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TO DEBATES OF
THE COUNCIL OF
STATE**

Vol. IV, Part III.



3rd September to 23rd September 1924.)

**FOURTH SESSION
OF THE
COUNCIL OF STATE, 1924.**



SIMLA
MANAGER, GOVERNMENT OF INDIA PRESS
1924.

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COUNCIL OF STATE.

Wednesday, the 3rd September, 1924.

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

MEMBERS SWORN.

The Honourable Mr. Geoffrey Latham Corbett, C.I.E., (Commerce Secretary); the Honourable Mr. William Gregg McFarland (Madras: Nominated Official); the Honourable Saiyed Muhammad Padshah Sahib Bahadur (Madras: Muhammadan); the Honourable Mr. Claud Alexander Barron, C.S.I., C.I.E., J.V.O. (Punjab: Nominated Official); and the Honourable Mr. Yamin Khan (United Provinces West: Muhammadan).

QUESTIONS AND ANSWERS.

STRENGTH OF PIECE-WORK ESTABLISHMENT IN GOVERNMENT PRESSES AT CALCUTTA AND DELHI.

311. THE HONOURABLE MR. G. N. KHAPARDE: Will Government be pleased to state—

- the strength of its piece-work establishment, department by department, in the Government presses at Calcutta and Delhi, respectively, in the year 1921 and at the present time, respectively; and
- the strength of the salaried establishment, including the supervising staff, department by department, in the above presses, respectively, during the above periods, respectively?

THE HONOURABLE MR. A. H. LEY: I place on the table a statement containing the particulars required.

PIECE-WORK ESTABLISHMENT.

	CALCUTTA PRESS.		DELHI PRESS.	
	1921.	1924.	1921.	1924.
Composing Branch	742	242	292	126
Press and Machine Branch	177	150	20	15
Warehouse and Bindery	401	251	52	38
Foundry	132	2	..	..
Mechanical	5	3	..	..

SALARIED ESTABLISHMENT.

	CALCUTTA PRESS.		DELHI PRESS.	
	1921.	1924.	1921.	1924.
Superior Supervising Staff	7	6	2	1
Office	134	91	9	13
Publishing Branch	..	..	3	3
Composing Branch	94	84	36	41
Press and Machine	77	56	31	17
Warehouse and Bindery	31	28	3	3
Foundry	72	17	..	1
Mechanical	59	54	2	3
Printing	185	114	75	49
Superior Services (Menials, Duffries, etc.)	172	143	73	61

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REDUCTION OF STAFF IN GOVERNMENT PRESSES.

312. THE HONOURABLE MR. G. S. KHAPARDE: (a) Is it a fact that nearly forty piece-work compositors, who had served in the Calcutta press for periods varying from nearly ten to twenty years, have been discharged from the above press for some break in their service for certain periods at the time of the general reduction of staff in Government presses?

(b) Is it also a fact that, at the time of the re-appointment of the above men, fines were realised from them as punishment and many were placed in the same class as they were in before?

(c) Is it a fact that some of the above men previous to their re-employment had served the Government from periods varying from ten to fifteen years?

(d) If the reply to the above is in the affirmative, what action do Government propose to take?

(e) Will Government be pleased to furnish the list of men whose services have been dispensed with under similar circumstances in the Delhi press?

THE HONOURABLE MR. A. H. LEY: The facts are not exactly as stated by the Honourable Member. A number of piece-work compositors were discharged on account of retrenchment. Some of the men discharged had served the press at earlier periods and had left Government employment for various causes and for varying periods. On their re-employment, small fines had been imposed in some cases. In selecting temporary employees for discharge, only continuous service was taken into account and those with the longest periods of continuous service to their credit were retained. Government have examined every individual case in which a petition was presented to them, and I shall be glad to give the Honourable Member details of these cases in my office. Government will be prepared to examine any further cases which have not already been submitted to them, but the publication of lists of the men discharged would not, in their opinion, serve any useful purpose.

NUMBER OF PERMANENT AND TEMPORARY MEN ON THE PIECE-WORK ESTABLISHMENT IN THE CALCUTTA AND DELHI PRESSES.

313. THE HONOURABLE MR. G. S. KHAPARDE: Will Government be pleased to state—

(a) the present number of permanent and temporary hands in its piece-work establishment respectively in the Calcutta and Delhi presses, press by press; and

(b) the number of piece-workers in the Calcutta and Delhi presses, respectively, who have been placed on the permanent list during the years 1922-23 and 1923-24, respectively?

THE HONOURABLE MR. A. H. LEY: (a) The numbers are:—
In Calcutta 193 permanent and 455 temporary.
In Delhi 99 permanent and 80 temporary.

(b) In the Calcutta press, none in either year. In the Delhi press, in 1922-23, 21 temporary men were replaced by permanent men transferred from other presses; in 1923-24 one piece-worker has been placed on the permanent list.

PENSIONS TO PIECE-WORKERS IN THE CALCUTTA AND DELHI PRESSES.

314. THE HONOURABLE MR. G. S. KHAPARDE: Will Government state—

(a) the number of piece-workers in the Calcutta and Delhi presses, respectively, who have been given pensions during the years 1922-23 and 1923-24, respectively; and

(b) the number of men in the above presses, respectively, who have applied for pensions during the above periods, year by year?

THE HONOURABLE MR. A. H. LEY: The numbers are as follows:—

(a) In Calcutta, 12 in 1922-23 and 14 in 1923-24; in Delhi 8 in 1922-23 and 4 in 1923-24.

(b) In Calcutta, 14 in 1922-23 and 17 in 1923-24; in Delhi 8 in 1922-23 and 5 in 1923-24.

ANNUAL CLASSIFICATION OF THE PIECE-WORK ESTABLISHMENT IN THE CALCUTTA PRESS.

315. THE HONOURABLE MR. G. S. KHAPARDE: (a) Is it a fact that no annual classification of the piece-work establishment was carried out in the Government Press at Calcutta after the year 1922?

(b) If so, why?

(c) Is it also a fact that, as a result of the classification carried out in the year 1922 in the Calcutta press, piece-workers, who have merited promotion of over two classes, have not even been given a single class promotion, while those of the above men, whose earnings have shown decrease, have been degraded even from four to five classes?

(d) If to the above question the reply be in the affirmative, what action do Government propose to take in the case of piece-workers who, in spite of their increased return of earning, have not been given promotion?

THE HONOURABLE MR. A. H. LEY: (a) Yes.

(b) The question of reclassification is under reconsideration.

(c) 217 piece-workers were promoted, 90 men maintained their class and 36 were reduced. In only 4 cases were men reduced more than 2 classes. In addition to those included in the above figures a large number of men in the Binding Department were not advanced in class.

(d) No further action is proposed in respect of the 1922 classification, as Government are satisfied that the men received adequate remuneration.

BINDING DEPARTMENT OF THE CALCUTTA PRESS.

316. THE HONOURABLE MR. G. S. KHAPARDE: (a) Is it a fact that no waiting time is given to the men in the Binding Department of the Calcutta Press for the last one year?

(b) Was it a practice in the Binding Department of the Calcutta press that, for making up plates, plans, maps, diagrams, etc., the binders were paid according to hour work rates?

(c) Is it a fact that, for the last five months, the above practice has now been discontinued and the binders are being paid at the rate of 2 pies per thousand?

(d) If the reply to the above question be in the affirmative, will Government be pleased to state the reasons for the discontinuance of the former practice?

THE HONOURABLE MR. A. H. LEY: (a) As there has been sufficient work to keep the men in the Binding Department fully employed, waiting time was allowed only in the case of breakdown of the machinery.

(b) Such work as inserting plates on guards, lining or folding maps has always been done on hour work.

(c) The practice has not been discontinued: in some cases, on account of excessive charges, the hour slips were cut down after a careful check, but in no case was payment made at the low rate suggested by the Honourable Member.

(d) This does not arise.

PIECE-WORKERS' COMMITTEE'S REPORT.

317. THE HONOURABLE MR. G. S. KHAPARDE: Will Government state whether all the recommendations of the Piece-workers' Committee's Report have been given effect to?

THE HONOURABLE MR. A. H. LEY: The recommendations of the Piece-workers' Committee have been given effect to in full subject to the following provisos:—

(a) the distinction between permanent and temporary establishment has been abolished, only so far as to give temporary hands the same right to pensions as permanent hands,

(b) the proposal to condone 16 days' absence each year, with retrospective effect in calculating qualifying service for pension has not been accepted.

NAMES OF CONTRACTORS FOR PRINTING WORK.

318. THE HONOURABLE MR. G. S. KHAPARDE: (a) Will Government be pleased to give the names of contractors with whom Government have placed their printing orders?

(b) What is the volume of printing work, estimated in terms of cost, that has been done each year during the period 1920 to 1924 in the Government presses at Calcutta, Simla and Delhi, respectively, and at the establishments of the contractors separately during the above period, year by year?

THE HONOURABLE MR. A. H. LEY: (a) Messrs. Lal Chand and Sons, Calcutta and Messrs. Karim Baksh Brothers, Calcutta.

(b) The information required is contained in the following statement:—

Year.	Government Presses.			Contractors.	
	Rs.			Rs.	
1920-21	..	..	..	18,71,849	6,23,561
1921-22	..	..	..	22,60,455	8,03,672
1922-23	..	..	..	20,10,492	5,64,241

The figures for 1923-24 are not yet available, but payments to Contractors show a very large decrease.

COST OF MACHINERY PURCHASED FROM 1922 TO 1924.

319. THE HONOURABLE MR. G. S. KHAPARDE: Will Government state the amount, in terms of cost, of machinery that they have purchased during the period 1922, 1923 and 1924, year by year?

THE HONOURABLE MR. A. H. LEY:

In 1921-22	..	..	..	1 lakh	79 thousand rupees.
In 1922-23	..	..	..	1 lakh	9 thousand rupees.
In 1923-24	..	..	..	6 lakhs	92 thousand rupees.

NUMBER OF COMPOSITORS HOLDING THE POST OF SECTION-HOLDERS IN THE CALCUTTA AND DELHI PRESSES.

320. THE HONOURABLE MR. G. S. KHAPARDE: Will Government state the number of compositors, who have been given the post of section-holders in the Calcutta and Delhi presses, respectively, during the year 1923-24 in accordance with the recommendation of the Piece-workers' Committee's Report of 1922?

THE HONOURABLE MR. A. H. LEY: In the year 1923-24 no compositor could be given the post of section-holder in the Calcutta press as no vacancy occurred. In the Delhi press there were no permanent vacancies, but one compositor is now acting as a section-holder in a temporary vacancy.

IMPERIAL OR PROVINCIAL GOVERNMENTS' RULES GOVERNING INCIDENCE OF WATER RATE.

321. THE HONOURABLE SARDAR JOGENDRA SINGH: Are there any rules framed by the Imperial or Provincial Governments governing the incidence of water rate?

THE HONOURABLE MR. A. H. LEY: Presumably the Honourable Member refers to rules prescribing the basis on which water rates should be determined. No such rules have been laid down by the Government of India nor, so far as they are aware, by any Provincial Government.

THE HONOURABLE SARDAR JOGENDRA SINGH: Then on what lines are increases made if there are no rules?

THE HONOURABLE MR. A. H. LEY: That is a question which should be addressed to the Local Governments concerned. The Government of India are in no way concerned.

REPORTS OF THE COMMITTEES APPOINTED IN THE UNITED PROVINCES AND THE PUNJAB ON LAND REVENUE.

322. THE HONOURABLE SARDAR JOGENDRA SINGH: Have the Government of India received reports of the Committees appointed in the United Provinces and the Punjab on land revenue? Is it within the province of the Local Governments concerned to deal with these reports?

THE HONOURABLE SIR NARASIMHA SARMA: The Government of India have seen the reports of the Committees appointed by the Punjab and the United Provinces Governments. The two Local Governments are competent to deal with these reports subject to the general powers of direction, superintendence and control vested in the Governor General in Council in regard to reserved provincial subjects.

THE HONOURABLE SARDAR JOGENDRA SINGH: When the general supervision is reserved to the Governor General in Council, how is it that discussion on land revenue and water rates is refused in this Council?

THE HONOURABLE SIR NARASIMHA SARMA: The question of the admission or non-admission of any particular subject or Resolution does not arise now in relation to this question.

NEW PENSION RULES FOR PROVINCIAL CIVIL SERVICE OFFICERS.

323. THE HONOURABLE LALA SUKHBIR SINHA: (a) Have the Government of India received the recommendations with regard to the new pension rules for Provincial Civil Service Officers, referred to at page 25 of the proceedings of the United Provinces Legislative Council, dated the 26th February 1924, Volume XVII, No. 1?

(b) If so, will they be pleased to state the approximate time by which the new pension rules are likely to be published?

THE HONOURABLE MR. A. C. McWATTERS: (a) Yes.

(b) The rules are now under the consideration of the Secretary of State. It is not possible to say when they are likely to be published.

PRISONERS FROM INDIA SERVING THEIR SENTENCES IN ENGLAND.

324. THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: (a) Would the Government please state whether any prisoners from India have been sent to England to serve their sentences?

(b) If so, would the Government please state their names and the nature of their offences and sentences?

(c) Would the Government please state under what law and authority prisoners are so sent from India to England?

(d) Is there any Act applicable to India of the nature of the Colonial Prisoners Removal Act, and is it permissible to remove prisoners from India excepting to recognised penal settlements?

THE HONOURABLE MR. J. CRERAR: Prisoners can be sent from India to serve their sentences in England under the Colonial Prisoners' Removal Act and the Army Act. So far as can be ascertained since the year

1910, only two prisoners have been so sent under the Colonial Prisoners' Removal Act. No record is available of the number of prisoners sent under the Army Act.

AMENDMENT OF THE RULES REGARDING ADDITIONAL OR SUPPLEMENTARY GRANTS.

325. THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: (a) Would the Government please state the reasons for, and circumstances in, which amendment was made of the rules concerning Legislative Assembly and Provincial Legislative Councils regarding additional or supplementary grants?

(b) Would the Government please state whether proposals for such amendment and the reasons therefor were laid before the Reforms Inquiry Committee? If not, why not?

(c) Would the Government please state whether the Law Officers of the Government in India and England (including the Advocate General of Bengal) were consulted about such amendment? If so, when?

(d) Would the Government please lay on the table the papers and correspondence relating to such amendment?

THE HONOURABLE MR. J. CRERAR: (a) As the Honourable Member is doubtless aware a temporary injunction was granted by the Calcutta High Court on the 7th July against the President of the Bengal Legislative Council, including in that term the Deputy President and the Panel Chairman, restraining them from putting a motion relating to a supplementary grant before the Bengal Legislative Council pending the final determination of a suit which had been filed in that Court. In the course of his order directing the issue of the injunction Mr. Justice Ghosh held that the motion could not be presented to Council because of the provisions of rule 32 of the Bengal Legislative Council Rules. It will be remembered that the Joint Select Committee of Parliament in their remarks on clause 11 of the Bill of 1919 suggested that the Governor would be justified, if so advised by his Ministers, when a Council had altered the provision for a transferred subject in resubmitting a provision to the Council for a review of their former decision. The Joint Committee intimated that they did not apprehend that any statutory prescription to that effect was required. As stated by the Secretary of State in the House of Lords on the 21st July, 1924, the Government of India and the Secretary of State agreed in thinking that the rules referred to did not in fact preclude such a motion as was proposed to be moved by the Government of Bengal. In view, however, of the opinion expressed by the learned Judge of the Calcutta High Court and of the fact that the Government of India understood that a similar motion was proposed to be moved in the Bombay Legislative Council, which was due to meet on the 21st July, the Government of India considered that it was desirable *ex majore cautela* to amend the rule. They accordingly made the necessary recommendations in regard to the Indian Legislative Rules and the Legislative Council Rules of each province. Their recommendations were sanctioned by the Secretary of State in Council, and amendments to remove all doubts as to the meaning of the rules were made on the 19th July and published on the 21st July. I would merely add that Mr. Justice Ghosh in

directing the issue of the injunction concluded his order by expressing the opinion that the rules required revision in the light of the events in the case before him.

(b) The Reforms Inquiry Committee was not sitting at the time, and the proposals for the amendment and the reasons therefor were accordingly not laid before that Committee.

(c) The Government of India do not know whether the Law Officers of the Crown were consulted in England at the time. They did not themselves consult the Advocate General of Bengal.

(d) Government are not prepared to lay the correspondence on the table.

THE HONOURABLE MR. S. VEDAMURTI: Were these rules placed on the table of the House of Commons when they were brought into operation?

THE HONOURABLE MR. J. CRERAR: That is not a matter within my cognizance.

INDIANISATION OF THE SERVICES.

326. THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY:

(a) Has the attention of the Government been drawn to the statement of the Right Honourable Viscount Peel in the House of Lords to the effect that "there was a great deal of opinion in India rather averse to making proper provision for the services, partly owing to the tendency to believe that complete Indianisation of the services might lead to their being placed on a more expensive basis"?

(b) Would the Government please state if any statements or despatches from the Government of India to His Lordship while Secretary of State for India afford justification or reason for such statement?

(c) If so, would the Government please lay such statements or despatches on the table?

THE HONOURABLE MR. J. CRERAR: The Government of India have seen a report of the statement referred to. So far as any inference can be drawn from a necessarily brief telegraphic summary, it would appear that Lord Peel had in mind the present public opinion in some quarters in India as expressed in the Legislature and the press and not any official documents addressed to him.

LORD OLIVIER'S STATEMENT IN THE HOUSE OF LORDS REGARDING REFORMS IN INDIA.

327. THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY:

(a) Has the attention of the Governor General in Council been called to the statement of the Right Honourable Lord Olivier in the House of Lords that "His Majesty's Government recognised the only possibility that the result of the inquiry might impose on them was the duty of coming to a conclusion with regard to whether or not steps should be taken to re-examine the constitutional position. That would be the position only if it were proved to the satisfaction of the Government of India that there were certain defects or legitimate grounds

for complaint in the operation of the reforms that could not be redressed within the Act without some revision of its provisions"?

(b) Do Government propose to make a representation to the Right Honourable the Secretary of State that such a pronouncement, before the Reforms Inquiry Committee completes its labours, is likely to prejudice them?

THE HONOURABLE MR. J. CRERAR: (a) The Honourable Member has not quoted the Secretary of State correctly. What he said in his speech in the House of Lords on the 21st July was:—

"The proposal of the Swaraj Party in the Assembly, as I have quoted, was on the basis that they, the representatives of the Indian people, are entitled to draft and prescribe their own constitution and to have a round table conference for the purpose. A proposal that was mooted in the other house was that a Royal Commission should be sent out to investigate the constitutional situation. There may be other alternatives, but on none of those alternatives have His Majesty's Government come to any conclusion. They only recognise, and they cannot fail to recognise, that it is just possible that the result of this inquiry may impose upon them the duty of coming to such a conclusion—that is to say as to whether some steps should or should not be taken to re-examine the constitutional position. That will be the position if, and only if, it is proved to the satisfaction of the Government of India that there are certain defects, certain legitimate grounds for complaint in the operations of the Montagu-Chelmsford Reforms that cannot be redressed within the four corners of the Act without some revision of its provisions. That, I hope, is a satisfactory explanation of the position of His Majesty's Government. We are at present conducting a judicial inquiry in order that we may have evidence as to the operation of the Government of India Act. Until we have that evidence and the judgment of the Government of India upon it, we can come to no decision ourselves as to whether the Government of India Act is operating well or not and we cannot possibly come to any position as to what further steps shall be taken as a result of that inquiry."

(b) In view of the terms of the Secretary of State's announcement the question of making a representation to the Secretary of State in this connection does not arise.

REPORTS OF VARIOUS COMMITTEES APPOINTED BY LOCAL GOVERNMENTS TO EXAMINE THE LAND REVENUE QUESTION.

328. THE HONOURABLE SARDAR JOGENDRA SINGH: Will the Government lay on the table the reports of the various Committees appointed by Provincial Governments to examine the land revenue question?

THE HONOURABLE SIR NARASIMHA SARMA: The Government of India have only received reports of the Committees appointed by the Governments of Madras, Punjab and the United Provinces. Copies of these reports will be placed in the Library for the convenience of Members.

THE HONOURABLE SARDAR JOGENDRA SINGH: Do these Committees recommend the revision of the standard and the extension of the period of settlement?

THE HONOURABLE SIR NARASIMHA SARMA: Some of them do.

THE HONOURABLE SARDAR JOGENDRA SINGH: Is it within the province of the Provincial Governments to revise the standard or extend the period of settlement?

THE HONOURABLE SIR NARASIMHA SARMA: There are rules governing the subject, and the Local Governments will have to consult the Government of India on the subject.

THE HONOURABLE SARDAR JOGENDRA SINGH: Is it within the province of the Provincial Governments to revise the rules?

THE HONOURABLE SIR NARASIMHA SARMA: At present they would have to consult the Government of India.

THE HONOURABLE SARDAR JOGENDRA SINGH: Then the question can come before the Government of India for discussion in this Council?

THE HONOURABLE SIR NARASIMHA SARMA: If raised in a proper form and at a suitable opportunity.

TENDERS FOR THE SUPPLY OF BRITISH PORTLAND CEMENT FOR THE SOUTH INDIAN RAILWAY.

329. THE HONOURABLE MR. LALUBHAI SAMALDAS: Will Government be pleased to state if they have noticed an advertisement of the South Indian Railway Company calling for tenders for the supply of British Portland cement in barrels, published in the *Indian Trade Journal*, dated the 10th July 1924, and, if so,—

(i) will they be pleased to say if they have made inquiries whether the Railway called for tenders from cement manufacturing companies in India; and

(ii) if no tenders have been called for, what action do Government propose to take so that there may not be a repetition of incidents of this character as regards the purchase of railway and other stores?

THE HONOURABLE MR. G. L. CORBETT: Government noticed the advertisement in question, and immediately wrote to the Railway Company concerned, and inquired why they had considered it necessary to specify British Portland cement. They ascertained that tenders from cement manufacturing companies in India were not called for, in the first place, because the engineers of the Railway prefer British cement, as in their experience it is more uniform in quality. The point here, of course, is whether Indian cement is sufficiently good for their purposes, and this point will be taken up with the Agent. Secondly, as regards Northern India cement, it is more expensive than British cement and in addition it is packed in bags instead of barrels. The result is that there is a risk of loss in transit; and, moreover, cement is more apt to deteriorate in the damp climate of the South Indian area.

The Government of India are aware, of course, that many Departments of Government have found Indian cement to be sufficiently good for their purposes, and that is the very reason why they took up the matter with the South Indian Railway. They are inclined to think that the question of packing is one of great importance in connection with the extended use of Indian cement on Indian Railways, and this is a point on which the Tariff Board's report on the cement industry will no doubt throw considerable light.

EMPIRE PARLIAMENTARY ASSOCIATION.

330. THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: (a) Would the Government be pleased to state whether any invitation or

communication was received by the Government regarding the Empire Parliamentary Association, and was there any representation thereon and delegation thereto by India?

(b) Would the Government please also state whether there was any communication or representation by Government thereabout to the authorities in England or South Africa?

(c) Would the Government please lay on the table the correspondence on the subject, if any?

THE HONOURABLE MR. J. CRERAR: It is hoped that a delegation of the Empire Parliamentary Association will visit India during the ensuing cold weather and that the opportunity will then occur for arranging informal conferences between the delegation and Members of the two Houses of the Legislature to discuss the part to be taken by the Indian Legislature in the Association and other matters connected therewith.

SCARCITY OF SQUARE ONE-ANNA ENVELOPES AND STAMP BOOKLETS.

331. THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: (a) Has the attention of the Government been called to the scarcity of square one-anna postal envelopes and one-anna stamp booklets and to the difficulty and inconvenience caused thereby to the public?

(b) Would the Government please state the reasons for such scarcity?

(c) Would the Government please state when and what steps will be taken to remove this difficulty and scarcity?

(d) Would the Government please lay on the table figures showing the revenue from (i) postcards, (ii) one-anna stamps, and (iii) one-anna square envelopes for the last and the current year, month by month?

THE HONOURABLE MR. A. H. LEY: (a) (b) and (c) Government are not aware that there is any such scarcity, nor has their attention been called to the matter otherwise than by the Honourable Member's question. They have however asked the Director General to look into the matter.

(d) The information is not available. No separate account is kept of sales of the different kinds of postage stamps and postal stationery.

INDIAN TARIFF BOARD'S OBSERVATIONS re THE PENINSULAR LOCOMOTIVE COMPANY.

332. THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: (a) Would the Government please state what consideration has been made and what action taken regarding the following observations of the Indian Tariff Board contained in its report (page 173, chapter 2, 3rd Report) that "The Peninsular Locomotive Company was not registered until more than two months after the Communiqué was published and, in these circumstances, part at least of the share capital was probably subscribed in view of the statements it contained. The Peninsular Locomotive Company is now placed in the unfortunate position that the demand for its products, which it was led to believe was certain, has ceased to exist. We recognise that the need for economy in Railway Administration is paramount, and that the Railway

authorities cannot be expected to purchase locomotives which they do not need. But the complete falsification of the forecast made by the Railway authorities little more than two years ago cannot but affect adversely the prospect of raising capital for Railway industries in India, and the position in which the Peninsular Locomotive Company has been placed deserves, and will no doubt receive, the special consideration of the Government of India?"

(b) If no consideration has been made and no action taken, would the Government please state when and what consideration will be made and what action will be taken?

(c) Would the Government please state if there has been any investigation regarding the locomotives industry since the date of the report of the Indian Tariff Board?

(d) Would the Government please state what number of locomotives has been ordered by the Bengal-Nagpur Railway since the date of the report of the Indian Tariff Board, and whether the number so ordered was included in or was partly in excess of 60, which the Government sometime ago indicated as the total requirements of all the Railways in India?

THE HONOURABLE MR. G. L. CORBETT: (a) and (b) The matter is under the active consideration of Government, but it is not possible immediately to make a statement on the subject.

(c) Government propose to make a further investigation, but I must warn the Honourable Member that it may take some time, since it will probably necessitate the deputation of a member to England.

(d) The Bengal-Nagpur Railway have ordered 37 locomotives since the report of the Indian Tariff Board was submitted. These 37 locomotives are not included among the 60 locomotives for which tenders were invited last November. The foot-note on page 346 of the Evidence, Volume III, accompanying the Tariff Board's report makes this clear.

IMPORT CERTIFICATES FOR OPIUM AND OTHER DRUGS.

333. THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: (a) Would the Government please state whether their attention has been drawn to the deliberations of the Geneva Consultative Committee of the League of Nations dealing with opium and other drugs, and its suggestion that Consular Agents should be authorised on receipt of telegraphic advice from their Government to deliver import certificates for opium and other drugs?

(b) Would the Government please state what action Government are taking or propose to take with regard to this suggestion?

(c) Would the Government please state whether early steps will be taken to discontinue opium sales in Calcutta and other centres of India, and whether the quantity of opium to be disposed of will be dealt with in the manner suggested in (a) above?

(d) Do the Government propose to take early steps for limiting the production of opium in India only for medicinal and scientific purposes?

THE HONOURABLE MR. A. C. MCWATTERS: (a) Yes.

(b) All exports of opium from India are already covered by import certificates supplied direct by the Governments of the importing countries, and it would make no difference to the severity of the régime if these certificates were received from the Consuls of the foreign countries concerned instead of from the Governments themselves. The action suggested would appear only to be necessary if foreign Governments request it for their own convenience.

(c) The Government do not propose to discontinue opium sales at an early date. The exportation of opium after sale, either by auction or by private treaty with foreign Governments, is strictly confined to the quantities for which import certificates have been presented by the Governments of the importing countries.

(d) With regard to the production of opium for export, the Government do not propose to reduce supplies of opium to foreign Governments which have adhered to the Hague Opium Convention and which comply with the conditions laid down under that Convention. If any foreign Government reduces its requirements, even to vanishing point, the Government of India will accept the decision regardless of the loss of revenue that will follow. As regards internal consumption, the problem is now mainly one for the Transferred Departments of Local Governments. The finding of the Royal Commission of 1893 was that it was neither possible nor desirable to restrict the use of opium in India to cases in which a qualified medical practitioner had recommended its administration.

DUTIES OF MAGISTRATES AS LAID DOWN BY THE RANGOON HIGH COURT.

334. THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: (a) Has the attention of the Government been called to a Rangoon official notification "issued with the concurrence of the Judges of the High Court," warning Magistrates against the practice of absolving themselves from the duty of ascertaining the facts of cases and summoning additional witnesses; and stating that Magistrates must remember that they are not in the position of a Judge who decides a case on the evidence as put before him and leaves it to the parties concerned to see that the evidence they produce is complete. The Magistrate's primary duty is the ascertainment of the facts and the punishment of the guilty if they warrant it, whether the case is being prosecuted by the Court prosecuting officer or not?

(b) Would the Government please state if the Governor General in Council has any concern with or authority over this matter?

(c) If they have such concern or authority, would the Government please state whether they propose to take any action with regard to such notification?

(d) Would the Government please state the legal authority for such notification?

THE HONOURABLE MR. J. CRERAR: The Government of India have traced the circular of the Burma Government to which the Honourable Member refers. The main object of the circular appears to be that of distinguishing between the functions of police officers appointed by Government

as Court prosecuting officers and the trying Magistrates in the prosecution of cases. In such matters, the Government of India have a general power of superintendence over Local Governments, but they would normally not interfere with the Local Government's discretion. The actual circular appears to be of a type which might have been issued by a Ministry of Justice in any country.

SEPARATION OF EXECUTIVE AND JUDICIAL FUNCTIONS IN PROVINCES.

335. THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: Would the Government please state what steps have been taken, so far, for separation of executive and judicial functions in various provinces?

THE HONOURABLE MR. J. CRERAR:—The Honourable Member is referred to the answer given to Mr. Gaya Prasad Singh's unstarred questions Nos. 78—80 in the Legislative Assembly on the 11th February 1924. No action has so far been taken, and the final views of the Government of Madras on their scheme are still awaited.

GRANT OF A LOAN FOR THE DEVELOPMENT OF THE PORT OF CHITTAGONG.

336. THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: (a) Has the attention of the Government been called to the following statement in the Administration Report of the Port Commissioners of Calcutta and Chittagong:—

“The proposal for a loan of say Rs. 50 lakhs by the Government of India through the Local Government to the Port Commissioners for the purchase of a powerful dredger and the construction of a slip way for the development of the port is under the consideration of the Government”?

(b) Would the Government please state when this proposal for the loan was first made and what effect has been given to the proposal?

