived in the land for a far longer period than the British have done. In fact, history proves that Indians went to East Africa even before the English came to India. Not only have Indians been in the country for a longer time, but their stake in the country is large and they have made many sacrifices. It is hardly fair, therefore, to deny equal status which the Imperial Government is prepared to extend to them. It has been said that the Indians there will not be able to mix with the native population. Indians certainly understand the natives much better and can mix more freely with them than the white settlers can ever expect to do. Therefore, if equal status is granted to the Indians, they will help the natives, with whom they have lived in perfect amity for years and years to improve their lot and will help them in every possible way.

Sir, in this connection, India has reason to be grateful to Lord Chelmsford's Government for the very able Despatch which they forwarded to the Home Government last year; and we sincerely trust that His Excellency Lord Reading's Government will not rest content until they have obtained for, at least, the Indian settlers in Kenya, if not in South Africa, an equal status with

the European settlers. Reference has been made to the Resolution which was passed about two months ago by the Imperial Conference which acknowledges the principle of the right of citizenship in perfect equality to all British subjects lawfully residing in any part of the Empire. I know that exception has been made in the case of the region of South Africa, but Honourable Members are aware that Kenya is not included in that region.

The Honourable Mr. Lalubhai Samaldas gave us yesterday extracts from that very interesting book entitled "My African Journey" written by the Right Honourable Winston Churchill. Those extracts were indeed very telling. Amongst them there was one sentence which I will take the opportunity of quoting again. It runs as follows:

'Is it possible for any Government with a scrap of respect for honest dealings between man and man to embark upon a policy of deliberately squeezing out the native of India from the region in which he has established himself under every security of good faith?'

The Honourable the Mover stopped at this point, but the next sentence to my mind is more pertinent and I take leave to quote it:

'Most of all we ask—is such a policy possible to the Government which bears sway over 300 millions of our Indian Empire?'

Now, Sir, by the irony of fate the Right Honourable Winston Churchill is to-day the Secretary of State for the Colonies. Let us hope that he will live up to his professions and that he will, in his capacity as Secretary of State for the Colonies, endeavour to get the Home Government to see that the Indian settlers in Kenya do get equal status, and if Mr. Churchill succeeds in doing so, although he will be doing no more than meting out even-handed justice, yet we Indians will be ready to give him the credit of having rendered a signal service to this country.

The HONOURABLE MAHARAJA SOSHI KANTA ACHARIYYA

11-26 A.M. CHAUDHURI, OF MYMENSINGH: Sir, I beg to support

this Resolution which has been so ably moved by the Honourable Mr. Lalubhai Samaldas, and I gratefully acknowledge the anxiety which the Government have shown in urging the claims of Indians in East Africa. The proceedings of the Imperial Conference in reference to this question show that the claims of Indians to a right of equal status with others in Kenya have been vigorously advocated. Certain Members of that Conference formed themselves into a very able Committee for the discussion of that question, and a Resolution was adopted recognising this right, and it is now up to our statesmen to see that the claims of Indians are not disregarded by the few European settlers in Kenya. This kind of race hatred and race discrimination only supplies fuel to the fire of the present political movement which is going on in India, and it is to be hoped that the Government of India will do all that lies in their power to do away with this kind of race feeling.

With these few words, Sir, I support the Resolution that is now before the House.

The HONOURABLE Sir B. C. MITTER: Sir, I beg to support the

11-28 A.M. Resolution which has been moved by the Honourable Mr. Lalubhai Samaldas, and, at the outset, I wish to congratulate my friend on the industry, the research and the moderation with which he has presented his case to the House. I also beg to tender my sincere thanks to Lord Chelmsford and his Colleagues, and wish to express my appreciation for the very gallant

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fight which they had put up to vindicate the great principles of Right and Justice in connection with the important problem that is engaging the attention of the House to-day. I have no doubt that His Excellency Lord Reading, fresh from that great palladium of justice which has given more prestige to the English nation than anything else, will bring those high principles of justice into the solution of the present problem, and that His Excellency, with the help of his Colleagues, will continue the efforts of Lord Chelmsford and his Government and press our claims for equality of treatment with unflagging zeal and pertinacity till our efforts are crowned with success.

Sir, while I agree with most of what the Honourable Mover has said, there is one point on which I am afraid I cannot agree. He has suggested that, as a last resort, the Government of this particular Colony might be handed over to the Indian Government, and he has quoted the high authority of one of India's greatest statesmen, namely, Mr. Gokhale, in support of this claim.

Sir, there has been a great change in the public and political conditions of both India and East Africa since Mr. Gokhale made the suggestion. We have now been put on the road to responsible government. It hardly lies in our mouth, under these circumstances, to say that we shall control the government of a country which does not send its representatives to our Legislature.

Sir, I venture to submit, at the same time, that the solution suggested by Lord Milner in his Despatch is wholly inadequate. We are thankful to His Lordship for acknowledging the principles of justice and equal status upon which he desired to base his decisions. He said that the test must be the test of equality, but, Sir, when having laid down that test, he suggests the remedies, it is difficult to see how those remedies conform to those high principles which His Lordship enunciates as the basis of his judgment.

Now, Sir, it is proposed, that the Legislative Council of Kenya will consist of 18 nominated officials, 11 elected Europeans and 2 elected Indians. I know, and the House knows, that roughly the native population in East Africa is 2 millions, Indians 30,000 and Europeans 8,000. We also know that the Europeans contribute, in the most important municipality, 70,000 in taxation, while the Indians contribute 1,20,000 and the Africans 10,000. Lord Milner proposes to add only 2 Indian elected representatives to the Legislative Council where there was none. Sir, with these facts before us, how can we say that the proposal which is to be found in the Despatch of Lord Milner is a just or equitable proposal? It is said that as the Government is retaining the majority in its hands, it does not matter whether the Indians get 2 votes or more than 2 votes. May I ask, Sir, to put this matter the other way about? Where then is the objection to give 2 votes to Europeans and 11 to Indians. You have only to state the case, and it will be clear as the mid-day sun that there is no substance in that contention. Sir, while we all gratefully admit the high principles which His Lordship lays down, one cannot forget that in judging a statesman we judge him not by the principles which he enunciates, but the manner in which he translates those principles into action. Sir, I think I have said enough to show that the proposed representation on the Legislative Council is wholly inadequate and unjust. Now,

when I come to the question of municipal representation I find it is far worse, because up till now there has been no representation of Indians in the important municipality of Nairobi. The safeguard of official majority is wanting there. We know that the proposed suggestion is that there should be only 3 Indians on that Council, leaving a huge majority to non-official Europeans. Sir, with such a condition of things, how can you expect that the Indian quarters would be sanitary? If the Indians do not have a proper representation on the municipalities, it should not be wondered at that more money is spent upon European quarters. It is hardly fair to give Indians such a small voice in their civic affairs and then to say: 'You live in an insanitary way.' I submit, Sir, that we cannot possibly accept the suggestion of segregation that has been put forward. Sir, a peculiar reason has been given that social convenience demands it. Sir, is there any town in Africa where more Europeans live than in Calcutta or Bombay? Do not the Europeans and Indians live in these cities in perfect peace and amity? Has segregation been ever necessary or suggested in these cases? No doubt, Indians will naturally flock to one particular quarter-so will the Europeans. But I say, Sir, it hurts the national pride of the Indians to be told that they live in an unclean way and that they must be segregated. It puts upon them the stamp of racial inferiority which they cannot possibly tolerate. The result of segregation, Sir, will be that the Indians will go to the wall.

Sir, then there is the acquisition of land. Now, it is said that the Indians ought not to have land in the uplands. The question is not such a big one as it seems at first sight, because, after 1908, all the available lands there have practically been distributed. The practical question that arises is whether, in a case of transfer, Indians are eligible to be transferees or not. No doubt in 1915 an Ordinance was passed whereby the consent of the Governor was made necessary for the transfer of land belonging to an individual of one race to an individual of another race, and instructions, I understand, have been given that, when the transfer is made to Indians, that transfer will not be acknowledged. Now, Sir, there is absolutely no justification for this. It is inequitable, it is opposed to economic principles, and, in the long run, cannot be of any real service to those Europeans who desire to transfer their lands. The fiat has now gone forth from the Imperial Conference that, at least in the countries administered by the British, there shall always be equality of rights. In view of this, the Ordinance in question ought not to be on the Statute-book any longer. Sir, we have had the matter considered by English statesmen sitting on the Parliamentary Joint Committee. Their Report is in our favour. It re-affirms equality of status. It says that the representation of Indians in the Legislative Council and on the municipal bodies is at present inadequate, and gives its verdict in clear terms against segregation. It affirms that a case has been made out for further inquiry into the acquisition of land. Sir, even these well-considered recommendations are taken exception to. Violent agitation seems to have been started by the Europeans in East Africa, and we find their cause espoused by influential Englishmen in England. We read the other day in the columns of the *Times* a contribution signed by some very influential Englishmen which says in effect that East Africa is a white man's colony and can never, and should never, be allowed to pass under the political domination of Asiatics. At present, the Government will continue to have a majority on the Legislative Council. That is done with a view to safeguard the interests of the natives of Africa. If that is the argument which has influenced Lord Milner's course of action, it is an argument which we can well ask him to adopt



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in the case of Indians also. How can it pass, therefore, into the hands of Asiatics. The Government will always have a controlling voice. In the next place, the suggestion of the Government of India is not that it should pass into the hands of the natives of India. All that is claimed, is equality of status. Rules and regulations will no doubt have to be made, properly safeguarding the interests of all the communities, but what we do take exception to, is the claim that it must remain a white man's colony.

Now, Sir, may I ask, what is the underlying basis of that assertion? I put it to the House, is not the logical consequence of that that true British civilisation is not based upon ethical considerations but upon racial grounds? I am confident that the better mind of England will give a most emphatic denial to such an assertion. Sir, it has been said that the case of Indians in East Africa is regarded as the acid test of the sincerity of the protestations of statesmen and politicians of the value to an Indian of British citizenship. Mr. Gandhi in his frantic campaign of non-co-operation insinuates that the professions of equality are mere shams. Sir, all India is awaiting the solution of this East African problem with bated breath, and any kind of solution which suggests partisanship will, I venture to submit, deal a staggering blow to the prestige of His Majesty's Government and extinguish the high hopes that animate to-day millions of His Majesty's loyal and peaceful subjects.

Sir, the great bulk of the Indian people to-day believes in the inherent sense of justice of the British nation. Englishmen have always made enormous sacrifices in men and money, to vindicate the principles of justice and equality; and they have given practical proof of the sincerity of their assertion by putting us now on the road to responsible government. They have thereby furnished incontrovertible evidence of their good faith. When South Africa lay bleeding at her feet, what was it that England did? She dealt out justice to her. Rebellious foes were converted into her staunchest friends. To that principle of justice, I appeal again. The present agitation of the Europeans in East Africa is directed against those very principles. They have threatened, if necessary, to use force. I ask, is the people of England, is the great Parliament of England, going to be bullied or threatened by anybody, or are they not going to stand by those eternal principles of justice and right, and decide equitably, honestly, fairly, as between man and man? The Europeans are a practical people. Our European colleagues are working together with us with the greatest cordiality. Sir, I venture to prophesy that history will repeat itself in East Africa. The Indians have a doughty champion in the Government of India; they have a liberal-minded statesman at the helm of affairs in England. I ask them, with all the emphasis I can command, not to emulate the European settlers in East Africa in their truculence and in their threats, but to pursue the peaceful and constitutional methods which have set their countrymen in this country on the path towards the realisation of self-government.

Sir, in conclusion, I hope the protests of the Government of India and the united voice of the Indian Legislature—for I hope there will be no dissentient voice—will raise the mist that seems to have hitherto hung over the Colonial Office. I sincerely trust that the present Colonial Secretary, who, we know, has expressed generous sympathies towards Indians in East Africa, will have the courage to carry the judgment of the Imperial Conference into execution, a judgment which declares that in almost all the countries where the British

flag flies there shall be no discrimination between His Majesty's subjects, and I hope he will be able to frame just and equitable rules and regulations suited no doubt to the local conditions of the country, bearing in mind the principle laid down by the Imperial Conference, as will enable Indians and Europeans, both subjects of His Imperial Majesty, to live in peace, in amity, in concord and in happiness, and thereby solve one of those delicate and Imperial problems that well-nigh threaten to affect the harmony and peace of the great British Empire.

Sir, with these words, I support this Resolution.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: Sir, I think the Government of India is already doing its very best in the matter and I do not think, even if this Resolution had not come forward, that they would not have done what was in their power. At the same time this Resolution does show that Indians feel all that has been set forth by previous speakers and that we are not asleep in the matter.

So much has been said on the case by the Honourable Mover, that I think it is useless to go into details, because I have noticed that most of the other Members who have spoken have been repeating most of the points already raised.

Sir, when India launched in the War and Indian soldiers began to fight, I know that they all had great hopes that after the war they would get something, that they would get some place in Mesopotamia or in Africa or somewhere else; that was the idea, but I am very sorry to say that all their expectations of getting a place have hitherto not been realised. I am not sorry about Mesopotamia, because I think it is a place which has gone to its rightful people. But what about East Africa? Every one had an idea that we would get it, because it was really conquered by Indians. I remember, Sir, when I was going to Flanders at the very beginning of the operations, a brigade was detailed to start from Karachi for East Africa. All know how much they suffered. The country was not then considered good enough for Europeans, and it was for this reason that Indians were sent to conquer it. Now that they have done so, it looks as if, when conquered, it had become a very nice country and that it is much more suitable for Europeans than for Indians. I think, Sir, that some of the colonists there say that the Indians have got no right there. Since we have been the first there, I think, instead of asking for equal rights, the Indians in this colony, since they have taken the greatest part in its development, and since their numbers are greater, they ought to dictate their terms just as others are now dictating theirs, to them. I think it is very moderate to begin with that we should get more than the Europeans; but if that is not proper, let us get at least equal status.

If only you consider, Sir, how many Indian troops were in the country and how many English troops were there, if you go on that principle, we will be quite content. After all, we have done our very best. But these are arguments which do not carry sufficient weight.

There is a saying *Bakhal-i-Hindúash Bakusham Samarqand-o-Bukhara ra* which means, a man who does not possess Bokhara or Samarkand bestowed it on a person saying go "and take it." How is it to be taken? that is the difficulty. We have been saying that it is our right and so on, but when people do not listen then comes the difficulty. There was a bania, Sir, whose cow was killed by a lion; and he got out his book and said "Now, by what right have

[Colonel Sir Umar Hayat Khan.]

you gone and killed my cow?" The lion growled, and the bania said "Oh, it is all right." That is the only thing to do.

One allegation against the Indians is, that they live cheaply and others cannot. Is it to be understood that by civilisation is meant that a man who spends most is more civilised than the man who spends least? I think if we spend less all the rest of the money goes to the State and is used for good purposes. So, I think, Sir, we should at any rate get our share there, in return for the services that India and Indian soldiers have rendered; many of them lie buried in the ground over there, and I say they should get their rights of equal citizenship.

THE HONOURABLE SIR MANECKJI DADABHOY: Sir, I also feel that I  
11-54 A.M. would be remiss in my duty to my constituency if I did not extend my hearty support and co-operation to this Resolution. The Honourable Mr. Samaldas has rendered a great service to the country in placing this Resolution before the Council and giving it an opportunity of expressing its opinion in unequivocal language on the present position in East Africa. The admirable manner in which my friend, Mr. Samaldas, has dealt with the question and the great restraint with which he has placed the case in support of the Indian settlers in East Africa, makes my task easier and, therefore, I do not propose to traverse over the same ground again. This Resolution simply affirms the great principles laid down by Lord Chelmsford in his famous Despatch of the 21st October 1920, and I have not the slightest doubt that the Government now will accept this Resolution in conformity with that Despatch; but there is one important matter to be said in this connection. I hope Government will not allow the case to rest at this stage. Speeches in this Council endorsing the view of the Government of India as an excellent thing, but they will not attain the great object in view. We all know that the Indian settlers in East Africa have a good case. They went there and settled down years ago. They have acquired inherent and vested rights; the rights have been legalised, which these European settlers now wish to deprive them of. There are three main grievances of these unfortunate people which have been dealt with in this Council. They refer to their claim for equal electorate, equal franchise, to the freedom of moving in the town and acquiring rights over property and land in open competition with Europeans there. Nobody could possibly say that these demands are unjust and cannot lawfully be supported. But what is the Government of India now going to do to further their claims? I shall not be satisfied with the mere acceptance of this Resolution by the Government of India. The Joint Committee that was appointed have, as the Honourable Mr. Samaldas has pointed out, whittled down the suggestions and proposals made in the famous Despatch to which I and other Honourable Members have already referred. There is one important suggestion which they have made, and that is, the appointment of a Royal Commission. I think this Council should urge on the Government of India not to sit quiet at this stage, but to persist in their righteous demand, to insist upon the Government at Home to appoint a Royal Commission which will go out to Kenya and inquire into the grievances of our Indian settlers there and see what justice can be done in the matter. It must also be borne in mind in this connection that the Kenya Protectorate is now a Crown Colony. It is under the Imperial Government and under the administrative control of the Secretary of State for the Colonies, and directly under the control of the Imperial

Parliament. The Imperial Parliament, if it wishes, can bring a great deal of pressure, moral pressure, to bear upon these European settlers and upon the Government of that Protectorate to yield to the reasonable and just demands of our countrymen, and I hope something in this direction will be done. It is also a matter of congratulation that our sister body, the Legislative Assembly, yesterday have voted the supply of a grant for the appointment of a High Commissioner for India in that Protectorate. This will enable the trade interests of Indian settlers to be scrupulously watched and safeguarded. I also understand in this connection that an official of my Province, whose capabilities are great and who is of pro-Indian sympathies, has been selected for this exalted office. I have no doubt we are now moving in the right direction, and I request the Government of India to leave no stone unturned in the matter of seeing that justice is being done to Indian settlers in the Kenya Protectorate.

THE HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY:

11-59 A.M. Mr. President, I have very great pleasure in supporting the Resolution which has been moved by my friend, the Honourable Lalubhai Samaldas. The position of Indians in East Africa, particularly in Kenya, is really the key to the position of the Indians in all the self-governing Dominions of the British Empire, and, so long as our position in this Colony is not set right, there is very little chance of our acquiring equal citizenship in other parts of the Empire. I quite admit that the Conference of the Premiers of the Dominions in London last summer did its very best to put us into a position of equal status throughout the Empire, excepting in the case of the South African Union. Sir, it is only in South and Eastern Africa that the Indian problem is a living issue, for, in these two parts of the Empire, there is a large Indian population whose labours come into competition with those of their white population. With a new angle of vision, and with the broader statesmanship of to-day, I hope labour competition will not be allowed to interfere with the establishment of equal citizenship for Indians in all parts of the British Empire.

Sir, I hope this Council will excuse me if I go into a bit of the history of this complicated question. It is nearly 300 years that the Indians began to emigrate into East Africa, and it has been recognised by English authorities that the Indian emigrants have been the pioneers of civilisation, trade and agriculture in that part of the world, and they were the first to establish a link between the Indian Ocean and the interior of Africa, and that it was by their labour that a railway was constructed from the coast to the lake Victoria Nyanza. It is universally recognised that the Indians have made Kenya or Eastern Africa what it is to-day. To-day, Kenya has nearly 30,000 Indians, while its European population does not exceed more than 8,000.....

THE HONOURABLE THE PRESIDENT: I would point out this debate has gone on for a long time and, in the circumstances, I would ask the Honourable Maharaja, as far as possible, to avoid dealing with arguments which have already been set forth at considerable length.

THE HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY: Yet, it is strange that, for the benefit of this small community, grave injustices have been inflicted on the larger Indian community. In July 1920, a new constitution created the Kenya Colony, out of Eastern Africa, with the status of a Crown Colony, the object of which was to confine the Indians, as far as possible, to the low-lands around Mombassa and to reserve the delectable uplands around Nairobi for European settlement or, in other words, to give legal validity to

[Sir. Manindra Chandra Nandy.]

the differences between the races started in 1902. This territorial division for racial purposes on the ground of 'sanitation' is the beginning of the present trouble and unrest among the Indian emigrants in East Africa. The Segregation of Races Rules and the Town Planning Scheme Ordinance, initiated in 1919 in consequence of a report made by Professor Simpson more than eight years ago, have practically condemned the Indians to the position of mere helots. That is not all. The Indians in Kenya cannot buy lands nor go about wherever they please; they are practically excluded from the legal and medical professions, and, lastly, they have hardly any educational facilities; and though they are as many as 3 to 1, they have the right to send only two representatives to the Council, while the European minority can send as many as 11. This position seems to be most galling, and this racial segregation wounds the Indians in their pride and honour, especially because it is so shamelessly based on 'sanitary grounds.' Lord Chelmsford, in 1920, enunciated the principle that, in a Crown Colony or Protectorate, Indian subjects ought not to be given a lower status than any other British subjects, but Lord Milner unfortunately did not act up to it. That is the position that we are all anxious to secure for Indian emigrants in that part of the British Empire, and justice and equity support our claim. With that view, I have very great pleasure in supporting the Honourable Lalubhai Samaldas' Resolution.

The HONOURABLE MR. G. S. KHAPARDE : Sir, when about two years ago, Sir Benjamin Robertson who was then Chief Commissioner of the Central Provinces, was appointed to proceed to Africa to inquire into questions affecting Indians there, I moved a Resolution in the Old Legislative Council—which I am very glad to say was accepted by Government asking that questions relating to all Indians there be referred to him. Then numerous communications and reports were issued by Government relating to those questions, and the conclusions which the Government of India came to on questions I raised were communicated to him and acted upon. Now those conclusions were urged, I believe, on non-historical grounds and it is in this connection that I wish to show Honourable Members an analogy and that analogy is in regard to our Joint Hindu Family System about which every body knows. In our system of Joint Hindu Family it was originally the head of the family who ruled the house—generally the father—but there came a time when his sons grew up to be responsible persons and he was compelled to admit them into his counsels, and they had a voice then in settling family matters. Now, this is the point in the analogy which the British Government has reached because it has not only Great Britain but all its Colonies and I look upon those Colonies as the sons. All those sons should be brought together and included in the counsels of the Head of the family—the British Government—and they should have a voice in determining questions relating to the welfare of the family. I want to hear the Colonies spoken of as British Africa, British Australia and British India and so on, because it will show that they all belong to one united family.

Unfortunately a question has cropped up as to White Africa, next I suppose we shall hear of Brown Africa—a Black Africa. If you will refer back again to my analogy in regard to the Hindu Joint Family System, what do you find? You will find that we do not inquire into all the why's and wherefore's of different things. One member of the family may have thousands of

rupees coming in every month from his profession; his brother may remain at home to look after the property and estates and yet another brother may have no money at all, what does it matter? They do not question each other as to why one should have this and another that, the wealth or whatever is possessed is divided equally into shares, so that all members of the family are happy and contented.

I humbly submit that historical considerations of this kind are important and worthy of consideration, but they must be subordinated to the necessities of the present situation.

We have heard statements in regard to people entering Africa. It does not matter one jot who entered first or who entered last, who carried a sword or who went in with only a pen or the identity of the idler who remained at home and wrote poems. Everything should be done in accordance with the law of equality. When settling family disputes, I have found it useful to apply this law to my clients. I should never say to a client "who does all the work" or "who does no work," "who spends all the money." No I should say: "kindly find out what the property is and divide it equally." These considerations and principles do not apply only to family disputes, but they apply generally. I should not hesitate to apply them to any question—even international questions. It would have been better in the past, when people settled in a country, for them to have partitioned their land off in equal shares. A lot of trouble would have been avoided. This reminds me of the question referred to by my Honourable friend Mr. Lalubhai Samaldas regarding a dispute about some highlands. In this case, equity is equality, and those highlands should have been divided equally amongst the persons concerned. If a highway was required by all means have it, there surely would be no objection.

The word "partnership" has been mentioned often enough. I do not like that word. It is not a nice word as it is based on contract, and contract means three persons with a judge between them.

I want to see a union of British independent nations. Or if you like to call it, a union of free nations, or some such phrase. The phrase 'partnership' will have to be dropped; all considerations of history will have to be dropped, and those other things which make for differences will have to be dropped. We must look upon ourselves as free people who have voluntarily put all their belongings together, and we want to share them together, and, as far as possible, meet the convenience of each by limiting our own rights by the rights of others and the rights of others by our own rights. In that way a solution should be reached. I am sure that, if all these disputes and all these troubles were looked at from this angle of vision, namely, regarding it as one family, the solution would prove easy. With these words I have great pleasure in supporting the proposition put forward by my Honourable friend Mr. Lalubhai.

The HONOURABLE MR. B. N. SARMA : Sir, if I did not intervene in the debate earlier, it was because a desire was expressed that the mind of the country should be expressed through its chosen representatives in this House in order that the hands of the Government may be strengthened, if need be, in securing the rights of Indians in British East Africa. The Resolution asks that the Government should take immediately all necessary steps for the purpose of giving effect to the recommendations made in the Despatch of 20th October. We stand by that Despatch. There

[Mr. B. N. Sarma.]

is no need to add to or subtract from it. We have been taking all the necessary steps to see that effect is given to it. We are not asleep. Negotiations are going on between the Colonial Office and the India Office representing us, and I may assure Honourable Members that we have every reason to hope that a satisfactory solution would be arrived at and announced, ere long. Under these circumstances, it is unnecessary for me to enter into a critical examination as to the accuracy or inaccuracy of particular facts, figures or arguments advanced by various Members in support of this Resolution. The Government of India have for a long time been unwilling to agree to any limitation on the right of British Indians to emigrate to any part of the British Empire. But, in order to promote the solidarity of the Empire, to prevent as far as possible friction, and racial or economic jealousy (or misunderstanding between the component parts thereof, and to bring about a harmonious and amicable settlement thereof, though they have agreed to limitations being placed upon this unrestricted right for which they have contended for very long, a Resolution has been carried by which it has been tacitly understood—expressly understood, I might say—that in so far as British Indians have lawfully migrated to any part of the British Empire, they shall be treated on perfectly equal terms with the rest of His Majesty's subjects, and that the Government of India and the Dominions in general should agree to the principle that each component part should have freedom to determine as to what the composition of its population should be. I am glad to say that this principle has been re-enunciated and accepted at the recent Imperial Conference. It has been recognised, except to a very limited extent—and even here we are not hopeless that soon different counsels will prevail—that Indians shall be treated as entitled to an equal status in every part of His Majesty's Dominions. Now, with reference to Kenya or British East Africa, I believe there would not be any very great difficulty, although I have no warrant for announcing any decision, in the way of the Government's proposals with regard to franchise, general and municipal, freedom to live in any part of the country, freedom in regard to trade and other important and essential matters being accepted on the lines on which both the Government and the people of this country desire to see a settlement. Honourable Members, I am glad, have adopted a moderate tone in the debate and have not expressed the keenness of their resentment or any bitterness of feeling towards particular sections. I may assure Honourable Members that expression of resentment, and unnecessary warmth, would only handicap us in our struggle to secure better treatment and recognition of equality for Indians in all parts of the Empire. Moderation would never be misunderstood as being tantamount to weakness, and we must also realise to a certain extent that, whatever may have been the reasons for it, disappointment is felt by some of our fellow European subjects, and that the fault did not always lie on one side. If there has been bitterness of feeling expressed by Europeans, bitterness of feeling has been expressed by Indians also. But it is useless to enlarge upon this passing phase of the struggle, because I feel sure that, when the British Empire has resolved upon a particular course of action as it has in the Imperial Conference, there cannot be, and there will not be, any deviation from that accepted principle. Honourable Members have stated that in matters of franchise, Indians have not been treated fairly. I have already alluded to the fact that we have reason to hope that on the essential question of franchise, both general as well as municipal, there would be no distinction

between any portion of His Majesty's subjects; and with regard to segregation, asking Indians to settle down in particular localities, and so on, I do not think any such distinction would be allowed. I may also point out, if it were necessary to do so, that there is no reason for alarm on either side. We are not dealing with the question of a self-governing Dominion. We are dealing with the question of a British Colony where, as far as we can foresee, there must be a large official majority; that is, that the Government of British Africa must be subject to the paramount will of the British Parliament. If that be so, then the British interests would and could never be sacrificed. British rights would always be respected and there would be no danger of any lower type of civilisation being allowed to have its sway in that land. Therefore, it seems to me that it is a trifle premature for any alarm being felt by our fellow European British subjects on this score. Nor is there any necessity for any great alarm on the part of the Indian public either. Inasmuch as the essential control of the Colony must remain subject to the will of the British Parliament, it ought not to make any very great difference whether the franchise immediately secures proportionate number or not. Still, I think, we are on the right road in asking for a wider franchise, and we shall never deviate from the demand for perfect equality in respect of electoral qualification and in respect of every other essential matter, and I do not think it does count at all as to whether the Indians go in sufficiently large numbers on an equal franchise into the Legislative Councils or the Municipal Councils, although it may be possible that, in the not distant future, their numbers will increase to adequately and justly represent their interests. Allusion has been made again to the Highlands. I would ask my Indian friends to remember that, whatever may have been the reasons for it, and whether the reasons are perfectly justifiable or not, a large section of the European population there seem to consider that a pledge has been given that certain rights of theirs would be protected in the Highlands, and I am sure that everyone would agree that no Government would like to have its honesty impugned or an accusation made against it that it has violated its pledges, and, as has been pointed out by Sir B. C. Mitter, inasmuch as practically the whole land is stated to have been parcelled out, it is not a practical question to go into the genesis of the policy or the course of conduct which led the European community to understand it to be a pledge from which the Government should never deviate. The Government of India have in their Despatch never asked that any pledge should be broken, but have urged, and I think rightly, that there is no necessity for any embargo being placed upon free transfers, and I will only suggest one argument for the consideration of those who may hold a different view, namely, that it does not seem right or dignified that any community which is so self-reliant, so freedom-loving and so assertive as the British, should ask for protection which seems to be the peculiar privilege of the weak and of helpless minorities. I do not think the British settlers will suffer by free transfer being allowed. I know that we tried this experiment of *Varnashrama* in ancient India or perhaps in mediæval India, and I would ask those that now believe in it in Africa to read Indian history with some advantage and profit to themselves. None of these problems seems to be a new problem. We have tried the experiment and we have arrived at the conclusion that it does not pay. Still, I think Honourable Members will realise that the Government are in some difficulty and would have to take the European community with them as far as possible and to see that their sense of fair play and justice is not rudely shocked. I need not say anything more on it but that the Government of India are

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still of the same opinion as was expressed on this subject in their Despatch. I think the suggestion that the Colonial Office, if they are not equal to the task, might hand over the government to the India Office was meant more to indicate a feeling of irritation of the community expressed by the Honourable the Mover who has been scrupulously moderate in his tone, I must acknowledge, than a practical proposition advanced for serious consideration, and the arguments against it have been so well set forth by Sir B. C. Mitter that I need hardly allude to them again. The Honourable Sir Umar Hayat Khan expressed disappointment that the hopes that were raised that some part of Africa would be reserved for the soldiers or for Indians generally, have been disappointed. I do not think that on this subject there is any justification for any disappointment being felt. With regard to German East Africa, now known as Tanganika, which is a territory administered under a mandate, people of all nationalities within the British Empire have absolutely equal rights, and consequently it would not be open to His Majesty's Government to show any favouritism to any section of the community. But we were asked as to whether any tracts therein should be reserved for Indians. An inquiry was set on foot and it was found that the country was absolutely unsuited for colonisation by small farmers, and the climate, the surroundings, the money and the labour necessary render only large farming and large estates possible at present. Consequently the colonisation scheme which at one time was hoped would be possible could not be embarked upon. Even, apart from that, it was felt that if any portion should be reserved for Indians other people would have an equal right to say: "Now that you have asked for some reservation you have no right to be treated on an absolutely equal footing elsewhere. The moment you ask for reservation and special rights other communities would have equal claims to differentiation and special reservation. Therefore, the Government of India felt that they will be perfectly right in asking for absolute equality of status, for absolute equality of opportunity of perfect freedom of action and for no favour, and in this respect they are supported, I believe, by the Indian National Congress. And I am sure the people of India are behind the Government in asking that throughout His Majesty's Dominions Indians do not want any favour, do not seek any favour, but only ask for fair play, freedom and absolute equality of opportunities. And I think therefore that, in view of the facts I have explained, the Honourable Sir Umar Hayat Khan will realise that there is no reason to be dissatisfied, either with the action of the Government of India, or His Majesty's Government in this respect; and the fact that His Majesty's Government have respected the wishes of the Indian people and the Indian Government in ratifying at the Imperial Conference the principle of equality of status for which we have been fighting, is clearly indicative that our struggle in that behalf has not been in vain.

I hope, therefore, that I have said enough to convince the Honourable Members of this House that the Government are alive to the importance of this subject; that they will do all that lies in their power that may be humanly possible to defend the cause of the Indian community, and that they are fully conscious that the people in East Africa, as well as His Majesty's Government, are fully aware of the fact that behind this policy of the Government are the people arrayed in solid phalanx. We may, therefore, hope for an early, reasonable, moderate and satisfactory solution of this difficult question. I may say that the Government are willing to accept the Resolution,

The HONOURABLE SARDAR JOGENDRA SINGH : Sir, I simply want to congratulate the Government of India on the bold stand that they 12-31 P.M. have taken for Indian rights in their Despatch which was submitted to the Secretary of State. A precedent was set by Lord Hardinge who publicly declared himself as the defender of Indian rights. I am glad to see our Government to-day takes the same stand that Indian rights everywhere shall be respected and enforced by the Government of India as far as it lies in their power. It hurts one to hear of the white man, the black man and the brown man. We all belong to the same household. The British Empire is growing into a circle of self-governing Dominions. As British citizens we belong to one great Empire working for human happiness and human freedom. The new economic forces that are coming into existence are working towards a greater unity and that is why I am a declared free trader, because free trade will link us together, and we shall feel that in this great Empire we can freely interchange each other's produce and attain a large prosperity. The very easy way which the Honourable Mr. Khaparde suggested of taking the British Empire as a huge Hindu joint family, I think is a very nice one indeed, if the British people were willing to admit us into that kind of partnership. We would profit by it indeed. The sleeping partner in a big business has the best of everything, and I think the British people hardly realised, when they invited us to be partners in this great household, that a Hindu in India was to stand up and say: "I am going to have all the advantages and take as little responsibility as possible." You see, the head of a Hindu family is very often a long-suffering man. He has to provide for so many people who do not work. Is India going to be such a partner?

I shall not take up the time of the House, but with one more word I shall conclude. The telling speech which the Honourable Sir Umar Hayat Khan delivered, showed the sacrifices made by our Indian soldiers in East Africa. I hope the British people in East Africa will not forget the debt they owe to the dead and keep faith with them. Sir Theodore Morrison, who was a Member of the Secretary of State's Council, wrote a book in which he actually promised the handing over of East Africa to the Indians, and that is the pledge by which we stand to-day.

The HONOURABLE MR. LALUBHAI SAMALDAS : Sir, I should just 12-35 P.M. like to say a few words.....

The HONOURABLE THE PRESIDENT : I would remind the Honourable Member that this debate has gone to a great length and ask him to be as brief as possible.

The HONOURABLE MR. LALUBHAI SAMALDAS : Sir, I am very grateful to Honourable Members for the way in which they have supported me, and I am also grateful to Government for having accepted this Resolution. I have only one word to say in justification of what fell from the Honourable Sir Umar Hayat Khan. The Honourable Member on behalf of Government has replied about German East Africa, but he has not replied about or referred to British East Africa, where, as I say, 1,500 farms of millions of acres have been given to British soldiers, and not a single acre has been given to Indian soldiers. If anybody is responsible for that remark it is not the Honourable Sir Umar Hayat Khan, I will take the responsibility for it.



[Mr. Lalubhai Samaldas.]

I am very thankful to Government for the way in which they have accepted my Resolution, and I hope that they will succeed in getting the Secretary of State for the Colonies to accede to our requests.

THE HONOURABLE THE PRESIDENT: The question is that the following Resolution be adopted:

'This Council recommends to the Governor General in Council to take immediately all necessary steps to secure effect being given to the policy of equality of status for Indians in the East African Colonies and Protectorates in every respect as laid down in the Government of India Despatch on the subject.'

The Resolution was adopted.

### RESOLUTION *re* UNIFORM SYSTEM OF WEIGHTS AND MEASURES.

The HONOURABLE DR. GANGANATH JHA: Sir, I rise to move the following Resolution:  
12-37 P.M.

'This Council recommends to the Governor General in Council that the time has now arrived for securing by legislation the use of a uniform system of weights and measures throughout British India.'

I do not know, Sir, if, in the face of Act XXXI of 1871, it is necessary to have recourse to further legislation. I am advised that that Act contains all the legislation that is necessary in the case, and that all that the Government of India has got to do, is to declare that the time has arrived for enforcing the provisions of that Act. But, not being a lawyer, Sir, I do not know if that view is correct. Therefore, I retain the words 'securing by legislation.'

Sir, this subject has got a history behind it. So early as 1870, a Bill for regulating the weights and measures of British India was introduced into the Imperial Council by Colonel Strachey. Even then a discussion on the subject had gone on for over 30 years, and I shall not be wrong if I quote here what Colonel Strachey said with regard to the difficulties prevailing in the country at that time. He said:

Throughout India the old standard of weight seems almost universally to have been the current coin of the locality, and the multiplicity of coinage has been, and is still, accompanied by an equal or even greater multiplicity of weights. Not only do the weights vary from province to province, but from town to town, and even within the same town or rural district. Different weights are used in various trades in the sale of different commodities and in wholesale and retail transactions.'

(At this stage the Honourable the President vacated the Chair, which was occupied by the Honourable Sir Dinshaw Wacha.)

I shall not quote any extensive extracts but will add to what was said then by Colonel Strachey that the condition of things now prevalent in India, even though now we have a single coinage is not better than what it was 50 years ago. In the same town of Benares we have got a number of seers ranging from the standard seer of 80 rupees, to 85, 86 and even 87 rupees. In the same province, in Gorakhpur, I understand, there is a seer of 128 rupees. In Bengal, the Calcutta bazar seer is 80 rupees, the Serampore seer is 80 rupees, the Hughli seer is 82 rupees. Coming to the United Provinces again, the Lucknow seer is 96 rupees and so also in parts of Allahabad. In certain places

in Bihar, especially in the villages, we have seers ranging from 48 rupees to 88 rupees, and in the villages I know this is a constant source of dispute and of fraud committed by traders on the poor villagers who do not understand the various weights. The worst sinner perhaps in this respect is the Bombay Presidency where they have a seer of Rs. 28. If a man from North India were to go to Bombay and send his servant to the bazar to buy half a seer or quarter of a seer of food, thinking of the North India seer, he would have to go hungry. This has happened in more than one case. That it is a source of fraudulent transactions was admitted by Colonel Strachey so long ago as 1870, and a Bill was passed on the 1st April 1870, regulating weights and measures; but this Bill, for some reason or other which I have not been able to trace, for certain objections, it is stated in one of the proceedings, taken by the Secretary of State against certain details, did not receive the necessary assent; and then Colonel Strachey brought in another Bill in an amended form, omitting the parts to which objection had been taken, and this was finally passed on the 30th October 1871, and is now called the Indian Weights and Measures of Capacity Act. But this enactment, I am told, is purely permissive and it has never been enforced. It was not enforced at the time because it was thought that it was premature to enforce it. It was then thought premature to make people turn from the habits to which they had been accustomed for a long time; but now I do not feel the slightest hesitation in saying that people have become accustomed to the standard seer and that they would all welcome any action taken by the Government in this connection. The only persons perhaps who may object to it would be the dishonest petty traders who make capital out of this diversity. Seeing that there is such diversity from province to province, it is possible that there may be some difficulties in forcing the same standard on all the provinces; though I do not apprehend any such difficulties, because in all railways, in all Government transactions, I believe standard weights are always laid stress upon and no difficulty is felt; but if there be any insuperable difficulties in laying down one system at the present time throughout the country, I hope that time will not be lost and that steps will be taken to secure uniformity at least from province to province. I have been told by some friends that this is a matter in which the Government need not interfere and that the matter will adjust itself. But I have the authority of our ancient law-giver, Manu, in saying that the regulation of weights and measures is one of the principal duties of the Government. It is declared by him among the principal duties of the King that "all weights and measures should be duly fixed and that they should be re-examined every six months;" whereas it is only after fifty years that I am requesting the Government to look into the matter.

The HONOURABLE MR. PHIROZE C. SETHNA: Sir, in a country as vast as India, where there prevail so many religions and where so many dozens of languages are spoken, it is nothing unusual to expect that there should be quite a number of systems of weights and measures. But while, Sir, it is almost impossible that the country should profess one religion and talk one language, I think it would be helping very greatly the best interests of the country if legislation could be introduced whereby a uniform system of weights and measures could be adopted all over the country. Sir, there has been a great increase of communications in India during the last fifty years; there has been the spread of commerce and industry and the different systems of weights and measures does cause very serious confusion and incon-



[Mr. Phiroze C. Sethna.]

venience. It is not that either the Central Government or the Provincial Governments have been idle over the question; the matter has received their attention on different occasions. The latest was in 1912-13 when a Committee was appointed which published a most elaborate report making certain recommendations; but even these recommendations have not been given effect to throughout the country.

Now, Sir, this Committee was of opinion that, judging from the weight of evidence before them, the country would be prepared to accept a uniform system of weights and measures, provided there was not too radical a change, and the Committee observed that they considered uniformity, subject to this proviso, to be both advisable and necessary. The Committee were however divided in opinion whether they should recommend the metric system or some system which perhaps would suit the country better and with which they were more familiar. One of the Members of the Committee, Mr. Campbell, from Madras, was strongly in favour of the metric system, but the other two Members, namely, the Chairman, Mr. Silbred, and Mr. Rustomji Faridoonji, were strongly in favour of a uniform system which was more in conformity with what prevailed in the country. Their argument was that in the first place the metric system in spite of repeated efforts in the House of Commons had not been introduced in the United Kingdom. Further, that if the metric system were adopted here, the number of transactions which we would have with countries which have adopted the metric system would be comparatively very few; in fact as against one such transaction, they say that there will be ten thousand transactions in this country in which such uniformity could not be of the least advantage and for which mere internal uniformity would be sufficient. They, therefore, suggested that we should adopt the seer which is used all over the country by the different railways, a seer of 80 tolas and 40 seers to the maund, which 40 seers or one maund would be equal to 82 2-7 lbs. This system of weights is adopted by every railway in the country, and therefore the people, while they use many other systems, are certainly familiar with the railway system; and if Government want to make a move towards uniformity they cannot do better than introduce this system. I say this system is known all through India, though I must admit that in Burma the railway weights are different and not as in this country.

The Committee point out that if persuasive methods are adopted by those in authority they certainly would be able to effect a very rapid change in a short time, and the Committee particularly refer to the good work done in the Bombay Presidency by one Collector in particular. My Honourable friend, the Mover, referred to Bombay as being the greatest sinner in respect of the number of different standards of weights and measures that they have. I quite agree with him; and yet in Eastern Khandesh, where these many different systems did prevail, the Collector, Mr. Simcox, by his personal influence was able to introduce the railway system to the exclusion of all others with great success. This is what the Committee says:

'Standard weights and measures based on the rules in Eastern Khandesh should be prescribed by Government for the whole Presidency. From Mr. Simcox's report it will be seen that in the course of three years people of Eastern Khandesh were gradually induced to adopt throughout the district uniform weights and measures of capacity.'

(At this stage the Honourable Sir Dinshaw Wacha vacated the Chair and the Honourable the President resumed it.)

Prior to the appointment of the Committee of the Government of India, there was a local Committee appointed by the Government of Bombay presided over by Mr. Orr, and there is reference in the Government of India's Report to Mr. Orr's Committee as follows:—

'Mr. Orr's Committee found that his (Mr. Simcox's) action was so highly appreciated by the people of Eastern Khandesh, that Mr. Simcox had no difficulty in enforcing the use of his standard weights and measures to the exclusion of all others, by his own personal influence and without the aid of legislation.'

While, therefore, I acknowledge there is considerable difficulty in the matter, yet if Government will persuade every Collector to try and reconcile the people to a uniform system and give them a sufficient time to do it in, and thereafter introduce legislation, I think a step will be taken in the direction which will prove as time goes on of very great benefit to the commerce of this country.

The HONOURABLE SIR E. J. HOLBERTON: Sir, as has been pointed out by several speakers, legislation has actually been passed on these subjects in the past, but it has only been permissive legislation, and it has not been brought into active operation. There is no question that the Government intend carrying out any executive orders on the matter. I fancy that, when the question has been considered, it has been generally the voices of the big merchants in the big towns that have been heard; but if legislation on the subject of weights and measures is introduced, it will presumably become necessary for everyone of the various Provinces of this Empire to use a similar scale and any other scale or system which may have been in use in the past will become positively illegal. I can speak with some authority with reference to my own province, and I can tell you that the vast majority of people up-country do not understand the English language and any system of weights and measures which is introduced would, I think, be extraordinarily difficult to apply in the case of uneducated people. If you wander about up there in the jungles and villages, you will find that there are recognised systems imposed and weighing is done by tokens of various sizes and various weights all founded more or less on the weight of so many rupees. Even, in Burma, it is found quite impossible to check all these weights, and I fancy that the people are perfectly satisfied with their present system. Another objection which seems to me must come forward with reference to my own province, is that the standard of India, whatever its varying weights may be, is the seer. A seer is unknown to us in Burma. We deal in *visses* or as the Burmese call them *pathethas*. Surely, it would be unjust to found any system of weights and measures for the whole of the Empire on a system which has been founded on the seer. Far worse would it be at the present stage of education to found any system on an English or Continental method as the Metric system. I do hope that this House will remember the reasons which caused the Government of India—as we shall hear explained presently—to take no action on the past, and to dash in and impose on the population which is uneducated a uniform system of weights and measures which would undoubtedly entail great hardship, would be unwise, and would make them, through no fault of their own, liable to criminal prosecution for using weights not in exact accordance with the rules laid down.

The HONOURABLE SARDAR JOGENDRA SINGH: Mr. President, the objection of my Honourable friend Sir Edgar Holberton to the Resolution moved by the Honourable Dr. Ganganath Jha arises from the fear that the people in the villages will not be able to understand

[Sardar Jogendra Singh.]

standard weights and measures, and that in Burma the people use *vises* or *pathethas*; while in our country the "seer" predominates. He went on to say that it was the voice only of the big merchants in the large towns which was raised for a change and that the villagers were quite happy and contented with the various weights and measures which they used.

I wish to say, Sir, from my own experience in various Provinces of India that it is the villagers who really suffer under the present system because they have varying weights—there is no uniformity and they never know the real market price of their produce. You will find that the *Bania* who buys the villagers' produce uses his own weights and which very often vary from village to village. In any case the villager is unable to find out the real price of his produce and what should he get for it. The Railway maund is the standard in large markets, and even now the law requires that village weights and measures ought to bear a fixed relation to the Railway maund. Only it is impossible to check pieces of stone which the village merchant uses though he is liable to be prosecuted for using wrong weights.

Therefore, Sir, I strongly support the Resolution moved by my friend the Honourable Dr. Ganganath Jha for the sake of the village people whose ignorance is so often exploited by small traders.

There is no reason why we should change the names with which we are familiar. The easiest way would be to approximate the maund, and the seer, the chattak and the tola to a metric system working up to a metric ton, but retaining maund and seer, etc., as heretofore. Such a scheme was advocated by Mr. Padshah in the Sugar Committee's report.

In the interests of the ignorant villagers, such a system, if introduced, would be of great benefit, and would enable them to know what the real rates in the big markets were, and when they sell their produce they would know at what rate they should sell their produce.

I therefore strongly support Dr. Ganganath Jha's Resolution, and I think the Government would be well advised if they pass some sort of legislation regarding weights and measures. The argument that in India different religions exist and so varying weights and measures are not without their interest cannot stand, because all over the world the tendency is to use metric measures.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: Sir, in regard to my own Province the Punjab, I may say that the weight of one seer is equal to the weight of 80 rupees and there are 40 seers to a maund. I think it has been said by the Government and all the people know that the difficulty arises where a *Bania* has two measures—one with which to sell and the other for the purpose of buying.....

The HONOURABLE the PRESIDENT: Those remarks hardly arise on the Resolution.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: Yes, Sir, but this sort of thing will go on. Deputy Commissioners have power to check it but it is not often checked. That is corruption which it is difficult to check, but the power is there and it is vested in the Deputy Commissioner.

These practices go on in the Punjab, but there is a bigger question which is that these practices are prevalent all over India, and I should like to know whether there is going to be a standard set of weights and measures, and whether they are going to be uniform or not. And I think it is absolutely desirable that there should be one, and for that I strongly support the Resolution.

The HONOURABLE MR. V. G. KALE: Sir, there are two things which have come out clearly from the discussion which has already taken place on this Resolution. The first is, the serious inconvenience that is caused by the multiplicity of weights and measures that we have in this country and the consequent urgent necessity of having a uniform standard of weights and measures, and secondly, the extreme difficulty that will be encountered in inducing ignorant people, ignorant ryots and others to accept the new standard of weights and measures that may be adopted by legislation. I think the best course that will have to be followed will be to reconcile these two. There is no doubt about the facts of the inconvenience that exists at the present moment on account of the prevalent system of multiplicity of weights and measures. But at the same time I have no doubt that there will be at the outset a lot of misunderstanding, misrepresentation and also discontent among ignorant people, and there will be an outcry as there was an outcry at one time in England. 'Give us back our eleven days'; 'Give us back our old weights; Give us our Seers and Maunds,' that would be the cry which would be heard on all sides. Because people have long been accustomed to certain weights and measures, they think that they should not be deprived of them. Therefore, a sort of educative propaganda will have to be carried on for some time, and if it is done by officials and non-officials, and if the people are convinced that they will derive an advantage from the reform which is going to be introduced, then, and then only, they will take kindly to the innovation that will be introduced. In the past troubles have arisen in a number of such cases. If a new market place is erected for the sale of vegetables, people would not go there. In the city of Poona there have been troubles bordering on actual riots in this connection. The Reay market was erected and people were being induced to go from the old place which was a dirty place to the new market. They would not however go. They were at length prevailed upon to go to the new place and now they soon found themselves very happy in the new place. Similarly, new measures have been adopted with regard to the sale of milk. There was a lot of discontent in that connection also. But bit by bit, gradually, the advantage of the reform has been brought home to the minds of the people. If we proceed in this fashion, then, and then only, it will be possible for us to introduce the change and by mere legislation nothing can be effected. There must be this educative propaganda. Even enlightened merchants and others in Bombay have not adopted the standard time yet when standard time has been adopted everywhere else.

(An Honourable Member: It is a matter of self-respect.)

If it is a matter of self-respect with the people of Bombay that they do not adopt it, how can they expect poor people, ignorant ryots and others to adopt the standard weights and measures? If the difficulty is there with enlightened men, still more will be the difficulty felt with ignorant and superstitious people. Therefore we have to walk warily in adopting this reform, and must first of all try to educate public opinion in the market.

The HONOURABLE SIR MANECKJI DADABHOY: Sir, though I acknowledge that there is a great deal of common sense in what my Honourable friend Dr. Ganganath Jha has said this morning in support of his Resolution, I think we are beset with difficulties of such an insuperable character that any general legislation which is contemplated by the Resolution would be wholly impracticable. I share the apprehensions which my friend the Honourable Mr. Kale has so pithily put before this Council. In the first instance, if you wish to undertake legislation on the subject and desire to adopt a measure of general application, educational propaganda of a very wide character, as suggested by the Honourable Mr. Kale, will be required. I am perfectly aware, and I agree with my Honourable friend Sardar Jogendra Singh, that a great deal of fraud is being practised under the present system of weights and measures. But my fear is that if you have one system throughout a big Continent like India, the fraud will be on a much larger scale than what is being practised at present, because all classes of people will be unaware of the new system and will take time to understand the altered system of weights and measures, and there will be serious difficulty in actual practice. It is true, as my learned friend has pointed out, that the great law-giver, Manu, has said that it is the duty of Government to legislate in the matter of weights and measures. The great law-giver enjoins on Government the duty of revising weights and measures every six months. But my friend will perhaps agree that in the time of Manu the volume of trade was not so great as it is now. The volume of trade and business which is now going on is of a vast character, and I do not think that if Manu had lived in the present generation, he would have put forward the doctrine which has been referred to by my Honourable Friend. I, however, think that some sort of move must be made in this connection. My Honourable Friend, Mr. Sethna, has very rightly pointed out the steps taken in Khandesh by the Collector to introduce in his own district a uniform system which was readily taken up by various merchants and successfully put into operation there. If similar steps are taken in various districts at first, and the system gradually legalised and brought into operation, it would be all well and good. I also think that if any legislation is to be undertaken, the Provinces must arrange for their own legislation. It would be easier in the provinces to settle weights and measures and standardize them than to standardize for the whole of India. If a beginning is first made in the provinces by the introduction of provincial legislation, and if the altered system of weights and measures is worked for a certain period of time successfully, then legislation on a larger scale operating all over India may be safely undertaken. Though I fully, therefore, sympathise with the object of the Resolution, I fear that the time has not arrived for a general legislation of this sort, and therefore, I shall be regretfully compelled to vote against this proposition.

The HONOURABLE MR. H. A. F. LINDSAY: Sir, the recommendations of the Honourable Mover are of the widest interest and importance to India, in fact to almost every householder in this country. They, therefore, merit the closest analysis before Honourable Members pass judgment upon them. The analyses given so far follow two main lines. In the first place, there has been support to the proposal for legislation. In the second, there has been an expression of opinion in favour of slower progress. With the general

principle underlying the Honourable Member's Resolution, I am sure the House will cordially agree. The inconvenience, the opportunities for dishonesty, the general retardation of trade, caused by the incongruity of weights and measures throughout the country, are well known to all. If only some system could be devised by which all the anomalous weights at present in force could be standardized at a single blow, all would be well. But, Sir, can legislation effect this result?

This is the standpoint from which we have to criticise this motion. What would be the result if legislation is imposed? To be effective, Sir, it must be precise. That is to say, it must operate from a precise date with precise provisions and penalties. From a certain date to be given all the existing anomalies are to be set aside, existing weights and measures are to be rendered illegal and a certain Government standard is to be set up which may or may not be known in each particular area to which it applies. We should have to have a distribution of Government standard weights and measures. Would that distribution be made at Government expense or at the expense of the individual who is to use them? That is one of the first questions that has to be answered. If at Government expense, the amount of money required would be considerable. If our existing weights and measures in all their varieties are to be rendered at once illegal, surely the harm that will be caused by that act will be considerable. The hardships to numerous traders, petty shopkeepers, in fact almost every householder in India, if he found that his existing weights had been condemned and that he would be liable to a penalty for using weights which he had been accustomed to for generations past, would be very great.

What then is the alternative? I should like to remind the House of an expression used by my Honourable friend, Sir Maneckji Dadabhoi during yesterday's debate on the Sugar Resolution, to the effect that we must proceed slowly and cautiously, by orderly development and not by radical change. That, Sir, must be our method in dealing with the present Resolution; and, if so, what are the best lines on which to proceed? The Weights and Measures Committee examined three different systems. The first was what is known as the railway system, the seer of 80 tolas and the maund of 40 seers. The second was the British system, and the third the metric system. They voted by a majority in favour of the railway system. Local Governments have since been consulted and have also voted almost unanimously in favour of the railway system. Burma stood out as Burma has its own system and wishes to proceed on its own lines. The basis of the railway system is the seer of 80 tolas, and the tola itself corresponds to the weight of the rupee. It is therefore a system which is likely to be convenient to everybody to whom it applies. There is a simple check ready to all. I suggest, Sir, that it should be left to Local Governments to take such measures as they themselves think convenient to introduce this standard weight. Honourable Members who have spoken before me have made a suggestion. They pointed out that much could be done by way of publicity work, by education in schools and also by municipal action.

What I have said so far refers only to weights. The question of measures is more complicated. The dry and liquid measures apply chiefly to retail transactions, and it is very doubtful whether it is worth the considerable difficulty involved in trying to standardise them. The need for uniformity is

[Mr. H. A. F. Lindsay.]

not so great as in the case of weights. I would suggest, therefore, that measures of capacity and area be omitted from consideration for the present...  
.....

The HONOURABLE THE PRESIDENT: I do not follow the Honourable Member. Is he suggesting a modification of the Resolution?

The HONOURABLE MR. H. A. F. LINDSAY: I am just proposing it.

The HONOURABLE THE PRESIDENT: The Amendment should have been handed in before in that case.

The HONOURABLE MR. H. A. F. LINDSAY: With your permission, Sir, I shall now do so.

The HONOURABLE THE PRESIDENT: A copy of the Amendment should be handed in to the Secretary. The Honourable Member may however proceed with his speech.

The HONOURABLE MR. H. A. F. LINDSAY: May I put in the Amendment?

The HONOURABLE THE PRESIDENT: It should be handed in at the table. Honourable Members may like to see.

The HONOURABLE MR. H. A. F. LINDSAY: To summarise what I have already said, I think Honourable Members will agree that Burma should be left out of consideration for the present. Secondly, I think they will agree that the examination of this question should be confined simply to weights, and that measures should be left out of consideration altogether for the present, and thirdly.....

The HONOURABLE THE PRESIDENT: Order, order. I have received a copy of what purports to be an Amendment, of which no notice has been given to Honourable Members, and which is even now not in a form in which I can put it to the Council. It is extremely undesirable that Government at any rate should not follow the correct procedure regarding the handing in and moving of Amendments. In this case the Honourable Member should have handed in his Amendment before he commenced his speech, or at any rate have been prepared with a type-written copy. I trust that this practice will not be followed in future. In the meantime, I think the Honourable Member had better proceed with his speech.

The HONOURABLE MR. H. A. F. LINDSAY: I apologise, Sir. The three points which I trust the House will accept are, firstly, the exclusion of Burma, secondly, the exclusion of measures from consideration. I hope they will also agree to the third and most important of all, namely, the adoption of the railway system of weights. I have already given the arguments in favour of that system and I trust it will commend itself to the House. The procedure, then, would be for the Government of India to express themselves in favour of the adoption of the railway system of weights. They would also have to place certain standard weights probably in the Presidency-towns, and it would be left then to Local Governments to introduce these standards according to their individual conditions, and to take such steps as they choose to bring these standards to the notice of municipalities and business-men throughout the various Provinces.

The HONOURABLE SARDAR JOGENDRA SINGH: Sir, may I speak on the points raised by the Honourable Mr. Lindsay?

The HONOURABLE THE PRESIDENT: The Amendment is not yet before the House.

The HONOURABLE MR. LALUBHAI SAMALDAS: I have only to add one word to what fell from the Honourable Member. He, I believe, suggests that the railway weights should be accepted. May I beg to draw the attention of the Council to the fact that the Indian Cotton Committee considered this question very carefully and came to the unanimous conclusion that that system cannot be adopted and ought not to be adopted.

The HONOURABLE THE PRESIDENT: The objection to the procedure which has been adopted is manifest. We are now kept waiting whilst the Amendment is being put into shape. There is no Amendment before the Council, and therefore there can be no debate upon it now while apparently the House has exhausted itself on the general question.

(After a wait of a few minutes)

The HONOURABLE THE PRESIDENT: The original question was that:

'This Council recommends to the Governor General in Council that the time has now arrived for securing by legislation the use of a uniform system of weights and measures throughout British India.'

Since that question was proposed an Amendment has been moved by the Honourable Mr. Lindsay in the following terms:

'That for the words "the time has now arrived" down to the end of the Resolution, the following words be substituted "the Government of India should declare themselves in favour of the ultimate adoption in India, excluding Burma, of a uniform system of weights based on the scale now in use on the railways".'

That question is now open to debate by the House.

The HONOURABLE DR. GANGANATH JHA: In order to save time, I am ready to accept the Amendment proposed by the Honourable Mr. 1-30 P.M. Lindsay, and agree to its being substituted in favour of my Resolution, because the railway system of weights is a system which would not be suddenly sprung upon the ignorant people. The railway seer and maund is actually known among the ignorant people as the *pucca* seer and the *pucca* maund, that is to say, the real seer and the real maund, and if those seers and maunds are introduced there would be nothing new sprung upon them.

The HONOURABLE MR. LALUBHAI SAMALDAS: I have not got the Amendment with me, but I would like the words "railway system" 1-31 P.M. to be dropped. I would be inclined to accept the words "a uniform system of weights." I do not want the Council to be committed to one system. Let them make a detailed inquiry and see which system would suit the country best. It is, as you said, Sir, that this thing has been put rather abruptly to us whether the railway system is to be adopted and very few of us have had the time to consider whether the railway system will work or not. I therefore suggest that these words be dropped.

The HONOURABLE THE PRESIDENT: To the Amendment proposed by the Honourable Mr. Lindsay a further Amendment has been proposed by the

[The President.]

Honourable Mr. Lalubhai Samaldas, namely, that in the Amendment the words "based on the scale now in use on the railways" should be omitted. That Amendment is now open to debate by the House.

1-33 P.M. The HONOURABLE MR. PHIROZE C. SETHNA : Sir, I rise to speak against the Amendment of the Honourable Mr. Lalubhai Samaldas. The Honourable Member suggests that Government should appoint a Committee to consider which system of weights should be adopted as a uniform system. My Honourable friend forgets that a Committee sat for more than a year. It has published a most elaborate report, and, after going through the evidence of scores of witnesses and after consulting all the Provincial Governments, they came to the conclusion that, if any uniform system were to be adopted, the best uniform system for the country would be the railway system.

I think, therefore, Sir, that it would be a waste of time to have another Committee appointed, and I would therefore strongly support the Amendment of the Honourable Mr. Lindsay.

1-35 P.M. The HONOURABLE MR. H. A. F. LINDSAY : Sir, I trust that this Amendment will not be accepted by the House. The whole question has been thoroughly threshed out. The original Weights and Measures Committee was appointed in 1913-14, and, as the Honourable Mr. Sethna has pointed out, Local Governments have been very fully consulted and have given very careful consideration to the question. I think that, in these circumstances, the adoption of the railway system of weights is almost inevitable.

The Honourable Mr. Lalubhai Samaldas' Amendment was rejected.

The HONOURABLE THE PRESIDENT : The debate can now proceed on the Amendment as proposed by the Honourable Mr. Lindsay.

1-37 P.M. The HONOURABLE SIR MANECKJI DADABHOY : Sir, I support the Honourable Mr. Lindsay's Amendment. I think that Amendment proceeds on the lines of least resistance. I am not enamoured by the proposed Amendment, but I think that, if any system is to be adopted, we shall find by adopting the Honourable Mr. Lindsay's Amendment that we will be able to attain our object. I think that the present railway system of weights is very well known to many people and that they will be willing to adopt it in preference to any other system.

1-39 P.M. The HONOURABLE SARDAR JOGENDRA SINGH : Sir, I do not see that the Honourable Mr. Lindsay's Amendment introduces anything new. The railway system of weights, so far as it goes, is already accepted, and the recommendation as proposed by him, if accepted by this House now, would hardly make any change whatsoever.

There is another point which I feel I must bring to the notice of this House, namely, that we are not taking into consideration whether it will cause discontent or whether it will excite attention. The question before the House is, whether it is right and just to have a fixed standard of weights and measures in the country, and, if it is so, we ought to have it in the right kind of way. I should like the Honourable Mr. Lindsay, when he is replying, to point out what progress has been made since the recommendations of the Committee were made. If no progress has been made, that is merely another way to postpone action. Railway weights and measures are obtaining

all over the country already, but the question is, is it going to be enforced in the villages; is the trader going to be asked to use it? There is no question of using any public funds in adopting new weights. What is needed is legislative sanction, so that every one is compelled to use them. If this House thinks it is preferable to use inaccurate stone weights, it lies with this House to reject the Resolution moved by the Honourable Dr. Ganganath Jha, but if this House thinks it is necessary to have standard weights and measures, it would be as well to express a decided opinion in favour of the change.

The HONOURABLE THE PRESIDENT : The question is that in the Resolution as moved by Dr. Ganganath Jha, for the words "the time has now arrived" down to the end of the Resolution, the following words be substituted:—"The Government of India should declare themselves in favour of the ultimate adoption in India, excluding Burma, of a uniform system of weights based on the scale now in use on the railways."

The Amendment was adopted.

The HONOURABLE THE PRESIDENT : The question now is that the Resolution, which runs as follows :

'That this Council recommends to the Governor General in Council that the Government of India should declare themselves in favour of the ultimate adoption in India, excluding Burma, of a uniform system of weights based on the scale now in use on the railways.'

be adopted.

The Resolution, as amended, was adopted.

The Council then adjourned till Saturday, the 24th instant, at 11 O'clock.

## COUNCIL OF STATE.

*Saturday, the 24th September, 1921.*

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

The HONOURABLE THE PRESIDENT: I understand that a message has been received from the Legislative Assembly through the  
11 A.M. Secretary of that Chamber. Let the message be read.

### MESSAGES FROM LEGISLATIVE ASSEMBLY.

The HONOURABLE THE SECRETARY OF THE COUNCIL: Sir, the message which has been received runs as follows:—

*‘I am directed to inform you that the following Resolution was carried in the Legislative Assembly at their meeting of the 23rd September, 1921:—*

#### INCOME-TAX BILL REFERRED TO JOINT COMMITTEE.

*“That this Assembly do recommend to the Council of State that the Bill to consolidate and amend the law relating to Income-tax and Super-tax be referred to a Joint Committee of this Assembly and of the Council of State, and that the Joint Committee do consist of 16 members.”*

The HONOURABLE THE SECRETARY OF THE COUNCIL: Sir, an other message has been received from the Legislative Assembly, through the Secretary of that Chamber.

The HONOURABLE THE PRESIDENT: Let the message be read.

The HONOURABLE THE SECRETARY OF THE COUNCIL: Sir, the message runs as follows:—

#### MAINTENANCE ORDERS ENFORCEMENT BILL PASSED BY LEGISLATIVE ASSEMBLY.

*‘I am directed to inform you that the Bill to facilitate the enforcement in British India of Maintenance Orders made in other parts of His Majesty’s Dominions and Protectorates and vice versa, which was passed by the Council of State at its meeting of the 28th February, 1921, was passed by the Legislative Assembly at its meeting on the 23rd September, 1921, with the amendments indicated in the attached Statement. The Legislative Assembly requests the concurrence of the Council of State in the Amendments.’*

Sir, with reference to this message, and in accordance with rule 33 of the Indian Legislative Rules, I lay on the table a copy of the Bill as amended by the Legislative Assembly.

#### INDIAN PENAL CODE (AMENDMENT) BILL.

The HONOURABLE THE SECRETARY OF THE COUNCIL: Sir, in accordance with rule 25 of the Indian Legislative Rules, I lay on the table a Bill further to amend the Indian Penal Code, which was passed by the Legislative Assembly at its meeting of the 23rd September, 1921.



[The President.]

The HONOURABLE THE PRESIDENT: Before I call upon the Honourable Mr. Kale to move his Resolution, I must point out to him that, as a result of the discussion in this Council yesterday on the Resolution moved by the Honourable Mr. Lalubhai, a portion of his Resolution falls to the ground. Any reference therein to the Kenya Colony will not now be in order and must be omitted.

# RESOLUTION RE EQUALITY OF STATUS FOR INDIANS IN SOUTH AFRICA.

The HONOURABLE MR. V. G. KALE: In view of the remarks, Sir, 11-5 A.M. which you have made, with your permission, I would like to amend the \*Resolution which stands in my name. I have already given in the Amendment, and it runs like this:

"In line 1, after the word 'that' for the rest of the Resolution insert the following:—

"Early steps be taken to secure equal status for Indians in South Africa."

The HONOURABLE THE PRESIDENT: Does the Honourable Member for Government object to that Amendment?

The HONOURABLE MR. B. N. SARMA: I have no objection to that Amendment, Sir.

The HONOURABLE THE PRESIDENT: The question now before the Council is the Honourable Mr. Kale's Resolution, as amended by him, which runs as follows:—

'This Council recommends to the Governor General in Council that early steps be taken to secure equal status for Indians in South Africa.'

The HONOURABLE MR. V. G. KALE: Sir, with regard to the status of Indians in South Africa, the principle for which we have been contending for a very long time is the principle of equality of status for British subjects in other parts of the British Empire. This principle of equality of status will always be in the background of the picture whenever we are discussing questions about the treatment to be meted out to Indians in any other part of the British Empire. However, so far as South Africa is concerned, as a matter of practical politics and for the purpose of my Resolution, I propose to take my stand upon the Resolutions which have been recently passed by the Imperial Conference of the Prime Ministers of the Empire. For a clearer understanding of the whole problem, I will take the liberty of reading out the Resolutions themselves:

'This Conference has re-affirmed that each community of the British Commonwealth should enjoy complete control over the composition of its own population by restricting immigration from any other communities, but recognises that there is incongruity between the position of India as an equal member of the Empire, and the existence of disabilities upon British Indians lawfully domiciled in some other parts of the Empire, and this Conference therefore is of opinion that, in the interests of the solidarity of the Commonwealth, it is desirable that the rights of such Indians to citizenship should be recognised.'

'The representatives of South Africa regret their inability to accept this Resolution in view of the exceptional circumstances of the greater part of the Union. The representatives of India, while appreciating the acceptance of this Resolution, nevertheless feel bound to record their profound concern at the position of Indians in South Africa, and hope that by negotiations between India and South Africa a way can be found, as soon as may be, to reach a more satisfactory position.'

\* This Council recommends to the Governor General in Council that an early opportunity be taken to discuss with the Indian Legislature the measures to be taken to safeguard the rights and liberties of Indians in Kenya Colony and in South Africa, and to communicate their views to the Secretary of State for India for being pressed on His Majesty's Government and to the Government of the Union of South Africa.

The position in which we therefore stand to-day is this. The Imperial Conference has passed Resolutions in favour of granting equality of status to Indians domiciled in South Africa as in the other parts of the Empire, though, as we were told yesterday, the right of unrestricted emigration to the various parts of the Empire has been waived, and to that extent our demands have been restricted. But even in the matter of Indians domiciled in South Africa, the South African Government is not prepared to accept the position which has been laid down for the guidance of statesmen throughout the Empire, and now it has been left to the Government of the Union of South Africa and the Government of India, by means of negotiations, to arrive at a satisfactory arrangement. My question, therefore, to the Government of India will be, what are they going to do? The responsibility is thrown upon their shoulders. It is contended by many that the position of India has become weaker on account of the fact that negotiations will be left to the Government of India and the Government of the Union of South Africa, whereas if the matter had been left to the Imperial Government with its peculiar prestige behind its back, it would have carried greater influence with South Africa. That is the contention of some. It has, therefore, become all the more necessary to know what attitude the Government of India will take. I have no doubt about the fact that the Government of India will press for an entirely satisfactory solution of the problem from the point of view of the demands of the Indian people. I need not refer here to the various arguments which have been used and will be used by statesmen in South Africa against India's demands. There are the racial argument and the economic argument. But once equality of status has to be accorded to Indians, the racial argument ought not to be brought in. Then, again, with regard to the economic argument, it must be impressed upon the South African statesmen that, if that argument were to be taken to its logical conclusion, a similar stand could be taken by Indians not only against South Africa, but two other parts of the Empire. It is stated that the standard of life of Indians domiciled in South Africa is lower than that of the white population and therefore the Indian people, merchants, petty traders and others compete unfairly with the white settlers, and consequently all important trade is passing out of their hands and this has got to be prohibited. A similar stand it is possible for Indians to take, and they may say that all those Europeans who come to this country have raised the standard of life here, they have introduced luxuries and new things into this country, and they are consequently revolutionising the social and economic life of the country. This will be a stand which might be taken on similar grounds, and consequently I do not think that this sort of argument ought to be advanced against us. If equality of status is to be admitted, it must be admitted whether it is economically beneficial or not. With regard to the racial argument, I have already said that it is too late in the day to advance that plea. I hope the Government of India will, therefore, take up its stand upon the Resolutions which have been passed by the Imperial Conference and upon the inherent claims which have been admitted of equality of status for Indians in the different parts of the Empire. The problem of South Africa is no doubt difficult and delicate. The Imperial Government and the Government of India have here to deal with a self-governing Dominion and the self-governing Dominions' statesmen might plead that, even though they might be willing to accede to the wishes of the Indian public, their people and their Parliaments would not agree. Now I wish that the Government of India should take up the same attitude. The Government of India ought to say to the statesmen in

[Mr. V. G. Kale.]