(c) If no effect was given to the proposal, would the Government please state if effect will be given to it and, if so, when and to what extent?

THE HONOURABLE MR. G. L. CORBETT: (a) The Government of India have not yet received the Administration Report of the Port Commissioners; but they have seen the statement in the Press to which the Honourable Member refers.

(b) and (c) The offer of a loan of Rs. 50 lakhs by the Government of India to the Bengal Government for the development of the Chittagong Port was made in May 1923. The exact terms of the loan, however, have not yet been finally agreed to.

VIZAGAPATAM AND COCHIN HARBOUR SCHEMES.

337. THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: Would the Government please state what progress has been made with regard to—

(i) the Vizagapatam Harbour Scheme; and

(ii) the Cochin Harbour Scheme?

THE HONOURABLE MR. G. L. CORBETT: (i) Estimates of the cost of construction have been prepared by the Bengal Nagpur Railway authorities, and are under consideration by Government.

(ii) The Cochin Harbour Scheme was recently referred to an expert Committee of Harbour Engineers in England who, as we have been informed by telegraph, have just submitted a favourable report. The receipt of this report is awaited.

TRAINING OF INDIANS IN OCEANOGRAPHY AND ALLIED SUBJECTS.

338. THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: Would the Government please state whether steps are being taken or will be taken for training Indians in oceanography and allied subjects?

THE HONOURABLE MR. G. L. CORBETT: Government are considering what steps should be taken to train Indians as officers for the mercantile marine. The curriculum recommended by the recent Indian Mercantile Marine Committee is a sound, general and mathematical education, together with education in the practice and art of navigation and seamanship. The Government of India do not see what useful purpose would be served by training Indians in oceanography.

UNIVERSITY FOR RAJPUTANA.

339. THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: Would the Government please state what, if any, progress has been made with regard to the establishment of a University for Rajputana?

THE HONOURABLE MR. J. P. THOMPSON: The scheme is under consideration locally. A meeting was held at Mount Abu on the 20th June 1924. The general sense of the meeting was that it would be premature to proceed with the scheme until the possibilities of affiliation with Delhi or Agra had been further explored. The Honourable the Agent to the Governor General in Rajputana is in communication with the Delhi University authorities and also with the United Provinces Committee regarding the Agra scheme.

RECOMMENDATIONS OF THE INDIAN MERCANTILE MARINE COMMITTEE.

340. THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: (a) Would the Government please state what steps have been taken for giving effect to the recommendations of the Indian Mercantile Marine Committee of 1923-1924?

(b) If no steps have been taken, would the Government please state what steps are proposed to be taken and when?

THE HONOURABLE MR. G. L. CORBETT: The recommendations of the Indian Mercantile Marine Committee are still under the consideration of the Government of India, and, until a decision has been reached, it is not possible to say what action will be taken or when.

INDIAN FISCAL COMMISSION'S RECOMMENDATION re ABOLITION OF THE COTTON EXCISE DUTY.

341. THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: Would the Government please state what action has been taken by the Government or is proposed to be taken and when, regarding the recommendations

of the Indian Fiscal Commission about the abolition of excise cotton duty, as contained in paragraphs 169 and 170 (pages 97 and 98 of the Fiscal Commission's Report)?

THE HONOURABLE MR. G. L. CORBETT: The Government considered the recommendations of the Fiscal Commission in this matter, and decided that for financial reasons the immediate abolition of the cotton excise duty was not a practical proposition. The question was raised in a Resolution moved in the Legislative Assembly last March, but the Assembly refused to discuss it. There the matter rests.

KENYA QUESTIONS.

342. THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: Would the Government please state what action the Government propose to take regarding the pronouncement of the Right Honourable the Secretary of State for the Colonies about the Kenya questions?

THE HONOURABLE SIR NARASIMHA SARMA: The Government of India will avail themselves of a suitable opportunity to make further representations. In this connection, Sir, I would, with your permission, like, on behalf of His Excellency the Viceroy, the Government and myself to express our high appreciation of the work of the Colonies Committee which the Government of India appointed last March. The Committee had a delicate and difficult mission and have discharged it with great credit to themselves and advantage to Government.

PUBLICATION OF THE CORRESPONDENCE RELATING TO KENYA.

343. THE RIGHT HONOURABLE V. S. SRINIVASA SASTRI: (a) Will the Government of India now publish, wholly or in part, the correspondence relating to the Kenya question after obtaining, if necessary, the consent of the authorities concerned?

(b) What action, if any, do Government propose to take to watch the interests of India and her nationals in so far as they may be affected, although indirectly and by implication, by the inquiries of the various Committees and Commissions recently announced by the Colonial Secretary in respect of East Africa and other territories?

(c) What further steps, if any, are contemplated to secure a modification of the existing state of things in Kenya with regard to (i) the franchise, (ii) the highlands, and (iii) the admission of duly qualified Indians to the higher ranks of the public service?

THE HONOURABLE SIR NARASIMHA SARMA: (a) The Right Honourable gentleman is referred to the statement made by me in this House on the 10th March 1924 in reply to a Resolution moved by him on behalf of the Honourable Mr. Natesan. The Government of India feel that the Kenya question is still a live issue, and that it would not be possible just at present to obtain the consent of all the parties concerned to the publication of the correspondence; but the Right Honourable Member's suggestion will be taken into consideration.

(b) The Government of India are in communication with the Secretary of State for India on the subject.

(c) The Right Honourable Member's attention is invited to the answer given by me to the Honourable Dr. Sir Deva Prasad Sarvadhikary's question No. 342.

THE HONOURABLE MR. S. VEDAMURTI: Is it a fact, Sir, that at the opening of the Legislative Council in Kenya on Wednesday, August 20th, the Council Chamber segregated the Indian reporters?

THE HONOURABLE SIR NARASIMHA SARMA: I have no information on the subject.

NON-APPOINTMENT OF AN INDIAN TO BE THE LEADER OF THE INDIAN DELEGATION TO THE ASSEMBLY OF THE LEAGUE OF NATIONS.

344. THE RIGHT HONOURABLE V. S. SRINIVASA SASTRI: (a) With reference to the reply by the Honourable the Law Member to the Resolution moved in the Council of State on the 10th March 1924 by the Honourable Mr. Phiroze C. Sethna, will Government state why an Indian was not appointed to be the leader of the Indian delegation to the Assembly of the League of Nations for this year's session?

(b) Was the reason for the non-appointment of an Indian the fact that Government considered that certain subjects to be discussed at Geneva were subjects on which their views could not be properly expounded or defended by a delegation of which the leader was an Indian? If so, what were those subjects?

(c) Will Government state whether the suggestion to appoint Lord Hardinge to the Geneva Assembly originated from the Secretariat here or from the India Office at Whitehall?

(d) If the latter, was the Secretary of State, before he made his decision, placed in possession of the proceedings of the Council of State on the resolution moved by the Honourable Mr. Phiroze C. Sethna?

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: (a) From the answer given in the House of Commons by the Under Secretary of State for India to Mr. Mackinder's question No. 56, dated the 21st July, 1924, a copy of which is placed on the table, the Right Honourable Member will observe that the Secretary of State decided, after the most careful consideration, to appoint Lord Hardinge as leader of the Indian delegation. Every consideration was given to the assurance conveyed on behalf of Government in the debate to which the Right Honourable Member refers, before this decision was reached.

(b) The consideration suggested was not one of those on which the decision was based.

(c) Government have no information.

(d) Yes.

Question No. 56, dated 21st July 1924.

MR. MACKINDER: To ask the Under Secretary of State for India, whether his attention has been drawn to the assurance given by Sir Mian Muhammad Shafi, Legal Member of the Council of the Governor General of India, on 10th March 1924, that the proposal that an Indian of suitable rank and qualifications to be leader of the delegation representative of India at the assembly of the League of Nations would receive the most

careful consideration of the Government of India when the time for appointment comes ; whether this consideration has been given ; and what are the reasons why an Indian has not been appointed.

Answer to Mr. Mackinder's Question No. 56, dated 21st July 1924.

The answer to the first part of the question is in the affirmative. After the most careful consideration my Noble Friend, in agreement with the Government of India, decided to appoint Lord Hardinge as leader of the Indian delegation.

INDIA'S REPRESENTATIVES AT THE CONFERENCE *re* FUTURE DOMINION REPRESENTATION.

345. THE RIGHT HONOURABLE V. S. SRINIVASA SASTRI : Who will be the representative or representatives of the Government of India at the Conference, which will be held in London in October next, as recently announced by the Colonial Secretary, to consider the points as to future Dominion representation raised by the Government of Canada ?

THE HONOURABLE MR. J. CRERAR : The Government of India understand that the question of the holding of the Conference referred to by the Right Honourable Member is still under the consideration of His Majesty's Government.

INDIANIZATION OF THE ESTABLISHMENTS UNDER THE CONTROL OF THE HIGH COMMISSIONER FOR INDIA.

346. THE RIGHT HONOURABLE V. S. SRINIVASA SASTRI : (a) Will Government kindly furnish a statement, with reference to the office of the High Commissioner for India and the departments under him, showing the number of European and the number of Indian officials drawing salaries —

(i) of £500 a year and above ;

(ii) of £250 a year and above, but below £500 ; and

(iii) of £100 a year and above, but below £250 ?

(b) Are there any rules or instructions for the guidance of the High Commissioner in filling up vacancies in the establishments under him, such, for instance, as that he should advertise them in India as well as in England or that he should apply to the appropriate departments in India for the loan or transfer of suitable officers before recruiting in England ?

(c) If not, will Government make such rules or issue such instructions as will bring about the progressive Indianization of the establishments ?

THE HONOURABLE MR. G. L. CORBETT : (a) The following statement gives the information required. It is based on the list of the establishment of the High Commissioner on the 1st October 1923 :—

			No. of officials drawing £500 a year and above.	No. of officials drawing £250 a year and above but below £500.	No. of officials drawing £100 a year and above, but below £250.
Europeans	..	..	31	76	204
Indians	..	..	1	4	9
TOTAL	..	..	32	80	213

(b) No.

(c) I think the Right Honourable Member is sufficiently familiar with conditions in England to realise that the High Commissioner's establishment could not at present be Indianised without greatly increasing the cost of the office. Suitable Indians would not ordinarily be willing to accept appointments in England on the pay which is sufficient for Europeans. There are however, a certain number of Indians already in England who are content with European rates of pay, and it is understood that it is the practice of the High Commissioner to appoint such Indians to fill vacancies in his office when possible.

SUTLEJ VALLEY CANALS PROJECT.

347. THE HONOURABLE SARDAR JOGENDRA SINGH : Will the Government be pleased to lay on the table the Sutlej Valley Project and the scheme to colonize the Crown lands ?

THE HONOURABLE MR. A. C. McWATTERS : Numerous alterations have proved necessary in the original project estimate of the Sutlej Valley Canals Project, and a revised estimate of the scheme as it will actually be constructed is now under preparation by the Government of the Punjab. The same remark applies to the scheme for the colonization of the Crown lands under the project, fresh proposals for which are now being formulated. The question of laying these papers on the table will be considered when they are received from the Local Government.

CIRCULATION OF RUPEES AND RUPEE CURRENCY NOTES.

348. THE HONOURABLE SARDAR JOGENDRA SINGH : Will the Government be pleased to give the amount of rupees and rupee currency notes in circulation on the 1st of January 1924 and on 1st of June 1924, and also on 1st of January 1920 ?

THE HONOURABLE MR. A. C. McWATTERS : As regards the amount of rupees in circulation, I would invite the Honourable Member's attention to paragraph 24 of the Report on the operations of the Currency Department for 1921-22. No later calculations have been made. As regards rupee currency notes, if the Honourable Member means one-rupee notes, he will find the figures for the 31st March 1920, 1921 and 1922 in Statement XVII of that Report and for 31st March 1923 in the similar Report for 1922-23. If he means our Currency notes generally, he will find the figures required in the weekly abstracts of the accounts of the Currency Department published in the Gazette of India.

THE HONOURABLE SARDAR JOGENDRA SINGH : Have the Government decided on the cancellation of the rupee notes without making any calculation as to the circulation of silver rupees and the rupee notes in the country ?

THE HONOURABLE MR. A. C. McWATTERS : I am not quite sure if I have understood the question.

THE HONOURABLE SARDAR JOGENDRA SINGH : I read in the Notification the other day that the rupee notes will be cancelled. If they are being cancelled, have the Government decided to cancel them without calculating the amount of silver rupees.

THE HONOURABLE MR. A. C. McWATTERS : The Honourable Member is under a misapprehension. He is referring to the Communiqué which was published the other day stating that the contract for one rupee notes has come to an end. There is no question of calling in notes already in circulation. They will gradually disappear in course of time.

THE HONOURABLE SARDAR JOGENDRA SINGH : Then no further one rupee notes have been printed ?

THE HONOURABLE MR. A. C. McWATTERS : No further one rupee notes are being printed.

THE HONOURABLE SARDAR JOGENDRA SINGH : In that case, are Government going to coin fresh rupees ?

THE HONOURABLE MR. A. C. McWATTERS : The Government will have no difficulty in supplying silver coin from stocks already in hand.

THE HONOURABLE SARDAR JOGENDRA SINGH : Would it mean any deflation of currency ?

THE HONOURABLE MR. A. C. McWATTERS : No, Sir.

ABSORPTION AND HOARDING OF CURRENCY.

349. THE HONOURABLE SARDAR JOGENDRA SINGH : (a) Is natural absorption and hoarding of the currency in progress ?

(b) Has there been a decrease in the currency ? If so, how has it been met ?

THE HONOURABLE MR. A. C. McWATTERS : (a) and (b). The Government have no information. But quite apart from the question of any actual decrease in circulation, the Government have tried to meet the stringency in the money market by the issue of currency from the Paper Currency Reserve in India against deposit of sterling in the Reserve in London (see paragraph 60 of the Honourable Finance Member's Budget Speech in the Legislative Assembly on the 29th February 1924) and also by the issue of emergency currency under section 20 of the Indian Paper Currency Act, 1923.

THE HONOURABLE SARDAR JOGENDRA SINGH : As a layman, I only wanted to inquire and ascertain if the currency has really decreased within this period and to that I have got no answer.

THE HONOURABLE MR. A. C. McWATTERS : No absolutely definite answer can be given. I think the answer is in the affirmative ; but no exact figures are available.

THE HONOURABLE SARDAR JOGENDRA SINGH : In any case, the Finance Department must be in a position to know if the currency has really decreased within these years ; and, if so, to what extent. It is a very important question, Sir, and it is on this that the price of everything is based.

(No answer was given.)

THE HONOURABLE SARDAR JOGENDRA SINGH : Is there no answer to my supplementary question, Sir ?

THE HONOURABLE MR. A. C. McWATTERS : The remarks of the Honourable Member did not appear to be in the form of a question.

THE HONOURABLE THE PRESIDENT : The Honourable Member's previous remarks were not in the form of a question.

THE HONOURABLE SARDAR JOGENDRA SINGH : Then I would put my remarks in a better form. What I wish to ascertain is this. Has there been any decrease in the currency within these years ? If so, to what extent ? A definite answer to that question is required.

THE HONOURABLE MR. A. C. McWATTERS : I have already answered that question by saying that it is, I think, the case that there has been some decrease from the highest point. The exact amount, however, cannot be ascertained.

TIGHTNESS OF THE MONEY MARKET IN THE WHEAT SEASON.

350. THE HONOURABLE SARDAR JOGENDRA SINGH : (a) Was there tightness of the money market in the wheat season ?

(b) What was the Bank rate during the wheat season ?

(c) How do the Government propose to meet the demand for money in the coming cotton season and to keep the Bank rate down ?

THE HONOURABLE MR. A. C. McWATTERS : (a) The reply is in the affirmative.

(b) I would refer the Honourable Member to the weekly statements of the affairs of the Imperial Bank of India which are published in the Gazette of India.

(c) The Honourable Member will no doubt have seen the Government's recent reply to the representation by the Bengal Chamber of Commerce. The adoption of measures other than those cited will continue to receive the careful consideration of the Government.

INCLUSION OF REPRESENTATIVES OF AGRICULTURISTS AS GOVERNORS OF THE IMPERIAL BANK.

351. THE HONOURABLE SARDAR JOGENDRA SINGH : Do the persons nominated by the Governor General in Council as Governors of the Imperial Bank under Section 28 (1) (iii) of the Imperial Bank of India Act include any representative of agriculturists ?

THE HONOURABLE MR. A. C. McWATTERS : None of the present nominated Governors have been appointed specifically as representatives of the agriculturists.

THE HONOURABLE SARDAR JOGENDRA SINGH : Will the Government consider the desirability of such a nomination ?

THE HONOURABLE MR. A. C. McWATTERS : Yes, Sir.

PROHIBITION OF THE EXPORT OF WHEAT.

352. THE HONOURABLE LALA SUKHBIR SINHA : (i) Will the Government be pleased to state—

(a) when the embargo on the export of wheat was removed ;

- (b) since then how much wheat has been exported every year; and
 (c) to what countries is wheat exported nowadays and by what firms?

(ii) Do Government propose to prohibit the export of wheat as was done before?

THE HONOURABLE SIR NARASIMHA SARMA: (i) (a) On the 28th September 1922.

(b) The exports of wheat during the period October 1922 to March 1923 and for the whole of the year 1923-24 were 218,779 tons and 638,252 tons, respectively.

(c) All the information available regarding the countries to which wheat is exported is contained in the published Accounts relating to the Sea-borne Trade of British India. Copies of this publication are in the Library and the Honourable Member is referred to them. The Government have no reliable information as to what firms export wheat. The Government are making inquiries to obtain accurate information as to what firms have been exporting wheat.

INDIGENOUS SYSTEM OF MEDICINES.

353. THE HONOURABLE LALA SUKHBIR SINHA: (a) Is it a fact that the Madras and Bengal Governments have appointed committees on the indigenous system of medicines, and that they are making inquiries, but that the Bombay, United Provinces, Punjab and other Local Governments have not done so?

(b) Do Government propose to draw their attention to this matter and to recommend to Governments, who have not taken action, to appoint similar committees without any further delay?

THE HONOURABLE SIR NARASIMHA SARMA: (a) The Government of India understand that the Governments of Madras and Bengal have appointed such Committees, but have no information regarding other Provinces.

(b) Medical Administration is a Provincial Transferred subject and the matter is one which primarily concerns Local Governments. The Government of India do not, therefore, feel that their intervention is called for.

RAILWAY CONCESSION RETURN TICKETS.

354. THE HONOURABLE LALA SUKHBIR SINHA: Will Government be pleased to state on what railways concession return tickets have been re-introduced, and whether, and if so, from what date, this will be done on other railways?

THE HONOURABLE MR. G. L. CORBETT: Concession return tickets have been or are now being introduced on the Assam-Bengal, Bengal Nagpur, Bombay, Baroda and Central India, Burma, Eastern Bengal, East Indian, Great Indian Peninsula, H. E. H. the Nizam's Guaranteed State, Jodhpur-Bikaner, Madras and Southern Mahratta, North-Western and Oudh and Rohilkhand Railways. This is a matter within the competence of Railway Administrations, and Government are not in a position to say from what date such concessions will be introduced on other railways.

REDUCTION OF TELEGRAPHIC RATES TO THE PRE-WAR LEVEL.

355. THE HONOURABLE LALA SUKHBIR SINHA: Are telegraphic rates going to be reduced to what they were before the war? If so, when?

THE HONOURABLE MR. A. H. LEY: There is no immediate intention of reducing the rates, nor am I able to say when this is likely to happen.

DEATHS OF NAWAB MUHAMMAD ABDUL MAJID AND KHAN BAHADUR USMAN SAHIB BAHADUR.

THE HONOURABLE THE PRESIDENT: Before we proceed with the business of the day I should like to refer to the loss the Council has sustained since we last met through the deaths of Nawab Muhammad Abdul Majid and Khan Bahadur Usman Sahib Bahadur. The Nawab was a very old Member of the Indian Legislature and had been a Member of this Council from its inception. Owing to recurring ill-health he had been unable to attend the meetings of the Council recently; but, none the less, we all feel his loss. The case of Khan Bahadur Usman Sahib Bahadur is a pathetic one. He joined this Council in place of his cousin, Sir Ahmedthamby Maricair, in June last. He served the Council during those few sittings and, on his way back home, had an attack of sun-stroke, and died in the train at Jhansi. I am sure the Council will wish me to express their sympathy with the relatives of our late Colleagues.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI (Law Member): Sir, as Leader of the House, I rise to associate my Honourable Colleagues and myself with the regret which has been expressed by you at the sad death of our two Honourable Colleagues. My friend, the late Nawab Abdul Majid, was one of the leading landholders of the province of Agra, was a prominent figure in Muslim public life in the days when the Minto-Morley Reforms were under discussion and was elected a member of the first Minto-Morley Reform Council. He had in those days done most useful work in the old Imperial Legislative Council in which I had the honour of being one of his colleagues. On the introduction of the Chelmsford-Montagu Reforms, when this Council of State came into existence, he was elected a Member from the United Provinces of Agra and Oudh to this Council. Latterly, as you have observed, Sir, he was in failing health and in consequence was unable to attend the meetings of this House. I am sure we all mourn his loss and it would be in the fitness of things for you, Sir, as the President of the Council of State, to communicate our sincere sympathy to his bereaved family.

As you observed, Khan Bahadur Usman Sahib Bahadur was only very recently elected a Member of this House in the place of his cousin, Sir Ahmedthamby Maricair, who was a prominent figure amongst us. Khan Bahadur Usman Sahib Bahadur was a member of the Madras Provincial Civil Service and by reason of faithful and conscientious discharge of his duties as a member of that service, he rose to the position, I believe, of a Deputy Commissioner in the Madras Presidency at the time of his retirement and was soon after elected as a Member of this House.

We all sincerely regret his untimely death under the tragic circumstances described by you, and it would be in the fitness of things in his case as well to communicate the sympathy of this House to the members of his family.

THE HONOURABLE MR. YAMIN KHAN (United Provinces West : Muhammadan) : Sir, I associate myself with every word that has been said by my Honourable friend Sir Mian Muhammad Shafi about the two gentlemen who have departed from this world. I specially associate myself with the feelings which have been expressed by Sir Muhammad Shafi about the loss which has been caused to this House and to the Province which I have the honour to represent by the sad death of the late Nawab Abdul Majid. He had been a very prominent figure in our Provinces for a considerable period of time. He was a prominent barrister; he was, as a matter of fact, the oldest barrister in the United Provinces and he entered politics at a time when very few people thought of taking to politics. His views had always been very sober and he was very well respected among the intelligentsia of the Provinces and outside. By his loss his duties in this Chamber have devolved on me, and therefore I have to express my views specially about that loss. I assure this House he is mourned not only in this House but everybody in the Provinces is feeling his great loss as a personal loss to themselves in politics. With these few words I associate myself with the references that have been made to the departed gentlemen.

THE HONOURABLE SARDAR JOGENDRA SINGH (Punjab : Sikh) : I wish to associate myself with what my friends have said. Nawab Abdul Majid was an old friend and colleague of mine, a well known landlord and barrister. His activities in many directions were very beneficent and though in later days we did not see him much in this Council his influence was there, and he was always a steadying influence in the country. I am quite sure that the Hindus and the Muhammadans in the United Provinces and the *taluqdars* of Oudh mourn his loss deeply, and I wish to support this motion that the sympathy of this Council may be conveyed to his family.

THE HONOURABLE THE PRESIDENT : The House may rest assured that I shall convey to the relatives of our deceased colleagues an expression of the Council's sympathy.

BILLS ASSENTED TO BY H. E. THE VICEROY.

SECRETARY OF THE COUNCIL : Sir, information has been received that His Excellency has been pleased to grant his assent to the following Bills, namely :—

The Indian Soldiers Litigation (Amendment) Act, 1924.

The Indian (Specified Instruments) Stamp Amendment Act, 1924.

The Steel Industry (Protection) Act, 1924.

ELECTION OF MEMBERS OF THE LEGISLATURE TO SERVE ON THE COMMITTEE TO CONSIDER THE FLOW OF CAPITAL INTO INDIA FROM EXTERNAL SOURCES.

THE HONOURABLE MR. A. C. MCWATTERS (Finance Secretary) : With your permission, Sir, I have a statement to make to the House. In pursuance of the promise which was made by the Honourable the Commerce Member in the other House when the Steel Industry (Protection) Bill was under discussion, the Government have decided to appoint a Committee to consider the question of the flow of capital into India from external sources. Honourable Members are probably aware that when what is now section 5 of the Act was under discussion various suggestions were made as to restrictions which should or should not be imposed upon capital other than Indian capital. The Honourable Sir Charles Innes in accepting clause 5, now section 5 of the Act, which carries out the policy which the Government had accepted as a result of the Indian Fiscal Commission, promised that the further questions which had been raised in discussion regarding foreign capital would be considered by a committee, and he further promised that the members of the committee who would be appointed from the other House should be elected by that House. Honourable Members will observe that the terms of reference to the Committee, while including the particular matters discussed in the other House, are framed in more general terms. The proposal of Government is that this Committee should be presided over by the Honourable the Finance Member, that the Honourable the Commerce Member should also be a member of it, that there should be four members elected by the other House and three members from this House. I think it is probable that the Members of this House will also wish to elect from their number the members to be appointed to this Committee, and therefore I propose, if the House is agreeable to this suggestion, that arrangements should be made for the election of three Members from this House to serve on the Committee.

THE HONOURABLE THE PRESIDENT : I take it that the Council will gladly avail themselves of the invitation of the Government to elect their three Members.

(The Members assented.)

In that case the names of candidates should be sent in by 3 P.M. on Saturday next. I will then deal with the matter on Monday when we meet again.

INDIAN SOLDIERS (LITIGATION) BILL.

THE HONOURABLE MR. J. CRERAR (Home Secretary) : I move for leave to introduce a Bill to consolidate and amend the law to provide for the special protection in respect of civil and revenue litigation of Indian soldiers serving under special conditions.

It will be within the recollection of the House that last May when I submitted to the House proposals to amend section 11 of the Act, I intimated that Government had in contemplation a somewhat wider consolidating and amending measure. It is this measure which I now ask for leave to introduce, and I shall do so in a very few words. The object of this Bill is to reaffirm, to render more effective and in some respects to extend the principle of the existing legislation. The principle of that legislation is that Indian soldiers

serving under military conditions which preclude them, owing to prolonged absence from their homes which their service entails, from taking adequate measures to safeguard their civil interests in property and other matters should be in this respect protected. I think the House will have no difficulty in agreeing with me that it is incumbent upon all citizens, and more particularly upon the Legislatures, to see that their fellow-citizens who voluntarily undertake that high and responsible service should not suffer any detriment in consequence.

That is the simple principle of the Bill. It is the principle of the existing legislation and it is to give further effect to that principle that this Bill is designed. I will merely add a few general remarks upon the principal provisions of the Bill.

As Honourable Members will note, from the Statement of Objects and Reasons, the necessity of making some provision for the protection of Indian soldiers first arose in a very acute and very intense form during the course of the late war, and an Ordinance was passed to grant them some measure of protection. But these disabilities though they, as I have observed, emerged in a very intense form during the war, had been the cause of long-standing complaint, and it is with the object of applying a more complete remedy that this Bill has been designed. The first therefore and the most salient provision of the Bill is that war conditions, the conditions of service, now provided for in the Act, receive a considerable extension. But there is no real modification in the principle. The principle is that if a soldier by reason of his military service is precluded from taking measures that any other citizen is at liberty to take to defend his own interests he should in that respect receive protection. It is therefore immaterial from that point of view whether the soldier is actually serving in a campaign or whether he is serving overseas or in other conditions which preclude him from exercising the normal and natural rights of a citizen. That is the object of this extension.

There are one or two limitations imposed upon this protection in order not unduly to impinge upon the rights of the public. The House will observe that in the case of a pre-emption suit discretion is vested in the Court. Discretion is also vested in the Court in the case of the Indian soldier who is a *pro forma* defendant, or in cases where his interests can be adequately and substantially protected by other parties to the suit or proceeding.

I do not think I need add anything to that brief statement. I regret that I have not the support which I am sure I should otherwise have had from the presence of His Excellency the Commander-in-Chief and my Honourable and gallant friend, Sir Umar Hayat Khan. But in spite of my not being at present supported by their powerful advocacy, I am confident that I can leave the principle of this measure to the approval and sympathy of the House.

THE HONOURABLE THE PRESIDENT: The question is:

"That leave be given to introduce a Bill to consolidate and amend the law to provide for the special protection in respect of civil and revenue litigation of Indian soldiers serving under special conditions."

The motion was adopted.

THE HONOURABLE MR. J. CRERAR: Sir, I introduce the Bill.

PROVIDENT FUNDS BILL.

THE HONOURABLE MR. J. CRERAR: (Home Secretary): Mr. President, I move for leave to introduce a Bill to amend and consolidate the law relating to Government and other Provident Funds.

The general object of this Bill is to make more effective the purpose of the existing Act, and with that purpose I am sure the House will fully and warmly sympathise. One of the primary objects of the formation of a Provident Fund is of course to encourage thrift and, in particular, to secure that the family and dependants of deceased employees of Government and of Railway Administrations shall not be left destitute, and shall so far as possible receive a competence. I am sure, as I say, that that principle will have the full sympathy of the House, and it is mainly to give fuller effect to that principle that this Bill is designed. The House will observe that the principal provisions of the Bill are to confer, with certain limitations, upon dependants as defined in the Bill the same privileges as now are granted to the wives and children of deceased depositors. The deposit to the credit of a deceased depositor under the existing law now vests in his widow or children that survive him; that is to say, the money forms no part of his estate and immediately on his demise vests absolutely in his widow or his children. The first object of the Bill therefore is to give to the dependants as defined in the Bill the same privilege except that, in respect of assignments which may have been made before the commencement of the Act, the interests of third parties are protected.

Another important provision of the Bill is to facilitate the disbursement of amounts not exceeding Rs. 5,000. The House will readily recognise that, in the event of the decease of a depositor in one of these Provident Funds, it is frequently of the utmost importance that the money to his credit should be made immediately available for his dependants or nominees. It not infrequently happens that, owing to the delay involved in obtaining probate, letters of administration, succession certificates and the like, very acute distress is caused to his dependants. Within the limit therefore of Rs. 5,000 the Act is designed to expedite the disbursement of moneys.

Another important provision is that when nominations have once been made by a depositor they cannot be varied by testamentary dispositions or otherwise: that is to say, if the depositor desires to change his nominee he must do so specifically by varying his nomination. That again is designed mainly to prevent delay and disputes at the stage where the money at the credit of a depositor is due to be disbursed.

With these few remarks I commend this measure to the House.

THE HONOURABLE THE PRESIDENT: The question is:

"That leave be given to introduce a Bill to amend and consolidate the law relating to Government and other Provident Funds."

The motion was adopted.

THE HONOURABLE MR. J. CRERAR: Sir, I introduce the Bill.

INDIAN MOTOR VEHICLES (AMENDMENT) BILL.

THE HONOURABLE MR. J. CRERAR (Home Secretary): Sir, I move for leave to introduce a Bill further to amend the Indian Motor Vehicles Act, 1914, for certain purposes.

The object of this small measure is so fully explained in the Statement of Objects and Reasons that I do not think that at this stage I need add anything. I move for leave to introduce the Bill.

THE HONOURABLE THE PRESIDENT: The question is:

"That leave be given to introduce a Bill further to amend the Indian Motor Vehicles Act, 1914, for certain purposes."

The motion was adopted.

THE HONOURABLE MR. J. CRERAR: Sir, I introduce the Bill.

OBSCENE PUBLICATIONS BILL.

THE HONOURABLE MR. J. CRERAR (Home Secretary): Sir, I move for leave to introduce a Bill to give effect to certain articles of the International Convention for the Suppression of the Circulation of, and Traffic in, Obscene Publications.

It will be within the recollection of the House that last March I moved a Resolution inviting the Council of State to recommend to the Governor General in Council that India should ratify the International Convention for the Suppression of the Circulation of, and Traffic in, Obscene Publications. The House will remember that I pointed out that, as a consequence of that ratification, if it took effect, it would be incumbent on the Government of India to propose certain legislation. Our law in the matter was for most purposes and in most respects adequate to the requirements of the Convention, but there were one or two points in which it fell somewhat short. Those points are contained in Articles 1 and 5 of the Convention. Article 1 makes it incumbent upon us to extend the provisions of sections 292 and 293 of the Indian Penal Code and also of section 98 of the Criminal Procedure Code. Further, in the final Act of the International Conference, a recommendation was made that, in the legislation to be enacted, it should be provided that, where an offence was committed in respect of a minor, there should be an enhanced punishment, which is provided for in the Bill now before the House. I now beg leave to introduce the Bill.

THE HONOURABLE THE PRESIDENT: The question is:

"That leave be given to introduce a Bill to give effect to certain articles of the International Convention for the Suppression of the Circulation of, and Traffic in, Obscene Publications."

The motion was adopted.

THE HONOURABLE MR. J. CRERAR: Sir, I introduce the Bill.

STATEMENT OF BUSINESS FOR THE 8TH, 10TH, 15TH AND 16TH SEPTEMBER 1924.

THE HONOURABLE THE PRESIDENT: Is the Honourable the Leader of the House in a position to make a statement with regard to the course of public business?

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI (Law Member): Sir, at the meeting to be held on Monday next, motions will be made that the Indian Soldiers (Litigation) Bill and the Indian Motor Vehicles (Amendment) Bill, which have been introduced to-day, be taken into consideration and passed. On Wednesday, the 10th September, similar motions will be moved in respect of the two other Bills introduced to-day, namely, the Provident Funds Bill and the Obscene Publications Bill. In the week opening on Monday the 15th September, two days will be allotted for the discussion of the Honourable Mr. Crerar's Resolution on the subject of the Lee Commission's recommendations. Further legislative business in this Council must depend on the course of business in another place.

The Council then adjourned till Eleven of the Clock on Monday, the 8th September, 1924.

COUNCIL OF STATE.

Monday, the 8th September, 1924.

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

MEMBERS SWORN :

His Excellency General Sir William Riddell Birdwood, Bart., G.C.B., G.C.M.G., K.C.S.I., C.I.E., D.S.O. (Commander-in-Chief in India) and the Honourable Mr. Arthur Clement Wild (Bombay : Nominated Official).

QUESTIONS AND ANSWERS.

STATISTICS RELATING TO THE INCREASE OR DECREASE OF CATTLE IN INDIA.

356. THE HONOURABLE RAJA MOTI CHAND : (a) Has the attention of the Government been drawn to a statistical account of the increase or decrease in cattle in the United Provinces during the last 20 years, published in the *Pioneer* newspaper in its issue of the 13th of August 1924 under the heading "Cattle Preservation" ?

(b) Are the Government in a position to lay on the table a similar statistical account for the whole of India during the last 20 years ?

(c) If not, do they propose to compile such a table for the information of the Council ? And if not, why not ?

THE HONOURABLE SIR NARASIMHA SARMA : (a) Yes.

(b) and (c). The attention of the Honourable Member is invited to the Agricultural Statistics of India, Volume I, which are available in the Secretariat Library.

IMPROVEMENT OF INDIAN CATTLE.

357. THE HONOURABLE RAJA MOTI CHAND : (a) Do the Government of India maintain any agency of their own to effect the general improvement of Indian cattle ?

(b) What measures, if any, are they taking for the purpose ?

(c) If the answer to (b) is that no measures are being taken, will the Government be pleased to state if they propose to take any measures for the purpose ? If not why not ?

THE HONOURABLE SIR NARASIMHA SARMA : (a) Yes.

(b) The Military Dairy Farms at Bangalore, Wellington and Karnal have been taken over by the Agricultural Department and placed under the control of the Imperial Dairy Expert. At all these farms and also at the farm attached to the Agricultural Research Institute, Pusa, experiments in cattle breeding are being conducted.

(c) The question does not arise.

LEGISLATION *re* THE PROHIBITION OF THE SLAUGHTER OF USEFUL CATTLE.

358. THE HONOURABLE RAJA MOTI CHAND: Do the Government propose to frame any legislative measure applicable to the whole of India for the prohibition of the slaughter of useful cattle, such as the United Provinces Government have under contemplation? If so, how soon? And if not, why not?

THE HONOURABLE SIR NARASIMHA SARMA: No, as the matter touches a Provincial Subject in regard to which the Local Governments are competent to legislate.

RESERVATION OF PASTURE LAND.

359. THE HONOURABLE RAJA MOTI CHAND: Do the Government propose to take any action for the reservation of pasture land, applicable to the whole of India, such as is contemplated by the United Provinces Government? If so, what, and how soon? And if not, why not?

THE HONOURABLE SIR NARASIMHA SARMA: No, as it is only the Local Governments who can deal with this question.

EXPORT OF INDIAN CATTLE.

360. THE HONOURABLE RAJA MOTI CHAND: (a) Are the Government in a position to state the extent of cattle export from India as a whole?

(b) If not, do they propose to institute any inquiries into the matter? If so, how soon? And if not, why not?

THE HONOURABLE MR. G. L. CORBETT: (a) The number of cattle exported from British India is published each month in the Accounts relating to Sea-borne trade, which will be found in the Library.

(b) Does not arise.

RISE IN THE PRICE OF AGRICULTURAL PRODUCTS, MILK AND MILK PRODUCTS.

361. THE HONOURABLE RAJA MOTI CHAND: (a) Has there been a continual rise in the price of agricultural products, milk and milk products and a consequent increase in the cost of living?

(b) If so, do the Government propose to take any steps to meet the situation?

THE HONOURABLE SIR NARASIMHA SARMA: (a) and (b). The Government are not aware that the price of agricultural produce has been rising continuously; but, even if that were the case, the Local Governments are the authorities empowered to cope with it in the areas under their charge. The Government of India do not, therefore, propose to take any action unless the situation requires their intervention.

GRIEVANCES OF THE BINDERS OF THE CALCUTTA PRESS.

362. THE HONOURABLE MR. G. S. KHAPARDE: (a) Have the binders of the Government of India Printing, Calcutta, represented certain grievances, regarding classifications, to Government? If so, have Government refused to consider those grievances?

(b) Is it a fact that Government rules in the presses provide for annual classifications of the piece-workers?

(c) If the reply to (b) is in the affirmative, will Government state the reasons for deviating from the rules in the present case?

(d) Is it a fact that, in reply to the petitions of the above binders, Government have replied that those who are dissatisfied with the present order can submit their names to the authorities for placing them in the list of those whose services have already been dispensed with?

THE HONOURABLE MR. A. H. LEY: (a) and (d). The Government of India have received no representation from the binders in the Calcutta Press.

(b) Yes.

(c) The object of the classification is to ensure that the earnings of piece-workers do not suffer while they are employed on time-work. It has been necessary to undertake the revision of the rules owing to the fact that the binders in the Calcutta Press have been receiving payment for time-work at rates far in excess of their piece earnings.

INQUIRY BY THE TAXATION COMMITTEE INTO LAND REVENUE POLICY.

363. THE HONOURABLE LALA SUKHBIR SINHA: Will Government be pleased to state whether, under the terms of reference to the Taxation Committee, any inquiry will be made into the land revenue policy of the Government of India in this country and, if so, to what extent?

INQUIRY BY THE TAXATION COMMITTEE INTO LAND REVENUE POLICY.

364. THE HONOURABLE LALA SUKHBIR SINHA: Will the Taxation Committee be able—

(i) to inquire into—

- (a) the economic condition of the landlords and their tenants;
- (b) various forms of land revenue systems—periodical, permanent and *Raiyatwari* settlements;
- (c) various forms of tenancies;
- (d) produce of wheat per acre of land as compared with produce per acre in other countries; and

(ii) to recommend necessary changes in the land revenue policy of the Government of India?

THE HONOURABLE MR. A. C. MCWATTERS: I propose to answer questions Nos. 363 and 364 together. As regards both, I would refer the Honourable Member to paragraphs 5 and 6 of the Government of India, Finance Department Resolution No. 1412-F., dated the 26th May 1924, published in the Gazette of India.

LOANS UTILISED BY THE GOVERNMENT OF THE UNITED PROVINCS ON PRODUCTIVE AND UNPRODUCTIVE WORKS.

365. THE HONOURABLE LALA SUKHBIR SINHA: Will Government be pleased to state how much money has been borrowed by the United Provinces Government since the introduction of the Reforms, and how much of

it has been spent on production and how much on unproductive works, giving details?

THE HONOURABLE MR. A. C. MCWATTERS: The Honourable Member is referred to Accounts Nos. 82-A and 82-B of the Finance and Revenue Accounts for 1921-22 and 1922-23 and to the Civil Estimates of the Provincial Government for 1923-24, copies of which will be found in the Library.

VACANCIES IN THE INDIAN CIVIL SERVICE.

366. **THE HONOURABLE LALA SUKHBIR SINHA:** How many vacancies are likely to be filled up this year in the Indian Civil Service, how many of them by competitive examination and how many by nomination?

THE HONOURABLE MR. J. CRERAR: Seven appointments have already been made, five as a result of competitive examination in India, and two by nomination of Indian candidates. It is proposed to make at least ten more appointments after examination in London.

HORSE AND MULE BREEDING IN INDIA.

367. **THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN:** (a) Will the Government be pleased to state if sufficient horses and mules are being produced in India to meet the requirements of the Army and country generally?

(b) If not, how much money leaves India annually for the purchase of the horses and mules from overseas?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) No.

(b) The amount is a varying one depending on the numbers of animals required, but for 1924-25, the anticipated expenditure on horses and mules to be purchased outside India is approximately Rs. 22 lakhs.

EXPANSION OF HORSE AND MULE BREEDING IN INDIA.

368. **THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN:** Are Government considering the question of expanding horse and mule breeding in India to the extent of meeting the requirements of the country in full?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Assuming that the Honourable Member refers to the possibility of meeting the full requirements of the Army in India, I think I cannot do better than refer him to an article published in the "Illustrated Pioneer Mail" of the 23rd December 1922, which describes the measures adopted by Government for the purpose of providing for the Army, remounts and transport animals from the country. I shall be glad to give the Honourable Member a copy of this article. The prospects of meeting the full requirements of the Army in India by means of these measures are remote.

NOMINATION OF MEMBERS AS CANDIDATES FOR THE EXTERNAL CAPITAL COMMITTEE.

THE HONOURABLE THE PRESIDENT: I have to announce that the following seven Members have been nominated as candidates for the Committee to consider the question of the flow of capital into India:

The Right Honourable V. S. Srinivasa Sastri,

The Honourable Dr. Dwarkanath Mitter,

The Honourable Mr. Lalubhai Samaldas,
The Honourable Sir Maneckji Dadabhoy,
The Honourable Mr. J. W. A. Bell,
The Honourable Sardar Jogendra Singh, and
The Honourable Mr. G. A. Natesan.

I propose to hold the election on Wednesday next under the usual transferable vote system.

THE INDIAN SOLDIERS (LITIGATION) BILL.

THE HONOURABLE MR. J. CRERAR (Home Secretary): Sir, I beg to move:

"That the Bill to consolidate and amend the law to provide for the special protection in respect of civil and revenue litigation of Indian soldiers serving under special conditions, be taken into consideration."

Sir, when I moved for leave to introduce this Bill, I gave a pretty complete account of the general principles of the Bill and of the special features in respect of which it either amends or extends the provisions of existing legislation. I think, therefore, it is unnecessary for me to keep the House very long at this stage by recapitulating matters of which they are already in possession. I would only desire to emphasize once more that the object of this Bill is not to confer upon the soldier any special privilege; it is merely to rectify a special disability. The House, I think, listened with sympathy and approval to what I had to say regarding the duty of those of us who have not undertaken military service to sustain the cause of, and to see that justice and equity are granted to, those who do undertake that very exacting and responsible service. That principle having been stated, the details of the Bill almost automatically follow, and I will only touch on one or two points which, though they are details, are rather important details. The House will observe that certain permissive exclusions are made in clause 6 of the Bill. In the first place, the Court will have a discretion to refrain from exercising its powers under that clause in the case of proceedings relating to rights of pre-emption. The reason for that exception is, I think, fairly obvious, but I may as well state it in order that there may be no misapprehension. It was considered by, I think, all the Local Governments whom we consulted and by the authorities whom they in their turn consulted, that suits for pre-emption did lie in a somewhat peculiar category, and it was represented, represented I think with good reason, that if pre-emption rights were to be allowed to subsist for long or indefinite periods, there would be a great lack of security to those actually in possession. You have, for instance, the case of the possessor of land who desires to build. If there is a chance of a right of pre-emption being subsequently enforced, he is obviously in a very embarrassing, possibly a very injurious, position. One of the main objects with which this Bill has been framed, and one of the main objects which the legislation which it is intended to amend was framed, is to maintain the natural and legitimate rights of the soldier, and, at the same time, to place no serious disability upon the third parties, and it is in pursuance of that principle that this exception has been made.

[Mr. J. Crerar.]

The exception in sub-clause (b) of the same clause carries on the face of it its own justification.

There is only one point with which I propose to deal before I conclude. When at the previous Session of this Council I moved to amend clause 11 of the Bill, I was asked by more than one Honourable Member to consider the possibility of giving retrospective effect to the provisions of that section. I promised at the time that that point should be duly taken into consideration, and the result of consideration is as follows. We inquired from Local Governments the number of cases which had been decided under that section and which therefore are governed by the ruling of the High Court of Lahore which necessitated the amendment of the section. On inquiry we found that there were only six cases and that those cases all related to alleged rights of pre-emption. Seeing therefore that we propose to make specific exclusion of cases of that kind, there can obviously be no serious injustice inflicted in refusing to give retrospective effect to the Bill which of course, as not only every lawyer but every Honourable Member will realise, would in many respects be a dangerous and inconvenient course unless it is found absolutely necessary. That is my explanation for the fact that no provision exists in the Bill for giving retrospective effect to it.

I move, Sir, that the Bill be taken into consideration.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces : General) : Sir, I support this Bill. This Bill is intended to substitute the Indian Soldiers (Litigation) Act of 1918 and also the Indian Soldiers Litigation (Amendment) Act of 1924 which was passed at the last Delhi Session. When the Act of 1924 came up before the Council it was widely felt that that Act did not do sufficient justice to a deserving class of our subjects. I am very pleased therefore that the Government have taken the earliest possible opportunity of bringing in a comprehensive Bill which gives necessary relief to a deserving class of people who are entitled to special privileges on account of the special nature of their services. This Bill is a measure involving tardy relief, and it is a matter of no small satisfaction that Government have seen the advisability of bringing in this measure. The measure confers special privileges on a particular class of persons, but it departs in no way from civic obligations and liabilities. It only affords, in the case of soldiers who are on active duty or circumstanced otherwise, an opportunity of coming in at a later stage of the proceedings and requiring the postponement of the case till their special service terminates and they are able or they are in a position to defend themselves. This concession after all is not such a great concession, and I have no doubt the Council will have no hesitation in according it.

There are one or two points in this Bill to which I take the liberty to refer. The principle of law is that in legislative measures there should be clearness of expression, and there should be no room for any misunderstanding. I am, therefore, unable to understand in clause 12 the words "or other special conditions." The words "serving under war conditions" would include all conditions of service, whether special or ordinary, and in my opinion these words seem to be superfluous. The Honourable Mr. Crerar will perhaps be in a

position to satisfy me that those words have a special import and are therefore necessary.

Again, Sir, in clause 14 I do not like the reservation of the power in the hands of the Governor General in Council with regard to any other class of persons. Now this expression "any other class of persons" is a very loose expression. We are now providing for special privileges in the case of soldiers. What is meant by "any other class of persons"? It is difficult to understand. The expression is so loose, so wide, that it may include camp followers, it may include commissariat agents, or it may include contractors who follow regiments on active service. I am not going to press for the deletion of the clause. I am only pointing out to Government that it complicates in a way the provisions of the Bill and leaves indefinite power in the hands of the Governor General in Council to extend the application of this Bill to other classes of persons. It is an ordinary principle of civil law, it is an ordinary principle of common law, that the Legislature must have power to give civic exemptions. The civic exemptions must form the basis of special legislation and can only be given by legislation. An indefinite power of this character is generally deprecated and I am not in favour of it. At the same time, if the Council is of opinion that these wider powers should be maintained in this Bill, I have no objection, but I think some explanation in regard to it is necessary. Sir, with these words I support the Bill.

THE HONOURABLE MR. J. CRERAR : Sir, I am very glad to find that the House displays a favourable disposition towards my motion. As regards the remarks which have fallen from my Honourable and learned friend Sir Maneckji Dadabhoi, I think it would perhaps be more convenient if the explanation which he desires to be given should be given when the House proceeds to the detailed consideration of the Bill.

THE HONOURABLE THE PRESIDENT : The question is :

"That the Bill to consolidate and amend the law to provide for the special protection in respect of civil and revenue litigation of Indian soldiers serving under special conditions, be taken into consideration."

The motion was adopted.

THE HONOURABLE THE PRESIDENT : The Council will now proceed to the detailed consideration of the Bill. We will postpone as usual to the end the Title and Preamble and clause 1 of the Bill.

The question now before the Council is that clause 2 stand part of the Bill.

THE HONOURABLE MR. YAMIN KHAN (United Provinces West : Muhammadan) : Sir, I beg to move an amendment to sub-clause (d) of clause 2 :

"That after the word 'application' in sub-clause (d) of clause 2 of the Bill, the following words be added, namely :

'other than the application for execution of decree under section 59 of the Agra Tenancy Act, 1901'."

The object of my moving this amendment is that on account of certain experience which I gained during the late war I found that in a great number of cases where there was an occupancy tenant of a holding and he had not paid his rent there were decrees for the arrears of rent and he tried to evade the only

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provision under which he could be ejected : to avoid these kind of proceedings he joined the army and the execution was stopped against him. The zamindar could not get his arrears of rent and he was put to a great loss. In many cases the zamindars complained to the Government that, if they could not realise from their tenants any amount of money which was due from them, the same sum should be remitted from the Government revenues and this complicated matters, because there was no provision under which Government could remit the revenue which was due from the zamindar to the Government. At the same time it put to a great hardship the zamindars when they could not realise their dues from their tenants while they had to pay to the Government. The execution of the decree means nothing but when a decree has been passed the zamindar applies to the Court for the execution and the Court gives a certain period to the tenant to pay up the amount due under the decree ; otherwise he would be ejected. In many instances I have come to know that the tenant has left nobody at home to look after his interest. He has joined the army simply to make a certain amount of money in order to pay up his dues to the zamindar ; if he comes back alive from the war he pays it, otherwise the zamindar has to lose his dues for another year or two. Lots of soldiers who joined the army were occupancy tenants against whom there were decrees for arrears of rent. They joined the war and went to Mesopotamia and other places ; they died there, and the decrees were pending against them - the zamindars could not profit by the land and ultimately they had to pay their dues to the Government without realisation of any money. In other cases, there is, say, only the wife of a tenant who has joined as a soldier. She is the only one at home and she says, because she is not the tenant, no decree can be executed in spite of her continuing the cultivation ; the land remains in their possession and the zamindar has got no right of entering upon the land. For these reasons, Sir, I want to exclude these applications which come up for execution of a decree under section 59 of the Agra Tenancy Act from this Bill, and I think they should not be included. This never causes any hardship to the soldier. Of course, I would be the last person to send in this amendment if I found that a tenant soldier has been put to any kind of loss or it was operating against him in a certain hard way ; but I find this will do no good to the tenant because clause 10 of the Bill amply provides a remedy for any kind of injustice that might be done under the execution of a decree, because he can apply for the restoration of the proceedings after he comes back from the war. With these words, Sir, I beg to move this my amendment.

THE HONOURABLE MR. J. CRERAR (Home Secretary) : Sir, I have listened with great interest to the remarks of the Honourable Member, but I regret very much I cannot, on behalf of the Government, accept his amendment. I have no doubt the Honourable Member's intention is to inflict no hardship upon the soldier, but I am exceedingly doubtful whether that would really be the consequence of his amendment. It appears to me to proceed on the assumption that in the class of cases which he specially contemplates a soldier cannot possibly have a case. He can urge nothing of justice and equity on his side. That would be a very rash presumption to make in any kind of legal proceedings until the other side has been heard, and I think the House would not be at all well advised, if they accept the general principles of this Bill,

to permit of an exclusion of this nature. Moreover, I cannot quite understand why an exception of this kind should solely be made in the case of the Agra Tenancy Act. If we follow the course indicated to us by the Honourable Member it appears to me that we should have to encumber our Bill with a multiplicity of exceptions drawn from the various Tenancy Acts of the several Provinces of India, which would make it an exceedingly cumbrous and in many instances an ineffective measure. Nor do I think—at least I venture to hope—that the arguments employed by the Honourable Member will not appeal strongly even to that class whose interests I believe it is his intention to promote. The Honourable Member's amendment, if I understand it correctly, is framed solely and exclusively in the interests of the landlord. There is no class, Sir, to which Government look with more confidence to have a benevolent eye for the interests of soldiers serving overseas or under war conditions than the land-holding class. And I shall be very much disappointed if the members of that class, of whom we have so many distinguished representatives in this House, associate themselves with such a point of view.

THE HONOURABLE THE PRESIDENT : Amendment moved :

"That after the word 'application' in sub-clause (d) of clause 2 of the Bill, the following words be added, namely :

'other than the application for execution of decree under section 59 of the Agra Tenancy Act, 1901'."

The question I have to put is that that amendment be made.

The motion was negatived.

Clauses 2, 3, 4 and 5 were added to the Bill.

THE HONOURABLE MR. YAMIN KHAN : Sir, I beg to move :

"That after clause (b) of the proviso to clause 6 of the Bill the following words be added, namely :

'or

(c) the soldier is a non-occupancy tenant holding the land from year to year, or

(d) the soldier is a tenant of a holding under a lease, the period of which has expired,

or

(e) the soldier has joined the military service only for the purpose of avoiding or prolonging legal proceedings of which he had notice before joining the service'."

The first portion of my amendment applies to the soldier who is a non-occupancy tenant holding the land from year to year.

I want to add this, Sir, simply because, if a soldier had been a tenant from year to year, having no other interest in the land, and if he vacates the land and goes over to join the army during the year, then the zamindar has got no right to enter upon the land unless through a suit. I do not know about the other Provinces, but as far as my Province, the United Provinces of Agra and Oudh, is concerned the zamindar cannot take possession of the land except through a suit. If the tenant had been holding the land from year to year, he vacates it and somebody else takes possession of the land, but never pretends to have taken possession on behalf of the tenant, in which case he could be ejected, but simply says in reply to the zamindar, "Yes, the tenant has entrusted me with this land." If he is sued in a Court of law, he raises the objection that the real tenant is away in the field and therefore the

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suit must remain pending until his return. If in these cases the suit remains pending, what will be the result? Obviously the result will be that nobody will be responsible for the rent of the land. When the soldier comes back and is made a party to the suit, he will say "I had vacated the land when I left to join the army and I have got no interest in the land. I do not mind who cultivated the land or whether it was cultivated or not." He is therefore not responsible for payment of the arrears of rent for the year when he was absent. This will cause a great deal of hardship to the landlord. At the same time, this will bring no benefit to the soldier, because he has got no other right in the land. There are the Government papers, we call them *Khatoni* or *Patwari* papers. He will be recorded there as a year to year tenant, and if the Court finds that the tenant who has joined the army and has gone on war service is a tenant from year to year and is liable to ejection, then the suit may not remain pending, because the land must be utilised by somebody for the profit of the country, as well as of the zamindar. I think, Sir, that in all justification the zamindar will be entitled to ask for the remittance of Government revenue in these cases, especially if the land is through a certain legislation allowed to remain vacant or cultivated by a person who is not responsible for payment of any rent to the zamindar. Most of the Honourable Members who belong to the zamindar class and Government officials might be quite aware that it was this class of zamindars who came forward to help the Government in providing recruits from amongst their tenants in large numbers. When the Government were in need of raising a new army or a labour corps, it was the zamindar who stood up with the Government to provide all these persons from amongst their tenants.

THE HONOURABLE SIR MANECKJI DADABHOY: What about the tenants who left their fields and went on active service?

THE HONOURABLE MR. YAMIN KHAN: I will come to that, Sir. To these tenants who joined the army most of the zamindars remitted their rents. They sometimes gave certain grants and a lot of concessions to the tenants in every possible way they could, simply to induce them to leave their work in the fields and join the army. If the zamindars are to be hit in this way that, even after they send their tenants to join the army, they can not make any use of their lands, there cannot be any greater hardship on the zamindar than this. I think the Honourable Member in charge of the Bill will see my point of view, because I do not want by this amendment to throw hardship on the tenant, but I simply want this provision to be added in order to safeguard the interests of the zamindar when the soldier himself is not profiting and the zamindar is losing. That is my motive in introducing this portion of my amendment which I number (c).

The next portion of my amendment which I number (d) is about tenants who hold the land under a lease for a fixed period. We allow the tenants to hold land for a period of seven years on lease, because, according to the law that prevails in my Provinces at present, the tenant who holds land on a lease of not less than seven years cannot acquire occupancy rights. This rule has been made simply to safeguard the interests of the tenant, as well as to give him sufficient time to invest his capital for fertilising the land which

he holds. If a tenant is holding land for one year, he never likes to invest his capital in the land; but if he is holding it for seven years, he generally invests his capital, because he thinks that he might get it back in due course. If a tenant is holding land for seven years, supposing an opportunity arises just at the end of six years and six months when he wants to go and join the army—the tenant can never be ejected except from July to September—if he joins the army just before July or in October, then the zamindar has got no right to enter upon his land, and as he cannot enter upon the land except through a decree of a Court, this will mean that the land will be lying vacant and absolutely uncultivated until the return of the soldier, and when he comes back, he will have the same excuse for not paying the rent. He can say that he is not responsible to pay the rent for land which he never cultivated, and because he vacated at the expiry of his lease; his lease did not give him any right to sublet the land after seven years, therefore, he could not sublet the land. The land could not also be taken possession of by the zamindar. This land will naturally remain absolutely uncultivated.

And if there are many instances of a similar nature, this will cause a great deal of hardship and will affect the produce of the country as well. Because this Bill contemplates mostly the emergencies which arise in a war like the last war, in which a large number of people joined the army. I think, Sir, if many soldiers holding big areas of land join the army, most of the land will remain uncultivated and will be a loss to the country. In the same case I think the zamindar will be entitled to ask for a remittance of Government revenue from the Government if, through the legislation passed by the Government, he has been put to a loss over which he had no control. To avoid these difficulties, and in a case when it is not causing any hardship, I think my second amendment will also be accepted by the Honourable Member in charge of the Bill.

The third portion of my amendment, which I have put down as (e) is:

"or the soldier has joined the military service only for the purpose of avoiding or prolonging legal proceedings of which he had notice before joining the service."

Sometimes it happens that there are cases when the joint family property has been divided, or cases of a similar nature, and the person who comes to know that this will cause certain hardship to him, joins the army simply to avoid it, because he knows a suit is going to be filed against him within a short period. He joins the army and the suit remains pending. His motive is not sincere. I want to give every latitude to the soldier when his motive is above-board, when he is joining the army simply to serve the country; but when he is joining the army, not with the motive of serving the country, but in order to avoid legal proceedings, he is not acting *bona fide*, and he should not be given any protection by this Bill. If his motive is sincere, certainly he should enjoy this benefit, but he should not be given the benefit of this Bill if his motives are not sincere and not *bona fide*. I think this will not be required by this clause, and the Honourable Member, when he moved this Bill, had no intention of protecting bogus people who simply join the army under these circumstances. Clause 10 of the present Bill affords ample opportunity, if any hardship has been caused to him during his absence, to go and ask for the case to be readmitted on the file, and of course the provisions

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of the Indian Limitation Act will not apply in his case for two months, as other clauses of the Bill provide.

With these few words, I move my amendment.