South Africa that the popular sentiment in India would not tolerate anything less than a complete equality of status for Indians in South Africa. If the people in South Africa would not allow their Government to accord better and more liberal treatment to Indians, the Government of India cannot also be allowed by the people of this country to secure anything less than a complete equality of status for Indians in that part of the Empire. I do not think it is necessary for me to say anything more for commending this Resolution to the acceptance of the Council. With these few words, I beg to move my Resolution.

The HONOURABLE MR. B. N. SARMA : Sir, Honourable Members are aware as to what has passed at the Imperial Conference where our representatives, backed up by the Government of India and the Secretary of State, fought so gallantly India's battles for obtaining recognition of equality of status in respect of all Indians lawfully settled in the self-governing Dominions of His Majesty's Empire. It is a matter for sincere congratulation that all the Dominions, except South Africa, have been able to see their way to accepting the principle and promising to translate that principle into practice. His Excellency the Viceroy has already alluded to a regrettable feature in these negotiations, in that South Africa has not been able to fall into line with the remaining Dominions owing to, it is believed, peculiar difficulties in which the South African statesmen are placed from the pressure of public opinion in that self-governing Dominion. I do not think that any strong language, heated discussion, or lengthy argument would advance the position of Indians in South Africa, and perhaps when delicate negotiations are to be started between India and South Africa, the less said about this matter, the better. We fully appreciate the strength of feeling in this country, and you may rest assured that the Government of India are no less solicitous than the people of India about securing, at the nearest possible date, the recognition of the principle of equality for which they have been fighting for so many years. But Honourable Members will remember that when an agitation is set up, when racial prejudices are strong, it is not so much reason, logic, argument, future welfare, or the requirements of present harmony that tell, as the prejudices that have been roused for certain purposes, prejudices which survive the object with which they have been encouraged. At one time the people of South Africa were labouring under the fear that there would be a large influx from Asia and from India into the country, and that they would be faced with the problem of having to assimilate in their civilisation two complex sets of people, the indigenous population as well as the Asiatic population. I have already told the House yesterday that the Government of India sternly set its face against the recognition of the principle that any part of the British Empire could prevent the citizens of the rest of the Empire from settling down there peacefully and lawfully. But it was found, as a matter of practical experience, that the continuance of the pressing of this principle led only to bitterness and to difficulties, and for the sake of the solidarity of the Empire, it was necessary to recognize the principle that each Dominion may determine for itself the constitution of the peoples forming that Dominion. But that was done, I take it, on the distinct understanding that in so far as there may be any Indians settled in these self-governing Dominions lawfully, they should enjoy absolutely the same status, privileges and rights as the rest

of His Majesty's subjects living in those Dominions. I am sure that when this excitement subsides, when the people of South Africa are in a position to realise calmly and dispassionately the results of a separatist policy, when they see that there is no danger of any influx from Asia, I am sure that they will be in a better mood to support their statesmen in doing justice to the Indians settled down there. Our object must be to try to help our countrymen who have been lawfully settled there to enjoy equal privileges and to make their position as easy and comfortable as possible, and that we should, while taking all possible steps to secure that equality, do nothing which might harm even temporarily their position and make it worse than it is at the present moment. Of course when we judge these things dispassionately, we cannot help regretting that the people of South Africa have not yet begun to see that it would pay the Empire to treat the citizens of the various parts living in these constituent portions fairly and equitably. Nor is there any real cause as far as we can see for an exception in South Africa, because the Indian population settled there, especially with the restrictions on immigration to which all have consented, is so small relatively to the white population that there is no danger of any conflict of interest, economic or otherwise, or of any possible conflict in the civilisations of these two peoples or any possible apprehension that by reason of their numbers there would be small chance of the Indians being assimilated in the larger body. Our position is that the Indians are so few in number there and so many of them are South African born that they have already begun to assimilate themselves into the general body, and adjust themselves to the environment and been given a chance of being educated and treated fairly. There is not the slightest doubt that they would be ornaments to South Africa of whom any people living in that Dominion would be proud. The real difficulty seems to be that in large towns where the proportion of Indians to the rest of the community is fairly large, the idea obtains that there is a vast body of the Indian community living in the Colony. It is the aggregation of peoples in a few localities that gives rise to that impression, and we have had it stated clearly in the South African Commission's Report, that there is absolutely no ground for the apprehension that South Africa is being flooded in the manner in which some people imagine it is. Therefore, Sir, I think the lines along which we shall have to work would be to try and improve the position of Indians there by facilitating their educational advancement and their economic condition, so that it would not lie in the mouth of even the most conservative South African to say that the Indian is not in every respect as good as himself. But I think it will be wrong at the same time for us to expect any very large and sudden change of opinion in South Africa. It is a matter for congratulation that the authorities there have been able to disallow two Ordinances recently passed in Natal. One was the Natal Township Franchise Ordinance, 1921 and the other the Natal Rural Dealers Licensing Ordinance, 1921, which, if allowed to become law, might have endangered still further the position of the Indians in Natal. That shows that we have no reason to be alarmed that the Government of the country would succumb to the prevailing prejudice in some quarters, and we have every reason to hope that they are trying to do their level best to stem the tide of this popular opinion and to guide it into reasonable ways of thinking with regard to the Indian question. The Government have been examining for some time the recommendations of this Report and will shortly express their opinions on the detailed proposals contained therein. I do not think that we need grudge, whatever may be the immediate results, the principle that India is to negotiate directly with South Africa. In

[Mr. B. N. Sarma.]

so far as emigration is concerned, it is a Central subject. The Government of India determine their policy with the consent and approval of the Secretary of State who is a member of the British Cabinet, and consequently we may take it that any representation that is made by the Government of India would be looked upon, and rightly too, as a representation made by a responsible Minister of His Majesty's Government, and I am sure that if there be any necessity the British Government would always back up any reasonable representations that we may have to make to the South African Government. It may be that these negotiations will be facilitated to some extent by direct correspondence, and what is more important is, that there is a tacit recognition of the semi-self-governing status of the British Indian Empire in that she is to negotiate directly with the South African Government. I do not think, therefore, that the exception that Mr. Kale took need be insisted upon. Honourable Members may rest assured that the Government of India would never surrender the principle that they can and should never tolerate anything but equality of status for Indians living in any part of His Majesty's Dominions. There is no frittering away of that principle. There is no bargaining, forsaking any part of that principle, but, at the same time, it must take time to achieve the fruits that we all hope for and I am sure when the mutual dependence of the several parts of the Dominions is realised by the electors in the several self-governing Dominions, prejudices would die and better counsels will prevail. On this understanding that I do not encourage any hope that anything drastic or radical may be achieved in the near future, I have not the slightest objection on behalf of Government to accepting this Resolution.

The HONOURABLE MR. LALUBHAI SAMALDAS : Sir, I may congratulate my Honourable friend Mr. Sarma on the lucid manner in which he has put the case of the Government in regard to this Resolution. As has been observed by him the question bristles with difficulties, and we have to be very careful how we proceed with the negotiations.

The only point of difference which I understand exists is, whether the negotiations should be carried on by the Home Government, or by the Government of India with the South African Dominions. There has been a difference of opinion in the country. Most of our Indian papers have taken up the attitude that my Honourable friend Mr. Kale assumed. But there are some papers which are not by any means moderate, and I may mention one. The *Bombay Chronicle*, for instance, has taken up the attitude that the Right Honourable Srinivasa Sastri has done a service to the country by getting the Conference to accept the principle of direct negotiations between the Government of India and the South African Dominions. That means, as my Honourable friend Mr. Sarma has put it, that the Government of the British Indian Empire has got the right of direct dealing, and has got practically the same right as the self-governing Dominions have. That is a great point gained. I hope Mr. Kale will see the force of the statement, that it is much better that we should deal directly, as equals, with the Government of South Africa than that we should approach the Home Government and get their assistance, which would mean that we have not had an equal status with them. I believe that by the passing of this Resolution the status of the Government of India will be increased. Again, I beg to congratulate the Honourable Member for the lucid way in which he has put the case of the Government of India before us.

The Resolution, as amended, was adopted.

## RESOLUTION RE REMOVAL OF CENTRALIZED SYSTEM OF ADMINISTRATION.

The HONOURABLE SAIYID RAZA ALI : Sir, I beg to move the following Resolution :

11-32 A.M.

'This Council recommends to the Governor General in Council the removal of the highly centralised system of administration that obtains in this country under which many classes of officials, especially District Magistrates and Collectors, have vast powers.'

Sir, in the course of this Resolution I do not propose to discuss the respective merits of centralisation *vs.* decentralisation as applied to the government of a country. The balancing of the central and local powers in the government of a country is no doubt one of the most interesting features in the history of Governments. Whether we should have a highly centralised system under which the government of a country is carried on by the Central Government, as is the case in France, or the control of local affairs should be left to local bodies, as is principally the case in England, opens up a very large question into which, I believe, it is not necessary to enter at this stage. I confine myself to examining the present condition of the administration of this country and to examining the directions in which it is open to us to take a step forward, whether in so doing we may be following the example of France or the system of government obtaining in England. Sir, let me properly analyse the Resolution that is before my Honourable Colleagues. We have in this country to deal with three bodies. At the helm of affairs is the Government of India. The second body which plays a very important part in this matter is the Provincial Government. Thirdly, and lastly, we come to the local bodies which transact a very large amount of day-to-day business. Now, Sir, so far as the Government of India is concerned, the intelligent criticism of that Government has been that our system is top-heavy. The Government of India is a highly centralized Government. Whether it should remain centralised in future remains to be seen. But there is no doubt that as long as, as has been pointed out in the Montford Report and also hinted in the Report of the Joint Committee of the Houses of Parliament, the powers of the Government of India cannot be transferred to the people of this country. I think it is just, in the fitness of things, that those powers—most of them at any rate—should reside in the Government of India. When we come to the Local Governments we find that, in consequence of the era of reforms which fortunately is in force now, vast powers have been delegated by the Central Government to the Local Governments. The thing has been done only as an experimental measure. There are many more powers which can safely be delegated to the Local Governments which yet remain invested in the Government of India. But I have no doubt that in course of time, as those who are responsible for the administration of transferred subjects prove, that they are carrying on the administration work of those Departments to the entire satisfaction of all concerned, the Government of India will see its way to transfer even the remaining subjects to the administration of the Provincial Governments, which, as we all know, will in course of time, consist of the Governor and Ministers only. Now, Sir, coming to the third body, namely, the District Boards, the taluqa or local Boards, and the Municipal Boards, we find that it is these bodies which come into daily contact with the people of the country, and on whose successful working depends to a very large extent the success of the government of the country. Now, Sir, Local Government is not merely a matter of law and order; it is in fact mainly a question of public welfare,

[Saiyid Raza Ali.]

It means that those who are chosen to have authority over the people are the servants of the people, and that they have made it their business to increase the happiness of the people. I need hardly remind my Honourable Colleagues that it was announced in the declaration of the 20th August 1917, that the policy of His Majesty's Government—it is a small quotation I am making—was 'that of increasing the association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible government of India as an integral part of the British Empire.' Now the Government of India, while the Reform Scheme was yet under consideration, in the Resolution dated the 16th May 1918, observed :

'The duties of local bodies cover most of the activities upon which the essential welfare of the country depends. They have the care of the public health and all the circumstances upon which that health depends: they control elementary education: they construct and maintain local buildings and communications and they touch the life and convenience of the people at every point. In the development of their interests and the extension of their responsibilities the self-government of the country will secure a very real and important advance, and it is on the increased experience to be gained in the administration of local civic affairs that the country must be to a large degree rely for the expansion of its self-dependence in the sphere of central Government.'

Now, Sir, so far as these local bodies are concerned, they are under the control of the district officers and partly also of Commissioners in several provinces in this country. Experiment no doubt has been made in several provinces, where the Municipal and District Boards have been allowed to elect their own non-official Chairmen. If I am not wrong, I believe the province to which I have the honour to belong was the first to give the lead to the rest of the country in this matter. In the year 1916, the Municipalities Act was passed in the United Provinces under which all the Municipal Boards were practically allowed to have non-official Chairmen, and, as a matter of fact, we have now, except in four or five cases, non-official Chairmen in all our municipalities. Then I should not forget that there are a number of other provinces also, and I must specifically mention Bengal, which are allowed to have not only non-official Municipal Chairmen, but where the Chairmen, of District Boards are in many cases allowed to be elected. Similarly, I believe, is the case to a very large extent in Madras and also in Bombay. But there are a number of provinces, Sir, where the presiding officers of these bodies are yet officials.

The first point which I want to make is that district officers, wherever they happen to be the Chairmen of District or Municipal Boards, should be relieved of the duties as soon as possible. Local self-government, as I have ventured to remark, is not a matter of authority, but of public service and public welfare, and, without meaning any aspersion whatsoever on those district officers who have been carrying on their duties, I submit, Sir, that the people of the country, *viz.*, the people concerned, are in a better position to understand as to what is to their interest and to their advantage than an officer who comes to a district, at the outside, for three years and then leaves that district perhaps never to return.

The second point in this connection which I must point out, is the more important of the two, inasmuch as though it is the declared policy of Government that all District and Municipal Boards in course of time and in fact at a very early date should have non-official Chairmen, yet under the District and

Municipal Boards Acts of the various provinces certain powers have been reserved to the Collectors and Commissioners.

Now, Sir, these Acts, I take it, were all of them, I daresay, enacted at a time when the reform era had not been introduced in this country. To place local self-government in the charge of Ministers, who are responsible to the people and to make this department a transferred subject, and then to reserve certain powers to district officers and Commissioners is, I submit, to say the least of it, an anachronism. I can quite see that time was when these officers could be helpful and were no doubt helpful to the people, when the people themselves did not have it in their power to shape their own destinies. As it is, we know that ultimately the officer responsible for the administration of these subjects is the Minister who is a representative of the people themselves and is responsible to the people. Yet, to give certain powers to a foreign body which, be it noted, is not subject to the Ministers in any way, namely, to Collectors and Commissioners, is wholly inconsistent with the spirit of the reform era. Sir, I need not go into the details, as to what are the powers that have been reserved to the Collectors and Commissioners in various provinces. But there is no doubt that some powers have been reserved to them. In some provinces these powers can be exercised simply in the shape of a Collector or Commissioner being able to return a certain Resolution to the Board for reconsideration or to send it on to the Local Government with his own remarks, so that the Resolution should not be accepted by Government. As a matter of fact, on this point powers vary in various provinces, but there is no doubt that the foreign body, if I may be allowed to use that term, namely, Collectors and Commissioners, as viewed in the present circumstances of the case, have certain powers, and these powers should, as a matter of fact, not be invested in them any longer. It would seem perhaps ungrateful on my part that I should be betraying want of confidence in these officers of the Indian Civil Service, namely, the district officers and the Divisional Commissioners and should be anxious that they should be relieved of their duty. Now, Sir, I think I would be failing in my duty if I refrained from giving expression to the vast debt of gratitude that we owe to the Members of the Civil Service. It is in no spirit of hostility or animosity whatsoever that I have ventured to bring forward this proposition to-day. All students of history and Honourable Members of this Council know with what a selfless devotion the service has carried on the work of administration at a time when political consciousness had not sufficiently developed in the country. In fact I go a step further and say that, just as the highest tribute that could be paid to Lord Morley's work was that Mr. Montagu in the year 1917, should have found it necessary to propose another measure of reform for this country, exactly in the same manner the highest tribute we can pay to the Indian Civil Service is that we to-day are in a position to take care of those institutions which they made it their business to administer and look after on our behalf.

Then, Sir, we come to certain other duties which the district officer has to perform having the responsibility of the district. Now these departments—the departments with which he is connected—vary in various districts. They can be briefly summarised as irrigation, buildings and roads, excise, forests and, lastly, of course, as we all know, police. Now a discussion—and a very interesting discussion if I may say so—on the subject is to be found in the Decentralisation Commission's Report at pages 189—193. I hope I have not hurt the sensibilities of some Members by referring to a precious document

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that was written before the deluge—namely, in the year 1909. Vast changes, of course, have taken place in the country and in the entire conditions of the world since the year 1909, so that the document is no doubt a very antiquated one. The only reason why I venture to refer to that document is, that it deals with the subject rather exhaustively. Now, Sir, the policy, as my Honourable Colleagues are aware, why it was found necessary to give certain powers to district officers in almost every department under the British Government was based on historical grounds. Several of the systems were introduced in the beginning of the 19th century, and some again in the late fifties or the early sixties. The people of this country were not in a position to give any very great assistance to the Government, and therefore, it was thought necessary that the district officer should be responsible ultimately and should have vast powers in regard to almost every department. But now we know that every province has a complete excise department. Every province has its own forest department, and similar is the case with irrigation and buildings and roads. So that to-day there is no justification for any powers being reserved to district officers in these departments. Well, it may be said that these powers are not very great in certain provinces. I do not propose to go into details here. The question is one of principle; and the question with which we are faced is this: Is there any justification, having regard to the fact that we have complete self-contained departments in every province, for giving any control to the district officers over departments which have nothing to do with them if they, viz., district officers, confine themselves to their proper and legitimate sphere of activity?

Then, Sir, I come to the police department. This matter is connected with another question and therefore I propose to deal with it at the end. Now, the matter, Sir, in which the powers of district officers very largely come into play relates to the separation of judicial and executive functions. I do not think it is necessary for me to enter into that story at this stage. There have been two full-dress debates in this Council—one on the 7th March 1913, and the other as recently as the 9th March 1921, when the Honourable Mr. Bhurgri brought forward a Resolution on the subject of the separation of judicial and executive functions. The reason, Sir, why I do not propose to go into that question is, that I take it that the Government, as a matter of fact, have left the matter to the control of the Provincial Governments. Several Provincial Governments have already appointed Committees. Those Committees are at work and therefore I do not think it necessary for me to press a matter in which action has already been taken by Provincial Governments. Then naturally the question will be put to me: "If you take away all the powers from the district officers, what are these highly paid officials to do?" As to that, I shall simply say that the function of the Collector, as the name implies, is to collect land-revenue and other revenues. Let him do that. Well, now perhaps it may be pointed out that there will not be sufficient work left for the Collector to do. If that is so, I say—Make him head of the police. These two functions are somewhat connected and they to a certain extent go hand in hand. Let the Collector be the head of the Revenue Department as well as the head of the police. Now I may in this connection say that we can provide sufficient work for the Collector, if, as has been pointed out by several Provincial Legislative Councils, we abolish the Divisional Commissioners and give their powers in revenue matters to the Collectors.

That question again, Sir, I do not propose to go into to-day, but suffice it to say that Resolutions have been passed by various Provincial Legislatures to the effect that Divisional Commissionerships should be abolished. In that case we shall have to arrange for the transfer of certain revenue and appellate work, and in my opinion that work can safely, and very properly and legitimately, be entrusted to the Collector.

Lastly, I come to the Police and I think the Collector will be the best person to deal with that department.

Then, Sir, comes the question of cost. It is pointed out in season and out of season that if we embark on these expensive experiments, the cost we have to incur will simply be crushing to India. I for one, Sir, am not prepared to accept this proposition. No doubt schemes were prepared behind our backs; we do not know how those schemes were prepared which entailed the incurring of enormous amounts of expenditure for the carrying out of these reforms. But to-day, Sir, I venture to say that with very little additional cost, if any at all, we shall be able to carry out the reforms that I have proposed here.

The last point which perhaps may be urged against my Resolution is, that since the matter relates to a transferred subject which has been made over for administration to the Ministers in the provinces, the proposition should not be discussed in this Council, inasmuch as this Council is not as competent as the local Councils or the Local Governments will be in this matter. Now, Sir, I have only a few words to say before I know what is the line which will be taken by the Honourable Member who will reply to the Resolution on behalf of Government. What I submit is this. No doubt, so far as the details of these transferred subjects are concerned, they can only be worked out in consultation with, and on the initiative of, the Ministers who are in charge of the departments in the Provinces; but so far as the broad and general questions relating to the happiness and welfare of the vast majority of the people of British India are concerned, I think those questions are just the questions which should be tackled and discussed in this Council. The initiative for taking up things for a long time to come must come, I may say without casting any aspersions on the Ministers, from this Legislature, or the other Chamber (Cries of "No"), and therefore I submit, Sir, that it is this Council which should take the initiative and which should give, if not the initiative at least advice, to the provinces in matters relating to general principles. I heard a voice say "No." I do not know how far the Honourable gentleman knows the actual working of these transferred departments, but as he is nodding his head perhaps he knows about it. Well, Sir, I wait for his speech and I will see what are the practical objections he or any other Member of this House has to urge against my proposition. I will now, Sir, sit down with a view to see what is the attitude of Government on this question, which, I hope, will not be unreasonable.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: Sir, I am only speaking on the Resolution and I shall speak on my Amendment later on.....

The HONOURABLE THE PRESIDENT: Does the Honourable Member wish to move the Amendment of which he has given notice just now?

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: I do, Sir.

The HONOURABLE THE PRESIDENT: The effect of that Amendment is this. It supersedes the original Resolution except in so far as it relates to district and



[The President.]

taluka boards. If the Honourable Member is going to move his Amendment at all he must move it now, for otherwise a fruitless discussion might ensue. I shall read the Amendment to the Council, because it is not on the paper. Here I may point out to the Honourable Malik that this Resolution has been down on the Notice paper for four or five days. His own Amendment\* has been down on the paper for the same period; yet during all this time he has taken no action whatever; he now comes forward with a new Amendment which has the effect of entirely changing his former Amendment as well as the Resolution. I think he has not treated the Council fairly, and I think he has not treated the Honourable Member who has moved the Resolution fairly either. The Resolution, as amended by the Honourable Malik, would run as follows:

'This Council recommends to the Governor General that District Magistrates and Collectors should be relieved of the office of President of the District and Taluka Boards.'

If the Honourable Member desires to move that Amendment he must move it now.

The HONOURABLE MR. H. D. CRAIK: On a point of order, Sir. Is it within the discretion of an Honourable Member to put forward an Amendment at this last moment? May I point out that this Amendment entirely changes the meaning of the Resolution? Indeed, it actually makes it a Resolution which should be dealt with by another Department than that which I represent.

The HONOURABLE THE PRESIDENT: I could hardly accede to that last proposition, because the Honourable Member's Amendment even as it stood before on the paper referred to district and taluk boards, and that Amendment has been on the paper for four or five days. If the Department of Government concerned is not represented here, all I have to say is, that it ought to be.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: Sir, I am sorry I was unable to give this notice earlier; but when I carefully read the Resolution I thought that the Resolution could not stand, because it was very vaguely worded and parts of it were contradicting each other. It is for this reason that I had to change my Amendment to what it is now. In reality, Sir, in my new Amendment I have only deleted three words of my former Amendment and put the remaining words in a different place, instead of placing them at the tail....

The HONOURABLE THE PRESIDENT: I have already explained to the Council that the new Amendment entirely changes the purport of the Resolution.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: The Resolution as I would amend it reads as follows:

'This Council recommends to the Governor General in Council that District Magistrates and Collectors should be relieved of the office of President of District and Taluka Boards.'

That comes in place of the rest of the Resolution. I want to say, Sir, this about decentralisation. We are already feeling difficulty here in this House that in many of our Resolutions which we bring forward we find they are Provincial, and we cannot speak on them, I gather from that that sufficient decentralisation has been given to the provinces. Now I come to the Provinces. The Provinces are again divided into divisions. We may call it decentralisation or centralization in one way.....

\* 'and further recommends that District Magistrates and Collectors should be relieved of the office of President of the District and Taluka Boards.'

The HONOURABLE THE PRESIDENT: If the Honourable Member is speaking on his Amendment, he really must confine himself to the terms of his Amendment, viz., that District Magistrates and Collectors should be relieved of certain duties which he has specified.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: I have been.....

The HONOURABLE SAIYID RAZA ALI: May I know, Sir, whether the old Amendment or the new Amendment is under discussion?

The HONOURABLE THE PRESIDENT: I find some difficulty myself in comprehending what is being moved.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: I have been in these taluk boards myself for over 25 years and was present before the Public Services Commission; and I put before them that so long as Deputy Commissioners remain as heads and Presidents of these boards, there was no use whatever in keeping any other Members at all because they dictated the whole thing to the Members; and if there was any Vice-President any day that the President wanted to save himself from doing anything which was unpopular, that day of course the Vice-President was allowed to preside. Then, Sir, most of these Boards have been carried on for the pleasure of certain officers. For instance, wherever there has been headquarters, useless roads have been made all round the place for the *hawakhare* of the Sahib. There was one headquarter which had a circular road; the headquarter has been removed from there and the road remains there now and nothing but jackals pass along it. If these six miles instead of being constructed there were put between one or two tahsils, it would have been more useful to the public. The whole thing hitherto has been that especially in the outskirts of the province, public servants have been considering themselves and posing as *Badshtas* and they have done nothing for the good of the public but for their own welfare. The public have been paying the rents all the time, and where these rents went, or what benefit the people got out of paying these rents to the district boards, it is very difficult to see in most districts. Now, I want to show one thing, which I think will interest the House very much. Here I have got an agenda of one of the district boards. In these four pages there are about 11 items, and the Deputy Commissioner has dictated practically the terms to the whole district board. Here it is written that "Deputy Commissioner Sahib *Kā ittīfāq rāi hai aur bamāi manzūri* Sahib Deputy Commissioner".....

The HONOURABLE THE PRESIDENT: The debates of this Council are conducted in English, and as the Honourable Member is quite able to express himself in English I would ask him to do so.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: But I am translating it; I would have translated it at once if I was allowed to do it. It means that the Deputy Commissioner wants this. In another place it contains this, that the Deputy Commissioner has already sanctioned a thing. The thing has not been before the district board, yet it is written before that the Deputy Commissioner has sanctioned it and simply sends it to the district board.....

The HONOURABLE THE PRESIDENT: I find some difficulty in understanding the arguments of the Honourable Member. The Honourable Member is reading from a paper which is apparently written in a vernacular of which neither myself nor any Member of this Council has any copy.



[Colonel Sir Umar Hyat Khan.]

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: I only wanted to show you, Sir, and to the Council through you that such things do exist; and when members are not elected, but nominated and nominated by the same officer they dare not say anything. As the Persian proverb goes, if the King says in the day that it is night, well, you ought to say "Yes, my Lord; there are the moon and stars."

That is why I say that such officers should delegate as much of their powers as possible to Indians. The Municipalities and Local Boards were meant from a long time.....

The HONOURABLE THE PRESIDENT: The Honourable Member has not put down his Amendment in those terms. He has not said anything about it, whether a European or Indian should be relieved of certain duties.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: That is why I say that the official members should leave the work of the District Boards in the hands of Indians so that they may learn something in the way of self-government, and I appeal to the House, after considering the disabilities in our way, to support my Amendment if at least the Resolution is not carried.

The HONOURABLE THE PRESIDENT: The original question was:

'That this Council recommends to the Governor General in Council the removal of the highly centralised system of administration that obtains in this country under which many classes of officials, especially District Magistrates and Collectors, have vast powers.'

The Honourable Colonel Sir Umar Hayat Khan has moved an Amendment which has the effect of striking out all the words in the Resolution after the words "in Council" and substituting the following words, *viz.*, "that District Magistrates and Collectors should be relieved of the office of President of the District and Taluka Boards." That matter is now open to debate in the Council.

The HONOURABLE MR. E. S. LLOYD: Sir, speaking strictly on the Amendment before the Council, I may say that

12-13 P.M. the object which the Honourable Mover of this Amendment seeks to accomplish has already practically been effected in the Madras Presidency. I do not know whether the Council is aware that last year a new District and Local Boards Act was passed in Madras which conferred very wide powers on District and Taluk Boards, and provided that the Presidents might be elected or nominated. That policy has been followed, and almost throughout the Presidency District Magistrates and Collectors have been relieved of their duties as Presidents. I do not want to say anything more at the present moment, because if this Amendment is carried, the more contentious part of the Resolution on which I should have liked to have said a few words will fall to the ground. So far as the Amendment is concerned, I am prepared to vote for it.

The HONOURABLE HAJI CHOWDHURI ISMAIL KHAN: Sir, representing as I do a Bengal Constituency, I feel that I would be failing in my duty if I support the Amendment of my friend, the Honourable Colonel Sir Umar Hayat Khan, by a silent vote. I may inform the House that in my province the experiment of placing the District Boards under non-officials was started before the inauguration of the Reforms, and the experiment proved so successful that now all the Boards, with only one or two exceptions, enjoy the

privilege of having non-officials as their chief executive and the Government report and public opinion agree in the statement that the work of the Boards is being carried on very satisfactorily. I may add that District officers have so many onerous duties of various sorts that they have to leave much of the work of the Boards in the hands of their Vice-chairmen and the staff, the result being the exercise of power by people who have no responsibility. Besides, the administrative and executive work of the Boards is a training ground for my countrymen and would give them experience and that sense of responsibility, which would be very useful, when we receive gradually responsibility for the administration of the country.

The District Officer is, in official parlance, the man on the spot, and I think his duties on the main should be to watch the working of Local Bodies and to exercise his influence from without and not from within. The officials have to train us for full responsible government and no better beginning can be made than by letting us have full control over the Boards. With these few words I support the Amendment.

The HONOURABLE MR. E. L. L. HAMMOND: Sir, I only rise to ask whether, in the event of this Amendment being carried, the Resolution will then, as I understood from the Honourable Mr. Lloyd's remarks, be excluded from discussion?

The HONOURABLE THE PRESIDENT: Certainly. As I have already explained, the effect of the Amendment will be to strike out all the words of the Resolution and leave the Resolution entirely confined to the words "District and Taluk Boards."

The HONOURABLE MR. E. L. L. HAMMOND: Sir, I merely rise to say that I oppose the Amendment in the hope that we may be given an opportunity of discussing the other interesting points raised by the Mover of the Resolution.

12-16 P.M. The HONOURABLE MR. H. D. CRAIK: I should like to explain, Sir, that the policy of Government on this question was stated, I think, three years ago in a Resolution. It was to the effect that there should be non-official Chairmen in all District and Taluka Boards, and I should therefore, on behalf of Government in ordinary circumstances, have accepted the Resolution to that effect. But I am not prepared to accept the Resolution in the way in which it has been moved by the Honourable Sir Umar Hayat Khan, because it will have the effect of making the main Resolution, which I desire to oppose, fall to the ground. For that reason I propose to vote against the Amendment.

12-17 P.M. I would, however, like to address one or two remarks with reference to what has fallen from the Honourable Mover of the Amendment. I recognise that the Honourable Malik Umar Hayat Khan has a natural predilection for banter of a jocose kind, but I think he rather outstripped the limits of discretion when he suggested that District Magistrates as Chairmen of District Boards spend District Board funds on their own amenities and conveniences. I come from the same province as the Honourable Malik, and I may say that I have been myself Chairman of a District Board, and on behalf of myself and my brother officers, I desire most emphatically to repudiate that suggestion, and I hope the House will take it that this is a matter on which I speak with some personal experience. I have no hesitation in saying that there is no official Chairman of a District Board in my province, whether an Englishman or an Indian, who has ever done, or who is capable of doing, an act of that kind,

[Mr. H. D. Craik.]

I would also like to refer to another point in the Honourable Sir Umar Hayat Khan's speech. He read out to this House the translation of a phrase in the vernacular which was totally incorrect. The correct translation of that phrase, Sir, is not that "the Deputy Commissioner wants this," but "the Deputy Commissioner agrees to this." That seems to be a very material difference.

12-19 P.M. The HONOURABLE SIR MANECKJI DADABHOY : Sir, I rise to oppose this Amendment for two reasons. In the first instance, to my mind, this Amendment is entirely superfluous, and, secondly, it shuts out a very interesting and important debate on the original Resolution. So far as my province is concerned, what is now desired by the Honourable Mover has been practically accomplished in most of the districts, and I understand it is more or less established in almost all the Presidencies. In view of the policy steadily adopted by the Government of India and the Provincial Governments in this matter, to my mind, this Amendment is wholly superfluous at this stage. I therefore for these two reasons oppose the Amendment, and I also trust that this Council will forthwith reject it.

12-20 P.M. The HONOURABLE RAJA PRAMADA NATH ROY OF DIGHAPATIA : Sir, coming as I do from Bengal, I may say that we have already got Chairmen of District Boards and Municipalities elected non-officials and so I think the Amendment brought forward by the Honourable Sir Umar Hayat Khan is unnecessary. In my province I can say definitely that no Chairman of a District Board or of a Municipality has been known to have spent public money on his own account. I have many friends who are serving as Chairmen of District Boards and Municipalities, and I know that such a thing is not even to be thought of. I therefore oppose the Amendment.

The HONOURABLE THE PRESIDENT : If the Council is really anxious to get on to the main discussion—and I gather that Honourable Members are—a large number of speakers on the Amendment will prevent it.

12-21 P.M. The HONOURABLE DIWAN BAHADUR V. RAMA BHADRA NAIDU : Sir, I should also like to add a few remarks to the discussion which has taken place on this Amendment. In the first place, I should like to say that I am not in total agreement with the Amendment. Under the new scheme, Municipalities and District Boards, being a transferred subject, are under the Provincial Governments and the members of those Boards, so far as the Madras Presidency is concerned, are given the powers of election. But the difficult question is that we cannot get suitable men to serve on them. We are anxious to use those powers, but we cannot find the right people who will understand the responsibility which rests upon a Member.

Then in reference to a remark made by my Honourable and gallant friend, I should like to point out that no Collector has anything to do with the administration of Municipalities; but only Deputy Collectors, or Divisional officers as they are called in my Presidency, are placed in charge of them only in regard to Municipalities of recent creation. In the present state of things I do not think it will be safe to deprive Collectors and Magistrates of any of the powers which they now possess.

With these few words, Sir, I sit down.

The HONOURABLE SIR ALEXANDER MURRAY : Sir, I move that the question be now put.

The Motion was adopted.

The HONOURABLE THE PRESIDENT : The question is that in the Resolution moved by the Honourable Saiyid Raza Ali the words which follow the words "Governor General in Council" shall be omitted and the following substituted :

'that District Magistrates and Collectors should be relieved of the office of President of the District and Talaqa Boards.'

The Motion was negatived.

The HONOURABLE THE PRESIDENT : The Council is now back on the discussion of the original Resolution moved by the Honourable Saiyid Raza Ali.

12-23 P.M. The HONOURABLE MR. E. L. L. HAMMOND : Sir, it is with a sad heart that I rise to oppose this Resolution, because I am afraid this will probably be the last speech which I shall have the honour of addressing to my friends—if I may so call them in this Council.

I could not ask for a better subject for my speech than the defence of an office which for many years I have held myself, nor could I ask for a kindlier audience before which to plead the cause of the hard-worked, over-worked beast of burden—the District Official. I do not wish, Sir, to magnify my own profession, but neither do I propose to apologise for it. The Honourable Mover went out of his way to pay lip-service to the work done in the past, but if we examine the ingredients of the pill which the Honourable the Mover of this Resolution wishes to administer, we come to this that stripped of all its verbiage, his speech is in effect a vote of a lack of confidence in the District official. He referred to the good work done by the District officers in the past, but he was also at some pains to call them a foreign body and also, if I am not mistaken, he said that they lacked the confidence of the public and he pointed out .....

The HONOURABLE SAIYID RAZA ALI : I did not say that.

The HONOURABLE MR. E. L. L. HAMMOND : I am speaking within the recollection of the Council. He referred to the District Magistrate and the officials as a foreign body. I also understood him to say—I shall be glad to be assured that I am wrong—that they had lost the confidence of the public.

Now, the Honourable Mover detailed to some extent some of the duties of the District Officer. I would suggest to this Council that the statutory duties are only part of his work. There is a lot of other work which devolves on him by custom. There is some work, you might say, which has come to be part of his work by process of evolution. For years the District Officer has been the one man in the District—the Administrator—everybody has gone to him, whether they were his superiors or whether they were the people round him. Take for example one instance of responsibility for which there is no law as far as I am aware, take the case of famine. Any young civilian when he comes out to the country is told that he is personally responsible that no man or woman dies in his district from famine. If it happens he is held responsible. Now, to whom would the Honourable Mover assign that responsibility? It is a very serious one, it is one that causes a great deal of trouble. About the time of the monsoon go to the districts and you will see every District Official looking out to see what chances there are of a timely rainfall.

[Mr. E. L. L. Hammond.]

It is a matter of most anxious moment, and I would ask the Mover again, to whom would he assign that grave responsibility? That is one case. Then take all the little petty routine matters of daily life. Show me, Sir, a Collector whose verandah is empty of *mulakatis* or at whose gate there are no people standing with petitions, and I will show you an officer who is not doing his duty. He is a link between the public and the Government, and it is not the exercise of his powers so much as those tremendous opportunities that are given to him which constitute his powers—powers conferred on him in no small measure by the people.

Sir, I think when the time comes for me, as come it must for all of us, to look back on my life and review it in the perspective of the past, it will not be the abuse of power that I shall regret, but misused opportunities, or the lost opportunities of doing useful service. There are bound to be many such cases, and I shall think perhaps that when the days were long and my temper was short, I may not have been able to do as much as I could in return for the unfailing courtesy and kindness I have received during the 25 years of my service, most of it spent as District Magistrate. I look back with pleasure on that life, that very happy life, as District Officer, and I should like to think that it was not without use to the Districts I had to administer. I have been submitted at times to the most virulent criticism in the public Press, but any sting likely to irritate was removed when I learnt that those criticisms were paid for at double advertisement rates.

Even now at this stage of my life if I can be of any further service to the country by staying on and helping its people on the difficult and troublesome path which they must traverse before they can arrive at self-government, I should be very willing to do so. But, Sir, it is sad, it is much worse to be utility expired: but by far the worst of all to be "time expired" would it be to be labelled "Not wanted on voyage," and that is the label which the Honourable Mover desires to put on those Officials to whom he has referred. I invite this Council to repudiate it and say "No, the time is not yet ripe, the District Officer is not yet an anachronism, and we still need his help and allow time to carry out the policy of Government." We know that the time will eventually come when the District Officer will be asked to commit *hari kari* and we know he will do it as gracefully and gently as possible and get the assistance of the public in doing it. Sir, it has been brought to my notice that some Honourable Members of this Council play cards for money.

Years ago in the nursery I myself played cards for sweetmeats with my brothers and sisters. It was a game called "sympathy or antipathy." You took the cards and if a red and black came out that was antipathy. If two reds or two blacks came out that was sympathy. I would like this Council to elect the game of sympathy, to send a message to these hard-worked officials—and there is no man who has had a more anxious time than some of these district officers—to send them a message of sympathy to encourage them in their difficult and arduous task. I ask the Council not to adopt the Resolution as it stands, which, speak of it as you may, is in point of fact a vote of want of confidence in those who can at least say in the words of that eloquent pathetic epitaph in the Lucknow cemetery: "We tried to do our duty."

The HONOURABLE MR. F. G. PRATT: Mr. President, I oppose this Resolution. I have listened with a great deal of interest to the arguments of my Honourable

12-31 P.M.

friend Saiyid Raza Ali and I see quite clearly that he thinks that his proposals will tend to the better administration of this country. But I oppose them because I am convinced that they will have precisely the opposite effect. I believe, Sir, that they will weaken the power of Government, they will impair its authority and they will have the effect of throwing out of gear and dislocating its administrative machinery. I will come back shortly to some discussion of the detailed proposals and views which the Honourable Member put forward in his speech. But, before doing that, I wish to put before the Council some general considerations; and the first of these, Sir, is that, if the Council accepts this Resolution in the form in which it stands, it will commit itself to a somewhat dangerous recommendation. We are asked, Sir, to recommend that the highly centralised system of administration should be removed, and coupled with that is the Honourable Member's objection to the vast powers wielded by certain officials under that administration. Well, Sir, I want to put it to the Council that it is a dangerous thing to remove a system of administration if you have not quite clearly thought out any alternative, and it did not appear to me that the Honourable Member had clearly thought out any alternative. It is a dangerous thing to remove a system if you have not got something immediately ready to take its place and, if we want an illustration of that danger, we have only to look abroad to see what has happened in Russia. Now, Sir, under the present circumstances of this country, with recent events fresh in our minds, recent events at Malagaon, at Dharwar, and last in the Malabar district, one would not be guilty of a platitude if one were to insist that a strong Central Government is an essential condition of public welfare and security. Such a Government must have at its disposal a corps of executive officers invested with power and authority sufficient to enable it to give effect to the policy of Government and to carry out its orders. And, Sir, I go further and say that this is true, whatever may be the nature and constitution of the Central Government; whether it be an autocratically organised Government or whether it be a Government elected by popular suffrage and responsible to public opinion, a Government, in fact, of the responsible type; which it is a matter of confident hope and expectation among many will sooner or later be established in this country. Now, under both these types of Government, Sir, the corps of officials, the bureaucracy occupies the position not of masters but of servants. I will have more to say about that later on when I discuss the Honourable Member's remarks about the position of Commissioners and Collectors under Ministers in transferred departments under Provincial Governments. But I do not think that the Honourable Member has sufficiently realised that point, and I hope that the Council will bear that clearly in mind when they come to vote on this Resolution. My Honourable friend objects to the vast powers of these officials, but he forgets that the officials who exercise these powers wield them not in their own rights, but they exercise delegated authority. They are servants, selected servants, trusted servants, placed in positions of authority by their masters in order to give effect to the policy of their masters. My Honourable friend objects to the district officer in fact because he is too powerful, but that objection, if it be analysed and examined, will be found to come to this. It means this—"I object to these too-powerful officers because I cannot influence and

[Mr. F. G. Pratt.]

control their actions." Now, Sir, if that be examined, it comes to this, that his objection is not against the officials, but against the bureaucracy, who are after all not masters but servants of their Government—his objection is not against them but against the Government which controls them. He cannot control them because he cannot control the Government which is in power over them, the autocratically organised Government which is in power over them. These officials, whatever they do, whatever powers they exercise, exercise them as I said just now in a position of delegation, and whatever they do they do under the strict control of, and in subordination to, the Central Government. Now, Sir, I ask the Honourable Member if his objection to the vast powers of these officials would still hold good if the masters of these officials were under his control and influence. He complains that he cannot control and influence the servants but, if he was able to control the masters, would his objection to the delegated powers of these officials still hold good? I think, Sir, that it would not.

My Honourable friend seems to be under the impression that there is something incompatible with democratic principles in the position of a highly centralised Government with powerful officials, serving under its control and supervision. Well, Sir, in the course of his remarks the Honourable Saiyid Raza Ali referred to the French system of administration. If he has studied, Sir, books upon French administration, he must have read of the position of the French Prefect who combines and concentrates in himself powers and authorities which are considerably wider, considerably greater than the powers and authority which the Collector or Deputy Commissioner of an Indian district exercises. There is hardly any activity, there is hardly any department of public, national or local life in a French Department with which the Prefect is not intimately concerned and over which he has not a controlling authority. Education, local self-government, public health, police, communications, the right of public assembly, all these matters are in the hands of the French Prefect. No Frenchman thinks of objecting to that because he knows that the officer who wields these large powers is the servant of a responsible Government. If the administration goes wrong, if that officer conducts the administration, or if many such officers conduct the administration in a way of which he disapproves, he knows that he can turn the Government. He can control the Government. He does not want to control the servant because he knows that he can control the masters. My Honourable friend has not had very long experience of living under a responsible government. But I am sure, Sir, that in the years to come, he will adopt the French view in this matter. He will not think of objecting to a Collector wielding large powers, whether that Collector be a foreigner or whether he be an Indian Collector, or an Indian Deputy Commissioner. He will not object to the large powers which he wields, because he would know that those powers are exercised under the strict control and subordination of a popular and representative government which he can influence and control.

Now, there is another point of view from which my Honourable friend objects to these powerful officials which should be considered. If that objection had been raised, say, in the year of grace 1916, his position might have been intelligible. But, Sir, our Provincial Governments are not now in a static condition. They are undergoing rapid evolution exactly in the direction of the reform which my Honourable friend desires, that is to say, in the direction

of a reform of the constitution under which the masters of these powerful officials to whom he objects would be subject to popular control and influence.

I come now, Sir, to make some remarks about the detailed proposals of my Honourable friend. We get no suggestion in the Resolution as framed by him of anything constructive. His Resolution is purely destructive, to pull down and remove the existing system of administration. Now, let us see what are the concrete proposals which he puts forward. First of all he says that the Collector need not have all these extensive powers. There are several other departments among which they may be distributed, let the Collector as we now know him, disappear and let us set up instead a mere Tax Collector and let the other Departments be self-contained and each one attend to his own business with no officer of wide experience and authority co-ordinating them, controlling and advising them and putting things right when they go wrong. Well, Sir, such a system, I submit, would be intolerable. First of all, from the point of view of the public, in this country as in France, people for generations, for centuries, have been accustomed to a highly centralised system of administration, and they have been accustomed to look to some authority on the spot. In this country of vast distances and very bad communications they have been accustomed to look to some local officer to whom they could go. What, then, is the system which my Honourable friend suggests for substitution? One of the petitioners who throng, as my Honourable friend over there told us, the verandahs of the Collector will come to the new Tax Collector and say, 'I have a grievance'. The Collector will say: 'This is not my business. You must go to that department'. Well, Sir, we all know that in matters of administration activities of departments overlap each other. He will go to Department A. Department A will send him on to Department B and so the unfortunate man will be driven from pillar to post and will not be able to look with confidence to any one individual for a redress of his grievances. Sir, I am sure Honourable gentlemen in this House who have experience of mufassal administration will agree with me that the public would regard this as an intolerable situation.

Then, again, from the point of view of Government. They must have on the spot somebody to whom they can look for advice and information. They will have no such officer. The officer of wide experience and authority will have been put down and they will have nobody except a group of Departments or Departmental Committees to whom they can look for advice. They will have no powerful single officer on the spot who will be able to give effect to their orders or to carry out their policy. That, from the point of view of Government, would be bad, because it would weaken their authority and the efficiency of Government.

Now, Sir, perhaps my time is getting short, and I must not prolong my remarks, but I do want to record a most emphatic protest on the part of Commissioners and Collectors against what my Honourable friend has described as their position in the administration of transferred departments by Ministers. Sir, I cannot say too emphatically that Collectors and Commissioners serving under Ministers in transferred departments do with absolute loyalty look to those Ministers as the directors of policy and look upon themselves as their agents for carrying out whatever orders may be necessary in order to give effect to that policy. They serve and will serve the Ministers just as loyally as they formerly served the Members of Council in those Departments.

[Mr. F. G. Pratt.]

There was another point which was mentioned in his discussion of the activities of the Ministers. He says the Ministers will not want us because they will be able to carry on the administration. Now, Sir, that to my mind shows a misconception on the part of the Honourable Member of the radical distinction between Government and administration. Government is one thing and administration is quite a different thing. Government lays down lines of policy. You do not want an administrative expert for it; you want a statesman. But for the detailed administration you want your trained official, and I submit, Sir, that the Ministers of the present day, and perhaps still more, the Ministers of the future, will stand in need of trained administrators in order to give effect to their policy. These, to my mind, are the serious objections to the proposals put forward by the Honourable Member. But there is another consideration which I think must carry very great weight with this Council, and it is this, that our Provincial Governments at this moment are in a state of transition. They are crossing over from a system of autocratic government, and they are on their way to a system of responsible government. There is a proverb which says that "you must not change horses when you are crossing a stream." It might perhaps not be too fanciful to describe the Provincial Governments as something like this. You have got on the box two coachmen, the near one holding rein and the other the off-rein. The administrative team is pulling hard to get across to the *terra firma* of responsible government. And it is now when we are hardly half way across that my Honourable friend advises us to take out that team and to put in new and untried horses. Well, Sir, I submit that that is a very dangerous experiment to make. I have tried, Sir, to show that my Honourable friend's proposals are bad in themselves and they are especially dangerous and mischievous at a time of transition. I hope that the Council will reject them. ....

The HONOURABLE THE PRESIDENT: I must ask the Honourable Member to bring his remarks to a close as soon as possible as he has exceeded his time.

The HONOURABLE MR. F. G. PRATT: I have finished, Sir.

The HONOURABLE SARDAR JOGENDRA SINGH: Sir, as the Honourable Mr. Pratt has just pointed out, the directors of the new policy are the Councils. The new policy is still in the making and it will be dangerous to pass here a vote of want of confidence in the District Officer who is upholding law and order in the country. I know Collectors who are loved and Collectors who are not loved, but the system on the whole has worked well. During this period of flux, when the whole policy of the Government is undergoing a change, and the new Government is coming into power and feeling its way, I hold that the authority of the Collector should be maintained for the sake of law and order and for the sake of self-government which we all desire. The Honourable Mr. Hammond in a very eloquent speech pointed out the good and useful work that is being done by every Collector and District Magistrate. I entirely agree with him. I have seen how they devote all their time in relieving famine and distress and in the redressing of wrongs. There are men who fail in their duty, but that does not matter. There are others who have made the British rule what it is in India, and it is the Collector on whom rests the whole responsibility of carrying out the government of the country. Take away his powers and what remains?

You have no authority in the district. There is no one representing the Government to whom the people could turn in their hour of distress. In my time I have flirted with the idea of democracy and sought new ways to individual freedom. I do it still, but I am finding now that individual freedom can only be found when the forces of freedom and forces of autocracy are properly balanced. I am at present supporting authority, because I feel that forces of democracy are tilting the balance on the other side. Perhaps to-morrow I will be supporting democracy if I find autocracy is gaining ground. To the Honourable Members of this Council and to others outside who are anxious to set the world right immediately, I would recommend a very interesting book on the "Limits of Democracy" by Mallock. This book very carefully points out that freedom is not attained by merely destroying authority, but freedom is found when the authority is properly established and is controlled by the voice of the people. As Mr. Pratt pointed out a little while ago, it is for these Councils to enunciate new policies and the administration will carry them out, but we cannot afford to destroy the machinery which we need to carry out our will. Is it necessary that we should destroy our agents who are doing the work which we want them to do, in the interests of the good government of the country? Therefore, Sir, I am very sorry I have to oppose this Resolution which my Honourable friend has moved. I wish to utter a word of defence for my Honourable friend Sir Umar Hayat Khan regarding the management of district boards. It is not a matter really before the Council so far as I can understand.

The HONOURABLE THE PRESIDENT: The Amendment has already been lost.

The HONOURABLE MR. E. S. LLOYD: After what the Honourable Mr. Hammond and the Honourable Mr. Pratt have said, I do not think that I have very many words to add, but I do want to associate myself with what the Honourable Mr. Pratt said about these new Councils and these new bodies, whether taluq boards, or district boards, or whatever district authorities may be set up, that they should confine themselves to their proper and legitimate sphere of activities. I think these were the words which the Honourable Mover used. He asked that the district officials should confine themselves to *their* proper and legitimate sphere of activities, and I think we might do the same with these new Councils and bodies. It is of course true that there must be changes in the districts, that the personal rule of the Collector must gradually give way to a some more constitutional form of government, and that these taluq boards and municipalities will probably have greater powers, but as they are, they are constituted for a particular purpose. The district boards are constituted to look after roads, and the Municipalities to look after drains and various other things. But in Madras especially there is a distinct movement that these Boards should encroach on what I think is rather beyond their legitimate sphere of activities. For instance, I saw a Resolution the other day in Madras, which was fortunately not carried, that the taluq boards should be consulted in all cases of assignment of land. It is very very difficult to see what a taluq board has got to do with such questions as the assignment of land. It is surely exactly what Mr. Pratt said, that there should be some things left to the district officers who presumably know their job and have discharged it, as has been very kindly pointed out by the Honourable Mover, at any rate in the past, efficiently. Very well. Let us confine ourselves to our



[Mr. E. S. Lloyd.]

own duties and leave these other bodies to their duties also. Let the Legislative Councils by all means mark out policy, and let the Collectors and District Magistrates carry it out. They are, after all, only the agents of Government. They must be the agents also of the Ministers. Ministers will want advice, they want help, and above all things, they will need agents to carry on the dull routine work of administration, whether it is tax-collecting or keeping law and order, work which has got to go on day by day and which I think only the District Magistrate and Collector is competent to carry out. Therefore, instead of curtailing their vast powers, we should certainly allow them to carry on. Reformers are always in such a hurry. Surely the very last thing that ought to be attacked at the present moment is the district administration. Surely during this time of transition let the old routine work of the districts go on as before.

The HONOURABLE SIR MANECKJI DADABHOY: I regret I cannot see my way to support this Resolution. I came to this Council with an open mind on the subject as I could not altogether comprehend the nature and purport of the Resolution. The Resolution as it is worded is wide in its scope and character, but the interesting speech which the Honourable Mover made this morning has given us some clue as regards the direction in which he wants limitations to be imposed on the powers of the district officers. I have followed his speech with considerable interest, and I noticed, as Honourable Members must have noticed, that, though observations and generalisations of a very extensive character were made, my Honourable friend was not in a position to propose any constructive schemes or any methods by which the powers of the district officers could be usefully curtailed. In fact, he was unable, as he himself admitted, to suggest any definite scheme in this direction. I do not wish to traverse the ground which has been so ably covered by my friends, the Honourable Mr. Hammond and the Honourable Mr. Pratt. I fully associate myself with what they have said generally as regards the work of the district officers, and I can testify to this from my close 30 years' connection with the district officers. In my professional career I had very much to do with them, and had great opportunities of observing their work, and I fully testify to the marvellous and the very useful services rendered by them. I am very sorry that these reforms will curtail to a certain extent the good services which these men have done in the past. I have often travelled in the interior of the districts and I have watched with great satisfaction large numbers of people collecting in the districts, stating their complaints and their grievances to the district officer, looking upon him as the *ma bap* of the district, looking to him for advice and for guidance upon various difficult matters, when they are oppressed by their landlords, or when they are oppressed by their troublesome neighbours or other people. I cannot therefore join the Honourable Mover in asking for the curtailment of his powers. My Honourable friend has said that a District Officer is an anachronism at present. He will forgive me if I tell him that to my mind this Resolution is an anachronism at present. The powers which are now given to the Provincial Governments and the powers which are given to the Ministers take away to a great extent the powers of the District Officers. The District Officer is now not so omnipotent as my Honourable friend thinks him to be. My friend in the course of his arguments has really confused the functions of Government with the administrative functions of such officers. As the Honourable Mr. Pratt has rightly pointed out Government only lays down the

policy and the principles of administration, but the policy and the principles are to be carried out by administrative officers, and in order to be able to do so, these administrative officers should be men of considerable training and experience.

(At this stage the Honourable Sir A. Murray took the Chair.)

It is therefore impossible to dispense with the powers which they enjoy at present. I also think that it is an inopportune time to move a Resolution of this character just at present. Barely nine months have passed since the Reforms have come into operation. The Reforms are now undergoing the experimental stage. We have to find out how far the prognostications entertained by Government and the people in regard to the success of the Reforms are realised. We have to see how far the District Officers and the Ministers, assisted by their various Councils, are able to perform their duties. To bring in this Resolution at this time for the curtailment of powers and for the transformation of the whole machinery of Government seems to my mind to be a very injudicious and improper thing. I may also point out to the Council, as one of its oldest Members, that a discussion of this kind has not come up before this Council now for the first time. This very subject-matter of the Resolution in another shape was moved in 1912 by that great statesman, the late lamented Mr. Gokhale. The matter was fully discussed in the old Imperial Council, and various divergent views were then expressed on the subject. In consonance with, and in deference to the wishes of, that great statesman, Sir Reginald Craddock in 1912 introduced a Bill called the Devolution Bill in this Council for the delegation of the powers of District Officers and others to their subordinates. He pointed out at the time the Bill was introduced the numerous difficulties which he had to contend with. That Bill was circulated to the provinces and Sir Reginald Craddock later in the Council had to confess that it was impossible to devise a scheme of devolution which would meet with the wants and requirements of the country and be generally serviceable, and he was ultimately constrained to withdraw that Bill. My Honourable friend fully recognises the difficulties and I must give him the credit for appreciating the great difficulties that beset his proposals. He has stated that this Council should take the initiative in this matter, that the Government of India likewise should take the initiative and give its benevolent advice to the Provincial Governments how to proceed in this direction. I think we can safely leave the matter to the reconstituted Provincial Councils. I think we can safely leave it to the Ministers and our new Members of the Executive Government to do their duty in this connection. I think that to make suggestions of this sort would be rather tantamount to want of appreciation of their work, and would savour of a reflection on the character and nature of the good work they are now doing. I would, therefore, for the reason which I have stated request my Honourable friend to see his way to withdraw the Resolution.

The HONOURABLE MR. H. D. CRAIK: Sir, I have only one or two words to make in regard to this Resolution, for the arguments which the Honourable Mover has produced in favour of it have been so completely demolished by previous speakers, that it is really hardly necessary for me to speak at all. But as my silence might be construed as showing a lack of courtesy to the Honourable Mover and the members of this Council, I shall indicate briefly the attitude of Government in regard to this question. That attitude is one of unqualified opposition to the Resolution. The arguments by which I had intended to justify



[Mr. H. D. Craik.]

that attitude have for the most part been used by the previous speakers, and I will therefore confine myself to one or two points in the Honourable Mover's speech to which previous speakers have not alluded. In the first place the Honourable Mover asks this Council to recommend to the Governor General in Council certain vague principles and when he came down to specify what those principles were, one of them was the severance of all connection between the executive officers of Government and local bodies. I venture to remind the Council that local self-government is a Provincial and Transferred subject and the only form in which the Governor General in Council could interfere as suggested in the Resolution would be by making a recommendation either to the Local Governments or to the local Legislatures. Surely, if the Governor General in Council took that course, he would be courting a snub. He would in all probability be told 'It is not your business.' The only other point in the Honourable Mover's speech on which I wish to offer a remark is this. He said "Why should the Collector or the Deputy Commissioner have any connection with or control over the activities of such departments as Forests and Irrigation and Public Works?" Anybody familiar with district administration and certainly any officer who has held charge of a district will, I think, agree with me that it is absolutely essential that the Collector should have some control over those departments. I will take the case of the Irrigation Department. I myself have been in charge of a district which is covered with a network of irrigation canals. If the entire control of those canals were left to the expert officers of the department, there would, I think, be a tendency for them to administer the system solely with a view to secure the greatest possible professional efficiency, the greatest possible economy of water and also the maximum return to Government on its capital expenditure. There must be some body between the cultivators and the irrigation officers, who can represent the case of the cultivators, and on innumerable occasions it has been my privilege to do so—I think the first person who would deplore the removal from the hands of the Deputy Commissioner of all control over irrigation on Forests or Public Works would be the zamindar. Those are the only two points in the Honourable Mover's speech which have not been touched upon by previous speakers. But I would like to put to the Council one broad consideration, which I hope they will bear in mind when voting upon this Resolution. As Mr. Pratt has pointed out, we are passing through a period of transition, and I venture to think that the only guarantee we have that this great experiment we are making, perhaps the greatest experiment in history, will proceed on orderly and peaceful lines is the presence of a strong Central Government and even more so of a body of strong executive officers on the spot. We all know that there are at the present moment in this country very serious elements of disorder.

I think I am correct in saying that in the last six months there have been more riots in India than in any corresponding period of the last 70 years, and more occasions on which force has had to be employed to disperse mobs bent on disorder. No province has escaped that experience; and I ask this Council to consider most seriously whether you will not be indirectly encouraging the forces making for disorder if you weaken the authority of your executive officers. This Council consists of men of substance, of position and of great experience in the affairs of this country; and I hope, Sir, that by its decision on this Resolution, it will show in the most emphatic way that it desires to dis-

sociate itself entirely from anything which could be interpreted as an encouragement of the forces of disorder and revolution.

The HONOURABLE MR. LALUBHAI SAMALDAS: Sir, I beg to oppose this Resolution on grounds practically the same as those mentioned 1-13 P.M. by the previous speakers, but chiefly because I consider that by adopting this Resolution we will be interfering with the administrative powers of the Provincial Governments. I have all along stood up for provincial autonomy, and I believe that that is the final goal that we must attain. I will take the case of Forests, because that in Bombay is a transferred subject. Are we going to tell the Ministers that they shall not get the help of the Collector in administering forests, that they shall have nothing to do with the Collector and shall get no assistance from him as regards the excise administration? Do we want to take away all this initiative from the hands of Ministers? When I interjected "no, no" Mr. Raza Ali asked me what authority I had to say that the Ministers wanted their assistance—might I ask him what authority he has for saying that the Ministers do not want the assistance of the Collectors? Has he got any authority for saying that ministers, or even the Executive Councillors, do not want the Collectors to give them any assistance,—that they do not want the Collectors to have anything to do with either excise or forests? I would go further and ask whether the Executive Members of Council want the Collectors not to interfere in other matters. So long as we confine ourselves to all-India questions, I think we are doing—nobody will attack us and say we are not doing—our duty, but when we want to take away all initiative, I say "no, no" in regard to matters which are entirely provincial and many of which are entirely transferred. I would appeal to my Honourable friend Mr. Raza Ali to carefully consider his own Resolution. He wants the removal of the highly centralised administration, and I ask him whether he is following the same principle in centralising all powers of advice or initiative in this Council of State or in the other House. If you want decentralisation, let us first leave all initiative in the hands of the provinces. Sir, I beg to oppose the Motion.

The HONOURABLE MR. V. G. KALE: Sir, in the course of this debate I have often wondered whether I was sitting in a 1-16 P.M. Provincial Legislative Council or in a branch of the Imperial Legislature. The question whether such issues as have been raised by the Resolution before the House should be discussed in the local Councils or in the Central Legislature has been a moot point in my own presidency for some time past. For, I find that some Resolutions which would not be admitted in the local Legislature in Bombay were admitted and discussed and disposed of in another Legislative Council. The fact that the present Resolution has been allowed to be discussed in this Council leads me to think that this Legislature has the power of discussing questions like these which, to my mind, really belong to the Provincial Governments and Provincial Councils. Whether any municipality or local Board should be presided over by a non-official or an official is really a matter for the Local Government or the local Legislature to decide. What business has this Council to interfere with affairs which have been handed over entirely, under the new constitution, to the Local Governments? So I have been wondering why the discussion has taken place here: and the explanation I have given to myself is that, perhaps, as we are considering the general principles of administrative policy, the policy relating to the government of the country, this Resolution has

[Mr. V. G. Kale.]

been allowed to be discussed here ; and if that interpretation is correct, then I must say that some unnecessary heat has been imported into this debate. The Honourable Mover of the Resolution will be able to defend himself. I do not want to take a brief on his behalf. But what I do think is this. If he wants that the constitution should be re-modelled on the lines of decentralisation—I think that has been the opinion held by many people, even by the Provincial Governments themselves, as they have been clamouring for decentralisation—and that decentralisation has now to be carried down to the municipality, the local Board and the village, if that is the object of the Honourable Mover of the Resolution, I entirely support it. I find unfortunately that some of the words used in the Resolution are not quite suitable and happy. For instance, the phrase “removal of the highly centralised system of administration” is not as explicit as it should be. I take the word “removal” in the sense of re-modelling—re-modelling the present constitution of the Government system so as to decentralise power more and more into the hands of municipalities, local Boards and village authorities. If that is the correct interpretation,—an interpretation which I venture to put upon the Resolution,—then I strongly support the Honourable Mover, and I have every sympathy for the object that he has in view. I do not, however, think that I need go into details as regards provincial administration.

With regard to the powers of Collectors, and so forth, during the last few years there also decentralisation has actually taken place. All students of the Indian constitution know that the Collector was at one time all in all in the district. He touched every department at every point. But during recent years, specialisation has come in ; new departments have been created, and the Collector has been relieved of his responsibilities and duties so far as those new departments are concerned. Take education. Take forests. Here, experts have come in, and the Collector has been relieved to that extent. Now the lines which the evolution of our administration should take should be in the direction of giving greater and greater initiative and power to the people, and I think every reasonable person will agree to this proposition. Experts will be needed even under a re-modelled government ; Collectors will be needed, whether they be European or Indian, and they will have to be given certain powers : and I do not think that the Honourable Mover has the idea in his mind that in a re-modelled government, as he wants it to be re-modelled, there will be no Collectors with any powers at all.

I do not think it will be possible to eliminate that factor altogether. Even when the Collectors are all Indian, even then Collectors will be absolutely necessary in order to co-ordinate the work of the district.

Then there was another point which was raised by the Honourable Mr. Pratt with regard to the French system of district administration. I quite agree with him that the French Prefect is an autocrat, and there the municipalities or local bodies have absolutely no power even in matters of finance. He can dictate to the boards there ; and the people have no rights practically under the French system. But the question is, whether we are going to develop in this country a system of administration which is like the local administration in France, or whether we are going to imitate and evolve a system based on the model of the British system. What I want to say is that, so far, during the last 30, 40 or 50 years, we have been trying to imitate the

local institutions in England. True, local institutions in England have grown and developed under different conditions from those which obtain in this country. But having taken them as our model and having so far progressed along those lines, it follows that we shall have to give larger powers to the people, and to that extent the Collectors will have to be relieved of their responsibilities and powers. It is only in that sense and subject to the interpretation that I have put upon it that I should be willing to support the Resolution.

The HONOURABLE SIR MANECKJI DADABHOY : May I rise to a point of order, Sir. I should like to have your ruling as to whether it is open to a Member to put an interpretation on a word which is not conveyed by its ordinary English meaning ?

The HONOURABLE THE PRESIDENT : I cannot say it is out of order. It will be for the Council to judge of the arguments which were based on it.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN : I want to say one word of constructive criticism. The whole trouble now in the country is that all the petty officials like *lambardars*, *zilladars* and others, including even the police, are appointed by the Deputy Commissioner. The people think these are not their servants. Government is something different and they are something different. If the people were allowed to elect their own office bearers, like *lambardars* and *zilladars* in whom they have confidence, I think there is no need of changing anything or curtailing any of the powers of the local authorities. Then they will feel that these officials are their own men and will help them. Now, if a policeman or *lambardar* goes to a village, the people say : ‘he has nothing to do with us.’ If that amount of decentralisation from the Deputy Commissioner is effected, I think it would be very useful for the country.

The HONOURABLE SAIYID RAZA ALI : Sir, so many have been the speeches made in the course of this discussion that, in the course of my reply, I propose to confine myself to specific objections raised against my Resolution. All the same, I can assure my Honourable Colleagues not to take that as indicating any want of respect on my part to the very valuable contributions they have made to the discussion.

Now, Sir, coming to the speech of the Honourable Mr. Hammond, I find that he has taken me to task for using the words ‘foreign body’. Now, Sir, I did use these words in connection with the district and municipal boards in their relation to the district officers and Commissioners. English is not my mother tongue.....

The HONOURABLE THE PRESIDENT : The Honourable Member seems to be very apt in expressing himself in it.

The HONOURABLE SAIYID RAZA ALI : I thank you, Sir, for what you have said, but English is not my mother tongue. All the same I did take care to look into a dictionary and found that ‘foreign’ though it means ‘belonging to a different country’ also means ‘coming from outside’. If the gentlemen, visitors over there. ....

The HONOURABLE THE PRESIDENT : Order, order. No reference whatever must be made to strangers in the House.

[Saiyid Raza Ali.]

THE HONOURABLE SAIYID RAZA ALI: Those who are present in this Chamber besides the Members are a 'foreign body' in relation to this Council. I assure the Honourable Mr. Hammond that that was exactly the sense in which I did use the term, not because Collectors and Commissioners were Englishmen, but, as a matter of fact, because in the constitution of the district and municipal boards they had no place. That was the sense in which I did use the term.

The Honourable Mr. Hammond goes on to say that this Resolution would amount to a vote of want of confidence in the district officers who have been carrying on the administration of the country. On this point the only submission I have to make is, that if a similar argument were to be applied to the announcement of the 20th of August 1917, we would never have had the reforms which are in force to-day, because, according to the argument of my Honourable friend, it would imply a reflection not only on the Government of India, but on the Local Governments and other bodies. Sir, when a reform is proposed various sorts of objections are taken to it, and this is a stock argument I have heard times without number. I had already said that far from being a reflection on the district officers, as a matter of fact that went to show conclusively that they had been quite successful in the work which they had been doing in this country since the beginning of the 19th century of the Christian era. Mr. Hammond went on to paint a picture of crying children, weeping women, distressed men, gathering round the district officer in his verandah....

THE HONOURABLE MR. E. L. L. HAMMOND: May I rise to point out that I never mentioned one of those words?

THE HONOURABLE SAIYID RAZA ALI: I am sorry I have taken the Honourable Member's name. I do remember one of the Honourable Members did say something about people coming to the district officer and making all sorts of complaints to him. Now, this argument of prestige which has been further developed in his theme by the Honourable Sir Maneckji Dadabhoi would go to show that people are not prepared to take away even the slightest power from the district officers. This subject, as a matter of fact, was fully discussed in his speech by the Honourable Mr. Pratt who was good enough to use the words 'bad,' 'mischievous' and 'dangerous' in relation to my proposals. Sir, it is quite open to me to use language equally strong, but I assure you, that I do not propose to do that. It is only when vested interests are affected that hard and harsh language is used. It is not for us, who want to take and not to give, to use any strong language. I can assure the Honourable Mr. Pratt that I do not mind the language that has been used by him. I will only briefly examine the data on which his argument rests. The Honourable Mr. Pratt said that if you take away the system, there is nothing by which you can replace it. Now, if that is so, I am very sorry that I have spent half an hour of my time in the opening speech, your time, Sir, and the time of the Members of this Council for nothing. As a matter of fact, I had put forward specific proposals for transferring specific powers from the District Magistrate to definite bodies. It is open to my Honourable friend to say that my proposals are defective, that they are not satisfactory, and that they would not suit the needs of the time. But he cannot say that I have not put forward any specific proposals. As a matter of fact, for every proposal I made I named the body to whom the power was to be transferred.

Sir, the Honourable Mr. Pratt further went on to say that the bureaucracy is not the master, but the servant of the people and of the Government. Now that argument again is one which has been heard times without number. Sir, it is all right for one man to serve another, but when the man whom you want to serve thinks that he would rather be served in another way, and instead of one man by a body of men, I do not know what right you have to thrust your services upon the unwilling man. The question I ask, is whether the local body will not do the work better than one single individual? I hinted at it, and as a matter of fact some Members of this Council have also referred to the fact that after all safety lies in numbers and it is always dangerous to give too much power to any single individual. I do not say that the district officer has not used those powers properly. I do not say that his administration is not efficient. What I do say is that, as a matter of fact, if you transfer these powers to other hands, your administration will become more efficient. The powers will be used in a better way, and in any case to the happiness and contentment of the people of this country. Now the Honourable Mr. Pratt was good enough to give me a chapter from French history. Now I took care to point out in my opening speech that it is not open to me to point out at this stage whether in future India will develop along the highly centralised lines of government, or otherwise. In this connection I specifically quoted the case of France where they have a highly centralised form of government. In contrast to that I instanced England, where the system of government is decentralised.