THE HONOURABLE MR. R. P. KARANDIKAR (Bombay : Non-Muhamadan) : Sir, I rise to support the amendment which has been put forward before this House. When I do so, I do not wholly endorse whatever has fallen from the Honourable Member with reference to clause (c) of his amendment. I am not in full sympathy with the arguments given as regards the avoiding of legal proceedings by joining the army. It is quite impossible for me to agree with that position, but I will certainly join in supporting clauses (c) and (d), particularly as I draw attention to the language of clauses 7 and 8. In supporting those amendments I am in a manner trying to lighten the burden and the responsibility that must ordinarily attach to the officer whose office is being created under this Bill. The prescribed authority has something to do on receipt of a notice; he has to certify. What has he to certify? Under clause 8 he must certify that the soldier is not serving under special conditions or that such postponement is not necessary. Here he has a wide discretion and I should like some indication given to the prescribed authority when it is possible for him to withhold his assent to the postponement of the case. Before he does that it is much more advisable that the Court should exercise its own discretion in sending out a notice. Where therefore, as is contemplated by the amendment, the soldier is a non-occupancy tenant holding the land from year to year, I have every hope that the prescribed authority will make it a point to certify that it is not necessary to postpone the proceedings. And I am tempted to hope it will not be necessary when the soldier is a tenant of a holding under a lease the period of which has expired. With these two conditions, I think if the prescribed authority were to be sent a notice by the Court, the prescribed authority will undoubtedly have regard to the spirit of the amendment even though the amendment be rejected. I will assume for a moment that this amendment is not likely to go through, but I dare say it is quite possible that the prescribed authority will take it into consideration when he exercises his discretion, and say suspending the proceedings is not desirable and not necessary. If he does that, there is no object in questioning his discretion. If that is so, there is nothing to prevent a Court from acting on the suggestion contained in these amendments. Coming from Bombay, I hope those Members who are acquainted with the Bombay procedure know very well (especially those coming from the district from which I come) that there are numerous assistance applications to Revenue Courts to help them in the recovery of their dues under the provisions of the Bombay Land Revenue Code. In some places special officers have been appointed for the recovery of the dues, more in view of the fact that the *inamdars*, of whom there are quite a number there, have to pay what is known as a *Judi* or quitrent, sometimes one-fourth of the entire revenue, sometimes an anna added to it, and at the same time they have to depend upon the result of the suit which they have to lodge before the Revenue Courts, the *Mamlatdars*, for the recovery of their dues from the tenants. Assuming that the proceedings have to be postponed under clause 7, suppose the prescribed authority makes no reply, or sends in a reply as is contemplated by clause 7, the Court has to postpone the suit, and the clause gives the Court a

discretion, and says :—“ If no period has been prescribed, then for such period as it thinks fit.” I am afraid such a large discretion given to Revenue Courts is not quite consistent with the spirit of the applications which are expected from *inamdars* whose dues must be given to them by the tenant, and from whom the Government have been exacting a necessary one-fourth with an anna added to it, as I say.

This matter has been started in consequence of the inclusion of Revenue Courts within the definition of the word “ Court ” that we have got. If it had been limited to the Civil Court only, the complication would have been less; but since we have now proposed to extend the provisions of this Bill to the Revenue Courts as well, we have to consider all the aspects of the question such as may lessen the work of those Revenue Courts. I would, therefore, without wasting your time, heartily support the recommendations made in the first two clauses of the amendment, though I am afraid I cannot support the third proposal made by the Honourable the Mover of the amendment.

THE HONOURABLE SIR MANECKJI DADABHOY : Sir, I oppose this amendment. This amendment is a case of special pleading for the cause of zamindars. Anyone who has knowledge of the previous history of the land tenures which became the subject of discussion in the late Imperial Council will testify to the acrimonious disputes that always took place then in support partly of zamindars' privileges and partly of the rights of tenants and peasants. It is not a new thing in this Council to hear people getting up in support of the zamindars' privileges and claiming protection for them at the sacrifice of the weaker class of tenants and peasants. This amendment, I will show, refers to that class. Anyone who knows about the history of the tenures in the various Provinces is aware that a large class both of revenue and civil litigation refers to occupancy land. Many of you know that large numbers of suits are filed for the ejectment of tenants, sometimes on grounds which are almost frivolous and which cannot for a moment be sustained. As you are all aware, tenants as a class are a body of illiterate people. It is a matter of common knowledge, and I have known during my own professional work, and I am sure it is within the knowledge of my Honourable friend the Mover of this amendment too, that in many cases annual leases in regard to occupancy lands and leases for fixed periods have been fabricated. Quite easily the plough or some other mark identifying the tenant has been put on a stamped paper, which needs no registration when the lease is only for one year; and two or three ready and willing witnesses can always be easily obtained to subscribe to and to testify to the genuineness of the document. (*The Honourable Mr. Yamin Khan* : “ A lease for over one year is always registered ”). I am now talking of one year leases. What protection will this class of tenants have if this amendment is accepted? It is a matter of common knowledge, and those who are intimately acquainted with the litigation specially in the Central Provinces and the United Provinces and proceedings under the Bengal Tenancy Act, will support me in this connection. Of course in Bombay the *rayatwari* system does make a little difference and probably there is not the same amount of trouble in Bombay as in other parts of the country. But, Sir, the two other amendments proposed by my friend (and my remarks refer generally to both these amendments), if adopted, will frustrate altogether the very object of this Bill. It will altogether emasculate the provisions of this Bill. The

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Bill will be wholly ineffective. You might as well have no legislation on the subject at all. You might drop the Bill altogether if there is any force and cogency in the amendments proposed by my Honourable friend. Take for instance amendment (e) which says :

"the soldier has joined the military service only for the purpose of avoiding or prolonging legal proceedings of which he had notice before joining the service."

What will happen if a man gets notice on the eve of his departure to join military service? If my Honourable friend insists on the amendment, the proviso to clause 6 would read thus :—

"Provided that the Court may refrain from suspending the proceeding and issuing the notice if—

the soldier has joined the military service only for the purpose of avoiding or prolonging legal proceedings of which he had notice before joining the service."

The soldier has left the place, and who is to discharge this onus? Has the Court the means to find out whether the man has gone on active service and left his field with the express object of evading the suit? Then, we also know something about these notices. Perhaps the Council is not unaware of the fraudulent service of notices. I know of many cases where the notice has been served on the wrong party and a mark taken in acceptance of the Summons from a wrong party. Will that afford any protection? I submit, Sir, that if these amendments are effected they will cause a lot of complication in the smooth working of the machinery of this Bill.

My Honourable friend Mr. Karandikar has referred to clause 8 as giving some protection in this matter. I do not think that the provisions of clause 8 of the Bill will afford the necessary protection in the cases which I have mentioned. I am perfectly aware of and I do not propose to disguise the fact that the operation of this Bill will cause a certain amount of inconvenience. It will certainly cause a certain amount of inconvenience to the landlords. But after all we have to look to the larger interests involved in this connection. What is the inconvenience after all! My Honourable friend says that the land will lie fallow, the rent will remain unpaid and it will cause loss to the landlord. Well, the land may lie fallow and the rent may remain unpaid, but there is nothing to prevent the holder of the land from recovering the rent which has fallen into arrears on the return of the man from active service. There will be no such serious inconvenience as is contemplated. For these reasons I propose to oppose this amendment.

THE HONOURABLE SARDAR JOGENDRA SINGH: (Punjab : Sikh) : Sir, the Honourable Sir Maneckji Dadabhoy has brought in the question of the relations between landlords and tenants. He seems to have a tender feeling for the tenants; he thinks he has a tenderer feeling than the landlords themselves have. I can assure him that we landlords depend upon the tenants, and their interests are safer with us than with anybody else. If we were to raise the question of capital and labour in this Council and take up these partisan lines, I am sure he would not like it. He has brought in the question of the ejectment notices. Certainly we do put in ejectment notices but we do eject only useless tenants. (The Honourable Sir Maneckji Dadabhoy: "You may be an ideal lawyer.") I am not an ideal lawyer, but I am a landlord. The landlord is a captain of industry who promotes agriculture. It is in his interest to

safeguard the interests of the tenants. If he turns out his tenants every day, he cannot promote agriculture. This idea that the landlord and the tenants are of no importance and trade interests are of greater importance I do not think will hold in this Council. Well, in the days to come in this Council the landlord interest is going to predominate. It predominates to-day and it will continue to predominate.

Regarding these amendments, I would ask my friend the Mover to take a generous view. The soldiers we send out to the battle-field go there to fight for us. We are giving them certain privileges and when we are giving them with one hand it is not right for us to take from them with the other. There might be certain inconveniences. We may have to wait for a year or two for payments. There may occasionally be an ejectment that cannot be effected, but what does it matter? A soldier goes out to fight for us and it is for us to give him all the consideration that we can give. I would ask him in the spirit of the poet of his own town who said :—

"He gave away the whole world.

She thought he was glad in giving.

He was only ashamed to refuse anything."

Therefore, Sir, I oppose the amendment and I would ask my friend to withdraw it in the larger interests of the soldiers who go out to fight the battles of the Empire and defend our hearths and homes.

THE HONOURABLE PANDIT SHYAM BIHARI MISRA (United Provinces : Nominated Official) : Sir, I had a good deal of sympathy with the first amendment moved by my Honourable friend Mr. Yamin Khan, but I did not consider myself called upon to support him since no non-official thought it necessary to do so. There was something to be said in favour of that amendment. But in respect of the present three amendments, I do not think that I can have any sympathy with any of them. The thing is that all these three points involve complicated questions of fact which would require lots of evidence to be produced on either side. If a tenant who has joined the army and has left his village is sued in his absence and the suit is not to be postponed, then he is bound to suffer. The zamindar will come forward—well I may say at once that I also am a zamindar and I am not hostile to the interests of the zamindars, but when a zamindar sues a tenant for ejectment I do not think he has plenty of affection for that particular tenant; he wants to get rid of him. Well, if the fellow has gone away, he is not in a position to defend himself. He is not in a position to produce any evidence in the Court, and if we proceed with the suit it would naturally be tried *ex parte* and the poor tenant who has joined the army is bound to suffer. The zamindar will be able to produce one or two witnesses and the suit is bound to be decreed, however good a case the other party might have; if he has no opportunity to let himself be heard and to produce his evidence, he is bound to suffer. I have been a presiding officer of Revenue Courts in the United Provinces from which my friend Mr. Yamin Khan comes, and I can vouch from my own personal experience that it would be a serious injustice to the tenant if such suits are permitted to be proceeded with in his absence. The first amendment deals with the soldier who is a non-occupancy tenant holding the land from year to year. It may look very simple but, when trying ejectment suits, Sir, I have found that I had at times to waste not only hours but days and weeks together over such ejectment cases

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to ascertain whether the man is merely an ordinary tenant from year to year, or whether he has actually completed twelve years and has acquired occupancy rights. A zamindar always, when he sues a man for ejectment, calls the tenant a non-occupancy tenant, he always calls him a tenant from year to year; but in hundreds of cases, Sir, within my own experience, I have found that such tenants have put in 20 and 30 years of cultivation. One or two recorded breaks often come after eight or ten years; the *patwari* just puts down the man as a sub-tenant and the zamindar comes in as *khud-kasht* holder of the land, and after a year or so the tenant comes in again as tenant-in-chief. These entries are almost always fictitious, but if the tenant is not present to defend himself, he would be taken to be really a tenant from year to year, perhaps cultivating for eight or ten years only, when possibly he has been cultivating the land for 20 or 30 years. So it would be very unsafe indeed if this amendment, I mean amendment (c), is accepted.

As to the contention of my friend, Mr. Yamin Khan, that the tenant when he comes back would not be liable to pay rent, I do not think it is so. There is an express provision, at any rate in the Agra Tenancy Act, that unless the tenant relinquishes his land through the *tahsil*, the relinquishment will not hold good and he will continue to be liable to pay rent. So, where does the zamindar suffer? I do not see. The tenant will continue to be liable to pay rent, unless he has served the zamindar with a notice through the *tahsil* that he has actually relinquished the land. So I do not think the zamindar is likely to suffer at all. Certainly I oppose this amendment.

As to the second amendment, when a soldier holds the land under a lease the period of which has expired, there used to be seven years' leases and, as Mr. Yamin Khan has just mentioned, these leases were expected to be registered, but the very enactment which says that such leases should be registered also provides that instead of being registered in an ordinary registration office this registration could be done by attestation by a *kanungo*. Well, what a registration by a *kanungo* might mean, I suppose most of my Honourable friends are aware. At any rate you cannot be so certain of a *kanungo's* registration as in the case of a regular registration. But this point of a seven years' lease almost loses all its weight, in view of the recent amendment of the Oudh Rent Act which has already taken place. Seven years' leases there are gone, and a tenant once given some land holds it for his life and till five years after his death; so that the seven years' lease will never be seen in Oudh now, and so far as the Agra Province is concerned, the Tenancy Act is already under consideration and a Committee has been appointed and they have published their report. In that report it is proposed so far as I remember—I am not quite certain but I think it is proposed—to give tenants a life interest in the Agra Province also. Once the tenants are given a life interest in Agra, this seven years' lease question will disappear from there also. Even if it does not, Sir, my point is that we should not compel a man to have a case against him decided *ex parte* when he has joined the army, and I think it is quite unsafe to admit this proposed amendment and I certainly oppose it.

As to the third amendment, of course, it is, I fear, very strange.

To my mind, Sir, you would hardly find a single individual who would go and join the army and risk his life merely for the sake of a few fields. He

certainly does not go merely for the sake of evading a law suit. He certainly joins the army for the sake of joining it, perhaps for money also and not for the love of his country alone, but surely not merely for evading a suit in respect of a few fields. I really cannot appreciate the three amendments at all and I most emphatically oppose them. The result is, Sir, that I oppose all these three amendments and I think their acceptance would be very improper and very unfair. My Honourable friend Sir Maneckji Dadabhoy is quite right when he says that these amendments strike at the very root of the proposed law, and I do not think they should be accepted.

THE HONOURABLE THE PRESIDENT: Does the Honourable Member wish to proceed with his amendment?

THE HONOURABLE MR. YAMIN KHAN: I would like to reply.

THE HONOURABLE THE PRESIDENT: There is no right of reply. Does the Honourable Member desire to proceed with his amendment?

THE HONOURABLE MR. YAMIN KHAN: I see that the United Provinces Members are not supporting it; so there is no use in pressing my amendment, although of course a lot of irrelevant matter has been spoken about this amendment, and the motives and ideas have been absolutely misrepresented.

THE HONOURABLE THE PRESIDENT: The Honourable Member must not make a reply. Does he wish to withdraw his amendment?

THE HONOURABLE MR. YAMIN KHAN: Yes, Sir.

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

Clause 6 was added to the Bill.

Clauses 7, 8 and 9 were added to the Bill.

THE HONOURABLE DR. DWARKANATH MITTER (West Bengal: Non-Muhammadan): Sir, I beg to move the amendment to clause 10 which stands in my name and which runs as follows:

"That after sub-clause (3) of clause 10 of the Bill, the following sub-clause be added, namely:

"(4) If the Court sets aside the decree or order under sub-sections (1) and (3) of this section, it shall appoint a day for proceeding with the suit, appeal or application, as the case may be."

Clause 10 does recognise the general principle that if the suit, appeal or application is heard in the absence of the soldier, he must be given a further opportunity of being heard. But clause 10 stops short. It does not say what will happen after the decree or order had been set aside under certain conditions. I think the intention of the Mover of the Bill is that he should have a further opportunity of being heard after the proceedings have been set aside. The

*"That after clause (b) of the proviso to clause 6 of the Bill, the following words be added, namely:

- or
- (c) the soldier is a non-occupancy tenant holding the land from year to year, or
- (d) the soldier is a tenant of a holding under a lease, the period of which has expired, or
- (e) the soldier has joined the military service only for the purpose of avoiding or prolonging legal proceedings of which he had notice before joining the service."

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provision is analogous to the provisions of the Civil Procedure Code with regard to the setting aside of *ex parte* decrees which are contained in Order IX, Rule 13, of the Code of 1908. It might be said that the provisions of section 141 of the Code are sufficient to cover the case suggested by the amendment. But that would not be so, because Honourable Members will find that the definition of the word "Court" in clause 2 of this Bill includes not only a Civil Court but also a Revenue Court, and by no stretch of language can you apply the provisions of section 141 of the Code to proceedings in a Revenue Court. It has therefore become necessary that there should be some provision stating what is to happen after the decree or order has been set aside. If it was merely a matter which related to a suit or a proceeding in a Civil Court, then of course section 141 of the Code might govern it and this provision would be unnecessary. But it has been held in numerous decisions by the different High Courts, as well as by the Judicial Committee of the Privy Council, that section 141 can only apply to civil proceedings of the nature of suits, or proceedings in the nature of probate or proceedings in relation to guardianship, to which the procedure of the Civil Procedure Code is made applicable. In order to make the matter clear and avoid the difficulties which have been created by the enlarging of the definition of the word "Court", it seems to me that this amendment is obvious and necessary. I therefore ask the House to support this amendment.

THE HONOURABLE MR. J. CRERAR: Sir, I have considerable doubts as to whether the amendment proposed by the Honourable Member is necessary. Clause 10 of the Bill does not, by enabling the decree or order to be set aside, thereby determine the suit. The suit is still alive, and it is of course within the discretion of the Court to take further proceedings in the matter. I think that what my Honourable and learned friend said about Revenue Courts is fully covered by section 5 of the Civil Procedure Code relating to Revenue Courts. However, though I do not think that my Honourable and learned friend's amendment is necessary, at the same time I must admit that I do not think that it is seriously damaging to the provisions of the Bill and, if it is the wish of the House that that amendment should be accepted, Government have no objection to do so.

THE HONOURABLE MR. R. P. KARANDIKAR: I do support this amendment. I am told that the Courts have discretion to proceed with the matter or not. Then it becomes extremely necessary that the Revenue Courts should be told what to do in case the decree or order is set aside. In these cases I do really think that the amendment is necessary.

THE HONOURABLE THE PRESIDENT: To clause 10 of the Bill, an amendment has been moved:

"That after sub-clause (3) of clause 10 of the Bill the following sub-clause be added, namely:

"(4) If the Court sets aside the decree or order under sub-sections (1) and (3) of this section, it shall appoint a day for proceeding with the suit, appeal or application, as the case may be."

The amendment was adopted.

Clause 10, as amended, was added to the Bill.

Clauses 11, 12, 13, 14 and 15 were added to the Bill.

Clause 1, the Title and the Preamble were added to the Bill.

THE HONOURABLE MR. J. CRERAR: Sir, I move that the Bill, as amended, be passed.

THE HONOURABLE THE PRESIDENT: The question is:

"That the Bill to consolidate and amend the law to provide for the special protection in respect of civil and revenue litigation of Indian soldiers serving under special conditions, as amended, be passed."

The motion was adopted.

INDIAN MOTOR VEHICLES (AMENDMENT) BILL.

THE HONOURABLE MR. J. CRERAR (Home Secretary): I beg to move:

"That the Bill further to amend the Indian Motor Vehicles Act, 1914, for certain purposes, be taken into consideration."

I do not need to detain the House by any elaborate explanation of so simple a measure, indeed it would be difficult for me, the measure being so simple, to elaborate any explanation. Substantially, the object of the measure is to provide for a defect in the original Act which was brought to notice by a judgment of the High Court of Bombay to the effect that a rule framed by the Government of Bombay for the annual re-registration of motor vehicles was *ultra vires*. We accordingly intend to rectify that defect in the Act. It is a practical reason: it is not simply an academic point. Honourable Members will recognise, more particularly with regard to the large Cities of India, such as Bombay and Calcutta, that the necessity for a more strict control of motor traffic has become from year to year more apparent. The mere fact that changes of ownership are in practice frequently not notified and the fact that, in the absence of such notification, it is exceedingly difficult to detect any such transfer of ownership, has resulted in a state of affairs in which the registers maintained by the motor departments in these large Cities have become largely valueless. If an accident occurs, the constable or any other person witnessing the event may note down the registered number of the car, and on subsequent investigation it may be found that the original owner of that car has for years ceased to own it, and the tracing of the actual present owner becomes a matter of very serious difficulty. It is therefore in the interests of the public that this amendment is proposed. It will enable the police to maintain a more careful, a more accurate and a more expeditious control over breaches of the law relating to motor traffic.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1, the Title and Preamble were added to the Bill.

THE HONOURABLE MR. J. CRERAR: I move that the Bill be passed.

The motion was adopted.

The Council then adjourned till Eleven of the Clock on Tuesday, the 9th September, 1924.

COUNCIL OF STATE.

Tuesday, the 9th September, 1924.

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

BILL, AS PASSED BY THE LEGISLATIVE ASSEMBLY, LAID ON THE TABLE.

THE SECRETARY OF THE COUNCIL : In accordance with Rule 25 of the Indian Legislative Rules, I lay on the table a copy of the Bill further to amend the Indian Post Office Act, 1898, for certain purposes, which was passed by the Legislative Assembly at its meeting held on the 8th September, 1924.

RESOLUTION *RE* SETTLEMENT OF THE SIKH QUESTION.

THE HONOURABLE SARDAR JOGENDRA SINGH (Punjab : Sikh) : Sir, I move :

"That this Council recommends to the Governor General in Council to appoint a Reconciliation Board to consider the whole Sikh question and to promote its settlement by mutual agreement."

I am moving this Resolution after a great deal of careful thought. As the only elected representative of the Sikh community in this Council, I feel it my duty to place all the facts before this Council in the hope that our combined efforts may find a solution. I am conscious that what is likely to embarrass my Government is no less likely to embarrass my community. I realise fully the need, one of the greatest needs, of our times, is to preserve law and order and to uphold the authority of the State. The Sikh community, as a whole, stand firm in support of the State. Take for example the Hindu-Muslim trouble at Amritsar. The Sikhs came forward to help the Government, and I can affirm without hesitation that to-day, if the call came again, the Sikhs would join in large numbers the army to defend the Empire. I am sure His Excellency the Commander-in-Chief will support me in this as he has been recently touring in the Sikh districts. Then, Sir, there can be no greater test of loyalty than the desire of a community to serve the Empire in its armies. The Sikhs as a body are anxious to keep their religious movement free from politics. I have no hesitation in declaring that my community would be fully satisfied if their absolute right to govern their Gurdwaras was fully recognised by a legislative Act. This is all we want. I have for nearly four years endeavoured, without coming before this Council, to assist in finding a solution. I must freely acknowledge the kind and considerate hearing given to me by both the Punjab Government and the Government of India. The question has been on the brink of solution. An agreement was very nearly reached when General Sir William Birdwood came on the scene ; but somehow the Birdwood Committee never came into existence and private negotiations never took shape.

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The negotiations were broken off so far as one could understand from the newspapers when a settlement was practically reached. I am sure that the Birdwood Committee would have reached a settlement if it had come into existence and if it had been given a free hand and allowed to proceed on its own lines. I think I am revealing no State secret in mentioning that I warned both His Excellency Sir Edward Maclagan and General Sir William Birdwood, whom I am glad to see here to-day, not to follow the methods which had failed before, but to take a new line of free and open discussion with all the members of the Sikh community. The question in itself is very simple. The Sikhs wish to restore the control of the Sikh congregation over their places of worship. The history of the Sikh Gurdwaras goes back to the earliest days when the Sikh religion was founded. The present difficulties crystallised a generation after the annexation of the Punjab. From time to time the community used to appoint suitable men to administer Gurdwaras and the lands attached to Gurdwaras with the purpose of propagating the Sikh religion and maintaining a free kitchen. Good and saintly men were nominated and they made our temples and shrines centres of the Sikh religion. These *sewadars* or servants depended on the approbation of the Sangat or congregation. Things however changed with the annexation of the Punjab. The community was bewildered and the *sewadars* were entered as owners not only of the lands and endowments but even of the temples in some cases. The men in occupation were men who enjoyed public confidence, and the community did not realise that any rights were being conferred on them till this generation of experienced old workers had passed away. It was then that the change which had actually taken place became apparent and the community realised what had happened and appealed for help in vain. The Courts were powerless to interfere and the Government, too busy to take notice of the views of the community, paid no attention. I have ventured to bring this question before this Council because I am confident of the support of Hindus and Moslems and our old friends the English officials. Hindus are the bone of our bone and the foundation stone of the Golden Temple was laid at the instance of our Guru by a Muhammadan saint Mian Mir. For nearly three generations English and Sikh blood has mingled on many a battlefield. That is why every Sikh expects whole-hearted support in his desire for Gurdwara reform. Nothing surprised and hurt him more than the lukewarm consideration which the British official gave to his earnest desire for reform. It is said when Mansur was being taken to the Cross men threw stones at him and he smiled, but when a friend pelted him with a flower he wept. This is how the Sikhs feel when their friends laugh at their desire to make their Gurdwaras the centres of the Sikh religion and accuse them of violating the laws of the State.

I will now give you the history of two or three Gurdwaras as most of the Council are not acquainted with the history of the Sikh religion. Take the Golden Temple first. It was founded by Guru Ram Das and Arjan Dev. Of him Jehangir wrote in his Tuzak :

"So many of the simple-minded Hindus, nay, many foolish Musalmans too, have been fascinated by his ways and teachings."

The Golden Temple and the Akal Takhat are our most sacred temples. These temples more than once passed out of our hands. Ahmed Shah Abdali razed

them to the ground, but Jassa Singh restored them. His descendants are here to-day and may as well claim the temple as their heritage. It was again destroyed by the Durani conqueror in 1763 and once Massa Rangar took his seat in the temple. The Sikhs took possession of the temple and restored it again and again. Who dare say that the temple belongs to any particular person and that other communities have a claim? It is the temple of the Sikhs and shall remain the Sikh temple to the end of the Sikh religion. It was this temple where the Puritan Sikhs were refused admission; it was here that Government wished to maintain their own management. That is how the trouble began and is continued, because it is held that private people had acquired hereditary rights in the House of God.

Now let us turn to another temple, Nankana Sahib, the birth-place of Guru Nanak, the founder of the Sikh religion. The place is most sacred to the Sikhs, and the lands now attached to the temple were bestowed by Maharaja Ranjit Singh, who told Baba Sahib Singh Bedi to go out on horseback and all the lands that he could go round before dinner would be given over to the temple. The Baba galloped his horse and covered as much ground as he could and this secured the large endowments which we are asked to surrender to a profligate Mahant. Who are these Mahants you may ask? The Sikhs considered it as poison to use any offerings and asked the Udasi or ascetic Sikhs to serve in the temples. The three last Mahants or abbots at Nankana Sahib were men of loose character. Sadhu Rama and Kishan Dass died of venereal diseases. The present Mahant Narain Dass snatched the keys out of the pocket of dying Kishan Das, got hold of the money and made himself the Mahant. At the time of his succession, in the presence of a Magistrate, he promised to behave as befitted a religious teacher. He declared in writing that, if he was proved to go wrong, he would abdicate at the bidding of the Sangat. He soon began to drink and keep women, had children and built houses for his mistresses and started nautches in the temple. It was he who killed in cold blood over a hundred Sikhs. He is now undergoing a life sentence. It is at his behest that the Court appointed a receiver, a Muhammadan Patwari to manage an estate yielding over a lakh and a half per year! The Sikhs were put in possession and are now soon to be turned out, all in the name of law and order. Can anything be more provoking? It was at the martyrdom of the Sikhs at this place that the following words were added to the Sikh prayer :—

"Those who, to purge the temples of the long-standing evils, suffered themselves to be shot, cut up, or burnt alive with kerosine oil, but did not make any resistance or utter even a sigh of complaint: think of their patient faith and call on God!"

There is another decree to be executed at Gura-ka-Bagh. The Mahant was a bad character. He submitted in the early days, he and his mistress were baptised Sikhs. He went back on the arrangement and claimed a plot of land, the Government offered him assistance and later hundreds of Sikhs were mercilessly beaten. Men who had gone to the battlefield as soldiers of the Empire were beaten in cold blood. How any British officer could tolerate it passes my understanding.

It was not without tremendous provocation that the Sikhs, tired of Courts and law suits, decided to reform the Gurdwaras. The servants of the temples

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had given themselves up to wine and women, and in some cases sold Gurdwara properties. I am sure no community could tolerate such desecration of their temple and wait and watch for the coming of a legislation, which, in spite of their sacrifices and many promises, is not in sight. The conditions in our temples are much the same as told in the Church History. I might just quote from it :

"There is no need to recount in detail the misdeeds recorded against them ; suffice to say that charges of immorality, hypocrisy, and luxurious living were proved against the majority up to the hilt, and not denied. If vows of chastity, self-denial, and poverty could not furnish safeguards against breaches of the moral law they deserved to be done away with. The acknowledged bad character of many who professed excessive piety brought all religion into discredit ; and the notorious scandals to which they gave rise, combined with the attempts made by ' foreign ' houses to denationalise the ancient Church, made all true-hearted Englishmen hail with satisfaction the various Acts of Parliament by which the land was rid of their evil influences."

The Sikhs to-day expect in the same way every Englishman to rejoice in the attempt of the Sikhs to rid their temple of the bad characters and to support them so that their centres of religion may be purified and these large endowments may be used for charitable and good purposes.

Some of our religious abbotts have been convicted in Courts for offences which would prevent their appearing in decent society, much less permit them to preside over religious institutions. What would you say if a Church and the lands attached to it were claimed by profligate priests as their private property ? The Sikhs tried to get redress in ordinary Courts, they applied to Government for long years but without any success. Can you blame the Sikhs for their decision ? They hoped, the hope is not even now dead, that the Government was their friend, and once they proved they were in earnest the Government would come to their aid. They decided to accept self-suffering in holding to the principle, that principle simply being that the community must resume full control of their Gurdwaras and temples. Is it right to think that such a large number of men are nothing but dupes and they deserve no consideration whatever at the hands of the paternal Government ? The Government must be guided not by mere perverseness but by some right principle. The struggle still continues. Thousands of good and simple-minded men are in jail and thousands prepared to take the place of those who are ushered peacefully into prison. So far as I can see, this will continue till the Sikhs obtain what is theirs by right. A great many side issues have been raised. It is said that there are other communities concerned in the Sikh Gurdwaras. I can assure you that the Sikh temples essentially belong to the Sikhs. They are open to all communities who come there for worship. It is not our intention to close the temple doors. We want to fling them wide open. I challenge the Government to show if there is any Sikh temple that has been built or endowed and maintained by any other community but the Sikhs. I challenge them to show if the vows taken by Udasin permit their acquiring any personal property. If the congregation attending the temple is no other but a Sikh congregation and if in the temple there is no other worship but as laid down in the Guru Granth Sahib, then the contention that other communities are concerned is much too far-fetched to deserve any attention.

If I may for a moment linger I should like to describe to you, Udasi, Nirmalas and Sikh proper.

- (1) The Udasin is a Sikh who puts on the yellow robe of a mendicant and gives up the life of a householder. He has been greatly respected, but he has never claimed to belong to any other fold. Indeed, at times of stress, Udasins have been fighting in the forefront in the wars which the Khalsa waged in the days of old and he has been the pioneer in propagating the Sikh religion. You might as well speak of a Christian monk as following some other religion than Christianity.
- (2) Then we have the Nirmalas who again take the vow of devotion to religion but they too like the Udasins form an integral part of the Sikh community. When ordained they receive their baptism exactly like any other class of Sikhs, i.e., they are given the Amrit in the same form as other Sikhs. They, like Protestant priests, dress distinctively and can marry.
- (3) I need not define to you the Sikh proper. He is a householder devoted to agriculture and other occupations. He is always ready to defend his religion and its freedom. He believes in one God and His justice, and believes in the protection which pure steel offers, hence the wearing of the Kirpan. This is what our Gurus have taught us.
- (4) Then there are the Sahajdharies or laymen. They may be Hindus or Muhammadans who are attracted by the Sikh teachings and yet are unable to take baptism which would give them admission to brotherhood. The bulk of this community are Sikhs. They make up 99 per cent. of the population and that is why they claim a decisive voice as to the governance of our temples and shrines. It is they who have made endowments. It is they who have given lands. It is they who have built temples and it is they who have given their lives for them. It is they who maintain the Udasins and the Nirmalas.