The questions raised by the Honourable Mr. Pratt are too big, and it is not necessary at this stage for me to go into them. The real question is whether, as regards local bodies, it would not be better, and the time has not come, to give them greater powers. Now the Honourable Mr. Pratt charged me by saying that I had not had an opportunity of having lived long under responsible government. Sir, I confess guilty to the charge, but I assure the Honourable Mr. Pratt that if I have not lived long under responsible government, that is not my fault. Then he discussed the functions of governments and administrations. Well, I do not think at this late stage it is necessary to go into that. The only reply I will make on this point is that a Minister is both a part of Government and an administrator.

Now coming to the speech of the Honourable Sir Maneckji Dadabhoi, he waxed eloquent on the theory of the *Ma-Bap* system of government and the functions of the District Magistrate, and the district officer, in the light of that theory. Now, Sir, the Honourable gentleman, as I at least am aware, is never tired of sighing for old times. But I assure the Honourable gentleman that old times have gone, fortunately for us, never to return. If there is any district officer who still believes in the *Ma-Bap* theory of government, I would ask him, both in his own interests and in the interests of the country, to disabuse his mind of that theory. What is known as the *Ma-Bap* form of government is exactly what is called an autocratic form of government. It may be that your autocrat is benevolent; it may be that he is tyrannical, but the system is the same, and we are not prepared—whether this Resolution is lost or carried—I and my people are not prepared to revert to the *Ma-Bap* form of government ever again. ....

THE HONOURABLE SIR MANECKJI DADABHOY: May I make a personal explanation, Sir? I never propounded the theory of *Ma-Bap* govern-

[Sir Maneckji Dadabhoy.]

ment. My Honourable friend has entirely misunderstood my argument. I only said that the district officer served a very useful function in going round the villages and hearing the complaints and grievances of the people and giving them his advice and admonition.

The HONOURABLE SAIYID RAZA ALI: I am very glad the Honourable Member has made this reply. In fact he said that in his speech also—and it is curious that two gentlemen who have made speeches against my Resolution used exactly contrary arguments. The Honourable Sir Maneckji says that the district officer goes about administering justice right and left and many people come to him and communicate their grievances. On the other hand, the Honourable Mr. Hammond said that the district officer is an overworked officer. If he is an overworked officer, why not relieve him of these burdensome duties, which, I take it, are not interesting to him and which take up so much of his time.

Coming to the speech of the Honourable Mr. Craik, Sir, he repeatedly argued that the subject relates to a provincial transferred department, namely, Local Government. I had already anticipated that in my opening speech. Now the Honourable Member seems to think that it is absolutely necessary that the district officers should control irrigation, public works and forests. He has given his own experience. I need not go into that. The only thing I wish to say is that, if that is how we are going to reach the goal of self-government, there is no need to have separate departments like Forests, Public Works Department and Irrigation.

The last thing I shall notice is the bogey of Bolshevism, which has been dragged across the floor of this House by the Honourable Mr. Pratt. The Honourable Mr. Craik also referred to the forces of revolution. Now, Sir, unfortunately or fortunately for me, I do not know what Bolshevism is except what I have seen in the English press. But this much I do say, that if Bolshevism means that the district officer should not retain all the powers that he has now and we should not attempt to remodel—as My Honourable friend Mr. Kale said—the present system of government; if this is to be characterised as Bolshevism, then I plead guilty to the charge and here stands a Bolshevik before you in bone and flesh. This threat of Bolshevism, Sir, has from time to time been brought before the public, but I assure my Honourable friends that it falls wide of the mark. Nobody, as a matter of fact, need feel afraid of Bolshevism. If Bolshevism is devoid of all those principles on which we propose to reconstruct the present system of government,.....

The HONOURABLE THE PRESIDENT: I am afraid I must call the Honourable Member's attention to the fact that he has exceeded his time-limit.

The HONOURABLE SAIYID RAZA ALI: Well, Sir, I have nothing more to say, I leave this Resolution in the hands of this august Assembly. If this Resolution is defeated, I can assure the Honourable Members that the forces working outside the walls of this Chamber are so great and so insistent, that in course of time, despite the danger of Bolshevism paraded before us, Sir, this House will in the near future have to reckon with them and to accept not only the proposals contained in my Resolution but more,

The HONOURABLE THE PRESIDENT: The question is that the following Resolution be adopted:

'This Council recommends to the Governor General in Council the removal of the highly centralised system of administration that obtains in this country under which many classes of officials, especially District Magistrates and Collectors, have vast powers.'

The Resolution was rejected.

The Council then adjourned till Monday, the 26th instant, at 11 A.M. in the Council Chamber.

## COUNCIL OF STATE.

*Monday, the 26th September, 1921.*

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

### QUESTIONS AND ANSWERS.

MEMORIALS FROM SERVICES FOR GRANT OF INCREASE OF PAY, ETC.

141. The HONOURABLE MR. E. S. LLOYD : Will the Government of India be pleased—  
11 A.M.

(a) to lay on the table the correspondence, telegraphic or otherwise, between the Government of India and the Secretary of State leading up to the issue of the Resolution of the Government of India in the Finance Department No. 1559-E.A., dated the 16th August 1921;

(b) if the Secretary of State's sanction be required to the publication of this correspondence, are the Government of India prepared to obtain that sanction by cable?

The HONOURABLE MR. E. M. COOK : Government are not prepared to lay the correspondence.

REMOVAL OF INCONVENIENCES OF PURDAHNA SHIN LADIES ON MAIL TRAINS.

142. The HONOURABLE RAJA PRAMADA NATH ROY, OF DIGHA PATIA :  
(a) Is the Government aware that a joint representation was made by three Members of this Council and three Members of the Legislative Assembly to the Agent, Eastern Bengal Railway, in April last, for the removal of certain inconveniences of the *purdahna shin* ladies, both Hindus and Muhammadans, travelling by the Darjeeling mail trains of the Eastern Bengal Railway, and the reply given to the said representation by the Agent of the Eastern Bengal Railway does not remove the inconveniences complained of?

(b) What action, if any, do Government propose to take?

The HONOURABLE MR. H. A. F. LINDSAY : (a) Government has seen the representation referred to and the reply given to it by the Agent, Eastern Bengal Railway.

(b) It is considered that the Agent's explanation as contained in his reply to the representation deals suitably and satisfactorily with the points raised, and Government regret they cannot see any justification for taking action in the matter.

RESERVED ACCOMMODATION ON THE DARJEELING MAIL.

143. The HONOURABLE RAJA PRAMADA NATH ROY, OF DIGHA PATIA :  
(a) Has the attention of Government been drawn to rule No. 94

paragraph) of the Time Table for June, July and August 1921 of the Eastern Bengal Railway ?

(b) If so, what are the circumstances justifying the Railway Administration to charge for a distance of nearly 200 miles, while the actually travelled number of miles may be below 30 ?

The HONOURABLE MR. H. A. F. LINDSAY : The Darjeeling Mail on the Broad Gauge consists of a limited number of bogie corridor carriages. If an extra carriage has to be attached to the train it must be a bogie.

The object of the rule referred to is to discourage applications for reserved accommodation which would necessitate any addition to the regular composition of the train between Calcutta and Santahar except such as may be required to accommodate through passengers in whose interests the service is provided. The section between Calcutta and Santahar is well served by trains, and passengers requiring reserved accommodation to or from intermediate stations should experience no difficulty in travelling by trains other than the Darjeeling Mail.

#### LAVATORIES ON RAILWAY THIRD CLASS CARRIAGES.

144. The HONOURABLE RAJA PRAMADA NATH ROY, OF DIGHAPATIA : Would Government be pleased to state if the third class Railway carriages in all the Railways have been provided with lavatories ?

The HONOURABLE MR. H. A. F. LINDSAY : Over 70 per cent. of the total third class carriages on the standard and metre-gauge railways are provided with latrines. Latrines are provided in all new stock except that designed for suburban traffic in which they are not necessary.

#### INDIAN MEMBER FOR RAILWAY BOARD.

145. The HONOURABLE RAJA PRAMADA NATH ROY, OF DIGHAPATIA : Do Government propose to appoint an Indian as a Member of the Railway Board ?

The HONOURABLE MR. H. A. F. LINDSAY : The composition of the Railway Board is one of the matters for consideration by the Railway Committee whose Report the Government of India are awaiting.

#### EXTENSION OF BROAD-GAUGE LINE FROM SANTAHAR TO PARBATIPUR.

146. The HONOURABLE RAJA PRAMADA NATH ROY, OF DIGHAPATIA : Would Government be pleased to make a statement as to when the works in connection with the following extensions of the Eastern Bengal Railway will be taken in hand ?

- (i) The extension of the broad-gauge line from Santahar to Siliguri.
- (ii) Construction of the line between Nauchal Rajshahye and Isurdi.

The HONOURABLE MR. H. A. F. LINDSAY : (i) Work in connection with extension of the broad-gauge line from Santahar to Parbatipur is in hand. An estimate for the further extension to Siliguri is under preparation by the Railway Administration.

(ii) A revised project estimate of the cost of constructing the Ishurdi-Rampur-Boalia-Nauchal Railway is at present awaited from the Agent,

Eastern Bengal Railway. In the meantime it is not possible to say when construction work will be proceeded with, as that must depend on the prospects of the line and on the provision of the necessary funds.

#### SHEDS ON PLATFORMS AT EASTERN BENGAL RAILWAY STATIONS.

147. The HONOURABLE RAJA PRAMADA NATH ROY, OF DIGHAPATIA : (a) Is the Government aware that inconvenience is being felt by the travelling public for want of sheds over the Island platforms and overbridges at many of the stations, notably on the Eastern Bengal Railway, and also for these platforms and overbridges being very badly lighted ?

(b) Do Government propose to issue necessary instructions, as early as possible, for redressing these grievances ?

The HONOURABLE MR. H. A. F. LINDSAY : (a) The want of sheds on platforms at certain stations of the Eastern Bengal Railway has been brought to the notice of Government, but not on overbridges, nor has any complaint been received from the public about the bad lighting of platforms and overbridges.

(b) If on inquiry the need for the improvements referred to by the Honourable Member is established, steps will be taken to have them carried out as funds permit.

#### DISTRICT CART ROAD FROM DARJEELING TO SILIGURI.

148. The HONOURABLE RAJA PRAMADA NATH ROY, OF DIGHAPATIA : (a) Is it a fact that the District Cart Road from Darjeeling to Siliguri is used chiefly by the Darjeeling-Himalayan Railway ?

(b) Is it repaired by the Government under supervision of the Darjeeling-Himalayan Railway, which is allowed a percentage for the work of supervision ?

(c) If so, would the Government be pleased to state the reasons for this use of public money ?

(d) Do Government propose to ask the Darjeeling-Himalayan Railway Company to keep this road in repairs as a condition of their using the same ?

The HONOURABLE MR. H. A. F. LINDSAY : (a) and (b) The reply is in the affirmative.

(c) and (d) The use of the cart road in question has been granted, free of cost, to the Darjeeling-Himalayan Railway Company under the terms of their contract in which it is also laid down that the Secretary of State shall, at his own expense, uphold and maintain this road with all bridges, embankments and walls, etc., necessary for its protection, and that its upkeep and maintenance shall be undertaken, done and executed by the Company as contractors for and on behalf of the Secretary of State on terms and conditions fixed by the latter. These terms and conditions cannot be altered during the currency of the present contract which is due to expire on 4th May 1929.

It may, however, be added that half the net profits of any year in excess of 5 per cent. on the paid-up capital are, in accordance with the contract, applied in repayment to the Local Government of the amount expended on the maintenance of the cart road during the same year. The amount paid to the Government of Bengal by the Company has averaged over a lakh of rupees a year during the five years ended 1919-20.



## INCOME-TAX COMMITTEE.

149. The HONOURABLE RAO BAHADUR S. RM. M. A. ANNAMALAI CHETTIYAR : Will the Government be pleased to lay on the table copies of—

- (a) the evidence, written and oral, submitted by the various witnesses in the several provinces examined by the Income-tax Committee;
- (b) all the reports of the several local Committees?

The HONOURABLE MR. E. M. COOK : A complete record of the evidence taken by the various Committees appointed by the Local Governments has not been received and was presumably not prepared.

The papers received from the Provincial Committees are somewhat bulky including as they do in some cases opinions of individuals on particular points. It is not proposed, therefore, to lay all these papers on the table, more particularly as all relevant portions of the provincial reports are included in the report of the All-India Committee. Copies of the summaries of the provincial reports prepared for the use of the All-India Committee are, however, being sent to the Honourable Member. If the Honourable Member wishes he will be shown all the other papers and copies will be prepared for him of any particular papers that he may desire.

## PURCHASE OF RAILWAY MATERIALS FOR INDIA.

150. The HONOURABLE RAO BAHADUR S. RM. M. A. ANNAMALAI CHETTIYAR : Will the Government be pleased to state—

- (a) whether they have perused Reuter's telegram in the *Hindu* of the 14th of July 1921, regarding the purchase of Railway materials for India;
- (b) the circumstances that led them to prefer the British market to foreign markets?

The HONOURABLE MR. H. A. F. LINDSAY : The Government have seen the statement made in the *Hindu* of the 14th July 1921. They have no information as to the accuracy of the statement made by Reuters, but the Honourable Member's attention is drawn to the statements laid on the table in reply to Question\* No. 30 by the Honourable Mr. Lalubhai Samaldas. The purchase of steel rails referred to in Reuter's telegram is not included in the statement laid on the table showing cases in which British tenders have been accepted although lower satisfactory tenders were received from foreign firms. The Government presume, therefore, that the purchase, if it is accurately reported, was not effected through the agency of the High Commissioner. The Government of India have no responsibility for purchases made by a Company Railway without the intervention of the High Commissioner.

## REVISION OF RAILWAY RATES.

151. The HONOURABLE MR. A. H. FROOM : Will the Government be pleased to state—

- (a) Whether the Railway Board were requested to deal with questions of the revision of Railway rates as quickly as possible and, if so, on what date were instructions to this effect given?

\* Vide page 35 of Volume II, No. 2 of Council of State Debates.

- (b) Was it intended that the revised rates should be ready in time for their introduction on or about the 1st October 1921?
- (c) On what date or dates were the necessary instructions issued to the Railway Companies?
- (d) Is it the case that the Railway Companies were prepared to complete the revision of the rates in time for their introduction on or about the 1st October?
- (e) On what date is it now proposed to introduce the revised rates?
- (f) If the proposed date of their introduction is later than the 1st October, what is the reason for the delay?

The HONOURABLE MR. H. A. F. LINDSAY : (a) Yes. The question of the revision of railway rates to replace the surcharge tax was taken up by the Railway Board on the 29th March 1921.

(b) The reply is in the affirmative.

(c) On the 26th April 1921, a meeting was held at Simla between the Agents of the principal Railways and the Railway Board when the basis of the enhanced rates and a revised classification of goods were decided upon.

(d) The reply is in the affirmative.

(e) With effect from the 1st April 1922.

(f) The revision (and incidentally the enhancement) of railway rates was undertaken with the view that enhanced rates would replace the surcharge imposed under the Finance Act, 1921, which remains in force until the 31st March 1922, unless repealed or amended by the Legislature before that date. After careful consideration of all the circumstances, the Government of India decided not to introduce a Bill to repeal or amend the Finance Act, 1921, for the removal of the surcharge tax before the end of the Financial year.

## MEMORIAL BY THE WIDOW OF THE LATE DANIEL BEG.

152. The HONOURABLE DIWAN BAHADUR V. RAMA BHADRA NAIDU : (a) Will the Government be pleased to state whether a memorial submitted by the widow of late Daniel Beg, ex-Minister of Chitral, has been received by the Government of India?

(b) What recommendations, if any, were made by the Government of Madras in respect thereof?

(c) What action, if any, do Government propose to take?

The HONOURABLE THE PRESIDENT (the Honourable Member of the Government being absent) : I think that when a question is put on the paper some representative of the Government ought to be present to answer it.

\*The HONOURABLE MR. DENYS BRAY : (a) Yes.

(b) The Government of Madras recommended the grant of an allowance of Rs. 40 a month to the memorialist for her maintenance.

(c) The Government of India have sanctioned a political pension of this amount terminable on her death or re-marriage, with effect from the 1st April 1921.

\* This Answer was subsequently given.

## FUNCTIONS OF IMPERIAL CADET CORPS.

153. The HONOURABLE DIWAN BAHADUR V. RAMA BHADRA NAIDU: What are the functions to be performed by the Imperial Cadet Corps created by Lord Curzon?

The HONOURABLE THE PRESIDENT (the Honourable Member of the Government being absent): The Honourable Sir John Wood is absent. I must draw the attention of the Government Bench to the fact that some representative of Government ought to be present to answer questions, which are on the paper.

\*The HONOURABLE SIR JOHN WOOD: The Imperial Cadet Corps is no longer in existence. It was temporarily disbanded in 1915 and has never been re-started.

## ADMISSION OF ZAMINDARS, ETC., INTO THE ARMY.

154. The HONOURABLE DIWAN BAHADUR V. RAMA BHADRA NAIDU: Do the Government propose to adopt a scheme for the admission of junior members of Zamindars and Polaiyagars of the Madras Presidency to serve in the Army?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: The creation of the Indian Territorial Force affords a means of obtaining military training to the classes in question. Recruitment in the 1st (Territorial Force) Battalion, 73rd Carnatic Infantry, is now commencing.

## WITHDRAWAL OF TROOPS AT MALAPURAM.

155. The HONOURABLE DIWAN BAHADUR V. RAMA BHADRA NAIDU: (a) What are the causes that led to the withdrawal of the troops stationed at Malapuram before the recent outbreak of the Moplah rising?

(b) Did not the District Magistrate or the Madras Government, considering the turbulent nature of the Moplahs, advise the Government of India not to withdraw the forces from there?

(c) Are the Government going to station a force permanently there hereafter?

(d) What precautions are the Government devising to avoid similar outbreaks if they occur in out-of-the-way places throughout India?

(e) What compensation are the Government going to give for the conversion of Hindus into Muhammadans, destruction of Hindu temples, murder and outrage of women and children by the Moplahs?

(f) Was Mr. C. Rajagopalachariar, after the proclamation of Martial Law, allowed to go into affected areas of Malabar and preach his propaganda work? If so, why?

(g) Were Mr. Prakasam, Barrister, Madras, and Mr. T. V. Venkatrama Iyer turned out without entering Malabar?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) Owing to the reduction of the British Infantry in India from the pre-war strength, the garrison of the present Madras district was reduced by one battalion. This

\* This answer was subsequently given.

necessitated the adequate concentration of the remaining British Battalion whose headquarters are now at Wellington; and the withdrawal of the British garrison which used to be stationed at Malapuram. It has also been necessary to withdraw the British Detachment at Bellary for similar reasons.

(b) The Madras Government advised the retention of a British garrison at Malapuram; but they consented later to its evacuation for the reasons given above, on condition that adequate arrangements were made for the quick despatch of troops from Calicut to Malapuram.

(c) The question has not yet been considered and cannot be considered until the Madras Government have had time to submit their recommendations after the present disturbances have been quelled.

(d) The location of the troops detailed for internal security purposes is governed by two main considerations; firstly, with reference to the necessity for preserving tranquillity, and secondly, with reference to the existing accommodation. The Honourable Member will realise that it is impossible, with a limited number of troops, to station detachments in every locality where there is the possibility of an outbreak occurring.

(e), (f) and (g) Government have no precise information, as those are matters dealt with entirely by the Local Government, but they will obtain the information in due course and place it at the Honourable Member's disposal.

## CONCESSIONS TO PRESS EMPLOYEES AT DELHI, SIMLA AND CALCUTTA.

156. The HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY, OF KASIMBAZAR: (i) Is it a fact that the Government have promised in some manner the following concessions to all hands and operatives in their various Press establishments at Delhi, Simla and Calcutta:—

(a) that those piece-employees who have put in a continuous and approved service for 25 years, whether in the permanent or temporary list, would be allowed the full benefit of pensions;

(b) that a considerable number of piece-employees would be transferred from the temporary to the permanent list; and

(c) that new recruits will enjoy the benefits of a Provident Fund to be inaugurated on their behalf?

(ii) If answer to the above questions be in the affirmative, will the Government be pleased to state what steps have been taken to give effect to the above concessions?

The HONOURABLE MR. H. A. F. LINDSAY: (i) (a) The existing rule that service on temporary piece-work establishments does not count for pension is still in force, but Government have undertaken to consider recommendations for pension on behalf of men who have rendered 25 years' continuous and approved service, whether such service is permanent or temporary.

(i) (b) The promise was made with regard to salaried hands only.

(i) (c) Yes.

(ii) Applications for pension from men with temporary service have been considered and pensions granted in certain cases. This practice will be continued. Rules for the creation of a Provident Fund for new recruits are at present under consideration.

## QUESTION IN REGARD TO HOLIDAYS, ETC., OF PIECE-WORKERS.

157. The HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY, OF KASIMBAZAR: Have the Government arrived at any final decision in regard to questions of holidays, leave, etc., of the piece-workers? If so, what is that decision?

The HONOURABLE MR. H. A. F. LINDSAY: It is intended to give piece-workers who have worked regularly for the previous 12 months, 16 days' leave with pay at class rates each year to cover absences on account of holidays, sickness or leave. This concession will come into force with effect from the 1st April 1922, subject to the provision of the necessary funds by the Legislative Assembly.

## NUMBER OF EUROPEAN DEPUTY SUPERINTENDENTS IN THE GOVERNMENT PRESS, CALCUTTA.

158. The HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY, OF KASIMBAZAR: What was the number of European Deputy Superintendents and Overseers in the Government Press in Calcutta, between the years 1875 and 1905, and what is their number at the present time?

The HONOURABLE MR. H. A. F. LINDSAY: From 1875 to 1883 there was one Deputy Superintendent only, from 1883 to 1905 there was one Deputy Superintendent and one Overseer. At present, there are two Deputy Superintendents and five Overseers.

## VOLUME OF PRINTING WORK DONE EACH YEAR.

159. The HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY, OF KASIMBAZAR: What is the volume of printing work, estimated in terms of cost, that has been done each year, during the last ten years, at the Government Press in Calcutta and at Messrs. Lal Chand and Sons, respectively?

The HONOURABLE MR. H. A. F. LINDSAY: A statement furnishing the information has been placed on the table.

*Statement showing the amount in terms of cost of printing work done at the Government Central Press,\* Calcutta and Delhi and at Messrs. Lal Chand and Sons' Press during the years 1910-1920.*

| Year.   |     |     |     | Government Central Press. | Messrs. Lal Chand and Sons' Press. |
|---------|-----|-----|-----|---------------------------|------------------------------------|
|         |     |     |     | Rs.                       | Rs.                                |
| 1910-11 | ... | ... | ... | 7,67,624                  | 1,08,086                           |
| 1911-12 | ... | ... | ... | 7,37,439                  | 85,008                             |
| 1912-13 | ... | ... | ... | 7,43,836                  | 89,807                             |
| 1913-14 | ... | ... | ... | 8,37,073                  | 89,009                             |
| 1914-15 | ... | ... | ... | 8,70,752                  | 72,625                             |
| 1915-16 | ... | ... | ... | 8,85,446                  | 1,00,587                           |
| 1916-17 | ... | ... | ... | 8,80,865                  | 96,888                             |
| 1917-18 | ... | ... | ... | 8,91,767                  | 93,571                             |
| 1918-19 | ... | ... | ... | 9,89,885                  | 56,806                             |
| 1919-20 | ... | ... | ... | 11,49,847                 | 1,36,003                           |

\*Note.—Separate figures for Calcutta alone are not available at present.

## REVISION OF RATES FOR PIECE-WORKERS.

160. The HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY, OF KASIMBAZAR: On how many occasions have the rates for piece-work in Government presses been revised, and how many times have the piece-workers gone on strike, since 1875, and by what percentages have these rates been increased at each revision?

The HONOURABLE MR. H. A. F. LINDSAY: A general revision of piece rates was sanctioned last year for the first time since 1875. The rates of overtime allowances, however, paid to piece-workers were raised in 1908, in 1918 and again in 1920. Piece-workers have also been granted war allowances to compensate them for the high cost of living since 1918 till the general revision of piece rates last year. The rates have been increased by 40 per cent. for Calcutta and Delhi and by 50 per cent. for Simla, except in the case of distributors in all the Presses and the piece-employees of the mechanical and type foundry branches of the Calcutta Press whose rates have been increased by 75 per cent. as it was found impossible to get labour for this type of work at lesser rates.

There have been two strikes among piece-workers: one in 1905, the second in 1920.

## AVERAGE MONTHLY EARNINGS OF PIECE-WORKERS.

161. The HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY, OF KASIMBAZAR: What were the average monthly earnings during the twelve months previous to the introduction of the new scale in July 1920, in case of workers in classes 29 to 19, respectively, and how have their average monthly earnings improved during the twelve months following the introduction of the said scale?

The HONOURABLE MR. H. A. F. LINDSAY: As the piece-workers returned to work after the strike only in October 1920, it is not possible to give the required information at present. Government have undertaken to place the figures before the Assembly as soon as they are available.

## INCREMENTS TO SALARIED HANDS AND PIECE-WORKERS.

162. The HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY, OF KASIMBAZAR: What have been the percentages of increment granted to salaried hands and piece-employees, respectively, under the new scale?

The HONOURABLE MR. H. A. F. LINDSAY: The percentage of increases granted to both salaried hands and piece-employees have been approximately 40 per cent. for Calcutta and Delhi, and 50 per cent. for Simla except in the cases referred to in the answer to Question No. 160.

## DIFFERENT SCALES OF INCREMENT FOR PIECE-WORKERS.

163. The HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY, OF KASIMBAZAR: Is it a fact that two different scales of increment have been sanctioned in the case of piece-workers at Simla, Delhi and Calcutta, some branches getting an increment of 75 per cent. and some 40 per cent. in one and the same department?

THE HONOURABLE MR. H. A. F. LINDSAY: The Honourable Member is referred to the answer given to Question No. 160.

#### SIMLA MONOTYPE PRESS.

164. The HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY, OF KASIMBAZAR: Is it a fact that in the Simla Mono. Press the compositors are all salaried hands? If so, what is the reason for maintaining the Calcutta section still on the piece-system?

The HONOURABLE MR. H. A. F. LINDSAY: The operators of Monotype machines are all salaried hands both in Calcutta and Simla. For correction work compositors in the Simla Monotype Press are all salaried hands as the Press is a self-contained institution and has no separate staff of hand compositors. In Calcutta men from the hand composing staff are drafted to the Monotype correcting section, and when working in that section are paid at hour rates. The advantage of the Calcutta system is that, when necessary, additional men can be placed temporarily on time work in the Monotype correcting section without maintaining additional staff.

#### ISSUE OF LICENSES TO HINDU LEGAL PRACTITIONERS.

165. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: (a) Would the Government be pleased to state the conditions under which licenses are issued to the Hindu legal practitioners resident of the North-West Frontier Province by the Judicial Commissioner of that Province?

(b) Is it a fact that candidates (legal practitioners) with distinguished personal and family war services were refused license?

The HONOURABLE MR. H. D. CRAIK: (a) The conditions under which licenses are issued to legal practitioners in the North-West Frontier Province are laid down in the Rules contained in the Chief Commissioner's Notification No. III, dated the 25th September 1913, a copy of which is laid on the table.

(b) Government have no information but will inquire from the Chief Commissioner and communicate the result to the Honourable Member.

#### GAZETTE NOTIFICATION.

*Peshawar, the 25th September 1913.*

#### Rules under Section 9, sub-section (2), Regulation VII of 1901, relating to Legal Practitioners in the North-West Frontier Province.

No. III.—The following persons only shall be deemed to be qualified to apply for authority to appear and practise in the Civil, Criminal and Revenue Courts and before Revenue Officers in the North-West Frontier Province, viz.:—

(i) Any person who is entitled to practise—

(a) As a Barrister;

(b) As a Solicitor of His Majesty's High Court of Judicature in England, or an Attorney or Solicitor of any of the superior Courts of Law and Equity in Ireland, or Writer to the Signet, or Solicitor of the Supreme Court in Scotland, or as Attorney of any High Court in India;

(c) As an Advocate or Vakil of the High Courts of Calcutta, Madras, Bombay or Allahabad, or as an Advocate or Pleader of the Chief Court of the Punjab, or an LL.B. of any Indian University.

(ii) Extra Assistant Commissioners or Judicial Officers of equal or superior official rank; Tahsildars and Munsifs who have retired on pension from the public service in the North-West Frontier Province.

II. For the purposes of these rules legal practitioners authorised to appear and practise in any of the Courts in the North-West Frontier Province shall be classified in two grades—

(1) The 1st grade shall comprise Barristers as specified in Rule 1 (i) (a), Solicitors, Attorneys and Writers as specified in Rule 1 (i) (b), Vakils and Pleaders of the 1st grade admitted by any High Court in India or by the Chief Court of the Punjab, and Extra Assistant Commissioners or Judicial Officers of equal or superior official rank who have retired on pension from the public service in the North-West Frontier Province.

(2) (a) Legal practitioners admitted to the 2nd grade who have obtained the degree of LL. B. of an Indian University, and who have practised for two years as such, will be admitted to the 1st grade, provided they satisfy the Judicial Commissioner of their fitness for promotion.

(b) In other cases the term of practice required is 5 years subject to the same proviso as in clause (a).

The 2nd grade shall comprise Pleaders of the 2nd grade admitted by or under the orders of any High Court in India or by the Chief Court of the Punjab, LL. B's of any Indian University, and Tahsildars and Munsifs who have retired on pension from the public service in the North-West Frontier Province.

Mukhtars who have been licensed to practise as 2nd grade practitioners under the old rules will be included in this class, but will not be eligible for promotion to the 1st grade.

III. Legal practitioners of the 1st grade authorised under these rules shall be entitled to appear and practise in the Court of the Judicial Commissioner and in all Civil and Criminal Courts subordinate thereto, and also, subject to the proviso to sub-section (i), Section 9, of Regulation VII of 1901, in the Court of the Revenue Commissioner and in all Courts and Offices subordinate thereto in the divisions or districts specified in their authority.

Legal practitioners of the 2nd grade authorised under these rules shall be entitled to appear and practise in all Civil and Criminal Courts subordinate to the Court of the Judicial Commissioner, and also, subject to the proviso to sub-section (i), Section 9, of Regulation VII of 1901, in all Revenue Courts and Offices subordinate to that of the Revenue Commissioner in the districts specified in their authority.

Provided that no 2nd grade legal practitioner who has been authorised to practise as such under the old rules in the capacity of a Mukhtar admitted by or under the orders of any High Court in India, or by the Chief Court of the Punjab, shall be entitled to appear and practise in a Divisional and Sessions Court.

IV. Every application for authority to appear and practise in the Civil, Criminal or Revenue Courts, or before Revenue Officers in the North-West Frontier Province, shall be made in writing to the Judicial Commissioner, and shall be stamped with the proper Court-fee stamp. Every such application shall show—

(1) The applicant's name, native residence, and present place of residence in full.

(2) His father's name, residence and occupation.

(3) His age and nationality.

(4) His occupation, if any, and statement whether he has ever been in Government service.

(5) The qualifications entitling him to apply for authority to practise under these rules.

(6) The district or districts in which he desires to practise.

The application shall be accompanied by certificates showing the applicant's qualifications entitling him to practise under these rules, by satisfactory testimonials of good character, and by the fee hereinafter prescribed for an authority to practise in the grade of legal practitioners for which the applicant is qualified. A receipt for such fee will be furnished by the Registrar of the Judicial Commissioner's Court, and the amount of the fee will be refunded if no authority is granted to the applicant.

V. On any such application the Judicial Commissioner may (in his discretion), subject to the proviso to sub-section (2), Section 9, of Regulation VII of 1901, grant the authority applied for or may reject the application.

VI. Every person to whom such authority is granted shall be furnished with a certificate in the form given in Appendix A under the signature of the Registrar of the Judicial Commissioner's Court and the seal of the said Court upon stamped paper bearing a stamp equal in value to the fee prescribed for the grade of legal practitioners in which he has been admitted to practise, and thereupon his admission shall be notified in the *Government Gazette, North-West Frontier Province*.

VII. A register of legal practitioners shall be kept by the Registrar of the Judicial Commissioner's Court in the form given in Appendix B, in which shall be entered the name of every person authorised to practise as a legal practitioner under these rules, together with the date of his certificate. A list of persons entitled to act as legal practitioners in the North-West Frontier Province will be published annually in the *Government Gazette, North-West Frontier Province*.

VIII. The fee payable for authority to practise as a legal practitioner of the 1st grade shall be Rs. 50, and the fee payable for authority to practise as a legal practitioner of the 2nd grade shall be Rs. 25.

IX. A certificate issued to a legal practitioner under these rules shall remain in force till the end of the calendar year in which it is issued.

X. Any legal practitioner authorised under these rules may apply to the Judicial Commissioner for the renewal of his certificate for the ensuing calendar year. Such application shall be made in writing during the month of December, and shall be stamped with the proper Court-fee stamp, and shall be accompanied by the expiring certificate. Upon such application the Judicial Commissioner may, in his discretion, renew the certificate or reject the application. A renewed certificate shall remain in force till the end of the calendar year for which it is renewed. The fee payable for the renewal of a certificate shall be Rs. 20 in the case of a legal practitioner of the 1st grade and Rs. 10 in the case of a legal practitioner of the 2nd grade.

Provided that no fee will be required on the renewal of his certificate from a Barrister-at-Law who has been enrolled as an Advocate of the Chief Court of the Punjab or other High Court.

XI. Notwithstanding anything contained in the foregoing rules, the Judicial Commissioner, on application being made to him by a person qualified under these rules to be admitted as a legal practitioner of the 1st grade for authority to appear and practise in a single case in a Civil, Criminal or Revenue Court or before a Revenue Officer in the North-West Frontier Province, may, in his discretion, subject to the proviso to sub-section (2) of Section 9 of Regulation VII of 1901, grant such authority on payment of a fee of Rs. 5. Such authority shall be in writing under the hand of the Registrar of the Judicial Commissioner's Court and the seal of the said Court, and shall be valid only for the particular case and for the Court or Office specified therein.

XII. The Judicial Commissioner may suspend or remove from practice any legal practitioner authorised under the foregoing rules who is guilty of unprofessional or grossly improper conduct, or who is convicted of any criminal offence implying a defect which unfits him to be a legal practitioner. Every order of the Judicial Commissioner by which a legal practitioner is suspended or dismissed shall be entered in the register of legal practitioners and also notified by the Registrar in the *Government Gazette, North-West Frontier Province*.

XIII. If any legal practitioner practising in the Court of the Judicial Commissioner, or any Court subordinate thereto, is charged with unprofessional or grossly improper conduct, the Judicial Commissioner, or the Divisional and Sessions Judge to whom such Court is subordinate, shall send him a copy of the charge and also a notice that on a day to be therein appointed such charge will be taken into consideration. Such copy and notice shall be served upon the legal practitioner at least ten days before the day so appointed; and on such day, or on any subsequent day to which the enquiry may be adjourned, the Court shall receive all evidence properly tendered by or on behalf of the party bringing the charge, and by or on behalf of the legal practitioner, and shall proceed to adjudicate on the charge.

XIV. If the Divisional and Sessions Judge finds the charge brought against any legal practitioner established, and considers that the legal practitioner should be suspended or removed from practice in consequence, he shall record his finding and the grounds thereof, and shall report the same to the Judicial Commissioner, and the Judicial Commissioner shall proceed to acquit, suspend or remove from practice the legal practitioner.

XV. The Divisional and Sessions Court or, in the case of Revenue Court, the Collector of the District may, pending the investigation under Rule XIII, and pending the receipt of orders from the Judicial Commissioner on a reference made under Rule XIV, suspend the legal practitioner concerned from practising in his Court and the Courts subordinate thereto.

XVI. The Judicial Commissioner in any case in which a legal practitioner has been acquitted of a charge investigated under Rule XIII otherwise than by an order of the Judicial Commissioner may call for the record, and pass such order thereon as he thinks fit.

XVII. The Judicial Commissioner may also direct that any charge preferred against a legal practitioner in any Court subordinate to his own shall be transferred for adjudication to his own or to any other Court of equal grade to that in which the charge was preferred.

XVIII. All legal practitioners admitted to practise under these rules shall under penalty of forfeiture of their licenses comply with such rules as may be framed from time to time by the Judicial Commissioner relating to the registration of legal practitioner's clerks.

XIX. When any legal practitioner is suspended or removed from practice under these rules, he shall forthwith deliver up his certificate to the Court before or in which he was practising at the time that he was so suspended or removed, or to any Court or Officer to whom the Judicial Commissioner orders him to deliver the same.

XX. Rules XII to XIX shall apply, so far as they may be applicable, to any legal practitioner charged before any Revenue Court or Revenue Officer with unprofessional or grossly improper conduct, provided that no Revenue Officer below the rank of a Collector of a district shall be competent to hold an inquiry referred to in Rule XIII or to order the suspension of a legal practitioner. The report shall be forwarded through the Revenue Commissioner.

D. B. BLAKESWAY, MAJOR,  
*Secretary to the Chief Commissioner.*

#### APPENDIX A.

##### (1) Certificate issued to a Legal Practitioner of the 1st grade.

PURSUANT to the rules relating to legal practitioners framed under Section 9 (2) of the North-West Frontier Province Law and Justice Regulation, 1901, I hereby certify that

son of \_\_\_\_\_, has been admitted as a legal practitioner of the 1st grade, and is authorised to appear and practise in the Court of the Judicial Commissioner, North-West Frontier Province, and in the Divisional and Sessions Court of the \_\_\_\_\_ Division, and in all Civil and Criminal Courts in the district of \_\_\_\_\_, and the seal of the Judicial Commissioner's Court, this day of \_\_\_\_\_.

REGISTRAR,  
*Judicial Commissioner's Court.*

COUNTERSIGNED for the Court of the Revenue Commissioner, North-West Frontier Province, and for all subordinate Revenue Courts and Offices in the district of \_\_\_\_\_

*Revenue Commissioner.*

##### (2) Certificate issued to a Legal Practitioner of the 2nd Grade.

PURSUANT to the rules relating to legal practitioners framed under Section 9(2) of the North-West Frontier Province Law and Justice Regulation, 1901, I hereby certify that

son of \_\_\_\_\_, has been admitted as a legal practitioner of the 2nd grade, and is authorised to appear and practise in all Civil and Criminal Courts subordinate to the Court of the Judicial Commissioner.

Given under my hand and the seal of the Judicial Commissioner's Court this day of \_\_\_\_\_.

REGISTRAR,  
*Judicial Commissioner's Court.*

COUNTERSIGNED for all Revenue Courts and Offices subordinate to that of the Revenue Commissioner, North-West Frontier Province, in the district of \_\_\_\_\_

*Revenue Commissioner.*

## HINDU LEGAL PRACTITIONERS.

166. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Is it a fact that Hindu candidates (legal practitioners), with experience extending over 15 years, were not given permission to practise in the province of their birth? While, on the other hand, three outsiders who had neither war services nor experience were given such permission in the North-West Frontier Province?

The HONOURABLE MR. H. D. CRAIK : Government have no information, but will inquire from the Chief Commissioner and communicate the result to the Honourable Member.

## PURAN NALA IN THE NORTH-WEST FRONTIER PROVINCE.

167. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : (a) Is it not a fact that Puran Nala in the North-West Frontier Province, which irrigated sixteen villages lying between Paharpur and Mandhra was stopped because the new Rajwah Canal was expected to irrigate the lands under the command of the Puran Nala?

(b) Is it not a fact that the new Rajwah Canal utterly failed to irrigate the lands of the sixteen villages? If so, do Government propose to take any action?

(c) Do the Government propose to award compensation to the landholders affected?

Not replied to but *vide* reply to question No. 199 *Post*.

## EXTRA ASSISTANT COMMISSIONERS, NORTH-WEST FRONTIER PROVINCE.

168. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : How many Extra Assistant Commissioners in the North-West Frontier Province are graduates and how many out of them have qualified themselves by passing the departmental examination?

The HONOURABLE MR. DENYS BRAY : Eleven of the Extra Assistant Commissioners in the North-West Frontier Province are graduates and thirty-six have passed the departmental examination.

## LEGAL PRACTITIONERS IN THE NORTH-WEST FRONTIER PROVINCE.

169. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : How many legal practitioners are in the Judicial Service of the North-West Frontier Province at present, and what number of practitioners is to be taken for such recruitment?

The HONOURABLE MR. H. D. CRAIK : There are at present in the Provincial Civil Service (from which both judicial and executive posts are filled) four LL.B.'s and one Barrister. Government have no information whether any definite proportion of recruitment from the Bar has been laid down, but will inquire from the Chief Commissioner and communicate the result to the Honourable Member.

## MESSAGE FROM H. E. THE VICEROY.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Sir, I have been entrusted with a message from His Excellency the Viceroy and Governor General which I will hand to you, Sir.

The HONOURABLE THE PRESIDENT : A message from His Excellency the Viceroy and Governor General :

'His Excellency the Governor General thanks the Council of State for the expression of their cordial welcome on his assumption of the office of Governor General, and notes with satisfaction the assurance of their loyal and wholehearted support, which will be to him a great encouragement in the discharge of his manifold duties.'

## INDIAN INCOME-TAX BILL.

12.1 P.M. The HONOURABLE MR. E. M. COOK : I beg to move :

'That this Council do agree to the recommendation of the Legislative Assembly that the Bill to consolidate and amend the law relating to Income-tax and Super-tax be referred to a Joint Committee of the Council of State and of the Legislative Assembly, and that the Joint Committee do consist of 16 members.'

This is rather an important Bill, Mr. President, for it repeals the whole of the existing law about income-tax and super-tax, and seeks to replace that by a self-contained enactment, and, at the same time, to make a number of rather important changes. Nevertheless, there are certain reasons why, in asking the Council to accept this motion, I think it is unnecessary—indeed, perhaps, undesirable—that I should make any lengthy exposition of its provisions. It is true there are 68 clauses of the Bill, and that the Bill affects a very large number of tax-payers in this country. At the same time, Honourable Members will find at the end of the Bill six closely printed pages of explanation, under the Statement of Objects and Reasons and the Notes on Clauses. But there is another important reason why I do not think I need detain the House very long, and that is that this Bill is to a large extent the child of this Council itself. It will be within the recollection of Honourable Members that at the Delhi Session we had some very interesting discussions on several motions regarding a number of matters connected with income-tax administration. There were also a number of questions addressed to me by Honourable Members, which showed the very great interest which this Council takes in the subject,—the answers to which also showed, I hope, that Government is fully alive to the importance of the various matters which have been raised.

Now, Sir, from those discussions that we had at Delhi, I think there emerged a fairly general unanimity of opinion among Honourable Members. I think we were all agreed that the present Income-tax Act of 1918 badly needed a thorough overhauling and re-casting, in order not only to remove certain admitted defects, but also to bring it up-to-date, and to make it more suited to the more modern business methods, particularly as regards the keeping of accounts and so forth, which are now very much more largely followed in India. In particular, I think we were all agreed that there was very much—too much—uncertainty in the present law—uncertainty and ambiguity on various important matters, such, for example, as what exactly constitute business profits.

Then, again, this Council expressed the opinion, and the Government admitted, that there was too much diversity of practice as between the various provinces, and that a good deal of inconvenience is caused thereby to business concerns whose operations extend over more than one province. I may instance the particular case of the rules about depreciation. I think it was also the general feeling that the right of appeal on a point of law to the High Court should be absolute, and not merely dependent on the discretion of



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the Chief Revenue-authority of the Province as to whether an assessee would be permitted to appeal to the High Court or not.

Again, although I am not quite sure whether this point was specifically raised in this House, I think there is also a good deal of agreement—certainly in the country—about the present system of adjustment, that is to say, the system under which a provisional assessment is made on the income of the past year and subsequently there is an adjustment made, based on the income of the current year. That system, I think I am correct in saying, was introduced in the 1918 Act at the instance of the Mercantile Community themselves, but I think they have now all come to the opinion that it is very much more of a nuisance than it is worth.

Now, this Bill seeks to cover all these points, as well as a very large number of other points of detail with which I do not propose to trouble the House. I should probably not be in order if I did, on this motion. Generally speaking, if I might endeavour to summarise in a single sentence the purpose of this Bill, it is this: While preserving the interest of the State, and ensuring to the Exchequer its fair legal dues, what this Bill seeks to do is to make things as easy as possible for the honest tax-payer, and to save him every unnecessary harassment, so that he may feel less uncertain than I am afraid he does at present as to what he is really liable to pay under the law, and that this liability should not vary with varying interpretations put on the law by income-tax officials scattered all over the country.

There is one rather important point to which I think I ought to invite Honourable Members' special attention and that is this: The existing Income-tax Act is not only a law which covers matters of procedure and administration; it is also a law which actually imposes the rate of tax. Now, Honourable Members will have noticed that this particular Bill is a Bill only of definition and procedure. It relates solely to matters of administration and method, and does not seek to impose any particular rate of tax. That will be left for the annual Finance Bill of the year. In doing that, we follow the custom in England, and I think Honourable Members will probably agree that it is very much more convenient, to have these matters entirely separate.

Well, I have now, Sir, very roughly sketched the main object of this Bill. I would just like to add a few words, if I may, about its incubation. At the end of the Delhi Session, we stood practically committed, as I have already said, to a thorough overhauling of the Act of 1918. What we did was to set up Income-tax Committees in all the Provinces, and on them we were fortunate enough to secure representatives of all important interests. The recommendations made by these Provincial Committees were then considered by a very strong All-India Committee, which sat here at Simla some two or three months ago, presided over by Mr. Sim, who, as I think many Honourable Members are aware, during the comparatively short time he has been in charge of income-tax matters in the Finance Department, has already done a very great deal to improve the income-tax administration. The Report of that All-India Committee was published last July—and Honourable Members, if they have examined this Bill (it has been in their hands, I think, since the 15th of this month), will have seen that it follows that report very closely. I think that not only Government, but also this Council owe a very great debt of gratitude to those non-officials who, at considerable inconvenience to themselves, devoted so much time and labour to the consideration

of the very large number of detailed points—some of them rather difficult and intricate—that were placed before them, and I feel confident that the deliberations of all those Committees—the Provincial Committees and the All-India Committee—will be found to have made the consideration of this Bill by the Legislature a good deal easier than would otherwise have been the case; just as, without the assistance of those Committees, we ourselves would have found it difficult to prepare a Bill that would satisfy the business public. If this motion is accepted, Sir, we then propose to publish the Bill in as widespread a manner as possible and invite the opinion of Local Governments, Chambers of Commerce, High Courts and everybody else concerned. Those opinions will then be collected and will be placed before the Joint Committee, which, I hope will be able to meet just before the Delhi Session, and I think we have every reason to hope that when this Bill ultimately comes to this Council, it will be in a form which will make its consideration easy. I beg to move.

The Motion was adopted.

#### NOMINATION OF MEMBERS FOR JOINT COMMITTEE.

The HONOURABLE MR. E. M. COOK: Sir, in the next motion which I have to move I should like, with your permission, to make a slight alteration. I will give the reasons for that alteration subsequently. I now propose to read the motion in the form in which I should like to move it:

'I beg to move that the following eight Members of the Council of State be nominated to serve on the Joint Committee to consider and report on the Bill to consolidate and amend the law relating to Income-tax and Super-tax, namely:—

'The Honourable Sir Alexander Murray, the Honourable Mr. Lalubhai Samaldas, the Honourable Mr. Sethna, the Honourable Mr. H. Monierieff Smith, the Honourable Mr. Chettiyar, the Honourable Mr. Bhurgri, the Honourable Mr. Khaparde, and the Honourable Mr. Froom.'

I have substituted the Honourable Mr. Froom's name for mine in the original motion, and.....

The HONOURABLE THE PRESIDENT: I presume the Honourable Member has obtained the Honourable Mr. Froom's consent?

The HONOURABLE MR. E. M. COOK: Yes, Sir.

The HONOURABLE THE PRESIDENT: Then there is no objection to it.

The HONOURABLE MR. E. M. COOK: I have only to explain, with reference to this Joint Committee of the two Chambers, that when we came to consider the matter we found that it was very desirable to strengthen the commercial representation on the Committee; and as the Finance Department of the Government of India will be very adequately represented from another place, I thought that perhaps the Council might have no objection if I substituted the Honourable Mr. Froom's name for mine.

The HONOURABLE SIR ZULFIQAR ALI KHAN: Sir, the list of Members mentioned here includes representatives from all Provinces of India, and I am sorry to say that there is no representative from the Punjab....

The HONOURABLE THE PRESIDENT: Does the Honourable Member propose to make a speech on the substantive motion, or does he wish to move an Amendment to replace one name by another name?

The HONOURABLE SIR ZULFIQAR ALI KHAN: I want an additional name to be added.

[The President.]

The HONOURABLE THE PRESIDENT : The difficulty as to an additional name being added is, that the House has already accepted the motion to refer the Bill to a Joint Committee consisting of 16 members, of whom 8 members will be from the Council of State. The Honourable Member will see that, if he wishes to add another name, there will be 9 members ; therefore there must be an Amendment replacing a name, or the question will not arise at all.

The HONOURABLE LALA SUKHBIR SINHA : I want to raise a similar question, Sir, with regard to the United Provinces. It is the biggest province....

The HONOURABLE THE PRESIDENT : I would ask the Honourable Member the same question which I put to the Honourable Sir Zulfiqar Ali Khan. Does he propose to make a speech on the substantive motion, or does he wish to move an Amendment ?

The HONOURABLE LALA SUKHBIR SINHA : I beg to move an Amendment, Sir, that one name be added from the United Provinces and one from Bombay.

The HONOURABLE THE PRESIDENT : That Amendment is not feasible. The House has already agreed that the representatives from this Chamber should be 8 in number, and the names have already been proposed. The Honourable Member will see that if he wishes to add two more names, there will not be eight names but ten names.

The HONOURABLE LALA SUKHBIR SINHA : Sir, I want to take out one name from Bombay and add one from the United Provinces so as to make the number eight.

The HONOURABLE MR. W. M. HAILEY : With regard to the Amendment it is proposed to move, may I say that we ourselves naturally have been faced with this difficulty, that it is not very easy to get into a body of 16 members due representation of every province. But the Honourable Members of this House may rest assured that, when we put forward in another place the proposal for the constitution of the members of the Committee from that House, we shall pay due regard to the fact that certain Provinces will not be represented by Members elected by this House.

The HONOURABLE LALA SUKHBIR SINHA : Will it not be desirable to wait for the decision of that Assembly and allow it to name their representatives in the first instance ?

The HONOURABLE THE PRESIDENT : I would suggest to the Honourable Member to place some Amendment before the House.

The HONOURABLE LALA SUKHBIR SINHA : Yes, Sir. I propose that the name of the Honourable Mr. Sethna be taken out from Bombay, and that of the Honourable Raja Moti Chand be substituted to represent the United Provinces.

The HONOURABLE THE PRESIDENT : Has he consented ?

The HONOURABLE LALA SUKHBIR SINHA : Yes, Sir, he is present here.

The HONOURABLE THE PRESIDENT : Have you obtained his consent ?

It appears that the Honourable Member has not obtained his consent, and therefore the Amendment is out of order.

The HONOURABLE THE PRESIDENT : The question is that the following eight Members of the Council of State be nominated to serve on the Joint Committee to consider and report on the Bill to consolidate and amend the law relating to Income-tax and Super-tax, namely :

The Honourable Sir Alexander Murray, the Honourable Mr. Lalubhai Samaldas, the Honourable Mr. Sethna, the Honourable Mr. H. Moncrieff Smith, the Honourable Mr. Chettiyar, the Honourable Mr. Bhurgri, the Honourable Mr. Khaparde and the Honourable Mr. Froom.

The Motion was therefore adopted.

# CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

12-36 P.M. The HONOURABLE MR. H. D. CRAIK : Sir, I beg to move :

‘ That the Bill further to amend the Code of Criminal Procedure, 1898, by providing for the issue by Courts in British India of Commissions for the examination of witnesses to such Courts of Princes and Chiefs in India as are notified in this behalf, and for the execution by Courts in British India of Commissions issued by such Courts be taken into consideration.’

I do not think it is necessary for me to make a long speech, as I have already explained, in introducing the Bill, briefly what its objects are. I should, however, like to make one point quite clear, that the Bill was introduced on a suggestion put forward by certain Durbars, and when it was placed before the Government of India, the Government of India decided to refer the question to a Committee of Princes. That Committee consisted of a number of Princes, who were of opinion that the question of the execution of commissions in criminal cases should be dealt with on a reciprocity basis, that is, that in the case of States willing to participate in the scheme, commissions issued by British Indian Courts for the examination of witnesses residing in the State's territories should be directed to the Political Officer, as under the existing law, and the Political Officer should be given power to refer the commission for execution to the Durbar Court, which would proceed to execute it and in doing so would exercise the powers conferred on it by the laws or usage of the State. In the same way, whenever a Court of any Native State desires to hold an examination by commission of witnesses residing in British India, the commission under the formal authority of the State Court should be directed to the Political Officer, who would arrange for its execution by the appropriate Court in British India. Those principles are incorporated in the Bill which I now ask the House to take into consideration.

In the second clause of the Bill, the third sub-clause is new and empowers the Governor General in Council to notify that any Court situated within the territories of any Prince or Chief in India, not being a Court established or continued in such territories under the authority of the Governor General in Council, is a Court to which commissions issued by Courts in British India may be sent through the officer mentioned in sub-clause (2). Sub-clause (4) merely reproduces the existing sub-section (3) of section 503 of the Code. Part (a) of sub-clause (5) reproduces the existing sub-section (4), and part (b) of sub-clause (5) is new. It empowers the Political Officer either to forward the commission to a Court (that is a State

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Court) within the local jurisdiction of which the witness resides, or to execute the commission himself through one of his subordinates. Clauses 3 and 4 of the Bill make a number of purely consequential amendments in the existing Code. I do not think it is necessary to trouble the House with any explanation of these two clauses. They make no substantive change in the law, but are, as I said, purely consequential. Clause 5 of the Bill inserts a new section 508-A, into the Code. This section brings in the principle of reciprocity to which I have already alluded, and I should like to point out that it will enable Courts in Indian States to examine on Commission witnesses residing in British India, a power which they do not at present possess under the existing law. I hope, Sir, that the Council will agree to pass this Bill to-day, and will not think it necessary to refer it to a Select Committee. I wish to emphasise that the Bill is of a simple character, that it is purely a non-controversial measure, and that it introduces no substantial change of principle in the criminal law. It merely introduces a change which, I think, will be to the convenience both of the Courts in British India and of the Courts in Indian States. I now move, Sir, that the Bill be taken into consideration.

The Motion was adopted.

The HONOURABLE MR. E. M. COOK: I move that the Bill be now passed.

The Motion was adopted.

#### INDIAN MARINE (AMENDMENT) BILL.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I beg to move 'that the Bill further to amend the Indian Marine Act, 1887, as passed by the Legislative Assembly,' be taken into consideration.

This is a measure which is entirely non-controversial, and, as will be seen from the Statement of Objects and Reasons, it is to confer upon the Director of the Royal Indian Marine the power to convene an Indian Marine Court for the trial of gazetted officers of the Royal Indian Marine. Under the law, as it stands at present, the sanction of the Governor General in Council has to be obtained in order to assemble such a court. The consequent delay is found to cause great inconvenience, and it is therefore proposed to confer the power to convene a court upon the Director of the Indian Marine, while leaving the power to confirm the sentence awarded by such courts in the hands of the Governor General in Council. Military officers of corresponding rank, similar to that of the Director of the Royal Indian Marine, have the power ordinarily to convene the courts for the trial of military officers in the Army, and the Bill proposes to confer similar powers upon the Director of the Indian Marine.

I beg to move that the Bill be now considered.

The Motion was adopted.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I beg to move that the Bill, as passed by the Legislative Assembly, be now passed by this Chamber.

The Motion was adopted.

#### INDIAN WORKS OF DEFENCE (AMENDMENT) BILL.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I beg to move 'that the Bill further to amend the Indian Works of Defence Act, 1903, as passed by the Legislative Assembly,' be taken into consideration.

The Amendments which it is proposed to make in the Act are of a purely formal nature and are necessitated by the recent change in the organization of the Army in India. I do not think it will be necessary for me to detain the House long on this matter. I propose that the Bill be now considered.

The Motion was adopted.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I beg to move that the Bill, as passed by the Legislative Assembly, be now passed.

The Motion was adopted.

#### AMENDMENT OF STANDING ORDER No. 70.

THE HONOURABLE THE PRESIDENT: The next business on the paper is a motion that is put down in the name of Mr. Kale, asking for leave to amend Standing Order No. 70. Under Standing Order No. 51 it is imperative on me to read the draft amendment to the Council. It runs as follows:

'In the second line *delete* the words 'after it has been presented to the Council' and *substitute* for them the following: 'but on a day to be appointed by the Governor General subsequent to the day on which it is presented and for such time as the Governor General may allot for this purpose, the Council shall be at liberty to discuss the general features of the Budget, as a whole, or any question of principle involved therein; no motion shall, however, be moved on the Budget.'

Under the same Standing Order to which I have already referred, it is now for me to ask whether the Honourable Member has the support of the Council. Those Members who are in favour of leave being granted will kindly rise in their places.

The Honourable Member has the necessary support. I will, therefore, call upon him under Standing Order No. 55—which lays down that where a Member has the leave of the Council to proceed with his Amendments, he shall move that the draft Amendments be referred to a Select Committee—to make that motion.

THE HONOURABLE MR. V. G. KALE: Sir, I move that the proposed Amendment be referred to a Select Committee. In doing so, I think it necessary for me to make only a few observations as regards the necessity of the Amendment which I am proposing. The object of the Amendment is to enable the Members of this House to discuss the Budget only so far as the general principles underlying it are concerned. I should like to remove certain misapprehensions which have been entertained, or which are likely to be entertained, with regard to the change I am proposing. I do not seek any larger powers for this Council. I also want it to be made clear that I do not want to trench upon the province of the other House. My only object in moving this Amendment of Standing Order No. 70, is to enable the Honourable Members of this House to express their general opinions with regard to the principles underlying the Budget. Sir, I am quite sure that the whole Legislature, the Government and the country, are likely to benefit by the criticisms or by the remarks that will fall from some of the Honourable Members of this House—among whom I see men experienced in finance, in currency and

[Mr. V. G. Kale.]

banking, and men concerned directly with commerce and industry, and I am quite sure that the Government, as well as the Legislature, is likely to derive valuable assistance from any observations that may be made by some of my Honourable Colleagues. That is the only object I have in view in proposing this Amendment and I must repeat that I do not seek any greater financial powers than are already conferred upon this House by Statute or by the Rules. I do not want to overstep the bounds which are set to our powers by the Statute. It is under these circumstances that I am proposing this change and I feel confident that this Honourable House will accord its assent to the proposed Amendment. I am now to propose seven names.

The HONOURABLE THE PRESIDENT: The proposals for the composition of the Select Committee in this case will be made after the motion is carried.

The HONOURABLE MR. V. G. KALE: I have to move that the proposed Amendment be referred to a Select Committee.

The HONOURABLE MR. A. H. FROMM: Sir, I strongly support the Resolution of my friend, the Honourable Mr. Kale. I do not wish to detain the House with any lengthy speech on this matter, nor do I wish—and I am quite sure that none of the Honourable Members of this Council wish—to infringe on the rights of the other Place. But I quite recollect that, when the Budget was introduced in Delhi last March, we, the Honourable Members of this Council, held an informal meeting to discuss its various points, and I think it would be much better that, instead of holding an informal meeting, we should have a regular meeting of this House. I think it would be much more consistent with the dignity of the Council. We do not propose to move any Resolutions in connection with the Budget, but merely to have a discussion in the House under your guidance, Sir.

The HONOURABLE SAIYID RAZA ALI: The Honourable Mr. Kale has moved the Amendment in a very careful manner. I happen to be one of those who are very careful to see that the spirit of the Act, the Rules and the Standing Orders that have been framed should be strictly carried out. As is known to my Honourable Colleagues, we, of this House, have no power to discuss the Budget or to make any alterations in it. So far as the latter proposition goes, I give my whole-hearted support to it, namely, that we should not be in a position to alter the Budget. But the first question that has been raised by the Amendment of Mr. Kale is a very important one. There seems to be no reason why we, of this House, should not be allowed to discuss the general features of the Budget. That, I think, is a very reasonable demand and I hope the House will accept it by giving its whole-hearted support.

The HONOURABLE SIR ALEXANDER MURRAY: I also rise to support the motion put forward by the Honourable Mr. Kale. The constituency that I have the honour to represent in this House was privileged, I think since the year 1861, to have direct representation on the Viceroy's Legislative Council. In the early days it was possible to discuss only legislative matters. But I think from 1892 the Council were given the right under the Councils Act of that year to discuss the Budget in general terms. Rules were framed limiting the right of discussion, and I think, in 1909, the Rules were made wider. Therefore, for almost thirty years down to the present

year, the Members of the old Council, which included the representatives of the leading Chambers of Commerce in the country, were entitled to express in general terms their views on the Budget. Now, as I read the Act and the Rules under the Act, there is nothing to prevent the Members of this Council, as a part of the new Indian Legislature, from expressing their views on the Budget. Unfortunately, there is a Standing Order which, while stating that the Budget should be laid before this House, does not give any opportunity to this Council of saying anything about it.....

The HONOURABLE THE PRESIDENT: I may remind the Honourable Member that it is not by virtue of any Rule or Standing Order, but in pursuance of the Act that the Budget is laid before this House.

The HONOURABLE SIR ALEXANDER MURRAY: I accept the correction. The Budget is laid before us, but by a Standing Order we are prevented from discussing it. I therefore entirely agree with the Honourable Mover of this Amendment that we ought to be given the right to discuss the Budget in very general terms. For that reason I give my support to this motion.

The HONOURABLE LALA SUKHBIR SINHA: I give my hearty support to the motion made by my Honourable friend, Mr. Kale. I think that if this House will have a chance of presenting their views on the general features of the Budget and discussing any question of principle, it will not be a waste of time. It will be very useful to have our opinions on the Budget. Of course, I do not mean that we should have any hand in framing the Budget, but we must be given power to criticise the Budget on its principles and general features. Therefore, I heartily support this motion.

The HONOURABLE SIR MANECKJI DADABHOY: I also rise to support this motion. I do not wish to reiterate the grounds which my other Honourable Colleagues have covered in support of the proposed motion. All I will add is, that the debate which will take place if this motion is acceded to will not be of an infructuous character. Our Colleagues, in the other House, will find this debate very valuable and it will strengthen their hands in many respects in bringing forward their points before the Assembly.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: I also rise to support the motion. We have a grievance that we are not allowed to discuss the Budget, and I am very glad that our Honourable Colleague, Mr. Kale, has brought forward this motion. I strongly support it.

The HONOURABLE MR. H. MONCRIEFF SMITH: Sir, there has been a singular unanimity of opinion in this discussion, but I think Honourable Members might perhaps like to know what is the attitude of Government towards the motion put forward by my Honourable friend, Mr. Kale. The fact that no Member of Government has spoken up to this moment does not indicate that Government views the motion with approval or disapproval. The Government's attitude in this matter is entirely neutral. They propose to leave the matter to the decision of this Council itself. When I say that, I do not intend to indicate that every official Member in this Chamber is for the moment muzzled. The official Members have every liberty to speak and vote as they like, other than, of course, the Honourable Members of the Governor General's Executive Council.

If this motion is carried and the Amendment goes to a Select Committee for consideration, there are, I think, one or two points of view which should be

[Mr. H. Moneriew Smith.]

borne in mind by the Select Committee. Nothing at all has been said so far on the constitutional position. We have had it indicated that the Government of India Act requires the Budget to be laid before this Council, and it has been said that Standing Order No. 70 prevents the Council from discussing the Budget. The first statement has reference to section 67-A. (1) of the Government of India Act. The same section lays down that proposals for the appropriation of revenue or moneys shall be submitted to the vote of the Legislative Assembly, and implies undoubtedly that the proposals should not be submitted to the vote of the Council of State. But, as the Council is aware, there are certain heads of expenditure that cannot be considered even by the Assembly without the direction of the Governor General, and I think the sub-section of section 67-A. which lays that down does imply in a way that there is no absolute prohibition of discussion in the Council of State. It says that the proposals for the appropriation of revenue or moneys relating to certain heads of expenditure shall not be submitted to the vote of the Legislative Assembly, nor shall they be open to discussion by either Chamber at the time when the annual statement is under consideration. That does imply, I think, that though the Council is debarred from voting, yet there is no intention in the Act itself to debar the Council from discussing the Budget. Now, these provisions of the Act for discussion by the Assembly have been given effect to in the Rules, and I think it is a matter for consideration in the Select Committee that if the provision which allows the Legislative Assembly to have a general discussion on the Budget is provided for in the Rules made under the Act of Parliament (it is not in the Standing Orders at all—the Rules are silent, absolutely silent, as regards the Council of State), then I say it is for consideration whether the similar provision for the Council of State should not be made by Rules instead of by Standing Orders. I do not mean to suggest that the Council of State has no power to amend its Standing Orders for the purpose of providing for a discussion of the Budget, but I think it is a matter which should be considered by the Select Committee, and I have no doubt that the Select Committee under your able guidance, Sir, will come to a right conclusion on that matter. We have Standing Order No. 70 barring us for the present, and no doubt the first thing is to get rid of that Standing Order; but whether it would be necessary then to approach the Secretary of State with the proposed amendment of the Rules, it is difficult for the moment to say. In that matter, of course, it would be for the Government of India to take action, on a recommendation, no doubt, from this Council.

I do not think I need refer to the position at Home and try to draw an analogy between this House and the Upper House of the English Parliament, but I may merely mention that we have already, with regard to money Bills, greater powers than even the House of Lords has. We can amend a Bill, we can alter it, we can throw it out: and it does seem, I may say, somewhat unreasonable that in that position the Council of State should not have powers to discuss the Budget, to give effect to which, one might say, a money Bill has been introduced.

THE HONOURABLE SIR DINSHAW WACHIA: Sir, I am sure Honourable Members of this Council will be quite satisfied with the Government's view which Mr. Moneriew Smith has so well propounded. I may add for the information of Honourable Members that some ten leading Members of Bombay, myself among them, had in the Memorandum they submitted to Government

on the Montagu-Chelmsford Report, observed and emphasised the fact that, so far as this Council of State was concerned, their view was that the privilege and power to consider the general principles of the Budget should be accorded. That very proposal was afterwards strongly urged by the liberal deputation from Bombay which went before the Joint Parliamentary Committee in England. It was there also very strongly supported by many members of the Moderate deputation from other Provinces, while some members of the Joint Parliamentary Committee themselves, particularly Sir James Bennett, the late Editor of the "Times of India," who understood thoroughly the great importance of the suggestion were kind enough to emphasise it for purposes of recommendation to the House of Commons. Somehow it was very perfunctorily considered there and nothing decisive was laid down. But it is a fact that the advisability of so discussing the annual Budget was pointed out by the Bombay deputation, and, I believe, also by the deputations from the other Provinces. Therefore, if now this little omission is proposed to be supplied, there is no doubt that the proposal would be unanimously agreed to. This Council of State consists of many good Members who have large experience of banking and finance and currency just as much as some Members of the other House, and I do not see why we should be deprived of the right of discussing the general principles of a Budget. I think Government would be well assisted—I should say greatly assisted—by our having this power, and I think Honourable Members ought to be grateful to Mr. Kale for having brought this matter to the notice of the Government.

THE HONOURABLE MR. E. M. COOK: Sir speaking entirely in my personal capacity, and availing myself of the permission which has been given to the official back-benchers, I desire to say that I most heartily welcome this motion. From the point of view of my own Department, I am perfectly certain that we shall derive considerable assistance and guidance from the general discussion of the principles underlying our financial policy which will take place if this motion is carried and is accepted by Government.

THE HONOURABLE THE PRESIDENT: The question is that the following proposed amendment of Standing Order No. 70 of the Council of State Standing Orders be referred to a Select Committee:

'In the second line *delete* the words 'after it has been presented to the Council' and *substitute* for them the following:— 'but on a day to be appointed by the Governor General subsequent to the day on which it is presented and for such time as the Governor General may allot for this purpose, the Council shall be at liberty to discuss the general features of the Budget as a whole, or any question of principle involved therein; no motion shall, however, be moved on the Budget.'

The Motion was adopted.

THE HONOURABLE THE PRESIDENT: Standing Order 55 lays down that if a "motion is carried, the draft Amendments shall be referred to a Select Committee, of which the President shall be Chairman, and one of the Chairmen of the Council to be nominated by the President, shall be a Member. The remaining members, who shall be seven in number, shall be selected by the Council by means of the single transferable vote in accordance with the regulations framed in this behalf by the President."

I believe such regulations have been framed by the President, and I may add that they are of necessity extremely complicated. I think the Honourable Mr. Kale said he had seven names he wished to propose. Should this Council be prepared to accept those seven names, it might be possible that we

[The President.]

should avoid an election. I have no wish whatever to suggest that an election should not be held, and if the seven names do not receive the unanimous approval of the Council, an election must be held. I will now ask Mr. Kale to mention the seven names.

The HONOURABLE MR. V. G. KALE: The following are the seven names. The Honourable Members' consent has been already received to their serving on the Committee. I propose, Sir:

The Honourable Sir Maneckji Dadabhoy,

The Honourable Sir Alexander Murray,

The Honourable Mr. H. Moncrieff Smith,

The Honourable Sir Benode Mitter,

The Honourable Saiyid Raza Ali,

The Honourable Mr. Srikrishna Khaparde, and myself.

The HONOURABLE THE PRESIDENT: Honourable Members have heard the seven names mentioned by Mr. Kale. Is any other Member of Council desirous of serving on this Committee?

Then I take it that the seven names have the unanimous approval of the Council. (Cries of yes, yes.) In those circumstances, an election is unnecessary.

To complete the Committee—if the Honourable Sir Dinshaw will permit me to propose that he should serve on the Committee—I should like to nominate him as my nominee on this Committee.

The HONOURABLE SIR DINSHAW WACHA: I thank you, Sir, for mentioning my name, but I shall not be in Simla after the 28th, and do not know whether I shall be in a position to accept the nomination.

The HONOURABLE THE PRESIDENT: I am afraid I have been out of order in not ascertaining the Honourable Member's wishes.

I would ask the Honourable Sir Zulfikar Ali Khan to serve. I complete the Committee by nominating the Honourable Sir Zulfikar Ali Khan.

# RESOLUTION RE APPOINTMENT OF INDIANS TO OFFICES OF SECRETARY, JOINT SECRETARY, ETC.

The HONOURABLE SAIYID RAZA ALI: Sir, I move the following Resolution which stands against my name:

'This Council recommends to the Governor General in Council to initiate a policy of appointing Indians to the offices of Secretary, Joint Secretary and Deputy Secretary in the Army, Marine, Education, Foreign, Political and Public Works Departments of the Government of India.'

Sir, I assure this House that since I had the honour of addressing it on Saturday last, I have become, I hope, a much wiser, though at the same time a sadder, man. I shall try, in the course of my speech, Sir, to avoid, as far as I can, the pitfalls of controversy, so that the real proposition may be laid before my Honourable Colleagues in its naked truth. The terms of the Resolution, as this House will see, do not go into the wider question, namely, the employment of Indians in higher posts. I have limited myself to certain departments and

I will briefly put forward before my Honourable Colleagues the reasons which have induced me to bring forward the present motion.

Sir, under the Government of India Act of 1919, certain posts have been reserved to the members of the Indian Civil Service. Section 98 of the Act refers to the Third Schedule that is given at the end of the Act, which makes it permissible to the Government to appoint people, who do not belong to the Indian Civil Service, to certain offices. I may at once state that the list that is given in the Resolution is almost a verbatim copy of the Third Schedule to the Government of India Act. The posts of Secretary, Joint Secretary and Deputy Secretary in the Army, Marine, Education, Foreign and Political, and Public Works Departments are the posts to which appointments can be made beyond the cadre of the Indian Civil Service. That is really the reason why I have ventured to bring this motion. It entails, as my Honourable Colleagues will see, no amendment of the Government of India Act, no recommendation to the Governor General in Council that the Government of India Act should be amended, and in fact requires no additional step to be taken by the Government of India or the Home Government as to the appointment of Indians, provided suitable candidates for these posts are forthcoming.

Sir, on the 17th March 1911 the Honourable Mr. Subha Rao moved a Resolution in the late Indian Legislative Council, of which I hope we are the rightful heirs, to the effect that Indians should be employed on a larger scale in higher offices of the public service. There was a full-dress debate in the Legislative Council, and in the course of it many members of the Government who rose to defend their Departments made valuable contributions to the debate. The question which was under discussion then, as I have pointed out, was a much wider and broader one than the one to which the scope of my Resolution is limited. I will only refer to two speeches that were made on behalf of the Government on the 17th March 1911.

(At this stage the Honourable the President vacated the Chair and the Honourable Sir Zulfikar Ali Khan occupied it).

The Honourable Mr. Butler, Education Member of the Government of India, in defending his Department said:

'I should like to add, with reference to another remark he (the Mover) made, that the Assistant Secretary in the new Education Department, Kunwar Maharaj Singh, is an Indian.'

At that time the Government could point to only one Indian being employed, and that too in the lowest post out of the many Departments which have been mentioned by me in my Resolution. The Honourable Mr. Earle, who, as a matter of fact, took up the cudgels on behalf of Government and who was in charge of the Resolution on behalf of Government, in the course of his speech on that occasion said:

'There is nothing to prevent the Government of India from appointing a Secretary to the Government of India from among the ranks of Indian officials if they think fit.'

I think that the Honourable Member was mistaken in what he said in this respect. I am not concerned, Sir, with the fact whether the Honourable Mr. Subha Rao was mistaken or not; but let us see how things have progressed since the year of grace 1911. The Departments mentioned by me are five in number, if the Foreign and Political Services, which are really sister services



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be treated as one Department. Now, Sir, it is rather difficult for an uninitiated man like myself to count the Secretaries and Deputy Secretaries or, as they are called, the Directors or Deputy Directors, in the Army Department. My remarks on that subject will be subject to correction, if any, by His Excellency the Commander-in-Chief. But I have got a recent edition of the Government of India list which gives the holders of the posts of Secretary, Joint Secretary and Under Secretary in the various Departments of the Government of India. Now, counting the heads which are mentioned by me in my Resolution, I find that no less than 14 gentlemen are the incumbents of these offices. I may make it clear that in the Army Department and the Indian Marine Department I have counted only two persons as belonging to each Department, but when I am confronted with the large number of names shown here in this list under the Army Department, I am almost certain that I have made a mistake and that more than two persons hold offices of, or offices corresponding to, the offices of Secretary and Joint or Deputy Secretary.

Now, Sir, the position briefly stated is this, that in the year 1911, out of the officials belonging to the Departments mentioned by me, there was only one Indian who held the post of Assistant Secretary. Much water I take it has passed under the bridge since the year 1911, and yet we find that no progress whatsoever has been made in this direction. There was only one Indian holding the post of Assistant Secretary in the year 1911. What is the condition which we find to-day?

The fact remains, Sir, that in spite of the lapse of a decade, only one Indian holds the post of Under Secretary—which of course is the lowest post of all the three—even to-day. Of course it is a matter of coincidence that that officer happens to be the same—that the officer who is to-day Under Secretary in the Education Department happens to be the same gentleman who was Assistant Secretary in the year 1911. I ask you, Sir, and I ask this Council, whether you are satisfied that of the appointments belonging to the Departments which are not reserved for that distinguished service, which is really the power behind the Throne, namely, the Indian Civil Service, only one should be held by an Indian. Nothing is further from my intention, Sir, than to raise a racial question over this Resolution. In fact, as I shall show later on, I do not object to the appointment of Europeans or the members of the Indian Civil Service to the posts for which we cannot find suitable candidates beyond that Service. I would even welcome the appointment of Europeans and members of the Indian Civil Service to responsible posts without any question of creed or colour as long as injustice is not done to the claims of my countrymen. In fact, Sir, we should employ both Indians and Europeans, and if there is any important branch of the public service to which either one race or the other is not admitted, then we should take measures to see that the members of that race find suitable employments in that Department, because, I am sure, Sir, that as is well known, the real seat of power, perhaps in every country and much more so in India, is the Secretariat. I hope I have said nothing but a bare truth in making that statement, but it so happens that looking to the lines on which the Government of India is conducted to-day, for some time to come at any rate, if not for a long time to come, vast powers will have to remain in the hands of those who are stationed at the headquarters of the Government of India.

(At this stage the Honourable Sir Zulfiqar Ali Khan vacated the Chair and the Honourable the President resumed it.)

Now, Sir, coming to the year 1921, we find that the question was raised in the Budget debate on the 15th March 1921 in the Legislative Assembly, and I must say that due credit must be given for their decision in the matter to the Government of India. The Honourable Dr. Sapru, who spoke on behalf of Government in the course of the debate when the subject of employment of Indians in the Foreign and Political Department was mentioned, said, "These are the words actually used by the Honourable Dr. Sapru: "I am authorised to state....."

THE HONOURABLE THE PRESIDENT: Was that a debate in this Session or in a previous Session?

THE HONOURABLE SAIYID RAZA ALI: In the previous Session. I mentioned the date 15th March just when you came in. This is what the Honourable Dr. Sapru said: "I am authorised to state on behalf of Government that the principle of taking Indians into the higher appointments in the Political and Foreign service has been conceded by the Government, and that a scheme is being prepared which, when it is ready, will, I venture to think, afford every satisfaction to this House and to the outside public." Now I do not know, Sir, whether any such scheme has been prepared. My Honourable friend, Sir Alexander Murray, tells me that a scheme has been published and I am thankful to my Honourable Colleague for the information. Further on, the Honourable Dr. Sapru said: "The Assembly may take it from me that, so far as the principle is concerned, it has been amply conceded and my Honourable friends need have no apprehension with regard to that matter." I am very glad, Sir, that the principle has been conceded by the Government of India; in fact, the principle was conceded as far back as six months ago. Now what I propose to ask the Government of India to do is, that, having accepted the principle, they should put it into practice. I do not want to go further than that. That is only what I ask the Government of India to do. As a matter of fact, my Resolution is a very unpretentious one. That again does not raise the whole question of the services which have been mentioned in the Resolution, but confines itself to the three posts alluded to therein.

Sir, as we all know, the Government of India Act of 1919 was placed on the Statute-book in the last week of December, 1919. About one year and nine months have rolled by since. May I, in all humility, ask the Member who is in charge of this Resolution on behalf of the Government, whether any posts of Secretary, Joint Secretary and Under Secretary have fallen vacant since the last week of December 1919 up till now, and if so, whether any Indian has been appointed to any of these three posts in the various Departments mentioned by me? My information is, and that information is always subject to correction, that a number of posts did fall vacant in some of the Departments, and unfortunately no Indian, as we all know, has been appointed to any of the posts. The subject is one which gives rise, I recognise, to a number of difficulties. To start with, I must take cognisance of the fact, and of the very important fact, that if we take the case of the Army and the Marine Departments, it is extremely doubtful whether any Indians with the necessary qualifications would be forthcoming to hold these posts even if Government were prepared to appoint them. I do not propose to conceal from myself the dearth of qualified Indians for some of the posts mentioned in the

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Resolution—because up till now they have not had opportunities of being trained for the work.

Again, Sir, it may possibly be urged on behalf of Government that, so far as the appointments in the Foreign and Political Department are concerned, it is not feasible to appoint any Indians, for the simple reason that Indians with the necessary qualifications and experience are not available.

Now, Sir, I do not belittle the importance that must naturally be attached to this objection. At the same time I do not think that the objection is so overwhelming as to prevent any action, Sir, being taken by Government. Now there are some Indians no doubt in the Foreign and Political Department. Still, I am not prepared to say that any one of them is just at present quite prepared to take over the portfolio of Secretary to either one or the other branch of the Department. But a beginning has got to be made somehow. I appeal to this House whether the time has not come when a beginning should be made in this direction. The same remarks apply, with much greater force I am afraid, to the Army and the Indian Marine Departments. There again, subject to being corrected by my Honourable and gallant friend, Colonel Sir Umar Hayat Khan, I must say—I mean to cast no aspersions whatsoever on my own countrymen—that so far as I can see I do not think it will be very easy for the Government to find a man who will step into the chair of the Director General of the Army or of the Indian Marine. That there are very competent Indians employed in the Department does not admit of any doubt, but the fact remains that we require some training before we can be called upon to discharge the duties of these offices with credit. Now, barring the Army and Marine Departments, Sir, I do think that, so far as the other Departments mentioned in the Resolution are concerned, it is open to Government to make a beginning by making appointments to start with outside the services. I do not say—and I would be the last person to say—that, if there are two equally competent men, one of whom belongs already to the State Service and the other does not so belong, that the claims of the man who does belong to the public service should not be taken into consideration. As a matter of fact, if there are two equally competent persons, then naturally the man who has already been in the public service should be tried in the higher office. But, if the Government think that no such Indians who are already in Government service are qualified, then I do urge, Sir, that the claims of those who do not have the honour to belong to Government service, or who have held very important posts in Government service in the past, should be taken into consideration.

As a matter of fact, the principle has been already conceded by the Government of India. I am not using the words used by the Honourable Dr. Sapru. What I mean is that we are thankful to the Government for appointing as many as three Indians to the post of Executive Membership under the Government of India. Now, it so happens that all these three men are gentlemen who did not belong to the public service before the day of their appointment. May I ask, Sir, whether, following that principle, we should not make an experiment and should not appoint some competent, suitable Indians to the various posts that I have mentioned.

Another way of meeting the difficulty, I may very briefly say, is that, instead of taking a plunge in the dark by appointing an Indian as Secretary,

we may make a start by appointing him as Under Secretary or Joint Secretary, and if, after working for a sufficiently long time, he gives satisfaction to those who are in a position to judge, then there is no reason why that man should not be appointed as Secretary. That is another way of meeting the difficulty.

The last thing, Sir, that I would say is, that now the Government are pledged to a policy, on which I must congratulate the Government, of Indianising the higher services of this country. That, of course, does not exclude, as I have already stated, the employment of Europeans or members of the Indian Civil Service in the higher posts. The decision is one on which the Government of India deserve to be congratulated by all of us. I do hope, Sir, that a courageous step will be taken by the Government of India in the direction in which no action has been taken as yet and that Government will make a beginning by appointing some Indians—at least I would suggest one Indian—in every one of the Departments mentioned by me to the post either of Joint Secretary or Under Secretary as may be deemed feasible under the circumstances of each case.

With these words I commend the Resolution to the acceptance of this House.

THE HONOURABLE MR. H. D. CRAIK: Sir, I should like at the outset to point out that the Honourable Member seems to be under a curious misapprehension as to the position occupied by a Secretary to the Government of India. The Honourable Member, as I understand him, suggests that Government should appoint as its Secretaries people who are not in the public service of the country at all. I think that, if he realised what the position of a Secretary to Government is, he would have seen that such a suggestion is practically impossible. I am not speaking at the moment on the question whether Secretaries to Government should be Englishmen or Indians, but whether they should be in the permanent public service of the country or not. It is a principle that, so far as I am aware, is not accepted by any country whatever that any high post in the permanent civil service of the country should be held as a temporary expedient by gentlemen who are not permanent civil servants of the Government. The Honourable Member cites in support of his proposal the fact that three distinguished Indians have within recent years been appointed to the Governor General's Executive Council. That, Sir, is in no way analogous. The appointment of Members of the Executive Council is similar to that of a Member of the Cabinet in England. It is in no way analogous to the position of the permanent head of one of the public offices at Home, which is the position occupied by a Secretary to Government in this country. I think the House will agree with me that that suggestion hardly deserves serious consideration.

Now, Sir, turning to the merits of the Resolution, I must oppose it on several grounds. The most important of these is, that the Resolution appears to me to be based on a misapprehension. The Honourable Member asks that we should start a policy of appointing Indians to certain specified posts. That implies that Indians are not at present eligible for, or are not at present appointed to, these posts. Both these premises are incorrect. Indians are eligible for the posts mentioned and have in certain instances been appointed to them. From the wording of his Resolution, it seems to me, Sir, that the Honourable Member is trying to introduce the serpent of racial discrimination where it does not at present exist. As I say, Indians are eligible for all the

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posts which he has mentioned, and the sole test of selection for those posts is, to select the fittest man, be he English or be he Indian.

There is no other test whatever, and it will be quite impossible for Government to carry on its business if it is to be compelled to adopt the principle that Indians are to be appointed to these posts because they are Indians, and not because they are the best men available.

This is a point on which I wish to lay great stress, namely, that the sole test for these posts is, and must be, that of efficiency, and no racial consideration should enter into the question of selection at all.

Now, Sir, I shall deal in turn with each of the four Departments which the Honourable Member has mentioned in his Resolution, because there are really only four Departments, the Army and Marine being the same, and the Foreign and Political being a joint Department. To take first of all the Public Works Department, the appointments of Secretary and Deputy Secretary in this Department are technical appointments, and must be given to officers with the necessary professional qualifications. The idea that they are at present held by Europeans because they are Europeans has been strongly repudiated by the Department concerned, just as strongly as it repudiates the suggestion that they should be given to Indians because they are Indians. If important technical appointments of that kind are to be distributed on a racial basis, the Council will realise not only what a serious hindrance that would be to public business, but how it might quite conceivably become a cause of the most wasteful expenditure of the tax-payer's money.

Turning now to the Education Department, that is not, of course, a technical Department in the same sense as the Public Works. There is no post of Joint Secretary in that Department. There is one Secretary and one Deputy Secretary. Of these two appointments one is, as a matter of fact, held by an Indian, who, I may remind the Honourable Member, was appointed to the post not as Under Secretary, but as Deputy Secretary as recently as last winter. In the case of the Army and Marine Departments, there is one Secretaryship and one Deputy Secretaryship. Both these appointments have, until very recent times, been held by soldiers. As the Honourable Member is aware, it is only within recent times that Indians have been given commissions in the Army, and it follows as a result that there is no Indian soldier,—I think I am correct in saying,—with sufficient professional seniority and experience to hold either of these posts. If the posts are to continue to be held by civilians, I do not mean members of the Civil Service, but men who are not soldiers, then Indians will be eligible just as much as Englishmen, and no doubt in time they will rise to those posts. The Honourable Member is under a misapprehension in thinking that there are other posts in the Army Department covered by the terms of his Resolution. There is, as I say, a single Secretary and a single Deputy Secretary. I do not know what he meant when he alluded to posts analogous to, or on the same level as, Secretary. If he meant high Staff Officers serving at Army Headquarters, such as, the Adjutant-General, the Quarter-Master General, the Chief of the Staff; those are purely military appointments and must be held by military officers of high rank. Turning to the Foreign and Political Department, the Honourable Member referred to the scheme for the appointment of Indians to that Department which has recently been approved, and he quoted the announcement made by

the Honourable Dr. Sapru in the Assembly last session. That scheme provides for a proportion of the superior posts in the Political Department being filled by Indians, including two appointments, one of Secretary and one of Deputy Secretary. The Honourable Member urged that the principle stated in that scheme should be put into practice. But I ask the House to remember that the scheme was only formulated and announced six months ago, and surely even the Honourable Member does not suggest that six months' experience in the Department is enough to qualify an officer for the post of Secretary in that Department. Time must obviously elapse before Indians appointed to the Political Department attain the necessary seniority and experience to hold these two appointments, and it is not reasonable to suggest that six months is sufficient time for that result to have been attained. I would like to emphasise the fact that the Government of India realise that its Secretariat offices should to a large extent be manned by officers trained in the Provincial Secretariats, and it is necessary, or at any rate, usual, for an officer before coming into the Government of India Secretariat to have considerable experience as Secretary or Under Secretary to a Local Government. At the moment, I believe, I am right in stating that almost, if not quite, every Local Government has at least one Indian Secretary, and in good many cases an Indian Under Secretary also, and I have no doubt whatever that the turn of these officers to be employed in the Government of India Secretariat will very soon come round.....

The HONOURABLE MR. LALUBHAI SAMALDAS: In Bombay there is no Indian Secretary.

The HONOURABLE MR. H. D. CRAIK: I stand corrected. But I think that Bombay is the exception and not the rule. As the Honourable Member is doubtless aware, in other Departments of the Government of India not mentioned in his Resolution, there are Indian Secretaries and Under Secretaries belonging to the Civil Service.

There is one point, Sir, that I would like to make in conclusion, and that is that, although I see no objection whatever to Resolutions, of which a large number have been put forward during this session in both Houses, to the effect that the Indianisation of the Services should be proceeded with at a more rapid pace than it is at present, objection can fairly be taken to Resolutions recommending the same process in regard to individual appointments. This is not a question of Indianising one particular branch of the Service; it is a question of appointing Indians because they are Indians, to some eight or nine particular appointments.....

The HONOURABLE SAIYID RAZA ALI: There are 14 in number.

The HONOURABLE MR. H. D. CRAIK: The Honourable Member may be correct. In any case, what I object to is, the suggestion that we should recommend to Government that certain specified appointments must be filled, or should be filled, by Indians because they are Indians. That, Sir, is a very different thing from the principle that Indians should be appointed to a certain proportion of high Government posts. As regards the selection for particular individual appointments such as those mentioned in the Resolution, I may maintain that it is only fair to give to the Government of India, if it is to perform its work with reasonable despatch and efficiency, an absolutely free hand to select the best man, quite irrespective of his race, or colour, or religion, or any other extraneous consideration of that sort. On these grounds I oppose the Resolution on behalf of Government,

[Colonel Sir Umar Hayat Khan.]

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: Sir, my Honourable friend has thrown out a challenge to me. I wish 12-50 P.M. I could take it up. Because I think he is right, I cannot oppose it. I think, Sir, I may say one thing about Mr. Mitra. He is already in the.....

The HONOURABLE THE PRESIDENT: Order, order. The Honourable Member should refrain from making allusions unnecessarily to officers by name. That is obviously undesirable.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: I shall not mention names. There is, Sir, an officer on very high pay now in the Finance Branch of the Army. I know of another man, one of my cousins—I will not mention the name—he was also at headquarters, but, of course, he has now left.

In the same way, Sir, at one time it was considered that Indians, perhaps, could not become Commissioners, but we have got two Commissioners now in the Punjab who are doing exceedingly well, and we have had three Indians again in the Punjab Secretariat. They were Members of the Indian Civil Service, but, at any rate, they were Indians. I think there are two more now, one even recruited from the Provincial Service. I shall not mention names.

I think, Sir, if such Resolutions were not brought in, the case with us would have been like that of a boy who does not get milk, if he does not weep for it. It is for this purpose that I do think that the Resolution has been useful: and I will go on to say that there should be some proportion fixed, and that must be filled up by Indians. If it were to be by ordinary selection, I do not think they would get any chance. Even if they are inferior in ability, they have got one thing better than Englishmen; they understand Indians better. We do want such men dotted here and there, who can do a lot in the way of influencing the other officials, and I think it would be very useful if a proportion were fixed for Indians, and until that proportion was not properly filled—until so many men were not taken—the others should not get a chance.

The HONOURABLE MR. PHIROZE C. SETHNA: Sir, however much I 12-53 P.M. would like to see Indians fill the positions enumerated in the Resolution of my Honourable friend, Mr. Saiyid Raza Ali, I cannot help observing that I consider this Resolution premature by, perhaps, say, five years or thereabouts. I will give my reasons.

As explained, most of these appointments enumerated here are filled by Indian Civil Servants. The percentage of Indian Members in the Indian Civil Service to-day—I do not know for certain, but I suppose—cannot be more than about 10 per cent. It may not be as large. That being so, I do not think that my Honourable friend desires that Indian Members of the Indian Civil Service, if they have not attained seniority,—if they are not equally efficient as some European Members of the Indian Civil Service—they should be placed in these positions just because they happen to be Indians. I have said, Sir, that the Resolution is premature by about five years. The policy has recently been initiated of Indianising the Services. The Indian Civil Service itself is to start with 33 per cent. and is to go on increasing by 1½ per cent. until at the end of ten years it reaches 48 per cent. of the total strength.....

The HONOURABLE SAIYID RAZA ALI: I rise to a point of order. The Resolution does not deal with the Indian Civil Service or the Members of the Indian Civil Service, or their appointment to any of the Departments,

The HONOURABLE MR. PHIROZE C. SETHNA: The answer to the point just raised is that most of these appointments, I contend, are filled by Members of the Indian Civil Service. The Honourable Mr. Craik informed us that in the Army and Marine Departments the officers selected for the different posts mentioned in the Resolution are military men, and that in the other Departments they are mostly Indian Civil Servants.

To revert to my point. The percentage of Indians in the Indian Civil Service is steadily increasing. If after five years, when the number of Indians in the Indian Civil Service becomes considerably larger, and when they attain seniority, if the Government do not give responsible positions to Indians as they ought to, then will be the time to find fault with them. For these reasons, I think the House will see that it is perhaps better to wait for at least another five years, to pass a Resolution of this kind.

The HONOURABLE SIR MANECKJI DADABHOY: Sir, may I, with your permission, in order to save time, proceed with my Amendment?

The HONOURABLE THE PRESIDENT: I think it will be convenient to proceed with the Honourable Member's Amendment, but it is not yet before the Council.

I have received an Amendment from Sir Maneckji Dadabhoj in the following terms:

"Substitute, in the Honourable Saiyid Raza Ali's Resolution, after the words 'to initiate a policy of', for the words 'appointing Indians', the words 'training Indians with a view to their becoming qualified for appointment'."

I think that is a fair amendment, and the Honourable Member may move it.

The HONOURABLE SIR MANECKJI DADABHOY: Sir, I beg to move the following Amendment: 12-56 P.M.

'This Council recommends to the Governor General in Council to initiate a policy of training Indians with a view to their becoming qualified for appointment to the offices of Secretary, Joint Secretary, and Deputy Secretary in the Army, Marine, Education, Foreign, Political and Public Works Departments of the Government of India.'

Sir, I anticipated a difficulty as the Resolution stands at present. The Honourable Mr. Craik has pointed out that it is absolutely impracticable for Government to accept the Resolution, as it would involve the employment of persons immediately as Secretaries. The Resolution, as it stands, is liable to misconstruction, and apparently my Honourable friend, Mr. Sethna, has fallen into the error of misinterpreting the real intentions of the Mover of this Resolution. It is very rarely that I have the good fortune of agreeing with my Honourable friend, the Honourable Saiyid Raza Ali, but on this occasion, the remarks that have fallen from him as regards the larger employment of Indians to the posts of Secretaries in the various Departments of Government have my entire approval. At the outset, I would like to correct my Honourable friend, Mr. Craik, when he stated that the Resolution, as it stood, imported racial distinction. I think, in fairness to the Honourable Mr. Raza Ali, I must state that he made it absolutely clear that his original Resolution did not intend in any way to exclude the employment of Europeans in these various Departments of service. I think his speech on the subject was altogether explicit and could not in any way be misconstrued. But, unfortunately, the Resolution is not happily worded. It seeks, in the first instance, to initiate the policy of appointing Indians to the offices of Secretaries, etc. My friend himself in his speech has pointed out that that policy was started in a statement

[Sir Maneckji Dadabhoy.]

made by Government when Mr. Subba Rao brought his Resolution in the old Imperial Council, and has been given effect to lately by the statement made by the Honourable Dr. Sapru in the other Assembly. My friend also stated that the principle was acknowledged six months ago, but wants that principle to be put into operation : and so far, my Honourable Colleague is perfectly justified in making that statement.

I acknowledge the difficulties of the Government in the appointment of Indians immediately to higher offices, such as, Secretaries, Joint Secretaries and Deputy Secretaries in the various Departments of the service. But as my friend, the Honourable the Home Secretary, has pointed out, the Government have already, to a certain extent, adopted the principle and have made appointments, and, as I understood him to say, it was the difficulty of getting a right and suitably trained class of people to fill up these posts that the number has not been larger. He was perfectly correct in that statement. In order, therefore, to deal with the difficulties of Government, and in order to carry out the intentions of the Honourable the Mover of this Resolution, I have framed my Resolution with the idea of training Indians with a view to their becoming qualified for appointment to these offices. I quite acknowledge that in Departments like the Army and Marine, especially trained men with technical knowledge and experience are required to fill up those high offices, and it will not be within a measurable distance of time that suitable Indians can be obtained to fill up those offices. Special qualifications, and special training, are required. But I do not see any reason why even in these Departments of State, promising Indians of ability should not be put in as Under Secretaries and trained for the work. If that is done now, in years hence we may be able to find suitable men to fill up those offices. In the Departments of Education, Foreign and Political and Public Works, Indians are at present holding offices and fresh recruits are now being appointed. What my Honourable friend, the Mover, wants, as I understood from his speech, is a little acceleration of the pace. His contention was that a larger number of Indians should be appointed in these posts, and I think the plea which he has put forward is quite sound and ought to be supported. Now, my Honourable friend, Mr. Craik, has already referred to the Indianisation of the Services and that is a point to which the Honourable Mr. Saiyid Raza Ali also referred. There is no doubt that a large number of Indians will be available hereafter for appointment to the Indian Civil Service. There is to be an examination in India from next year, and there will be a larger and larger number of appointments filled by Indians as time goes on. It is only right and proper therefore that steps should now be taken for training the right class of people and introducing Indians into these different Departments with a view to their being qualified for these higher posts.

I, therefore, move this Amendment and I hope that it will be accepted both by Government and my Honourable friend the Mover of the Resolution. It will practically carry out his wishes and intentions, and it will strengthen the hands of Government in the matter of putting Indians into the various Departments of Government and enabling them to qualify for the public service. With these words I propose my Amendment.

The HONOURABLE THE PRESIDENT : The original Resolution was that :

' This Council recommends to the Governor General in Council to initiate a policy of appointing Indians to the offices of Secretary, Joint Secretary and Deputy Secretary in the

Army, Marine, Education, Foreign, Political, and Public Works Departments of the Government of India.

Since which an Amendment has been moved that :

' For the words ' of appointing Indians,' the words ' of training Indians with a view to their becoming qualified for appointment ' be substituted.'

That Amendment does not render it necessary for me to restrict the debate which may follow on this motion to the Amendment alone, and therefore the debate may now proceed both on the original motion as well as on the Amendment.

The HONOURABLE SIR E. HOLBERTON : I thank you, Sir, for freeing us to speak on the original Resolution as well as on the Amendment. 1-6 P.M. It will make it simpler, probably leading to that very desirable result—the saving of time. I shared with the Honourable Mr. Sethna considerable distrust of the Resolution when I first read it. I was inclined to read it to mean that the Honourable Mover definitely desired to import the racial question into the debate ; but I must, if I may be allowed to do so, congratulate him most heartily on the moderation with which he put forward his Resolution. In particular I would refer to three definite statements which he made. He definitely said that there was to be no racial question. He definitely put in the words " if suitable candidates are forthcoming," and he went on again further down in his speech to say that he had no objection to the appointment of I. C. S. or Europeans until suitable Indians were available.

The Resolution as explained by the Honourable Mover seems to me to be very much more adequately and fully put before the Council in the Amendment than it was in the original proposition. What the Honourable Member wants, I think, is that Indians, as they become qualified, should have their fair share of all the appointments that are going in these various Departments ; and in this desire I am perfectly certain that he will have the good-will of the whole House. What he wants, like the rest of us, is an efficient government in this country which will produce happiness all round. Efficiency can only be obtained by the employment in responsible offices, whether in Government or in business, of people trained to the job. The question of their race, their education or their creed, need not enter into it. As long as the Government can in the future obtain Indians duly qualified for the various appointments, they will doubtless be so appointed. I sincerely hope that the Honourable Member who proposed the Resolution will find himself willing to accept the Amendment put forward by my Honourable friend, Sir Maneckji Dadabhoy.

The HONOURABLE Mr. H. D. CRAIK : Speaking to the Amendment only, Sir.....

The HONOURABLE THE PRESIDENT : Yes, the Honourable Member has only the right to speak to the Amendment.

The HONOURABLE Mr. H. D. CRAIK : I am afraid I am not in a position to accept the Amendment as it stands, because I do not think Government can undertake to give Indians a training in these appointments in the sense that they should create, as I rather gathered the Honourable Member to suggest, special appointments of Under Secretary or attached officers with a view to training Indians for Secretaryships. Indians are already receiving a training which should qualify them for such appointments in the ordinary course of their service in the various branches of the public service, and it would be an



[Mr. H. D. Craik.]

expensive and not altogether a desirable method to attach Indians to the Secretariat offices of the Government of India in special appointments created *ad hoc*. If, however, the Honourable Member would be content to amend the wording of his Resolution so that it would run as follows:

'recommends to the Governor General in Council that Indians should be given opportunities for becoming qualified for appointment to the offices of Secretary, Joint Secretary, and Deputy Secretary, in the Army, Marine, Education, Foreign, Political and Public Works Departments of the Government of India.'

in that case I should be glad to accept it on behalf of Government. The HONOURABLE THE PRESIDENT: Does the Honourable Member move an Amendment. It is not a question whether any particular member accepts the Amendment. It is for this Council to accept the Amendment. If the Honourable Member wishes to move an Amendment, will he please put it into writing?

The HONOURABLE MR. H. D. CRAIK: I should like to move an Amendment, Sir.

The HONOURABLE THE PRESIDENT: I should like those words put in order.

The question now is, to the Amendment proposed by the Honourable Sir Maneckji Dadabhoy which proposes to substitute for the words "of appointing Indians," the words "of training Indians with a view to their becoming qualified for appointment," a further Amendment has been moved by the Honourable Mr. Craik to substitute the words "that Indians should be given opportunities for becoming qualified for appointment to the offices of, etc." For the words "to initiate a policy of training Indians with a view to their becoming qualified." We must now dispose of the Amendment to the Amendment of the Honourable Sir Maneckji Dadabhoy.

The HONOURABLE MR. PHIROZE C. SETHNA: May I know how the Amendment reads?

The HONOURABLE THE PRESIDENT: The Honourable Mr. Craik's Amendment runs thus:—To substitute after the words "the Governor General in Council," the words "that Indians should be given opportunities for becoming qualified for appointment to the offices, of Secretary, Joint Secretary and Deputy Secretary in the Army, Marine, Education, Foreign Political, and Public Works Departments of the Government of India," for the words "to initiate a policy of appointing Indians," etc., of the original Resolution. I would read the Resolution as it would stand amended by the Honourable Mr. Craik:

'This Council recommends to the Governor General in Council that Indians should be given opportunities for becoming qualified for appointment to, etc., as in the original Resolution.'

These competing amendments are now before the Council.

The HONOURABLE SIR MANECKJI DADABHOY: Sir, I really do not perceive the difference between my Amendment and the Amendment proposed by the Honourable Mr. Craik. It seems to be a difference without any distinction. My words were "training Indians with a view," and he wants to substitute "Indians should be given opportunities ....."

The HONOURABLE THE PRESIDENT: If the Honourable Member wants to accept that Amendment, he may.

The HONOURABLE SIR MANECKJI DADABHOY: I shall accept it.

The HONOURABLE SAIYID RAZA ALI: May I know, Sir, how it reads.

The HONOURABLE THE PRESIDENT: The Resolution as amended by the Honourable Mr. Craik would run as follows:

'This Council recommends to the Governor General in Council that Indians should be given opportunities for becoming qualified for appointment to the offices of, etc., as in the Resolution.'

I hope it is now quite clear to the Council.

The HONOURABLE MR. PHIROZE C. SETHNA: Am I entitled to speak on the Honourable Sir Maneckji Dadabhoy's Amendment?

The HONOURABLE THE PRESIDENT: Certainly.

The HONOURABLE MR. PHIROZE C. SETHNA: I understand that the Honourable Sir Maneckji Dadabhoy has accepted the Honourable Mr. Craik's Amendment. According to the Honourable Sir Maneckji Dadabhoy's Amendment, he wants to create a new service for providing appointments. Again, Sir, the Honourable Mr. Craik says that similar opportunities should be given to Indians. How are those opportunities to be given? Are new posts to be created, or is any new service to be created? I do not think that the Honourable Mr. Craik has made that point clear.

The HONOURABLE THE PRESIDENT: The Honourable Mr. Craik is entitled to make an explanation if he so desires.

The HONOURABLE MR. H. D. CRAIK: I thought I had explained the point already. What I objected to was the suggestion "personal appointments" should be created for the purpose of giving Indians greater training; and that I objected to on the ground of inconvenience and expense. What I suggest is that as the Indianization of the services working under the Provincial Governments is progressing rapidly, Indians will thereby have opportunities of qualifying themselves for higher appointments.

The HONOURABLE SIR MANECKJI DADABHOY: May I rise to make a personal explanation, Sir?

The HONOURABLE THE PRESIDENT: I really would ask the Council to come to a decision as soon as possible.

The HONOURABLE SIR MANECKJI DADABHOY: One minute, Sir. I never asked in my speech for personal appointments at all. I am personally dead against these things. What I stated was that you should employ a larger number of Indians, as far as possible, as Under Secretaries so that they may get the training for the purpose.

The HONOURABLE THE PRESIDENT: Does the Honourable Mr. Khaparde wish to speak?

The HONOURABLE MR. G. S. KHAPARDE: Yes, Sir, I wish to speak. I rose about three times, and on each occasion there was some obstacle in the way.

The HONOURABLE THE PRESIDENT: The Honourable Member will remember that it is the Honourable Mr. Craik's Amendment to the Amendment of the Honourable Sir Maneckji Dadabhoy which is before the House.

The HONOURABLE MR. G. S. KHAPARDE: Yes, the Honourable Sir Maneckji Dadabhoy has accepted the Amendment of the Honourable Mr. Craik, and I believe we can now speak on the whole Resolution as read out to the Council by your Honour a little while ago.



[The President.]

The HONOURABLE THE PRESIDENT: No. At this stage the Honourable Member must really dispose of the conflicting Amendments, one of the Honourable Mr. Craik and the other of the Honourable Sir Maneckji Dadabhoy. After having done that, we will return to the original Resolution when the Honourable Member may speak, if he so wishes.

The HONOURABLE SIR E. HOLBERTON: I understood, Sir, that the Honourable Sir Maneckji Dadabhoy had accepted the Amendment of the Honourable Mr. Craik.

The HONOURABLE THE PRESIDENT: I would again emphasise the point that it is not for the Honourable Sir Maneckji Dadabhoy to accept the Honourable Mr. Craik's Amendment, but it is for the Council to accept it.

The HONOURABLE SIR ALEXANDER MURRAY: I move, Sir, that the question be now put.

The Motion was adopted.

The HONOURABLE THE PRESIDENT: I will now read the whole Resolution. The Honourable Sir Maneckji Dadabhoy proposed an Amendment to the original Resolution which would have had the effect of making the Resolution run as follows:

'This Council recommends to the Governor General in Council to initiate a policy of training Indians with a view to their becoming qualified for appointment to the offices of Secretary, Joint Secretary and Deputy Secretary in the Army, Marine, Education, Foreign, Political and Public Works Departments of the Government of India.'

To that, an Amendment has been proposed by the Honourable Mr. Craik which will make the Resolution run as follows:

'This Council recommends to the Governor General in Council that Indians should be given opportunities for becoming qualified for appointment to the offices of Secretary, Joint Secretary and Deputy Secretary in the Army, Marine, Education, Foreign, Political and Public Works Departments of the Government of India.'

This Amendment was adopted.

The HONOURABLE THE PRESIDENT: The Amendment to the Resolution now stands as follows:

'That this Council recommends to the Governor General in Council that Indians should be given opportunities for becoming qualified for appointment to the offices of Secretary, Joint Secretary and Deputy Secretary in the Army, Marine, Education, Foreign, Political and Public Works Departments of the Government of India.'

The HONOURABLE MR. G. S. KHAPARDE: Sir, the question raised by this Resolution is of considerable antiquity. It comes this way.

1-20 P.M. When the Indian Civil Service came in and appointments were made, then there used to be what was called listed appointments and non-listed appointments—Appointments reserved for members of the Indian Civil Service and other appointments which were left open to others. This policy is as old as the institution of the Indian Civil Service itself, and persons were always eligible, and if qualified persons came up, they could always get higher appointments. Now, if this is so and if this has been in existence for such a long time, how comes it that after nearly 30 years there is not a single Indian qualified to day to serve as Secretary in any of the Departments mentioned in this Resolution. I put this question because the Honourable the Home Secretary put it that way—that there is no disqualification. From the beginning there has been no disqualification imposed on any of the other persons against rising into these appointments. How comes it then that at the end of so many years we have not got qualified Indians to take one or any of these appointments? Only one has been

mentioned and he, after eleven years, has been able to rise from the position of an Assistant Secretary to the position of Deputy Secretary. He is not yet a full-fledged Secretary as we should call it. How comes this? And it was this consideration which, I believe, weighed with the Honourable Mover in putting forward this proposition. He used the words "initiate the policy." He did not say more than that. He merely said: "these places have always been open to Indians, but unfortunately, for some reason or other, which we need not inquire into now, none has ever come up." And he wanted a policy to be adopted which would enable Indians to rise to the higher appointments. To that an amendment was made by my Honourable friend sitting near me, and that was further explained, the same meaning being brought out, by the amendment last made by the Honourable the Home Secretary. So the Council will perceive that this is a very delicate matter and a very difficult matter and yet perhaps plainly understood by everyone, and that matter has to be put in words, and therefore as delicate words as possible have got to be used. I entirely accept the statement that opportunities may be given;—opportunities have always been given. That the policy should be initiated;—the policy was initiated long ago, as long ago as the Civil Service was instituted. What remains therefore? What is to be done? That is the real question at issue to-day, I think. Then difficulties arose as to whether a special class was to be brought into existence for being trained, or a college should be established. I do not think such a question arises in the particular instance, nor is there a question of proportion. I do not think the Honourable Mover ever mentioned the word "proportion" at all. Because, after all, Government must be conducted and must be put into the hands of the most qualified men irrespective of caste or creed. So that question of proportion, which some Members had doubts about, I think I may also be permitted to clear. Then it is not a question even of Indianising the service, because after all the fittest are to be chosen. So that it cannot be called Indianisation or Europeanisation or anything of that kind. The question that remains is that since, somehow, for some reason which I cannot explain, these appointments have not been open to Indians, have never fallen to Indians something should be done so that these appointments will hereafter fall to some Indians who may be found to be duly qualified. Now, how is that qualification to come in? There is an old Marathi proverb which says, "You cannot enter the water unless you are able to swim, but you will never learn to swim without entering water." A beginning has to be made now. How it is to be made—that matter was mentioned and therefore I make bold to talk about it,—that is altogether the province of the Secretariat. The province of this Council, I take it, and of the other House, is to enunciate a general proposition, to lay down general principles, and it is the function of the Secretariat to carry it out and to put it into practice. They should not ask me how they are to do it. I say, "kindly do this." They are trained administrators, they know how to arrange details and understand what adjustments to make, and it is their function to carry it out, and I shall not therefore trench upon their peculiar field by suggesting the methods to them. If they adopt the wrong method I retain the right of talking about it here, but at the same time I need give them no hint as to how to carry it out. They see now that these appointments have not fallen to Indians, and I only wish them to see that they do fall to Indians and that there are Indians, who may be able to fill these places. So arrange matters that our people will gradually go on and proceed to these appointments if they deserve it.

[Mr. G. S. Khaparde.]

Then the point was raised that these things cannot be done in six months. It will take time. Well, I do not think that my Honourable friend, the Mover, said that it could be done to-morrow or the day after. He acknowledged that this would be the work of time. And because the appointment is thrown open it does not follow that I can jump into it to-morrow. I will rise to it in time. But considering that 35 years have passed and we have not risen to that appointment, some more should be done to make it fall within a reasonable time from to-day, so that some result will be apparent and we shall know and see that some people have risen or that they have been weighed in the scale and found wanting. But something must be done. At present, I complain that our people have never been weighed, never been tested, have never been shown to be incompetent, and yet for some reason have been kept back altogether. This is an anomalous thing. And this Resolution with all its amendments goes nothing beyond this. That, though these appointments have always been open, we have never got the n. Kindly do something by which we may get them within a reasonable time. Put in plain language and spoken in easy English, this is what it comes to. And with this proposition I humbly believe that not a single Honourable Member here will disagree. I therefore entirely support the proposition. The amendments are the same thing as the proposition, and the whole proposition comes to this that we want you kindly to do something by which within the next few years some of my people or other friends will jump into these appointments. With these words, Sir, I support this proposition.

The HONOURABLE THE PRESIDENT : I hope Honourable Members understand the position. We have disposed of the Honourable Sir Maneekji Dadabhoy's Amendment, as the Honourable Mr. Craik's Amendment was carried. There remains the general debate between the Honourable Mr. Craik's Amendment and the Honourable Saiyid Raza Ali's original Resolution, on which the Council will give their votes.

The HONOURABLE MR. SHAFI : Sir, in order to be able to vote upon the Honourable Saiyad Raza Ali's Resolution and the Resolution as proposed to be amended by Honourable Mr. Craik, it is necessary to have an exact appreciation of the existing situation. Now, although the Honourable Saiyid Raza Ali's Resolution in terms applies to Indians generally, I understand that in his speech he also advocated the appointment of non-service men to these posts enumerated by him in his Resolution. I see that I am correct in that idea. Well, now, to dispose of that particular proposition in the first instance.

In England, no doubt, there are Secretaries and Under Secretaries of State who are non-service men, but these are Parliamentary Secretaries and Under Secretaries. So far as the actual Departments are concerned, they are in charge of permanent Under Secretaries who are service men and not politicians selected from the public life of the country. Indeed, it seems to me to be absolutely incongruous that non-service men who have had no departmental training whatever at any of the various rungs of departmental ladders should be pitchforked into the highest rung of the ladder and be in charge of departments without ever having had any experience or training in departmental work. Such a state of things would be entirely opposed to sound principles of administration. I do not think it is necessary for me to say anything further so far as that position taken up by my Honourable friend, Saiyid Raza Ali is concerned. If Indians are to be

appointed as Secretaries, as Joint Secretaries and as Deputy Secretaries, obviously they must belong to the various services of the country. The case of Members of the Executive Council, as was rightly pointed out by the Honourable Mr. Craik, stands on an entirely different footing.

Now coming to service question, the first principle which Honourable Members have to bear in mind is this. None of these appointments enumerated in the Resolution are ear-marked for Europeans, not one. There is nothing in the Statute, in the Government of India Act, or in any of the rules, laying down that to these appointments only European Members of our Services shall be appointed. It is obvious, therefore, that so far as statutory position is concerned, every one of these appointments is open to Indian Members of the Services. The next proposition which I want to place before the House for the careful consideration of Honourable Members is this. In the year 1919, and also towards the beginning of the year 1920, decisions were taken by the Government of India and the Secretary of State on the recommendations of the Public Services Commission towards the Indianisation of the various services. In regard to the Indian Educational Services 50 per cent. Indianising rule was laid down. As regards the Indian Civil Service 33 per cent, increasing every year by 1½ per cent, is the rule that has been laid down. Similar decisions have been taken with regard to the other services. Indeed as regards the Foreign and Political Service, the question of principle, that is to say, of the admission of Indians into that service, was decided in favour of Indians as far back as the commencement of the year 1920. It is only details which have now been worked out recently and announced by the Honourable Dr. Sapru in the other House last March. So that as matters stand at present, there is no service, no branch of our services in this country, which is not open to the Indians, and percentages have been laid down with regard to every branch of the services so far as the scheme of Indianisation is concerned. That being so, it must be obvious that, when as a matter of principle these appointments are perfectly open to Indian Members of our various services, with the increasing Indianisation of our services, *ipso facto* there will be greater and greater opportunities for duly qualified Indians to be appointed to these particular posts enumerated in the Resolution. And, as a matter of fact, the Government is already giving opportunities for the particular training which is required in the case of these appointments. We know, as was pointed out by the Honourable Mr. Craik, that Indian Members of our services are undergoing training, in fact performing Secretariat duties in the Provinces. In the Punjab, I know there is one Indian Secretary and one Indian Under Secretary. In the United Provinces at one time an Indian held the high and responsible appointment of Chief Secretary to Government. And as the Honourable Saiyid Raza Ali is aware, that gentleman has been promoted to a Secretaryship in the Government of India, so that in another department not enumerated by the Honourable Member in his Resolution an Indian is actually occupying the post of Secretary to Government,—an Indian who had obtained his Secretariat training down in the Provinces, in the United Provinces, and had reached the status of Chief Secretary to Government. There is another Indian in the Government of India Secretariat who is holding the position of Deputy Secretary in the Education Department. The Honourable Mr. Khaparde was not quite correct in saying that that particular gentleman occupied the position of Assistant Secretary for eleven years and was only recently appointed as Deputy Secretary. As a matter of fact, he in the first instance occupied the position of Assistant Secretary in the Government of India,

[Mr. Shafi]

subsequently reached the position of Secretary to the United Provinces Government, and from there has been brought in to the Government of India as Deputy Secretary. It will thus be seen that already, although the principle of greater Indianisation of our services was accepted as a result of the recommendations of the Public Services Commission only about two years ago, even during these two years, a number of Indian Members of our services have been appointed Secretaries and Under Secretaries down in the Provinces, as well as up here in the Government of India. In consequence when the doors to these appointments are not barred to Indians, when these appointments are not ear-marked for the European branch of our services only and when actually Indians have already been appointed to these posts and with the greater Indianisation of our services, they are sure to be appointed in still greater numbers, I really cannot see any need whatever for this Council to adopt the Resolution moved by the Honourable Saiyid Raza Ali. In fact, it seems to me that it was hardly necessary even for an amendment of the kind that the Honourable Mr. Craik has brought forward to be moved in this Council, considering what exactly the position now is. Indeed to my mind, if I may even go further, any limitation of numbers, or any fixation of proportion is detrimental to the Indian interests rather than to the British interests, and therefore it seems to me that the Resolution is quite unnecessary. But as the Honourable Mr. Craik has accepted the Resolution in a modified form as embodied in his Amendment, I would strongly advise the House to accept the Amendment and thus to put the original Resolution aside.

The HONOURABLE SIR DINSHAW WACHA: I rise to appeal to this House that after the very lucid explanation given by the Honourable Mr. Shafi, which was so very impressive and effective, this Council may now consider the matter at an end and that the Amendment of Mr. Craik be carried. The very fact that Indianisation is now the acknowledged principle on the part of Government under the new Act and that as a logical consequence of it, Indianisation of the entire Public Services will go on extending, are conclusive enough to show that there is no need for further discussion in this place. I therefore appeal to all the Members of the Council that they will gladly accept the Honourable Mr. Craik's Amendment.

The HONOURABLE MR. A. H. FROMM: I now move that the question be put.

The motion was adopted.

The HONOURABLE THE PRESIDENT: Before I put the question, I should like to make one point clear. It is evidently not clear, as appears from a conversation I had with an Honourable Member the other day. It does not follow that because a Member votes against the Amendment he is in fact voting for the Resolution. He may dislike the Amendment in which case he will vote against it. He may also dislike the Resolution in which case he will also vote against that. In the first place I shall put the Honourable Mr. Craik's Amendment, which is, "In the Honourable Saiyid Raza Ali's Resolution for the words 'to initiate a policy of appointing Indians,' the words 'that Indians should be given opportunities of becoming qualified for appointment' be substituted."

The Amendment was adopted.

The HONOURABLE THE PRESIDENT: The question is that the amended Resolution which runs as follows:

'That this Council recommends to the Governor General in Council that Indians should be given opportunities for becoming qualified for appointments to the offices of Secretary Joint Secretary and Deputy Secretary in the Army, Marine, Education, Foreign, Politicals and Public Works Departments of the Government of India'

be accepted.

The Motion was adopted.

#### MESSAGE FROM LEGISLATIVE ASSEMBLY.

The HONOURABLE THE SECRETARY OF THE COUNCIL: Sir, there is a message from the other Chamber.

The HONOURABLE THE PRESIDENT: Let it be read.

The HONOURABLE THE SECRETARY OF THE COUNCIL:

*"Sir, I am directed to inform you that the message from the Council of State to the Legislative Assembly desiring its concurrence in a Resolution to the effect that the Bill further to amend the Code of Criminal Procedure, 1898, and the Court-fees Act, 1870, be referred to a Joint Committee of the Council of State and of the Legislative Assembly, and that the Joint Committee do consist of 12 members, was considered by the Legislative Assembly at its meeting to-day, and that the Resolution was concurred in by the Legislative Assembly, and the following Members of that body were nominated to serve on the Joint Committee, namely:*

*The Honourable Dr. Tej Bahadur Sapru.  
Rao Bahadur C. Krishnaswami Rao.  
Mr. Harchandrai Vishindas.  
Rao Bahadur C. S. Subrahmanyam.  
Mr. J. Chaudhuri, and  
The Honourable Sir William Vincent.'*

The HONOURABLE THE SECRETARY OF THE COUNCIL: Sir, I have received a message from the Secretary of the Legislative Assembly.

The HONOURABLE THE PRESIDENT: Let it be read.

The HONOURABLE THE SECRETARY OF THE COUNCIL: The message is as follows:

*'Sir, I am directed to inform you that the Legislative Assembly have, at their meeting of the 26th September 1921, agreed, without any amendments, to the Bill further to amend the Cattle-trespass Act, 1871, which was passed by the Council of State on the 19th September 1921.'*

The HONOURABLE THE PRESIDENT: I think the state of the business is such that I must ask Honourable Members to come back this afternoon. The Council now stands adjourned to 3-30 P.M.

[The Council of State re-assembled after Lunch with the Honourable the President in the Chair.]

The HONOURABLE THE SECRETARY OF THE COUNCIL: A message from the Legislative Assembly, Sir.

The HONOURABLE THE PRESIDENT: Let the message be read.

The HONOURABLE THE SECRETARY OF THE COUNCIL: Sir, I am directed to inform you that the Bill further to amend the Land Acquisition

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Act, 1894, which was passed by the Council of State at its meeting of the 17th March 1921 was passed by the Legislative Assembly at its meeting on the 26th September 1921, with the Amendments indicated in the attached statement. The Legislative Assembly requests the concurrence of the Council of State in the Amendments.

### RESOLUTION RE ADMINISTRATION OF ADEN BY THE GOVERNMENT OF INDIA.

The HONOURABLE MR. PHIROZE C. SETHNA : Mr. President, I beg to move that :

'This Council recommends to the Governor General in Council that a representation be made to the Secretary of State for India that the administration of Aden be continued under the Government of India and not be transferred to the Colonial Office.'

The subject of the transfer of Aden has been on the anvil for two years and more. At first it was suggested that Aden should be handed over to Egypt, and now it is proposed to give it to the Colonial Office. The sword of Damocles seems to be hanging over the heads of the inhabitants of Aden and 'to be or not to be' is the question. The people of Aden and the people of India certainly want it 'not to be.' However, Sir, in accordance with a remark which fell from the Secretary of State for the Colonies in the course of the debate on the Colonial Office Vote on July 14th, in the House of Commons it appeared to us that the transfer to the Colonial Office was a *fait accompli*. Fortunately, a few days ago in the other House, in answer to a supplementary question, the Honourable Mr. Hailey replied that the statement made by Mr. Churchill was premature. This gives us fresh hope, and we trust that the representations which have been made by the people of Aden and which are so strongly supported by the people of this country, and which, will be still further supported by a representation from the Government of India in consonance with this Resolution, if it is accepted, will all weigh with the Home Government.

Sir, at the Delhi Session my friend the Honourable Mr. Bhurgri put several questions in regard to the transfer of Aden. In the course of his reply, the Honourable Mr. Denys Bray, amongst other things, laid very particular stress on what he called the unanimous Resolution of the Aden Chambers of Commerce. The history of this unanimous Resolution requires to be explained to this Council. The Aden Chamber of Commerce consists of British, Continental, Indian, Arab and Jewish merchants. The attendance at the meetings of the Chamber of Commerce there is known to be very small, and the Resolution was passed, so far as I have been given to understand, by the votes of the representatives of the British and of the Continental firms who were present. The British commercial interests in Aden are comparatively very small. Up to quite recently there were only four firms. There has been the addition of a fifth recently. These five firms consist of, firstly, the Agency of the Peninsular and Oriental Steam Navigation Company. The Indian head of that large organisation is fortunately a Member of this Assembly—I mean the Honourable Mr. Froom. Another English firm is the Agency of the National Bank of India, Limited. There are two firms interested in the coal trade—Messrs. Luke, Thomas & Co. and Messrs. Cory Brothers

and lastly, Messrs. Shaw Wallace & Co. who have gone there for their petrol business. This constitutes the full number of commercial British firms in the port of Aden. There is a larger number of Continental firms I admit. They are mostly interested in the export trade, but this Council will recognise that it can make no difference in the opinion of these Continental firms whether Aden remains with India, is transferred to the Colonial Office, or, for the matter of that, is transferred to Australia or even to South Africa so long as they are allowed to trade in peace. What counts is the number of the Indian, Arab and Jewish firms who certainly control the bulk of the trade of the port. When these merchants found that much capital was being made of the so-called unanimous Resolution, they protested, and their protest was submitted to the Government of India through the Government of Bombay. This protest was made by Indian merchants, but they were strongly backed up by the Arabs and the Jews, who held protest meetings in Aden and supported the views contained in the protest of the Indians to the Government of India.

Now, Sir, in addition to this representation which came direct from Aden, public bodies in this country which take any interest in the question, have strongly supported the contention of the Aden Indian merchants. There is first of all the British Indian Colonial Association, which has pointed out to the Government the advantages, political, administrative, financial and strategic, of allowing Aden to continue under the Indian Administration. The British Indian Colonial Association is a very representative body. Most of the Indian firms in Aden are members of it, and the two gentlemen who have signed that petition as its Vice-Presidents belong to two of the leading firms, firms which have existed in Aden ever since the British captured the place in 1839, and these firms are known to have rendered valuable service to Government throughout their long career.

Other Associations have also supported the arguments put forward by the British Indian Colonial Association, chief among them is the Western India Liberal Association, of which body our distinguished colleague Sir Dinshaw Wacha is the Chairman. Then, again, bodies like the Bombay Presidency Association, as also the Imperial Indian Citizenship Association and others have likewise supported the contention of the Indian merchants. My Honourable friend, Mr. Bray in the course of his remarks on the 26th March last appeared to hint that this representation of the Indian merchants to the Government of India was perhaps an afterthought. If my friend Mr. Bray thinks so, I am glad that the Secretary of State for India thinks otherwise. For, Sir, about seven months back Sir Thomas Bennett, a member of the House of Commons, who, we know, takes a very keen interest in all Indian affairs, put a question whether Government were taking any steps to ascertain the views of the large Indian community at Aden in regard to the proposed transfer. Sir Thomas Bennett made it clear that the Resolution passed by the Chamber expressed the views of a very small minority, and that a very representative memorial was submitted by the Indian traders to the Government of India. In reply, the Secretary of State said that Government were not taking any steps to ascertain the views of Indian traders, but they were aware that the Indian traders had repudiated the Resolution of the Chamber and that divergent views prevailed. He was further aware that the Resolution passed by the Aden Chamber of Commerce not only represented the views of the minority, but that it was Resolution passed by them as in the

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belief that it would be the lesser evil of the two if, instead of being transferred to Egypt, Aden were transferred to the Colonial Office. So much, Sir, in regard to the much-talked of unanimous Resolution of the Aden Chamber of Commerce.

But the point with which we are particularly concerned is the absolute reticence on the part of the Home Government and also on the part of the Government of India as to why they propose such a transfer at all. The other day in another place one Honourable Member, I believe Mr. R. A. Spence—put a supplementary question and asked what were the advantages of such a transfer. And what was the reply of Government? Nothing more than the set formula that “Government would require notice of this question.” As I have already said, we have no information as to why it is proposed to transfer Aden except for some occasional remark by one or other Minister. On the 14th of July when Mr. Winston Churchill spoke in the House of Commons, he said that the amalgamation of Aden and Somaliland would be very advisable, and that “Somaliland and Aden are really the most happy marriage that could be made,”—as if it was left to a third party to decide whether the two contracting parties to a marriage will suit one another. Aden, Sir, has been very happily wedded for now quite a long time. It has outlived its diamond jubilee and will celebrate the centenary of its Association with India in another 18 years, and it would like that happy association to go on continuing for ages. Why then should Mr. Churchill propose not only a divorce but even a second marriage quite against its will?

Then, Sir, the Right Honourable the Secretary of State for India once mentioned in the House that “Aden was a strategical point and an important political centre.” Beyond these statements we have no information from the Home Government. It might be argued that my Honourable friend, Mr. Bray, was more communicative in the course of his reply on 26th March last when he said:

‘Aden is a vital, strategical point that requires a large garrison, and an important political centre which involves complex considerations with the Arab tribes in the Aden Protectorate and with foreign powers with interests in the Red Sea.’

I ask the Council if they are satisfied with this answer given by my Honourable friend, Mr. Bray? Have we not known for ages that Aden is a strategical point? It appears to us therefore that there certainly is some secret diplomacy in regard to this transaction, and the sooner the Government discloses it, the better for all concerned. It will allay the public mind.

So far as the Government of India is concerned, I consider it absolutely essential that they must take the Indian Legislature into their confidence in this matter. We know that they have recommended to the Home Government that if Aden is transferred to the Colonial Office the interests of the Indian traders in the Colony should not suffer. We are surely not satisfied with this. We want to know what actually is in the minds of the Government of India, whether they have approved of the transfer or not. If they have not definitely made up their minds, my Resolution will, I hope, enable them to do so. My Honourable friend, Mr. Bhurgri on the 26th of March in asking several questions in regard to the transfer of Aden, inquired if Government would lay on the table the correspondence that

passed between the Government of India and the Home Government. The Honourable Mr. Bray replied that because the matter was then under discussion the correspondence could not be placed on the table at that stage. It is exactly five months to a day to-day from that date, and I hope my Honourable friend, Mr. Bray, will tell us in his reply if he can now lay the correspondence on the table or not.

Mr. Bray in the course of his reply on 26th March last observed that the administration of Aden was a serious burden on the Indian tax-payer. Where it is a burden we are absolutely in the dark. Then, again, Sir, in answer to a question on the same subject, the Honourable Dr. Sapru in the other House said on the 10th of this month that, while Government have not readily available the figures of the cost of administration of Aden since it was captured in 1839, he was able to say that the Welby Commission which sat in 1900 estimated the cost of the administration to India at Rs. 24,50,000 per annum. He added that out of this amount we received Rs. 10,80,000 from the Home Government, so that the nett cost to India was about Rs. 13,70,000 per annum. Supposing, Sir, this is the correct figure, or say it is roughly Rs. 15 lakhs per annum, then if Government thought that this was an unjustifiable charge on the Indian tax-payer and that it was a heavy charge, why, I ask, did not the Government come forward earlier to transfer this from us to the Home Government or to the Colonial Office before now? The proper course for them would be under the circumstances to re-imburse India for loss it has incurred during the last 83 years, and which at the rate of only 15 lacs a year will amount to 12½ crores. I ask if the Home Government is prepared to re-imburse India to that extent? On the contrary, we know but too well that if Aden is transferred to the Colonial Office or to any other part of the Empire, India is not going to be relieved of what my Honourable friend, Mr. Bray, calls, “a serious burden.” The reason why I say so is as follows. On the occasion when Mr. Churchill referred to the question of transfer of Aden on July 14th in the House of Commons, he said in very clear terms that whilst he thanked the India Office for their generosity in regard to the transfer of Aden, that in the interests of the British tax-payer he would only agree to take over Aden if India contributed towards the cost of the maintenance of the fortress. Therefore, there is no intention whatsoever of relieving India of the ‘serious burden,’ and I am rather afraid that, if Aden is transferred to the Colonial Office, that the serious burden will increase in amount and become yet more serious.

I will now give a few reasons as to why the Indian traders and the Arabs and Jews object to the proposed transfer to the Colonial Office. According to the recent census, the population of Aden is 56,400, made up of:—

|                    |     |     |        |                   |     |     |       |
|--------------------|-----|-----|--------|-------------------|-----|-----|-------|
| Arabs              | ... | ... | 30,562 | Hindus            | ... | ... | 3,691 |
| Jews               | ... | ... | 4,408  | Jains             | ... | ... | 308   |
| Somalis            | ... | ... | 7,551  | Parsis            | ... | ... | 323   |
| Indian Muhammadans | ... | ... | 5,594  | Europeans         | ... | ... | 1,900 |
|                    |     |     |        | Other communities | ... | ... | 2,063 |

In the European population of 1900, there is included the garrison, and I believe the number of the garrison is nearly 1,400, so that the European civil population does not consist of more than 500, and that includes people from the different continental countries along with Britishers.

The figures I have given will show that the Indians form one-fourth of the population of Aden. If we take the Arabs and Jews along with the Indians—



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and my reason for putting them together is that they are entirely at one on the question of the non-transfer of Aden, then I contend that 75 per cent. of the population is entirely in favour of the retention of the Indian connection with Aden. Out of the remaining one-fourth the largest number are the Somalis, people who unfortunately are very backward and who cannot think or decide for themselves. My point therefore is that of the thinking population of Aden—people who can judge for themselves—as many as 95 per cent. are entirely in favour of the retention of the connection of Aden with India.

Then, Sir, Indian traders have been doing business in those parts even before the British captured Aden in 1839. In those days Aden was under the Sultanate of Lahej. Indians prospered there even then. But at the request of the British Government Indians went over to Aden after 1839 in larger numbers. They certainly are not sorry for having done so because they have greatly prospered themselves and have vastly contributed to the prosperity of the port. They have not only become large landholders, but they control the bulk of the trade from and to the Red Sea Ports. It is therefore the Indians who should have a very great say in the matter of the proposed transfer. Again, Sir, the Indian citizens who went there in the train of the British have been very helpful to the British in the matter of converting the turbulent and unruly natives of the place into law-abiding and orderly citizens.

The main reason, however, why Indians object to the transfer is certainly the one which is uppermost in their minds, namely, that if they are transferred to the Colonial Office, their position under the Colonial Office would be no better than that of their brethren in the different Colonies. This has been the subject of so much controversy for the last so many years. We recognise that there has been some little improvement of late, but it is a case of knocking ones head against a stone wall. It will be years and years before the status of the Indian in the Colonies is improved, and, in view of what is happening in South Africa and elsewhere, our Indian traders in Aden are naturally dead against the idea of the proposed transfer. I am aware that the Government of India have made a representation to the Secretary of State that, in the event of a transfer, the status of Indians should not be ignored but be kept on a level with that of the European settlers. I admit that the Right Honourable Mr. Montagu has said that "Government have accepted without reservation the condition laid down by the Government of India that the transfer of Aden should in no way impair the interests or the status of Indians who shall receive precisely the same treatment as other subjects of His Majesty." We greatly appreciate this, but we know that at the best it is only a pious hope, and it will take years and years before it can be realised. The insistence of the transfer would be tantamount to penalising the Indian traders for all the good work they have done in Aden for these many years.

It is said that Aden is of very great strategical value. No one disputes this. Aden may be looked upon as the Gibraltar of the Indian waters and, whilst Aden was essential for the defence of India, perhaps it is argued by the Home Government that it is now equally essential for the defence of some other parts of the Empire,—notably East Africa and perhaps Mesopotamia. If it is necessary to fortify Aden to a greater extent than what has been done in the past; if it is necessary to have there a larger garrison, let

Government do so by exacting contributions from the different parts of the Empire which it is also expected to protect, but let not its administration be severed from this country, which has looked after it so well for well nigh a century. According to recent developments, both the Indian and Colonial armies are to be under the control of the Imperial Staff in England. Therefore, Sir, even if the military is under the control of the Home Government, let at any rate the civil administration continue under the Government of India.

We live in an age which may well be called the age of mandates. England has been the first to recognise the principle of mandates. According to this doctrine, no country or no part of a country can be transferred from one sovereignty to another without the consent of its people, and yet, although the principle is the same, if Aden is not to be transferred from one sovereignty to another, it is proposed against the mandate of its people to transfer Aden from one part of the Empire to another. I ask, is it right, is it consistent to do so? Is it right to go against the wishes of 75 per cent. of its entire population, or as I have put it, of 95 per cent. of its thinking population? I hope, Sir, my Honourable Colleagues will be unanimous in supporting my Resolution, so that the Government of India will be convinced that the accredited representatives of the country in this Council of State are strongly in favour of the retention of Aden with India, and that it will ask the Home Government not to go counter to the feelings and sentiments of the people of Aden and who are strongly backed up in their contention by the people of India.

The HONOURABLE MR. DENYS BRAY: Sir, greatly daring, may I commence with remarks entirely out of order—I hasten to say—with an apology? This morning at question time, when a question was put concerning my Department I was not in my place to respond. For this lack of respect to the House let me tender to you, Sir, to the House and to my Honourable friend the questioner my humble apologies. It is perhaps unwise to make an apology with an excuse. But I cannot refrain from suggesting, Sir, that the clock in this Council, like the Council itself, is in advance of .....

The HONOURABLE THE PRESIDENT: The proceedings of this Council are regulated by the clock of the Council.

The HONOURABLE MR. DENYS BRAY: Sir, I think the Honourable Mover has done a public service. He has certainly placed the Government under an obligation. This question of the transfer of Aden from India is a very ancient one. Delving into the official records I find that it dates back to 1861. But of recent years it has become more acute; it has come more within the region of practical politics. During the war, we found that the present system entirely broke down; and first, I think, the military operations of Aden were placed under the War Office, and subsequently the political administration of Aden was placed under the Foreign Office. There remained with India the parochial administration of Aden itself, and there remained with India also what I may call the parochial or internal administration of the army. But within the last few months this ancient question has, as I have said, become a matter of practical politics, and at the same time a matter of somewhat burning controversy. We have received various memorials of protest, one extensively signed from Aden itself, others from Commercial and Political Associations in Bombay of very high standing.



[Mr. Denys Bray.]

There have also been newspaper articles, some of them advocating a change, the majority protesting very strongly against it. In one or two cases, with that admirable impartiality of the press, I had almost said with that enviable irresponsibility of the press, we have had a newspaper advocating a transfer on one day and bowling over its own arguments in an issue a week or two later. We have had questions in this House and in the other as the Honourable Mover has reminded us. And I was rather amused to notice that he sought to discount an answer given by me in this House by reference to an answer given by the Honourable Dr. Sapru in the other. The voices were different, but the pen which wrote the answers was the same. Some of these questions asked candidly for facts and for information; others were rather designed, somewhat plaintively, I think, to elicit from Government some suggestion as to the manner in which this matter could be brought up for a public debate. And now forward comes the Honourable Mover in that practical business-like manner to which we are accustomed and places the matter on a practical business-like footing. The Government is grateful to the Honourable Member; for Government is most anxious in this case to have before it the considered opinion of the Council; so anxious is it that it should have the voice of India unadulterated by any official tincture that I shall ask the Honourable Members belonging to the Government of India to refrain from voting one way or the other. For the attitude of Government to this question is one of most benevolent neutrality.

Personally, I am under a further obligation to the Honourable Mover for his very lucid exposition of the case renders my task, I think, the more easy. We may not always agree with everything that the Honourable Mover says; but there can never be left any doubt in our own minds as to what is at the back of his. On the present occasion I am inclined to think he has been even more lucid than usual; and herein I feel that he has an unfair advantage over me. For to him the case presents itself in its simplest form; to him there can be no other solution. I myself have been somewhat oppressed by the complexity of the case.

Now the strength of the Honourable Mover's position, as it seemed to me, lay in his powerful appeal to sentiment. Sir, let me not be misunderstood. There is no covert irony lurking behind my words. Sentiment is one of the greatest forces in the world, and is never more strong than when, as in this case it springs from, or is connected with, a conscious spirit of nationalism. But before a Council of Elders like this indulges in sentiment, it behoves us to look at the practical facts fairly and squarely in the face. If I were asked to sum up in a sentence the Honourable Mover's position, I should be tempted to sum it up thus: Let India hold what India held. A fine, stirring motto for India. It awakens a ready response in every servant of India as well as in every Indian. Indeed in my own heart it awakens perhaps a more ready response than in some. For it has been my unhappy lot recently to have to consider suggestions put in the form of newspaper articles and questions, not in this House but in the other, that invite India in a vain endeavour to discover an India without any frontiers at all, to discard the North-West Frontier Province and Baluchistan Provinces which embrace districts as much British India as any district of the Province in which we are now sitting. Were the proposition before us in any way comparable with that, there would be no debate to-day at all. For I cannot conceive of any Government coming forward with such a proposition

in the face of assembled India. If you ask where the difference lies, I would point out at once, of course, to the fact that Aden, however close its association with India, is not part of the soil of the sacred motherland of India. It is part of the soil, by some deemed no less sacred, of Arabia. (A voice: Not to the Colonial Office.) But discount the matter as much as one may on the score of its geographical separation from India, the appeal to sentiment remains strong. The Honourable Mover took his stand on India's historical connection with Aden. A strong and compelling argument this. For the acquisition and development of Aden with the help of India is no inglorious chapter in the annals of the Empire. He took his stand also, indeed largely I think, on the commercial nexus. And here I wondered whether his arguments were quite so strong. Unfortunately I can speak with no authority, for unfortunately I am no merchant and have no commercial experience. But I take a pride in India and I should be sorry to think that India's trade were so delicate a plant that it required any adventitious aid for its development. I had thought that India's trade was so world-flung that it could hold its own wherever it went. The Honourable Mover took his stand also on the population. Here, again, the argument is strong. I have mislaid my figures, but the Indian population is, I think, five times that of the European population. (A voice: nearly ten times.) Even so I am a little doubtful whether this population argument should be pressed too far, seeing that the Indian population is, I think, a fifth of the total—(A voice: a fourth), a fourth of the total, and is in a great minority compared with the indigenous Arab population. And, with the spirit of nationalism awakening in that great Arab world, how long will the Arab population range itself—as the Honourable Mover assures us it now does—on the Indian side?