The Government can at any moment by a referendum to the whole Sikh population ascertain the views of the community. We as Sikhs claim that it is the Government who in the beginning made the mistake of entering as owners men who had no rights of ownership. It is now for the Government to cure the defect for which they alone are responsible. We are frequently told that Government will welcome any legislation which the Sikhs would bring into the Council, but the Government are aware that a minority community like ourselves in the Councils has absolutely no chance of carrying through any legislation which is not in the first instance approved of by the Government. That is why we have been trying to reach an agreement beforehand before introducing any legislation in the Council. We want a simple Act, restoring to the community all lands and temples and shrines that are ours, the whole Punjab knows it, and if the Government raise any objections those objections are raised

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owing to apprehensions which have nothing to do with the Gurdwara question. A simple notification in Kapurthala State has served the purpose. It runs :—

- (1) That all historic Gurdwaras and Dharmshalas would thenceforth be under the direct management and control of an elected General Committee of Sikhs inhabiting the Kapurthala State.
- (2) That all village Gurdwaras and Dharmshalas would be managed and controlled by local Sikh Committees.
- (3) That all property (moveable and immoveable) attached to historic and other village Gurdwaras and Dharmshalas, which had hitherto been shown in revenue registers against Sadhus and Mahants, would at once be mutated in favour of Sri Guru Granth Sahib.
- (4) That all Sadhus and Mahants leading vicious and wicked lives or not following the main principles of Sikhism as laid down by the Panth would be, after having been given an opportunity to reform themselves, at once turned out of the Gurdwaras or Dharmshalas.
- (5) That the General Committee would manage its work in accordance with the wishes of the Tahsil sub-committees, the members of which will be elected according to the rules prescribed by the Shromani Gurdwara Parbhandhak Committee.

In the name of the Sikh community, speaking with authority, I affirm that if Government give us a simple Act containing the substance of the clauses I read out to you we shall accept such an Act with gratitude and do all in our power to work it in a moderate, generous and chivalrous spirit. The following resolutions were passed in 1921 and give an indication of the Sikh spirit :—

- (1) That all Sikhs arrested by the authorities in connection with the Gurdwaras should be released.
- (2) That the Panth strongly resents and condemns the action of the authorities concerned in arresting the Sikhs from Gurdwaras in various places and handing over the same to their previous Mahants and Pujaris.
- (3) That pending the enactment of legislation on the lines suggested by the Shromani Gurdwara Parbhandhak Committee for the management of the Gurdwaras and other religious charitable institutions of the Sikhs, the control and management of Gurdwaras be left in the hands of those who were exercising such control at the time when the arrests of the Sikhs began in various places.
- (4) All efforts of the Panth to make the Government alive to the pressing need of reform in the Sikh Gurdwaras and charitable institutions having failed, the Panth standing before the Akal Takht in the presence of the Guru resolves solemnly that, if the innocent Sikhs arrested are not released and a satisfactory legislation of the Gurdwaras is not passed up to the 10th April, 1921, the Sikhs will consider it an interference with their religious rights and will be compelled to resort to all necessary means of reforming the Gurdwaras themselves.
- (5) The Guru Panth calls upon every Sikh to join the Akali Jathas to effect the reformation of their Gurdwaras.
- (6) As by the grace of the Guru, the Sikhs during this hour of trial have shown the greatest fortitude and self-control, so the Guru Panth ordains that in future, too, they should similarly maintain their calmness and self-restraint in the face of even greater

hardships and should never be prompted by an idea of revenge or retaliation. Thus should they remain faithful to Sikhism up to the last breath."

I need hardly add that, however, unimportant a community we may be considered to be and that we cannot cause any inconvenience to the Government, we may be driven out of our Gurdwaras, but we shall never admit defeat. We are determined to assert our religious freedom in the sense of having full control over our Gurdwaras and temples. We shall return again and again till we recover our Gurdwaras, so help us God. We stand for justice, fair play and equality for Sikhs and Sikh States. The Government can immediately close the chapter by introducing the necessary legislation and by a promise to release our prisoners.

There is one more point I have to deal with. Supposing we have a temple in an outside place, supposing our rights to worship there are interfered with, are we wrong in looking up to our Government to protect our rights there as in our own country? Can you imagine an English congregation being refused admission to a Church in China? Can you imagine a congregation of Englishmen going to worship being stopped and fired at?

Can you imagine the British Cabinet and the British Parliament sitting with folded hands without protecting the rights of its subjects? This is what has happened in a neighbouring place. Our Government has taken no part in the inquiry or in asserting that its subjects have the fullest right to enter and worship there.

THE HONOURABLE MR. J. P. THOMPSON (Political Secretary): I rise to a point of order, Sir. Is the Honourable Member in order in referring to the administration of a State which is under the suzerainty of His Majesty?

THE HONOURABLE THE PRESIDENT: The Honourable Member is aware of the rule on the subject and I must ask him to keep within its provisions.

THE HONOURABLE SARDAR JOGENDRA SINGH: With your permission, Sir, there is this point, I think it is a very important point which will have to be considered, whether Indian nationals outside India anywhere have their rights, and if the Legislative Councils have no right to express their views on that subject. That is the point, Sir, on which a ruling is required.

THE HONOURABLE THE PRESIDENT: I have given my ruling. The Honourable Member may proceed. Incidentally I would draw his attention to the fact that he has now only three more minutes in which to conclude his speech.

THE HONOURABLE SARDAR JOGENDRA SINGH: I leave out any reference to that matter. At the same time, before proceeding with my speech, I should like to point out that it is a question for the Government to consider whether the Legislatures in India have no right to express any opinion or protect the rights of nationals here or outside.

Briefly speaking, I conclude my remarks by summing up what the Sikhs desire. We have heard in the newspapers for the last month or so what the

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Government are prepared to do. Well, the Sikh demands are :—

- (1) Immediate legislation restoring to the community the control of the Gurdwaras.
- (2) The release of all prisoners sentenced in connection with the Gurdwara movement on the passing of the Act and the withdrawal of cases and cancellation of notifications now in force.

Can you tell me that our demands are unreasonable? I am the only elected representative of the Sikh community in this House, but I have faith in the wisdom of this House in which I have worked for the last four years. I have faith in my Muhammadan, Hindu, Parsee and English colleagues to take a broad view of the matter and help the Government to reach an immediate solution and thus save a loyal and law-abiding community from ruin, even if it be granted that a few members of my community are guilty of transgression. I ask nothing more than what the Government have already sanctioned, the appointment of the Birdwood Committee to deal with the problem. I can promise you that, if such a Committee is appointed, the Sikhs will prove as good friends as in the past. You have only to refer to what was done by King Henry when such a situation arose. I think most of my Colleagues know how King Henry dealt with the question. Possibly we are 400 years behind the times. The same sort of legislation is required in India now to meet the need of the moment. The mistake was originally made by the Government by making these entries, and it is now for the Government to remedy the defects they created.

As a loyal subject and well-wisher of the Government, can I silently see a whole body of industrious and loyal workers like the Sikhs being converted into a discontented class over a religious question without doing my utmost to restore the old relations between the Sikh community and the Government existing since the annexation of the Punjab?

THE HONOURABLE THE PRESIDENT: Resolution moved:

"That this Council recommends to the Governor General in Council to appoint a Reconciliation Board to consider the whole Sikh question and to promote its settlement by mutual agreement."

THE HONOURABLE MR. J. CRERAR (Home Secretary): Mr. President, I should like to be the first to acknowledge, on behalf of Government, as I am sure the whole House will acknowledge, the sincerity, the earnestness and good will which have inspired the Honourable Sardar in moving this Resolution. If I apprehend the Honourable Member's position correctly, he yields to no Sikh in his fervent desire for the maintenance of the Sikh religion, for the regulation by that community of their communal institutions and for the vindication of all their just claims and rights. I think he deplures, as much as Government and any other friend of the Sikhs must deplore, the results of a barren and acrimonious controversy and the adoption by a certain section of that community of methods which are as little calculated to attain their ostensible objects as they are inconsistent with good citizenship and the rights of other communities.

And on these considerations the Honourable Member is deeply impressed with the urgent importance of exploring every possible road to a remedy and

a solution. Sir, I am not merely content to acknowledge the justice of these sentiments, though I am unable, for the reasons which I shall subsequently lay before the House, to accept on behalf of the Government the precise terms of the Honourable Member's Resolution. I hope to make it clear that, though it is my duty to oppose this Resolution, we not only respect these sentiments but reciprocate them. And not merely because they are just in themselves. I am not afraid myself to avow a certain partiality in the matter, and if I may intrude a personal note in so grave a matter of public importance, I should like to say that, though I have never had the fortune to serve in a Sikh district, I have nevertheless had many opportunities of acquiring a close, and I think I may say not unsympathetic, acquaintance with the problems which confront, and I have many personal friends from amongst the Sikh community. I can, I hope, appreciate their many admirable qualities. I can respect their devotion to their religion and sympathise with their aspirations, and, most of all, we can all recall with pride and mutual congratulation their long and glorious association with the armies of the British Crown.

Sir, I do not abate one iota of these sentiments in approaching the Honourable Member's proposition. Government are as anxious as the Honourable Member himself to promote a solution and to restore the old relations—never completely severed, and shortly I hope to be completely restored—of cordiality and confidence. Our objects are the same and if we differ—and even so by no means by an insurmountable gulf—it is only in expedients.

I must, however, approach the proposition in the light of the general policy of the Government. That policy is a simple policy, it is a straightforward policy; it is the only policy which could be declared and acted upon by any Government alive to its responsibilities and determined to discharge them. It can therefore be simply stated, as it has been simply stated in a reply by His Majesty's Under Secretary of State in the House of Commons and in the following words:

"The policy of the Punjab Government, which has the full approval of the Government of India and of the Secretary of State, is to maintain order and public security by consistently applying the law against all offenders and at the same time to neglect no means of arriving at a suitable and equitable solution of the matters in controversy with due regard to all the interests that are affected."

A somewhat more detailed statement of this policy has recently been announced by His Excellency the Governor of the Punjab, and I will ask the permission of the House to read one or two extracts from that speech. His Excellency remarked:

"I cannot properly distinguish my own feelings from those of the Government, but if I attempt to define our position it is a genuine desire to save the Sikhs and not to destroy them. We wish to save them from the discredit and loss of position which must be the fate of a community which yields to the advice of those who for whatever motive attempt to inculcate a mentality which is contemptuous of the rights of other communities and subversive of the authority of the State. We desire to aid it to gain by legitimate and constitutional methods a full control over its religious institutions. We have never attempted in the past, nor shall we ever attempt in the future, to check it in the fullest exercise of its religious practices within the bounds of law and good citizenship. We have come into this matter not because we were actuated by any feelings of hostility to the religious aspirations of any section of the Sikhs, but purely because it is our duty to maintain law and order, to prevent invasion of the rights of other communities and to secure to individuals the peaceful enjoyment of any privileges secured to them by the verdict of our Courts."

[Mr. J. Crerar.]

That, Sir, is an expansion in some detail of the very brief statement of policy made in the House of Commons. With regard to what was spoken by His Excellency the Governor of the Punjab on the matter of the decrees of Civil Courts, I may remind the House that in executing the decrees and orders of the Civil Courts, the Executive Government are merely the instruments of the judiciary; and the judiciary in their turn, in pronouncing their judgments, are the instruments of the Legislature. Well, Sir, that is the policy of the Government in the matter. I will now indicate the action which Government have taken in pursuance of that policy. I will remind the House that, when this matter was under discussion in another place, Sir Malcolm Hailey, then Home Member, gave the following assurance:

"We shall consider with the Punjab Government whether it is not possible to find some better machinery than appears to exist at present for enabling the Sikhs to state definitely their claims and their grievances and, if possible, to enable them to find a solution in co-operation with Government."

The House is aware what steps were taken by the Punjab Government, with the complete approval of the Government of India and of the Secretary of State, to give effect to that assurance.

If the very distinguished soldier, whom we have recently had the privilege of welcoming as an accession and an ornament to this House, will grant me the indulgence of saying a few words personal to himself—I am afraid His Excellency will be reluctant to grant me that indulgence—I would say this, that Government could have no better proof of its genuine solicitude to arrive at a satisfactory solution of this question than its action in entrusting the task to his hands. He accepted it at great personal sacrifice and inconvenience and established a claim, which I now very inadequately acknowledge, on the gratitude of Government, and I think no one will contest it if I add, of the Sikh community and the Indian public. These efforts were sincerely made, but they bore no immediate fruit. I do not intend to dilate on the causes and the reasons why these efforts were infructuous. I will only say this, that as I do not wish to look back on the old controversies, the old quarrels, and the troubles of the past, but as I look forward with hope and confidence to the future, I will say nothing now, I will speak no unnecessary syllable, I will make no superfluous gesture, which could possibly prejudice these hopes and anticipations. I listened with the utmost interest to the remarks of the Honourable Sardar when he recited the history of some of the religious endowments of his community. I cannot see eye to eye with him either in his recital of the facts or in the interpretations which he placed upon the actions and intentions of Government; but again, for the reasons which I have mentioned, I consider it unnecessary to go into controversies of that character. Mr. President, let us look to the future. The Honourable Sardar left me in considerable doubts as to the precise nature, the precise functions, of the Board or Committee which he contemplates. I merely wish to point out that if, as the actual terms of his Resolution imply, the duties of such a Committee were to cover the whole ground of grievances which have been alleged, or the claims which have been made by persons purporting to represent the Sikh community, we should have to travel not only over questions of the control of Gurdwaras, but over many questions involving constitutional points of a very

wide implication, and I doubt very much whether the Government of India would be competent to give them the powers requisite for so wide an inquiry. But apart from that, I would ask the Honourable Member to reflect and consider whether the time is now quite opportune for the action which he asks the Government to take. Do those who have hitherto claimed to speak for the whole of the Sikh community—do they still predominate in their counsels? Do the methods which have been adopted—the methods which we hear are still being persisted in—do they truly represent the methods which are accepted by the community as a whole? The Honourable Member has given us the strongest reasons for believing that that is not so. We have intimations that reasonable, moderate, opinion among the Sikhs is beginning to assert itself, and I invite my Honourable friend and his friends to exert themselves to establish that fact. Certainly, if negotiations are to be resumed with any reasonable prospect of success, the move in that direction, as things now stand, should come from the Sikh community as a whole; or if that is not yet practicable, it must come in a form which will render it possible for the whole community, not merely a party or a section, but for the whole community, to be fully, freely and effectively consulted. It is open to the Honourable Member and his friends to promote and to create such a situation, and their efforts will command the sympathy and the applause, and ultimately the active co-operation of all true friends of their cause and their community. I have very little more to say, but I should like to quote the words used by His Excellency the present Governor of the Punjab in his capacity as Home Member. He said in another place:—

"Let me say, again, as I said before, that we have no feeling against the reforming section of the Sikhs and no bitterness. But it is only reasonable that we should ask that the Sikh community at large should recognise the position not only of Government but of other sections and communities in this matter. In an India which is rapidly rising to full nationhood, no one community can justly claim too great insistence on its own position or its own rights, and certainly there are other ways of preserving its religious and social institutions, than by those which run counter to the methods of good citizenship. I will say no more than that. It is no exacting claim on our part, and we do not make it entirely on our own behalf. If they will recognise this, then I do not think we should have to wait long for a return to happier conditions. We look back with pride on our long association with the Sikhs, an association happy in peace and glorious in war. We desire nothing better than to see once again that old feeling of confidence and of mutual trust that our predecessors knew. The hand of friendship never has been withdrawn; it is there to-day, if only they would grasp it. We want to see again the day when officers of our administration are honoured guests, as they used to be, in their Diwans; we want to see the day when the regimental officer who salutes the Granth Sahib, as he is bound to do when it is carried past, salutes it not as a duty, but because it is the emblem of the faith of a people bound to us in ties of friendship and unalloyed good-will."

Mr. President, though this was spoken more than six months ago and though much has happened in the interval, I am perfectly prepared to make it the burden and the tenour of my concluding words. The door is still open; the hand is still extended. (*Applause*).

THE HONOURABLE MR. G. S. KHAPARDE (Berar: Nominated Non-official): Sir, I wish to support this Resolution. The reason of it is that the demand is so moderate. All that my Honourable friend wants is a Conciliation Committee on which the most influential families of the Sikhs will be represented, and I believe that others able to decide a difficult matter of this kind will also be there. So in the event of this Committee sitting together and going into

[Mr. G. S. Khaparde.]

all the matters, the important Sikh families will be represented. I suppose they will be the highest among them and will have an inward knowledge of the Sikh religion and the various tenets about which the fight is going on, and the other gentlemen on the Committee will settle the other matters that are necessary to come to a finding on a delicate matter of this kind. The matter appears to me to be really very delicate in this respect that since the annexation of the Punjab rights have grown up—rights generally brought into existence by the laws of limitation I believe. They say that for so long this person has been in possession and therefore he is the owner. That is an approved doctrine and is well established in British jurisprudence, but I beg to submit that in India such a doctrine did not exist before the British Government came in. The laws of prescription, or the statutes of repose as they are called now, found no counterpart in the older laws.

Right is right and if there was really a mistake made and if the property of one community was put in the name of one person by a mistake, certainly, if that mistake can be proved, I believe Courts would grant relief except for these laws of limitation and prescription. The policy that has been read out by the Honourable Mr. Crerar is a good policy and I think that it does not conflict with the demand that has been made to-day. That policy is that the Sikhs shall respect the judgment of the Courts and they will go by the precedents. There is room for talking this matter over with the Mahants and finding a way out of the difficulty. In this respect also I believe the policy of Government is not in direct conflict with the demand that has been made by the Resolution. The Resolution asks for a Reconciliation Committee and there is always room for reconciliation. Reconciliation means that each party has to give up a certain portion of its right in order that peace may be purchased and that that peace may be enduring. All that I am anxious about is that high Sikh families should be represented on that Committee, and I take it that there should be others to bring in their experience of the world to find out a way in which that reconciliation should be brought about. In this sense therefore and fully recognising that there are very delicate matters involved, I support this proposition that has been put forward by Sardar Jogendra Singh.

THE HONOURABLE SIRDAR CHARANJIT SINGH (Punjab : Nominated Non-official) : Sir, I entirely sympathise with my Honourable friend Sardar Jogendra Singh regarding the improvement of the Gurdwaras, but I am afraid I cannot support the Resolution as it stands. Every well-wisher of the Sikhs and of the Punjab would like to see the Sikh question settled as soon as possible, but the method proposed by my Honourable friend is, I venture to say, not the right method to achieve the object we have in view. The reasons advanced by the Honourable Mover have left me quite unconvinced regarding the advisability of his scheme, particularly at the present juncture. If the matter could be settled by a Reconciliation Board it would have been settled by the Committee so ably presided over by His Excellency the present Commander-in-Chief.....

THE HONOURABLE SARDAR JOGENDRA SINGH : May I mention that the Committee never came into existence ?

THE HONOURABLE SIRDAR CHARANJIT SINGH : who has won the respect and esteem of all the Sikhs by his sympathy and regard for their welfare. Moreover, Sir, one of the ablest and sympathetic Governors has only recently taken charge of the province, and I do not think it would be wise or proper to tie him down to one particular course of action. Already things are beginning to have a somewhat brighter appearance and I have no doubt, and in saying so, I am sure I shall be voicing the feelings of a large number of the well-wishers of the Sikhs and of the Punjab, that His Excellency Sir Malcolm Hailey will be able to solve this problem amicably if he is left a free hand and full discretion. Under the circumstances, the House, I beg to submit, would be well advised not to force on the Local Government a Committee like the one proposed, which, I am afraid, would only complicate matters. I therefore oppose this Resolution.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : I have listened to the speeches of my Honourable friends Sardar Jogendra Singh and the Honourable Mr. Khaparde with the greatest interest and attention and having done so, I have failed to realise as to whether the Honourable Sardar Jogendra Singh has fully considered all that has been previously done in the very matter which he recommends, and also whether he has attempted to think out to its logical conclusion the results that would happen were Government to take the steps which he now asks them to take. I know from personal experience how very anxious Sardar Jogendra Singh has been to bring the Sikh troubles to a satisfactory conclusion for a long time. As he and the Honourable Mr. Crerar mentioned, His Excellency the Viceroy and Sir Edward Maclagan, the late Governor of the Punjab, did me the honour a short time ago of appointing me as President of a Committee which they had hoped might be able to deal with the Gurdwara questions. While so employed, the Honourable Sardar Jogendra Singh was kind enough to give me his help and advice whenever he could possibly do so. And not only he, but a very large number of Sikhs belonging to the different sects of the community from all parts of the Punjab, Jats, Khattris, Ahluwalias, Aroras, Bedis, Sodis, Keshdaris, Sajihari and Sanatan Sikhs Mahants, Udasis, Nirmalas all came to me and gave their advice and assistance. After being engaged in this for a day or two, it struck me that the work to be performed must surely be a simple one. I only had implicitly to follow the advice given me by each deputation and all would be well. When however I came to analyse the various panaceas that were suggested, I discovered that the recommendations made, differed as widely as the poles apart. These varied from handing over all shrines in the Punjab immediately to the Akalis, to the depriving of the Akalis of any shrines of which they have taken possession. I was much struck by the extreme anxiety of every section of the Sikh community to come to an understanding, and I can honestly say this that I too was equally anxious to help the Sikhs to arrive at a satisfactory settlement. It is just 40 years now since I have had the privilege of serving alongside Sikh soldiers. Starting in a small cantonment in Central India, I had the amplest opportunity of associating with my men in their work, in their sports and in their play and, after all, the impressions and friends of one's boyhood are not easily forgotten. Later on, I had the advantage of paying many visits to the Punjab villages as the guest of my Sikh

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

officers, living with them, joining in the village life with my Sikh officers and men, sitting under the village trees and conversing with them. Ten or twelve years later in 1897 I witnessed the magnificent *bahaduri* of the Sikhs during the successful defence of the Fort of Gulistan, and the defence, and I am sorry to say, fall of the small post at Saragarhi where every Sikh soldier of the small garrison gave his life with shouts for the Sirkar and "Wah Guru." It is only natural that, knowing men like that, I should feel confidence in entrusting to them the custody of my wife and children in the sure belief that they would defend them with their lives, if necessary. Again, quite recently during the last four years I have had opportunities of visiting personally a great number of Sikh villages scattered about in the Punjab, mostly on our new canals. It has been a real delight to me to visit them, if only in the first instance to see the extraordinary change that has come over the whole face of the country. What in days gone by used to be miles of barren "Put" are now rich lands of golden corn, and beautiful cotton—the results of the far-seeing and efficient administration of Government and the wonderful genius of our canal engineers. What specially pleased me was to satisfy myself that my old Sikh comrades and many others are enjoying their full share of the prosperity of the country, enjoying that prosperity and perfectly happy tilling their land. It was nice too to find that same old stolid democratic spirit among the Sikhs there. Perhaps I am not right in using the word "democratic". I should rather call it theocratic, because I feel that the word "theocracy" is the one which describes the Sikh community better than any other. Nearly every man is imbued with a strong religious feeling and very jealous of anything that might interfere with his religion. But in talking with them I found that they were under no illusions; I never came across a man who was able to say that he felt his religion was in danger owing to the action of Government. In fact the old soldiers would remind me how in days gone by when they first joined the regiment the British officers were the first to ascertain if they had taken the *Pahul*—if not to insist on their doing so—to insist also on their daily attendance at the Gurdwara to be instructed in Gurmukhi and to learn to read the Granth Sahib—in which one of the British officers would often be associated with them. But one could not help noticing that there was in ways a subtle change coming over some of the villages. In the more distant ones they told me that they only wanted to be left alone to be able to join in the general prosperity. They did not want to be visited by any Jathas either of Chahidi or so-called Dhurli Jathas, and certainly not to join in agitation. In the villages nearer the big towns the changes were most noticeable and there was apprehension that everything was not all right—something was being done about their religion. But that, I have only found in and near the biggest towns. The ordinary villagers of the Punjab, the zamindar, had no such feeling. He had confidence that he was being treated fairly and squarely by Government on the subject.

The Honourable Mr. Crerar mentioned the subject of the Committee of which I was appointed President. As Sardar Jogendra Singh said, that Committee never met, and perhaps that is the best of all reasons for my not saying anything at all about it. But we did have a certain amount of negotia-

tions and conversations with some of the Sikh members of the Punjab Legislative Council, men who were in the confidence of the Parbhandhak Committee. I am unable to tell you about those conversations because they were privileged.

I will only say how deeply I regret the fact that they should not have led to success. Now Sardar Jogendra Singh recommends that the Government should again start a Reconciliation Committee. I would ask him whether he has really thought out how Government could hope to do that with any real hope of coming to a satisfactory conclusion at the present moment and with all due dignity to itself. Rather I would say that the time has come—if the time had not already come long ago—for the Sikh Sardars to step forward and take their places like men. They know better than we do how Government is perfectly prepared to meet them half way, and what one wants to see them doing is to go to their people, lead and help them, talk to them, and above all tell them the truth. As leaders this is their duty—and for the zamindars it is their right. That is what they have not done. They can tell them the truth now. The Honourable Mr. Crerar has told us how the Punjab Government is in full sympathy with any movement to purify the Sikh shrines. The one thing which they insist upon is that nothing shall be done outside the four corners of the law, which must and will be upheld by the Punjab Government and by the Government of India. But the Punjab Government are perfectly prepared to accept any Gurdwara Bill that may be brought forward by the leaders which is acceptable to all classes of the community and which may receive the approval of the Punjab Legislative Council. I am specially thinking at present of the Sikh Members of this Council, of the Legislative Assembly and more especially of the Punjab Legislative Council. Let them cease from hiding behind the shadow of Government. Let them realise that their duty does not merely consist in formulating Resolutions and asking questions. Let them go among their people, help them and, as I say, tell them the truth. It has struck me that for the last few years some of the leaders of the Sikhs have taken the attitude of those of whom you sometimes, in a Punjabi crowd, hear a wise man saying with a shrug of the shoulders or a shake of the head "*Ghar phuk tamasha rekh*". That surely is a most ignoble attitude for any leader to adopt. While there is still time, associate with yourselves every section of the Sikh community, for representation of all sects is essential—the representatives of the big landholders of the Punjab of whom there are many, representatives of traders and merchants, lawyers and professors, retired civil and military officers—they will all help you, and if I can say a word in the way of advice I would go to them and remind them in the words of one of your Punjabi couplets: "*Bhantee beetee thoree rahee*, etc."

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY (West Bengal: Non-Muhammadan): Sir, this would have struck one as a purely local and provincial question. But the fact that you have

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been pleased to admit the Resolution shows that it is recognised that it has all-India features and important all-India features. And it is from that point of view that I think Members from provinces other than the Punjab may well present their points of view to this Council and through it to the Government. Sir, no one, be he a Sikh, a Hindu, a Moslem or a Christian, can withhold in principle his support to the Resolution that Sardar Jogendra Singh has tabled, namely, that some agency that has not yet been thought of or been

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successful should be found for the purpose of getting rid of the situation created by the more than regrettable nightmare that has been sitting upon all India for so long a time. The Honourable Mr. Crerar has told us that the door is still open, the hand remains extended. No one has or ever had the slightest doubt or misgiving on that question. That the Punjab Government, both under Sir Edward Maclagan and Sir Malcolm Hailey, and the Government of India have been doing all that they can and know to bring this regrettable episode to a conclusion, there can be no room for doubt. And, if a happy conclusion has not yet been arrived at, it must be due to reasons other than the disinclination of Government officials not only to agree to but to be active parties to an agency of the kind that is now suggested. We had a Government enunciation of the position in regard to the Birdwood Committee which Sardar Jogendra Singh told us was non-existent. This is a matter that needs clearing up. We had it on the authority of His Excellency the Commander-in-Chief that it did come into existence but did not function. Without the facts before us relating to its ineffectiveness shall we assume that it could not meet or is it the case that it would not meet except upon the terms insisted upon by those who are accused of defying law and order? If the latter is the case it is difficult to see what another more official or even a purely non-official Reconciliation Board is likely to be able to do. These, Sir, are questions of fact upon which I think the House is entitled to full information before either supporting or throwing out the Resolution that has been moved. Neither from the Honourable Mr. Crerar nor from the Commander-in-Chief have we had any clear indication as to why a Committee so influentially presided over could not get to its work and make a report that might or might not be acceptable to some of the parties in the dispute.

Unless we have a clear indication regarding those matters, it will not be easy for those who want to keep an open mind to say that, whatever the difficulties in the way of the Honourable Sardar Jogendra Singh's Resolution from the practical point of view may be, it ought not to be supported in principle.

His Excellency the Commander-in-Chief has told us that Government would be prepared to accept any Gurdwara Bill that the Sikh leaders wished to bring in. I do not know how far such an elastic proposal may take us. We had an indication from the Honourable Sardar as to the sort of Gurdwara Bill wanted by those he seeks to voice. He would like us to go back to the years of Henry the VIII who was of course not at all a profligate man and who had amiable methods both about his wives and about Church resurrections. He would also like us to go back to more recent legislative undertakings by notification such as he tells us obtain in Kapurthala and would thus have a clean slate provided. If, Sir, that is to be conceded, why, matters are no doubt simplified. The Sikh leaders would have only to bring in a Bill saying that all Sadhus and Mahants shall go out, as in Kapurthala, and the Akali representatives shall come in. Is that the sort of Gurdwara Bill that according to what the Commander-in-Chief says, would be acceptable to the Government? If that is so, we in other provinces would have reason to be a little apprehensive. If this example that the Akalis are setting of capturing Gurdwaras because the law and law Courts are all too slow and unsatisfactory, and because the new fangled law of limitation, to which the Honourable Mr. Khaparde has

deprecatingly referred happens to be in the way, were to spread why, then, the natural course of taking the law into their own hands and asserting themselves would be bound to be followed in other provinces. And that is happening or is about to happen in other parts of the country. My friends from Madras will tell you what is happening in South India in regard to some temples. My friends from Bengal can tell you what is happening, and what would happen there if the lead which the Akali leaders are giving in the Punjab were to be successfully followed up. And we in this House, Sir, where you have permitted the discussion of the question from the broader points of view, shall with some apprehension await the pronouncement of the Government as to what would be permitted to be followed if agitation could be worked up and if sufficient strength in its favour could be demonstrated would, law, legislation and law Court proceedings be at an end or would Government help in quick and effective eradication of admitted evils? Sir, I must join in deploring that our law Courts and our procedure are not always as quick and as efficient in these matters as they might be, and the Honourable the Law Member might take up the question with more vigour than has been done in the past. I remember nearly 10 years ago attending a conference, a big conference attended by people from all parts of the country at Delhi on the invitation of the Government, which was to devise and suggest methods and measures as to how religious endowments of all communities could be protected. If action in this direction had come in time, much of the existing difficulties might have been minimised. Government are not absolutely powerless in enacting an elastic workable all-India Act, and, if that was impossible or undesirable, provincial enactments might be undertaken by which, having regard to local conditions, religious endowments of different sections of the community might be looked after. I am prepared to agree with the Honourable Mr. Khaparde that an inequitable Limitation Act about which he complains too late in the day, need not necessarily stand in the way of right being done. Right is always right. A reasonably quick and effective legal procedure would put an end to any wrong however long standing, but of course on proper materials. We started after the conference with suggestions about keeping registers, and requests for furnishing information from time to time, upon which the individuals or the societies or corporations interested in the different endowments could proceed as the basis of their legal proceedings. All that, however, has unfortunately been of little avail and the matter has not been followed up. And we are naturally reaping the harvest, such as it is not only in the Punjab, not only in Madras, not only in Bengal but elsewhere. The trouble is sure to grow, and therefore the question has to be looked at from a larger point of view than the mere Sikh point of view, which I take, Sir, is the reading of your admitting this Resolution in this Council. I hope a clear lead will be given to all provinces as to what will and can be done, with the aid of amended and strengthened law and quick law Court proceedings for which these demonstrations show there is a claimant demand. A clean sweeping of the slate by a quick short cut would involve interfering with private rights that have grown, and rights of communities and corporations that have a say which no Government or well ordered society can tolerate. All these are questions that have in the first instance to be looked at as a whole, and can be looked into by an organisation such as the

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Resolution suggests, unless the Birdwood Committee will yet grapple with the situation.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI (Law Member) : Sir, I entered the House this morning without any intention of taking part in this debate. But my own friendship for my Sikh brethren and the keen regard I have always had for their educational, economic and political progress impels me to say a few words on this Resolution. Sir, my Honourable friend, Sardar Jogendra Singh, is aware, as I am sure you, Sir, yourself are aware, that years ago when I began to take a humble part in the public life of the Punjab, I had the privilege and the pleasure of coming into close contact with the leaders of the Sikh community. It was but natural that it should have been so, for, being myself a member of an agricultural community, and my Sikh brethren, the overwhelming majority of my Sikh brethren, being also members of agricultural communities, it was natural that there should be a community of interest as well as of feeling between them and myself. I well remember the days when for some 12 years the then acknowledged leaders of the Sikh community and myself took part, and a very intimate part together, in trying to promote the welfare of our province. I well remember those days when I had the pleasure and the privilege of attending some of the Sikh gatherings in my province, educational, religious as well as political, and of showing my keen interest in the welfare of the Sikh community. Sir, you will remember, the Honourable Mover of the Resolution will remember, the Punjab Sikh Educational Conference, the annual gatherings of which held in different parts of the Punjab were really a source of intense pleasure and delight not only to the Sikhs themselves, but to those who had the welfare of their Sikh brethren at heart.

Where are those great educational gatherings of the Sikh community now? I well remember having attended some of those gatherings when I saw with my own eyes 20,000 Sikhs, men and women, gathered together deliberating over the burning educational questions of the day and discussing measures for the educational advancement of the Sikh community. Since the rise of this Akali movement, what has happened to that educational movement among the Sikhs of the Punjab? I well remember the movement for social reform among my Sikh brethren and the activities of the Sikh leaders of those days when I was in the Punjab before I left Lahore in order to play a humble part in the Executive Council of His Excellency the Viceroy, a social movement which was bringing about results which delighted the hearts of not only the Sikhs, but those of us who had the welfare of the Sikh community at heart. Where is that social reform movement amongst the Sikhs now?

Sir, this new phase of the Sikh situation arose in the Punjab, as I said, since I left Lahore on my appointment as Member of the Executive Council; and as one who is no longer taking an active part in the social, political and educational movements but is watching, and watching naturally as a Punjabee with the greatest interest, the various movements which are now going on apace in my province, I am perhaps in the best of positions to form not only a correct judgment upon the existing situation, but to compare it with

the state of things which existed in the Punjab in the old days before the year 1919. And I assure you that, comparing the Sikh situation at present with the Sikh situation of those days, my heart is filled with sorrow. So far as the Gurdwara movement itself is concerned, I am sure that no non-Sikh, be he a Christian, be he a Hindu, be he a Muhammadan, can but have sympathy with the object which the Sikh reformers have in view. I am perfectly certain, and as a Punjabee I wish to avail myself of this occasion to assure my Sikh brethren, that the Government of India, as well as the Punjab Government, are in entire sympathy with the Gurdwara reform movement. Was it not because they were in sympathy with the Gurdwara reform movement that the Government of the Punjab introduced the Gurdwara Bill in the Punjab Legislative Council? As both His Excellency the Commander-in-Chief and the Honourable Mr. Crerar have pointed out, the door is still open. Indeed the recent appointment of what is known as the Birdwood Committee itself is proof positive, if proof were needed, that the Government of India as well as the Punjab Government are as anxious to bring about a reconciliation and to restore the old situation between the Sikhs and the Government as the Honourable Mover of this Resolution. Government could not have selected—and I am perfectly sure that the Sikh community itself could not have selected—a better President for such a Committee than His Excellency the Commander-in-Chief, whose close and friendly association with the Sikh community is well known to us all, who knows the language of the people, who knows the customs and habits of the people, who has intimate knowledge of the social life of the Sikh community, than whom how could you find a better head of a Conciliation Board?

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY : Will the Committee meet and work?

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI : The Committee did not hold any formal meeting it is quite true, but.....

THE HONOURABLE SARDAR JOGENDRA SINGH : Was the Committee constituted?

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI : As the Honourable Sir Deva Prasad Sarvadhikary is perfectly aware, there are certain preliminary steps which have to be taken always when one is face to face with a difficult and complicated situation like this before a formal Committee can be appointed and can meet, if there is earnestness, if there is desire that the step taken should ultimately end in success. But if during those preliminary steps, a situation arises which makes it absolutely hopeless to expect that any good result will accrue from the formal constitution of the Committee and from taking formal proceedings, then what is the good of proceeding with steps like that if impossible conditions precedent are laid down by one party or the other? But if impossible conditions precedent are laid down by one party or the other before they come to grips in order to deal with the difficult and complicated situation, then really a solution of the problem becomes hopeless. To-day I wish to point out not only that the Government are willing and ready to accept any Gurdwara Bill which the leaders of the Sikh community may frame consistently with the rights of other communities, but that they have always been so willing and ready to accept such a Bill as that. Let

[Dr. Mian Sir Muhammad Shafi.]

them frame a Bill. I believe, if I am not wrong, that the Sikh Members of the Punjab Legislative Council were asked to bring forward a Bill on those lines. What is there then to prevent a reconciliation? What is there really which prevents the termination of the unfortunate situation which has arisen in the Punjab? I, for one, as a Punjabee and as a sincere well-wisher of my Sikh brethren, fail to see what is the real stumbling-block in the way of such a reconciliation; and I appeal, earnestly appeal, to my Sikh brethren and to leaders of the Sikh community like my Honourable friend Sardar Jogendra Singh to exert their influence in earnest to produce an atmosphere in which this painful and unfortunate Sikh problem can be settled, settled satisfactorily, settled to the mutual satisfaction of the Sikh community, the other communities as well as the Government, so that normal conditions may be restored in this unfortunate province, which has had to go through such series of crisis in recent years. I, who am looking forward to going back to public life in a few months and who will again have to come into contact, and close contact, with my Sikh brethren, with my Hindu brethren, hope and pray that before I go out of Government, normal conditions may again be restored.

THE HONOURABLE SARDAR JOGENDRA SINGH: Sir, I have listened with deep interest to what my Honourable friends, the Home Secretary and His Excellency the Commander-in-Chief, have said. I do not doubt their sincerity nor the desire on the part of the Government of India and the Government of the Punjab to find a settlement of the difficulty. I am quite confident that no one desires more than His Excellency General Sir William Birdwood, who sacrificed his well-earned holiday to find a solution for the Sikh trouble, to find a settlement of the difficulty; but at the same time I am not prepared to allow the present position to continue without asking this House to find some remedy, to provide some kind of machinery for the purpose of arriving at a settlement. The position, so far as I can see, and so far as the Government of India are concerned, has not changed in the last four years. Is it our fault entirely that the atmosphere which my Honourable friend Sir Muhammad Shafi wishes the Sikh leaders to create has not been created? Have not the Government to take any part in creating that atmosphere? I ask the Government what they propose to do to hasten a solution of the question. It is for this reason that I propose that a Reconciliation Board should be appointed, so that the question may be immediately dealt with. I freely admit that in appointing General Sir William Birdwood the Government of India really did what the Sikhs desired. It was really at the request of the Sikhs that Sir William Birdwood was asked to preside over this Committee, and the Sikhs were extremely anxious that under him a solution should be found. Difficulties however arose, which I am not in a position to detail before the Council, but I would say that those difficulties were not insurmountable and would have been surmounted if a little more time had been given. If this Council permits me I would like to point out what would be the result of delaying a decision and what has happened within the last four years. It is true that the Sikhs have marched in batches of 25 and 500 to take possession of the Gurdwaras; but when the suffragists in England wanted to get the laws modified they went in larger crowds to demonstrate their desire for certain changes. The Sikhs

in the same way are continuing to demonstrate that they require a new Gurdwara Bill. We want new legislation to rectify the defects that exist in the existing law. Perhaps the Council is not unaware of the fact that the Sikhs have undergone a great deal of suffering. They have laid down their lives in various places. There was a demonstrating crowd near Rawal Pindi, when a train was allowed to run over it. I do not know if in any civilised government such a thing would be permitted that a crowd which was demonstrating should have a train running over it. Then again nearly twenty thousand people have already gone to jail. I am not aware under what law they are detained, and how long they can be detained under that law. These people are silently sent to prison. If this method of creating an atmosphere is the best in the view of this Council, I have certainly no objection; but if this Council thinks other methods of creating a better atmosphere are desirable, then I think the Council should help me to pass this Resolution, so that the Reconciliation Board should be immediately constituted. We have been asked that the Sikh Members of the Legislative Council should introduce legislation, and I have no doubt that in due time such legislation will be introduced. But, on the other hand, I may put it to you that the Governor occupies a dual position. He is the representative of the King on the one hand and on the other is responsible to his Council. It is for his Cabinet to introduce this law. It is done in other countries; why should we be asked to introduce this legislation when Government can do it more easily and more effectively? My friend, the Honourable Mr. Barron, was telling me that they have already passed an Act. There is an Act in existence. There is a dispute about certain Gurdwaras in Courts. That Act is now the law of the land. Why then are Government not making use of the Act to prove its usefulness? It would certainly prevent the difficulties that are arising, and are likely to arise, in enforcing decrees.

I am really grateful for the kind way in which the Government have received this Resolution; for the way they have expressed a desire to promote Gurdwara legislation. At the same time I might inform them that to us who are more in touch with popular opinion than they, it is extremely desirable that certain machinery should be provided to carry out an immediate settlement. I do not see why Government should hesitate in accepting my Resolution. The delay will only result in more difficulties. I think it is the desire of this House that the question should be immediately settled.

If I may, I should just like to read a letter which I have received from a Risaldar Major who has given the best years of his life in the service of the Empire. It is a very long letter, but at the end he says:

"Your forefathers and mine fought together for the British Empire. We have done our best to serve the Empire. Is not Government going to save us now by enacting the legislation we require? The result would be that when the people who now go to jail come back, many people who have lost their properties and have no profession, these will take to leading lawless lives. Are we going to continue in this way to swell their number and to increase the numbers of the discontented, to continue to give real cause to people to be dissatisfied?"

Then, Sir, there seems to be some misapprehension that all that could be done has been done. The Secretary of State, when speaking on the Indian question, dwelt largely on what was done in India. He said, let us establish a Sikh Board of Control which shall be made the repository of the Sikh religion, so that these temples may be administered in the interests of the Sikh religion.

[Sardar Jogendra Singh.]

I desire to say here that the Sikhs require nothing more than the promise contained in the words of the Secretary of State; nothing more than what His Excellency the Commander-in-Chief just now offered, and after getting full control over their Gurdwaras, nothing more but to be on the friendliest possible terms. But at the same time they feel that the centres of their religion must be purified and that they must have control over their Gurdwaras.

The question before this House is not a very difficult one. The Government have already said that they are prepared to pass legislation. I do not think there has been a voice in this House which has been dissentient on that point. The main question is to provide an early remedy to reach that decision, and this lies with this House by supporting my Resolution for the creation of a Reconciliation Board such as was proposed by me and which should come into existence. If that is done,—I speak for the Sikh community, they have come and told me, if such a reconciliation takes place,—the Sikhs have the greatest desire for friendship. In the villages I can assure you there is not the least amount of bitterness among the population. They feel puzzled, very very puzzled, why early legislation has not been passed, why their rights have not been recognised, and why we are still left to our own resources to find a new law and push it through the Council with our small minority.

I will not detain this House any longer; I wish I could withdraw this Resolution, but, in the interests of the community, I do not think it would be expedient to withdraw it. It is for this House to consider fully and carefully and to take into consideration the phase which we are passing through, to see the psychological aspect of the question, and then to decide which is the best way to reach the solution. To my mind there can be no better way than to constitute a Board to take up the question and introduce legislation by agreement. If that is done, the question can be easily settled.

THE HONOURABLE MR. J. CRERAR: Mr. President, I do not intend to detain the House very long in replying to the debate, largely because, when I first addressed the House, I endeavoured to give as comprehensive and as concrete an account as was in my power of the policy and the intentions of Government; and very little has fallen from Honourable Members during the course of the debate to render it necessary for me either to add to or to subtract from the statement I then made. One Honourable Member observed, and he observed with some point, that he would have supposed from the general content and character of this Resolution that it was a matter which was more nearly the concern of the Provincial Government than of the Central Government. That was in a sense a perfectly just remark, and I hope the Honourable Mover of this Resolution and the House will realise that the fact that Government took no steps to have this Resolution disallowed on that ground was an indication of the kind which they have in many other respects and repeatedly given, an indication of their absolute willingness that the questions involved in the Sikh controversy should be freely discussed and that no means of arriving at a solution should be neglected. That opportunity was again given to-day to my Honourable friend. I do not know whether it would be proper for me to remind the Honourable Member, but I think it is correct, that he framed this Resolution

and gave notice of it at a time considerably anterior to the efforts which Government made to constitute a Committee of Inquiry. Now the Honourable Member disappointed me in one respect,—and this is a point to which I have already adverted,—he failed to give any indication to the House as to what he conceived to be the functions of this Committee, the manner in which it should proceed, and the powers which it should possess. I, Sir, speaking on behalf of Government, affirm that we will neglect no practical remedy. If there is any remedy which we think offers a reasonable prospect of success, we are perfectly prepared to examine it. My main objection to the Honourable Member's Resolution is not the spirit in which it is conceived. I have already acknowledged that, it is not the manner in which it is put forward; I have stated that on some points the Government and the Honourable Sardar do not see eye to eye; I do not quarrel with that; my objection is a practical one. Should we by this means further the cause we have at heart? I observe that the Honourable Sardar spoke plaintively and rather vaguely of "some remedy," of "some solution." That is exactly the point. We are all anxious to find some remedy and some solution; and though my Honourable friend, in his concluding speech, spoke in the same vein, the same rather indeterminate, though I admit the same sincere, manner in which he had already moved his Resolution, there was lacking in it precisely that element of practicality which I would adjure the House in any Resolution to which they may commit themselves strictly to adhere. The Honourable Member rather surprised me by inquiring why it was that the Government of the Punjab had not applied the provisions of the Act which they had themselves passed. That is a singular complaint for the Honourable Sardar to make because he is as well aware as I am that that Act has been placed on the Statute-book of the Province of the Punjab, that it is entirely a matter....

THE HONOURABLE SARDAR JOGENDRA SINGH: I think it received the assent of the Governor General.

THE HONOURABLE MR. J. CRERAR: Quite so; that Act is on the Statute-book of the Province of the Punjab and the initiative lies under that Act primarily with those who desire their institutions to be regulated by the provisions of that Act. It is not due to any supineness, any inactivity on the part of the Government; it is due, as far as I can discover, to a reluctance on the part of the Sikh community or of some section of it to have recourse to this measure. My Honourable and learned friend opposite (the Honourable Sir Deva Prasad Sarvadhikary) adopted an attitude which I confess caused me some bewilderment. As far as I can judge, he in the main approved and endorsed the policy of Government which I have endeavoured to explain, but he came to no final conclusion on the Resolution. He left the matter in suspense, and in suspense on one ground, because he wanted to know why the negotiations which have already been referred to were infructuous.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: And whether the Committee could and would go on with the work.

THE HONOURABLE MR. J. CRERAR: I will reply to that with a remark which I have already made: I think the auspices are now more favourable; I think the sky is gradually becoming more clear; I think views of moderation and common sense, which I am sure are entertained by my Honourable friend the

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Sardar and by his friends, are beginning to assert themselves. It is for clear, tangible and unmistakable proofs of that we are waiting, for nothing more. The Honourable Member made no reply to the invitation which I had the honour to address to him, and which was endorsed by His Excellency the Commander-in-Chief, that he and his friends should get to work and promote and create the atmosphere which is necessary for any hopeful project of this character. I have one word more to say. My Honourable and learned friend opposite was perturbed by the words which fell from His Excellency the Commander-in-Chief. He seemed to be under some apprehension that Government would be willing to accept any kind of Bill from any source whatever. I must draw the attention of my learned friend to the fact that he has not precisely and correctly reproduced or interpreted the words of His Excellency the Commander-in-Chief. What His Excellency said was that, if the Honourable Sardar Jogendra Singh and his friends, if the real leaders of the real opinion of the Sikh community, those who regard these matters with common sense and with a due regard for all the other considerations to be taken into account, got together, His Excellency admitted that a Bill bearing the impress of such leaders and based on such principles would almost certainly be one which Government would be willing and anxious to promote. I would further reply quite specifically to the question which was asked by my Honourable and learned friend. He asked, what kind of Bill would Government be prepared to promote? Government are ready, and have always been ready, to promote and assist in the enactment of a measure for the administration of the Gurdwaras in accordance with Sikh sentiment, provided always that that measure is in accordance with recognised legal principles, and provided further that the rights of all other communities are respected and protected.

With these words I would merely ask my Honourable friend—he has had his discussion, his Resolution has been received and discussed, he will himself admit, with sympathy from all quarters of the House—I will not ask him to withdraw his Resolution, but I will merely appeal to him to consider whether at the present stage we ought not to let the past alone and look forward with hopeful confidence to the future. If there is anything to be gained by pressing it to a division—if the Honourable Member is convinced of that,—I will say nothing further to the contrary. I will merely say—Is it not our duty now to avoid anything in the nature of recrimination, to start afresh from the point at which we now stand and to endeavour to do nothing which will prejudice the prospects of an early and successful settlement of this controversy?

THE HONOURABLE SARDAR JOGENDRA SINGH: With your permission, Sir, I should like to withdraw this Resolution.

The Resolution was, by leave of the Council, withdrawn.

RESOLUTION RE ANNUAL PROVISION FOR THE REDUCTION OR AVOIDANCE OF PUBLIC DEBT.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces General): Sir, I beg to move:—

“That this Council recommends to the Governor General in Council that the Government be pleased to take steps to introduce suitable legislation at an early date to provide for an annual provision for the reduction or avoidance of public debt.”

Sir, with your permission I will take the liberty of recalling what I said in the Council of State on the 7th March last with reference to this matter. I then pointed out, in the course of the Budget discussion, that—

“there is one other important matter regarding our national debt which requires profound consideration and fresh examination. That question too has been dealt with by the Honourable Sir Basil Blackett with the instincts of a born financier. There has been in the past no system, no policy, and no recognised method adopted by successive Finance Ministers for the purpose of liquidation of our national debt.”

Then I proceeded further and stated:—

“I only hope that as the subject is of very great importance and cannot be fully discussed during the time allotted for the Budget debate, the Finance Minister will give an early opportunity to this Council to discuss this question by a separate motion or Resolution to ascertain the views and wishes of the Members of this Council.”

If therefore any apology is needed for this Resolution, this is one. I am grateful to the Finance Department for giving me and Members of this Council an opportunity of discussing this important question. This question is not so exciting as the one which we have just debated. I fear it is an abstruse one and requires thoughtful consideration. Sir, in order to enable the Council to appreciate the significance of this Resolution, it will be necessary for me to bring to the attention of this Council certain figures. The national debt is the supreme concern of every country. It is the primary matter which affects the best interests of every nation, and India is no exception to that. I do not propose to weary the Council with any detailed figures, but I must, in order that the Council might be in a position to understand the situation, point out the composition of our national debt and the means hitherto adopted by the Government of India for the repayment of that debt. It is known to this Council that our total national debt at present is Rs. 917 crores. Of this national debt, Rs. 362·92 crores represents what we call our rupee loan and Treasury Bills in the hands of the public. We have likewise a similar sum floated in England which is known as the sterling debt. The sterling debt of India also amounts to nearly Rs. 393 crores. In the course of my speech I shall try to avoid as far as possible small decimals and fractions. The unfunded debt of the country is also of some significance. The unfunded debt represents the Post Office Savings Banks, the Cash Certificates and the Provident Funds and other departmental and judicial receipts held in the treasury. This debt comes to nearly Rs. 73 crores. We have to add to this the capital value of the liabilities undergoing redemption by way of railway annuities and the like, and this amounts to the figure of Rs. 90·14 crores.

This is the position of our national debt. It is a jaw-breaking figure, but there is nothing to be alarmed about it. It is a big debt, but it does not in any way mean that India is not solvent. Compared with many other nations, we stand in a very favourable position. Our national debt consists largely of what we call productive debt—monies spent on the construction of railways, irrigation canals and other important public works. Other countries also have very very large public debts; but when an examination of our national debt is made, it will clearly appear that we stand in an exceedingly favourable position as compared with other countries; and in order that we should improve our position in the future, in order that our borrowings should

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be based on a proper and satisfactory principle and a sort of systematisation may be approached and accomplished, this Resolution has been brought forward.

Of this total debt, Rs. 578·39 crores represent productive debt; and the unproductive debt is only Rs. 228·45 crores. I shall refer to this unproductive debt a little later. Now, what is our position? In India our debt falls under the category of two important headings. One is what we know as terminable loans, the other is what we call non-terminable loans. You are aware that all our 3 per cent. stock, our 3½ per cent. stock, are called non-terminable loans. There is no period of redemption fixed.

1 P.M.

A time-limit was originally fixed for redemption of these stocks which gave the option period to Government. That time-limit has expired, and now this amount can only be redeemed at the will of Government, and as you all know, when Government can retain and hold money at 3 and 3½ per cent. they are not likely to redeem this category of debt very quickly. Of course in this category also fall two small loans—one the Scindia loan and the other the Nawab of Rampur loan, both intended for the purpose of construction of railways. Their terms also are practically non-terminable. The terminable loans represent the two big loans that were floated in 1915 and 1917 during the war for the purpose of war expenditure and making our contribution to England, and those 5 per cent. and 4 per cent. loans amounted to about 39 crores, 16 lakhs. Then Government also floated war bonds to a very large extent which were to be repayable within a period of about 15 years. And these war bonds come up to a very large amount. They fall due from time to time during the next 10 years. The total then of our non-terminable loans is 197 crores and the total of the terminable loans is 138 crores. A large sum also was raised by way of sterling loan. Now, in regard to our rupee loan floated in this country, the Council will be pleased to bear in mind that the Government have made no proper provision for its redemption except the two war loans, 5 and 4½ per cent. 1929-47 and 1945-55 loans which were floated, for which Government have set apart a sum of money on the scale of 1½ per cent. as depreciation. That depreciation Sir Malcolm Hailey found in 1921 insufficient to support even those loans and asked the Council to vote for 80 lakhs a year as an additional support for the following years. Happily Sir Malcolm Hailey's prophecy has turned out to be incorrect and, as was pointed out in the course of the last Budget speech, there was no occasion to fall back upon this extra item of 80 lakhs a year.

I have given this Council a brief account of our debt position. Now it will be of interest to the Council also to know what has been the policy of our Government in respect of our rupee borrowings. I do not wish to go into very ancient history, but I will tell the Council that these rupee borrowings started in the time of the East India Company. The East India Company borrowed at large rates of interest; they borrowed money and raised loans at the rate of 6 per cent. per annum. From 1820 to almost 1857 the rate of interest gradually fell from 6 per cent. to 3½ per cent. Lord Canning found himself in difficulty after the Mutiny and required money for the purpose of reconstruction and carrying on the administration and he again altered the financial policy and increased the rate of interest to 6 per cent. That continued

till the year 1871 when the policy of Government was again altered and they continued to borrow at reduced rates till in 1894 they issued a big loan at 3½ per cent. and in 1896 at 3 per cent., loans which are now called non-terminable loans and which have been the cause of so much discontent among their holders during the last five years and which have also given trouble and cause for serious reflection to our Finance Department. What I wish to point out to this Council is that the Government have made no methodic, no regular, no systematic, provision for the payment of our national loans. In earlier years, perhaps, it was not necessary, in view of the fact that in those years our borrowings were not so large. It was only after 1910 that our borrowings began gradually to increase till during the war period when and after they reached a fabulous figure. In the two years 1916 and 1917 we had to raise nearly 43 and 47 crores by public borrowings. So, in earlier years it was perhaps not imperatively necessary to provide for the amortization of debt. But now our national debt has reached a figure which makes the question one of very serious consideration. We cannot, consistently with sound finance, allow the present policy to continue. I may at once say that I do not claim any credit for this Resolution. The credit for this Resolution is due to Sir Basil Blackett who a little time after arriving in this country discovered the defects in our system and applied his mind to the solution of some of the most important questions concerning the financial policy of this country. Unhappily, in the past, our finances have come under the baneful influence of politics. Political sentiments have in the last few years affected our finances. But I am sure that it is the opinion of all right-minded people that politics should be entirely divorced from the question of finance, and that all financial matters should be discussed and debated by this Council purely from the point of view of public interest and the welfare of the country at large. Sir, the Government of India have provided in the last Budget a sum of Rs. 4 crores for the amortization of debt. In the previous year some sums were also allotted for the purpose. But these are the result, not of any systematic or methodical policy of the Government, but of accident. You are aware that Government had entered into contracts with some of the Railway companies to purchase their property by way of terminable annuities. We had to provide for these terminable annuities in our Budget. We had also entered into an agreement with the subscribers to the two big loans of 1929-47 and 1945-55 to provide for a depreciation amount at the rate of 1½ per cent. In order to meet this depreciation and in order to meet these terminable annuities, these four crores have been provided. But it is not by virtue of any settled policy of the Government that this has been done. My Resolution now seeks to impress upon the Government the necessity of arriving at some definite settlement in respect of this matter. We cannot allow this most important financial question to remain in its present condition any longer. The Government and some of my Honourable Colleagues may say that the credit of Government is large and there is no necessity for providing an amortization fund. I admit that the credit of this country is large. But the credit of any nation is a very fragile and fleeting article. You cannot always depend upon your own national credit. A sound financier will not depend upon national credit. This credit is liable to be affected by internal and external shocks. This credit is liable to market convulsions, both inland and foreign, this credit is liable to be affected by political influences, this

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credit is also liable to be affected by other causes, such as drought, scarcity, famines, and similar other happenings. So, you cannot always depend on credit. That country is great, that country's finances can be considered sound, which has made adequate provision for the repayment and the timely liquidation of its debts. It is like the case of an ordinary individual. The individual in his domestic budget provides for the repayment of his debt. Why should the nation which is only a community of individuals avoid provision for the repayment of the national debt and depend upon fortuitous, accidental, circumstances for that purpose? Sir, I therefore request that this Council will agree with me and press upon the Government the necessity of coming to a decision upon this point. I submit that in a matter like this it is essentially necessary for us and for Government to examine the sum total of our national debt and to see what actual assets we hold against our debt. These assets require also annual verification. They appreciate and depreciate. Every commercial house at the end of the year examines its books, allows so much for depreciation and arrives at a true idea of its own position. The Government do nothing of the kind. They only proceed upon the budgeted figures for the valuation of their assets. We have got so many millions invested in the railways, so many on irrigation, so many on canals and public works! How much of that has really appreciated or depreciated — the Government make no inquiry. This is the position. I therefore submit that it is necessary that we should make a full examination of the subject and provide for the repayment of our debt, and I also submit that the repayment should be a statutory provision. The reason why we should provide for statutory repayment is easily understood. Otherwise the policy of repayment will depend on the whim and fancy of each successive Finance Minister, and there will be no continuity of policy. There will be no method in the matter of dealing with a question like this. It is all right, as I said in my Budget speech, as long as we have got a Finance Member of the type of Sir Basil Blackett. He knows the real position. He has been nurtured in the financial problems of His Majesty's Government where he had access to and means to know and learn the whole position. We do not know what is going to happen in the future. I do not for a moment suggest that all the money which we would lay aside or earmark as a sinking fund should not be used at all. I do not say that it should be accumulated with interest and compound interest. It should be utilised in the repayment of the existing debt, or it should be utilised in expenditure on productive works. Again, whatever amount of sinking fund we may be able to lay aside may be put into the entire balances of Government, and from those balances every year a certain percentage of our securities may be purchased and cancelled. For instance, every year we may purchase a certain percentage of our securities in the open market and cancel them.