The Honourable Mover laid stress on Aden's strategical value. A very strong argument this. And yet, as the Honourable Mover developed it, I could not help wishing, Sir, that, by some device of elocution, of which he is a past master, he had in conveying his words to you, Sir, and to us here assembled, contrived not to convey them at the same time to the reporters' table and the press gallery. For this is a dangerous argument, I suggest. Our debate will not remain confined to these four walls. The spoken word to-day becomes and remains the written word to-morrow. It will be read across the seas, not merely in the United Kingdom, by those critics of ours who are always on the look-out for an excuse to press home the fact that India does not contribute its fair share to up-keep of the great Navy, which maintains not merely Aden but the security and invulnerability of India's vast and vulnerable sea frontiers. I hesitate to labour the point. I will merely say this. So important a strategical centre, so important a stage on the world trade-routes is Aden, not merely to India, not merely to the Empire, but to the whole world, that I conceive it to be impossible that Aden should remain, for long, in the hands of any foreign power, however strong on land, that is not at the same time one of the great sea powers of the world.

The word 'frontiers' brings me to the very thick of the complexity of the problem. For Aden is not simply that world-famous settlement, that tiny township: it embraces also the Aden Protectorate with which the settlement is inseparably and inextricably connected. That Protectorate dates back to the very birth of the settlement itself. And in that Protectorate there are frontier tribes and chiefs with names not familiar in our mouths as household words like our own frontier Mahsuds and Afridis; Maris and Bugtis, our

[Mr. Denys Bray.]

Mehtar of Chitral and our Khan of Kalat,—but with names so unfamiliar that I make bold to challenge the House to recite a dozen of them to me aright. You may argue that your own ignorance spells their unimportance; I am afraid the records of the Foreign Department and of the Army Department will not bear this out.

But we cannot stop there. We have to consider not merely the Aden Settlement, not merely the Aden Protectorate, but the great personages that loom in the background. One of the great results of the great war has been the contraction of the world. Peoples, vast countries, that used to lie outside the main currents of world politics are now coming into the very whirlpool. I suppose nowhere in the world is this fact more plain than in Arabia. Those responsible for the administration of Aden will find their responsibilities inevitably increase as the years go on. The whole Arabian world is in ferment. Behind the tribes of the Protectorate there loom names familiar to everyone of us: the Imam of Sanaa, the Idrisi, the King of Hedjaz, Bin Rashid, Bin Saud, the Wahabi Chief, one of the acutest brains and perhaps the most striking personality in Arabia. Is India prepared for this great enlargement of her frontiers?—India, who seems so impatient of the frontiers which she has got herself,—is she prepared for this great enlargement of her military, political and financial responsibilities which the administration of Aden must necessarily involve? If she is, then the course of Government, I suppose, is clear. I am not quite so sure of the course of the Honourable the Finance Member.

The Honourable Mover referred—and I am afraid he referred to an out-of-date estimate of my own—to some 20 lakhs as the cost of Aden. I have not my answer in front of me to check; but I was apparently indulging in research into ancient figures. For though the financial details of the question are quite beyond me, I think I am right in saying that if the Honourable Mover turns to this year's budget, he will find against Aden 50 or 60 lakhs ....

The HONOURABLE MR. PHIROZE C. SETHNA: I was quoting Dr. Sapru.

The HONOURABLE MR. DENYS BRAY: The Honourable Dr. Sapru was merely reciting an answer I put in his mouth; if he was at fault, the fault was mine. But I was apparently indulging, like the Honourable Mover, in ancient historical research, for the present-day figure stands, I believe, at 50 or 60 lakhs. But who will say that with these possible—probable—enlarging commitments, the 50 or 60 lakhs of to-day will not be ten times 50 or 60 lakhs to-morrow?

The HONOURABLE MR. PHIROZE C. SETHNA: Will the Honourable Member say for how long the figure has been 50 or 60 lakhs?

The HONOURABLE MR. DENYS BRAY: I am not able to say, but I trust my Honourable friend the Finance Secretary will get up presently to tell us. On matters financial I can offer myself as no authority whatsoever. But I can say this, on high financial authority, that even on the present basis, and without taking into consideration any possible or probable enlargement of our commitments, if the figure stands at 60 lakhs this year, it must inevitably stand at 65 lakhs next year.

Well, it is very largely this consideration that has encouraged Government to resuscitate this most ancient case and to try to excogitate some solution

which will meet the needs of Aden itself and of India and the Empire at large. It is not simply the difficulty of the political problems which would press upon us if we still administered Aden, though these are great enough. It is the uncertainty of the extent that the political, military and financial commitments would assume—or rather the very certainty that they must expand with the contraction of the world, which has led Government quite dispassionately to revive this old proposal and to look at it again. The Government is now awaiting the opinion of Aden and also of India on the question, and the debates in the House this afternoon will be of the very greatest value to Government in arriving at a conclusion.

I was sorry that the Honourable the Mover made so light of the assurance that I was empowered to give in this Council last March with reference to the safeguarding of the interests and status of Indians should this transfer actually take place; but I confess that the Honourable Mover is not alone in this, for in many memorials we have received I find the same doubts expressed. I had hoped to have been able to dispel some of the doubts by reciting the assurance recently made in identical terms by the Secretary of State, in the House of Commons, with the whole force of the Cabinet behind him. But even that the Honourable Mover has placed on one side. What assurance could be given further, I am at a loss to think.

The HONOURABLE THE PRESIDENT: Before this debate proceeds any further, I should like to be definite on one point. For the purposes of the Resolution rules, it is important for me to know who is the Member of Government—not necessarily the Member of the Executive Council—in charge of the Resolution. In view of a portion of the speech of the Honourable Mr. Bray I feel some doubt in determining whether he is or is not the Member in charge of the Resolution. Perhaps he will kindly reassure me on that point.

The HONOURABLE MR. DENYS BRAY: Sir, I am sorry if I have not made it plain that I am in charge of the Resolution.

The HONOURABLE MR. F. G. PRATT: Mr. President, the transfer of Aden to the Colonial Office is a question in which the Government of Bombay is deeply and closely interested. Towards that 4-25 P.M. question the attitude of the Bombay Government cannot under any circumstances be one of neutrality, and I have been authorised to give expression to the provisional views of the Bombay Government at this stage of the discussion on this question. Their position is that they have had very little notice indeed and very little time for the consideration of this question. They have had very little information of the grounds upon which the transfer is being considered. It is also a fact that public opinion, both in Bombay and Aden, has expressed itself very strongly against the proposed transfer. Very strong protests have been recorded by the trading communities of Bombay and Aden, and for these reasons for the present the Bombay Government objects to any change in the *status quo*.

The HONOURABLE MR. A. H. FROMM: Sir, being a commercial man 4-27 P.M. I regard this question chiefly from the commercial point of view, but I am not unmindful of the great importance of Aden as a port on one of the most important sea-ways of the Empire. Its commercial importance arises from the fact that, since having been declared a free port in 1850, it has attracted most valuable trade between Aden and Arabia and Africa, formerly monopolised by certain Red Sea ports. This trade and

[Mr. A. H. Froom.]

others are chiefly in the hands of enterprising Indian merchants. Its total value in imports and exports amounted last year to some 17½ crores of rupees.

The chief argument in favour of the retention of the administration of Aden by the Government of India—an administration, by the way, which does not include political control—is that Indian merchants have acquired landed and house property in the Settlement, have built up such trade as Aden possesses and not unnaturally desire to remain under the Government of the country of their birth. This point I am ready to concede.

I think the Honourable Mover likened the relations of India and Aden to those of a happy married couple—a married couple which had lived happily together for something like 50 or 100 years .....

The HONOURABLE MR. PHIROZE C. SETHNA : It was not my own : it originated with Mr. Winston Churchill.

The HONOURABLE MR. A. H. FROOM : Oh ! it originated with Mr. Winston Churchill. Well, I presume Aden would be regarded as the weaker vessel and therefore the wife—or one of the wives—of India. I cannot say that the husband has treated this particular wife very well. I would ask the merchants of Aden what have the Government of India—or the Government of Bombay—done to foster their trade, and what is Government likely to do to foster it in the future ? The Indian Government has its hands full, more than full with the affairs of this country, and it is likely to have its hands full for many years to come with little or no spare time to divert to commercial interests of a small Settlement, some 1,600 miles away from Bombay. The Governor, or rather the Resident of Aden, has always been a soldier, necessarily, possibly, because of its strategical position, though I question this. But can we expect a General Officer, however capable in the profession in which he has been trained, to dive into commercial problems, to help in the guidance of commercial enterprises, or to possess the special qualifications for the civil administration which devolves entirely upon him without skilled civil advisers. The administrative apathy of the Aden Government is in striking contrast with the energy displayed by our French friends on the western side of the Strait of Babelmandeb.

In the interests of the Aden merchants, I should like to see the Settlement transferred to the control of the Colonial Office. We have heard the Honourable Mover explain away the Resolution which was passed by the Aden Chamber of Commerce. I cannot understand why on that occasion, the meeting, which appears to have been one of the greatest importance for a period of many years, should have been so sparsely attended as the Honourable Mover suggests it was. I wish he had been able to give us the numbers. Anyhow they passed a Resolution proposing the transfer of Aden to the Colonial Office, and their reason for this sudden change of face is so newhat difficult to explain, unless it has been brought about by the discussion which has been very much in prominence recently as to the status of Indians in another country. As I have said, I should like to see the Settlement of Aden transferred to the control of the Colonial Office, raised to the dignity of a Colony and under the rule of a local Governor trained in the school of Crown Colony Administration. In this way only shall we see Aden's commercial and political expansion. As pointed

out by the Honourable Mr. Bray, Honourable Members are doubtless aware that the military control is subject to appreciable influence from the War Office, that the political control of Aden will greatly be influenced by the Middle East Department of the Colonial Office, and that the third control should be under the Government of India, can only introduce a lack of cohesion and co-operation between the various departments which would not arise if the whole of the administration of Aden were in the hands of the Home Government. A bright example of the progression of a settlement in the hands of a capable and vigorous administration is before us in Singapore which advanced by leaps and bounds in political and commercial importance under the guidance of successful civil and colonial Governors. I am in thorough accord with the Honourable Mover of the Resolution as regards the paramount importance of the Indian merchants at Aden. I am not aware that the interest of these merchants—in many cases the same houses—have suffered in British Somaliland since the administration of that territory was transferred from the Indian to the British Government, I think, in 1898. The Honourable Mover and the Honourable Mr. Bray have referred to the assurances given by Government regarding the transfer of Aden. I will not therefore repeat those assurances. They have again been referred to in another place by the Honourable Dr. Sapru, and I think that the Members of this Council should feel satisfied with these oft-repeated assurances, assurances down on paper and reported several times.

In my opinion, it is desirable both in the interests of commercial development and of Imperial defence that Aden should pass to the control of the Home Government, and I am unable to support the Resolution before us.

At the same time I do not ask the Government of India to agree to any transfer which is not satisfactory to Indian interests generally and to commercial interests in particular. I should deprecate Government accepting heavy financial liabilities on the Indian budget for an administration over which they have no control. Apart from the question of finance, there are many other considerations involved, particularly the present somewhat vaguely defined policy of the Middle East, and the whole question of Aden appears to me to be one which might well wait until matters relating to Egypt, Arabia and the Gulf assumed a more settled aspect.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN : Sir, I consider Aden to be one of the portions of Bombay. It is only removed to 4-36 P.M. just on the other side of the Indian Ocean. If it was a question of mere distance, Government has taken over Burma which, I think, is perhaps at a greater distance than Aden from Bombay. In the same way, Government have taken Baluchistan which once used to be a portion of Persia, but as India is called an Empire in Asia, it seems advisable that these small places in Asia should come under the control of the Indian Government. As we are orientals the Government of India knows the habits and customs of the people of this side as they have been with us for a long time and have ruled us so well. I think it is much better that Aden should remain with the Indian Government, because they know the sentiments of the Arabs, and they will of course be much more happy. If Aden is given to Arabs, that is quite a different thing. But as long as Aden is retained under the British Government, it is just as well if it was under the Government of India. Allusion was made during the debate to Mesopotamia but that was never a place which was considered to be absolutely English. It is nothing like Aden. It has only now been taken under the British protection.

[Colonel Sir Umar Hayat Khan.]

Then, Sir, it has been said that the administration of Aden during the war was broken up. What was not broken up during the war? Most of the things of the past when they were tested during the war were found to contain some defects.

Then it has been said that some paper said one thing one day and the same paper said another thing another day. There is no question of the criticisms and opinions of a paper. The whole question is whether the people of Aden and whether the Indians there like to be under the Indian Government or not.

Then, Sir, it has been argued that in Aden Indians predominate amongst the Foreigners, but it has to be considered whether the Arabs want to remain under India or under the Colonial Office. I think, Sir, they would like to remain with India.

Then, Sir, it was objected on the ground of expenditure. If the expenditure was anything as an obstacle, then we are spending so much on our frontier near Peshawar, etc. Well, if that was objected to, would any one say, 'We are tired of it; let us give away that portion to the other side.' Of course not. A lot of money is being spent on other Frontiers.

Then, Sir, directly we heard our Honourable friend say that it should become a colony we are so frightened of the name of Colony that we do not want it to be such. It is said, Sir, that if you finish all the work of the land, then it will be time to think of the sky. If, Sir, our claims in the other colonies are well settled, we will think it a proper time to let Aden become also a colony. Well, Sir, I think you have heard how some English people like Aden. There is an air called 'The Barren Rocks of Aden.' That shows how English people who have been exiled there think of Aden themselves. Then, as to the claims of Indians, Sir, there has been what is called Aden troops. Now Aden troops are all Indian, the whole of it, and hitherto since a very long time naturally Aden was more or less guarded, except the artillery, by Indian troops. Many of them have done very good work there. One of my relations, Sir, who got his first prize for best man at arms at Delhi during Coronation Durbar, was killed there fighting. He killed four, but the fifth killed him. Another relation who was one of the strongest of men, and could carry a horse, was also killed there when trying to save an Arab who was wounded. There are many others like them, Sir, who have fought there and died. I think we have a right to have Aden as a portion of India. Then, Sir, we have seen that if things are transferred to England, lots of English people will go out there. This will be very expensive and who will have to bear the expenses? I think as there are so many Indians there they naturally would have to be taxed more so as to be able to run the Colony. I have passed many times through Aden, Sir, and what I have seen is that the best managed and the best run firms have been those mostly of Parsis who have gone from Bombay.

Then, Sir, with Aden, as it is said, Somaliland is more or less wedded. I had the honour, Sir, to have my first baptism of fire in that place and I spent about two years there. That is a country which is very well suited to Indians.

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The HONOURABLE THE PRESIDENT: Order, order. Do I understand that the Honourable Member is referring to Somaliland? If so, will he confine himself to Aden.

The HONOURABLE SIR UMAR HAYAT KHAN: I only brought it in Sir, because it has always been said that both administrations will remain in one and the same hands. I think it was said that they were wedded together—I may have misunderstood it. But it has always been from the beginning intimately associated with Aden. The General in charge of the troops at Aden was always in charge of the whole of that portion called Somaliland. If that is not the case, of course I will drop it.

With these remarks, Sir, I very strongly support the Resolution for the retention of Aden which I think all those, specially the soldiers who had to do something with Aden, will never like it to be given away to someone who has not taken the trouble to retain and defend it.

The HONOURABLE SIR DINSHAW WACHA: Sir, I am strongly in favour of the Resolution of the Honourable Member, and 4-44 P.M. in supporting it I will say this, that I am not speaking without the book so far as I am personally concerned. For my own family had been merchants there years ago, and my uncle was one of the very first to go to Aden when the Settlement was formed, and took an active part in the trade there. My father also traded there, and I as a lad of 18 was sent there to learn the business of the firm. I know a great deal about Aden since 1862 to date, and I have kept myself in touch about that Settlement. So Honourable Members will understand that I am not speaking without the book. I do not go into the history of Aden, how it was captured by Captain Haines, and all that happened soon after its acquisition. During the Mutiny, Aden was a most important place because the General Commanding it, who was also the Political Resident, rendered eminent service to India by sending back soldiers from the Cantonment and by helping the Government of India, in other ways, specially in obtaining mules from Mauritius. My father had something to do with the supply along with two other contractors. The mules were brought down from Mauritius to Aden and thence sent out to India. However, Sir, that is a different story. As I have just stated I know a great deal about Aden. Long, long years before 1839, there were Indian residents and Indian merchants at Aden then under the Swoy of the Sultan of Lahej. This can be learnt from the history of Aden written by Captain Playfair, who was afterwards Political Agent at Zanzibar, and later Consul General of the British Government in Algeria. Thus it will be evident that Aden was colonised purely by Indian traders who went there about 150 years before Aden was captured. I knew personally, when at Aden, of a Hindu firm of long standing even in 1862. At that time it was 150 years old and carried on business in the name and style of Vierchand Amichand. There were several other Hindu firms whose names I have forgotten. So that practically Indian merchants traded at Aden long before it became a British Settlement. Apart from this, I will say that Aden has throughout been maintained by the Government of India. And I may say that it has been really dominated and, of course, administered by the Bombay Government. The Government of India have had very little to do with the administration except perhaps as regards matters demanding their sanction, principally those relating to the Army Department and in other cases of the Secretary of State. But the Governor of Bombay has the privilege, apart from the Government of India, to communicate directly with the Secretary of State. He does so even to-day. For the past 80 years that Aden is under the administration of Bombay, no complaint has ever been made of this bugbear of Army expenditure which has been for the first time dragged in as a plea for the transfer to the Colonial Office.

[Sir Dinshaw Wacha.]

Mr. Bray was of course asked by my Honourable friend, Mr. Sethna, as regards the expenditure in years gone by. I ask the same question to Mr. Bray or any Member who responds here for the Government of India. 'What has been the average Military expenditure of Aden from 1839 to 1915?' This question of the transfer of Aden to the Colonial Office has arisen only since this late war, say since 1915. They seem to have discovered very late in the day that the Settlement of Aden might be better managed commercially and politically by the Colonial Office than by the Indian Government which has had experience of 80 years! I should like to put before the House here, whether a Government which has been 80 years administering the Settlement is not better informed and more capable of managing it than the Colonial Office which knows next to nothing about it except here and there.

Then, there is another point to be considered. My friend, the Honourable Mr. Froom, told you that if the Colonial Office takes charge of it the development of Aden commercially and politically may be very great! Now, I say, Sir, that this is the great bugbear held up before you in order to support his own opposition to the Resolution. What is Aden? It is a barren rock. It cannot grow a single tree. There are no trees there. When the trees were planted they all withered as I saw myself. It has no rainfall and the water is supplied from the brackish wells or sea water condensed. Again, Aden derives all its daily supplies of forage, food and aught else from Lahej, which is some 12 miles distant. Every day some 4,000 to 5,000 camels come laden with supplies. Practically, Sir, Aden is a barren rock and would have remained a barren rock up to this day, but it is entirely due to the native Arab and the Jewish merchants in combination with the Indian settlers that Aden is such a prosperous Settlement. Again, the Honourable Mr. Froom compared Aden to Singapore! People forget what is Singapore. Singapore is not a barren track like Aden. Singapore is a fertile place, where there are rich minerals, particularly tin. Then there are palm and date trees there and many other agricultural products for export. Of course, a Colonial Governor is there from the commencement of the acquisition of that Settlement. Each in turn has naturally developed the place. Every Governor of Singapore has gone on improving it and making it prosperous. But similarly I should say every Political Resident at Aden in the interests of that Settlement has done a great deal for the development of Aden as a commercial sea-port, let alone its military importance. Singapore is a first-rate station in its physical aspects and cannot be compared with the burning crater of Aden; and if the Honourable Mr. Froom thinks that Aden could be made as prosperous as Singapore, then I absolutely deny that proposition. There are the physical qualities of Aden to be taken into consideration. My own uncle took away from Bombay, soon after Aden was settled, buglows after buglows of red earth to have a green garden for the recreation of a few Parsis there, between 1840 and 1850. The garden after much effort and expenditure grew some greenery, and it is still known as Merwanbag. It could grow nothing except some shrubbery. Everything green withers there. There are two very big tanks originally built by the Turks which were repaired and made impermeable to hold water. But whence the water could be had? There is not even half an inch of rain after seven or ten years. That is the physical condition of Aden. I think the Government of Bombay have made very great improvements; and in these they have been cordially supported by the

Indian merchants and the Jewish settlers. The fact is, Sir, that the Bombay Government having cooked the dish, the Colonial Office now under specious pretence wants to appropriate it. This is the correct way to look at this cool proposal. The Honourable Mr. Bray has spoken something about sea frontier there. Who were the first navigators in the Red Sea and in the Indian Ocean? Read the history of the Indian Navy which was created years even before 1839 by the East India Company. There are records in the Bombay Secretariat and in the Library of the Royal Asiatic Society in Bombay which will inform you that many a distinguished officer of the Indian Navy had for years explored the whole of the Indian Ocean, probed and probed it to make navigation safe from Bombay to Suez. It was owing to their explorations and hydrography that the Peninsula and Oriental Company navigates its vessels to-day so securely. It is a fact, and I challenge any one to contradict it. This is the situation. I have given you only a glimpse of the past history of Aden, because I have read a great deal about it and know it by personal residence for a time. I had myself been there. Members of my family had been there. No valid or cogent reason has been urged by the Honourable Mr. Bray to show that Aden ought to be transferred to the Colonial Office. He talked of a "Sea frontier." How much has India paid for it during the last 80 years? We are still paying all the cost of the Indian Marine which is doing valuable military service. How is Aden to be defended? By whom? Let Mr. Bray answer. I am sorry that, so far as Mr. Bray is concerned, I am very much disappointed with his speech to-day. I thought he would certainly make out a strong case in order to enable this House to see whether the motion of my Honourable friend should be accepted or rejected. He did nothing. He was officially talking in exaggerated terms of the threatening condition prevailing in the Middle East, conditions which might imperil Aden and that other Settlement known as Somaliland Protectorate. It is there for the last 20 years only. Somaliland was a separate territory, and it came under British protectorate because the Italians came up to Masowa and started their own colonisation in Abyssinia, and in order to stop the Italians coming down South that Somaliland was proclaimed a Protectorate and linked with Aden. Gentlemen, I can go on speaking for another two hours but *Cui bono*? But I do say this that one of the vaguest of vague and most specious reasons has been trotted out for us on behalf of the Colonial Office which has ample work already cut out for it. Why should it hanker after Aden? Why should the Government of India transfer it to its control? Nothing could be worse than this proposal. The Colonial Office have not made out any case whatever, and I hope that the Government of India will think twice and thrice before taking the step, and the Government of Bombay's contention that Aden should be retained under their control should be firmly upheld. The expenditure on the military forces at Aden, supposing it is 50 lakhs, is but a fleabite compared to the expenditure on the frontier and the military expenditure for this year swelling to the appalling figure of 62 crores. What is 50 lakhs to 62 crores? Nothing. Who is threatening Aden at present? Nobody. I know that Aden was threatened in 1859, and what happened? The English were alarmed lest the French should seize Perim, and Perim is even a better strategic place than Aden, and if Perim is very well fortified under strategical conditions, I think Perim can stand fast any number of inimical vessels coming from the Suez side. Even at Perim the Political Resident of the day gave my father a monopoly of the supplies there. Therefore, I do say that politically and commercially



[Sir Dinshaw Wacha.]

Aden should never be divorced from the Government of Bombay or the Government of India. I need not say more on the subject. I think my Honourable friend, Mr. Sethna, will be able in his reply to answer the feeble case made out by Mr. Bray. But I may tell this Council that there never was a more inequitable and unfair proposal made to transfer Aden from the Government of India. It is in short a scandal.

4-53 P.M. The HONOURABLE MR. E. M. COOK : I do not wish to speak on the merits of the Resolution, but it seems to me that there is some uncertainty as to how much Aden is actually costing us. I am not sure that I can entirely dispel that uncertainty so far as past years are concerned; for we do not keep up a *pro forma* account of Aden expenditure. One has to pick out the figures from various heads and get them from various accounts offices. Moreover, for the last five or six years the cost of Aden has been mixed up rather inextricably with what are known technically as the "Aden Operations." I think possibly it will be sufficient for the Members of this Council if I give them one or two figures from the current year's Budget. I find that in the current year we shall probably be spending roughly 70 lakhs on military expenditure. Of that 70 lakhs, about 10 lakhs will be recovered from the Home Government as the result of certain adjustments between them and us; so we may say that the net military expenditure on Aden will be 60 lakhs. As regards the civil revenue and expenditure, this has varied a good deal in the past; but according to the Budget figures of the current year, I do not think there will be a lakh's difference between revenue and expenditure; possibly the expenditure might be slightly in excess of revenue....

The HONOURABLE SIR DINSHAW WACHA : May I ask if this current military expenditure includes or does not include the new fortifications?

The HONOURABLE MR. E. M. COOK : It does not include fortifications, nor any extraordinary military works expenditure that may have been incurred.

The HONOURABLE SIR DINSHAW WACHA : If you will allow me to say one or two words.....

The HONOURABLE the PRESIDENT : Order, order.

The HONOURABLE MR. E. M. COOK : I was saying that civil revenue and expenditure almost balance each other. Taking the military expenditure at 60 lakhs we have to deduct from that £72,000, which is what the Home Government pays us on account of Aden. If you turn that £72,000 into rupees at 1s. 4d. it is just over 10 lakhs and at 1s. 6d. it is about 8½ lakhs.

The net result is that, so far as I can make out, in the current year Aden will be costing us roughly Rs. 50 lakhs,—and I think I ought to add that that must be regarded as the minimum..

5-2 P.M. The HONOURABLE MR. LALUBHAI SAMALDAS : Sir, when I followed the speech, the very lucid and very clear speech, of the Honourable Mr. Denys Bray, I thought I would be convinced that the Government of India had some real cause why, as I believe, it has practically agreed to the transfer of Aden to the Colonial Office. Unfortunately, neither from his speech nor from the speech of the Honourable Mr. Froom can I find any justification for this action except what my friend, the Honourable Mr. Sarma, spoke about my suggestion that the control of Kenya should be transferred to the Government of India. He said I must have made that

suggestion while in a mood of pessimism. It looks as if it was purely in a mood of pessimism that the Government of India was going to agree to transfer Aden to the Colonial Office and thus commit *Harikari* to use the word of the Honourable Mr. Hammond. I hope the Government of India will have more optimism than that, and I hope they will support us in our just demand. At the same time, I am grateful to the Honourable Mr. Denys Bray for saying that he was going to muzzle not only the front Government bench but also the back benches on this question.

The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Sir, I have been following the arguments that have been put forward for and against this Resolution. I understand, from my friend, the Honourable Mr. Cook, that as far as the civil administration of Aden is concerned, the revenue and the expenditure balance each other. Then in that case, Sir, I see that it is only a question of sentiment rather than of anything else. But in India sentiment is a great thing, and that sentiment ought to be respected. Our experience in East Africa shows that the plight of Indians is very bad, and India is afraid that in case the administration of Aden is transferred to the Colonial Government, the plight of Indians may become equally bad there. Aden is a part of the British Empire, and as Mesopotamia and Arabia have come under the British mandate, I think, Sir, the military expenditure of Aden ought to be shared by those Governments. It is said that the military expenditure of Aden is rising. Of course, Sir, military expenditure is quite uncertain, and we cannot base our forecast on these things. It may be more, or it may be less, in the coming years. But as India opened out all these markets, in the West, I mean in Aden, Somaliland and East Africa and elsewhere, their claim to administer Aden should not be ignored: and for all these reasons, Sir, I am strongly of opinion that the administration of Aden should not be transferred to the Colonial Office, and so I strongly support this Resolution.

The HONOURABLE MR. SHAFI : Sir, I trust my Honourable and venerable friend, Sir Dinshaw Wacha, will pardon me when I say that he entirely misunderstood the position taken up by my friend, the Honourable Mr. Bray. In saying that he was disappointed with the speech delivered by Mr. Bray, and that the Honourable the Foreign Secretary had adduced no reasons justifying the proposed transfer of Aden, I must say the Honourable Sir Dinshaw Wacha entirely misunderstood the position. The Honourable Mr. Bray clearly stated that the position of Government with regard to this Resolution was one of benevolent neutrality. He did not justify, or advocate, the proposed transfer of Aden to the Colonial Office. Now, in military and diplomatic language, the meaning of the expression "benevolent neutrality" is very well understood. Bearing in mind the meaning of that expression, I can assure the House that the Government of India will take note of the opinions expressed in this House by various Members representing different interests. They will note the fact that Indian sentiment, according to the various speakers, is entirely opposed to this transfer. They will also take note of the fact, which has been positively stated by the Honourable Mr. Sethna and is endorsed by the Bombay Government, that local opinion in Aden as well as in Bombay is also opposed to this transfer. They will further take note of the fact, stated by the Honourable Rai Bahadur Lala Ram Saran Das, that, in view of the position which Indians at present occupy in different parts of Africa—parts that are under the control of the Colonial Office—Indians would prefer that Aden,—their brethren,



[Mr. Shafi.]

their countrymen, residing and trading in Aden, should remain under the control of the Government of India rather than that Aden should be transferred to the control of the Colonial Office. All these sentiments which have been expressed in the various speeches delivered by Honourable Members to-day will, the House may rest assured, be carefully borne in mind by the Government of India. The Government of India have not yet pronounced in favour of this transfer, and until they do, no Honourable Member has any right to assume that they are in favour of that proposition. Their position is, as announced by the Honourable the Foreign Secretary, one of benevolent neutrality towards the Resolution moved by the Honourable Mr. Sethna. They prefer to leave this Resolution to the vote of the House. The official Members will take no part in the voting, and Government will undoubtedly pay due regard to the final verdict of this House upon the Resolution moved by my Honourable friend.

There was one observation in the speech of the Honourable Mr. Froom with reference to which I should like personally to say a few words. He said that the hands of the Government of India were full with Indian affairs and in consequence the commercial affairs of Aden had not been so well looked after as they might have been. Well, I believe the hands of the Colonial Office are not less full with affairs than those of the Government of India. That argument, I believe, will carry no weight whatever with those who know how busy, how anxiously busy the Colonial Office is with affairs in the Near East, the Middle East, the Colonies—and in fact in various parts of the globe. That is the position, as I have stated, of the Government of India with regard to this Resolution, and the Resolution is to be left to the vote of the non-official Members.

The HONOURABLE MR. PHIROZE C. SETHNA : Sir, I will not take up much time of the Council, but will endeavour to reply as briefly as possible. In the first place, I will deal with the speeches of the Government Members.

I, Sir, am not disappointed with the speech of my friend, the Honourable Mr. Denys Bray, as is my friend Sir Dinshaw Wacha. I prefer to divide the Honourable Mr. Bray's speech into two parts. In the first part, he was very sympathetic, right up to the point where he told us that the attitude of the Government of India was one of benevolent neutrality, and what that benevolent neutrality means the Honourable Mr. Shafi has still further amplified by the explanation that he has just given us. We are thankful to the Honourable Mr. Bray, as also to the Honourable Mr. Shafi, for the assurance that not only the Government Members will not vote, but that the Government of India are prepared to endorse the verdict of the House on this Resolution. ....

The HONOURABLE MR. SHAFI : To pay due regard, I said, not to endorse.

The HONOURABLE MR. PHIROZE C. SETHNA : I accept the correction. Although this matter of the transfer of Aden has been so long before the country, the Government of India have never come forward to tell us what their own intentions are, and after hearing the Honourable Mr. Shafi, it is clear they have not yet made up their minds. Therefore, this Council will be more than pleased if by the Resolution it passes, it will help the Government of India to make up their own minds.

I said I was very thankful for the first half of the Honourable Mr. Bray's speech. I cannot say the same for the second half, for it would appear from his remarks in the latter part of his speech that he did try to make out a case for the proposed transfer. First of all, Sir, he said that Aden was not a part of the sacred soil of India. I admit it is not, but I submit that Indians have worked there so long and worked so well under the Government of India that they do not want the connection severed in any way whatsoever. Again, the Honourable Mr. Bray doubted very much whether the Arab population would support the Indians. I think I made it clear in the course of my opening remarks that, in support of the memorial which the Indian traders addressed to the Government of India, not only the Arabs but also the Jews held meetings and passed Resolutions to the effect that they were entirely in agreement with the views of the Indian traders. ....

The HONOURABLE MR. DENYS BRAY : May I rise, Sir, to make a personal explanation? I expressed no doubt whatsoever about the accuracy of the Honourable Member's statement that the Arabs are to-day on the Indian side. I only ventured to express a doubt as to whether they would remain so in the future.

The HONOURABLE MR. PHIROZE C. SETHNA : The future, Sir, is in the lap of the Gods. I am content with the present. I am concerned with what is happening there just now.

The Honourable Mr. Bray pointed out that the Arab population is large. I admit this. The Arab population is half the population of Aden. That supports my contention that the Arabs, the Jews and the Indians form together 75 per cent of the entire population of Aden.

Then, an important point was made in regard to the serious burden on Indian resources. I quoted the Honourable Dr Sapru, according to whom Rs. 24,50,000 was the annual cost, of which Rs. 10,80,000 was contributed by the Home Government, which exactly corresponds to the sterling figure @ 1s. 4d. exchange of £72,000 quoted by the Honourable Mr. Cook. The Honourable Dr. Sapru did not say that during the last few years that expenditure had increased. The Honourable Mr. Cook says that this year the expenditure is 60 lakhs, and my friend the Honourable Sir Dinshaw Wacha put a very pertinent question and I also interrogated by asking for the last how many years has the administration of Aden by India run into figures of 50 to 60 lakhs. I contend, Sir, that if this figure reached half a crore, it must have been during the war, and previous to the war the average which was quoted by the Honourable Dr. Sapru must have been maintained, and I shall be glad to know if my Honourable friend, Mr. Cook, is in a position to contradict that statement.

Then, Sir, another important point is this. The Honourable Lala Ram Saran Das has pointed out that the revenue and the expenditure of the civil administration of Aden nearly balance themselves. Therefore, there is no loss to India in the civil administration. Assuming that 50 lakhs per annum is the cost of the military expenditure to India, will any Honourable friend, Mr. Cook, as also my Honourable friend, Mr. Denys Bray, give an assurance to this House that, if Aden is transferred to the Colonial Office, India is to be exempted from the payment of this amount or whatever may be the cost of the military expenditure. This is the crux of the question, and it has already been answered by the Right Honourable Mr. Winston Churchill in the House of Commons—I may be permitted to repeat what he said. He said that whilst India was

[Mr. Phiroze C. Sethna.]

generous enough to offer to the Colonial Office the port of Aden, he was not prepared, in the interests of the British tax-payer to take over Aden unless India was prepared to bear its portion of the burden.

My Honourable friend Mr. Bray says that Aden must now be considered along with the Hinterland, and along with other parts of Arabia, and we must not forget those notable gentlemen whose names according to him are so unpronounceable. If Mr. Bray could give us the assurance that because of the necessity of Aden to those parts the Colonial Office and the Home Government were going to exempt India from the payment of the burden of 50 lacs or whatever the amount will be, it will be a different proposition—a proposition which we would have to consider seriously. So long as India is not relieved of this burden, it is positively unfair to suggest the severance of Aden from India.

Then I come to the speech of my Honourable friend Mr. Pratt. I think the Bombay Members have every reason to be thankful to His Excellency Sir George Lloyd's Government for the very strong stand they have taken and for asking their representative on this Council to support this Resolution. If the Government of India have any doubts in the matter, they cannot do better than follow the advice of the one Province in India which can speak authoritatively on this subject, and that province, Sir, is of course the province of Bombay.

My Honourable friend, Mr. Froom, has already been answered by some of the other speakers. One reason why he approved of the transfer was that the Government of India had its hands very full. The Honourable Mr. Shafi very rightly retorted by pointing out that the Colonial Office had its hands equally full, if not more so. Then Mr. Froom observed that India was 1,668 miles away from Aden. The reply to this is that if India is 1,668 miles from Aden, Aden is 4,500 miles from the Colonial Office, and the Colonial Office cannot therefore be better able to look after Aden's affairs. I hear my Honourable friend laughing. He evidently thinks the Colonial Office will be better able to look after colonies, no matter how far removed. If the Home Government thinks so, at the worst let its military administration be transferred, but what we want is that the civil administration of Aden at least continues under India.

The Honourable Members on the Government Benches have promised that, if this Resolution is supported by this Council, they will take it to be the sense of the country. I hope, therefore, that, as promised by the Honourable Mr. Shafi, the Government of India will try to help the Home Government and communicate to them the intentions of this Council and of India.

The Resolution was adopted.

#### RESOLUTION *RE* PURCHASE OF STORES IN ENGLAND.

The HONOURABLE MR. LALUBHAI SAMALDAS: Sir, I beg to move the Resolution which stands in my name, namely:

5-22 P.M.,

'This Council recommends to the Governor General in Council to send instructions to the High Commissioner in England that, at the time of placing orders for materials required in India by Government, he should put them in the cheapest market for materials of the same quality.'

Sir, at this far end of the day I am not going to inflict a long speech in placing this Resolution before the House. Moreover, a similar Resolution has been accepted by Government in the other House, and I am given to understand by the Honourable Member in charge that Government is prepared to accept this Resolution as it is. Therefore, I am not going to make any speech, but I would merely ask him to accept it.

The HONOURABLE MR. PHIROZE C. SETHNA: Sir, in spite of the very short speech which my Honourable friend, Mr. Lalubhai Samaldas, has thought right to make in favour of his Resolution, I intend to say a few words, because of what information I have obtained in regard to this question. The Railway Committee's report has just been published in England, and so far we have only had a summary of their findings.

The Railway Committee held its sittings in London in the months of May, June and July. I may inform the Council that I happened to be present in England at the time, and I have had more than one discussion with more than one Member of the Railway Committee, and I reveal no secret when I say that my friends were distinctly of opinion that the manner in which these purchases are made in England is most detrimental to the interests of India; that the interests of India were absolutely ignored, and that it is the interest of the British manufacturers that is primarily looked after. This, Sir, will be shown in the report, but the Members of the Railway Committee with whom I have had discussions will, I am sure, bring forward their suggestions very forcibly before this country to improve the state of affairs in one way or another.

I quite understand that charity begins at home. Our first duty is to effect these purchases in India, if possible. Not only so but, I go further and say that we should have factories in this country to manufacture these particular articles, and it should be the duty of Government to help these factories so that the purchases may preferably be made in India. Next to that I admit that, on account of our connection with Great Britain, we should certainly have articles of British manufactures, if the difference in prices is not to an extent as has been allowed and is being allowed by the Stores Department in England. Sir, on his own admission Sir William Meyer has said that he has allowed a gap of 10 per cent. That is to say, if the British manufacturer quotes as much as 10 per cent. higher than other manufacturers, the High Commissioner is prepared to give him up to 10 per cent more, to the detriment of the Indian tax-payer. Is this at all fair I ask? I can quite understand that if the difference was small, say about 2½ per cent., we certainly should vote in favour of the British manufacturers.

I may say that because of our connection with Great Britain, Indian capitalists in this country do give such preference to British manufactures, and I may quote the instance of my Honourable friend, the Mover himself. My Honourable friend is the Chairman of a sugar company, to which he referred in this Council some days ago in the course of the discussion on the Resolution brought forward by my Honourable friend, Sardar Jogendra Singh. I happen to be, Sir, a co-director with him on the Board of that company. Only five weeks ago we had the placing of a large order for machinery for that sugar factory, and which order ran into some tens of thousands of pounds sterling. The Board was actuated by the motive, that if the machinery was as good as that offered by the manufacturers of other countries, and it

[Mr. Phiroze C. Sethna.]

generally is, to place the order with the British manufacturer even if his quotation was somewhat higher. The difference was a small one and we did place the order with a British firm. If, on the other hand, the manufacturer of another country was able to offer equally good machinery but at a considerable difference in price, we would not have acted in the interests of our share-holders if we had given the order, notwithstanding, to a firm of British manufacturers. This is exactly what should be done by the Stores Department in England, but which, I am sorry to say, is the exception and not the rule. In fact, the manner in which they are effecting these purchases ought not to be tolerated for a day longer. Look at the amount, Sir, that is being wasted,—positively wasted. We have been told that last year the amount spent by them was 17 million sterling. My friends on the Railway Committee inform me that, if according to the High Commissioner the difference was only 10 per cent., they verily believe that in many cases the difference is much larger, and I contend that the average savings would not be less than 10 per cent. What does this 10 per cent mean on 17 thousand pounds sterling? It means nearly 2½ crores of rupees.

Sir, the other House is trying to cut down and retrench expenditure at Budget time by not permitting to spend a few hundreds here and a few thousands there, or perhaps a lakh or two in some item. All the savings they so effected are a mere bagatelle as compared with the savings that we can effect in the purchases of our Railway stores, and this is a matter to which I would earnestly plead to my friends on the Indian Legislature to devote their very serious consideration. It is not a matter to be lightly disposed of. As I said, Sir, it is a matter involving about 2½ crores a year—nay it might be even very much more and requires thorough investigation.

We have been told by Sir William Meyer in his evidence before the Railway Committee which has been recorded in our proceedings of the 5th September in answer to a question put by my Honourable friend Mr. Lalubhai Samaldas, that he is quite prepared to respect Indian sentiments and go to the cheapest market. Well, Sir, he is a strong man, but he has vested interests around him and they are so great that he cannot overcome them. Sir, may I ask, if self-governing Colonies like South Africa or Australia or Canada would for one moment allow themselves to be treated in this fashion by the purchasing agents in England? Does Canada go to the British manufacturers if the foreign manufacturers, say American, quote less for the same article? They certainly do not. Why should India be compelled to do so, and why should not the interests of the Indian tax-payer be safeguarded by the very persons who are paid to see that Indian money is not wasted? I trust, therefore, that this Resolution will be accepted.

I may also state here what was mentioned to me by one of the members of the Railway Committee. He urged upon the Director General of Supplies to try and prevail upon those British manufacturers with whom we placed large orders to admit a few Indian apprentices in their factories. I have before me copies of certain letters in reply to this proposal—I will not trouble the House by reading them. First of all is a letter from the Director General of Stores, Mr. Collier, dated the 1st June 1921. His answer with regard to admitting Indian apprentices, to say the least, is evasive. He relies upon the previous minutes of his department, minutes by Mr. Fry, Sir Alexander Rendel and Mr. Butler. All these, I say, are evasive and they try to throw cold water on

the proposal, and that, in spite of the fact that that member of the Railway Committee whom I have referred to had pointed out that, so far as he knew, whenever in the past Japan placed large orders for machinery with manufacturers in England, they made it a condition precedent that so many Japanese apprentices should work in the factories. One of the arguments which the Department advances is, that the Trade Unions objected to Indian apprentices. It seems strange, Sir, that Indian apprentices should be objected to and the Japanese apprentices be allowed by the manufacturers and the Trade Unions in England.

It shows clearly that India has been treated in this matter as a step-daughter, and the sooner this position is altered the better.

Sir, I know that the hour is getting late. I will not detain the Council longer. But to me it seems that the best way to solve this difficulty is to see that hereafter the office of High Commissioner is filled not by an Englishman, but by an Indian of very considerable business experience. He alone will look after the interests of the country as perhaps the best Englishmen available cannot, and I therefore intimate to my Colleagues here that in due time, namely, before the expiry of the term for which Sir William Meyer has been appointed, I shall certainly bring forward a Resolution in this House so that the Government of India may be asked that the next appointment to the position of High Commissioner in England be made of an Indian of considerable business experience.

THE HONOURABLE THE PRESIDENT: The position has developed in rather a curious way. I was led to believe that by consent this Resolution would have passed this House without any discussion. We have all listened to the powerful speech made by the Honourable Mr. Sethna which, of course, he was quite entitled to make, but I do feel that it is possible that Government may be under some natural surprise at the turn the debate has taken. I am quite prepared, if the Member of the Government in charge so desires, to adjourn this debate now in order that he may have an opportunity of considering before he replies. I understand he was under the impression that the Honourable Mr. Lalubhai Samaldas was to move his Resolution and that the Council was likely to support it without debate.

THE HONOURABLE MR. H. A. F. LINDSAY: I should like to take advantage of that opportunity, Sir.

THE HONOURABLE THE PRESIDENT: In these circumstances I will adjourn the debate and I will also adjourn the Council till 11 O'clock to-morrow in this Chamber.

THE HONOURABLE MR. PHIROZE C. SETHNA: Can I be told whether this Council will resume this debate at 11 O'clock to-morrow?

THE HONOURABLE THE PRESIDENT: I think to-morrow is an official day. If so it will go first in the list on the next non-official day. I think on the 29th.

The Council adjourned till (Wednesday, the 27th September 1921 at 11 O'clock.

*Thurs 28th*

## COUNCIL OF STATE.

*Tuesday, 27th September, 1921.*

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

### QUESTIONS AND ANSWERS.

#### RELIGIOUS INSTRUCTION IN SCHOOLS.

170. The HONOURABLE DIWAN BAHADUR V. RAMA BHADRA NAIDU : Will the Government be pleased to issue a general Circular to all the Provinces with regard to imparting religious instructions in schools just on the lines the Madras Government had issued a Communiqué recently on the subject ?

The HONOURABLE MR. SHAFI : The Government of India have already addressed Provincial Governments on the subject of moral and religious education. This fact was stated in reply to the Resolution moved by the Honourable Lala Sukhbir Sinha in this Council on the 15th instant.

The central paragraph of the Circular issued by the Madras Government is taken verbatim from the Government of India's letter.

#### INDUSTRIAL DEVELOPMENT OF INDIA BY INDIANS.

171. The HONOURABLE RAJA MOTI CHAND : (a) Will the Government be pleased to state if it is their policy to play an active part in encouraging industrial development of India for India by Indians ?

(b) If it is the aim of the Government to make India self-contained in respect of men and material ?

(c) If so, do the Government propose to take any steps to give effect to the policy ?

The HONOURABLE MR. H. A. F. LINDSAY : The answer to each part of the question is in the affirmative. Government have taken, and are continuing to take, such steps as they find possible to give effect to the policy which has been indicated generally by the Honourable Member. I would, however, remind the Honourable Member that the development of industries is mainly a Provincial transferred subject, and active measures for giving effect to the industrial policy of the State are therefore largely in the hands of Provincial Governments.

#### INDIAN EDUCATIONAL AND MEDICAL SERVICES.

172. The HONOURABLE RAJA MOTI CHAND : (a) Will the Government be pleased to state if Members of the Indian Educational Service and of the Indian Medical Service are always required to be graduates or licentiates of British or British Colonial Universities ?

(b) Do the Government propose to take early steps to eliminate the necessity of a journey outside India for the purpose of securing admission to the Educational and Medical Services?

The HONOURABLE MR. SHAFI : (a) The answer is in the negative. A candidate for the Indian Medical Service must possess a qualification registrable in Great Britain and Ireland under the Medical Acts in force at the time of appointment.

(b) A journey outside India is not necessary for securing admission to the Indian Educational Service. The question, as regards the Indian Medical Service, is under consideration.

#### ABOLITION OF RACIAL INEQUALITY LAWS.

173. The HONOURABLE RAJA MOTI CHAND : Do the Government propose to take early steps so to modify or abolish the laws of the country as to remove racial inequality?

The HONOURABLE MR. H. D. CRAIK : The Honourable Member is doubtless aware that this question was discussed in another place on the 15th September. A Resolution in the following terms was then adopted. That in order to remove all racial distinctions between Indians and Europeans in the matter of their trial and punishment for offences, a Committee be appointed to consider what amendments should be made in those provisions of the Criminal Procedure Code, 1898, which differentiate between Indians and European British subjects, Americans and Europeans, who are not British subjects in criminal trials and proceedings, and to report on the best methods of giving effect to their proposals.

The Governor General in Council proposes to appoint such a Committee shortly.

#### SUGAR FLOTATION SCHEME.

174. The HONOURABLE RAJA MOTI CHAND : (a) Has the attention of the Government been drawn to a paragraph in the *Leader* newspaper of September 9th, 1921, in which it is stated "We are informed that a new sugar flotation with an authorised capital of 50 lakhs is shortly to be put on the Bombay market. It is reported that Mr. Ambalal Sarabhai, the well-known mill-owner of Ahmedabad, and Sir Thomas Holland, are associated with the venture and may become the first Directors?"

(b) Will the Government be pleased to state if Sir Thomas Holland was interested in the promotion of this concern while still in office?

(c) Do the Government propose to consider the advisability of a convention as to how far and in what circumstances gentlemen occupying high financial and other offices under Government might on retirement or resignation engage themselves in business?

The HONOURABLE MR. H. D. CRAIK : (a) Yes.

(b) The Government of India have been informed by Sir Thomas Holland that he had never heard of the suggested enterprise, except in the newspaper canard quoted; he had never met Mr. Ambalal Sarabhai except when he gave evidence before the Industrial Commission in 1917; he has never received any communication from him; he has never been approached by any one else in this connection; and there is in fact not the slightest foundation for the allegation made in the newspaper.

(c) The attention of the Honourable Member is invited to the Resolution of the Government of India on the subject dated the 21st April 1920, a copy of which is laid on the table.

No. 1140.

GOVERNMENT OF INDIA.  
HOME DEPARTMENT.

(PUBLIC.)

Simla, dated the 21st April 1920.

#### RESOLUTION.

The attention of the Government of India has been drawn to a rule laid down by the Colonial Office that an officer who has retired from the Colonial Service may not accept a directorate of a company the principal part of whose business is directly concerned with the Colony or Protectorate in which he has served, or employment in the Colony or Protectorate under such a company, without obtaining the previous approval of the Governor; and they have had under consideration the question whether it is necessary to lay down some similar rule for retired officers of the Indian services.

2. After consultation with Local Governments and careful consideration of their views, the Government of India have come to the conclusion that, while it is not necessary at the present time to lay down a definite rule, it is desirable that retired Government servants, especially gazetted officers, before accepting directorships, partnerships or agencies of, or employment by any company or firm or individual engaged in, commercial business or associated with the management of land in India, should either obtain the consent of the Government of India, or, if the company is managed in London, the consent of the Secretary of State. The Government of India believe that this procedure will conduce alike to the interests of the officers concerned and to those of the services generally, and are prepared to leave it to the good sense and loyalty of their officers to observe the procedure now suggested.

Order.—Ordered that a copy of this Resolution be forwarded to Local Governments and Administrations and to all Departments of the Government of India for information, and that it be published in the *Gazette of India* for general information.

H. McPHERSON,

Secretary to the Government of India.

#### EDUCATIONAL QUALIFICATIONS FOR SUB-ASSISTANT SURGEONS AND MILITARY ASSISTANT SURGEONS.

175. The HONOURABLE RAJA MOTI CHAND : Will the Government be pleased to state if it is a fact that :—

- (a) the minimum general education required of both Sub-Assistant Surgeons and Anglo-Indian Military Assistant Surgeons is one and the same, *viz.*, the Matriculation Examination of an Indian University or an equivalent thereof;
- (b) the duration of medical training is the same for both, *viz.*, four years;
- (c) the pay of Sub-Assistant Surgeons is Rs. 50 to Rs. 120 *per mensem* without practically any future prospects;
- (d) the pay of the Anglo-Indian Military Assistant Surgeons is Rs. 250 to Rs. 1,000 with prospect of rising to the grade of Civil Surgeons, a fixed number of Civil Surgeoncies being guaranteed for them?
- (e) If the replies be in the affirmative, do the Government propose to abolish the inequality between Sub-Assistant Surgeons and Anglo-Indian Military Assistant Surgeons?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: The answers throughout are based on the assumption that when speaking of Sub-Assistant Surgeons the Honourable Member refers to Military Sub-Assistant Surgeons.

(a) No. The standard of preliminary education required of a military sub-assistant surgeon pupil is the matriculation or admission examination of any Indian University incorporated by law, or any other examination or certificate which is regarded by a Local Government or a University as admitting equally with the matriculation to university courses, or any examination recognised as higher than the matriculation.

The standard of preliminary education required of a Military Assistant Surgeon pupil is :—

- (i) The preliminary examination in Arts recognised by the General Medical Council of the United Kingdom ;
- (ii) The Intermediate examination in Arts or Science of a recognised University, or the Cambridge Senior Local examination, old standard, according to the revised regulations for 1917 ;
- (iii) Intermediate examination in Arts of the Madras University, or an examination accepted by the Madras Syndicate as equivalent thereto.

(b) No. The duration of the course of medical training is as follows :—

|                                           |                 |
|-------------------------------------------|-----------------|
| For Military Sub-Assistant Surgeon pupils | ... four years. |
| For Military Assistant Surgeon pupils     | ... five years. |

(c) No. The rates of pay drawn by Military Sub-Assistant Surgeons range from Rs. 60 to Rs. 150 per mensem. Proposals for revising these rates of pay are under consideration. In addition to his pay, the Sub-Assistant Surgeon draws certain charge allowances for the sub-charge of an Indian Station Hospital ; these charge allowances vary from Rs. 15 to Rs. 40 per mensem, according to the class of the hospital. A certain number of civil miscellaneous appointments are reserved for military sub-assistant surgeons, in which they drew military rates of grade pay and local allowances.

(d) The pay of a Military Assistant Surgeon ranges from Rs. 200 per mensem to Rs. 700 per mensem, according to his grade ; in addition he receives certain allowances. It is a fact that a certain number of civil appointments are reserved for the Military Assistant Surgeon class.

The Government of India do not intend to assimilate the rates of pay drawn by the two distinct classes of medical subordinates. As the Honourable Member will have seen from my answer to part (a) above, there is a marked difference, as between these two classes, in the preliminary qualifications required and in the medical courses prescribed. While the military sub-assistant surgeons are trained, for four years, at medical schools, the military assistant surgeons, like the civil assistant surgeons, undergo training for five years at the Presidency Medical Colleges.

#### RECRUITMENT FOR MILITARY ASSISTANT SURGEONS.

176. The HONOURABLE RAJA MOTI CHAND : (i) Will the Government be pleased to state if it is a fact that :

- (a) Military Assistant Surgeons are all Anglo-Indians ;

- (b) all Anglo-Indian Military Assistant Surgeons receive their medical education and training for the service at the entire cost of the Government ?

(ii) If the replies be in the affirmative, will the Government be pleased to state the circumstances under which it is necessary to exclude Indians from the service and to spend public money upon the education and training of a particular class of public servants ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) Recruitment for the Military Assistant Surgeon class is restricted to Europeans and men of European descent.

- (b) Yes.

The reason why recruitment for the Military Assistant Surgeon class is restricted to Europeans and men of European descent is, that Military Assistant Surgeons are primarily engaged for service with British troops.

In reply to the last part of the question I would point out that Indian Military Sub-Assistant Surgeons also receive their medical education at the cost of the State.

#### GOVERNMENT MEDICAL SCHOOLS.

177. The HONOURABLE RAJA MOTI CHAND: (i) Will the Government be pleased to state if :—

- (a) Government Medical Schools of the type of the Agra Medical School maintain three different classes, Civil, Military and Private ;
- (b) as a matter of fact the choice of the students lies only between the two classes, Civil and Military ;
- (c) admission of students to the Private Class is either ordinarily not allowed, or restricted, or discouraged ;
- (d) candidates for admission to Civil and Military classes of Government Medical Schools of the Agra type are required to execute a bond whereby they undertake to indemnify the Government to the extent of Rs. 1,000 in the event of their refusing to enter Government service after completing their course or refusing to execute the agreement ;
- (e) successful civil or military students must execute such a bond as a condition precedent to their receiving the diploma ?

(ii) If so, do the Government propose :

- (a) to remove all restrictions to the admission to the Private Class ;
- (b) to abolish the system of executing bonds ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I lay on the table my reply to this question.

- (a) Yes.

(b) and (c) The number of private pupils that can be admitted to the schools in any year depends on the number of vacancies remaining after providing for such civil and military pupils as are recruited to meet the annual requirements of the Civil and Military Administrations.



(d) The rules governing the admission of civil students are now a matter for Local Governments. Military pupils, on admission, are required to sign a bond by which they undertake to refund the cost of their education, if—

- (i) they are dismissed for gross misconduct;
- (ii) they fail, owing to neglect of their studies, to pass their examinations in a reasonable time; and
- (iii) they fail, on finally qualifying, to execute a bond binding themselves to military service for a period of seven years, or, in default, to forfeit Rs. 1,000.

(e) As regards civil pupils, the Government of India possess no precise information.

Military pupils, who sign bonds to serve Government for seven years or to forfeit Rs. 1,000, are not granted their diplomas so long as they continue to serve in the Indian Medical Department. The diploma is granted to those, however who, on payment of the penalty of Rs. 1,000, are allowed to resign the service before they have served for seven years, or if they are invalided.

In regard to those successful candidates who refuse to enter the Indian Medical Department and have not signed the declaration bond, but have paid for the cost of their education, the question whether they should be granted their diplomas is one for the decision of the State Medical Board which grants the diplomas.

(ii) (a) In the matter of admissions to these schools, the Government of India are only concerned to ensure that their military requirements are fully met.

(b) So far as military pupils are concerned, it is not proposed to abolish the system of executing bonds.

#### FRONTIER CRIMES REGULATION III OF 1901.

178. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS :

(a) Is it not a fact that section 8 of the Frontier Crimes Regulation, North-West Frontier Province (III of 1901), does not permit the civil suits pending in judicial courts of North-West Frontier Province being withdrawn from the jurisdiction of the said courts for trial by *Jirga*?

(b) Is it not a fact that the civil suits of Lala Jiwan Mall Kakkar of Peshawar, which were pending in the civil courts of the Peshawar District, were withdrawn at the instance of Government for trial by the *Jirga*? If so, under what Law or Regulation was action taken?

(c) Is it not a fact that the withdrawal of such civil suits has the effect of depriving the aggrieved party from right of appeal to the higher courts?

The HONOURABLE MR. DENYS BRAY: (a) Yes.

(b) No. According to a report just received from the local administration, no civil suit has been withdrawn for reference to a *Jirga*, and no matter in dispute in such suit has been formally referred to a *Jirga*. It appears that there are connected criminal cases which, centering as they apparently do around the possession of a mosque, have aroused somewhat dangerous excitement in Peshawar, and that, before proceeding further with the criminal cases under the Frontier Crime Regulation, the Deputy Commissioner called for the file of the civil suit, since it was impossible for him, without reference

to the file, to determine what particular matters in dispute were excluded from the scope of the Regulation. The civil suit is still pending and can be resumed by the plaintiff at any time.

(c) These being the facts the question hardly arises, but in so far as it does, the answer is in the affirmative.

#### NEW COUNCIL CHAMBER, DELHI.

The HONOURABLE THE PRESIDENT: Before we proceed to the business of the day, I would ask the Honourable Member in charge of the Public Works Department whether he is in a position to make a statement to this Council as to the progress which has been made with the new Council Chamber in Delhi.

The HONOURABLE MR. B. N. SARMA: Sir, before doing so, may I be permitted to express my regret to this Council for not being present in the Council Chamber when the Honourable Mr. Ram Saran Das rose to put a question standing in his name. I can assure the Honourable Member and the House that my absence was entirely due to a mistake and was not intentional.

With reference to the question put to me by the Honourable the President, the latest information I have received from Delhi is that endeavour is being made to complete the new temporary Chamber there by the 31st December 1921, but that it may not be ready until some time in January next.

I can assure Honourable Members that every endeavour will be made by my Department, at an early date, to complete the building at as early a date as may be practicable in order that Honourable Members of this House may not be inconvenienced.

The HONOURABLE THE PRESIDENT: I am sure that Honourable Members will be very gratified by the statement which has just been made by the Honourable Member in charge of the Public Works Department, and if the same pressure can be brought to bear as was done in the case of the Assembly building, Honourable Members may rest assured that the building in question will be ready.

#### LAND ACQUISITION (AMENDMENT) BILL.

The HONOURABLE THE SECRETARY OF THE COUNCIL Sir, in accordance with rule 33 of the Indian Legislative Rules, I lay on the table a copy of the Bill further to amend the Land Acquisition Act, 1894, as amended and passed by the Legislative Assembly at its meeting of the 26th September 1921.

#### JOINT COMMITTEE ON THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

The HONOURABLE THE PRESIDENT: With reference to the message received in this House yesterday, or the day before, in which the Legislative Assembly agreed to the appointment of a Joint Committee to consider the Bill further to amend the Code of Criminal Procedure, I understand that the Honourable Mr. Craik wishes to make a motion.

[Mr. H. D. Craik.]

The HONOURABLE MR. H. D. CRAIK: Sir, I beg to move that the following six Members of the Council of State be nominated to serve on the Joint Committee to consider and report on the Bill further to amend the Code of Criminal Procedure, 1898, and the Court-fees Act, 1870, namely:—

The Honourable Sir Maneckji Dadabhoy,  
The Honourable Saiyid Raza Ali,  
The Honourable Sir Benode Chandra Mitter,  
The Honourable Mr. Phiroze C. Sethna,  
The Honourable Mr. H. Moncrieff Smith, and  
The Honourable Sir Zulfikar Ali Khan.

The Motion was adopted.

#### MAINTENANCE ORDERS ENFORCEMENT BILL.

The HONOURABLE MR. H. D. CRAIK: Sir, I beg to move that the Amendments made by the Legislative Assembly in the Bill to facilitate the enforcement in British India of Maintenance Orders made in other parts of His Majesty's Dominions and Protectorates and *vice versa* be taken into consideration.

The Motion was adopted.

The HONOURABLE THE PRESIDENT: Honourable Members have with them a statement of the Amendments in question. I propose to put each Amendment separately, and it is open to Honourable Members to speak on them if they wish to do so.

The HONOURABLE MR. H. D. CRAIK: Sir, I have not received notice of any Amendment.

The HONOURABLE THE PRESIDENT: The Honourable Member has put an Amendment down himself, but presumably he did not give notice to himself.

The question is that this Council do concur in Amendment No. 1, that is at the end of sub-clause (1) of clause 1 the following Amendment be concurred in it inserts new sub-clause (2).

(2) It extends to the whole of British India including the Sonthal Pargannas and British Baluchistan.

The Amendment was adopted.

The HONOURABLE THE PRESIDENT: The Amendments to clause 2 are stated in\* paragraphs 2, 3, 4 and 5. The question is that the Amendments made by the Legislative Assembly be concurred in.

The Amendments were adopted.

\* 2. In clause 2 in the paragraph containing the definition of the word 'dependants' the words 'other than illegitimate children' within parenthesis have been deleted.

3. In clause 2 in the paragraph containing the definition of the words 'maintenance order' for the words 'an order' the words 'a decree or order' have been substituted and between the words 'order' and 'for' the following has been inserted:

'other than an order of affiliation made by a Court in the exercise of civil and criminal jurisdiction.'

4. In clause 2 after the definition of the word "prescribed," the following has been added:

"Proper authority" means the authority appointed by, or under the law of, a reciprocating territory to receive and transmit documents to which this Act applies; and "

5. In clause 2 in the definition of the words "reciprocating British possession," for the words "British possession," the word "territory" has been substituted and the words "outside British India" have been deleted.

The HONOURABLE MR. H. D. CRAIK: Sir, I beg to move that in clause 2 in the definition of "reciprocating territory" the words "outside British India" be inserted after the word "Dominions."

Perhaps I should explain that this is purely a drafting Amendment. The words I propose to insert appeared in the Bill as passed in the Council of State. The definition then ran "reciprocating British possession." The word "possession" has now been amended to "territory" and means "any part of His Majesty's Dominions outside British India." By an unfortunate error, these words were omitted when the Bill was printed at some stage in its progress through the Legislative Assembly. It is obvious that "reciprocating territory" cannot include any part of British India. It is therefore necessary to restore these words in the Bill. I regret the error, especially as I understand the Bill will have to be referred back to the Legislative Assembly, but the omission is a serious one and ought to be put right.

The HONOURABLE THE PRESIDENT: This is not an Amendment made by the Legislative Assembly, but, in view of the statement made by the Honourable Mr. Craik that it is an error and obviously necessary to the Bill, I think we are entitled to do it.

The HONOURABLE MR. H. MONCRIEFF SMITH: Sir, may I suggest that we are entitled to make Amendments that are consequential.

The HONOURABLE THE PRESIDENT: I am not quite sure that this Amendment is a consequential one; it appears to be a clerical error.

The Amendment was adopted.

The HONOURABLE THE PRESIDENT: I think the reason for the Amendment which has just been adopted should be explained in the statement which will go down to the Legislative Assembly.

If Honourable Members will turn back to their Amendment papers again they will see that the Legislative Assembly have made\* two Amendments in clause 3; the question is that the Amendments made to clause 3 of the Bill be concurred in.

The Amendments were adopted.

The HONOURABLE THE PRESIDENT: If any Honourable Member wishes to speak on these Amendments, he is at liberty to do so; I will put them as they come.

The Legislative Assembly have made Amendments to clause 4 of the Bill (paragraphs† 8 and 9 on the paper). The question is that this Council do concur in the Amendments to clause 4 made by the Legislative Assembly.

The Amendments were adopted.

\* 6. In sub-clause (1) of clause 3 for the words "British possession," the words "part of His Majesty's Dominions" and for the word "possession" occurring for the second time, the word "part" and for the word "possession" occurring for the third time, the words "part of His Majesty's Dominions" have been substituted.

7. In sub-clause (2) of clause 3 before the word "State" occurring in the first part of the sentence the words "in respect of any" have been inserted, and for the words "British possession" the word "territory" has been substituted.

† 8. In sub-clause (1) of clause 4 the words "in Council" after the words "Governor General" where they first occur have been deleted.

9. In sub-clause (1) of clause 4 and in clause 5 for the words "British possession," and "possession" the word "territory" has been substituted, and for the word "prescribed" where it occurs before the word "authority" the word "proper" has been substituted.

[The President.]

The HONOURABLE THE PRESIDENT: Items\* 10, 11, 12, 13 and 14 are Amendments made in clause 6. The question is that the Amendments made in clause 6 by the Legislative Assembly be concurred in.

The Amendments were adopted.

The HONOURABLE THE PRESIDENT: Items† 15, 16, 17 and 18 refer to Amendments in clause 7. The question is that the Amendments made in clause 7 by the Legislative Assembly be concurred in.

The Amendments were adopted.

The HONOURABLE THE PRESIDENT: Item‡ 19 refers to clause 8. The question is that the Amendment made in clause 8 be concurred in.

The Amendment was adopted.

The HONOURABLE THE PRESIDENT: A new clause,§ clause 9, has been added. The question is that this Council concur in the addition of clause 9 made by the Legislative Assembly.

The Amendment was adopted.

The HONOURABLE THE PRESIDENT: The Amendments made in ¶ items 21, 22 and 23 are consequential. The question is that this Council concur in those Amendments.

The Amendments were adopted.

\*10. In the marginal subject of sub-clause (1) of clause 6 between the words "power" and "to make" the words "of Summary Courts" have been inserted and in that sub-clause for the words "British possession," "if a summons had been duly served on that person and he had failed to appear at the hearing" and "possession" the words "territory," "if that person had wilfully neglected to attend the Court" and "territory" have respectively been substituted.

11. In sub-clause (9) of clause 6 for the words "prescribed" and "possession," the words "proper" and "reciprocating territory" have, respectively, been substituted.

12. In sub-clause (4) of clause 6 for the words "British possession," the word "territory" has been substituted.

13. The proviso to sub-clause (6) of clause 6 has been shown in a separate sub-paragraph, and in that proviso for the words "prescribed" and "possession," the words "proper" and "reciprocating territory" have, respectively, been substituted, and between the words "confirmed" and "and that," the words "or to which it was sent for confirmation" have been inserted.

14. Sub-clause (7) of clause 6 has been deleted.

†15. In sub-clause (1) of clause 7 for the words "British possession," the word "territory" has been substituted, and the words "in Council" after the words "Governor General" where they occur for the first time, have been deleted.

16. In sub-clause (4) of clause 7 between the words "may" and "confirm" the words "notwithstanding any pecuniary limit imposed on its power by any law for the time being in force in British India" have been inserted, and to that sub-clause the following proviso has been added:

"Provided that no sum shall be awarded as maintenance under this section, or shall be recoverable as such, at a rate exceeding that proposed in the provisional order."

17. In sub-clauses (5) and (6) of clause 7 for the words "so remit the case and adjourn the proceedings for the purpose," the words "for that purpose send a certified copy of the record to the Governor General in Council for transmission to that Court through the proper authority of the reciprocating territory, and may adjourn the proceedings" have been substituted.

18. Sub-clause (7) of clause 7 has been deleted.

†19. In sub-clause (1) of clause 8 between the words "High Court" and "and that Court," the words "in the exercise of its civil jurisdiction, or in such Civil Court subordinate to that High Court as may be named by the High Court in this behalf" have been inserted.

§20. The following has been added as clause 9:

"6. A Court in registering or confirming an order for maintenance in accordance with the provisions of this Act shall direct that the charges for the transmission to the Court, from which the order has been received or in which the provisional order has been made, as the case may be, of the sum awarded as maintenance shall be borne by the person against whom the order has been so made or confirmed, and shall be recovered from him in addition to the sum awarded as maintenance and in addition to and in the same manner as such other costs and charges as may be awarded or levied by the Court."

¶21. Clause 9 has been re-numbered as clause 10.

22. Clause 10 has been re-numbered as clause 11, and for the words "British possession" the word "territory" has been substituted.

23. Clause 11 has been re-numbered as clause 12, and between the words "for" and "all matters," the words "for the levy of the costs or charges for anything done under this Act and" have been inserted.

## NEGOTIABLE INSTRUMENTS (AMENDMENT) BILL.

The HONOURABLE MR. H. A. F. LINDSAY: Sir, I beg to move 'that the Bill further to amend the Negotiable Instruments Act, 1881, as passed by the Legislative Assembly,' be taken into consideration.

A year ago, Sir, this Act was amended in order to provide for delays in the presentment of Bills for payment where such delays were caused by circumstances beyond the control of the holder. In the course of the correspondence relating to that amendment, two further suggestions for amendments were brought up. It was decided, however, not to suspend the original Amendment but to proceed with it, and to consider the two suggestions later. The original Amendment has now taken its place in the Act as section 75-A. The two suggestions for further amendments are now before the House. The first Amendment affects sections 63 and 83 of the Act, and relates to the period allowed for acceptance of a Bill of Exchange. This period in some countries is 24 hours, but, in the special circumstances of this country, it has been thought that we should extend the period to 48 hours. Local Governments and commercial bodies have been consulted and are unanimous in their support of this Amendment. The first Amendment therefore is that 48 hours should be substituted for 24 hours in sections 63 and 83 of the Act.

The second Amendment affects section 75-A to which I have already referred. It has been represented that unavoidable delay should be held to excuse not merely presentments for payment but also presentments for acceptance. This suggestion also has the unanimous support of Local Governments and commercial bodies, and Government have agreed to adopt it by the substitution in section 75-A of the words "for acceptance or payment" for the words "for payment." I trust that when the Bill is taken into consideration both the Amendments will have the support of the House.

The HONOURABLE THE PRESIDENT: The question is that the Bill further to amend the Negotiable Instruments Act, 1881, as passed by the Legislative Assembly, be taken into consideration.

The Motion was adopted.

The HONOURABLE MR. H. A. F. LINDSAY: Sir, I beg to move that the Bill, as passed by the Legislative Assembly, be passed.

The HONOURABLE THE PRESIDENT: The question is that the Bill further to amend the Negotiable Instruments Act, 1881, as passed by the Legislative Assembly, be passed.

The Motion was adopted.

## CARRIERS (AMENDMENT) BILL.

The HONOURABLE MR. H. A. F. LINDSAY: Sir, I beg to move 'that the Bill further to amend the Carriers Act, 1865, in order to empower the Governor General in Council to make by notification additions to the Schedule to that Act, and to free a common carrier from liability under that Act for loss or damage, arising from the negligence of himself or of any of his agents or servants, in respect of any property which, being of the value of over one hundred rupees and of the description contained in the Schedule to that Act,

[Mr. H. A. F. Lindsay.]

has not been declared in accordance with the provisions of section 3, as passed by the Legislative Assembly,' be taken into consideration.

The first Amendment, Sir, which it is proposed to make in this Act, is designed to remove a certain inconsistency. Section 3 of the Act states that :

'No common carrier shall be liable for the loss of or damage to property delivered to him to be carried exceeding in value one hundred rupees and of the description contained in the Schedule to this Act unless the person delivering such property to be carried or some person duly authorised in that behalf shall have expressly declared to such carrier or his agent the value and description thereof.'

and section 4 proceeds to empower the carrier to make special charges for carrying goods which have been declared to him. The inconsistency arises really in section 8 of the Act which declares that—

'Notwithstanding anything hereinbefore contained, every common carrier shall be liable to the owner for loss of or damage to any property delivered to such carrier to be carried where such loss or damage shall have arisen from the negligence or criminal act of the carrier or any of his agents or servants.'

Under section 9, the onus of proof does not lie on the plaintiff in a suit for damages against the carrier. It is not necessary for the plaintiff to prove that the loss or damage of which he complains was due to the negligence or criminal act of the carrier, or his agents or servants. It is for the carrier to prove that no such negligence and no such criminal act took place.

In a recent case before the Calcutta High Court Their Lordships held that a steamship company which was carrying a consignment of silk thread, one of the articles mentioned in the Schedule to the Act, was liable for damage although the value of the consignment had not been declared. Their decision was based on those words "notwithstanding anything hereinbefore contained." Their Lordships remarked in this connection :—

'Reading sections 3 and 4 with section 8, it appears that, although a common carrier is not liable for the loss or damage of property of a certain description above one hundred rupees in value, unless the value or description thereof are expressly declared by the person delivering them to be carried, and although the carrier is entitled to charge a higher rate for such properties, he is liable for the loss or damage to such property if such loss or damage arises from the negligence or criminal act of the carrier or of any of his agents or servants.'

We do not propose to interfere in any way with the liability of the carrier in respect of any criminal acts which he performs. But with regard to negligence, we think that he should only be held liable for negligence in cases where the value and nature of the property have been declared to him. It is proposed therefore to amend section 8 of the Act by omitting the words "negligence of" and to insert a new section which will free a carrier in respect of scheduled articles, not declared under section 3, from loss or damage arising from negligence on his part or on the part of his agents or servants. That, Sir, is the first Amendment.

The second Amendment is as follows. At present no addition can be made to the list of scheduled articles without in each case an amendment of the Act. This procedure is a cumbrous one. The Railway Act empowers Government to add to the Schedule merely by a Notification in the Gazette,

and it is thought that in the case of this Act also a similar confidence might be placed in the Executive Government.

The HONOURABLE SAIYID RAZA ALI : Sir, I will briefly say that the measure that is before the Legislature is of some importance to those who employ carriers to take their goods from one place to another. The inconsistency between sections 3 and 8 of Act III of 1865 is really so glaring that it is surprising that it should not have been found before now either by the Legislature or by the Courts. The point really is quite clear. On a comparison of the two sections, it appears that the entire effect of section 3—I should say almost the entire effect of section 3—is nullified by section 8. It is very necessary to make the intention of the Legislature quite clear, and to limit the liability of the common carrier. This intention has been quite clearly brought out by the Amendment that is before the House, and I hope the House will accept the Amendment which is an important one.

The HONOURABLE THE PRESIDENT : The question is 'that the Bill further to amend the Carriers Act, 1865, in order to empower the Governor General in Council to make by notification additions to the Schedule to that Act, and to free a common carrier from liability under that Act for loss or damage, arising from the negligence of himself or of any of his agents or servants, in respect of any property which, being of the value of over one hundred rupees and of the description contained in the Schedule to that Act, has not been declared in accordance with the provisions of section 3, as passed by the Legislative Assembly,' be taken into consideration.

The Motion was adopted.

The HONOURABLE MR. H. A. F. LINDSAY : Sir, I beg to move that the Bill, as passed by the Legislative Assembly, be passed.

The HONOURABLE THE PRESIDENT : I may say that I have never seen such a short Bill with such a long "long title."

The question is 'that the Bill further to amend the Carriers Act, 1865, in order to empower the Governor General in Council to make by notification additions to the Schedule to that Act, and to free a common carrier from liability under that Act for loss or damage, arising from the negligence of himself or of any of his agents or servants, in respect of any property which, being of the value of over one hundred rupees and of the description contained in the Schedule to that Act, has not been declared in accordance with the provisions of section 3, as passed by the Legislative Assembly,' be passed.

The Motion was adopted.

#### INDIAN LAC CESS BILL.

The HONOURABLE MR. H. A. F. LINDSAY : Sir, I beg to move 'that the Bill to provide for the levy of customs-duty on lac exported from British India, as passed by the Legislative Assembly,' be taken into consideration. I should like to say in introducing this Bill that, although it is to some extent a child of my own, as it originated from recommendations made in the report which Mr. Harlow and I wrote together on the subject of the lac industry, I do not wish to pose as too fond a parent, and I will appeal to the

[Mr. H. A. F. Lindsay.]

head rather than to the heart of the House. The object of the Bill, Sir, is to assist the industry (and in that term I include manufacturers, shippers and brokers of lac and shellac) and to establish the industry on a sound footing.

I may be pardoned perhaps if I go back a little way into the history of the lac industry, to explain why the necessity for this Bill arose. In its origin the industry existed chiefly for the sake of the lac dye, which was however killed in about the year 1880 by competition with German synthetic dyes. Fortunately, at about the same time, electrical machinery began to come into favour and the valuable properties of shellac were discovered as a non-conducting varnish which was essential if any progress was to be made in the development of electricity.

Now, Sir, India has a monopoly of the lac industry, and that monopoly is a very valuable one. Shellac is being used more and more all over the world, not only for electrical goods and for varnishes, but also for gramophone records and numerous other uses too many to specify. The demand under present conditions has exceeded the supply. The result is that prices have risen enormously, and the industry, if I may say so, tends to become top heavy. The price of shellac which ten years ago was between Rs. 30 and Rs. 40 rose to Rs. 250 early last year, and now stands between Rs. 130 and Rs. 140. In the ordinary course, Sir, economic laws would have provided the proper remedy; that is to say, with an increased demand, the supply would have increased, and prices would have fallen to their normal level. Unfortunately, the industry is so constituted that the value of the lac as an article of commerce may be greater than its value for brood purposes. That is to say, the temptation to the cultivator is to use all his brood lac at the moment and not to save it for further reproduction; so that we have this law of self-preservation and self-interest on the part of the cultivator cutting across the natural economic law under which production expands to meet exceptional requirements. The remedy for this state of affairs can be described in one word—trade organisation. I have discussed this matter with manufacturers at Mirzapur, Balarampur and other manufacturing centres in India, and I may say confidently that organisation appeals to them very strongly. Now organisation must follow two particular lines in order to be successful. The first will take the form of a request to the Forest Department to do what they can to improve the supply of brood lac and generally to establish Departmental cultivation on a sound footing. The second, to which this Bill more closely relates, is trade organisation proper. An Indian Lac Association has been formed in Calcutta with representatives all over India and has appealed to Government to impose this cess in order to maintain them in funds. The funds will of course come from the trade themselves and will be applied by them for purposes of chemical and other scientific research. There will be the closest possible communication between the Forest Department and the Association, and special arrangements are being made that all information secured by the Association shall be widely disseminated.

I think, Sir, that this Bill will have the support of the House as one which goes far to assist in the development of an industry which, although it is prosperous and may be considered almost too prosperous, is exposed to the constant danger of a synthetic substitute. That, Sir, is one of the reasons underlying the formation of the Association and the appeal for funds for the Association. I have checked the course of inventions both in Europe and

America towards the discovery of a synthetic substitute, and I may say very confidently that great progress has been made. We do not want a repetition of the indigo trouble and we want, if possible, to secure this industry against all forms of synthetic competition. We hope that trade organisation will secure this increased production, reduce the price, establish the industry on a healthier footing, and I trust that the House will support these objects as formulated in the Bill before us.

The HONOURABLE SAIYID RAZA ALI: What is the value of the lac and refuse lac that is annually exported from this country, if the Honourable Member can tell me?

The HONOURABLE MR. H. A. F. LINDSAY: Three crores of rupees.

The HONOURABLE MR. LALUBHAI SAMALDAS: While I do not want to oppose this Bill I wish to say that it would have been better if the Rules of the Association had been laid on the table for our information. We have been told by the Honourable Mr. Lindsay that he does not want the lac industry to be killed by the synthetic substitute (which is likely to be started), in the same way as the indigo industry has, I believe, been already killed. There I entirely agree, but when the Council approves of levying duties specially for the purpose of assisting any industries, I think it is necessary that the Government which levies the duty and which collects money should have some representative on the Lac Association. So far as I understand the Honourable Mr. Lindsay there is no representative of Government on the Lac Association. It may be said that on the Tea Association or the Indigo Association there are no representatives. ....

The HONOURABLE MR. H. A. F. LINDSAY: May I explain this point?

The HONOURABLE THE PRESIDENT: The Honourable Member will reserve his remarks till the end of the Honourable Mr. Lalubhai Samaldas' speech.

The HONOURABLE MR. LALUBHAI SAMALDAS: The Honourable Mr. Lindsay made it quite clear that the Forest Department will be in touch with the Association, but we are not quite sure whether the Forest Department will have any voice, or whether they will have a representative on the Board of the Association. We shall have in future more demands of this kind. I may say that most probably next Session we shall have to consider a proposal for levying a four annas duty on cotton bales—at least the Central Cotton Committee has submitted this proposal for the consideration of Government. There need be no objection to this levy as there are Government officials of the Agricultural Department on the Committee, and have as Secretary a highly paid officer who was lately Director of Agriculture in the United Provinces. Unless we have some guarantee that the money will be utilised properly I do not think this Council will be justified in levying any duty either on lac or cotton or tea or indigo. In the case of tea or indigo, the duty was sanctioned long ago when the predecessor of this Council did not perhaps think it necessary that Government should have some representation on an Association which was spending money sanctioned by this Council. I am awaiting the explanation to be given by the Honourable Mr. Lindsay, but if there is no representative at present, either of the Forest Department or of the Industries Department on this Association, I think there should be two

[Mr. Lalubhai Samaldas.]

representatives, one from the Forest Department and one from the Industries Department to help them, to guide them and, if necessary, to control their expenses. With these words I support the motion before the House.

The HONOURABLE SIR MANECKJI DADABHOY : I welcome this legislation which is drawn up on the lines of the Indigo Cess Act and the Tea Cess Act. These three Acts are evidently a distinct departure from the principles of other Acts which are generally framed by legislation. The object of this Act is to collect money for the improvement of the methods of cultivation and manufacture of lac, for scientific research and for dissemination of knowledge generally. The traders would be very glad to pay a cess which would be appropriated for the improvement of the industry in which they are interested. I only hope that the principle involved in this legislation would before long be extended to several other industries in which material improvement is necessary, and where scientific research would add to the general improvement of such industries. I understand that about a lakh of rupees will be collected by the imposition of this cess, which is a handsome sum and which will materially help the Lac Association in carrying out improvements in the methods suggested. I therefore approve of this legislation and I give it my cordial support.

The HONOURABLE MR. V. G. KALE : As the principle underlying this legislation and similar other legislation has been discussed, I should like to raise the general issue as to why such export duties should be imposed upon any commodities for the benefit of those who are engaged in that particular industry or those particular industries. In this country I often found that many charitable and philanthropic funds have been started and established by certain mercantile classes, and when I went on to inquire how those funds came to be collected, I was rather amazed to see that the funds came out of contributions levied by merchants upon customers and upon those from whom they purchased commodities. Those are funds which are supposed to be the funds of the mercantile classes, and large amounts are thus collected and expended upon charitable purposes. I have nothing to say with regard to the charities which are assisted by the mercantile classes through the funds....

The HONOURABLE SIR MANECKJI DADABHOY : This is not a charitable purpose.

The HONOURABLE MR. V. G. KALE : I find that those funds go in the name of particular merchants or classes, while the money comes from the pockets of the customers or the producers, so that little credit belongs to those who establish those funds or have charge and management of those funds. In the case of an export duty on lac, the export duty may have its effect upon the price of the commodity. Consequently, it may have an adverse effect on those who produce the lac and upon those who consume it. I do not see why those who make profit out of the trade in lac should not themselves establish a fund for the purpose of carrying on research. If they benefit by the trade, it is their business to find the money for making research and for improving their particular industry. I do not see why they should come to the Legislature and ask it to levy duties, import or export, in this fashion. I therefore call in question the very principle underlying this kind of legislation inasmuch as the question has been raised. I should like to have more time to consider the whole question before I support this motion.

The HONOURABLE MR. PHIROZE C. SETHNA : Sir, I do not quite agree with the last speaker. His point is that the tax is levied from the consumer and that it would be preferable if it was raised from the merchant himself who is making all the profit. If it was levied from the merchant, the merchant would naturally increase his price and eventually it would be the consumer who would have to pay, so that there is no difference between the system which he advocates and the system which is advocated by the Bill.

In regard to the point raised by my friend on my right (the Honourable Mr. Lalubhai Samaldas), I would request the Honourable Mr. Lindsay to inform the House as to the manner in which the administration of the Tea Cess and the Indigo Cess has been carried on. We understand that there are no Government representatives on the bodies which administer these cesses. If, however, they have been administered satisfactorily, I should think it would be an unnecessary interference if we ask the merchants connected with the shellac industry to have, as suggested by the Honourable Mr. Lalubhai Samaldas, one or two officers of Government associated with them in the administration of this Cess.

The HONOURABLE MR. H. A. F. LINDSAY : Sir, I am glad of the course this discussion has taken, because it shows a distinct interest in the objects of the Bill before us.

I can assure the Honourable Mr. Lalubhai Samaldas that an official will be associated with the Committee entirely in an honorary capacity, and I think that probably will meet his requirements; that is to say that he is there as a friend of the court and can give the Committee the benefit of his advice as required.

The Honourable Mr. Kale has raised the question of the source from which this revenue will be obtained. Now, Sir, I think that the House will be perfectly justified in coming to one conclusion regarding that payment, and that is, that it is the unfortunate foreign consumer who will pay the duty. In most cases of export duty, the duty is collected from the producer in so far as it adds to the cost of marketing the produce; that is to say, an export duty on rice or on wheat would increase the handling charges and by that amount would handicap Indian rice or wheat in its competition with foreign rice or wheat in the world's markets.

But in the case of shellac, as also of jute, India has a monopoly. There is no other producing country which competes with it, and, therefore, no other country can market the same produce in the world's markets at a substantially lower price. I think, therefore, that the House will agree that no better commodity could have been selected for—I cannot call it an experiment because it has already been tried successfully in tea and indigo—no better commodity could have been selected for this organization than shellac, where, not India, but the foreign consumer will shoulder the burden.

The HONOURABLE THE PRESIDENT : The question is 'that the Bill to provide for the levy of customs-duty on lac exported from British India, as passed by the Legislative Assembly', be taken into consideration.

The Motion was adopted.

The HONOURABLE MR. H. A. F. LINDSAY : I beg to move that the Bill, as passed by the Legislative Assembly, be passed.

The Motion was adopted.



## INDIAN POST OFFICE (AMENDMENT) BILL.

The HONOURABLE MR. H. A. F. LINDSAY : Sir, I beg to move :

'That the Bill further to amend the Indian Post Office Act, 1898, as passed by the Legislative Assembly' be taken into consideration.

The objects of this Bill are very simple and can be explained in a few words. India, like other countries, is a member of the Postal Conventions and has agreed to certain prohibitions and restrictions confirmed at those Conventions. One of those prohibitions was that no dutiable articles shall be allowed to be transmitted by the letter post, and the prohibition in the case of India has taken shape as one of the Postal Rules in the Indian Postal Guide. Unfortunately, Sir, evasion has not been difficult. The method by which this prohibition is sought to be enforced at present is that the officer in charge of the Post Office of delivery, when he suspects a letter packet to contain dutiable articles, calls on the addressee to attend at the Post Office and witness the opening and, if necessary, the assessing of the contents. Now, Sir, that procedure works very well at the port towns where the customs and postal authorities are in close touch, but upcountry postmasters are not experienced in assessing goods to customs duty. There are frequent disagreements as to the amount of duty to be paid, and in some cases the articles have to be sent back for assessment by the customs authorities. We have every reason to believe that a large number of dutiable articles are entering the country by means of the letter post, particularly articles of small bulk and high value, such as jewellery, silk handkerchiefs, silk ties, and so on. It has been found on inquiry that the total amount of duty collected, for example, at Bombay during one year was 16 lakhs of rupees on goods entering the country in this way, and out of that total, only Rs. 3,000 was contributed by upcountry post offices. It is quite obvious that there is a leakage somewhere, and, in these difficult times, it is especially incumbent on us to check any leakage where we discover it.

The House will clearly understand that so far I have referred only to the letter post.

I now turn for a moment to the procedure in regard to the parcel post. There, we have the provisions of the third proviso to section 24 of the Post Office Act. A parcel may be opened by the customs authorities, examined, and its contents, if necessary, assessed to duty. I have referred to this procedure because it is so obviously the simplest and easiest way of dealing also with the letter post ; and the first Amendment before the House, is, if I may say so, an amalgamation of those two procedures, or rather that we should dispense with the unnecessary procedure of calling on upcountry postmasters to assess letter packets to duty and that both letter packets and parcels should be dealt with by customs officers at the port of entry. The actual form which the Amendment will take will be that certain postal officers, specially empowered in this behalf, will be authorised by order to detain any postal packets which they suspect to contain dutiable articles and hand them over to the customs officer, who will be specified in the order, and who will deal with the articles under the provisions of the Sea Customs Act or of any other law for the time being in force. The third proviso to section 24 of the Act will thus be omitted, and a new section 24-A., will be inserted containing the provisions which I have just described.

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The second Amendment I will merely refer to. It is merely an incidental amendment to section 67 of the Act.

There is one point on which Honourable Members will require a very careful assurance before they accept the Amendments now submitted. They will require an assurance that the new procedure will not involve any delay in the handling of the mails. The bulk of dutiable articles which, as we know, enter this country through the letter post at present come by means of the registered letter post. The Director General of Posts and Telegraphs, Mr. Clarke, will be able to arrange with the General Post Office of London and with the Continental and Colonial sorting offices, who are interested in helping us, to pick out from the ordinary Indian mail and place in separate packets any letters which they suspect at their end of containing dutiable articles. Only these separate packets will be detained for customs examination and for the assessment of dutiable article which they may be found to contain. The unregistered letter post is in any case sorted on arrival, and it will not be difficult, and there will be no delay, in setting aside letters suspected of containing dutiable articles, as they are sorted. The two primary objects in these Amendments are, firstly, that we shall maintain our promise to the Convention to do all that we can to suppress the transmission of dutiable articles by letter post, and, secondly, if articles arrive, that we shall see that they are properly assessed to duty.

I move, Sir, that the Bill be taken into consideration.

The HONOURABLE SIR MANECKJI DADABHOY : I do not propose to oppose this Bill, but it must be acknowledged that this Bill gives very wide powers to Post Office officers.

My friend the Honourable Mr. Lindsay has said that there would be no delay in the delivery of the mails by the passing of this Act, but I also hope that executive instructions will be issued by Government, when this Act is passed, to Post Office officers that the powers embodied in the Act will be exercised with a great deal of caution and only in cases where the suspicion is very, very strong and well-grounded. This Bill gives very extensive powers of detaining letters by Post Offices, and, therefore, these powers should be exercised in such a way as to cause the minimum of hardship.

With these words, Sir, I support the Bill.

The HONOURABLE MR. A. H. FROMM : Might I inquire, Sir, whether the Amendments to this Act will do away with the system that exists at present in seaport towns, where there are customs authorities ?

The HONOURABLE MR. H. A. F. LINDSAY : Sir, with reference to the question raised by my Honourable friend, Sir Maneckji Dadabhoy, I do not think there will be any difficulty, or that too many powers will be given to the Post Office Officials, because there will be very few Post Office Officials to select—only men of experience at the few port towns.

On the question as to procedure, I think the Honourable Mr. Fromm will probably find himself in a much better position than he was before. Letters, with dutiable contents will be sent straight to the Customs, assessed and then delivered with a small bill stating how much Customs-duty will have to be paid on them.

[The President.]

The HONOURABLE THE PRESIDENT: The question is 'that the Bill further to amend the Indian Post Office Act, 1898, be taken into consideration.

The Motion was adopted.

The HONOURABLE MR. H. A. F. LINDSAY: Sir, I move that Bill, as passed by the Legislative Assembly, be passed.

The Motion was adopted.

### INDIAN PENAL CODE (AMENDMENT) BILL.

The HONOURABLE MR. H. D. CRAIK: Sir, I beg to move 'that the Bill further to amend the Indian Penal Code, as passed by the Legislative Assembly,' be taken into consideration.

Sir, this Bill has not hitherto come up for discussion in this Council, so perhaps I may be permitted to make a few remarks in regard to it. The Bill was introduced in the Legislative Assembly on the 19th of February last, and the motion originally made was that the Bill be taken into consideration. But, ultimately, discussion on the Bill was adjourned for a week and then on the 17th of March a motion was brought forward by the Member who represented Government that the Bill should be referred to a Select Committee. That motion was carried and the report of the Select Committee is now in the hands of Honourable Members.

I will allude later to the changes, among which there is one change of importance, made by the Select Committee. Before referring to those changes, however, I will briefly explain what the object of the Bill is. It deals with those provisions in the Indian Penal Code which relate to punishment by forfeiture of property. That is a form of punishment which in modern times has grown more and more into disuse, and Government felt that the time had come when its employment should be restricted to the narrowest possible limits. The effect of the Bill in its present form, not in the form in which it was introduced, but in the form in which it has been passed by the Legislative Assembly, will be that the punishment of forfeiture will disappear from the Penal Code altogether. Under the law, as it stands at present, whenever a person is convicted of an offence punishable with death, the Court may direct that all his property shall be forfeited to Government, and whenever a person is convicted of an offence for which he must be transported or sentenced to imprisonment for seven years or more, the Court may direct that the rents and profits of his property shall be forfeited to Government during the period of his transportation or imprisonment. Those provisions appear in section 62 of the Penal Code, which Honourable Members will see is to be repealed by this Bill, as also is section 61.

Apart from that, there are two sections of the Code—121 and 122—which make it obligatory in the case of convictions for certain treasonable offences, that is to say, waging war against the King or making preparation to wage war against the King, to sentence any person convicted of these two offences to forfeiture of property. The Court has no option in the matter. The retention

of compulsory sentences of forfeiture is not consistent with actual modern practice, and we have found on examination of the figures for the last ten years or so, that in nearly all these cases the Local Government, under the statutory powers conferred on it by the Code, have remitted the sentence of forfeiture. Such sentences have in practice hardly ever been carried into effect.

As originally introduced, the Bill proposed to give the Court discretion to impose the penalty of forfeiture in the case of those treasonable offences; the idea was to retain that discretion because in certain parts of the country the punishment had been found to be useful, *e.g.*, in Burma and the North-West Frontier Province. But the Bill has now been amended by the Select Committee so that forfeiture as a punishment for treasonable offences and all other offences disappears altogether. If the Bill is passed, there will in future be no reference to the punishment of forfeiture in the Penal Code. A man convicted of the treasonable offences to which I have referred will be liable to be punished with death or transportation for life, or with fine in the case of waging war, and in the case of preparation to wage war he will be liable to be punished with transportation for life or to be imprisoned for ten years, or with fine.

Honourable Members will observe that, in the report of the Select Committee, a reference is made to the fact that the form of punishment which it is now proposed to substitute for forfeiture, namely, fine, cannot be recovered from the immoveable property of the offender, and the Select Committee have recommended that a provision should be made in the Bill for the amendment of the Code of Criminal Procedure, that has been just referred to a Select Committee of both Houses, for the recovery of fines from immoveable property when they cannot be recovered from the moveable property. But that is a point which the House need not take into consideration at the present stage.

I hope the Council will agree to take this Bill into consideration and accept the principle that forfeiture as a form of judicial punishment is now out of date and should be abolished. I now move, Sir, that the Bill be taken into consideration.

The HONOURABLE SAIYID RAZA ALI: Sir, I rise to give my support in general to the Amendments that are now before the House. It was very necessary that sections 61 and 62 should be amended at any early date, and I am very glad that the Government have seen their way to amend these sections.....

The HONOURABLE MR. H. D. CRAIK: Sections 61 and 62 are being repealed, not amended.

The HONOURABLE SAIYID RAZA ALI: I am sorry, Sir. Now sections 61 and 62 are going to be repealed entirely, and under sections 121 and 122, instead of the offender being subject to forfeiture of property, we are going to have a provision that he shall be liable to fine.

This of course does not mean that fines should be imposed in every case. That will depend upon the view the Court takes of the law, and if the sentence of forfeiture of property which—as pointed out by the Honourable Mr. Craik—was remitted in a large number of cases either by the Local Government or by the Government of India, is to be substituted invariably by a sentence of fine, then verily it will be a case of 'from the frying pan into the fire,' which I trust will not take place when the law is administered by our Judges. The important point in this connection is that, so far as I gather from the intention

[Saiyid Raza Ali.]

of the Government—and that intention has been made quite clear by the repeal of sections 61 and 62, Government want to provide a lesser punishment under sections 121 and 122 than that which is prescribed in those sections. But there is a very important point on which I expected something from the Honourable Mr. Craik, on which he has unfortunately kept silent. Let us turn to section 121-A and let us see how that section stands at present, and whether the Government have proposed any amendment to it, and, if so, whether it errs on the side of severity or leniency.

Section 121-A provides for the punishment of transportation for life or imprisonment which may extend to ten years, and there it ends. There is not a single word in the section to the effect that the offender shall be liable to forfeiture of property or the imposition of a fine, and we now find that Government propose to put in that very section an additional sentence of fine which is not to be found in the section as it stands at present. I do not know, Sir, how this mistake or error has occurred, and I do hope it is not intentional and that nobody meant that to section 121-A, which does not provide for a sentence of fine, that sentence should be added. As I pointed out, I take it that the intention of Government is to lessen the severity of the sentence for certain offences which are to be found in Chapter VI of the Penal Code; all the same, I do not know whether the imposition of the same can be said to constitute part and parcel of leniency, a policy of which, I believe, Government have embarked. Nothing is further from my mind or my intention than to suggest that offences under Chapter VI of the Penal Code should be encouraged or should not be checked, or that punishment should not be dealt out properly. But I take it that the proposed amendment is entirely inconsistent with the statement made by the Honourable Mr. Craik and also with the debate that was held on this subject in the other House last Session. I would be very glad if the Honourable Member would satisfy me as to how leniency is to be shown to unfortunate offenders by imposing an additional sentence of fine upon them.

An Honourable friend of mine just whispers the word 'forfeiture' into my ears. Now, my contention is that in section 121-A there is no sentence of forfeiture whatsoever prescribed. You are going, as a matter of fact, to make the law more penal than it stands to-day. If that is really the intention of the Government, the Government are quite welcome to do so. But, if that is the intention, Sir, I for my part very strongly object to it. In fact, no reason has been given—none whatsoever. There is no Statement of Objects and Reasons appended to this paper. The Honourable the Mover has entirely failed to deal with it. No case whatsoever has been made out for imposing an additional sentence. In fact, you ought to show greater leniency to these men, and if this is the way in which this leniency is to be shown, I submit, Sir, that the House should veto the Amendment. On the contrary, if the intention is deliberate, then it is not an occasion for unmixed pleasure, because, as I have pointed out, these cases of forfeiture are dealt with either by the Local Government or the Government of India, so that the nett result is that these sentences are not carried into execution. For various reasons, Government think it proper to—and in fact do—set aside these sentences. Now, in the place of those sentences we are going to have a sentence of fine which may be imposed in a number of cases by the Judges concerned. Therefore we do not get

much. But here you provide a penalty which is not provided in the law as it stands to-day, and I submit it is entirely inconsistent with the policy on which these Amendments are based. I hope that the Government will find their way not to press the amendment to section 121-A. As a matter of fact, I do not propose any Amendment to the proposed Amendment before us because none is necessary. I oppose it. I submit that when the time comes for putting these Amendments, they may be put one by one. But so far as this Amendment is concerned I strongly.....

The HONOURABLE THE PRESIDENT: The point now under consideration is the general principle of the Bill. I think the Honourable Member has made his point sufficiently.

The HONOURABLE SAIYID RAZA ALI: So far as the general principle is concerned, I have already made myself quite clear. I put it to the Council that here we are erring on the side of severity for which no justification exists and which has not at all been explained to this Council either in the Statement of Objects and Reasons which is simply non-existent in the present case or by the Honourable Member in charge of the Bill.

The HONOURABLE SIR MANECKJI DADABHOY: Sir, I welcome this Bill as it seeks to remove in my opinion a long-standing stain on our penal legislation. In the course of my professional career I have often experienced cases of great hardship, where, in addition to the ordinary sentence, the sentence of forfeiture of property was imposed. This power regarding the imposition of a sentence of forfeiture of property seeks not only to punish the offender, but has the effect of punishing his family, his children and his other dependants. In many cases I had the sorrow of knowing that, when a sentence of this nature was imposed, the whole family was practically ruined and they had not even the bare means of existence. I quite agree with the Honourable Mr. Craik that this part of the law is now an anachronism in the present state of our civilization, and I am very very glad that the Government have now thought fit to introduce this amending legislation and remove a long-standing blot on our penal laws. I have not been able to follow at all the arguments of my Honourable friend, Saiyid Raza Ali, when he said that on the one hand you remove a clause which compels the forfeiture of his property and on the other hand you subject the offender to a fine. My friend says that this is taking away the leniency which is contemplated in the present legislation. He argues that the offender goes from the frying pan into the fire by this Amendment. My friend as a lawyer ought to have known long before that when a sentence of fine is imposed, the Court does not impose the fine to the maximum extent of the offender's property. The Court generally exercises a discretion in the matter and imposes as a rule a fine which is not at all equal to the extent of the property or possessions of the offender. I cannot therefore understand in what way this Amendment will act as a hardship. On the other hand, this is not a new phase of the law at all. In the Penal Code, as my friend knows, in various sections, in addition to the imposition of rigorous or simple imprisonment, the Courts are given the power of imposing a fine as well. So this is no new departure at all. For these reasons, I am unable to agree with my Honourable friend, Raza Ali, and I welcome this Bill and I hope that this Council will pass it without any opposition.

The HONOURABLE MR. H. MONCRIEFF SMITH: Sir, in reply to the Honourable Mr. Raza Ali, I have very little to add to what my Honourable

[Mr. Moncrieff Smith.]

friend, Sir Maneekji Dadabhoy has said. The Honourable Mr. Raza Ali suggests that it is a piece of brutality on the part of the Government to add a fine in any case where no fine was previously possible. I think the Statement of Objects and Reasons, with the Bill as introduced in the Legislative Assembly, was perfectly frank on the subject. It says: "The Bill also proposes to make offences under sections 121, 121-A, and 122 punishable with fine." A fine was being substituted for forfeiture in certain cases and the Government thought it reasonable to bring all these offences into line and make offences punishable with transportation and imprisonment also liable to fine. I might point out that there is a section in the Indian Penal Code which has escaped the Honourable Member's notice, which lays down that "Where no sum is expressed to which a fine may extend, the amount of fine to which the offender is liable is unlimited, but shall not be excessive." After all, we are talking about section 121-A. I do not know if the Honourable Member has read section 121-A. The fact is that the offence for which Government and the Legislative Assembly propose to add the penalty of a fine which shall not be excessive is the offence of conspiring to commit the offence laid down in section 121, and that is waging war against the Sovereign. I do not think the Council will agree that any hardship is being laid on the subject by this small Amendment.

The HONOURABLE KHAN BAHADUR AMIN-UL-ISLAM: Sir, I wish to invite the attention of the Council to the concluding portion of section 62, which runs as follows:

"Whenever any person shall be convicted of any offence for which he shall be transported or sentenced to imprisonment for a term of seven years or upwards, the Court may adjudge that the rents and profits of all his moveable and immoveable estate during the period of his transportation or imprisonment, shall be forfeited to Government."

Sir it is proposed to repeal this section. In section 121-A, the punishment provided is transportation for life or any shorter term, and imprisonment for ten years. The Court can adjudge a sentence of forfeiture of rents and profits whenever any person is sentenced to transportation or imprisonment under the concluding portion of section 62. So, I do not think the Government has been brutal by adding the punishment of fine in section 121-A.

The HONOURABLE THE PRESIDENT: I have received an Amendment from Sir B. C. Mitter as follows: "I wish to amend the section by substituting the word 'may' for the word 'shall.'" This raises a question of importance. As regards Resolutions I do recognise that Honourable Members must move Amendments in accordance with the run of the debate. With Bill, however, the matter is on a different footing. I have been waiting for this opportunity, but I did not really think that I was going to get it during the course of this particular debate. The ordinary notice for an amendment is two days. I will just read to the Council the Standing Order on the subject, which runs thus:

"If notice of a proposed Amendment has not been given two clear days before the day on which the Bill is to be considered, any Member may object to the moving of the Amendment, and such objection shall prevail, unless the President, in the exercise of his power to suspend this Standing Order, allows the Amendment to be moved."

Now, this Bill has been circulated to Honourable Members for some time. It is obvious that, if a member has discovered what he thought was a flaw in the Bill, he should put down an Amendment. The frank and proper course for him is to put down his Amendment. The object of this Council is to assist

in getting Bills into a perfect form. There may be points which Honourable Members may desire to look up and consider. I quite see that in the case of Resolutions the course of the debate changes and Amendments must come in as they are occasioned by the course of the debate. But here we are not discussing Resolutions. We are legislating, and it is very necessary to give notice to Government. In this case, I must ask the Honourable Member (for Government) if he objects to the Amendment.

The HONOURABLE MR. H. D. CRAIK: May I know what the Amendment is?

The HONOURABLE THE PRESIDENT: The Amendment is:

"I wish to amend the section by substituting the word 'may' for the word 'shall.'" I think it is quite clear that the Honourable Member is referring to section 121-A. I think his intention is to amend it to "and may also be liable to fine."

The HONOURABLE MR. H. MONCRIEFF SMITH: I think, Sir, that we need not worry ourselves about this Amendment as there is practically no difference between "shall also be liable to fine" and "may also be liable to fine."

The HONOURABLE THE PRESIDENT: I should like to hear the Honourable Sir B. C. Mitter.

The HONOURABLE SIR B. C. MITTER: Sir, the word "shall" is not always equivalent to the word "may." It may be that some Courts will accept this construction, and others may not.

The HONOURABLE MR. H. MONCRIEFF SMITH: Sir, if this Amendment is made, it is probable we may have to amend almost every section of the Penal Code.

The HONOURABLE THE PRESIDENT: The point I ask of the Honourable Member is whether he proposes to exercise his right under the Standing Order.

The HONOURABLE MR. H. D. CRAIK: I do object to this Amendment, Sir. I have not had any notice.

The HONOURABLE THE PRESIDENT: Then I must adjourn this discussion. The Amendment may be put down on the paper, and discussion resumed on the next day of official business.

The HONOURABLE MR. H. D. CRAIK: May I respectfully suggest that the Honourable Member should withdraw his Amendment? I do not know if I am in order in speaking, but I am very anxious to get the Bill passed. If the Honourable Member will refer to any section of the Code in which the punishment of fine is provided—take for instance section 380, which deals with theft,—he will find that the words used are "and shall also be liable to fine."

The HONOURABLE SIR B. C. MITTER: Sir, I appreciate the point of the Honourable Member. It struck me in the course of the discussion that the real objection was that an additional punishment is introduced, so I tried to meet that by the Amendment.

[Mr. H. D. Craik.]

The HONOURABLE MR. H. D. CRAIK : It is a question of the interpretation of the words. The substitution of 'may' for 'shall' could make no practical difference.

The HONOURABLE SIR. B. C. MITTER : Having regard to what the Honourable Member said, namely, that he wishes to have this matter through, I am quite prepared to withdraw the Amendment as probably there is not much difference in the Penal Code between the words 'shall be liable' and 'may be liable.'

The Amendment was by leave of the Council withdrawn.

The Motion that the Bill be taken into consideration was adopted.

The HONOURABLE MR. H. D. CRAIK : Sir, I move that the Bill be passed.

The HONOURABLE SAIYID RAZA ALI : Sir, on this Motion I suggest that you may be pleased to put not the whole Bill to the vote of this Council but clause by clause. In fact I am concerned mainly with Clause 3. Clause 3 of the Bill should be put to the vote of this Council separately. It is in your discretion, Sir, to put the whole Bill or to take it in parts. Now I do not propose to take up much time of the Council, but I will very briefly state my reasons why Clause 3 of the Bill should not be passed. Sir, so far as the question of amendment is concerned, you were pleased to refer to me and to point out that it was open to me to give notice of an Amendment. That is quite so. It was open to me to give notice, but I submit, Sir, that I am not proposing an Amendment. I simply say that Clause 3 should not be passed. I am opposing it.

The HONOURABLE THE PRESIDENT : You should have moved that the clause be omitted.

The HONOURABLE SAIYID RAZA ALI : So far as I understand this subject, and I speak subject to your ruling, when a member is opposed to anything and he says .....

The HONOURABLE THE PRESIDENT : The Honourable Member must understand that normally speaking I should at this stage put the Bill as a whole and then there would be no opportunity to object to any particular clause. Where an Honourable Member desires to object to any particular clause, it is for him to put down a notice on the paper that that clause be omitted and then the point comes up after the motion for consideration has been passed. Otherwise the President not unreasonably may refuse to exercise his discretion as to whether the whole Bill should be put as a whole or it should be put clause by clause at the final stage.

The HONOURABLE SAIYID RAZA ALI : We need not discuss that point further. Now coming to the clause itself, it has been pointed out, if I understand him correctly, by the Honourable Mr. Moncrieff Smith who replied to the objection I have taken, that it is desirable to introduce something like uniformity in all those sections which relate to offences against the State and because that punishment is there under sections 121 and 122, namely, the punishment of fine, therefore no great harm will be done if that is added to section 121-A also. Now, Sir, acting as legislators and making laws for future generations yet unborn and making penal laws for those generations as we are doing, I fail to appreciate the force of the argument of Mr. Moncrieff Smith. If that is so, is he prepared to add an additional sentence of fine to every

section of the Indian Penal Code where that punishment has not been provided for? That is really a very novel argument for which we ought to give due credit to the Honourable the Legislative Secretary. Sir, the point is this. We have got a law. That law is complete. For certain reasons into which I need not go and do not propose to go, the Government think that that law should to a certain extent be amended. Now the amendments are all on the side of leniency as I took care to point out. Now my simple point is this. This punishment of fine does not find place in section 121-A.....

The HONOURABLE THE PRESIDENT : I must ask the Honourable Member not to repeat his arguments. I have already given him considerable latitude and I must ask him to shorten his speech.

The HONOURABLE SAIYID RAZA ALI : Shortly, Sir, that is my argument. The punishment is not there and we have no right to put it in. Now I come to the next point, which is the only other point raised, namely, that under section 62 some punishment has been provided for, which may be imposed by a Court acting under section 121-A of the Indian Penal Code. My reply is that it is optional, not obligatory. It is not a forfeiture of property as was supposed by the Honourable Member. It is one of attachment. The profits of property can only be attached. Therefore I submit that in fact we will be committing a very serious blunder in passing clause 3 which appears in the Bill, and in the name of being merciful to those men who may be prosecuted, we will be showing them greater severity than the law, as it stands to-day, permits. Therefore I oppose clause 3 and I submit that you will be pleased to put this Bill to vote clause by clause or the rest of the Bill at once and clause 3 separately.

The HONOURABLE MR. H. D. CRAIK : Sir, I think the Honourable Member is wrong in his deductions. Section 121-A deals with the offence of conspiring to wage war against the King or to deprive the King of the sovereignty of British India or to overawe by criminal force the Government of India or any Local Government. That is a very serious offence and it is punishable with transportation for life or imprisonment of either description which may extend to ten years, and in addition to that it is punishable, under the laws as they stand at present, with forfeiture.

The HONOURABLE SAIYID RAZA ALI : Not with forfeiture.

The HONOURABLE MR. H. D. CRAIK : Yes, with forfeiture.

The HONOURABLE SAIYID RAZA ALI : It is not so.

The HONOURABLE MR. H. D. CRAIK : If the Honourable Member will read section 62, he will find this : "Whenever any person is convicted of an offence punishable with transportation or imprisonment for a term of seven years or more, the Court may adjudge that the rents and profits of all his moveable and immoveable estate shall be forfeited to Government during the period of his transportation or imprisonment." Those are the words and they are as clear as English can make them. We are proposing to substitute for that punishment a fine.

The HONOURABLE SAIYID RAZA ALI : May I rise to a point of personal explanation? It is only rents and profits that will be forfeited under section 62, not the property.

The HONOURABLE THE PRESIDENT : That is not a point of personal explanation. I will say that in future I do not propose to exercise the powers I possess to put a Bill clause by clause at the final stage if an Honourable Member who wants a clause to be omitted has not given notice of an Amendment to that effect. I will do so in the present case as I desire to ascertain the real opinions of the Council on the point raised.

The Bill was put clause by clause and passed.

#### RESOLUTION *RE* LIMITATION OF HOURS OF WORK IN FISHING INDUSTRIES.

The HONOURABLE MR. H. A. F. LINDSAY : Owing to the recent re-adjustment of the work of the Department and also to pressing work in the Legislative Assembly, the Honourable Mr. Shafi is unable to be present here to-day and he has asked me to deal with these Resolutions.

The first Resolution I have to move runs as follows :

'This Council recommends to the Governor General in Council that no action be taken on the recommendation concerning the limitation of hours of work in the fishing industry adopted by the General Conference of the International Labour Organisation of the League of Nations convened at Genoa on the 15th day of June, 1920.'

This is the first of seven Resolutions based on the Conventions and Recommendations of the Conference which was held under the auspices of the League of Nations. Under Article 405 of the Treaty of Versailles, we are allowed at the most 18 months for consideration of these Draft Conventions and Recommendations, and since the Genoa Conference finally came to an end on the 10th July, 1920, we must take the opportunity afforded by this Session of submitting the questions to the House.

This Recommendation suggests that each member of the International Labour Organisation should enact legislation limiting, in the direction of 8 hour day or a 48 hour week, the hours of work of all workers employed in the fishing industry with such provisions as may be necessary to meet the conditions peculiar to the fishing industry in each country.

At this stage the Honourable Sir Zulfikar Ali Khan took the Chair.

It is further suggested that in framing such legislation each Government should consult the organisation of employers and the organisation of workers concerned.

I do not think that we need spend much time over this Resolution. It is doubtful whether it will be applied to any country in the world. It is certain that we could not apply it to India. There are no organisations of employers or of fishermen in India. There is practically no deep sea fishing. Such fishing as does go on round the Indian coast is almost entirely inshore fishing. The fishing boats and tackle are of a primitive description and the fishermen, though they may be financed by merchants, frequently own the boats and tackle and remunerate their employés, if any, by a share of the catch. All Local Governments agree that it would be entirely premature to take any action on this Recommendation, and those of us in the House who know the conditions in which sea fishing is carried on in India must realise that no other conclusion is possible.

Sir, I move that the Resolution be adopted.

The Resolution was adopted.

#### RESOLUTION *RE* ESTABLISHMENT OF NATIONAL SEAMEN'S CODES.

The HONOURABLE MR. H. A. F. LINDSAY : I next move, Sir, that :

'This Council recommends to the Governor General in Council that no action be taken on the Recommendation concerning the establishment of National Seamen's Codes adopted by the General Conference of the International Labour Organisation of the League of Nations convened at Genoa on the 15th day of June, 1920.'

Here again, Sir, I do not think I need take up the time of the House very long. We take the view that the codification of our numerous Mercantile Shipping Acts must precede the framing of a National Seamen's Code. This question is already under consideration and some progress has been made. When the Code is complete, it will serve very largely the purpose of a National Seamen's Code, and we think that no action need be taken for the present, at any rate, on this Recommendation of the Conference.

I move that this Resolution be adopted.

The Resolution was adopted.

#### RESOLUTION *RE* UNEMPLOYMENT INSURANCE FOR SEAMEN.

The HONOURABLE MR. H. A. F. LINDSAY : I move, Sir, that :

'This Council recommends to the Governor General in Council that no action be taken on the Recommendations concerning unemployment Insurance for Seamen adopted by the General Conference of the International Labour Organisation of the League of Nations convened at Genoa on the 15th day of June, 1920.'

This is another Resolution in regard to which I need not trouble the Council with any long speech. The general question of unemployment Insurance in India was considered last year in connection with the Recommendation of the Washington Conference that steps should be taken to establish an effective system of unemployment Insurance in India. In the course of the debate of the 19th February last, the House was informed that the Government of India and Local Governments had arrived unanimously at the opinion that no system of unemployment insurance was practicable in India at present, and this decision also applies, in our opinion, to seamen in India. Indian seamen usually combine, to some extent, agriculture with their main profession and, moreover, we have no machinery at present by which we could make a system of unemployment insurance effective.

I beg to move that the Resolution be adopted.

The Resolution was adopted.

#### RESOLUTION *RE* MINIMUM AGE OF CHILDREN FOR EMPLOYMENT AT SEA.

The HONOURABLE MR. H. A. F. LINDSAY : I move, Sir, that :

'This Council recommends to the Governor General in Council that he should ratify the Draft Convention fixing the minimum age for admission of children to employment at sea adopted by the General Conference of the International Labour Organisation of the League of Nations convened at Genoa on the 15th day of June, 1920, subject to the following reservations :

- (a) that it shall apply only to foreign going ships and to home-trade ships of a burden exceeding 300 tons ; and



[Mr. H. A. F. Lindsay.]

- (b) that nothing in the Draft Convention shall be deemed to interfere with the Indian custom of sending young boys to sea on nominal wages in the charge of their fathers or relatives.

The main feature of this Draft Convention is that it forbids the employment of children under the age of 14 years on board ship, and I think that the House will cordially agree with the Government of India that the Draft Convention should be ratified. We suggest, however, that two reservations should be made. In the first place, we suggest that the Draft Convention, if ratified, should be applied only to foreign-going ships and to home-trade ships of a burden exceeding 300 tons. The explanation of this stipulation is contained in section 26 of the Indian Merchant Shipping Act of 1883. Agreements with seamen are obligatory at present only in respect of seamen engaging to serve on foreign-going ships and home-trade ships exceeding 300 tons burden, and it is only when agreements are required that we can undertake to enforce a Convention of this kind. We can enforce it because the agreements must be signed in the presence of the Shipping Master. When agreements are not necessary, as in the case of small ships, mostly sailing ships engaged in the home trade, we could not enforce the Convention, and that is why we think the suggested reservation is necessary. On principle we should not ratify a Convention in a form in which we could not properly enforce it. The other reservation which we propose is intended to safeguard the present practice under which serangs, sea-cunnies, tindals and other Indian seamen are sometimes allowed to take with them to sea their sons or nephews. These boys serve as deck-hands on nominal wages and are looked after by their relatives. It is a form of apprenticeship. The privilege, we are informed on all sides, is highly valued by Indian seamen, and for the present it is thought unnecessary to interfere with it.

I beg to move that this Resolution be adopted.

The Resolution was adopted.

#### RESOLUTION *RE* INDEMNITY IN CASE OF LOSS OR FOUNDERING OF SHIPS.

THE HONOURABLE MR. H. A. F. LINDSAY: I move, Sir, that :

'This Council recommends to the Governor General in Council that the Draft Convention concerning unemployment indemnity in case of loss or foundering of a ship adopted by the International Labour Organisation of the League of Nations convened at Genoa on the 15th day of June, 1920, should not be ratified, but that inquiries should be undertaken whether the law should not be amended so as to provide :

- (1) that any Indian seaman whose service is terminated before the period contemplated in his agreement by reason of the wreck or loss of his ship should be entitled to his wages until he is repatriated to the port of his departure from India, and
- (2) that he should be paid compensation for loss of his personal effects up to the limit of one month's wages.

This Resolution raises a rather more difficult point than has arisen in connection with the previous Resolutions, and I will first attempt briefly to explain the law on the subject. Section 26 of the Merchant Shipping Act, 1883, prescribes that the Master of every ship, except ships of a burden not exceeding

300 tons engaged in the home trade, shall enter into an agreement with every seaman he engages. Section 29 prescribes that when a lascar is engaged for a voyage which ends at a port not in British India, his agreement shall contain a stipulation that either his employment shall be found for him on board some other ship bound for the port at which he was shipped, or that he should be provided free of charge, on such terms as may be agreed upon, with a passage to some port in British India. If a ship is wrecked, section 51 of the Merchant Shipping Act, 1859, states that the wages of seamen on board that ship cease from the date of the wreck. Chapter 111 of the Indian Merchant Shipping Act of 1880, however, makes provision for the subsistence and conveyance home of Indian seamen shipwrecked on the Indian coast, and there are similar provisions in the English Merchant Shipping Act of 1894.

[At this stage the Honourable the President resumed the Chair, which was vacated by the Honourable Sir Zulfiqar Ali Khan.]

Now, the most important part of the draft Convention which we are now considering is Article 2. This article states that in every case of loss or foundering of any vessel, the owner or person with whom the seaman has contracted for service on board the vessel shall pay to each seaman employed therein an indemnity against unemployment resulting from such loss or foundering. The indemnity shall be paid for the days during which the seaman remains in fact unemployed at the same rate as the wages payable under the contract, but the total indemnity payable under this Convention to any one seaman may be limited to two months' wages. There is some difference of opinion among maritime Local Governments whether we should ratify this Convention or not, and the solution which the Government propose for the consideration of this House is in the nature of a compromise. We suggest that we should not commit ourselves at present to the principle of unemployment indemnity. All questions of this kind, particularly in their relation to seamen's labour, are novel in India, and it is thought inadvisable that we should allow ourselves to be forced to any hasty, ill considered decision which gives away an important principle. In lieu of ratifying the Convention, we think that an examination should be undertaken of the law on the subject, in order that we may see whether that law should not be amended so as to provide that any Indian seaman whose service is terminated by reason of the wreck or loss of his ship should be entitled to his wages until he is repatriated to the port of departure from India, and that he should be paid compensation for the loss of his personal effects, if any, up to the limit of one month's wages. The above proposal seems to us the most reasonable solution of a difficult question. If the solution proves practicable, it has certain obvious advantages over the proposal of the Genoa Conference that an indemnity against unemployment should be paid to wrecked seamen. The objection to an indemnity against unemployment is, that it would be extremely difficult to work the system in the present circumstances of India. We have at present no Labour Exchanges for seamen and, as I will show in dealing with the next Resolution, it is doubtful whether at present we can usefully establish such Exchanges. This being so, we have no ready means by which ship-wrecked seamen on their repatriation to India can be registered for employment. If, therefore, we ratify the draft Convention and introduce the system of unemployment indemnity, the system would lead to constant disputes between the seamen and owners. It would be necessary

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for the seamen to prove for precisely how long they had in fact been unemployed and that they had attempted to find employment. We think that a procedure of this kind would lead to disputes and delays, and we have arrived at the conclusion that, in the interests of the seamen themselves, it would be better to arrange, if possible, that in the event of wreck or loss of their ship, they should be paid wages till the date of their repatriation to India, and, in addition, a sum of money as compensation for loss of personal effects. The effect of this proposal, if it proves practicable, will be that these seamen on their return to India will be entitled to a definite lump sum down, and they will be put to no trouble in proving that they had tried to obtain employment on another ship and had not succeeded in doing so. A further difficulty in the way of the proposed system of unemployment indemnity is that many seamen, as I have already pointed out, combine agriculture and cultivation with their main profession. We fear, therefore, that an unemployment indemnity would tempt to make them idle away their time in their villages without seeking fresh employment on board ship. The system would scarcely be fair to ship-owners and would tend to put a premium on idleness. It is quite possible that the principle of unemployment indemnity will sooner or later be accepted and enforced in India. As things are at present, however, we think that it will be premature to endeavour to introduce the system in the absence of machinery properly to work it, and that it is better to ensure seamen a lump sum in the shape of wages from the date of the wreck to the date of repatriation, *plus* a compensation for the loss of personal effects.

I beg to move that the Resolution be adopted.

The HONOURABLE MR. A. H. FROMM: Sir, I wish to say a few words in support of the Resolution moved by the Honourable Mr. Lindsay, and to state that I entirely agree with the views of Government that an unemployment indemnity in connection with lascars who have lost their ships would be a most difficult matter to deal with.

It would lend itself to endless disputes and it would be very difficult to determine whether the lascar, who lost his ship, really made a proper effort to find another vessel on which he could be employed.

I agree, though, that we might improve this situation in some way by a modification of the Indian Merchant Shipping Act. That Act, as the Honourable Mr. Lindsay explained, provides that when a ship is lost the wages of the seamen on that ship automatically cease. On the face of it,—perhaps to people not intimately acquainted with shipping,—this may seem rather hard, but it is an old law of shipping which has been in force for many many years. In practice, however, the Shipping Companies with which I am connected pay the men up to the time they get back to their original port, and I think the most important Shipping Companies do the same, and I should be quite agreeable to the Shipping Act being amended so as to make that practice regular and compulsory.

I also have no objection to the compensation of one month's wages to the men for loss of personal effects, though I am not quite sure whether it is a good clause to put into this Resolution.

I have very little more to say, Sir, but I think the Council would like to know that the big Shipping Companies treat their lascars well and go beyond the terms of the Indian Merchant Shipping Act.

The HONOURABLE SIR MANECKJI DADABHOY: Sir, I rise to a point of order. May I ask for your ruling in connection with Resolutions of this description? Does the passing of these Resolutions by this Council prevent any Honourable Member of this Council from moving Amendments which may be contrary to the spirit and letter of the Resolution when subsequent legislation, if any, is introduced? I ask for this ruling as Honourable Members will remember that during the last Session in Delhi certain Resolutions in connection with factory labour were introduced, and when the Factory Bill was subsequently brought before this Council, and a Select Committee appointed, I raised certain objections and was told that I was not competent to raise those objections because the Council had committed itself to the principle of the said Resolutions.

The HONOURABLE THE PRESIDENT: If I have understood the Honourable Member's question correctly, it is this; 'If a Resolution of a general character is brought before this Council and the Council gives its assent to that Resolution, and subsequently a Bill is introduced giving effect to that Resolution, whether any Honourable Member is debarred from his normal rights.' Is that the question?

The HONOURABLE SIR MANECKJI DADABHOY: Yes, Sir, whether he could introduce any Amendment affecting the principle of the Resolution.

The HONOURABLE THE PRESIDENT: I would say that a Resolution of this character, if passed by the Council, is an expression of opinion of the Council, and it is also an encouragement to Government to proceed with legislation. But when the Bill giving effect to the principle is brought before the Council, I take it that every Honourable Member retains the right he retains in regard to all other Bills that are introduced. It would be intolerable otherwise.

The HONOURABLE SIR MANECKJI DADABHOY: I am very thankful for that ruling, Sir, because it has solved the problem. I raised this objection in the Select Committee and was overruled.

The HONOURABLE MR. LALUBHAI SAMALDAS: Sir, I should like to ask this question, if the Honourable Member did not oppose the Resolution and if it was accepted by the Council, without any dissentient voice being heard, the principles should be taken as accepted by all and would be a matter for comment when subsequent legislation, if any, was introduced.

The HONOURABLE THE PRESIDENT: Undoubtedly it would be a matter for comment—very severe comment—on the part of those who oppose it.

The Resolution was adopted.

#### RESOLUTION RE FACILITIES FOR FINDING EMPLOYMENT FOR SEAMEN.

The HONOURABLE MR. H. A. F. LINDSAY: I move, Sir, that—

'This Council recommends to the Governor General in Council that the Draft Convention for establishing facilities for finding employment for seamen adopted by the General Conference of the International Labour Organisation of the League of Nations convened at Geneva on the 15th day of June, 1920, should not be ratified, but that an examination should be undertaken without delay of the methods of recruitment of seamen at the different ports in India in order that it may be definitely ascertained whether abuses exist, and whether those abuses are amenable to remedy.'

The Draft Convention to which reference is made in the Resolution prescribes that the business of finding employment for seamen may not be

[Mr. H. A. F. Lindsay.]

carried on by any person, company or other agency as a commercial enterprise and that fees shall not be charged by any one, directly or indirectly, for finding employment for seamen on any ship. Article 3, however, allows any person, company or agency at present carrying on the work of finding employment for seamen as a commercial enterprise for gain to continue temporarily under Government license and supervision provided that all practicable steps are taken to abolish the practice of finding employment for seamen as a commercial enterprise as soon as possible. Article 5 prescribes the organisation and maintenance of an efficient and adequate system of public employment agencies either under the joint control of representatives of associations of shipowners and seamen or in the absence of such control by the State itself.

The above are the most important provisions of the Draft Convention. Broadly speaking, the Draft Convention is directed against crimping in any shape or form and this is an object with which we must all sympathise. Our law on the subject is contained in the Merchant Shipping Act of 1859. Section 18 of that Act authorises the Local Government or any board or officer empowered in this behalf by the Local Government to grant licenses to fit persons to engage or supply seamen on such terms as may be thought proper. Section 19 constitutes it an offence either to supply seamen without a license or to employ unlicensed persons for the purpose of obtaining seamen or to see seamen illegally supplied. Section 20 makes it an offence to demand or receive money, either directly or indirectly, from seamen in return for finding them employment.

The most important point which this House has to decide, is whether we should abolish our system of licensed shipping brokers in favour of a system of public employment offices, and the conclusion which the Government of India have arrived at, after consulting the four maritime Local Governments, is that we require further information before we can make any confident proposals for the consideration of the House. We are prepared to admit that the licensed broker system is theoretically wrong. It is true that the shipping brokers are paid not by the seamen whom they engage, but by shipowners for whom they act. But the system is not in accordance with the principle laid down by the Conference that no fees shall be charged, either directly or indirectly, by any person, company or agency for finding employment for seamen. The real question, however, is whether under present conditions we can usefully abolish the licensed brokers system in favour of employment agencies, or whether the establishment of employment agencies will remedy such abuses as are now suspected.

The Governments of Bengal and Bombay, which are mainly concerned, since it is only in Calcutta and Bombay that seamen are engaged in any numbers, both answer this question in the negative. But on a separate reference from the Government of India, they both agree that there is a case for an inquiry into the methods of recruitment of seamen now in vogue in India. We suggest that this inquiry should be undertaken before the House comes to any final decision on the points raised by this Draft Convention.

I am not prepared to commit myself too far. As far as I know, the licensed shipping brokers are all respectable men. Complaints have been made in the past that they were in the habit of taking illegal fees from seamen, and elaborate and careful inquiries have been made into these complaints, but the inquiries have never led to anything either owing to the vague and general

nature of the complaints or because the signatories to the complaints refuse to come out in the open and give evidence. Personally, I doubt whether there is any reason to suppose that the licensed brokers themselves take money illegally from the seamen. In Calcutta, I believe, there are only four such licensed brokers and two of them have been in the business for several generations. If money is taken at all, it is probably taken by the *serangs*.

Perhaps I may explain briefly the practice observed at any rate in Calcutta, in engaging crews for steamers. When a ship is in need of a crew, the Chief Officer, the Chief Engineer and the Chief Steward select, respectively, the deck *serang*, the engine room *serang* and the Butler. Ordinarily they select *serangs* whom they know and with whom they have sailed before, and it frequently happens that a *serang* serves for years together on the same ship or under the same Chief. Each *serang* produces his own crew, and it is a noteworthy fact that, according to our information, the crew so produced will serve only under the *serang* who produces it. The crew, if accepted by the Chief Officer, the Chief Engineer or the Chief Steward, sign on in the presence of the Shipping Master and, when they sign on, it is the practice to give each member of the crew an advance of one month's wages. It is here that the shipping broker licensed under section 18 of the Merchant Shipping Act of 1859 comes in. As I understand it, he has nothing to do with the actual recruitment of the seamen. Indeed, he could not recruit the seamen except with the assistance of the *serangs*. His main function appears to be to disburse out of his own pocket the advance of one month's wages to the crew and he stands to lose if all or any of the crew fail to turn up on board the ship. He makes this advance in return for a commission paid by the owners at 7½ per cent on the amount disbursed, and this appears to be his main concern with recruitment. The advance is paid in the presence of the Shipping Master directly into the hands of the seamen, and it is probable that each seaman pays the usual *dastur* to the *serang*. But no one can stop him from doing so. All that we can do is to see that the money is paid into his own hands. The system is of course a peculiar one. In principle it may be wrong, but it is a natural growth, and has the further advantage that it does not require the presence in Calcutta of seamen waiting for engagement. These seamen can stay on if they like in their own villages keeping in touch with the *serang* under whom they are accustomed to serve. A further advantage of the *serang* system is that it ensures team work on boardship. If this description of the system is correct, it will be seen that, if money is paid at all by the seamen on obtaining employment on board a ship, it is paid to the *serang* and it is very doubtful whether the establishment of public employment agencies would get rid of the *serang* or prevent seamen from paying a portion of their advance to the *serang*. As I have said, however, the Government have an open mind on the subject. They are of opinion that the present system is suited to the custom of the country, but they are quite prepared to admit that there may be abuses connected with the system. They think that the best plan therefore is to have the whole system examined by a small committee in order that the question may be considered in the light of full and accurate information. In accordance with the pledge given at the last Session of the Legislative Assembly, no action will be taken on the Committee's report until this House has had a further opportunity of examining the subject.

The HONOURABLE MR. A. H. FROMM: Sir, I should like to congratulate the Honourable Mr. Lindsay for the very lucid manner in which he

[Mr. A. H. From.]

has explained to this Council the custom in connection with the employment of Indian seamen and their life generally at sea. I have been connected with shipping in India for many years, and I do not think that I should be considered conceited if I were to say that I could not have explained the position better myself.

I quite agree that the system of shipping brokers and their agencies at ports of shipment is entirely suited to Indian seamen. They are a peculiar class. They go away on voyages for nine months or a year. Within a year they have to be repatriated; those are the terms of the articles. When they come back they draw their pay, which frequently amounts to a large sum of money. After their first month's advance, they usually refrain from drawing to any great extent at other ports. When they have spent their money in their homes upon trying they want another ship. The licensed shipping broker keeps in touch with the men. Sometimes the supply far exceeds the demand, and then the men come down to Bombay without any money, and get into the hands of boarding house owners, usually *ghat serangs* and it is here the trouble begins, a trouble which we have often tried to solve, but, I must say, with little or no success.

The licensed shipping broker, I am quite convinced, does not squeeze the men. I do not think he takes any money from them. But the men who have come down to the seaport seeking employment are boarded and fed by certain Boarding Housekeepers and when they get a ship, the latter steps in, and takes their month's advance of wages to recompense himself for the cost of boarding and feeding; and I have no doubt that he adds a hundred per cent. That is where these men get squeezed. We have been trying to stop this, but it is very difficult. We have had conferences with the Shipping Master in Bombay.

I thoroughly believe that the system of licensed brokers is the best. I do not believe that a labour bureau would do half for the seamen that these licensed brokers do. It is to the advantage of the licensed broker to get men employed since he gets a commission from the Shipping Company. The men do not have to pay any commission at all.

I approve of this Resolution which suggests that an examination should be undertaken without delay of the methods of recruitment of seamen, and I think that is the best way of dealing with this Convention which, I quite agree, this Council should not recommend to the Governor General in Council for ratification.

The HONOURABLE THE PRESIDENT: The question is that the following Resolution be adopted:

'This Council recommends to the Governor General in Council that the draft Convention for establishing facilities for finding employment for seamen adopted by the General Conference of the International Labour Organization of the League of Nations convened at Genoa on the 15th day of June, 1920, should not be ratified, but that an examination should be undertaken without delay of the methods of recruitment of seamen at the different ports in India in order that it may be definitely ascertained whether abuses exist and whether those abuses are susceptible of remedy.'

The Resolution was adopted.

The Council then adjourned till Thursday, the 29th September, at 11 A.M.

## COUNCIL OF STATE.

Thursday, the 29th September 1921.

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

### QUESTIONS AND ANSWERS.

#### FACILITIES GIVEN BY P. AND O. COMPANY TO GOVERNMENT.

179. The HONOURABLE MR. LALUBHAI SAMALDAS: Will Government be pleased to state what facilities, if any, have been given by the P. and O. Company to Government, apart from the service in connection with the mails, and whether passages on Government account are issued at reduced rates?

The HONOURABLE MR. H. A. F. LINDSAY: A number of P. and O. vessels were requisitioned by Government during the war on terms fixed by the Ministry of Shipping, but Government have no information to show that military stores shipped on P. and O. vessels not requisitioned were taken at special rates except in the case of deceased officers' baggage, which, as far as is known, was conveyed free up to five tons on each vessel going to England.

The India Office benefits equally with other Departments of the British Government by the terms of any contract between that Government and shipping companies, but the terms of such contracts are naturally confidential.

#### POSITION OF BANK OF ENGLAND.

180. The HONOURABLE MR. LALUBHAI SAMALDAS: (a) Have the Indian Merchants' Chamber and Bureau of Bombay asked Government for information relating to the position of the Bank of England in connection with the 7 per cent. sterling loan?

(b) Have Government supplied the information in question?

(c) Will Government communicate the information to the Council?

The HONOURABLE MR. E. M. COOK: (a) I presume that the information referred to by the Honourable Member relates to the names of the underwriters with whom the sterling loan was actually placed by the Bank of England and to the arrangements made for the distribution of the underwriting charges amongst those concerned. If so, the answer is in the affirmative.

(b) and (c). No. The recognised practice in England is that, when arrangements have been made between principals for guaranteeing the full subscription to a loan, the arrangements made by the guaranteeing party (in this case, the Bank of England) in respect to sub-underwriters and their remuneration, are regarded as strictly confidential, and the names of sub-underwriters are not disclosed.

## INDIANS IN PILOT SERVICE.

181. The HONOURABLE MR. LALUBHAI SAMALDAS : Will Government be pleased to state what steps have been taken by them to introduce Indians in the Pilot Service at the principal ports?

The HONOURABLE MR. H. A. F. LINDSAY : The Pilot Services at Bombay, Karachi, Aden, Malras, Rangoon and Chittagong are not under the control of Government, but of the various Port Trusts.

The Bengal Pilot Service at the Port of Calcutta is the only Pilot Service under the control of Government. As a result of the recommendations of the Public Services Commission, provision has been made in the revised rules of the service for the appointment of statutory natives of India, if they possess the necessary qualifications.

## PURCHASE OF WHEAT, ETC., BY MILITARY AUTHORITIES.

182. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Will the Government kindly state—

- (a) What was the amount of wheat, other food-grains, ghee, wood fuel, and bhoosa purchased by the Indian Military authorities in the year ending *Rabi* crops, 1914?
- (b) What has been the quantity of the above commodities purchased during each of the subsequent years up to date?
- (c) How much of the increase in these purchases has been for the requirement of armies stationed outside India but based on this country?
- (d) How much of the increase in these purchases has been due to a change in the system of rationing troops, Indian as well as European?
- (e) In what way does the present system of rationing troops differ from the system prevalent in pre-war days?

The HONOURABLE MR. H. D. CRAIK (for His Excellency the Commander-in-Chief) : (a), (b), (c) and (d). An effort will be made to collate the information desired by the Honourable Member. Government cannot, however, undertake to furnish it, if on examination it is found to involve a disproportionate amount of labour.

(e) Before the war, Indian troops, except when on field service or in a few localities, made their own arrangements for purchasing their rations, usually by regimental arrangements, a deduction of Rs. 3-8-0 per mensem being made from the pay of each man, and the balance of the cost of the standard ration being met by the grant of an allowance which varied from time to time with the cost of foodstuffs.

Under the present system, Government supplies the bulk of the rations of the Indian Army, and no deduction is made from the pay of the troops on this account.

## RISE IN PRICES OF WOOD FUEL.

183. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Is the Government aware that the prices of wood fuel have gone up very

high? Do the Government contemplate taking any action to lower the price of this commodity? If so, will they kindly explain the step they are taking in the matter?

The HONOURABLE MR. B. N. SARMA : The Government of India believe that the cost of wood fuel, like that of other commodities, has risen. The causes are doubtless to be found in the increased cost of labour and transport. The action, if any be necessary to lower prices, can only be taken by the Provincial Governments concerned. The areas directly under the control of the Government of India are small and so far as is known call for no action.

## INDIAN UNDER SECRETARYSHIP.

184. The HONOURABLE MR. G. S. KHAPARDE : (a) Will the Government be pleased to state whether any Under Secretaryship has been conferred upon any Indian, who is not a member of the Indian Civil Service?

(b) If the answer be in the affirmative, will the Government be pleased to state the Department or Departments in which such Under Secretaryships have been so conferred?

(c) If the answer be in the negative, will the Government be pleased to state whether they propose to make any such appointment?

The HONOURABLE MR. H. D. CRAIK : (a) The answer is in the negative.

(b) The question does not arise.

(c) The Honourable Member is reminded that the Secretariat Procedure Committee recommended generally that Under Secretaryships should be replaced by Assistant Secretaryships, and this process has begun. Appointments of Under Secretary will, in the future, continue to exist only where the nature of the work to be done requires the special experience of a member of the Indian Civil Service or other service. It is hardly necessary to add that such appointments, if any, will be made not on a racial basis, but by the selection of the officer who appears to be the best qualified.

## CONVERSION OF UNDER SECRETARYSHIP TO ASSISTANT SECRETARYSHIP.

185. The HONOURABLE MR. G. S. KHAPARDE : Will the Government be pleased to state in what circumstances the Under Secretaryship of the Finance Department has been converted into an Assistant Secretaryship?

The HONOURABLE MR. E. M. COOK : As the Home Secretary has just now mentioned, the Secretariat Procedure Committee recommended the abolition of all Under-Secretaryships and the substitution therefor of posts of Assistant Secretary, except that in the Finance Department. The reason for this exception was that the Under Secretaryship in the Finance Department was practically the only appointment in India giving an opportunity to a junior member of the Indian Civil Service to gain an acquaintance with the more technical side of the Department, viz., questions of currency, exchange, loans, banking, and so forth. On the occurrence of the last vacancy the Government of India found some difficulty in obtaining the services of any junior officer of the

Indian Civil Service of suitable qualifications. On the other hand, they were able to obtain as Assistant Secretary an officer of the Enrolled List of the Finance Department whose qualifications for the post were particularly good, and accordingly it was decided to hold the Under Secretaryship in abeyance.

#### RESIDENTIAL ACCOMMODATION IN NEW DELHI.

186. The HONOURABLE MR. G. S. KHAPARDE: (i) Will the Government be pleased to state—

- (a) the number of residential houses or bungalows for officers or clerks that have been built in Raisina;
  - (b) the classes, if any, into which such bungalows and houses are divided;
  - (c) the principle on which this classification is based?
- (ii) Will the Government be pleased to lay on the table a statement showing—
- (a) what each bungalow has cost Government;
  - (b) the rent leviable in respect of it under the Public Works Department rules;
  - (c) the rent it is actually expected to fetch during the Delhi season; and
  - (d) the approximate rate of interest on the capital outlay this rental is likely to yield?