It is impossible for me to place before you a cut and dry system of liquidation. I fully recognise that the question is a very very important one and requires considerable reflection. The experts of the Finance Department with the assistance of experts at Home can easily devise a policy which will be of material assistance to the country in this connection. Now, as regards our non-productive debt it is scandalous, I say, to allow it to remain stagnant in its present position. Very little has been done during the last few years towards

the liquidation of our unproductive debt. Our unproductive debt is a real debt. It is a debt which would threaten and weigh upon any community. That debt ought to be liquidated with the quickest possible despatch. I know that the greater portion of our non-productive debt, 228 lakhs represents, as I have pointed out to you, our war gift to the British Government and the accumulated deficits of the five years ending the 31st March 1923; but in peace times it should be the policy of Government to liquidate the debt, especially unproductive debt, as early as possible, because any moment a serious emergency may arise such as war and large sums of money may be required for fighting a war or for the protection of our frontier or for any unforeseen internal purposes and you may have to float a large loan. It is therefore very necessary that the unproductive debt should be kept under control, and every possible and legitimate means should be adopted for its rapid liquidation. Now, Sir, I suggest these plans in the best interests of Government. By the plan I have suggested the credit of Government will materially improve. Our future borrowings will be obtained at a much cheaper rate in the market. We shall be in a position to secure loans at easier rates, and in order to do that, the Government should make a definite announcement of their policy that in no case are the Government in future years, except for emergent necessities, going to pay more than 5 per cent. I must respectfully point out that it was a great blunder committed by Government, when they floated the sterling loan last year in England at 7 per cent. and when they permitted the Bombay Government to float the development loan at 6½ per cent. What was the result? It temporarily ruined Bombay, because merchants and other people withdrew all their money from the joint stock companies and banks where it was deposited and invested and employed it in the purchase of the 6½ per cent. development loan, with the result that there was no money left at a very critical time for the purpose of carrying on the trade of Bombay, and that fact, accompanied partly by the Reverse Councils which were then in vogue, accounted for the partial ruination of the industrial activity of Bombay. I must try and curtail my speech as unfortunately I have to my credit very few minutes. It is a very important subject and I have taken some time, but it is a subject which cannot be dealt with within the thirty minutes allowed by the rules. However I will try and summarise it.

THE HONOURABLE THE PRESIDENT: The Honourable Member has only two or three minutes.

THE HONOURABLE SIR MANECKJI DADABHOY: There is a lot of money in the country. Government can obtain any amount of capital cheaply. Unfortunately the money power has not been properly mobilised in India. That ought to be done. I do not believe that there is any large volume of hoarded wealth but large sums of money are available in the country, and if the Government made their loans attractive by instituting a scientific system and method in their borrowings and providing for a regular and scientific system of amortization, a large sum of money would be annually forthcoming. If trade facilities are given they will conduce to the prosperity of commerce. I also think that the time must arrive before long when the Imperial Bank will have to be converted into a State Bank and the Currency Department to be handed over to the Imperial Bank of India with power to issue notes.

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And the State Bank when constituted should also be authorised to issue seasonal currency against inland commercial paper. When this is done there will be a flow of great prosperity in the country and the Government of India will have the good fortune to obtain large sums of money whenever they desire at a cheaper and less burdensome rate.

I am sorry, there is much more to be said on the subject and other kindred matters, but time does not permit me to do so. I hope therefore that the Council will accept my Resolution.

THE HONOURABLE THE PRESIDENT: It has been pointed out to me that the Honourable Lala Sukhbir Sinha is not present, and that therefore his Resolution, which stands third on the paper, will not be moved. I have also just received a communication from the Honourable Saiyid Raza Ali that he will be unable to move the Resolution which stands in his name on the morning of the 11th. The position thus is that to-day we have to finish merely the Resolution now before the House, whilst on the 11th there will be only one Resolution standing in the name of the Honourable Sardar Jogendra Singh. It has been suggested to me that when we adjourn now we should not return this afternoon, but that we should finish this debate on the morning of the 11th, and then proceed with the Resolution of the Honourable Sardar Jogendra Singh, in the hope that both will be finished before the adjournment on that day. I should like to know the pleasure of the Council.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI (Law Member): Sir, I think it would be convenient for Honourable Members, instead of returning after lunch to-day, to continue this debate on Thursday morning when we will have plenty of time for the discussion.

THE HONOURABLE MR. YAMIN KHAN (United Provinces West: MUHAMMADAN): I have got an amendment standing in my name to the Resolution of the Honourable Lala Sukhbir Sinha. Am I entitled to move the Resolution first?

THE HONOURABLE THE PRESIDENT: I am afraid that under the rules of the Council, the Honourable Member is not entitled to move the Resolution.

THE HONOURABLE MR. YAMIN KHAN: May I point out that the Honourable Saiyid Raza Ali might authorise somebody to move the Resolution which is standing in his name on the 11th.

THE HONOURABLE THE PRESIDENT: The Honourable Member is not familiar with the rules of the Council of State. It is not permissible to do that.

Does any Member object to the procedure suggested?

(No objection was made.)

Then I propose to adjourn the Council now until 11 o'clock to-morrow morning, and to adjourn this debate to the morning of the 11th, when it will stand first on the paper.

The Council then adjourned till Eleven of the Clock on Wednesday, the 10th September, 1924.

COUNCIL OF STATE.

Wednesday, 10th September, 1924.

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

QUESTIONS AND ANSWERS.

NUMBER OF MUHAMMADAN REGISTRARS IN THE GOVERNMENT OF INDIA SECRETARIAT.

369. THE HONOURABLE MR. YAMIN KHAN: (a) Will the Government be pleased to say how many Registrars there are altogether in the Government of India Secretariat, including the Military Department?

(b) How many of these Registrars are Muhammadans?

THE HONOURABLE MR. J. CRERAR: (a) Two.

(b) None.

NUMBER OF MUHAMMADAN SUPERINTENDENTS IN THE GOVERNMENT OF INDIA SECRETARIAT.

370. THE HONOURABLE MR. YAMIN KHAN: (a) How many Office Superintendents are there in the Imperial Secretariat, including the Military Department?

(b) How many of these are Muhammadans?

THE HONOURABLE MR. J. CRERAR: (a) Fifty-two.

(b) Two.

SIMPLIFICATION OF NEW RAILWAY FORMS FOR THE DESPATCH OF FRUIT.

371. THE HONOURABLE MR. YAMIN KHAN: Do Government propose to simplify the new forms required to be filled in by persons sending a parcel of fresh fruit by railway?

THE HONOURABLE MR. G. L. CORBETT: Government are not aware of the introduction of any new forms for the despatch of parcels of fresh fruit by railway.

EXTENDED USE OF SEARCHLIGHTS ON TRAINS.

372. THE HONOURABLE MR. YAMIN KHAN: (a) Is it a fact that the Oudh and Rohilkhand Railway is the only railway which employs a strong search-light at the head of engines of passenger trains?

(b) Do Government propose to advise other Railway administrations to adopt this practice?

THE HONOURABLE MR. G. L. CORBETT: (a) No.

(b) Most of the principal railways are using search-lights on certain trains, and the possibility of their more extended use is under investigation.

GRANT OF SCHOLARSHIPS TO MUHAMMADAN STUDENTS FOR STUDY ABROAD.

373. THE HONOURABLE MR. YAMIN KHAN: (a) How many scholarships were granted last year and this year by the Government of India and Local Governments to students going for study outside India?

(b) How many, if any, of these were granted to Muhammadan students?

THE HONOURABLE SIR NARASIMHA SARMA: (a) and (b). The information is being collected and will be supplied to the Honourable Member in due course.

INTRODUCTION OF A RAILWAY INTO ETAH.

374. THE HONOURABLE MR. YAMIN KHAN: (a) Is it a fact that the residents of Etah district have been demanding for a long time the introduction of a railway in Etah town?

(b) Did the residents of Etah present an address to His Excellency Sir William Marris in October 1923 in which they asked for the railway to be introduced in Etah? What steps, if any, have the Government taken towards this scheme?

THE HONOURABLE MR. G. L. CORBETT: (a) and (b). Government are aware that there have in the past been demands for railway from Kasganj to Agra, which would pass through Etah, but the project, as indicated in the reply given to Lala Girdhari Lal Agarwala in another place on the 10th January 1922, cannot at the present time be considered a remunerative project, and Government do not therefore propose to take any further action in the matter.

PROVISION OF SHADE ON THE BRIDGE AND THE TWO PLATFORMS AT MEERUT CITY RAILWAY STATION.

375. THE HONOURABLE MR. YAMIN KHAN: Is it a fact that there is no shade on the bridge connecting the main and the island platforms at Meerut City railway station and no shade on the greater portions of the two platforms?

THE HONOURABLE MR. G. L. CORBETT: Inquiry is being made and the information will be furnished to the Honourable Member in due course.

APPOINTMENT OF INDIANS TO THE INDIAN (IMPERIAL) POLICE.

376. THE HONOURABLE MR. YAMIN KHAN: (i) In what Gazette of India did Government make the separate announcement, referred to in their notification, dated the 12th June 1919, and published in the Gazette of India of the 14th June 1919, on the subject of the appointment of Indians to the Indian (Imperial) Police during 1919?

(ii) How many appointments were made of Indians in the Indian (Imperial) Police in 1919 according to that announcement?

(iii) Will the Government furnish a list of all such appointments in all the provinces, quoting the notifications in the Gazette of India or the Provincial Gazettes in which these appointments were notified, and the exact date from which each officer was appointed to the Indian (Imperial) Police?

(iv) If any or all such appointments announced to be made in 1919 were not made in 1919, or were made from any dates other than in 1919, will the Government be pleased to state the reasons?

(v) Is it a fact that the making of the appointments, with effect from a date in a year subsequent to 1919, caused loss to the Indians so appointed by reason of the conversion, with effect from the 1st January 1920, of part of the former pay of the Indian (Imperial) Police into overseas pay?

(vi) Do Government propose to treat the persons appointed for purpose of pay as though they had been appointed in 1919?

THE HONOURABLE MR. J. CRERAR: (i) The announcement was made in a Communiqué issued on 21st November 1919. No notification was published in the Gazette.

(ii) None.

(iii) Fifteen appointments were made in 1920 under the terms announced in the Communiqué. I shall be glad to give the Honourable Member a list of these appointments, with the dates showing when they were sanctioned and when announced. The dates from which the appointments actually took effect are not readily available.

(iv) Appointments were not made in 1919 because the preliminary arrangements were not completed in time.

(v) A candidate appointed in 1919 would have been in a more favourable position as regards pay than the candidates appointed in 1920, but no candidates had a claim to appointment in the former or can be said to have suffered loss.

(vi) The answer is in the negative.

THE HONOURABLE MR. YAMIN KHAN: Are the Government of India aware that certain representations have been made by certain of the candidates in the United Provinces that they have not been getting the proper pay which they ought to have got if their appointment had been considered as made from 1919, as they were originally supposed to have been appointed, because their appointment was delayed up to the 2nd of February 1920?

THE HONOURABLE MR. J. CRERAR: I am not aware, Sir, that any such representations have been made. But a candidate is only entitled to emoluments with effect from the date on which he actually enters the service. The suggestion that he should be granted emoluments on a hypothetical basis which did not exist is to my mind untenable. A candidate is only entitled to emoluments paid from the public revenues when he discharges the duties in respect of which those emoluments are due. That appears to me to be a perfectly clear proposition.

THE HONOURABLE MR. YAMIN KHAN: Are the Government aware that persons appointed in 1920 are getting less pay than persons appointed in 1921?

THE HONOURABLE MR. J. CRERAR: It is certainly a fact that a change was made in the pay of the Police service during 1919 and 1920. Candidates who came in in 1920 did not obtain in certain respects in regard to overseas

pay concessions which they would have obtained had they been appointed in 1919. That is a fact.

THE HONOURABLE MR. YAMIN KHAN: I am not referring to the persons who get overseas allowance. I am referring to the persons who do not get overseas allowance. Are the Indian Superintendents of Police appointed in 1920 getting less pay than Indian Superintendents of Police who were appointed in 1921 because their period of officiating service was allowed to be counted along with their period of appointment? Is it a fact or not?

THE HONOURABLE MR. J. CRERAR: It is certainly a fact that certain Indian members of the Indian Police Service who were in that service in the year 1919 were allowed and are still allowed to draw overseas pay. At a subsequent stage the Secretary of State examined the basis on which overseas pay should be granted, and he decided that it should be granted on the basis of domicile. There were certain adjustments in consequence of that ruling, and the consequence has been, as the Honourable Member has pointed out, that Indian officers appointed to that service in 1920 did not obtain the benefits which would have accrued to them on the old basis if they had been, as they were not in fact, appointed in 1919.

THE HONOURABLE MR. YAMIN KHAN: Are the Government ready to redress this grievance so that the persons appointed in 1920 may get at least as much salary as the persons who got their appointments in 1921?

THE HONOURABLE MR. J. CRERAR: Government are not prepared to admit that there is any grievance. Officers appointed in 1919 certainly get a special benefit or privilege. Government do not propose to withdraw that privilege.

ELECTION OF THE EXTERNAL CAPITAL COMMITTEE.

THE HONOURABLE THE PRESIDENT: The Council will now proceed to the election of Members to serve on the External Capital Committee.

THE HONOURABLE SIR ARTHUR FROM (Bombay Chamber of Commerce): May I rise to a point of order? May I ask whether all the Members whose names appear on this paper have signified their willingness to serve on this Committee?

THE HONOURABLE MR. R. P. KARANDIKAR (Bombay: Non-Muhammadan): I understand that the Right Honourable Srinivasa Sastri does not wish to serve.

THE HONOURABLE THE PRESIDENT: I must assume the fact that when they were proposed they had signified their willingness to serve.

THE HONOURABLE SIR ARTHUR FROM: I took the point because the Honourable Mr. Lalubhai Samaldas has not been up here and his name appears on the paper.

(The Ballot was then taken.)

THE HONOURABLE THE PRESIDENT: The Council will now proceed with legislative business.

THE PROVIDENT FUNDS BILL.

THE HONOURABLE MR. J. CRERAR (Home Secretary): Sir, I move:

"That the Bill to amend and consolidate the law relating to Government and other Provident Funds be taken into consideration."

At the stage of introduction I gave a fairly comprehensive account of the objects of this legislation and the main features of the Bill before the House. I do not therefore intend to detain the House unnecessarily by mere recapitulation. I will only call attention to the fact that probably the most important provision in the Bill is the institution of a new class of dependants. Under the existing law the widows and children of deceased depositors are protected in this manner that the account to the credit of the deceased depositor vests in them absolutely, that is to say, it does not form part of the deceased's estate. Subject to certain reservations we have extended the protection now allowed to widows and children to this class of dependants. The class of dependants has been defined on practically the same basis as has been adopted in the recently passed Workmen's Compensation Act. The dependants in that category, that is to say, those who are neither widows nor children of the deceased, will be protected except in respect of the assignments made before the commencement of the Act. As regards nominees the protection extended to them is more restricted, and is subject to the rights of third parties. The amount to the credit of the depositor does not vest in them as it vests in dependants. The monies so paid over to a nominee other than a dependant nominee will still continue to form part of the estate of the deceased depositor and any creditor of the deceased has his normal legal remedies against that portion of the estate. I do not think I need detain the House any further. There are questions of some importance which might probably be considered during the detailed consideration of the Bill. But that, Sir, is the most important new feature of the Bill in pursuance of the general principle of giving protection, so far as is reasonably consistent with the rights of third parties, to the dependants of depositors in the Provident Funds.

The motion was adopted.

Clauses 2 to 10 were added to the Bill.

The Schedule was added to the Bill.

Clause 1, the Title and the Preamble were added to the Bill.

THE HONOURABLE MR. J. CRERAR: I move:

"That the Bill to amend and consolidate the law relating to Government and other Provident Funds be passed."

The motion was adopted.

THE OBSCENE PUBLICATIONS BILL.

THE HONOURABLE MR. J. CRERAR (Home Secretary): I move:

"That the Bill to give effect to certain articles of the International Convention for the Suppression of the Circulation of, and Traffic in, Obscene Publications, be taken into consideration."

[Mr. J. Crerar.]

I would again observe that in speaking at the introduction stage of this Bill I went fairly comprehensively into the genesis of the Bill and into its particular provisions. It is really a small Bill because the existing penal law in India approximated very closely indeed to the standard which the Conference considered proper. We accept however the proposition that specific legislation should be enacted to bring our law relating to obscene literature and obscene objects into strict conformity with this standard. We propose to accept the recommendation that, when an offence is committed in respect of a minor, there should be an enhanced punishment. We propose to accept the recommendation that in the matter of powers of search the authorities should be given similar powers in respect of obscene literature and obscene objects as exist in the case of materials used in forgery, counterfeiting of coins, etc., involving an amendment of section 98 of the Code of Criminal Procedure. The other amendments of the law contained in the Bill are purely consequential.

I move that the Bill be taken into consideration.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY (West Bengal : Non-Muhammadan) : There is just one matter which, though it may be considered a matter of detail, is probably one more of principles, to which I desire to draw attention. The Objects and Reasons set out among other things that cinema films are intended to be excluded. In clause 2 (a) the word "film" does not appear. Of course it may be covered by the term "other obscene object" in the clause. But, considering how important a part films play in the entertainment world now, probably it will be desirable to add the word "film" specifically there.

Then, Sir, I desire to draw attention to the repetition of the *Exception* to section 292 of the Indian Penal Code. That is a matter upon which we congratulate the framers of the Bill, because in a country like India, where there are so many diversified religious beliefs, it is necessary that an exception of this kind should be provided. The only thing which to my mind is a matter for consideration and to which I should like to draw attention is the use of the word "idol" occurring in the *Exception*. I know it finds a place in the previous *Exception* in the Indian Penal Code which was framed when people were not very particular about the use of the word. Now, however, the use of the word "idol" or "idolatry" is not looked upon in the same complacent fashion as it used to be before and those of us who are supposed to be idol worshippers or idolaters are beginning to take exception to that term which has come to be regarded as offensive. The substitution of the word "images" would probably meet the requirements of the case better.

THE HONOURABLE MR. J. CRERAR : Sir, I think the points raised by my Honourable friend are rather for detailed consideration, but, as he has raised them, I shall very briefly reply. With regard to the question of cinema films it is undoubtedly recognised, as my Honourable and learned friend pointed out, that there is no case in which action of the kind contemplated by the Bill is likely to be more necessary or more effective ; but that is a pure question of drafting and the words contained in sub-clause (a) of proposed new section 292 are of the widest description. The word "representation" will certainly

cover cinema films. We have been advised as a matter of fact in the course of drafting that it would cover cinema films.

As regards the other point raised by my Honourable friend, we have of course used the language of the Indian Penal Code. There is no intention, as I have explained on a former occasion, to modify in any fundamental way the substantive law relating to obscene productions. It has been suggested that we ought to attempt to define somewhat more closely what "obscene" means. That point was very fully considered, and it was decided that it was unnecessary and undesirable to do so. We do not propose to alter the substantive law in any material respect. We merely intend to extend it in the directions indicated by the Convention. I would be reluctant therefore to go back on the wording of the law which we do not in essence attempt to change and which has now been in operation for 60 years.

THE HONOURABLE MR. R. P. KARANDIKAR (Bombay : Non-Muhammadan) : I am happy to find that the expression "representation" is to include cinema. All educationists are agreed that great harm is done to the student world in consequence of cinema representations not being properly used. It is better that the law is invoked at once with reference to these cinema representations. When I turn to the *Exception* I see that representation is excluded. If it is meant thereby that it is only the representation mentioned in the body of the main clause that is excluded and not any painting nor any drawing nor any figure, I am led to think that perhaps it might occasion difficulty in the way of the construction of the clause, inasmuch as it is very likely that there may be paintings, there may be drawings and other figures which may be intended to be a part of things used for religious purposes. I am only inviting attention to the fact that the expression "representation" must not be limited to the actual wording appearing in the first part of section 292. It might include and ought to include all the paintings or drawings or figures provided they are for the purpose mentioned in the *Exception*. If it is covered I have nothing more to say, but if it is otherwise and if it is not to cover the cases of paintings, drawings, etc., used for religious purposes, then there must be more attention paid to the necessity of covering those cases. The point might be taken up as the Bill is considered clause by clause.

THE HONOURABLE SIR DINSHAW WACHA (Bombay : Nominated Non-Official) : May I ask, if I am in order, what becomes of these obscene publications after they are seized by the Government ? I remember many years ago some obscene productions and cards were seized by the Bombay Customs House, which afterwards somehow came into public hands. I am only drawing the attention of the House to this matter.

THE HONOURABLE MR. J. CRERAR : As regards my Honourable friend's inquiry, the normal procedure, after the judicial purposes for which they were seized have been satisfied, is to destroy these representations. A certain number of them which are likely to be of permanent value are retained, but they are not open to the inspection of the public and are recorded in the proper department.

THE HONOURABLE THE PRESIDENT : The question is :

"That the Bill to give effect to certain articles of the International Convention for the Suppression of the Circulation of, and Traffic in, Obscene Publications be taken into consideration."

[The President.]

The motion was adopted.

(The Council then proceeded to the detailed consideration of the Bill commencing with clause 2.)

THE HONOURABLE PANDIT SHYAM BIHARI MISRA (United Provinces : Nominated Official) : May I know if the word "idol" is to be replaced by the word "image" ?

THE HONOURABLE MR. J. CRERAR : I tried to explain why we did not intend to make any change in the wording of the old *Exception*. But, as the matter is partly one of etymology, perhaps I may be permitted to remind my Honourable and learned friend and the Honourable Pandit that the word "Eidolon" in Greek and the word "imago" in Latin have precisely the same significance.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY : Sir, as the Honourable Member has taken the trouble of informing the House regarding the etymological and derivative meaning of the term, for which I am sure we are much obliged, he may have as well brought in "ikon" also.

THE HONOURABLE MR. J. CRERAR : I was merely reminding my Honourable friend and not endeavouring to inform him.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY : But, Sir, these words have unfortunately meanings and a significance now attached to them that affects holders of some religious beliefs in a painful way, which my Honourable friend, belonging to what he would deem a reformed creed, cannot possibly realise. "Iconoclasts" had a terrific meaning in the past and "idolatry" has been steadily looked down upon in a way that those who are worshippers of images for their own reasons are not prepared to put up with. What was done 60 years ago is not necessarily good for society to-day, and religious feelings and beliefs and creeds change. If it is permissible, Sir, for me, and if the House and you will give me permission, I should like to move an amendment. Unfortunately I have not sent it in. But, if I have your leave and the leave of the House, I propose that the word "images" be substituted for the word "idols" in the *Exception*.

THE HONOURABLE THE PRESIDENT : If the Honourable Member wishes to move an amendment he must write it out and hand it in. It will then be seen whether it is in order.

(The written amendment was handed in to the Honourable the President.)

The Honourable Member desires to move as an amendment :

"that the word 'images' be substituted for the word 'idols' in line 4 of the *Exception* in clause 2".

Under the Standing Orders, if notice of a proposed amendment has not been given two clear days before the day on which a Bill is to be considered, any Member may object to the moving of the amendment and such objection shall prevail unless the President exercises his power to suspend this Standing Order and allow the amendment to be moved. Does any Member object ?

THE HONOURABLE MR. J. CRERAR : Sir, when I reminded the Honourable Member just now of the etymology of the word, I admit that he made a perfectly valid reply to me when he said that etymology does not always coincide with connotation ; and with reference to the Honourable Member's proposed amendment I see much force in that contention. The word "idol," whether or not it has a connotation offensive to refined susceptibilities, certainly in its place in this Bill has a signification much more restricted than the word "image". If this amendment is accepted I must point out....

THE HONOURABLE THE PRESIDENT : What I asked was whether any Member objected to the admission of the amendment.

THE HONOURABLE MR. J. CRERAR : I was endeavouring to explain, Sir, why I did object to the admission of the amendment and why I propose to stand upon notice. My point is this, that if we accept this amendment, I think we shall be doing a very serious injury to the Bill. The word "image" without any limiting words suggesting that it is an image used solely and exclusively for religious purposes would permit objects of an undoubtedly obscene character without the slightest religious connection or significance to be carried about in cars.

THE HONOURABLE THE PRESIDENT : I take it the Honourable Member objects ?

THE HONOURABLE MR. J. CRERAR : I object.

THE HONOURABLE THE PRESIDENT : The objection will prevail.

THE HONOURABLE PANDIT SHYAM BIHARI MISRA : May I suggest, Sir, that instead of the word "images" the words "religious images" be substituted.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI (Law Member) : With your permission I would like to point out to the House that the *Exception* in the Bill is a verbatim reproduction of the *Exception* already in the Indian Penal Code and forms part of the statutory law of the land, and has been there for many decades. I do not see any reason why the Honourable Members should be so sensitive about it now.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Clause 1, the Title and Preamble were added to the Bill.

THE HONOURABLE MR. J. CRERAR : Sir, I move that the Bill be passed.

THE HONOURABLE THE PRESIDENT : The question is :

"That the Bill to give effect to certain articles of the International Convention for the Suppression of the Circulation of, and Traffic in, Obscene Publications be passed."

The motion was adopted.

STATEMENT OF BUSINESS.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI (Law Member) : Sir, it is hoped that the discussion on the Lee Commission's recommendations

[Sir Muhammad Shafi.]

will terminate in the Legislative Assembly by the end of the present week. Should those expectations be realized, a Resolution on this subject, of which the Honourable Mr. Crerar has given notice, will be moved and discussed on Monday, the 15th, and the discussion, if not concluded on that day, will be resumed on Tuesday, the 16th. On Friday, the 19th September, motions will be made that the Bill further to amend the Indian Post Office Act, 1898, for certain purposes, which has been passed by the Legislative Assembly and laid on the table in this Chamber, be taken into consideration and passed, and it is hoped that the Bill to amend the Imperial Bank of India Act, 1920, will be passed by the Legislative Assembly and laid on the table in this Chamber in time to permit of a similar motion being made with regard to that Bill.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADIKARY: On the 19th?

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: Yes.

THE HONOURABLE THE PRESIDENT: Do I understand that it is not desired to hold any meeting on the 18th?

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: That is the idea, Sir, if that proposal is accepted by the House.

THE HONOURABLE THE PRESIDENT: The Council now stands adjourned till 11 A.M. to-morrow morning.

The Council then adjourned till Eleven of the Clock on Thursday, the 11th September, 1924.

COUNCIL OF STATE.

Thursday, 11th September, 1924.

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

ABSENCE OF MEMBERS FROM COUNCIL ON DAYS WHEN QUESTIONS OR RESOLUTIONS, OF WHICH THEY HAVE GIVEN NOTICE, APPEAR ON THE AGENDA.

The Honourable the President called out the name of the Honourable Khan Bahadur Ebrahim Haroon Jaffer, but the Honourable Member was absent.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI (Law Member): Sir, with your permission, I should like to invite your attention to the fact that some Honourable Members of Council who have given notice of questions, and also Resolutions sometimes, stay away from the Council, no doubt for unavoidable reasons, on the days when their questions and notices are set down on the agenda paper. I think, if I may venture to say so, courtesy to the Council, as well as to the officers of Government who have to reply to those questions and meet those Resolutions, requires that in case Honourable Members are unable to attend the Council, they should give due notice of the fact to the Secretary or to yourself, Sir, and also to the officer in charge who has to reply. It has been a painful necessity for me as the Leader of the House to invite your attention to this fact, and I do hope that in future Honourable Members will be careful in this respect.

THE HONOURABLE THE PRESIDENT: I think the Council will agree with me that the remarks which fell from the Honourable the Leader of the House are in every way justified. It savours of discourtesy, not only to the Government Members concerned, but to the Council as a whole, for Members to have business put down on the agenda and then not to be present, whether it is to move a motion or to ask a question. I realise that what I say does not apply to Honourable Members who are now present, and that it is not for the Chair to give them a lecture on the subject. By their presence they show that they realise what is due to the Council. But I shall make it my business to draw the attention of the Honourable Member, in whose name the unput questions stand to-day, that he appears to have offended against the traditions of the Council.

*QUESTIONS AND ANSWERS.

PUBLICATION OF AN INCORRECT AND UNAUTHORISED LIST OF INDIAN CANDIDATES SUCCESSFUL IN THE ADMISSION EXAMINATION INTO THE MILITARY COLLEGE AT SANDHURST.

377. THE HONOURABLE KHAN BAHADUR EBRAHIM HAROON JAFFER:
(a) Was an incorrect and unauthorised list of Indian candidates successful

* The member in whose name these questions appear was not present.

in the admission examination into the Military College at Sandhurst published in June last ?

(b) If so, how did it come to be published ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (a) Yes.

(b) The information was given to the Press under a misapprehension.

PREVALENCE OF ANTHRAX AMONG INDIAN WORKERS.

378. THE HONOURABLE KHAN BAHADUR EBRAHIM HAROON JAFFER :
(i) Has the attention of Government been drawn to the attitude taken by Sir Louis Kershaw with reference to the question of anthrax at the International Labour Conference at Geneva in June last ?

(ii) What is the policy of Government regarding the study of the question of anthrax and its effect on Indian labour ?

(iii) Is there any material to show the extent of the damage done to the people of India by anthrax ?

THE HONOURABLE MR. A. H. LEY : (i) Yes. Sir Louis Kershaw acted throughout in accordance with instructions from the Government of India.

(ii) The question of the effect of anthrax on Indian labour is not directly connected with the proposals so far considered at International Labour Conferences, and I am glad of this opportunity of explaining the position. Anthrax, as an industrial disease, can be contracted from the handling of wool, hair, hides and skins, horns, hoofs and bones. The proposals considered at International Labour Conferences have related principally to wool and long hair. So far as these substances are concerned, the proposals were mainly designed to protect workers in wool-importing countries, and particularly in Great Britain, from anthrax contracted from wool exported from the exporting countries, and more especially India. The proposals involved the setting up of stations to disinfect wool before use. The effect of this in India would have been two-fold. First, we should probably have been compelled to set up stations to disinfect the wool used in India, although there is every reason to believe that anthrax is almost unknown among industrial workers in this country. Secondly, as it was clear that the majority of importing countries were unwilling to set up stations, we should have been virtually compelled to undertake disinfection at the ports as a condition of export. Apart from the fact that the people of India would have gained no appreciable benefit from the disinfection of wool, there are grave difficulties, administrative, technical and financial, in the way of disinfecting wool before export from Indian ports. The Government of India accordingly opposed the proposals for an International Convention and, thanks largely to the efforts of Sir Louis Kershaw, they have been successful in securing the recognition of their point of view by the International Labour Conference. The Conference also recommended the consideration at a future Conference of possible agreements relating to the measures to be adopted to prevent anthrax arising from horse-hair, horns and hoofs and bones. To this proposal the Government of India's representatives offered no opposition.

(iii) Yes : special inquiries made by the Public Health Commissioner between 1919 and 1921 led to the conclusion that anthrax is a rare disease among Indian workers.

SUPPLY TO INDIA OF NEW FORMIDABLE ARMoured CARS.