The HONOURABLE MR. B. N. SARMA: (i) (a) 100 bungalows for Officers.

162 European Clerks' quarters.

762 Indian Clerks' quarters.

(b) The original classification was as follows:—

#### OFFICERS' BUNGALOWS.

|                                                     | Rs.                  | Rs. |
|-----------------------------------------------------|----------------------|-----|
| Class I for Officers on salaries ranging from ...   | 3,200 to 5,000 p. m. |     |
| Class II for Officers on salaries ranging from ...  | 2,000 to 3,199 p. m. |     |
| Class III for Officers on salaries ranging from ... | 1,250 to 1,999 p. m. |     |
| Class IV for Officers on salaries ranging from ...  | 800 to 1,249 p. m.   |     |
| Class V for Officers on salaries ranging from ...   | 701 to 799 p. m.     |     |
| Class VI for Officers on salaries ranging from ...  | 500 to 700 p. m.     |     |

#### CLERKS' QUARTERS.

##### Europeans.

|                                                                 |                      |
|-----------------------------------------------------------------|----------------------|
| Class I for Assistants and Clerks on salaries ranging from ...  | 301 to 499 p. m.     |
| Class II for Assistants and Clerks on salaries ranging from ... | 201 to 300 p. m.     |
| Class III for Assistants and Clerks drawing ...                 | 200 and below, p. m. |

##### Indians.

|                                                               |                  |
|---------------------------------------------------------------|------------------|
| Type B for Assistants and Clerks on salaries ranging from ... | 301 to 499 p. m. |
| Type C for Assistants and Clerks on salaries ranging from ... | 201 to 300 p. m. |
| Type D for Assistants and Clerks on salaries ranging from ... | 100 to 200 p. m. |
| Type E for Assistants and Clerks drawing less than ...        | 100 p. m.        |

This classification has, however, recently been revised as shown below:—

#### OFFICERS' BUNGALOWS.

|                                                     | Rs.                   | Rs. |
|-----------------------------------------------------|-----------------------|-----|
| Class I for Officers drawing ...                    | 3,500 and above p. m. |     |
| Class II for Officers on salaries ranging from ...  | 2,500 to 3,499 p. m.  |     |
| Class III for Officers on salaries ranging from ... | 1,750 to 2,499 p. m.  |     |
| Class IV for Officers on salaries ranging from ...  | 1,250 to 1,749 p. m.  |     |
| Class VI for Officers drawing less than ...         | 1,250 p. m.           |     |

#### CLERKS' QUARTERS.

##### Europeans.

|                                                                 | Rs.                 | Rs. |
|-----------------------------------------------------------------|---------------------|-----|
| Class I for Assistants and Clerks on salaries ranging from ...  | 350 to 500 p. m.    |     |
| Class II for Assistants and Clerks on salaries ranging from ... | 251 to 349 p. m.    |     |
| Class III for Assistants and Clerks drawing ...                 | 250 and below p. m. |     |

##### Indians.

|                                                               |                     |
|---------------------------------------------------------------|---------------------|
| Type B for Assistants and Clerks on salaries ranging from ... | 350 to 500 p. m.    |
| Type C for Assistants and Clerks on salaries ranging from ... | 251 to 349 p. m.    |
| Type D for Assistants and Clerks on salaries ranging from ... | 151 to 250 p. m.    |
| Type E for Assistants and Clerks drawing ...                  | 150 and below p. m. |

(c) The classification is based entirely on the pay drawn.

(ii) The information called for by the Honourable Member is placed on the table.

(ii) (a), (b), (c) and (d). No bungalow or quarter is as yet complete in all respects and it is not possible therefore to reply categorically.

The following table exhibits the information asked for so far as it is now possible to give it.

| Class.                               | Capital cost of the building. | Rent assessable under current rules per mensem. | Rent to be recovered per mensem. | Average monthly salary of occupant. | Percentage of rent to average salary of occupant. | Percentage of rent to Capital cost. |
|--------------------------------------|-------------------------------|-------------------------------------------------|----------------------------------|-------------------------------------|---------------------------------------------------|-------------------------------------|
| <i>Gazetted Officers' Bungalows.</i> |                               |                                                 |                                  |                                     |                                                   |                                     |
|                                      | Rs.                           | Rs.                                             | Rs.                              | Rs.                                 |                                                   |                                     |
| Class I ...                          | 51,000                        | 200                                             | 240                              | 4,000                               | 6                                                 | 5.6                                 |
| Class II ...                         | 41,500                        | 222                                             | 180                              | 2,750                               | 6.75                                              | 4.4                                 |
| Class III ...                        | 36,200                        | 185                                             | 115                              | 2,100                               | 5.50                                              | 3.3                                 |
| Class IV ...                         | 29,000                        | 158                                             | 70                               | 1,350                               | 5.25                                              | 3.1                                 |
| Class VI ...                         | 18,000                        | 96                                              | 40                               | 900                                 | 5.00                                              | 2.5                                 |
| <i>European Clerks' Quarters.</i>    |                               |                                                 |                                  |                                     |                                                   |                                     |
| Class I ...                          | 10,000                        | 54                                              | 21                               | 420                                 | 5.1                                               | 2.4                                 |
| Class II ...                         | 8,000                         | 41                                              | 16                               | 300                                 | 5.5                                               | 2.4                                 |
| <i>Indian Clerks' Quarters.</i>      |                               |                                                 |                                  |                                     |                                                   |                                     |
| Class I ...                          | 8,450                         | 45                                              | 18                               | 420                                 | 4.3                                               | 2.4                                 |
| Class II ...                         | 5,800                         | 29                                              | 11                               | 380                                 | 3.9                                               | 2.4                                 |
| Class III ...                        | 4,250                         | 21                                              | 8                                | 200                                 | 4.2                                               | 2.4                                 |
| Class IV ...                         | 2,720                         | 13                                              | 5                                | 100                                 | 5.5                                               | 2.4                                 |

2. A saving of Rs. 2 lakhs has been effected on the scheme for Gazetted Officers' Bungalows and is being utilized on the scheme for Clerks' Quarters. This has been done in order to improve the scale of accommodation for Clerks and to reduce the scale of accommodation for officers so as to bring it within their financial means.



## SUPPRESSION OF REPORT ABOUT ALI BROTHERS, ETC.

187. The HONOURABLE MR. G. S. KHAPARDE: (a) Will the Government be pleased to state if it is a fact that the report about Messrs. Muhammad Ali, Shaukat Ali and Kitchlew and others was either suppressed or held up for 48 hours and, if so, why?

(b) Are the Government aware that the suppression of this news for 48 hours has given rise to a crop of rumours and reports?

The HONOURABLE MR. H. D. CRAIK: (a) Yes; such action was taken by the Government of Bombay in the interest of the public safety.

(b) No.

## REPORTS OF PRESS LAWS AND REPRESSIVE LAWS COMMITTEES.

188. The HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY, OF KASIMBAZAR: Will the Government lay on the table the full reports, with all transcripts of evidence, of the following Committees:—

(a) The Press Laws Committee,

(b) The Repressive Laws Committee?

The HONOURABLE MR. H. D. CRAIK: A copy of each of the reports is laid on the table. The evidence given before the Press Committee will shortly be published, with the exception of that of certain witnesses who have objected to publication. The question of publishing the evidence given before the Repressive Laws Committee is still under consideration, but much of the evidence was of a confidential character, and it is very doubtful whether the witnesses will agree to its publication.

*Report of the Committee appointed by the Government of India to examine the Press and Registration of Books Act, 1867, and the Indian Press Act, 1910, and the Newspapers (Incitements to Offences) Act, 1908.*

In accordance with the instructions contained in the Home Department Resolution No. 534, dated the 21st March 1921, we the Members of the Committee appointed by the Government of India to examine the Press and Registration of Books Act, 1867, the Indian Press Act, 1910, and the Newspapers (Incitements to Offences) Act, 1908, have the honour to report for the information of Government and such action as they may think desirable, our conclusions on the questions referred to us for examination.

2. These conclusions have, we may state, been reached after a careful survey of the political situation, an exhaustive examination of witnesses who appeared before us and a scrutiny of voluminous documentary evidence including the valuable and weighty opinions of Local Governments placed at our disposal by the Government of India as well as of the memoranda submitted to us by various members of the public. Many of these memoranda were sent in response to a general invitation issued by the Government of India to those interested in the subject under discussion to communicate their views to Government for the information of the Committee. We have examined orally eighteen witnesses, all connected with the Press and we also invited eight other prominent journalists to give evidence; to our great regret, they were however, either unable or, in some cases, unwilling to accept our invitation.

3. Of the Acts referred to us for examination, the Indian Press Act, 1910, is by far the most important and it will therefore be convenient if in the first place we record our conclusions in respect of that Act. This is the more desirable because our recommendations in respect of the other two Acts referred to us, must be largely dependent on our findings regarding this measure.

It is unnecessary to discuss in this report, the reasons which induced the Government of India to place the Indian Press Act on the Statute Book. Those who are interested in the subject will find the facts fully explained in the report of the discussions on the Bill in Council. It is apparent, however, that the main object of the Act was to prevent the dissemination of incitements to violence and of sedition, although the scope of Section 4 of the Act is much wider. Since 1910, however, circumstances have changed very materially and we have to consider the necessity for the continuance of this law in the light of a political situation entirely different from that in which it was enacted.

4. The chief questions that have to be examined in our opinion are, firstly, whether the Act has been effective in preventing the evil against which it was directed; secondly, whether legislation of this character is now necessary for the maintenance of law and order; and thirdly, whether on a comparison of the advantages and disadvantages which the retention of the Act would involve, its continuance is desirable in the public interest. We may say at the outset that on a careful consideration of these points, we are of opinion that the Act should be repealed.

5. As to the effectiveness of the Act, it is generally admitted that direct incitements to murder and violent crime which are specifically referred to in Section 4(1) (a) of the Act are rarely found in the Press to-day. This was not the case in 1910 so far as a certain section of the Press was concerned and it is the view of at least one Local Government that the Press Act has contributed to the elimination of such public incitements. We are not, however, satisfied that the cessation of such incitements is due solely or even mainly to the Act or that in present conditions the ordinary law is not adequate to deal with such offences. Further, it must be admitted that in so far as the law was directed to prevent the more insidious dissemination of sedition, of general misrepresentations of the action of Government, of exaggerations of comparatively minor incidents, of insinuations of injustice and of articles intended to exacerbate racial feeling, the Act has been of little practical value, for we find that a section of the Press is at present just as hostile to Government as ever it was and that it preaches doctrines calculated to bring the Government and also occasionally particular classes or sections of the community into hatred and contempt as freely now as before the Act was passed. Moreover, we believe that the more direct and violent forms of sedition are now disseminated more from the platform and through the agency of itinerary propagandists than by the Press, and no press law can be effective for the repression of such activities. In our opinion, therefore, it must be admitted that the Act has not been wholly effective in securing the object which it was enacted to achieve. We observe that one witness before us went so far as to say that it had been futile and irritating.

6. Turning to the question of the necessity for such legislation we find that it was an emergency measure enacted at a time when revolutionary conspiracies, the object of which was directly promoted by certain organs of the Press, were so active as to endanger the administration. We believe that this revolutionary party is now quiescent, that the associations supporting it have been broken up and that many members of the revolutionary party have realized that the object which they had in view can, under present conditions, be achieved by constitutional means. Further, the political situation has undergone great changes since 1910 and the necessity for the retention of the Act must be examined in the light of the new constitutional position created by the inauguration of reforms. Many of us feel that the retention of this law is, in these circumstances, not only unnecessary but incompatible with the increasing association of representatives of the people in the administration of the country. We believe also that the malignant influence of seditious organs of the press will in future be, and in fact is already beginning to be, counteracted by the growth of distinct parties in politics, each supported by its own press, supplemented by the activities of a properly organized Bureau of Information, the value of which was admitted by many of our witnesses. It is true the scope of the Act is not limited to the prevention of sedition but it is not necessary for us to discuss in detail the subsidiary provisions included in Section 4 of the Act as we believe that these provisions have seldom been used and that the evils against which they are directed can be checked by the ordinary law. We think therefore that under present conditions the retention of the Act for the purposes for which it was enacted is unnecessary.

7. On an examination of the third aspect of the case, viz., the comparative advantages and disadvantages of retaining the Act, we find that, while many Local Governments advocate its retention in the interests of the administration, on the other hand the Act is regarded with bitter hostility by nearly all shades of Indian opinion. Most of the witnesses examined before

us believe it to be indefensible in principle and unjust in its application. It has been said that the terms of Section 4 of the Act are so comprehensive that legitimate criticism of Government might well be brought within its scope; that the Act is very uncertain in its operation; that it has been applied with varying degrees of rigour at different times and by different Local Governments and in particular that it has not been applied with equal severity to English-owned and Indian-owned papers. A general feeling was also apparent among the witnesses that the Act is irritating and humiliating to Indian journalism and that the resentment caused by the measure is the more bitter because of the great services rendered to Government by the Press in the war. Many witnesses indeed are of opinion that the Act is fatal to the growth of a healthy spirit of responsibility in the Press and that it deters persons of ability and independent character from joining the profession of journalism. Finally it is maintained that the Act places in the hands of the executive government arbitrary powers, not subject to adequate control by any independent tribunal, which may be used to suppress legitimate criticism of Government and that such a law is entirely inconsistent with the spirit of the reforms scheme and the gradual evolution of responsible Government.

8. There is in our judgment great force in many of these criticisms. We find, as already noted, that the Act has not proved effective in preventing the dissemination of sedition and that it is doubtful whether it is necessary to retain it for the purpose of preventing incitements to murder and similar violent crime; further in view of the cogent criticisms made as to the principles and operation of the Act, we have come to the conclusion that it would be in the interests of the administration that it should be repealed. In making this recommendation, we have not overlooked the opinion expressed by various local Governments that the retention of the Act is desirable in the interest of law and order. We observe, however, that there is a considerable divergence of opinion among those Governments on this point, and while we realise that the views of those who are opposed to the repeal of the Act are entitled to great weight, and indeed that these views have been accepted by the Government of India frequently in times past, we are satisfied that there is a genuine popular demand for its repeal and we consider that in the altered circumstances created by the reforms, the advantages likely to be secured by repeal of this measure outweigh the benefits which could be obtained by its retention on the Statute Book.

9. In our examination of the question of the repeal of the Press Act, we also considered the further question as to which, if any, of its provisions should be retained by incorporation in other laws. Various suggestions have been placed before us in this connection, some of greater and some of minor importance. Perhaps the most important of these is the question whether the dissemination of disaffection against Indian Princes through the Press of British India should be penalized in any way. We have been handicapped in our examination of this question by the very inadequate representation of the views of the Princes, many of whom were unwilling to allow their opinions to be placed before the Committee. We have however had the advantage of seeing some minutes submitted by them and of examining Sir John Wood, the Secretary of the Political Department. It has been argued that the Government of India is under an obligation to protect Indian Princes from such attacks, that the Press Act alone affords them such protection and that if it is repealed it is unfair, having regard to the constitutional position of the Government of India, *vis-a-vis* the Indian States, that the Press in British India should be allowed to foment disaffection against the rule of an Indian State. On the other hand, various witnesses have protested in the strongest terms against any such protection being afforded to the Princes. It is alleged that the effect of any such provision in the law would be to stifle all legitimate criticism, and deprive the subjects of such States of any opportunity of ventilating their grievances and protesting against maladministration or oppression. We understand that before the Press Act became law, it was not found necessary to protect Indian Princes from such attacks, and we note that the Act, so far as the evidence before us shows, has only been used on three occasions for this purpose; we do not, in the circumstances, think that we should be justified in recommending on general grounds any enactment in the Penal Code or elsewhere for the purpose of affording such protection in the absence of evidence to prove the practical necessity for such provision of the law. Our colleague Mr. Asad Ali desires to express no opinion on this question.

10. We have also considered the question of vesting Courts of Justice with power to confiscate a Press, if the keeper is convicted for the second time of disseminating sedition. Although Section 517 of the Criminal Procedure Code affords some faint authority for the enactment of such a provision in the law, we feel that it would operate inequitably, particularly in the case of large and valuable presses used not only for the printing of a particular

paper but also for other miscellaneous work. In the case of smaller presses the forfeiture of the press would probably not be an effective remedy and on a careful consideration of the facts we doubt the necessity for inserting any such provision in the law.

11. There is indeed only one provision of the Act which we think should be retained; namely, the power to seize and confiscate newspapers, books or other documents which offend against the provisions of section 124-A of the Penal Code. If this power is retained the ancillary power of preventing the importation into British India, or transmission through the post of such documents, on the lines now provided for in sections 13, 14 and 15 of the Indian Press Act is a necessary corollary if the law is to be effective. The confiscation of openly seditious documents in no way, we believe, constitutes an interference with the reasonable liberty of the Press and the openly seditious character of some of the documents which are now circulated in India has convinced us of the necessity of retaining this power as a regular provision of the substantive law. The exact method by which this should be effected is we think a matter for the expert advisers of the Government of India to decide. We would however also provide for redress in cases in which the owner of a press or any person interested in the production of any such document or in the possession of any particular copy of the document considers himself aggrieved by allowing such persons to apply to the High Court and challenge the seizure and confiscation of the document. We would also provide that when such an application is made the onus of proving the seditious character of the document should be on the Government. We think that the powers conferred by sections 13 to 15 of the Press Act might be conveniently incorporated in the Sea Customs Act and the Post Office Act so that the Customs and Postal Officers should be empowered to seize seditious literature within the meaning of section 124-A of the Indian Penal Code subject to review on the part of the Government, and to challenge by any person interested, in the courts. We recommend that in this case and in the case of seditious leaflets seized under the conditions referred to in the earlier portions of this paragraph, the orders of the Government should be liable to be contested in the High Court.

12. It follows almost of necessity from what we have said above that we recommend the total repeal of the Newspapers (Incitements to Offences) Act, 1908. We may observe that this Act has not been used for the last 10 years.

13. As to the Press and Registration of Books Act, we recommend that this Act should be retained with the following modifications:

- (1) that no person should be registered as a publisher or printer unless he is a major as defined by the Indian Majority Act;
- (2) that in the case of all newspapers, the name of the responsible editor should be clearly printed on the front sheet of the paper and that an editor should be subject to the same criminal and civil liability in respect of anything contained in the paper as the publisher and printer;
- (3) that the term of imprisonment prescribed in sections 12, 13, 14 and 15 should be reduced to six months;
- (4) that the provisions of section 16 of the Press Act should be reproduced in this Act.

We have also considered certain other matters of detail which are of a technical nature. We think they should be left to the expert department to deal with.

14. We append a summary of our conclusions:—

- (1) The Press Act should be repealed.
- (2) The Newspapers (Incitements to Offences) Act should be repealed.
- (3) The Press and Registration of Books Act, the Sea Customs Act and the Post Office Act should be amended where necessary to meet the conclusions noted below:—
  - (a) The name of the editor should be inscribed on every issue of a newspaper, and the editor should be subject to the same liabilities as the printer and the publisher as regards criminal and civil responsibility.
  - (b) Any person registering under the Press and Registration of Books Act should be a major as defined by the Indian Majority Act.
  - (c) Local Governments should retain the power of confiscating openly seditious leaflets, subject to the owner of the press or any other person aggrieved

being able to protest before a Court and challenge the seizure of any such document in which case the local Government ordering confiscation should be called upon to prove the seditious character of the document.

- (d) The powers conferred by sections 13 to 15 of the Press Act should be retained, Customs and Postal Officers being empowered to seize seditious literature within the meaning of section 124-A, Indian Penal Code, subject to review on the part of the local Government and challenge by any persons interested in the proper courts.
- (e) Any person challenging the orders of the Government should do so in the local High Court.
- (f) The term of imprisonment prescribed in sections 12, 13, 14 and 15 of the Press and Registration of Books Act should be reduced to six months.
- (g) The provisions of section 16 of the Press Act should be reproduced in the Press and Registration of Books Act.

TEJ BAHADUR SAPRU, *Chairman*.  
W. H. VINCENT,  
JAMNADAS DWARKADAS,  
SOHAN LAL,  
T. V. SESHAGIRI AYYER,  
SHAHAB-UD-DIN,  
JOGENDRANATH MUKHERJEE,  
MIR ASAD ALI,  
ISWAR SABAN.

Members.

Dated the 14th July 1921.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

RESOLUTION.

POLITICAL.

Simla, the 19th September, 1921.

No. 714. — By Home Department Resolution No. 533-Political, dated the 21st March 1921, as subsequently amended, the Governor General in Council was pleased to appoint a Committee to examine the repressive laws on the Statute Book and to report whether all or any of them should be repealed or amended. The Report submitted by the Committee is published below for general information.

2. The Governor General in Council has considered the Report and has decided to accept the recommendations made by the Committee. Steps will be taken as soon as may be to introduce legislation to give effect to them.

ORDERED that the Resolution be published in the *Gazette of India*; and that a copy be forwarded to all local Governments and Administrations and to the several Departments of the Government of India.

H. D. CRAIK,

*Offg. Secretary to the Government of India.*

*Report to the Government of India of the Committee appointed to examine repressive laws.*

A Resolution was moved on the 14th February 1921, in the Council of State by the Honourable (now the Right Honourable) Mr. Srinivasa Sastri to the effect that a Committee be appointed by the Governor General in Council to examine the repressive laws on the Statute Book, and to report whether all or any of them should be repealed or amended. This

Resolution was carried, and in accordance with the instructions contained in Resolution No. 533-Political, dated March 21st, 1921, we have examined the following Regulations and Acts:—

- (1) The Bengal State Offences Regulation, 1804;
- (2) Madras Regulation VII of 1808;
- (3) Bengal State Prisoners Regulation, 1818;
- (4) Madras Regulation II of 1819;
- (5) Bombay Regulation XXV of 1827;
- (6) The State Prisoners Act, 1850;
- (7) The State Offences Act, 1857;
- (8) The Forfeiture Act, 1857;
- (9) The State Prisoners Act, 1858;
- (10) The Indian Criminal Law Amendment Act, 1908;
- (11) The Prevention of Seditious Meetings Act, 1911;
- (12) The Defence of India (Criminal Law Amendment) Act, 1915;
- (13) The Anarchical and Revolutionary Crimes Act, 1919.

2. Appendix A to this report gives the names of the witnesses who were invited to give evidence. We examined at considerable length 25 witnesses, some of whom came from distant provinces at much personal inconvenience. We desire to record our appreciation of their public spirit. We have also considered the opinions of Local Governments and some written statements sent by witnesses or by recognised associations. In addition we perused a large amount of documentary evidence in the shape of reports of disturbances, confidential reports on the political situation, speeches delivered at public meetings, debates in the Legislative Council when the Acts under consideration were introduced, and correspondence with Local Governments regarding the exercise of powers under these Acts, and the proceedings of the previous Committees, including the Sedition Committee.

3. The reports from Local Governments show that recourse was had to these 'repressive' or 'preventive' enactments only in cases of emergency, or to deal with exceptional disorder for which the ordinary law did not provide any adequate remedy. It is also proved that the Government of India have scrutinized with the greatest care all requests for either the introduction of the Seditious Meetings Act or action under the Defence of India Act or the Indian Criminal Law Amendment Act, 1908. During the war the maintenance of internal peace was a supreme consideration and early preventive action was essential.

The first question then that we have to decide is whether with the conclusion of the war and the introduction of constitutional changes in the Government of India, there has been such an improvement in the general situation as to justify the repeal of all or any of these measures. We have particularly to consider whether there exists such an anarchical movement as prevailed in Bengal during the last decade, or any probability of recrudescence of a movement, which at that time seriously disturbed the tranquillity of certain parts of India. On this point plain speaking is unavoidable.

4. The evidence of many witnesses indicates that the constitutional reforms have produced a distinct change for the better in the attitude towards Government of the larger portion of the literate classes. As regards the illiterate masses, the position is much less satisfactory. It must be recognised that recent appeals to racial feeling, religious prejudice or economic discontent have in fact shaken respect for law, government and authority, and "created an atmosphere of preparedness for violence." Intimidation, social boycott and the establishment of courts, the jurisdiction of which is in some cases enforced by violence and insult, are among the methods employed to create a situation full of dangerous potentialities. Similarly, while many witnesses expressed the view that the general position had improved and that the cult of non-co-operation had generally failed to appeal to more thoughtful persons, we are forced to the conclusion that the leaders of this movement have succeeded in arousing a deep and widespread feeling of hostility towards Government. It is, however, as yet more marked in urban than in rural areas. The large number of serious riots during the past seven months\* cannot be regarded merely as passing ebullitions of temporary discontent. The disturbances in places so widely apart as Rae Bareilly, Malegaon, Nagpur, Giridih, Dharwar, Aligarh and Matiarri indicate a growing contempt for law and order. We have no doubt that economic and agrarian discontent has been exploited by agitators, and that these riots have in many cases disclosed a disregard of authority or an attempt to intimidate the courts or officers carrying out the orders of the courts, which justifies us in ascribing them to an active and malicious propaganda. In attempting any survey of the

\* Vide Appendix B.

present political situation we cannot leave out of account further dangerous developments adumbrated by leaders of the non-co-operation party. To illustrate this point we cite some extracts from recent speeches.

(1) "Mahatma Gandhi says that if you are determined *Swaraj* can be attained within one year. The machinery of the Government is entirely in your hands. \* \* \* \* \*. At first we will request the military and the police to throw up their services with the Government. If this request is rejected the public will be asked to refuse to pay taxes and then you will see how the machinery will work. We do not recognise the authorities of the present Government and refusal to pay taxes will settle every thing. This can only be achieved by unity. Now it rests with you whether you will sit under the *Satanic* flag or will come under the flag of God. The day will come when the sweepers, washer-men and others will be asked to boycott those who are on the side of *Satan*."

(2) "I believe that the real struggle with Government will commence when we withhold payment of taxes. In that case Government will come to its senses. I require students these days. Some are required for (work among the) tenantry. When they will refuse to pay taxes and Government will issue warrants and send its sepoy, the peasants will boldly defy its order and will say 'Kill us or put our property to auction, but we would not pay taxes with our hands.'

(3) We may also quote an extract from an article in "Young India" by Mr. M. K. Gandhi :—

"Civil Disobedience was on the lips of every one of the members of the All-India Congress Committee. Not having really ever tried it, every one appeared to be enamoured of it from a mistaken belief in it as a sovereign remedy for our present-day ills. I feel sure that it can be made such if we can produce the necessary atmosphere for it. For individuals there always is that atmosphere, except when their Civil Disobedience is certain to lead to bloodshed. I discovered this exception during the *Satyagrah* days. But even so a call may come which one dare not neglect, cost it what it may. I can clearly see the time coming to me when I must refuse obedience to every single state-made law, *even though there may be a certainty of bloodshed* (our italics). When neglect of the call means a denial of God, Civil Disobedience becomes a preceptory duty."

(4) The following are Resolutions passed by the All-India Congress Committee of Bombay :—

(i) "The All-India Congress Committee advises that all persons belonging to the Congress shall discard the use of foreign cloth as from the 1st day of August next and advises all Congress organisations \* \* \* \* \* to collect foreign cloth from consumers for destruction or use outside India at their option."

(ii) "It is of opinion that Civil Disobedience should be postponed till after the completion of the programme referred to in the Resolution on *Swadeshi* after which the Committee will not hesitate, if necessary, to recommend a course of Civil Disobedience even though it might have to be adopted by a special session of the Congress. Provided however it is open to any Province or place to adopt Civil Disobedience subject to the previous approval of the Working Committee obtained within the Constitution, through the Provincial Congress Committees concerned."

Witnesses unanimously agreed that Civil Disobedience particularly if it took the form of a "no-revenue" or "no-rent" campaign, would result in widespread disorder, and that a boycott, whether of foreign goods or of liquor, if accompanied by intimidation, might result in violence. The boycott of foreign cloth is apt to raise prices, and the consequent economic distress would end in "hat looting" such as has occurred in the past.

5. In the light of the evidence before us it is therefore impossible to describe the state of affairs to-day as normal. Nor is India singular in this respect: the reaction from the war is world wide and no country has escaped its effects. There are however grounds for hoping that an improvement has begun: there are signs of a gradual adjustment to *post bellum* conditions: a favourable monsoon would do much to remove economic discontent: the relations between Government officials and the public, between the Ministers and officers serving under them are admittedly undergoing successful readjustment: finally, the response made to the opportunities offered by the Reformed Councils, no less than the attitude of the Executive and the Legislators of mutual co-operation is encouraging. But as militating against this improvement, there is an active widespread campaign which, if judged by recent utterances, is certain to increase economic difficulties and to promote disaffection and violence.

6. We have carefully scrutinised the evidence dealing with the *Khilafat* movement. With its religious aspect the Committee is in no way concerned: indeed we fully sympathise with the desire for favourable peace terms for Turkey, but it is our duty to examine closely the activities of the extreme leaders of this movement and the methods by which they seek to attain their aims. We are informed that any real appreciation of the difficulties of the situation is confined to a small class, but it cannot be denied that the terms of the Turkish peace treaty have been used to cause a dangerously bitter feeling amongst the masses, and that religious enthusiasm exploited by unscrupulous agitators has in many places developed into fanatical hostility to the British Government. Thus, despite frequent and authoritative contradiction by the Government in the Legislative Assembly and outside, the lie that holy places have been desecrated is still repeated. We cite below extracts from reports of speeches submitted to us.

(1) At Karachi a Hindu 'Ecclesiastical' supporter advised "sympathy with their Moslem brothers because the power that had caught hold of the Muslim holy places would not spare those of the Hindus."

(2) Or again, "The British had caused Hindu and Muhammadan brothers to fight and have thus made straight their own road. They had destroyed Mecca and Madina. Shots had even fallen on the Prophet's remains. All Muhammadans who had fought against the Turks should be divorced."

(3) "Referring to the fight in Mecca he said that the *Sharif* was the master of the place. There were only 30 or 35 Turkish soldiers. When the British Army reached Mecca they killed 3 of the Turkish soldiers who were found marketing. Two others, who took shelter in the *Kaaba* (the holy temple) where not a tiger nor even a fly was allowed to be killed according to religion, were slaughtered by the British soldiers. Moreover the holy carpet of the *Kaaba* which was prepared by the hands of the innocent little girls was burnt by the fire of the British shells."

(4) The following extract refers to the Kheri murder case :—

"I am going to pronounce the order of God that if the slayer of a heathen is killed, he will certainly become a martyr. If he dies it is your duty to pray for him."

"One Englishman has died here; lakhs of Hindus and Mussalmans have been martyred there—

"If after lakhs of Mussalmans have been martyred in Smyrna, somebody has killed, Christians, Christians have retaliated entering Constantinople. If he has committed the murder for the sake of religion and he is slain he will attain martyrdom. Heavens await him and the *houries* are standing (to welcome him) with cups in their hands."

7. It was, we were told by a frontier officer, statements of this kind, particularly relating to the defilement of holy places, which has created such bitterness and led to the Hijrat from Upper Sindh and Peshawar with such disastrous consequences. Instances of gross misrepresentation are numerous. Nor does it end here. Perhaps the most sinister feature in this campaign of calumny is the direct attempt to seduce the military and the police force from their allegiance. Evidence has been adduced of many specific instances of such attempts, which the military authorities regard as most mischievous. Speeches have also been reported :—

(1) "Tell every Muhammadan clearly that it is his religious duty to avoid being recruited for the army. Do not give a single soldier that he may behead his brother with his own hands."

(2) "Your religion is calling for help, but you do not lay down your life for God; you join the army or police on fourteen rupees a month. You say you are a Government servant; but you are God's servant."

8. We have also had placed before us reports of many speeches made by various leaders of the movement which can only be considered as direct incitements to disloyalty and internal disorder, as well as an encouragement to foreign invasion. The following are instances :—

(1) "If the Amir of Kabul does not enslave India and does not want to subjugate the people of India who have never done any harm and who do not mean to do the slightest harm to the people of Afghanistan or elsewhere, but if he comes to fight against those who have always had an eye on his country, who wanted to subjugate his people, who hold the Holy Places of Islam, who want to crush Islam in their hostile grip, who want to destroy the Muslim faith and who were bent



on destroying the *Khilafat*, then not only shall we not assist, but it will be our duty and the duty of every one who calls himself a Mussalman to gird up his loins and fight the good fight of Islam."

- (2) "When we have to kill all Englishmen we will not come stealthily, we will, that very day, declare openly that there is (war with) the sword between you and us now and it will be sheathed only when either your neck disappears or ours."
- (3) "The object of my speaking so plainly is assure you that in the question of *Khilafat* we have not gone an inch against the doctrines of Islam. In my religion, to die and to kill in the cause of God are both good deeds."
- (4) "He told his audience that their time had at last come. Everything was ready for *jihad* and the signal was about to be given. He exhorted them to be bold and steadfast. The weapons of the British soldiers and sepoys could not harm them for he had the power to render them innocuous. This time there was litter talk of non-co-operation. The business for the moment was war."
- (5) "If you do not come forward, God shall raise another nation for Islam's defence. Those who wage the war of *jihad* will not mind any remonstrances."  
\* \* \* *Swaraj* is a religious obligation with me. I am doing my work for the sake of the holy *Kaaba*, Medina and the Qoran. It is better to be slaves of Muhammadans than of the English. It is our duty to help the Amir if he comes to carry on *jihad*. I am prepared to fight the battle of Independence whether my Muhammadan brothers help me or not."
- (6) "In the next Congress in December, which is to be held at Ahmedabad, the Indian Mussalmans will ask the Congress to tear up their old creed, which is twelve months old, and take India out of the British Empire and hoist a tri-coloured flag of Indian independence with a spinning wheel in the centre and declare India a republic. This is our reply. This is our ultimatum. You have not given an ultimatum to the Turks, but we give an ultimatum to you. There is peace between you and us for three months more. After three months there will be conflict. After conflict there will be peace. And the peace will be that you will go out of India. You wanted to turn out the Turks bag and baggage, but we will make you leave the bags and baggage here as it is ours."

Such quotations could be multiplied. After a careful perusal of these and other similar utterances, we have no hesitation in holding that this form of propaganda is directly calculated, when addressed to an impressionable and excitable audience, to lead to violence.

9. We endeavoured to ascertain the effect of this combined movement (the Non-co-operation and the *Khilafat*) on the student community, and have received valuable evidence from educational authorities. The situation was at one time disquieting. Direct appeals were issued of which we give one example by a prominent leader of the *Khilafat* movement:—

"Those who read the newspapers know the part taken by the students in all countries in these days. The first example was set by the students of Russia at the time of revolution. They took great part therein and you know the result. In China also the students agitated and the courses of the universities were changed according to their wishes. Look at the condition of Egypt and the work done there by the students? They have obtained the religious form of instruction. They have agitated for years and in the long run they have been successful in their revolution. Both boys and girls took share in the revolution. Our only hope of spreading agitation is by means of the students who are always enthusiastic."

Our general impression is that the student community at large has not been permanently or seriously affected by such mischievous appeals, save in the way of sentimental sympathy for the non-co-operation movement and the personality of its leader. The 'national' institutions have obtained meagre support whether in the shape of funds or pupils. Several have now been closed. There was at first some response in the form of strikes, but the large majority of students returned. The result of the University Examinations, and the number of entries show that there has been no appreciable falling off in the number of admissions or of candidates. It is noticeable that the effects varied in different institutions, which we attribute to the influence or lack of influence of the Principal and Professors. We are however convinced that as in the case of the public generally, so with the students there is less respect for authority than there was before. Nor can we overlook the fact

that there is a small residue of misguided boys who, by forsaking their studies, have not only imperilled their future career but would seem to have elected that of the professional agitator. We have dwelt upon this aspect of the situation in view of the unhappy activities of certain members of the student community of Bengal ten years ago.

10. Taking into consideration all the evidence we have received, and the points to which we have adverted, and bearing in mind the still prevailing economic discontent, we cannot dismiss as improbable the danger of sudden sectarian, agrarian or labour disorder on a large scale culminating in riots.\*

11. We may now in the light of this appreciation of the present political position examine the question of repealing or retaining the various Acts under consideration. Dealing with the older Acts first, we notice that they relate generally to a state of affairs which no longer exists. We regard it as undesirable that they should be used for any purpose not contemplated by their authors. The objections to them are obvious. Some, as for example, Bengal Regulation 10 of 1804, or the Forfeiture Act of 1857, are inconsistent with modern ideas; others are clothed in somewhat archaic language and are applicable only to circumstances which are unlikely to recur. Many arm the Executive with special powers which are not subject to revision by any judicial tribunal. Their presence on the Statute Book is regarded as an offence by enlightened public opinion. The arguments for their retention are as follows. The use of the Bengal State Prisoners Regulation, 1818 (Regulation III of 1818) in Bengal was necessitated by the revolutionary movement which the ordinary law failed to check. The wholesale intimidation of witnesses rendered recourse to the ordinary courts ineffective. Though we have evidence of a change in the attitude of individual leaders of the anarchical movement in Bengal, we are warned that similar symptoms of intimidation have been noticed, and that, should there be a recrudescence of any revolutionary movement, it would, in the absence of these old preventive Regulations, be impossible to cope with the situation, and fresh emergency legislation would be necessary. Lastly, the plea is advanced that these old Acts may be regarded as measures intermediate between the ordinary law of the land and martial law, the ultimate result in case of extreme disorder. The abolition of these special laws, it is suggested, may mean earlier recourse to martial law than might otherwise be the case.

12. We recognise the force of these arguments, in particular the difficulty of securing evidence or of preventing the intimidation of witnesses. We also appreciate the fact that the use of the ordinary law may in some cases advertise the very evil which the trial is designed to punish. But we consider that in the modern conditions of India that risk must be run. It is undesirable that any Statutes should remain in force which are regarded with deep and genuine disapproval by a majority of the Members of the Legislature. The harm created by the retention of arbitrary powers of imprisonment by the Executive may, as history has shewn, be greater even than the evil which such powers are directed to remedy. The retention of these Acts could in any case only be defended if it was proved that they were in present circumstances essential to the maintenance of law and order. As it has not been found necessary to resort in the past to these measures save in cases of grave emergency, we advocate their immediate repeal. In the event of a recurrence of any such emergency we think that the Government must rely on the Legislature to arm them with the weapons necessary to cope with the situation.

13. Our recommendation in regard to Regulation III of 1818 and the analogous Regulations in the Bombay and Madras Presidencies is subject, however, to the following reservations. It has been pointed out to us that, for the protection of the frontiers of India and the fulfilment of the responsibilities of the Government of India in relation to Indian States, there must be some enactment to arm the Executive with powers to restrict the movements and activities of certain persons who, though not coming within the scope of any criminal law, have to be put under some measure of restraint. Cases in point are exiles from foreign or protected States who are liable to become the instigators or focus of intrigues against such States: persons disturbing the tranquillity of such States who cannot suitably be tried in the Courts of the States concerned and may not be amenable to the jurisdiction of British Courts: and persons tampering with the inflammable material on our frontiers. We are in fact satisfied of the continued necessity for providing for the original object of this Regulation, in so far as it was expressly declared to be "the due maintenance of the alliances formed by the British Government with Foreign Powers, the preservation of tranquillity in the territories of Native Princes entitled to its protection and

\* NOTE.—After this report had been drafted we received information of the grave and wide spread disorders in Malabar, which, in our opinion, more than justify the apprehensions leading to this conclusion.



the security of the British Dominions from foreign hostility," and only in so far as the inflammable frontier is concerned, from "internal commotion."

We desire to make it clear that the restrictions which we contemplate in this connection are not of a penal or even irksome character. We are satisfied that they have not been so, in cases of the kind referred to above, in the past. Indeed in several instances they have been imposed as much in the interests of the persons concerned as in the interests of the State. The only desideratum is to remove such persons from places where they are potential sources of trouble. Within such limits as may be necessary to achieve this object they would ordinarily enjoy full personal liberty and a freedom from any kind of stigma such as would be associated with restrictions imposed by criminal law. We therefore recommend the amendment of Regulation III of 1818, limiting its application to the objects outlined above.

This reservation may also involve the retention in a modified form of the State Prisoners Acts of 1850 and 1858, but this is a matter for legal experts. We have carefully considered the cases in which the Madras State Prisoners Regulation of 1819 has been used. The procedure adopted was certainly simpler and more effective, but if the ordinary law is insufficient, we think it is for the local Government to consider whether any amendment of the Moplah Outrages Act XX of 1859 is needed.

14. Turning now to the more modern Acts, we notice that the Defence of India (Criminal Law Amendment) Act, 1915, will in the ordinary course of events shortly expire. It is, we understand, at present only used in order to give effect to the Government of India's policy in the matter of colonial emigration. Section 16-B of the Defence of India (consolidated) Rules, 1915, is at present employed to prevent the departure from India of unskilled labour, which does not come within the definition of 'emigration' given in Act XVII of 1908. We understand that a Bill to meet the case of Indian Emigrants has already been introduced.

A special regulation may, we think, also be needed for the exclusion of persons whose presence may endanger the peace and safety of the North-West Frontier Province. We recommend that the Defence of India Act be repealed at once, as it was only intended to cope with difficulties arising from the war.

15. The Anarchical and Revolutionary Crimes Act, 1919, (popularly known as "the Rowlatt Act"), has never been used. Its enactment was extremely unpopular; it was to continue in force only for three years from the termination of the war. We consider that the retention of this Act is not necessary or advisable. The power to restrain personal liberty without trial conferred by this Act is not consistent with the policy inaugurated with the recent constitutional changes, and we therefore recommend its immediate repeal. It is however necessary to strike a note of warning. While we think that there has since 1918 been some improvement in the situation so far as the anarchical movement is concerned, we realize that strong measures may be needed for the suppression of any organised attempt at wide-spread disorder. We prefer, however, to leave this contingency to be dealt with when and if it arises, rather than retain a statute which is regarded as a stigma on the good name of India.

16. There remain then two Acts, the Indian Criminal Law Amendment Act, 1908, and the Prevention of Seditious Meetings Act, 1911. It is around those two Acts that controversy has centred and regarding which we have been careful to obtain a full expression of opinion. These Acts also differ from those to which we have already referred in that, while the Committee was sitting, they were actually being used in the Punjab, Delhi and the United Provinces. The evidence of some of the witnesses goes to show, that their effect was beneficial and that their application was necessary to maintain public tranquility. It is affirmed that local officers responsible for the maintenance of peace and order would, under existing conditions if these Acts were repealed, find themselves in an impossible situation faced, it might be, with disorder on a large scale which they could not prevent. The application of these Acts moreover is subject to safeguards which ensure that sanction to their introduction is only granted after careful scrutiny of the necessity for such action. The local Governments are unanimous in asking for the retention of the Seditious Meetings Act. Most of the local Governments similarly affirm the need for retaining Part II of the Criminal Law Amendment Act, 1908. It is desirable therefore to examine most carefully the reasons for and against their repeal.

17. These Acts are first attacked as being "unconstitutional," and, like the Act of 1919, inconsistent with the present policy of Government. In support of this view our attention has been directed to the law that obtains in England with regard to public meetings. The

following dictum of Professor Dicey is quoted: "The Government has little on no power of preventing meetings which to all appearance are lawful even though they may in fact turn out when actually convened to be unlawful because of the mode in which they are conducted." We would point out that the learned Professor is merely stating what are actually the principles underlying the law in England. He does not attempt to discuss their propriety, nor, we may add, their applicability to other countries. He does however allude to "the policy or the impolicy of denying to the highest authority in the State the very widest power to take in their discretion precautionary measures against the evils which may flow from the injudicious exercise of legal right." The learned author also points out that the right of public meeting is "certainly a singular instance of the way in which adherence to the principle that the proper function of the State is the punishment, not the prevention, of crimes, deprives the Executive of discretionary authority." Apart from the great difference in the class of audience which may be addressed, we recognise that while democracy and all the rights that it entails have been the result of gradual growth through the course of centuries in Great Britain, they are a recent introduction into India.

18. The next argument advanced for the repeal of these Acts is that they offend public sentiment and that their retention would be a direct incitement to further agitation. This argument is one to which we attach great weight, even though we recognise that the repeal of these Acts would only appeal to a few. We realise that the wholesale repeal of these Acts would do much to strengthen those who are anxious to assist Government and would be useful for the purposes of counter propaganda. We realise also that substantial support is necessary for Government to meet the non-co-operation movement, which is the greatest obstacle to the successful development of the reforms recently introduced and to all political and industrial progress.

19. The real point, however, at issue is whether the ordinary law that would remain would provide sufficient means for coping with any existing or reasonably apprehended disorder. Evidence has been adduced to show that in certain places the ordinary law is inadequate and this evidence we are not prepared to reject.

This brings us to the third objection that the ordinary law alone should be applied to prevent the evil with which these two Acts are designed to cope. We have had long discussions as to the manner in which Section 144 of the Criminal Procedure Code has been recently applied. It is no part of our duty to express an opinion on any individual case in which this Section has been used or to enter into any legal argument. In the opinion of those best qualified to judge this Section cannot be used effectively when there is danger of wide spread disorder. We also note the argument that Section 144 of the Criminal Procedure Code was not designed to prevent meetings over a large area, and that its use for such a purpose arouses probably as much resentment as the application of the Seditious Meetings Act. It is the only preventive Section in the ordinary law. Section 108-A of the Criminal Procedure Code is only partially preventive. Section 120-A and 124-A, and 153-A of the Indian Penal Code are punitive. Further, even if satisfactory evidence is available, these Sections can be used only against individuals and not to prevent seditious meetings or speeches. We consider it probable that if in those areas to which the Seditious Meetings Act has recently been applied, no preventive action, other than that possible under Section 144 of the Criminal Procedure Code, had been taken, the dangers of disorder would have been appreciably increased, and the number of prosecutions under these punitive Sections would have been larger, which might have had the effect of exasperating public opinion. We would point out that in some cases referred to in Appendix B, the riot was directly connected with such a prosecution.

20. A fourth argument is based on the recent findings of the Committee appointed to examine the Press Act. It is unnecessary for our purpose to discuss whether the written or the spoken word commands the greater circulation. We agree with that Committee that "the more direct and violent forms of sedition are now disseminated more from the platform and through the agency of itinerant propagandists than by the Press." The prosecution of a paper is moreover much simpler than the prosecution of a speaker, attended as the latter is by the difficulties of obtaining an accurate report of the speech delivered. We think that the instances we have given above are sufficient illustration of the danger of allowing violent and inflammable speeches. Though the speaker can be prosecuted, the mischief may have been done. Of this there have been lamentable illustrations.

21. Fifthly, it is argued that the Seditious Meetings Act of 1911 not only stifles noxious speeches at public meetings but also deters people who might assist in counter propaganda. Cases have been quoted of persons otherwise well disposed to Government who declined "to ask for leave to hold a meeting or make a speech." We recognise that this is a necessary



and undesirable result of the application of the Seditious Meetings Act. It is, however, a lesser evil than allowing speeches to be made which result in such disorder as would equally prevent any exponent of opposite views from obtaining a hearing. Such intimidation is, we learn, by no means uncommon.

22. In this connection, since we regard it as important that every opportunity should be given to the electorate of hearing both sides of a question, we recommend, before the next general election, the introduction of a Bill on the lines of the Disorderly Public Meetings Act, of 1903 (8 Edward VII), which makes a disturbance at a public meeting an offence, and provides a heavier penalty when this offence is committed during a Parliamentary election. We would also suggest that should such a Bill be presented, it should include a clause making it incumbent on the promoters of any meeting to provide adequate facilities and security for such reporters as the District Magistrate may wish to depute. We recommend that, when the Seditious Meetings Act is repealed, the District Magistrate should be empowered, by law, with the consent of the Local Government, to demand in any area of his district, notified in this behalf, that notice be given to him of the intention to hold a public meeting, so that he may be able to make proper arrangements for obtaining a report of the proceedings. This, we may observe, is entirely different from demanding that a person should obtain leave to hold a meeting.

23. Finally, it is pointed out that, in the last resort, should the ordinary law prove insufficient, recourse can be had to legislation by Ordinance. We would deprecate any suggestion that the exercise of the extraordinary powers of the Governor General should be regarded as an appropriate method of legislation save in abnormal circumstances. These powers should, we think, be reserved for exceptional or sudden emergencies. To regard them as in any way the normal method of legislation implies a distrust of the Legislative Assembly and Council of State to which we would be sorry to subscribe. In fact, the most potent argument advanced in favour of the repeal of these two Acts is that such repeal would be an illuminating object lesson in the value of constitutional reforms. 'Trust your Legislatures,' we are told, 'confidence will beget confidence. If you need exceptional powers, we have adopted it to the utmost limit consistent with safety in advising the repeal of the enactments to which reference has been made. But we feel that we should not, under present conditions, be justified in advising the immediate repeal of these two Acts. We may also point out that their provisions are not of a drastic character. In this connection we may quote from the speech of the late Honourable Mr. Gokhale on the Seditious Meetings Bill: I will freely admit that from the standpoint of Government it could not have introduced a milder measure than this. The more objectionable features of the Act of 1907 have been removed, and if, when the need arises, the law is applied with reasonable care and caution, it is not likely to produce any serious hardship... If the need of the Government is urgent and immediate, then of course all ordinary considerations must be put aside, and every loyal citizen must range himself on the side of the Government in sanctioning and enforcing the measures that are thought to be indispensable. In a state of actual disturbance, in a state of dangerous activity on the part of elements hostile to the very existence of the Government, I can understand the Government calling on all loyal citizens to rally round it in this matter'. Though seldom applied, these two enactments have recently in the present situation been found necessary for the preservation of law and order. Further, an obvious objection to a more complete acceptance of this principle is that in allowing proof of the necessity for legislation to accumulate, even stronger measures than those now under consideration might eventually be required for the suppression of disorder. By the time public opinion had become sufficiently alarmed to demand or approve legislative action, the damage might be irretrievable.

24. As regards the Indian Criminal Law Amendment Act, 1908, it has been suggested that sections of the Indian Penal Code are sufficient to cope with any situation that is now likely to arise. It is generally accepted that Part I of this Act has failed to achieve in Bengal the purpose for which it was designed. As regards Part II, the conspiracy sections of the Indian Penal Code might meet the case if, but only if, evidence were forthcoming. It was in no small measure the impossibility of obtaining evidence owing to the intimidation of witnesses that led to this enactment. As we have already seen, there is definite evidence of certain organisations encouraging acts of violence or resorting to intimidation. Recently in Delhi it has been necessary to declare certain Associations of Volunteers unlawful under Section 16 of this Act. We have carefully examined the circumstances which led to this action. The Volunteer movement began with "social service," but the adherents soon developed a definite tendency to interfere with the duties of the Police and the liberty

of the public. They then began to intimidate and terrorise the general body of the population. There was a tendency towards hooliganism. It has been proved that some of these Associations resorted to violence, that their behaviour at Railway Stations and public meetings was objectionable and rowdy, that they obstructed the funeral of an honoured citizen and held a most undesirable demonstration at the house of another. They actively interfered with the elections by threats and picketing. There was every reason to believe that their activities, if left unchecked, would lead to serious disorder. The conclusion we have arrived at is that some of these Volunteer Associations in Delhi were seditious organisations, formed for the purpose of intimidating loyal citizens, and interfering illegally with the administration of the province. The result of the action taken by Government has been, we were told, to 'destroy the worst features of volunteer activity in so far as it was synonymous with rowdyism in the city of Delhi.' We have received information of a possible recrudescence of secret associations have entered India, and we cannot overlook been stated in evidence that Bolshevik emissaries have entered India, and we cannot overlook the possibility of illegal associations promoted by them terrorising the population, and the possibility of a campaign of crime and terrorism. Actually Part II of this Act has been engaging in a campaign of crime and terrorism. Its object is not only to break down existing unlawful associations, but to sparingly used. We regret that we cannot at this juncture recommend the immediate repeal of Part II of this Act. There are too evident indications that its application might be necessary to prevent the formation of secret societies. It must be remembered that there is no legislation in India 'for the prohibition of drilling and military training without lawful authority' on the lines of the English statute (60 Geo. III). Nor can we for the reasons already given advise the immediate repeal of the Seditious Meetings Act of 1911. We were informed that the result of the application of the Act in each case has been that sober-minded people approved the action taken by Government, and that the application of the Act was of the greatest value in preserving public tranquillity.

25. Our recommendation follows that made by the Bihar and Orissa Government: 'Subject, however, to the reservations temporarily made in favour of the Seditious Meetings Act and Part II of the Criminal Law Amendment Act, which cannot be abandoned until the present tension created by the non-co-operation movement has been relieved by the action of its leading promoters, His Excellency in Council desires again to emphasise the importance of removing from the Statute Book as far as possible all special laws of this character, so that the Government of India under the reformed constitution may proceed with a clean slate. At the same time, however, His Excellency in Council is conscious that in the future the need for special powers may again arise.'

In view of the grave situation which exists and which may become more serious, we also think that it would be prudent to defer actual repeal of these Acts until such time as the situation improves. Many of us hope that it may be possible for the Government to undertake the necessary legislation during the Delhi session. We can make no definite recommendation on this point at present. We trust that the repeal of these Acts may be expedited by a healthy change in the political situation. The duration of retention rests in other hands than ours.

26. To this endeavour to adjust the conflicting claims of political considerations and administrative necessity we have applied the principles on which the Constitutional Reforms are based. The problem before us is, we consider, a test case of the "co-operation received from those upon whom new opportunities of service will thus be conferred and the extent to which it is found that confidence can be reposed in their sense of responsibility." We recognise our responsibility in the maintenance of peace and order. We are prepared to trust both the Provincial Councils and the Imperial Legislatures for such support as may be necessary. We believe that the Executive will use any exceptional powers with the utmost caution and restraint. Their action may always be challenged in the local legislatures. Lastly, we desire also to take into account the difficulties which at the present time confront local officers. Evidence before us shows\* that the Magistrates and the Police have on many occasions been sorely tried, and we wish to record our appreciation of their loyalty in very difficult positions. Animated by these ideas, we therefore recommend the repeal of all the Statutes included in the terms of reference to this Committee, with a reservation as to Bengal Regulation III of 1818 and the corresponding Regulations of the Madras and Bombay Presidencies, but we advise that the repeal of the Prevention of Seditious Meetings Act,

1911, and Part II of the Indian Criminal Law Amendment Act, 1908, should be deferred for the present. Their retention is necessary in view of recent occurrences and possible developments, which we cannot but regard with the gravest apprehension.

TEJ BAHADUR SAPRU,

Chairman.

W. H. VINCENT,  
P. S. SIVASWAMY AIYER,  
J. CHAUDHURI,  
E. L. L. HAMMOND,  
G. M. BHURGRI,  
N. M. SAMARTH.  
H. S. GOUR,  
SHAHAB-UD-DIN.

Members.

Dated the 2nd September 1921.

#### APPENDIX A.

##### List of Witnesses invited to give evidence.

##### MADRAS.

Mr. G. A. Natesan,  
Editor, "Indian Review,"  
Madras.

\* P. Kesavar Pillai,  
Gooty, Madras.

##### BOMBAY.

Mr. W. W. Smart, I.C.S.,  
District Magistrate,  
Karachi.

Mr. Bhulabhai Desai,  
Advocate, High Court,  
Bombay.

\* Mr. N. C. Kelkar, B.A., L.L.B.,  
Poona.

\* Mr. M. R. Jayakar, Bar-at-Law,  
Bombay.

\* Sant Das Mangaram,  
Hyderabad (Sind).

\* Mr. R. P. Karandikar,  
Vakil, High Court,  
Satara.

##### BENGAL.

Mr. J. Donald, M.A., C.I.E., I.C.S.,  
Officiating Chief Secretary,  
Bengal Government.

Babu Krishna Kumar Mitter,  
Editor, "Sanjivani" Newspaper,  
Calcutta.

Dr. Almamun Suhravady,  
Member of the Bengal Legislative Council,  
Calcutta.

\* Mr. N. B. Gupta, C.I.E.,  
Officiating Judicial Secretary,  
Bengal Government.

\* Maulvi A. K. Fazlul-Haq, M.A., B.L.,  
Vakil, High Court,  
Calcutta.

##### UNITED PROVINCES.

Mr. D. R. Lyle, I.C.S.

Pandit H. N. Kunzru, M.L.C.

Mr. B. Sanjiva Rao,  
Principal, Kayastha Pathshala,  
Allahabad.

\* Pandit Gokaran Nath Misra, M.A., L.L.B.,  
M.L.C.,  
Lucknow.

\* Nawab Muhammad Ahmad Saiyid Khan,  
Nawab of Chitari,  
Bulandshahr District.

\* Nawab Sadiq Ali Khan, M.L.C.,  
Lucknow.

##### PUNJAB.

The Hon'ble Sir H. J. Maynard, K.C.I.E.,  
C.S.I., I.C.S.,  
Member of the Executive Council of the  
Governor of the Punjab.

Major M. L. Ferrar, O.B.E.,  
Deputy Commissioner,  
Lahore.

Mr. H. D. Craik, I.C.S.,  
Officiating Secretary,  
Home Department,  
Government of India.

Mr. Anand Narain Sewal,  
Assistant Editor,  
The "Tribune."

Mr. Manohar Lal,  
Advocate, High Court,  
Lahore.

\* Mr. Muhammad Shah Nawaz, LL.B.,  
Barrister-at-Law,  
Lahore.

\* Mr. Ghulam Yaseen,  
Barrister-at-Law  
Amritsar.

##### BIHAR AND ORISSA.

Rai Bahadur Dwarka Nath, B.A., LL.B., M.L.C.,  
Vakil,  
Muzaffarpur.

Mr. Mohamad Yunus,  
Barrister-at-Law,  
Patna.

\* Mr. Sayed Hassan Imam,  
Advocate, High Court,  
Patna.

\* Rai Bahadur Purnendu Narain Sinha,  
Vakil, High Court,  
Patna.

##### CENTRAL PROVINCES.

Mr. N. A. Dravid, M.L.C.,  
Nagpur.

\* Sir B. K. Bose, Kt., C.I.E.,  
Rai Bahadur,  
Nagpur.

\* Mr. C. N. Thacker,  
Barrister-at-Law,  
Raipur.

\* Dr. B. S. Moonjee,  
Nagpur.

##### NORTH-WEST FRONTIER PROVINCE.

Major F. H. Humphreys, C.I.E.,  
Deputy Secretary,  
Foreign and Political Department.

Nawab Ahmed Nawaz Khan, M.B.E.,  
Sadduzi of Dera Ismail Khan.  
Mr. Tahl Ram Ganga Ram,  
Honorary Secretary,  
National Liberal League,  
Dera Ismail Khan.

##### DELHI.

The Honourable Mr. C. A. Barron, C.I.E., I.C.S.,  
Chief Commissioner,  
Delhi.

##### HEADQUARTERS.

Lieutenant-Colonel C. Kaye, C.S.I., C.I.E.,  
Director, Intelligence Bureau.

The Honourable Mr. Denys de S. Bray,  
C.I.E., C.B.E., I.C.S.,  
Officiating Foreign Secretary,  
Foreign and Political Department.

Colonel W. H. Peach,  
C.B., C.M.G., D.S.O., R.E.,  
General Staff Branch,  
Army Headquarters.

Mr. K. C. Roy,  
Managing Director,  
Associated Press of India,  
Simla.

NOTE.—The persons against whose names an asterisk appears did not appear before the Committee.

#### APPENDIX B.

##### Notable instances of disorder during the year 1921.

| No. | Date.                   | Disorder.                                                                                                                         |
|-----|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| 1   | 7th January 1921        | Agrarian disturbances in Rai Bareilly and Fyzabad Districts accompanied by extensive looting.                                     |
| 2   | 24th January 1921       | District Rai Bareilly. Police party besieged in a house after one of their number was killed.                                     |
| 3   | 26th January 1921       | Serious riot at Tarn Taran.                                                                                                       |
| 4   | 7th February 1921       | Strike at the East Indian Railway Colliery, Giridih, District Hazaribagh, Bihar and Orissa.                                       |
| 5   | 10th February 1921      | Strike on the Oudh and Rohilkhand Railway; Punjab                                                                                 |
| 6   | 18th February 1921      | Mail stoned and Magistrate assaulted.                                                                                             |
| 7   | 18th February 1921      | Riot in Kalighat section of Calcutta Tramway by strikers.                                                                         |
| 8   | 19th—20th February 1921 | District Saran, Bihar and Orissa. Police while investigating complaint against locally self-constituted panchayat were assaulted. |
| 9   | 21st—25th February 1921 | Nankana Sahib affair in Punjab. Disturbances at Nagpur arising out of temperance campaign of non-co-operators.                    |
| 10  | March 1921              | Strike accompanied by rioting at Lillooah workshops.                                                                              |
| 11  | March 1921              | Hartal at Karachi accompanied by violence of mob.                                                                                 |
| 12  | 21st March 1921         | Halem Tea Estate, Assam. Strike by tea garden labourers who assaulted officials of tea garden.                                    |
| 13  | 24th March 1921         | Outbreak in Rajshahi Jail in Bengal.                                                                                              |
| 14  | 3rd April 1921          | Riots at Kumbakonam due to labour strikes.                                                                                        |

| No. | Date.              | Disorder.                                                                                                                                                                                                                                |
|-----|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 15  | 6th April 1921     | ... Riot at Kamalia, Montgomery District, Punjab, owing to dispute over Prem Sati Gurdwara.                                                                                                                                              |
| 16  | 15th April 1921    | ... Ghosuri Jute Mill, Bengal. Riot accompanied by violence; manager seriously injured.                                                                                                                                                  |
| 17  | 19th April 1921    | ... Riot at Shikarpur, Bombay, when non-co-operators, interfered with yearly meeting of Pritman Dharma Sabha.                                                                                                                            |
| 18  | 25th April 1921    | ... Owing to trial of a non-co-operation volunteer, 10,000 people at Giridih, District Hazaribagh, endeavoured to storm sub-jail, looted police station and burnt records.                                                               |
| 19  | 25th April 1921    | ... Disturbances at Malegaon, Bombay, arising out of trial of Khilafat Volunteers. Sub-Inspector of Police and four constables killed.                                                                                                   |
| 20  | 26th April 1921    | ... Disturbance at Ottapalam, Madras; fight between Reserve Police and Khilafat Volunteers.                                                                                                                                              |
| 21  | May 1921           | ... S. D. O., Sitamarhi (District Muzaffarpur, Bihar and Orissa), compelled to leave Mela; public intimidated.                                                                                                                           |
| 22  | 11th May 1921      | ... Riot in Kanchrapara workshops, Eastern Bengal State Railway. Several thousands took part in riot caused by strikers of Eastern Bengal State Railway Workshops, Kanchrapara.                                                          |
| 23  | 16th May 1921      | ... Riot accompanied with violence occurred at Kaloj Valley Tea Estate, Darjeeling District.                                                                                                                                             |
| 24  | 19th-20th May 1921 | ... Trouble at Chandpur in connection with tea garden labourers leaving Assam.                                                                                                                                                           |
| 25  | 22nd May 1921      | ... Serious affray in Mahagaon, District Allahabad.                                                                                                                                                                                      |
| 26  | 26th June 1921     | ... Disturbance at Tata Mills Limited, Dadar, Bombay.                                                                                                                                                                                    |
| 27  | 1st July 1921      | ... Riots at Dharwar, Bombay, arising from liquor shop picketting.                                                                                                                                                                       |
| 28  | July 1921          | ... Strikes in Buckingham and Carnatic Mills, Madras, began, accompanied by wide-spread arson.                                                                                                                                           |
| 29  | 5th July 1921      | ... Riot at Aligarh arising out of trial of non-co-operators.                                                                                                                                                                            |
| 30  | 13th July 1921     | ... Serious riot at Bariha Village, District Lucknow.                                                                                                                                                                                    |
| 31  | July 1921          | ... Disturbances and disorders occurred in Bengal, both in Calcutta and at Chittagong, during trial of non-co-operators.                                                                                                                 |
| 32  | 21st July 1921     | ... Disturbances at Matinri arising out of interference by non-co-operators with an Aman Sabha meeting.                                                                                                                                  |
| 23  | July 1921          | ... Picketing of liquor shops at Karachi caused cases of obstruction and assaults; one leading agitator rescued by crowd from Police; when convicted mob threw stones at Police and passers-by; various Europeans and Indians were hurt. |
| 34  | 1st August 1921    | ... Riot at Jamalpur workshops of the East Indian Railway resulting from hartal.                                                                                                                                                         |

## APPENDIX C.

*Extract from Weekly Report for one Province for one week. It should be noted that this report, although incomplete, as reports from four districts were not received in time for inclusion, records the following occurrences.*

Picketing, etc. ... of schools (people lying down to prevent students entering school picketted), one case.  
of cloth shops, one.  
of liquor shops, one.  
of workmen, by strikers, two; one of which "developed into a riot with grievous hurt," two constables being severely wounded.  
of municipal sweepers, one.  
An attempt (unsuccessful) was made to break up an Aman Sabha meeting.

## Picketing—contd.

Volunteers reported to be "conspiring to commit assaults on police officers in order to deter them from opposing the non-co-operation movement and railway strikers, one.  
One case in which sulphuric acid was thrown at a Government servant—Rs. 500 reward offered for detection.  
One case in which windows of an office were smeared with night-soil.  
Two anonymous threatening letters.

## Social boycott

One person for not joining the non-co-operation movement.  
Two persons on the drink question.  
Two persons threatened with—for having given evidence in a court of law.  
Shop-keepers threatened with—, if they did not give up selling and wearing foreign cloth, in three different places.  
One person threatened with—, for refusing to accept a Panchayat decision.

## Chaukidars

11 socially boycotted.  
3 threatened with boycott.  
10 forced to resign by threats.  
Several Chaukidars and Dafadars threatened with boycott.

## Domestic boycott

6 persons' servants forced to leave.  
One person boycotted by his servants.  
One person boycotted by barbers.  
One case in which "notices are to be served on Government servants occupying houses to vacate them."

## Refusal of shop-keepers to sell.

to a Government servant on suspicion of his drinking.  
to the crew of a Government steamer launch.  
to the Manager, Amlas and servants of a Zemindari.  
to municipal sweepers who refused to join in a hartal.  
two cases in which lists were prepared (38 in one case number unspecified in the other) of "co-operators and Government servants who will not be given 'permit' chits to buy food."

## MILITARY REQUIREMENTS COMMITTEE.

189. The HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY OF KASIMBAZAR: Will the Government lay on the table the full transcript of all evidence recorded by the Military Requirements Committee?

The HONOURABLE MR. H. D. CRAIK, (for His Excellency the Commander-in-Chief): I would refer the Honourable Member to the reply given on the 15th September to the question asked by the Honourable Mr. G. M. Bhurgri, No. 74.\*

## MUNITIONS BOARD CASE.

190. The HONOURABLE MAHARAJA SIR MANINDRA CHANDRA NANDY OF KASIMBAZAR: (a) Will the Government lay on the table all papers in connection with the initiation of criminal proceedings by the Munitions Board against some Indian Merchants and Bankers of Calcutta, and the subsequent withdrawal of proceedings against them from the Police Court of that city?

(b) Will the Government lay on the table the expenditure so far incurred on account of the above prosecution, and state whether the Government of India or the War Office in England are to bear the expenses of this trial?

The HONOURABLE MR. H. A. F. LINDSAY: (a) The Government is unable to lay on the table the papers asked for, but the Honourable Member is referred to the full statement made by the Government of India in their Communiqué published on the 28th August 1921.

\* *vide* p. 147 of Vol. II, No. 3 of Council of State Debates.

(b) The Honourable Member is referred to the reply given on the 15th\* September 1921 to the Question by the Honourable Saiyid Raza Ali. The expenses of the case fall upon the Government of India.

#### TRAINING IN MILITARY SCIENCE AND ARTS.

191. The HONOURABLE RAJA MOTI CHAND : Do the Government propose to take early steps to provide for students in Indian Universities instruction and training in Military Science and Art?

The HONOURABLE MR. J. A. RICHEY (for the HONOURABLE MR. SHAFI) : The Government have already authorised the formation of units of the University Training Corps, constituted under the Indian Territorial Force Act, 1920, from the staff and students of six Universities.

#### OVERSEAS ALLOWANCES.

192. The HONOURABLE SAIYID RAZA ALI : Will Government be pleased to state the principle on which the overseas allowance has been awarded to individual members of the Indian Educational Service?

The HONOURABLE MR. J. A. RICHEY (for the HONOURABLE MR. SHAFI) : Overseas pay is granted to members of the Indian Educational Service who are of non-Indian domicile and to such members of that service as are of Indian domicile and were in the service before December the 1st, 1919.

#### DEFENCE OF INDIA ACT.

193. The HONOURABLE SAIYID RAZA ALI : (a) Is the Defence of India Act still in force? If so, when will it cease to be in operation?

(b) Will Government be pleased to state whether certain orders of externment passed under the Act by several Local Governments, especially the North-West Frontier Administration, during 1918, 1919 and 1920, are still operative? If so, do Government propose to take steps to get those orders cancelled?

The HONOURABLE MR. H. D. CRAIK : (a) The Honourable Member's attention is invited to paragraph 14 of the Report of the Repressive Laws Committee appended to the Home Department Resolution No. 714, which was published as a Gazette Extraordinary on the 19th September.

(b) Yes. The cancellation of existing orders is a matter for the Local Governments which passed them.

#### MUHAJIRINS.

194. The HONOURABLE SAIYID RAZA ALI : (a) Are Government in a position to state how many *Muhajirins* left India last year in connection with the *Hijrat* movement, and how many of them have since returned to this country?

(b) Are there any statistics to show how many of them belonged to the North-West Frontier Province, and what steps were taken by the aforesaid local administration to help those, who had returned, to start life afresh?

The HONOURABLE MR. H. D. CRAIK : (a) and (b) About 19,500 left and 17,000 returned. Of the total number, about 18,000 belonged to the

North-West Frontier Province. A special staff including some local notables was appointed by the local Administration for repatriating these returned emigrants. Advances of grain and money were made to many of them and a relief fund was started. The efforts of the local Administration were attended with a large measure of success and were gratefully acknowledged by the people concerned.

#### PROSCRIPTION OF LEAFLET CONTAINING EXTRACTS FROM THE DELHI FATWA.

195. The HONOURABLE SAIYID RAZA ALI : (a) With reference to the Honourable Mr. Craik's reply to my Question No. 73\* on the 6th September 1921 that "the leaflet was not in fact the *fatwa* drawn by the Ulama's conference of November last, but purported to contain extracts from that *fatwa*," are Government aware that 812 copies of the *fatwa*, not of the forfeited leaflet were seized on search last month by the Delhi police and have not been returned yet? Do Government propose to take steps to return the aforesaid 812 copies of the *fatwa*?

(b) Are Government prepared to state what evidence there is to show that 'it (the leaflet) was widely distributed in the Armys'?

The HONOURABLE MR. H. D. CRAIK : (a) The leaflet was proscribed by the Chief Commissioner of Delhi because this was the document which first came to notice. It has since been ascertained that the Delhi police during the course of their search seized 812 copies of a document purporting to be a *fatwa*, because this document contained the matter of the leaflet. A notification had previously been issued by the Bengal Government proscribing all documents containing the matter of the leaflet. The answer to the last clause of this part of the question is in the negative.

(b) No. Government possess evidence of wide distribution, but do not consider it would be in the public interest to publish this evidence.

The HONOURABLE SAIYID RAZA ALI : May I ask a supplementary question?

The HONOURABLE THE PRESIDENT : If it arises out of the answer.

The HONOURABLE SAIYID RAZA ALI : Having regard to the fact that the *fatwa* was never forfeited by the order of the Chief Commissioner of Delhi, will Government be pleased to explain how is it that they (the Khilafat workers) were not allowed to retain the 812 copies of the *fatwa* which was never forfeited? It was the leaflet that was forfeited by the order of the Chief Commissioner of Delhi, and not the *fatwa*.

The HONOURABLE MR. H. D. CRAIK : I understand the Honourable Member questions the legality of the action of the police. If he will refer to section 72 of the Indian Press Act, he will see that the police are entitled to seize a document which has been proscribed, wherever it is found. The Bengal Government, as I explained, issued a notification proscribing the leaflet and any document containing the matter of the leaflet. The action of the police, therefore, appears to me to have been perfectly legal.

#### EUROPEAN OFFICERS IN THE INDIAN CIVIL SERVICE.

196. The HONOURABLE SIR ALEXANDER MURRAY : Will the Government of India be pleased to state—

(a) The number of European officers recruited to the Indian Civil Service during the years 1920 and 1921?

\* Vide p. 165 of Vol. II, No. 3 of Council of State Debates.

\* Vide page 122 of volume II, No. 2 of Council of State Debates.

- (b) If any examination has been held for this service during the past few years? If so, how many European candidates have appeared?

The HONOURABLE MR. H. D. CRAIK : (a) In 1920, Fifty-five.

In 1921, Twenty-two (including 10 not yet arrived but expected shortly). In addition to these 43 candidates have been selected and will be appointed to the service subject to passing a final examination at the end of the probation that they are now undergoing in the United Kingdom.

(b) An open competitive examination has continued to be held annually throughout the war, but on a restricted scale. The available information as regards the number of European candidates appearing is as follows :—

|      |     |     |     |    |
|------|-----|-----|-----|----|
| 1917 | ... | ... | ... | 3  |
| 1918 | ... | ... | ... | 4  |
| 1919 | ... | ... | ... | 1  |
| 1920 | ... | ... | ... | 1  |
| 1921 | ... | ... | ... | 26 |

(The latter figure includes candidates for the Home Civil Service).

The Reconstruction Scheme also provided another means of entry for candidates with war service, both European and Indian, namely, selection from among candidates who had previously passed a qualifying examination. Information of the number of Europeans appearing for the qualifying examination is not available in India, but all the officers referred to in part (a) of the Question above were appointed from this source.

#### EXPORT OF GRAIN TO FOREIGN COUNTRIES.

197. The HONOURABLE SIR ZULFIQAR ALI KHAN: Will Government be pleased to state:—

- (a) The amount of grain exported from India to foreign countries?  
(b) The amount of grain actually purchased by those companies which deal in the grain export trade?

The HONOURABLE MR. B. N. SARMA : (a) A statement giving the information asked for for the years 1920-21 and 1921-22 (as far as available) is placed on the table.

(b) 61,400 tons of wheat were purchased on private account by the following firms as shown below :

|         |                         |     |     |        |       |
|---------|-------------------------|-----|-----|--------|-------|
| Messrs. | Ralli Brothers          | ... | ... | 11,683 | tons. |
| "       | Sunday Patrick and Co.  | ... | ... | 6,156  | "     |
| "       | Clements Robson and Co. | ... | ... | 10,343 | "     |
| "       | Louis Dreyfus and Co.   | ... | ... | 23,240 | "     |
| "       | Strauss and Co., Ltd.   | ... | ... | 6,663  | "     |
| "       | E. D. Sassoon and Co.   | ... | ... | 3,315  | "     |
|         | Total                   | ... | ... | 61,400 | "     |

Statement showing the export of grain during the years 1920-21 and 1921-22 (i.e., from 1st April 1921 to 31st July 1921).

| 1920-21.               |                  |                  | 1921-22.         |                  |
|------------------------|------------------|------------------|------------------|------------------|
| Grain.                 | Including Burma. | Excluding Burma. | Including Burma. | Excluding Burma. |
| Rice ... ..            | 1,115,716        | 145,080          | 635,837          | 57,476           |
| Wheat ... ..           | 237,665          | 237,665          | 69,854           | 69,854           |
| Barley ... ..          | 6,060            | 6,060            | 7,089            | 7,089            |
| Jowar and Bajra ... .. | 13,129           | 13,129           | 2,312            | 2,312            |
| Maize ... ..           | 3,762            | 3,762            | 1,602            | 1,602            |

#### LETTER-BOXES, DESPATCHES AND DELIVERIES OF MAILS.

198. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Is it a fact that Government has from some time past curtailed the clearance of letter-boxes, despatches and deliveries of mails? If so, will the Government kindly state the reason for this new practice?

The HONOURABLE MR. B. N. SARMA : During the war, owing to financial stringency and to reduced train services, it was necessary, in some of the larger and more important centres, to adopt the measures referred to by the Honourable Member. Services which were temporarily withdrawn or reduced have since been restored wherever possible. A reference is also invited to paragraph 6 of Chapter VIII of the Postal Committee's Report. It was necessary to afford the staff some relief from their long hours of duty, but any curtailment of public facilities to effect this object has only been carried out after consulting representative bodies or the district authorities.

#### PURAN NALA IN THE NORTH-WEST FRONTIER PROVINCE.

199. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: (a) Is it not a fact that Puran Nala in the North-West Frontier Province, which irrigated sixteen villages lying between Paharpur and Mandhra was stopped because the new Rajwah Canal was expected to irrigate the lands under the command of the Puran Nala?

(b) Is it not a fact that the new Rajwah Canal utterly failed to irrigate the lands of the sixteen villages? If so, do Government propose to take any action?

(c) Do the Government propose to award compensation to the landholders affected?

The HONOURABLE MR. B. N. SARMA : The Government of India have no information on the points referred to, but inquiries are being made from the Local Administration, the result of which will be communicated to the Honourable Member in due course.

## RAJAH OF ANAGONDI.

200. The HONOURABLE DIWAN BAHADUR V. RAMA BHADRA NAIDU :  
(a) Will the Government be pleased to state, after the demise of the Rajah of Anagondi, who is it that is in receipt of the pension granted to him?

(b) Has his widow and her children been granted any help or pension from the Government?

This question was not answered.

## GENERAL POST AND TELEGRAPH OFFICE, SIMLA.

201. The HONOURABLE LALA SUKHBIR SINHA : (i) Is the Government aware that the General Post and Telegraph Office at Simla, which is under construction, will consist of not less than six storeys?

(ii) Is it not unsafe to have such a high building on a small piece of land on a crowded thoroughfare like the Mall.

(iii) When was this new building commenced, and how much longer will it take to be completed?

The HONOURABLE MR. B. N. SARMA:

(i) The building referred to is to consist of five storeys.

(ii) No.

(iii) The building was commenced in August 1919 and is expected to be completed by the middle of April 1922.

The HONOURABLE THE PRESIDENT: I have received private notice from the Honourable Saiyid Raza Ali of a question which he wants to put which is not on the question paper. I would ask the Honourable Member to read it.

## CONDITION OF AFFAIRS IN MALABAR.

The HONOURABLE SAIYID RAZA ALI: Will the Government be pleased to lay on the table the further information that it may have received since the 17th September relating to the condition of affairs in Malabar, and to state when it is proposed to withdraw Martial Law from the disturbed area?

The HONOURABLE MR. H. D. CRAIK: The latest information received by the Government of India is to the effect that the Moplah armed fighting gangs probably total ten thousand strong; that their resistance is becoming stronger; and that their programme is based on guerilla warfare, plunder, terrorism and avoidance of battle. Military operations, probably involving the use of increased forces, and necessitating the strict enforcement of Martial Law, are therefore likely to be protracted: and it is impossible to forecast the date on which Martial Law can be withdrawn.

## JOINT COMMITTEE'S REPORTS ON THE INDIAN ELECTRICITY (AMENDMENT) BILL AND INDIAN FACTORIES (AMENDMENT) BILL.

The HONOURABLE THE SECRETARY of the Council: Sir, I lay on the table the report of the Joint Committees on the Bill further to amend the Indian Electricity Act, 1910, and the Bill further to amend the Indian Factories Act, 1911.

## REPORT OF SELECT COMMITTEE ON AMENDMENT OF STANDING ORDER NO. 70.

The HONOURABLE MR. V. G. KALE: Sir, I beg to present the report of the Select Committee appointed to consider and report on the proposed amendment of Standing Order 70 of the Council of State Standing Orders.

The HONOURABLE THE PRESIDENT: The Honourable Member may move.

The HONOURABLE MR. V. G. KALE: I beg to move that the Report of the Select Committee be taken into consideration.

The Motion was adopted.

## AMENDMENT OF COUNCIL OF STATE STANDING ORDER No. 70.

The HONOURABLE MR. V. G. KALE: I move that the Amendment proposed by the Select Committee, namely—

'For Standing Order 70 of the Standing Orders of the Council of State, the following shall be substituted, namely:

'70. (1) There shall be no discussion of the budget on the day on which it is presented to the Council.

(2) On a day to be appointed by the Governor General subsequent to the day on which the budget is presented, and for such time as the Governor General may allot for this purpose, the Council shall be at liberty to discuss the budget as a whole or any question of principle involved therein, but no motion shall be moved, nor shall the budget be submitted to the vote of the Council.

(3) The Finance Member shall have a general right of reply at the end of the discussion.

(4) The President may, if he thinks fit, prescribe a time-limit for speeches.' "

be passed.

The HONOURABLE SAIYID RAZA ALI: I do not think, Sir, it is necessary for me to say much on this point. As one of those who signed the Report of the Select Committee, I would submit that, as Honourable Members will see, our Amendments are based on the lines which are to be found in rule 46 of the Manual of Business of this Council, and they give us all that we desire without encroaching on the rights of anybody else. In this connection I must express our sense of obligation to the Honourable Mr. H. Moncrieff Smith, who has taken great pains in connection with the framing of the Report of the Committee.

The Amendment was adopted.

RESOLUTION RE PURCHASE OF STORES IN ENGLAND—*contd.*

The HONOURABLE THE PRESIDENT: The Council will now resume the interrupted discussion on the Resolution\* moved by the Honourable Mr. Lalubhai Samaldas on the 26th September 1921.

The HONOURABLE SARDAR JOGENDRA SINGH: Sir, I was absent

11-26 A.M. when the discussion on this Resolution was first initiated.

While broadly supporting the Resolution moved by the Honourable Mr. Lalubhai Samaldas regarding the placing of orders in the cheapest market, I have heard that the personality of Sir William Meyer was

\* This Council recommends to the Governor-General in Council to send instructions to the High Commissioner in England that, at the time of placing orders for materials required in India by Government, he should put them in the cheapest market for materials of the same quantity.



[Sardar Jogendra Singh.]

brought under discussion, and I take this opportunity for emphatically asserting that services rendered by Sir William Meyer during the war entitle him to India's confidence and support. India could not have had a stronger or a more conscientious Finance Minister in those troublesome times, and we owe him a deep debt of gratitude for managing our finances so well, so strongly, and so impartially. So far as Sir William Meyer, our High Commissioner, is concerned, I think we can depend on him serving the best interests of India, but, at the same time, I do feel the necessity of placing our orders in the cheapest market available, and I do hope that, when the time arrives, and we can find a suitable man, an Indian High Commissioner will be appointed who would serve the interests of both countries to his best possible capacity.

The HONOURABLE THE PRESIDENT: Before we go on with this discussion, I may point out that the question of an Indian High Commissioner hardly arises out of the Resolution.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: Sir, I am sorry to sound a discordant note. If Government is going to accept the principle of the Resolution, I am sorry I should have to oppose it. Sir, the first thing we want is always the best stuff. It may be dearer but it will last long. Before the war it was very well known that Germany sent lots of stuff into India and had a big trade, but we all knew that their goods did not last, while the goods which were purchased in England were much better material and in the end it paid. As the saying goes, "Penny Wise Pound Foolish." Then, Sir, we have seen during the last war that the Japanese came in with their trade and we all know what stuff it was and how long it lasted. No doubt, Sir, if things are made in India, I am absolutely for trying them, but when we cannot find them in India our best place to buy them is England. There are many reasons for it. When we trade with other countries, they may be our friends to-day, and our foes to-morrow. After all, trade is a thing by which money goes to that country which sells the stuff. It is known to all, Sir, that a very large amount of money was taken away by the Germans by trading with India and by the same money later on they made canons and turned them on Indians; hundreds of us were killed by our own money. We always hear in India 'Buy Khadar.' That is a rotten stuff and dearer at the same time. Well, can't we rise in the way of buying Swadeshi to a still higher level. That is, all those countries which are under one Crown let us think of them as one community and one nation, and then trade with them—even give preference to the Colonies as well as to England, but only those Colonies no doubt which consider Indians their equals. It was said, already by our Sardar Sahib, of course I won't mention the name, that the High Commissioner did good service. I know, Sir, when I was in England there was an order about motor cars; he, instead of placing that order in England, went to the cheapest market and bought them in Italy. I think if there is a very big difference no doubt one should go to the cheapest market, but I personally think that as long as we can retain our money in the Empire, it is in the long run better for us, because if there is any trouble, our money is in that Empire and we can ask for loans and get money, but only if that money is there. If that money be not there and we go and place it in the hands of other nations, we cannot get it and it may be later on used for the destruction of our own lives. We know, Sir, that

there are lots of new things—new weapons, new gases—all these things are coming in, and as far as we can we ought to trade within the Empire and consider this question on a higher basis of Swadeshi. That is all I want to say, Sir, and on that principle I do not support the Resolution.

The HONOURABLE MR. C. A. INNES: Sir, I must confess that I rise to speak in this debate with a considerable degree of nervousness. 11-33 A.M. In the first place, Sir, it is the first time that I have spoken in the Council of State; and, secondly, it is barely a fortnight since I took over temporary charge of the Department of Commerce and Industry, and when I look round these benches, I must confess that I feel that there are some gentlemen here who, by reason of their knowledge and their experience, are more qualified than I am to hold that office. Also, Sir, if you will indulge me so far, I should like to take this opportunity of making an apology to the House. In the last few days certain Bills and Resolutions with which my Department was intimately concerned have come up for consideration in the Council of State, and I have felt very strongly that, as Commerce Member, I ought to have been present at those deliberations. But, Sir, I hope that no one in this House will accuse me of having absented myself out of any lack of recognition of the importance of the deliberations in this House, or on account of any want of respect. If there is anybody who thinks so, I hope that he will accept my assurance that the sole reason of my absence has been pre-occupation in another place with business which I could not miss. As a matter of fact, Sir, I have been particularly asked to be in my seat in the other House to-day, but I have thought it necessary to attend this debate for a very special reason.

I understand, Sir, that when this Resolution came on for discussion two or three days ago, the opportunity was taken by an Honourable Member of this House to make a full dress attack upon one of India's most loyal and distinguished servants. I mean, Sir William Meyer, the High Commissioner for India in London, and I feel, Sir, that the Government of India owe it to Sir William Meyer that his defence should be undertaken by the Member in charge of the Department concerned. I only wish, Sir, that I was more competent to undertake that defence, and if, Sir, there are any deficiencies in what I have to say to-day, I hope they will be attributed, not to the weakness of my case, but to my lack of skill in debate and lack of skill in speaking.

The main point I have to make, Sir, is a very simple one, and I make it here and now. I desire to say, Sir, with all the emphasis at my command, that the Government of India have the most entire confidence in Sir William Meyer. It ill becomes me who am so much his junior to praise Sir William Meyer, but I feel that I will have behind me the support of every fair-minded man in this House when I say that we recognise in Sir William Meyer an officer who has grown grey in the service of India, an officer who, when he was Finance Member, exposed himself to criticism, often ill-informed, and even in malevolent criticism, by reason of his watchful care for the financial interests of India, and an officer, Sir, who in the high office to which he has now been called, can be trusted to continue to exercise that watchful care with the same single-minded devotion to the interests of India. I am at a disadvantage, Sir, in that I was unfortunately unable to be present when the Honourable Mr. Sethna's speech was made, and I have had to depend upon second-hand evidence for the details of that speech. The House will imagine therefore with what eagerness I turned to the papers last evening in the hope of finding a full report of his speech. I did read indeed, Sir, that the Honourable

[Mr. C. A. Innes.]

Mr. Sethna had made a slashing attack upon the methods of the High Commissioner, but when I turned to the detailed report of the speech, I read as follows: "Mr. Sethna in seconding the Resolution made a long speech and said that the solution of the problem lay in the appointment of an Indian as High Commissioner." Well, Sir, if that is a fair account, all I can say is that the attack was not made on very high ground. But, Sir, I am quite willing to admit that this brief paragraph has done the Honourable Mr. Sethna an injustice. I am quite willing to admit that the Honourable Mr. Sethna is jealous, as I am jealous, as I am sure Sir William Meyer is jealous, and as we are all jealous, that the impression should not be allowed to get abroad that India is in any way the tied house, as it was put in another place, of British manufacturers. I am quite prepared to admit that this was the sole object with which the Honourable Mr. Sethna spoke, and that he had no idea of using the papers which the Government of India published recently merely as an argument to enforce the plea which has been raised in certain quarters that an Indian should be appointed High Commissioner. We are all agreed that for that post, we want the best man, Indian or European, and I also am personally sure that we could not get a better man than Sir William Meyer. I am given to understand, Sir, that the burden of the Honourable Mr. Sethna's complaint was that the High Commissioner has been led by considerations of the interests of British manufacturers to sacrifice the interests of the Indian tax-payer, and that India has had to pay for the safeguarding of British industries against foreign competition. I understand that the complaint was based mainly on the High Commissioner's minute of the 8th August and upon his evidence before the Railway Committee, both of which documents have recently been made public by the Government of India, and I believe that special stress was laid on Sir William Meyer's statement before the Railway Committee which reads as follows:—

'The general principle I have laid down (it is subject to specific and possibly different applications in particular cases) is that if the British tender is within 10 per cent. of the German or Belgian tender, I give it to the British firm.'

Well, Sir, I have studied these documents with the very greatest care, and while I am not prepared to commit myself to any particular margin of difference, I am prepared to defend both Sir William Meyer's policy and his methods of business. The mere fact that we have published these papers shows that we are not afraid of criticism, either on our own account or on Sir William Meyer's account.

I take the question of policy first, and the first point I have to make is that conditions are at present entirely transitional and abnormal. I desire to emphasise the fact that Sir William Meyer has summed up his policy in the following words: "A moderate amount of preference to British firms while the present economic situation continues." I hope that the House will mark these words. Neither Sir William Meyer nor the Government of India has the remotest intention of departing permanently from the policy that the lowest satisfactory tender should be accepted, and this, I take it, is the principle which the Honourable Mr. Lalubhai Samaldas' Resolution is intended to enforce. As Sir William Meyer himself said in his evidence before the Railway Committee, it is not the business of the Indian tax-payer to subsidize British industry and British labour. But deliberately and of set purpose he has

exercised his discretion to depart from time to time, in existing abnormal circumstances, from the policy of buying in what for the moment may be the cheapest market. This is the head and front of his offence. This is why the Honourable Mr. Sethna accuses him of sacrificing the interests of the Indian tax-payer. Well, Sir, in my opinion, the difference between the Honourable Mr. Sethna and Sir William Meyer is this. Sir William Meyer takes the long view; he considers what will be to the best interests of India in the long run. The Honourable Mr. Sethna takes the narrow, short-sighted view; he cannot see beyond the expediency of the moment. The Honourable Mr. Sethna knows, as well as I do, the conditions of trade at the present time throughout the world. He must know, Sir, that these countries with depreciated exchanges are an economic danger. He must know, Sir, that almost every country in the world has taken measures to guard against this danger. He must also know, Sir, that every country in the world has for the moment departed from the principle of buying in the cheapest market. If he is not aware of that fact, let me ask him to refer to the recent French Tariff with its expedient of coefficients of increase which enables the Executive Government at any time to protect itself against this very danger; I mean the danger of countries with depreciated exchanges. The same action has been taken in Italy. In Great Britain a safeguarding of Industry Act has been passed and almost every country has put on very high surcharges on their import duties to guard against this very danger.

Mr. Sethna must know that Germany at the present time is pursuing a deliberate policy. She has set herself out to depreciate the exchange value of her mark in order that she may capture the markets of the world. Mr. Sethna must know that Germany with the mark at 4:20 to the pound and Belgium with its wealth of battle scrap and its depreciated exchange can undersell any other country, and yet he would neglect this danger. Sir William Meyer is wiser and more far-sighted. He recognises that his modest preference in favour of the British manufacturer is in the nature of an insurance. He recognises that, if purely as an emergency measure, he does not assist the British manufacturer to keep his head above water, India may in the future be handed over to the tender mercies of combines of manufacturers of Continental countries. I ask this House with confidence which is the wiser view, that of Sir William Meyer or that of Mr. Sethna?

Now, Sir, I turn to the question of business methods, and here again I feel I am on equally strong ground. What are the facts? The Stores Department of the High Commissioner's Office buys stores in England in the course of the year amounting to some 14 million pounds. Between the 16th November 1920 and the 28th July 1921, Sir William Meyer admits that in six purchases, aggregating £89,000, he accepted British tenders which were not the lowest tenders, and that thereby he caused a loss to the Indian tax-payer. In each particular case, he has given his reasons for his action. These reasons are based on such considerations as superior reliability of the firm whose tender was accepted, quickness of delivery, ease of inspection and so on. And yet Mr. Sethna accuses him of unbusiness-like methods. Mr. Sethna is himself a business-man, and I defy him to say that it is always good business to accept the lowest tender. I defy him to challenge Sir William Meyer's statement of policy that the true principle is to accept the lowest satisfactory tender, and as Sir William Meyer himself points out, the term "satisfactory" covers matters such as the quality of the article tendered,

[Mr. C. A. Innes.]

the reliability of the firms tendering, the date of promised delivery, consideration whether delivery on the promised date can be relied on, ease of inspection, and so on. These points are so obvious that I need hardly labour them before this House, but I must stress one or two considerations. Even Mr. Sethna will admit that conditions are abnormal, and one of the difficulties arising out of these abnormal conditions is our ignorance of the capacity and reliability of individual firms in Germany. It must be some time before their real capacity is known. Now, even before the war, what was the reputation of German firms? Let me quote in this connection what has recently been said by a distinguished business man:

'Some time before the war I used to do a very considerable trade with Germany. I found the price right, very much right as compared with British manufacturers. I found the delivery right, and I found the samples excellent. When I came to receive delivery, which was generally about two or three months after that promised, I usually found the quality completely wrong. I put the matter to arbitration. The arbitrators confirmed it. I put in my claim and found that it was practically impossible to get any redress. So that two or three years before the war, I stopped my trade with Germany and they still owe me a considerable sum of money.'

If that was the case before the war, what about now? On the one hand, you have tenders from British firms, old tried manufacturers for India, firms on the quality of whose products you can rely. On the other hand, you have tenders from German firms—sending no doubt excellent samples and promising early delivery—but firms of whom little is known and who cannot be relied on. Their price may have been lower, but is there no such thing as paying for known quality and reliability, especially when, as Sir William Meyer points out, the safety of the public may be implicated?

I do not suppose, Sir, that there is any difference of principle between Mr. Sethna and myself. We both agree as to what the permanent policy of the Stores Department should be—it is the policy laid down by Sir William Meyer himself. The sole point of difference between us is, whether Sir William Meyer was justified in departing from that policy in special cases in present abnormal conditions, and I say, Sir, that Mr. Sethna has deliberately excluded from consideration the very great difficulties with which Sir William Meyer has been faced. The House, I am sure, will be wiser, and I feel confident that they will agree with me that the right policy in these abnormal times is to trust Sir William Meyer—the man on the spot. We can be certain that he will discharge his high office with single-minded devotion to India's true interests.

I am afraid, Sir, that I have dealt so long with the Honourable Mr. Sethna's speech that I have left myself little time for the main Resolution before the House, namely, the Resolution moved by the Honourable Mr. Lalubhai Samaldas. I am free to admit, Sir, that I do not altogether like the wording of the Resolution, but I do not think it necessary for me to take any exception to it here. I am quite prepared to accept the Resolution provided that it is understood that "cheapest" is a relative term, and does not mean the actual lowest tender but, as I tried to put it and as Sir William Meyer put it, the lowest satisfactory tender. And I should here like to emphasise the point that it is not merely quality which has got to be taken into consideration, but delivery and other considerations like that. I think Mr. Lalubhai Samaldas and myself are quite in agreement on these points, and, that being so, I have no objection to accepting this Resolution on behalf of the Government.

The HONOURABLE LALA SUKHBIR SINHA: Sir, with your permission  
11-50 A.M. I would like to move an Amendment to the Resolution moved by my friend the Honourable Mr. Lalubhai Samaldas. It runs thus:

'That at the end of the Resolution the following be added: First in India, and if the materials required are not available in India at a reasonable price, then elsewhere.'

The HONOURABLE THE PRESIDENT: There is just one point I would like to ask the Honourable Member. His Amendment, which of course he can move if he likes, seems to me to be open to some objection. It seems to imply that the Governor General in Council should give instructions to the High Commissioner in England to purchase in India. If that is his intention, then the Honourable Member may argue the point?

The HONOURABLE LALA SUKHBIR SINHA: Yes, Sir, that is my intention. The object of this Amendment is to lay down the policy that has been stated by Sir William Meyer in his statement before the Railway Committee. It runs thus:

'The present policy is that, whenever possible, they shall purchase things in India at of course a reasonable price compared with England. They make up their minds as to what they can purchase in India, and then they indent for the residue, which is either stuff which is not procurable in India, or could only be procured at prohibitive expense or entirely through the agency of private firms.'

Well, Sir, the object of my recommendation is, that the High Commissioner may first place orders in India so long as he is able to find the materials required at a reasonable price. At present he has to bear the price in England. Well, it is obvious to all of us that Indian things cannot compete with machine-made things in England, and therefore the price may be shared. What I want to say is that, though the price may be higher in India, still, looking to the improvement and development of industries in this country, we should be given the preference, and, so far as possible, orders may be placed in India so long as the materials are available at a reasonable price.

If the prices are prohibitive and the things cannot be got here, then of course orders can be placed in other countries where the things can be had at the cheapest price. That is the object of my Amendment, and I hope the Honourable Mover and the Council will accept it.

The HONOURABLE THE PRESIDENT: The original question was that the following Resolution be adopted:

'This Council recommends to the Governor General in Council to send instructions to the High Commissioner in England that, at the time of placing orders for materials required in India by Government, he should put them in the cheapest market for materials of the same quality.'

Since when an Amendment has been moved:

That at the end of the Resolution the following be added:

'First in India, and if the materials required are not available in India, at a reasonable price, then elsewhere.'

This Amendment and the Resolution are now open to discussion by the Council. Honourable Members who have spoken on the original Resolution before can only speak on the Amendment.

[Mr. H. A. F. Lindsay.]

The HONOURABLE MR. H. A. F. LINDSAY: Sir, I have only a few words to say in regard to this Amendment. The whole position has been stated clearly by Sir William Meyer in the evidence he gave before the Railway Committee. Preference is invariably given, in the purchase of stores in India, to goods manufactured in this country, and indents sent Home to the High Commissioner represent the balance of stores not available of Indian manufacture. If the Amendment is accepted, we are going to ask the High Commissioner to make a very long arm and purchase his requirements first in this country, from his headquarters in London. That is obviously absurd and I should like to suggest that perhaps in the circumstances the Amendment may be withdrawn.

The HONOURABLE MR. PHIROZE C. SETHNA: I have already made my submission on the Resolution, and in accordance with your ruling, Sir, I shall only confine myself to the Amendment. Before I do so you will permit me, Sir, to offer a personal explanation.

The Honourable Mr. Innes has referred to my speech on the last occasion as a very slashing attack on Sir William Meyer, but I am glad to say that he commenced his speech by saying that he had this disadvantage of not hearing it. Those who have heard me will confirm me when I say that that attack was not an attack on Sir William Meyer whom I respect as much as any Member here present, not because I have had the advantage of knowing him as long as they have, but because I have watched his career in this country from a distance with great interest. Sir, my attack was on the system which prevails in England in the matter of purchasing stores for our railways in this country. I say Sir William Meyer is actuated by the best of motives, and I am prepared to give him credit for that to the same extent as, and even greater than, any Honourable Member of this House is prepared to do. Sir William Meyer himself has said that he understands that the interests of India have to be safeguarded; but a strong man as he is, an able man as he is, he is forced to admit in his evidence that he had to yield to the pressure brought to bear upon him by vested interests in England. That explains itself, and that is the only remark which I have to make against Sir William Meyer. Otherwise, all that I have to say and which I shall now say in support of the Amendment is an attack on the system which prevails in the matter of purchasing our railway stores in England.

I rise to support the underlying idea of this Amendment. In my speech the other day the Honourable Members will remember that I observed that charity begins at home. If we can buy these stores in India, we should preferably do so, and this is exactly what the Honourable Mover desires in his Amendment. If you are able to do so, then some of the difficulties raised by the Honourable Mr. Innes will not arise. First of all, he referred to the abnormal conditions prevailing as a consequence of which there is the exchange question. There will be no exchange question to the continent if our purchases are more or less made in England.....

The HONOURABLE THE PRESIDENT: Is it a fact that the High Commissioner buys stores in India?

The HONOURABLE MR. PHIROZE C. SETHNA: No. I suppose the intention of the Honourable Mover is that whoever buys these stores may preferably buy in India.

The HONOURABLE THE PRESIDENT: Then I doubt if the Amendment is within the scope of the Resolution. It should deal with the purchase of stores by the High Commissioner.

The HONOURABLE MR. PHIROZE C. SETHNA: Do I understand, Sir, that I am not to speak on this Amendment?

The HONOURABLE THE PRESIDENT: I wish to point out that he must speak to the Amendment and not to the underlying idea.

The HONOURABLE MR. PHIROZE C. SETHNA: I shall confine myself to the Amendment. As I have said, the exchange question will be done away with, and everything else, and the instances such as Sir William Meyer himself has quoted would not arise. For example, there is the instance of wheels and axles offered by a British manufacturer at £83-15-0. There was an offer from the Continent, I do not know whether it was from Germany, Belgium or France or anywhere else, at £45, a difference of nearly fifty per cent. What does the High Commissioner do? The High Commissioner invites the British manufacturer to quote again. The British manufacturer before there is any fluctuation in the market, on the same day is able to reduce his quotation from £83-15-0 to £67, which is a difference of 20 per cent. Now, I ask this Honourable House, composed as it is of some of the ablest commercial men in this country, whether they will call such a tender a *bona fide* tender, as the tenderer in the same breath is able to reduce his price by 20 per cent. Further, Sir William Meyer says that on account of this .....

The HONOURABLE MR. C. A. INNES: I rise to a point of order, Sir, The Amendment before the House is a motion that the High Commissioner should buy stores first in India, and if the material is not available in India, then elsewhere.

The HONOURABLE MR. PHIROZE C. SETHNA: I am speaking to the Amendment, Sir. I submit I am quite in order. If we were able to buy in India, this condition would not arise, and that is why I am saying.....

The HONOURABLE THE PRESIDENT: I think the Honourable Member has strayed from the Amendment a little, but it is very difficult, I admit, to speak to this Amendment. I must ask the Honourable Member to stick to the Amendment as much as he can.

The HONOURABLE MR. PHIROZE C. SETHNA: As the Honourable Mr. Innes has pointed out, Sir William Meyer has decided to discriminate, and rightly discriminate, in his opinion in favour of the British manufacturer to the extent of 10 per cent. May I ask my Honourable friend if in this particular instance it is so? For Sir William Meyer instead of offering ten per cent on £45 which would have come to £49-10, asked the British manufacturer if he would be disposed to accept at £55, which is 22 per cent above the Continental quotation. Sir, as I have said before, my attack is on the Department. For all the advertising that we had to obtain tenders from the Continent, we might have saved that expenditure. You may call this what I am saying as a slashing attack, but I persistently remark that no encouragement should be held .....

The HONOURABLE THE PRESIDENT: I have given the Honourable Member very considerable latitude because I thought his speech the other day

[The President.]

was brought to an abrupt finish; but I cannot allow him to make a second speech on the Resolution.

The HONOURABLE MR. PHIROZE C. SETHNA: I contend that the Honourable Mr. Innes has made certain remarks to which I can consistently reply as speaking on the Amendment.

The HONOURABLE THE PRESIDENT: I am sorry that is out of order. I have allowed him to make a personal explanation.

The Honourable Lala Sukhbir Sinha got up.

The HONOURABLE THE PRESIDENT: Does the Honourable Member propose to speak twice on this Amendment?

The Honourable Lala Sukhbir Sinha again got up.

The HONOURABLE THE PRESIDENT: There is no right of reply on the Amendment. The Honourable Member has already spoken. Does he wish to withdraw his Amendment?

The HONOURABLE LALA SUKHBIR SINHA: With your permission, Sir. The object of my Amendment...

The HONOURABLE THE PRESIDENT: The Honourable Member must simply withdraw it, and not explain why.

The HONOURABLE LALA SUKHBIR SINHA: I beg to withdraw.

The HONOURABLE THE PRESIDENT: The question is that leave be given to the Honourable Lala Sukhbir Sinha to withdraw his Amendment.

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

The HONOURABLE THE PRESIDENT: The Council is now back to the original Resolution.

The HONOURABLE MR. LALUBHAI SAMALDAS: Sir, I feel that

12-5 P.M. I owe an explanation, firstly to the Minister in charge of Commerce and Industries and also to this House for having moved my Resolution, with only a very few remarks. I hope you, will allow me, Sir, to offer this explanation to the House. I shall first give the genesis of this Resolution. What happened, Sir, was this. When the 7 per cent sterling loan was issued in England and it was announced that the money would be used for making purchases there, my Chamber, the Indian Merchants' Chamber and Bureau, saw that that announcement meant that all the monies would be spent in England, and that no opportunity would be given to either Continental or American firms to quote for railway materials. My Chamber, Sir, I believe, wrote to the Financial Secretary and also to the Commerce and Industries Department on this subject. We had a discussion with the then Member for Commerce and Industry when he came down to Bombay, and it was, as a result of that discussion, that I asked leave to move this Resolution in this House. At the same time my friend Sir Vithaldas Thackersey moved a similar Resolution in the other House, and he was given a special Government day for this purpose. If I had known that his Resolution would be reached, and had been sure of that fact, I would not have taken up this Resolution, but as I knew that that Resolution was to be moved on the day when the Supplementary Grants were to be taken up in the other House, and when I saw that time would be taken up in debating certain questions, I feared that this Resolution might

not be reached: and it was with that idea that I selected this Resolution when I drew the ballot. However, as soon as I learnt that the Government of India had accepted Sir Vithaldas Thackersey's Resolution, or rather the first portion of that Resolution, which is practically tantamount to my Resolution, I saw the Honourable Member and we thought that it was much better not to take up the time of the House. I was formally to move the Resolution, and there was no necessity for any discussion, as Government would accept it, and thus the House would not have to lose any time on this Resolution. It was with this idea, Sir, and as it was the end of the day, when I was called upon to move this Resolution, that I thought I might save a few hours if I merely moved this Resolution because the Honourable Member in charge might then get up and accept it. If I had wanted to speak on the Resolution I would have brought up almost all the points that the Honourable Mr. Sethna did, though I would not perhaps have been able to make the forcible speech that he did; I have not the command of the language that he has, neither his oratorical powers. I would not have referred to Sir William Meyer's position as High Commissioner, because, Sir, as my Honourable friend, Mr. Innes has said, I have a very high opinion of his capacity and of his interest and of his desire to protect and safeguard Indian interests. We all feel, Sir, that during the war he safeguarded the interests, the financial interests of the country, and he put up strong fights with the British Government. We can never forget, never be ungrateful to him by attacking him in this way: and I am voicing the opinion of Mr. Sethna when I say that he personally has the same regard for him as I and those of us who have followed his career and know Sir William Meyer's concern for the interests of this country, have for him. So I assure the Honourable Mr. Innes that we on this side of the House are entirely in agreement with him and with all that fell from him as regards the eminent services rendered by Sir William Meyer. There is a feeling, Sir, and I hope my Honourable friend Mr. Cook will not mind, if I say that if Sir William Meyer had been here for the last two years.....

The HONOURABLE THE PRESIDENT: Order, order.

The HONOURABLE MR. LALUBHAI SAMALDAS: But that is the feeling of the country, then the Government would not have made the mistake with regard to Reverse Councils.

Coming back to my own Resolution, I have a few remarks to make. I thank the Honourable Sardar Jogendra Singh for his support. As regards the remarks made by my Honourable friend, Sir Umar Hayat Khan, I quite agree with him when he said that very often German material that came in pre-war times was of inferior quality, but if he had been good enough to see my Resolution—I said that for materials of the same quality—I do not want inferior materials to be brought into this country. I am also entirely in agreement with what fell from the Honourable Mr. Innes when he said that we must buy the best materials. And as regards quality, I am prepared to accept the explanation given by Sir William Meyer, as to the meaning of "satisfactory,"—that instead of "materials of the same quality" I am prepared to accept "satisfactory tender is offered" and "satisfactory" meaning as regards quality of articles tendered, reliability of tendering firm, date of delivery, etc.—and he added, which I am prepared to accept "facilities for inspection," because that is the most important thing, Sir. My Honourable friend Mr. Sethna referred to an order which a company in which he and I



[Mr. Lalubhai Samaldas.]

both are interested had placed in England. There we had a tender, a very low tender from a Prague firm. That tender was something like 30 per cent. low, but we thought that the difficulties of inspecting the materials, as they were being manufactured, of delivery in time and of exchange were so great that we laid down certain conditions and said that if those conditions were accepted, we would accept it. In the meantime the English manufacturers brought down their price, which was practically within 10 per cent., as my Honourable friend Mr. Sethna has said, and then we placed the order with an English firm.

I am also prepared to accept to a very small extent, what fell from my Honourable friend Sir Umar Hayat Khan that we must recognize, in placing an order, some idea of patriotism, and that in the matter of placing an order with British firms we must give them a preference if the difference is very slight; I am prepared to agree with him so far, but he went further. He appeared to seem to be a greater loyalist than the King himself, because while he wants Sir William Meyer to give preference to Colonies, Sir William himself never meant that such preference should be shown.

Even the small preference of which I spoke, we on our side are prepared to give only as a temporary measure and in view of the present abnormal conditions in the industrial world. When those abnormal conditions have disappeared we want that orders should be placed in the cheapest market if satisfactory tenders are offered.

One word more, Sir, and I have done. As I said in the beginning, we do not want to cast any aspersion against Sir William Meyer, but it was because we felt that he himself would like to have the support of this Council and of the Government of India in all his dealings with British manufacturers and to be able to tell them that he cannot in any way meet their wishes, if Indian interests will suffer by his so doing, that I and my friend Sir Vitthaladas Thackersey have brought forward this matter.

In conclusion, I will merely say that I am thankful to Government for accepting this Resolution.

The Resolution\* was adopted.

## RESOLUTION *RE* FISCAL POWERS UNDER CONSTITUTIONAL REFORMS.

The HONOURABLE MR. V. G. KALE: Sir, the Resolution which I have 12-15 P.M. to move is as follows:

“This Council recommends to the Governor General in Council the desirability of the Government of India making a declaration of its deliberate policy fully to exercise, in concert with the Indian Legislature and in what it deems to be the best interests of this country, the fiscal powers which have been conferred on it under the recent constitutional reforms.”

Sir, in moving this Resolution I have to make it clear that I do not wish to raise a debate upon the general question of what different people might regard as the right fiscal policy for this country.

“This Council recommends to the Governor General in Council to send instructions to the High Commissioners in England that, at the time of placing orders for materials required in India by Government, he should put them in the cheapest market for materials of the same quality.”

(At this stage the Honourable the President vacated the Chair and the Honourable Sir Alexander Murray took it.)

Nor do I wish to make any detailed reference to the agitation that is being carried on in England by the representatives of Lancashire against the import duties which have been imposed in this country upon foreign piece-goods. My Resolution asks Government to make a declaration of their policy to adopt, in concert with the Indian Legislature, what they consider as the best fiscal policy in the interests of India. I shall not go into the history of the import duties, or of the agitation of Lancashire as regards those duties. I will not go even to the year 1917 when during the war the import duties upon foreign piece-goods were enhanced and there was a good deal of agitation against this policy in Lancashire. I will only say this, that in the Delhi Session of this Council, my friend on my right moved a Resolution asking the Government of Great Britain to grant full fiscal autonomy to this country under the control of the Indian Legislature. For reasons into which it is not necessary for me to go, that Resolution was not accepted. However, the Government of India, as we now know from the information which has been published in the Gazette of India, sent a Despatch to the Secretary of State for his own part, towards the end of June last, practically endorsed the Resolution which had been ultimately passed by this Council and clearly declared what the policy of His Majesty's Government was with reference to what we have come to regard as fiscal autonomy for India. I may say here that there are two currents of opinion in connection with this question of fiscal autonomy. In the first place, there are many people who want this country to enjoy complete fiscal freedom, the Government of India exercising the right of complete fiscal freedom under the control of the Indian Legislature. Secondly, there is a movement in the opposite direction in England, where people will not concede to the Government of India or to the Indian Legislature any substantial right in this behalf. Now, under the Reforms and according to the instructions of the Joint Parliamentary Committee which have been entirely accepted by the Secretary of State, under certain circumstances, namely,—when the Government of India and the Indian Legislature agree, it has been decided, subject to two conditions, that the Secretary of State will not interfere with the decisions of the Government of India and the Indian Legislature. In an extract which has been published by the Government of India from the reply the Secretary of State made to the deputation from Lancashire with regard to the Indian import duties on cotton goods, which was received in the India Office on 23rd March of this year—from that it will be quite clear to Honourable Members that the Right Honourable Mr. Montagu has made it clear to the representatives of Lancashire that having once conceded—the Parliament having once conceded to India a large measure of fiscal autonomy,—he or His Majesty's Government are not going to interfere with any fiscal measures that may be taken by the Government of India in concert with the Indian Legislature. Now that was in March 1921. This was the reply given by Mr. Montagu to the deputation from Manchester towards the end of March of this year. Since that date, however, an agitation has been carried on by these people, and I want to draw the attention of the House to the almost kaleidoscopic changes which have taken place in the attitude of Lancashire during the last few weeks. In the first place, an effort was made to bring pressure to bear upon the Secretary of



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State by the representatives of Lancashire by agitation among Members of Parliament and in the Press. The object of that agitation was to compel the British Parliament to take steps so as to force the hands of the Indian Government in the matter of the obnoxious import duties. What I want particularly to emphasise is the attitude that was taken up in this matter, which was constitutionally wrong. It was said with regard to the statement that the decision of these financial questions lies with India alone, and this was stated in the letter which was issued to members of Parliament by the Manchester people, that the truth is that constitutionally Mr. Montagu is responsible first and last, and Mr. Montagu is answerable to Parliament. This was towards the end of July, and in August the signatories to this letter went further and they questioned the representative character of the Indian Legislature itself. Now this is a most important constitutional issue, and we have to be very clear as to what that means to us. Mr. Montagu having however emphatically declared that a promise means a promise, and that a promise having been made that India must enjoy, subject to the two conditions I have referred to, as much fiscal freedom as any other part of the British Empire, the Secretary of State or His Majesty's Government could do absolutely nothing. Then the representatives of Lancashire appear to have climbed down a little. They said:—"we shall no longer bother the Secretary of State: he is so strong and stiff; he is not going to listen to us, and therefore we must change the direction of our attack. We must send a deputation to India and we must see what we can do with the Indian Government and the Indian Legislature. After all, the Secretary of State cannot interfere, but the Government of India and the Indian Legislature must determine this policy. Let us then first send a deputation to India and let us see what will happen there." But it would appear that even that idea is on the point of being abandoned. The Chairman of the deputation that waited upon Mr. Montagu—Sir Edward Stockton—made it clear to his own people that it was hopeless to fight the Secretary of State and Parliament on this question. He said:—"Our Indian experts are unanimously convinced that the only method of securing a sympathetic reconsideration of this matter is by following the suggestion made by the Secretary of State for India which is to appeal to India direct instead of agitating for Government action from this side. We are strongly opposed to the duties which they regard as harmful in the long run for both India and Lancashire, but at the same time we cannot force India against her will. The only way is to attempt to arrive at a mutual understanding with those responsible in India." So that is the new attitude which has been forced upon the people of Lancashire, and if the contents of a telegram which has appeared in some Calcutta papers be true, even this idea of sending a deputation to India is going to be abandoned. "It is understood," we are told, "that the Lancashire representatives have abandoned the idea of sending a deputation to India in regard to the cotton duties in view of Mr. Montagu's statement that Indian officials and non-officials nearly all favour protection and that India's economic policy will be decided by the recently appointed Fiscal Commission." This is the latest news that we have on this question, and from this it appears that Lancashire has given up the Government of India and the Indian Legislature as hopeless protectionists, and it is no use sending a deputation to this country. Now, the view I take of this matter is that we are not committed at the present moment either to protection or to free trade or Imperial Preference. That is

a matter which is going to be discussed and on which recommendations are to be made by the Fiscal Commission which will be sitting very soon. What I am anxious that the Government of India should do is this. The Secretary of State having from his side clearly defined his position and having left it to the Government of India and the Indian Legislature to do whatever they like in fiscal matters, subject to the conditions with which we are all familiar, it remains for the Government of India to reciprocate and say what they have got to say on this side. The Government of India has no doubt published these despatches, but as I have already pointed out, the Despatch of the Secretary of State was sent down so far back as the 30th June 1921. It has been published in the Government of India Gazette on the 3rd September, but the Government of India itself, except that it sent a Resolution which was passed by this House in March last, has not made a declaration on its own account. The public expects such a declaration. I have no reason to doubt what position the Government of India will take. I am pretty certain that the Government of India will take the same view which the Indian public takes. The Government of India has been given a certain measure of fiscal independence, but subject to the condition that the Government of India must agree with the Indian Legislature. Neither the Indian Legislature by itself nor the Government of India by itself has got any fiscal independence. The Executive Government of India is subject to the control of the Secretary of State, that is to say, of the British Parliament. But the British Parliament has decided that the Secretary of State will not exercise his control, provided the Government of India and the Indian Legislature agree. Therefore, it is necessary for the Government of India to agree with the Indian Legislature. That is to say, there must be co-operation, for the decision of questions of this nature, between the Indian Legislature and the Executive Government of India. The public expects that the Government of India will take up the thread where it has been left by the Right Honourable Mr. Montagu. He has said that it is entirely left to the Government of India and the Indian people. The Parliament has left it to us, and therefore he is not going to do anything in connection with our fiscal policy. If that is so, is it not necessary that we on this side should reciprocate the feelings and the principles which the Secretary of State has himself given emphatic expression to? In order that the policy might be completed, in order that we might get a complete view of the whole fiscal policy, it is necessary, in my opinion, that the Government of India should make a declaration that they will exercise what powers have been conferred upon them by the Government of India Act in concert with the Indian Legislature in the best interests of this country. So, in this Resolution I am not going to ask the Government to do anything which is not consistent with the Government of India Act or with the rules. I am not asking the Government of India to make any departure whatsoever with regard to their fiscal policy. What I am asking the Government of India to do is, that which I think they will very willingly do, and therefore I see no difficulty from the point of view of Government with regard to the acceptance of this Resolution. With these few words, Sir, I commend this Resolution, to the acceptance of this House.

The HONOURABLE MR. H. A. F. LINDSAY: Sir, I do not intend to detain the House very long in speaking on this Resolution. The issue it raises seems to be perfectly simple and straight-forward. What are the

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facts? On the 23rd February last this Council passed a Resolution which asked that the Secretary of State be addressed to the effect that the Government of India should be granted full fiscal autonomy subject to the provisions of the Government of India Act. Now, Sir, the Secretary of State took this into consideration and has made a definite announcement in confirmation. He has definitely stated his policy and his attitude towards all fiscal decisions of the Government of India made in concert with the Indian Legislature. Here are his words:—

'The Secretary of State should, as far as possible, avoid interference on this subject when the Government of India and the Indian Legislature are in agreement, and it is considered that his intervention when it does take place should be limited to safe-guarding the international obligations of the Empire or any fiscal arrangements within the Empire to which His Majesty's Government is a party.'

That, Sir, is a very clear and definite pronouncement, and it was made public in a Resolution of the Government of India to which my Honourable Friend has referred. Now, what are we asked to do in the Resolution before us? We are asked to approach the Governor General in Council with a request that he shall make a still further declaration. We are apparently not quite satisfied with what he has already announced; we want him to go further and say that the Secretary of State has given us these powers and that it is our intention to use them. Now, Sir, is it quite consistent with the dignity of this House that we should go to the Governor General in Council with a request of this nature? Is it especially consistent with the dignity of this House that the question of a Lancashire deputation should have been made the turning point of the Resolution? Are we to ask the Governor General in Council to repeat his assurances every time a deputation is sent to this country? Supposing that a deputation of Canadian businessmen wanted to appeal to the Government of India for some measure of Imperial Preference by way of reciprocity between Canada and India. Are we again going to ask the Governor General in Council to make a declaration of his policy?

I do not ask the House, Sir, as I do not intend myself, to vote either for or against this Resolution. But I am perfectly prepared to state that the Government of India have every intention of exercising, in concert with the Indian Legislature, and in what it believes to be the best interests of the country, the fiscal powers which have been conferred on it under the recent constitutional reforms.

The HONOURABLE SIR E. HOLBERTON: Sir, I have been listening with the utmost attention to the remarks of the Mover of the Resolution and also to Government's reply, and I am still rather at a loss to understand what we are debating. Everybody knows the statement that has been made by the Secretary of State with reference to the policy of non-intervention with any fiscal decisions agreed upon by the Government of India and the Legislature. Everybody also knows that the fiscal position of India and its policy in future is to be investigated by a Commission which is to spend a good many months on that very arduous duty. Surely, with these two pieces of information before us, it is unnecessary and possibly unwise to ask the Government to make any fiscal declaration whatever?

But I rather gathered from both the speakers who have spoken that it is not a fiscal declaration that is to be made, but a humble petition to the Viceroy that he should say that he is not going back on what has already been promised by the Secretary of State. Gentlemen, I do strongly hope that, when the records of the work we have done for this past season are closed, we shall not have been found to have put ourselves in the position of recommending to the Governor General in Council so unimportant a Resolution as that.

The HONOURABLE SARDAR JOGENDRA SINGH: Sir, there is only one point to which I need draw the attention of this Council. As Sir Edgar Holberton has pointed out, it is very difficult to find out what we are debating upon. I think we are really debating upon the underlying fear that somehow the Lancashire and other influences in England will prevail and our fiscal autonomy will not take effect. On the other hand, taking into consideration the declaration made by the Secretary of State and the fact that a Commission is going to consider the fiscal questions now, I do not see how the Honourable Mr. Kale can press his Resolution for vote in this Council and ask the Governor General to declare what has been already declared by the Secretary of State. My one fear as a free-trader is, that fiscal autonomy will lead to protection. We have such questions asked as to how to reduce the price of fuel by the Honourable Lala Ram Saran Das, and keeping an embargo on the export of wheat owing to ignorance of the economic factors underlying all these things. I see the President shaking his head and I shall not trespass on points outside the scope of the Resolution. The only thing, however, I wish to point out, is that at the present moment I do not think it would be advisable to press this Resolution to the vote, since the Secretary of State has declared his policy and the Fiscal Commission is going to consider the whole question of fiscal autonomy in India. I agree with the Honourable Mr. Kale that it remains for this House and the Government of India to justify the confidence which the Secretary of State has reposed in them by upholding fiscal autonomy under all conditions and resisting all pressure that may be brought to bear to change this fiscal autonomy.

The HONOURABLE MR. V. G. KALE: Sir, the only opposition that has been shown to my Resolution is based on the apparent, alleged superfluity of the recommendation that I am making in the course of this Resolution. It has been stated that everybody knows what the fiscal policy of the Government of India is, and that everybody knows that a Fiscal Commission is going to make an inquiry into the whole question. It seems to have been forgotten, however, that at the outset of my speech I had already said that I did not want to raise any debate with regard to the particular fiscal policy to be adopted by us—whether free trade or preference or protection. What I wanted to point out was the new constitutional position which the Government of India and the Indian people have come to occupy under the reforms, and I was anxious to show that it lay in our hands to make proper use of the position and power which have been accorded to us. It has been contended that the Secretary of State has made a declaration of policy. Very well; I started from that very declaration. I never doubted that the declaration was made, but I wanted that we in this country should clearly understand and should clearly proclaim what our constitutional position has come to be, and I thought, on reading the Despatches which have been published, that the Government of India has not clearly placed its position before the country. It was in March

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that the discussion took place. It was towards the end of June that a Despatch was sent by the Secretary of State, and I do not think the Government of India has made its position as clear as the Secretary of State has done his own. That was the ground on which I wanted the Government of India to make a declaration of its policy. However, in view of what has fallen from the Honourable Mr. Lindsay, namely, that the Government of India is going to carry out the policy referred to by me, is going to exercise what fiscal powers have been conferred upon it under the Government of India Act, and is going to reciprocate the policy which has been pronounced by the Secretary of State,—in view of what has fallen on behalf of the Government from the Honourable Mr. Lindsay, I do not want to press my Resolution, because I have got what I wanted to get, namely, a declaration. In view of this, I would ask the permission of the House to withdraw my Resolution.

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

(At this stage the Honourable the President resumed his seat.)

#### MESSAGE FROM LEGISLATIVE ASSEMBLY.

The HONOURABLE THE SECRETARY OF THE COUNCIL: Sir, a message has been received from the Legislative Assembly.

The HONOURABLE THE PRESIDENT: Let the message be read.

The HONOURABLE THE SECRETARY OF THE COUNCIL:

'I am directed to report that the further Amendment made by the Council of State in the Maintenance Orders Enforcement Bill namely, insertion of the words 'outside British India' after the word 'Dominions' in the definition of 'Reciprocating territory' in Clause 2 of the Bill, was taken into consideration by the Legislative Assembly at its meeting today and that the Legislative Assembly has agreed to the Amendment.'

#### RESOLUTION RE ABOLITION OF PIECE-SYSTEM IN GOVERNMENT PRESSES.

The HONOURABLE MR. G. S. KHAPARDE: Sir, the Resolution which I wish to propose reads as follows:—

'This Council recommends to the Governor General in Council that either the piece-system at present obtaining in the Government Presses be abolished and the employees be converted into Government servants, or a mixed committee of officials and non-officials be appointed to consider their grievances and propose remedies.'

This question was raised by me on the 14th of September 1920 in the last Council, and it was debated in this Chamber here and after a long discussion it was not resolved but any how promised by the Honourable Member then in charge of Commerce that he would give a trial to the new system which he had introduced, and after a trial for twelve months, he would lay full information before the Council on this matter and then, if it was found that the people concerned had not benefited, he would tear up the new system and then consider whether these people should be converted into Government servants or not.

Those conditions, I believe, have been now fulfilled. To-day is the 29th September, so one year has passed. Then the matter was dealt with by certain questions put in the other place by Mr. Neogy and answers were given there. Here also the other day the Honourable Maharajah Manindra Chandra Nandy put many questions on the same point and answers have been recently given, which are, I believe, within the memory of the House and so I need not repeat them.

The whole question comes to this, that these employees of the Government Presses are in a very anomalous position as I have pointed out before. They are not piece-workers exactly, because after a number of years service they are given a certain pension. They are not entirely Government servants, because they are not paid monthly salaries as all Government servants are paid. They are paid according to certain amount of work which they are supposed to do. That amount of work, in order to enable it to be done, has to pass through nearly nine hands before it is finished. I described that system in detail last year and I do not think it necessary to detail it again. Practically, it was then admitted that it was so. After the work is given to a man to do, he has to go to various persons. He has got to go to the typist, then collect types and in getting the types there are delays. After getting the materials it is composed, and then he has to go and get a copy printed. That copy is to go to the section-holder, and from the section-holder to the reader, and from the reader it has to come back corrected, and then he has to go through the whole process again, to the typist, the stores man, and so on and so forth, until it comes back again corrected to the reader, and then from the reader to the compositor, and from the compositor it goes to a certain person called impositor whose duties I have not been able to ascertain. Ultimately what is to be paid to that man for that piece of work is dependent on those things. This is a cumbrous process, and the man himself is neither a Government servant nor a contractor. He is neither fish, flesh nor red herring. There the thing ends. I complained about that system on their behalf last year, and the Honourable Member for Commerce then said that he was introducing a new system. That new system has been tried. On the 14th June these press people submitted a memorial to His Excellency the Viceroy, and the answer given to that was that "they (I believe the Government of India) have undertaken to examine the results of the present system so far as wages of piece-workers are concerned after the system has been in force for 12 months." This period of 12 months has now expired since the assurance was given last year by the then Honourable Member for Commerce. All I say is that at present so far as I can see, this system has been found not to be useful, at any rate not satisfactory to the persons concerned. And those people should be converted into Government servants. I remember it was said last year that there were no data on which their pay could be fixed. I replied then, and it is my reply now, that as pensions are given to these people on their average emoluments during the previous six years, their pay also might be fixed according to the average of their earnings during the last six years, and all these troubles and difficulties would cease. The advantage of converting them into Government servants is that they get leave which Government servants get for sickness, they will get increments according to rules, and they will be eligible for pension. At present the pension that is given is rather peculiar. A man earns a good deal when he is young and strong, but as he gets older and older

[Mr. G. S. Khaparde.]

he begins to earn less and less because he cannot work as he did in his youth, and when pension is calculated on the last six years' average earnings it is calculated on the lowest of his earnings during that period. I have here a case in which a man after serving for 25 years retired on a pension of Rs. 3 a month. That is not a reasonable way of calculating pension. The man when he is serving earns, 30, 40, 50, 60, 70, rupees a month, and when he retires he retires on a pension of Rs. 3! This anomaly has got to be cured, and it will not be cured until we convert them into so many Government servants. Last year I argued that the people who keep private presses also keep employed people as servants. In the Government of India itself the Private Secretary's Press consists of people who are Government servants. Other presses there are which consist of Government servants. Why is this one press to be singled out to be divided into piece-workers and salaried people, the salaried people not agreeing with the piece-workers and causing conflict and friction between them. I suggest that for the sake of unanimity and peace these people should be converted into Government servants.

If, however, that recommendation does not meet with the approval of Government, I then fall back upon my original proposition, that at least a fair and thorough inquiry should be held before any decision is arrived at and that inquiry should be conducted by a mixed committee of officials and non-officials. The necessity for this committee has become more apparent since in answer to a question put by my Honourable friend Mr. Neogy in the other House, it was pointed out that there were long calculations to be gone through and the statements were fairly complicated and it would take some time to prepare them. If it takes a long time to prepare them, it will take some time for the committee to examine them, and in that way it will become a difficult question. So, at this stage I do not propose to say more than to submit these two recommendations, that either the Government may be pleased to convert these people into Government servants, or at least to grant an inquiry of the kind which I have put forward.

With these few words I recommend the Resolution to the acceptance of this Council.

The HONOURABLE MAHARAJA MANINDRA CHANDRA NANDY:

12-51 P.M.

Mr. President, I have very great pleasure in associating myself with the request conveyed in the Resolution of my Honourable friend, Mr. Khaparde. The piece-system in the printing establishments of the Government has not worked satisfactorily since it was started more than 40 years ago, and I had the unpleasant duty of bringing this matter before this Council three days ago in a series of questions. There seems to be a good deal of difference in the pay, position, pensions, leave and holidays of the piece-employees and the permanent servants in the Printing establishments under the Government. There have been many strikes over the grievances of the piece-employees of late years, and some of these grievances are still being felt as a grave injustice by the thousands of workers under the existing system. So far as I have been able to look into the matter, I think the piece-employees have a very just grievance which ought to be inquired into and set right, and, with that view, I have very great pleasure to support my friend's motion for the appointment of a Committee to go into the whole matter and recommend remedial measures to the Government.

The HONOURABLE SARDAR JOGENDRA SINGH: Sir, ordinarily, I would be inclined to think that the Resolution such as the Honourable Mr. Khaparde has moved dealing

with the adjustment of wages between employer and employees could hardly be considered here. But the Resolution raises a question of principle, the adjustment of prices and wages. Prices have soared up everywhere and wages have not kept pace with them. I honestly believe that wages need an increase from top to bottom. I do not exclude anybody from the rise which is necessary to keep pace with the prices of commodities now.

I am, therefore, of opinion that the representation of these press people should be very carefully considered, and I do think that an improvement in wages is necessary. That is why I am inclined to support this Resolution. I hope the Honourable Member who is going to reply will be in a position to show that he is going to consider this question carefully and favourably so that the piece-workers, who set our speeches in press and print the debates so quickly and well are satisfied, I shall be very greatly gratified.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: Sir, I strongly support the Resolution of my Honourable friend. I do not want to say anything more because I shall then be traversing the same ground.

The HONOURABLE MR. H. A. F. LINDSAY: Sir, I shall begin by

12-54 P.M.

admitting that Government find great difficulty in organizing piece work in the Government of India presses on a basis satisfactory both to employers and employed. The whole question has been gone into very thoroughly, and a Government Resolution, as the Honourable Mover pointed out, was issued so lately as July last year revising the terms. But that revision of the terms was admittedly on an experimental basis only. Owing to a strike at the presses, it could not be introduced before October last year, and the 12 months to which my Honourable Friend has referred are in grave danger of lapsing. The obligation to revise the system still further, or at any rate to acquire materials for a further revision, still holds good. Now, Sir, the chief difficulty which we have lies in the inevitable comparison between the wages and terms of service of salaried employees and piece-workers. In the replies given to the Honourable Maharajah Sir Manindra Chandra Nandy just the other day full details were explained of the rise in wages which had been given during the last few years. I think that the difficulty at the presses at present is not so much a matter of wages as a matter of terms of service. There is perhaps some jealousy on the part of the piece-workers of the higher prestige of those who are permanent and salaried Government servants at the press. At the same time it is extremely difficult to find any satisfactory system to take the place of piece-workers.

The Honourable Member's Resolution contains two alternatives: either that the piece-system should be abolished, and the employees converted into Government servants, or else that a mixed committee of officials and non-officials be appointed to go into the whole question. I may say at once, Sir, that Government are not prepared, for the reason I have already given, to accept the first alternative, but are fully prepared to accept the second. I am afraid that the statements and particulars promised are not yet ready. They are extremely detailed and complicated and cannot be ready before the end of the year. Therefore, in accepting the

[Mr. H. A. F. Lindsay.]

proposal to appoint a committee, Government suggest that it should not be convened before next January, when the figures will be ready and placed before them. Government also undertake that the committee shall contain a representative of the employees of the Government presses, and that it shall contain one member who is interested in large industrial undertakings where similar problems have to be faced. On this understanding, Sir, Government accept the second part of the Resolution, and on the understanding that it will be left to Government to arrange the constitution of the committee subject to the suggestions already given, I ask the House to vote in favour of the adoption of the Resolution.

The HONOURABLE MR. G. S. KHAPARDE: Sir, it is unnecessary for me to say anything beyond this that I am willing that this Committee, as proposed by the Honourable Mr. Lindsay, be appointed.

The HONOURABLE THE PRESIDENT: I understand that the Honourable Member desires the permission of the House to withdraw the first portion of the Resolution.

The HONOURABLE MR. G. S. KHAPARDE: Yes, Sir, the portion of the Resolution, which recommends 'that either the piece-system at present obtaining in the Government Presses be abolished and the employees be converted into Government servants, or,' was, by permission of the Council, withdrawn.

The HONOURABLE THE PRESIDENT: It remains for me to put the Resolution as amended. The question is that the following Resolution be adopted, namely:—

'This Council recommends to the Governor General in Council that a mixed committee of officials and non-officials be appointed to consider their grievances and propose remedies.'

The Resolution was adopted.

#### LAND ACQUISITION (AMENDMENT) BILL.

The HONOURABLE MR. B. N. SARMA: Sir, I beg to move 'that the Amendments made by the Legislative Assembly in the Bill further to amend the Land Acquisition Act, 1894,' be taken into consideration.

Honourable Members will remember that in February last I introduced a Bill into this Council further to amend the Land Acquisition Act, 1894, and that this House was pleased to pass it on the 17th March. The Bill then went up to the Legislative Assembly, was discussed there, and finally passed, with certain Amendments. Two of these Amendments are of a very formal character, but one is of a substantial nature. The first Amendment that the Assembly agreed to was that in clause 2 of the Bill for the word "grounds" the words "statement of the grounds" should be inserted. It is a mere formal technical amendment, and I do not think that the House need be troubled with any explanation about it. The second Amendment that the Legislative Assembly adopted is also of a formal character—an Amendment moved at the instance of the Government. It was found that the Act which was sought to

be affected, namely, the Bombay Act, was an Act of the Imperial Legislature, and that the wording of the clause, as it stood originally, might not be sufficiently comprehensive to include within its category the Act to which I referred, and consequently, instead of the words "Acts of the local legislature" the words "enactment for the time being in force" have been employed. Here also the amendment is a mere formal amendment, and is not an amendment of substance. The third amendment is one to which exception was taken by the Government in the Lower House, both on the grounds of convenience and principle. Honourable Members will remember that I suggested that an appeal to the Privy Council should lie only where there is a substantial question of law involved and not a question of fact.

I think it is desirable that I should remind the House briefly of the provision in question. Previous to 1911-12, appeals lay to the Privy Council against the decisions of the High Court in Land Acquisition Act cases exactly on the same conditions as in other cases. In 1911-12, the Privy Council held that on a proper construction of the Land Acquisition Act no appeals would lie to the Privy Council against any decision of the High Court, and this Bill seeks to give a right of appeal to the Privy Council. Local Governments, High Courts and public bodies were consulted. Opinions were divided and ultimately it was considered desirable that an appeal should lie to the Privy Council only where there is a substantial question of law involved, and Honourable Members of this House were pleased to accept that view. Something could be said for the other view, namely, that inasmuch as for over 17 years appeals lay on substantially the same terms in land acquisition cases as in other cases, the same privilege might be continued, and that was the view taken by the Lower House, or the Legislative Assembly, to be more courteous. The Government urged, and are still of the same opinion, that it would be more convenient to the suitors and the public alike if appeals be limited to questions of law. We had regard especially to the views of Local Governments, but I would suggest to this House that we need not quarrel with the decision of the Lower House on this point for two substantial reasons. First, because a wider power is attempted to be conferred upon the subject by enlarging his right to appeal to the Privy Council whenever he quarrels with the decision of the High Court here, much in the same way as if he be dissatisfied with the decision of the High Court in other matters. From the point of view of convenience, it was that the Government held chiefly that appeals should be confined to questions of law, but I find on an analysis of the number of appeals which were preferred during the period of 17 years that I referred to, from 1894 to 1911-12, that there were only four appeals preferred to the Privy Council under the Land Acquisition Act, in one of which, the Rangoon case, the Privy Council held that they had no jurisdiction and dismissed the appeal. The other three cases were, I believe, from Calcutta. Two were confined to questions of law and one was a mixed question of law and fact, and all the three appeals were dismissed. Consequently, it does not seem to me to make any very great difference whether the power of appeal is conferred or not, if our experience in the past is any criterion of what is likely to occur in the future. Of course if any inconvenience is experienced in the future, it will be open to the Government and the Legislature to change the law, and it is under these circumstances that I venture to suggest to this House that we may agree to the Amendments that have been adopted by the Legislative Assembly. With these words, Sir, I ask that the Amendments be taken into consideration.



[Saiyid Raza Ali.]

The HONOURABLE SAIYID RAZA ALI: Sir, with your permission I will just say a word about these Amendments. Two of them, as has been pointed out, are merely technical and nothing need be said as to them. But the third is rather an important Amendment.

The HONOURABLE THE PRESIDENT: If the Honourable Member wishes to speak on the third Amendment, I would ask him to speak after the motion that the Amendments be taken into consideration has been put to the Chamber.

The HONOURABLE SAIYID RAZA ALI: I think so too, Sir.

The HONOURABLE THE PRESIDENT: The question is that the Amendments made by the Legislative Assembly in the Bill to amend the Land Acquisition Act be taken into consideration.

The motion was adopted.

The HONOURABLE THE PRESIDENT: I propose to put the Amendments separately.

The question is that this Council do concur in the following Amendment; that—

'In clause 2 of the Bill, line 7, between the words 'the' and 'grounds' the words 'statement of the' be inserted.'

The Amendment was adopted.

The HONOURABLE THE PRESIDENT: The question is that—

'In section 54 of the Land Acquisition Act, clause 3 of the Bill, this Council do concur in the substitution for the words 'Act of a local legislature' of the words 'enactment for the time-being in force.'

The Amendment was adopted.

The HONOURABLE THE PRESIDENT: The question is that for the words from 'subject also . . . ' to the words 'High Court,' as passed by this Council, the following be substituted, namely:

'from any decree of the High Court passed on such appeal as aforesaid an appeal shall lie to His Majesty in Council subject to the provisions contained in Section 110 of the Code of Civil Procedure, 1908, and in Order XLV thereof.'

The HONOURABLE SAIYID RAZA ALI: Sir, this Amendment is in fact closely connected with the second Amendment which will be presently before the House. The two are so closely connected that I believe what little I have to say I can say on this Amendment. The Amendment is rather an important one, and I am very glad that the Government have seen their way to accepting the alteration that was made by the Legislative Assembly. I will only say one word about a remark that the Honourable Mr. Sarma let fall in the course of his speech. He pointed out that in the course of 17 years there had been only 4 appeals to His Majesty in Council, and it so happened that all the appeals were dismissed, and therefore it did not matter much if we gave this right of appeal or not. I distinctly remember that observation. Perhaps my Honourable friend did not mean it but it came to that. Now I think it my duty to take exception to that remark.

Now it does not follow that all the appeals that are made to His Majesty in Council will be dismissed. I think that to concede this point on that supposition is a very risky position, and I hope that if the Government are under that idea they will get rid of that notion.

The HONOURABLE MR. B. N. SARMA: Sir, this point requires a word of explanation. I think my Honourable friend has misunderstood me. I said that during the course of 17 years there have been only 4 appeals, and one was on the question of jurisdiction, and that consequently there cannot be any very great inconvenience felt, inasmuch as having regard to the large number of Land Acquisition Act cases and the extremely small proportion of appeals to the Privy Council, it did not matter to the Government, to the land acquiring authorities, as to whether an appeal lay or did not lie. That was what I said. It may be that an appeal to the Privy Council might succeed or it might be dismissed. But the Government have not based any decision on the probability of success or failure though the smallness of the number of appeals and their failure does mean also that the administration of justice in the High Court is so very efficient, that there is absolutely no necessity for an enlargement of the right of appeal, but having regard to the past there is no likelihood of any large number of appeals and consequently it may not matter to the Government whether an appeal is allowed or not in the same manner as before 1911-12.

The Amendment was adopted.

The HONOURABLE THE PRESIDENT: The last Amendment is purely consequential, that is "This House do concur in the Amendment made in the Legislative Assembly that in Clause 3 of the Bill sub-section (2) be deleted."

The Amendment was adopted.

#### CLOSE OF SESSION.

The HONOURABLE THE PRESIDENT: That closes the business for today. As the Council will now stand adjourned till we meet in Delhi, I wish the Honourable Members a happy return to their homes after their arduous labours, and I hope to see them all again in Delhi. I am unable to specify the exact date on which the Meetings will commence in Delhi, but it will probably be about the middle of January.

The Council now stands adjourned to a day to be subsequently notified.

The Council adjourned *sine die*.



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