379. THE HONOURABLE KHAN BAHADUR EBRAHIM HAROON JAFFER :
(a) Was a new formidable armoured car inspected in London last May by the India Office officials, and have any such cars yet reached India ?

(b) If so, how many such cars are in India at the present time ?

(c) If none have arrived yet, when are they to be expected ?

(d) What part of India are they to be used in ?

(e) How many are being constructed for India ?

(f) Who is going to pay for them ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (a) The answer to both parts of the question is in the affirmative. I would, however, explain that the armoured car in question is no more formidable than those that have been in India for some years.

(b) 44.

(c) Does not arise.

(d) Bareilly, Delhi, Kirkee, Quetta and Secunderabad.

(e) 80.

(f) The Government of India.

ARCHAEOLOGICAL EXCAVATIONS BY AMERICANS IN INDIA.

380. THE HONOURABLE KHAN BAHADUR EBRAHIM HAROON JAFFER :
(a) Will Government be pleased to state whether any inquiries have been received from scientific institutions or individuals in America requesting permission to undertake archaeological excavations or investigations in India ?

(i) If so, what are the names of such people or institutions ?

(c) What reply was given by Government ?

(d) What conditions, if any, were laid down ?

THE HONOURABLE SIR NARASIMHA SARMA : (a) No such inquiries have been made in recent years.

(b), (c) and (d). Do not arise.

COST OF NEW AERODROME AT ALLAHABAD.

381. THE HONOURABLE KHAN BAHADUR EBRAHIM HAROON JAFFER :
Will Government be pleased to state the cost of the new aerodrome at Allahabad ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : There is no aerodrome in Allahabad. Presumably the Honourable Member is referring to the Brigade Parade ground which has recently been prepared as a temporary landing ground at a cost of Rs. 202.

COST OF FLIGHTS ACROSS INDIA BY THE BRITISH AND AMERICAN ROUND-THE-WORLD AVIATORS.

382. THE HONOURABLE KHAN BAHADUR EBRAHIM HAROON JAFFER: Will Government state the actual cost to India—

(a) of the flight across India by the British round-the-world aviator; and

(b) of the flight across India by the American round-the-world aviators?

THE HONOURABLE MR. A. H. LEY: (a) and (b). Figures for the actual cost are not yet available; they will be supplied to the Honourable Member when received.

EXPENDITURE ON THE INDIAN DELEGATION TO THE LABOUR CONFERENCE AT GENEVA.

383. THE HONOURABLE KHAN BAHADUR EBRAHIM HAROON JAFFER: Will Government be pleased to state the total expenditure incurred on account of the Indian delegation to the Labour Conference at Geneva in June last?

THE HONOURABLE MR. A. H. LEY: As the accounts have not yet been received no exact figures can be given. The total expenditure is probably about Rs. 20,000.

COURSES OF STUDY FOR ARMY OFFICERS IN JAPANESE, TURKISH, ARABIC AND RUSSIAN.

384. THE HONOURABLE KHAN BAHADUR EBRAHIM HAROON JAFFER: (a) Will Government be pleased to state whether the Army Order recently issued in London intimating that 40 vacancies have been allotted for courses of study for Army officers in Japanese, Turkish, Arabic and Russian applies to the Indian Army or those officers in India?

(b) If so, how many such vacancies are being offered in India?

(c) Are Indian officers eligible for these courses?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) The Army Order referred to by the Honourable Member applies only to officers of the British Army.

(b) The Government of India have no information on the subject. British officers of the Indian Army, while on leave in the United Kingdom, may apply for permission to attend a course of study in the languages in question. The Secretary of State for India arranges for the number of vacancies required for officers of the Indian Army.

(c) Indian officers holding King's Commissions are eligible to attend these courses.

FREE SUPPLY OF GOVERNMENT PUBLICATIONS BY THE DIRECTOR OF PUBLIC INFORMATION.

385. THE HONOURABLE KHAN BAHADUR EBRAHIM HAROON JAFFER: (a) Will Government be pleased to state which newspapers in the country are supplied free with all Government publications by the Director of Public Information?

(b) What is the general policy of this department regarding free distribution of material in India?

(c) What is the policy regarding supply of material to foreign countries?

THE HONOURABLE MR. J. CRERAR: (a) A list of Indian newspapers, to which free copies of the publications issued by the Director of Public Information are supplied, has been placed in the Members' Library.

(b) The general policy of the Director of Public Information in the matter of the free supply of Government publications is to restrict such supply to newspapers and public institutions of importance. As regards information not contained in Government publications, the Director of Public Information meets requests for such information, free of charge, to the extent to which the information is available and can, in the public interest, be supplied.

(c) Publications issued by the Director of Public Information are supplied in exchange to the Governments of the Dominions and are sent free to certain publicity organisations, public libraries and institutes in Europe and America which have specially asked for them. Requests for information received from foreign countries are dealt with by the Director of Public Information in the same manner as those received from persons in India.

PAYMENT OF COMPENSATION TO THE DEPENDANTS OF THE VILLAGER SHOT AT LOHOGAON BY PRIVATE C. J. WALKER OF THE KING'S SHROPSHIRE LIGHT INFANTRY.

386. THE HONOURABLE KHAN BAHADUR EBRAHIM HAROON JAFFER: (a) Will Government be pleased to state whether any compensation has been paid to the dependants of the villager, who was shot at Lohogaon in the Bombay Presidency by Private C. J. Walker of the King's Shropshire Light Infantry who was out on a shooting party?

(b) If so, by whom?

(c) If so, how much?

(d) If not, is there any intention to pay compensation?

(e) If not, why not?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) No.

(b) and (c). Do not arise.

(d) and (e). I propose to consider myself whether some compassionate grant should not be made.

MANAGEMENT OF THE DELHI-UMBALA-KALKA RAILWAY BY THE STATE.

387. THE HONOURABLE KHAN BAHADUR EBRAHIM HAROON JAFFER: (a) Will Government be pleased to state its reasons for taking over and working the Delhi-Umballa-Kalka Railway on the termination of the present contract with the East Indian Railway Company at the end of the year?

(b) Do Government expect to make any profit out of this concern?

(c) What are the reasons for terminating the present contract with the East Indian Railway Company?

THE HONOURABLE MR. G. L. CORBETT : (a) Under the terms of the contracts between the Secretary of State and the Delhi-Umballa-Kalka Railway Company, the Secretary of State is required to work the Delhi-Umballa-Kalka Railway either through the agency of some Railway company or through State agency. The Delhi-Umballa-Kalka Railway is now being worked by the East Indian Railway Company, but on the termination of the contracts with the Company on the 31st December 1924 and the subsequent management of the East Indian Railway by State agency, the Delhi-Umballa-Kalka Railway has necessarily to be taken over for working through State agency unless a separate company is formed to work it.

(b) The relations between the Secretary of State and the Delhi-Umballa-Kalka Railway Company as defined in the contracts with the Company will remain unaffected by the change in the agency for working the railway.

(c) The termination of the contract with the East Indian Railway Company is in accordance with the announcement made by the Honourable Sir Charles Innes in the Legislative Assembly on 27th February 1923, and I would invite the Honourable Member's attention to the published report of the debate on that date.

DOMINION SCIENCE SCHOLARSHIPS.

388. THE HONOURABLE KHAN BAHADUR EBRAHIM HAROON JAFFER : (a) Will Government be pleased to state how many nominations were received from the various Universities and other bodies for the two Dominion science scholarships granted this year?

(b) From what Universities have previous winners of these scholarships been nominated?

THE HONOURABLE SIR NARASIMHA SARMA : (a) Twelve.

(b) No such scholarships have been awarded in the past.

SUPPLY TO THE COUNCIL LIBRARY OF COPIES OF THE JAMESON CODE AND AITCHISON CODE.

389. THE HONOURABLE KHAN BAHADUR EBRAHIM HAROON JAFFER : Will Government be pleased to place a copy of the Jameson Code and Aitchison Code mentioned in the Cantonment Manual, Appendix 19, printed at the Government Monotype Press, 1920, in the Library of the Council Chamber?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : If it is found that copies of these old publications can be spared, I will comply with the Honourable Member's request. I am having inquiries made on the point and will let the Honourable Member know the result.

LEASE ENTERED INTO WITH THE MUHAMMADANS OF THE POONA CANTONMENT FOR THEIR IDGAH.

390. THE HONOURABLE KHAN BAHADUR EBRAHIM HAROON JAFFER : (a) Will Government be pleased to place on the Council table a copy of the lease entered into with the Muhammadans of the Poona Cantonment, when the land was given for the use of "Idgah" in the Poona Cantonment near the Cantonment Hospital?

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(b) Who is the present occupant?

(c) Whether the dimensions of the land are still the same or curtailed?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : The local military officers have been addressed on the subject, and a reply will be sent to the Honourable Member as soon as possible.

THE CIVIL HOSPITAL AT DELHI.

391. THE HONOURABLE KHAN BAHADUR EBRAHIM HAROON JAFFER : (a) Will Government be pleased to place on the Council table a copy of the report of the Civil Hospital of Delhi for the last year?

(b) What is the amount of the usual Government grant given to this hospital?

(c) Was any reduction made recently and, if so, for what reason?

(d) Do Government intend to increase the grant?

(e) Is there any plan of the new out-patient department under preparation?

(f) If so, do Government intend to help this new department?

THE HONOURABLE SIR NARASIMHA SARMA : (a) Government receive no report on the Civil Hospital, Delhi.

(b) A grant of Rs. 5,000 is made for the Eye Department of the Hospital.

(c) Before April 1921 grants larger than Rs. 5,000 were given in order to build and equip the Eye Department. Since April 1921 the grant has been reduced to Rs. 5,000 per annum since the maintenance of this department of the hospital is primarily the duty of the Municipality and the amount now given is adequate recognition of the service rendered by the Eye ward to Government servants.

(d) No.

(e) No.

(f) This does not arise.

EXEMPTION FROM TAXES OF SHOPS ATTACHED TO THE MOSQUE IN ALLAHABAD CANTONMENT.

392. THE HONOURABLE KHAN BAHADUR EBRAHIM HAROON JAFFER : (a) Is it a fact that certain shops are attached to the mosque in Allahabad Cantonment?

(b) Is it a fact that the Cantonment authority there has imposed cantonment taxes on these shops like other house property?

(c) Is it a fact that the shops are intended for the maintenance of the mosque and as such constitute a part and parcel of that religious building?

(d) Do the Government propose to direct the cantonment authority to exempt the shops from taxes and to issue general instructions that the house and landed property endowed for the maintenance of a religious building are a part of that building and are to be treated as such?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) and (b). Yes.

(c) The answer to the first part of the question is in the affirmative. As regards the second part, this appears to be a matter of opinion.

(d) No, one reason being that Government are informed that the practice of the Allahabad Municipality in this respect is similar to that followed in the cantonment.

REGULATIONS RELATING TO HOUSE PROPERTY IN CANTONMENTS.

393. THE HONOURABLE KHAN BAHADUR EBRAHIM HAROON JAFFER:

(a) Is it a fact that effect has not been given to the assurance by Government to which reference is made in the report of the Joint Select Committee on clause 4 of the Bill, which became the Cantonments (House-Accommodation) Act, 1923, and that house-owners in cantonments are being put to great trouble and loss by their house property being dealt with under the old undefined regulations?

(b) Have the old Army Regulations and executive orders not consistent with the Act been repealed? If not, why not?

(c) Will the Government be pleased to lay on the table:

(i) the regulations they propose to cancel under the above assurance; and

(ii) the regulations which they wish to retain in the form of rules under the Act?

(d) Are the Government aware that in some Cantonments, owners of houses are not allowed to reside therein? If so, what are the reasons for this prohibition?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) and (b). The regulations to which the Honourable Member is presumed to refer fall under two main heads:

(i) Rules governing sites which were granted prior to the introduction of the Cantonment Code, 1899, and

(ii) Executive orders regarding the occupation of houses.

The rules referred to at (i) are not inconsistent with the Cantonments (House-Accommodation) Act, 1923, since they refer only to houses which are expressly excluded from the operation of the Act under section 4 thereof. As regards the executive orders referred to at (ii), instructions have been issued to military and cantonment authorities, which have the effect of repealing such executive orders as are inconsistent with the Cantonments (House-Accommodation) Act, 1923, and the rules made thereunder. Copies of these instructions have been sent to the All-India Cantonments Association, of which it is believed the Honourable Member is a member. In view of the very great amount of work that the reorganisation of Cantonment administration has involved, it has not yet been found possible to revise the volumes which contain the old orders, but the work will be put in hand in the near future.

The Government of India are not aware that the old rules are being used to the detriment of house-owners.

(c) Rules under the Cantonments (House-Accommodation) Act, 1923, have been framed and published: and, in the circumstances stated in the reply,

to parts (a) and (b) of the question, it is impracticable to lay on the table a statement distinguishing between the executive orders which are to be cancelled and those which are to be retained.

(d) The only instance known to Government is that of the Honourable Member's own house. This house has continued in the occupation of a military officer while negotiations have been proceeding between Government and the Honourable Member for a solution of certain difficulties on lines satisfactory to both parties.

CONSTRUCTION OF QUARTERS FOR MILITARY OFFICERS IN CANTONMENTS.

391. THE HONOURABLE KHAN BAHADUR EBRAHIM HAROON JAFFER:

(a) Is it a fact that the Government have constructed or intend to construct Government quarters for military officers in some Cantonments?

(b) Will the Government be pleased to state in which cantonments such quarters have been constructed and in which the proposal of the construction of such houses is under consideration?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) Yes. Government have constructed quarters for military officers in places in which either there is a shortage of accommodation or the rents charged by private house-owners are exorbitant. This policy will be continued as funds permit.

(b) I lay a statement on the table.

Government quarters for military officers have been constructed, so far as information is readily available, at the following Cantonments:

Peshawar.	Kalabagh.
Kohat.	Bara Gali.
Lahore.	Risalpur.
Upper Topa.	Meerut.
Lower Topa.	Lucknow.
Upper Barian.	Barrackpore.
Lower Barian.	Poona.
Ghariai.	Jubbulpore.
Khyra Gali.	Quetta.
Ghora Dhaka.	Maymyo.
Khanspur.	Mandalay.
Changli Gali.	Rangoon.

Proposals are under consideration for the provision of Government quarters for military officers at the following Cantonments:

Bannu.	Kamptee.
Cawnpore.	Nasirabad.
Kirkee.	

APPOINTMENT OF INDIANS AS EXECUTIVE OFFICERS IN CANTONMENTS.

395. THE HONOURABLE KHAN BAHADUR EBRAHIM HAROON JAFFER:

(a) Is it a fact that so far only four posts of Executive Officers in Cantonments have been offered to Indians?

(b) Is it a fact that the emoluments of the Indian Executive Officers are much less than those of their European colleagues?

(c) If so, will the Government state the reasons for this difference of pay?

(d) Why has Khan Bahadur Sardar Khan, some time an Assistant Cantonment Magistrate, not been appointed an Executive Officer?

(e) Do the Government propose to consider the desirability of appointing more Indian Executive Officers as vacancies occur?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) Yes.

(b) and (c). The rate of pay, which is lower than that drawn by British officers of the Department, was fixed partly with reference to the pay which these officers would have received as combatant officers and partly with reference to the pay which Extra Assistant Cantonment Magistrates received in the old Cantonment Magistrates' Department. It was considered in all the circumstances of the case to be an adequate rate of pay.

(d) The officer in question did not possess the necessary qualifications.

(e) It is the intention of Government to appoint more Indians to the Department as vacancies occur.

ELECTION OF A MEMBER TO REPRESENT CANTONMENTS IN THE LEGISLATIVE ASSEMBLY.

396. THE HONOURABLE KHAN BAHADUR EBRAHIM HAROON JAFFER:

(a) Is it a fact that the All-India Cantonments Association urged the Government in 1923 to form the Cantonments into a separate constituency for returning a Member to the Legislative Assembly?

(b) Is it a fact that the Government expressed their inability to do so, on account of the undesirability of disturbing the electorate at that advanced stage of elections, but agreed to consider the reservation of a nominated seat for a representative of the Cantonments?

(c) Is it a fact that the Association was informed several times that the question was under the consideration of the Government, but the Government ultimately refused to give a nominated seat to the Cantonments, vide Government of India, Legislative Department, letter No. 270-A.C., dated the 24th March 1924?

(d) Is it a fact that this decision of the Government has caused great resentment among the people of the Cantonments and that the All-India Cantonments Conference, held recently at Lucknow, passed a strong resolution protesting against this treatment by the Government?

(e) Do the Government propose to take steps to assign an elected seat to the Cantonments at the next elections to the Legislative Assembly?

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: (a) Yes.

(b) As regards the first part of the question, Government expressed their inability to accede to the request, but did not base their decision on the advanced stage of the election.

The answer to the second part is in the negative. Government never undertook to consider the reservation of a nominated seat for a representative of Cantonments. What they did undertake was that, in the event of no person

having a special knowledge of cantonment conditions being returned at the late general election to the Assembly, they would consider whether it would be possible to nominate such a person.

(c) In the letter referred to by the Honourable Member the Association was informed that, in the opinion of Government, the requisite referred to in the answer to (b) had been sufficiently met by the result of the elections.

(d) Government are not prepared to accept the Honourable Member's estimate of the extent of the resentment caused by their decision. They have seen the resolution to which the Honourable Member refers.

(e) Government are unable to give any such undertaking at present.

ELECTIONS TO CANTONMENT BOARDS IN PESHAWAR AND NOWSHERA.

397. THE HONOURABLE KHAN BAHADUR EBRAHIM HAROON JAFFER:

(a) Is it a fact that the decision of Government not to allow election in the constitution of Cantonment Boards in Peshawar, Nowshera and other Cantonments in the North-West Frontier Province has caused considerable agitation?

(b) Do the Government propose to reconsider the matter and to concede the elective principle at least to the Cantonments of Peshawar and Nowshera?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) Government are not aware of any such agitation.

(b) Not at present.

INTERFERENCE BY MILITARY OFFICERS WITH THE TRANSFER OF HOUSE PROPERTY IN CANTONMENTS.

398. THE HONOURABLE KHAN BAHADUR EBRAHIM HAROON JAFFER:

(a) Has the attention of the Government been drawn to Resolution No. 15 of the All-India Cantonments Conference held recently at Lucknow?

(b) Is it a fact that in several cantonments, local military officers interfere with the transfer of house property from one house-owner to another by making demands for leases, etc.?

(c) Are the Government aware that the interference has taken an acute shape in the Cantonment of Jhansi?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) Government have seen a copy of the resolution referred to by the Honourable Member.

(b) and (c). I regret that I do not clearly understand the Honourable Member's question, but if he will let me have any actual examples of the class of cases which he has in mind, I will have the matter investigated.

PAY OF CIVILIAN HOSPITAL WRITERS AND STOREKEEPERS, ETC.

399. THE HONOURABLE KHAN BAHADUR EBRAHIM HAROON JAFFER:

(a) Will the Government be pleased to lay on the table a statement showing the number and average rate of pay of permanent civilian hospital writers and storekeepers and of clerks and storekeepers in military offices, respectively, from 1895 to 1924, year by year, and to state whether any steps have

been taken to place them on an equal footing, especially in the matter of bonus, special promotions and rewards during the Great War?

(b) Is it a fact that several civilian Writers and Storekeepers have been entertained temporarily on higher rates of pay than the permanent staff since the beginning of war?

(c) Is the temporary staff still in service?

(d) What is the excess expenditure incurred?

(e) What are the present rates of pay?

(f) What extra allowance has been granted to permanent incumbents?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) I am afraid that it is quite impracticable to furnish the information desired by the Honourable Member.

(b) The answer is in the affirmative.

(c) Yes, in order to meet temporary requirements in field units employed on the Frontier.

(d) I presume the Honourable Member wishes to know the extra expenditure incurred as a result of employing those temporary hospital writers and storekeepers. If so, the answer is that no separate record of this expenditure is maintained.

(e) The temporary staff are entertained on local market rates of pay.

(f) The extra allowances granted to members of the permanent staff are the local allowances admissible for serving at Aden, in Burma and in Baluchistan.

TRANSFER OF CIVILIAN HOSPITAL WRITERS AND STOREKEEPERS TO MILITARY OFFICES, ETC.

400. THE HONOURABLE KHAN BAHADUR EBRAHIM HAROON JAFFER: (a) Is it a fact that several civilian Hospital Writers and Storekeepers have been transferred to military offices? If so, will Government state their number and their present rates of pay; and whether these transfers have been made with due regard to the seniority and services and other qualifications?

(b) Is it a fact that several clerks have been entertained in military offices on high rates of pay during the Great War and have since been made permanent on the very rates of pay in preference to those who are senior to them and are still in receipt of lesser rates of pay?

(c) Is it a fact that a time scale of pay has been granted to permanent hospital writers and Storekeepers? If the answer is in the affirmative, under what terms and conditions?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) and (b). Unless the Honourable Member can specify the "military offices" which he has in mind, and give me fuller particulars in other respects also, I regret I am unable to answer these questions. So far as I am aware, there has been no regular practice such as he appears to describe.

(c) Yes, a time scale of pay has recently been sanctioned for permanent civilian hospital writers and storekeepers. I will furnish the Honourable

Member separately with a copy of the Army Instruction (India) giving the terms and conditions, etc.

ALLOWANCES OF CLERKS IN MILITARY OFFICES AND OF CIVILIAN HOSPITAL WRITERS AND STOREKEEPERS.

401. THE HONOURABLE KHAN BAHADUR EBRAHIM HAROON JAFFER: (a) Will Government be pleased to state whether there are any clerks in military offices who receive compassionate or special allowance owing to inadequacy of their salaries? Are similar allowances being granted to civilian Hospital writers and storekeepers? If not, why not?

(b) Is it a fact that civilian hospital writers have been entertained for station duties, and that they are not liable to be transferred from one station to another? If the answer is in the affirmative, have any of them been transferred? If so, why?

(c) Are any facilities being granted to civilian hospital writers and storekeepers for the education of their children? If not, are any steps being taken to grant them this concession?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) So far as Government are aware, the answer to the first part of this question is in the negative. The remaining parts of the question, therefore, do not arise.

(b) The answer to the first part of this question is also in the negative. The remaining parts do not, therefore, arise.

(c) The answer to both parts of this question is in the negative.

PREVENTION OF THE HOOKWORM DISEASE IN INDIA.

402. THE HONOURABLE KHAN BAHADUR EBRAHIM HAROON JAFFER: Will Government be pleased to state—

- (a) the extent of the Hookworm disease in India;
- (b) what measures are being taken to cure it; and
- (c) what measures are being taken to prevent its spread?

THE HONOURABLE SIR NARASIMHA SARMA: (a) I would refer the Honourable Member to the Report on the Distribution and Control of Hookworm in India by the International Health Board, Rockefeller Foundation, published in Vol. X, October 1922, of the Indian Journal of Medical Research, a copy of which is available in the Secretariat Library.

(b) and (c). The results of investigations into the life history of the worm by workers in India and America have been placed at the disposal of Provincial Governments who are giving effect to the measures necessary for its cure and prevention to the extent that their financial resources permit. The problem of elimination and prevention is one of enormous magnitude so far as certain areas in India, such as Madras, are concerned; but commercial concerns (e.g., tea gardens, mines, works) and institutions (e.g., jails, schools, asylums) are being systematically freed from infection on the approved lines and once Provincial Governments are willing to accept the principle of eradication and control, financial considerations alone are likely to limit the general application of these measures.

“*Bona fide* VALUE” OF HOUSE PROPERTY IN CANTONMENTS.

403. THE HONOURABLE KHAN BAHADUR EBRAHIM HAROON JAFFER: (a) Will Government be pleased to state what is meant by the “*bona fide* value,” mentioned in the Government General Order No. 569, dated 8th November 1849, published in the Cantonment Manual, Appendix 19, on page 60, which is a reprint from Part V, Government of India Gazette, 1898?

(b) Does it mean the present market value of the building or the value when the house was built 75 years ago?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) and (b). The manner in which it was intended that *bona fide* value should be calculated is stated on the same page of the Cantonment Manual as that to which the Honourable Member has referred me. Government have no other information as to what those who used the term ‘*bona fide* value’ intended it to mean.

STRANDED MADRAS COOLIES IN ASSAM.

THE HONOURABLE MR. G. A. NATESAN: Has the attention of the Government been drawn to the fact that a number of Madras coolies were induced to go to Assam on false pretences and are now stranded there?

THE HONOURABLE MR. A. H. LEY: Government have seen reports in the press. They have called for a report on the matter from the Government of Assam; and, pending receipt of the Local Government's reply, I regret I can give no further information.

RESULT OF ELECTION OF MEMBERS TO SERVE ON THE EXTERNAL CAPITAL COMMITTEE.

THE HONOURABLE THE PRESIDENT: I have to announce to the Council the result of the election held the other day of Members to serve on the External Capital Committee. The following Members have been elected:

The Honourable Mr. J. W. A. Bell.

the Honourable Mr. G. A. Natesan, and

the Honourable Dr. Dwarkanath Mitter.

RESOLUTION *RE* ANNUAL PROVISION FOR THE REDUCTION OR AVOIDANCE OF PUBLIC DEBT (CONTD.).

THE HONOURABLE THE PRESIDENT: The Council will now proceed with the adjourned debate on the Resolution moved by the Honourable Sir Maneckji Dadabhoy, namely:—

“This Council recommends to the Governor General in Council that the Government be pleased to take steps to introduce suitable legislation at an early date to provide for an annual provision for the reduction or avoidance of public debt.”

THE HONOURABLE MR. J. W. A. BELL: (Bengal Chamber of Commerce): Sir, I listened on Monday with great pleasure and interest to the speech by my Honourable friend Sir Maneckji Dadabhoy in which he moved the Resolution now before the House. I think that this Council is to be congratulated on

having as one of its Members one who has such an intimate knowledge of the financial history of India and one who is always so willing to place his expert knowledge of finance and wide experience at the disposal of the Government and the country. I desire to support very strongly the Resolution moved by my Honourable friend.

The subject of finance is to most people a very dull and uninteresting one, and I do not propose to weary Honourable Members by traversing again the ground covered by my Honourable friend in his speech on Monday, or by more or less repeating arguments which he put forward with a great clearness and great force.

The financial side of Government is, although on a much larger scale, very much like the financial side of an ordinary business and the provisions, which my Honourable friend in his Resolution has asked Government to make in the conduct of the affairs of the country, are very similar to the provisions, which a prudent businessman makes for payment of his liabilities in the ordinary conduct of his affairs.

Hitherto, or until very recently in connection with recent loans, no systematic provision has been made for sinking funds for the reduction of debt. Any provision that has been made, whether it has been large or small, has been of a more or less haphazard character. No definite system has been followed, because there has been no definite system to follow. Had provisions been made years ago, on the lines now recommended by my Honourable friend, I think it possible that the credit of this country might have stood higher in 1916 and 1917, and it might not have been necessary, then and later, for Government to pay such a high rate of interest for their loans, with such disastrous results to those who had invested in earlier loans, such as, Government 3½ per cent. paper, which, as Honourable Members will remember, fell in a very short period from 96 to something like 52.

There is nothing unusual in the course which my Honourable friend has asked Government to follow. He has merely requested that a methodical provision be made year by year for the reduction of the public debt. His Resolution means that and nothing more. The course which he recommends is one which is followed by every country which occupies a high position in the world of finance.

His Resolution is one which I think will commend itself to the present Finance Department of the Government of India, because they themselves have in recent times followed a more enlightened policy, and have made provision for sinking funds in connection with recent loans.

For the reasons I have given, I strongly support the Resolution which has been moved by my Honourable friend.

THE HONOURABLE DR. DWARKANATH MITTER (West Bengal: Non-Muhammadan): Sir, I feel considerable difficulty in supporting the Resolution moved by my Honourable friend Sir Maneckji Dadabhoy. While I recognise the principle of the general position that the redemption of public debt is desirable, I think that the time is not opportune for the introduction of legislation of the kind which my Honourable friend suggests in the Resolution. For, in my humble judgment, it is hard to think of legislation to

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provide for a fund in the nature of a sinking fund while we are confronted year after year with deficit budgets. For it is a general axiom of political economy, which has been recognised by great political economists, that you can think of a sinking fund while there is an actual surplus, in other words, while the receipts are in excess of the expenditure. Both with regard to public and private credit, it is indisputably true that repayment can be made in no way except by excess of the receipts. So far back as 1813 in the last century the distinguished financier, Robert Hamilton, said :

“The excess of revenue over expenditure is the only real sinking fund by which public debts can be discharged.”

And recent political economists, one of whom I may name here the distinguished professor of Political Economy in the University of Dublin, Dr. Bastable, affirms in the year 1917 that the dictum which was enunciated in this respect by Hamilton in 1813 stands true even at the present day. In his book on public finance he says :

“That in Hamilton's words - the excess of revenue over expenditure is the only real sinking fund by which public debts can be discharged - is a position too evident to require formal vindication”.

Now, Honourable Members will remember that for the last four years before the last Budget was presented, we have been confronted with deficits. Last year—I mean in the last Delhi Session—the Budget was balanced by the imposition of a tax on salt. In these circumstances, I do not think that this is precisely the moment when the Government should be asked to legislate for the purpose of starting a sinking fund so that a particular part of the revenue may be earmarked or marked off for the purpose of sinking the national debt. Gentlemen, there is a further consideration even assuming that we are so lucky as to get in the years to come a surplus. Having regard to the present economic condition of the world after the war, when the economic condition of the world including India has not reached a stable equilibrium, even if we have a surplus, demands will be made by the people for utilising the surplus towards improving the betterment of the economic condition. That is another reason which makes me think that we should not ask the Government to introduce legislation for the purpose of earmarking a particular portion of the revenue for sinking the national debt.

Of course it does not prevent the Government, in a fortunate year, when they find either by reason of a windfall or any other cause that there is an actual surplus, from devoting that surplus towards wiping out the national debt. For that purpose legislation of the kind which is suggested, which will compel the Finance Member to devote a portion of the revenues towards the national debt, is undesirable. In this connection, Sir, before resuming my seat, I would say that the inefficacy of a sinking fund is illustrated by a passage which I quote from page 636 of Bastable's “Public Finance”, with regard to the English debt, where it is pointed out :

“The French wars brought the English debt to its maximum point. Since that date there has been some, though insufficient, reduction of it. The whole course of treatment has tended towards the adoption of a sounder and more careful policy guided in a great

degree by the influence of theory. The criticisms of Hamilton and Ricardo exposed completely the sinking fund fallacy. As a result of careful inquiry it was settled in 1819 that a real surplus of £5,000,000 annually should be preserved; but after various difficulties and changes the sinking fund as a positive institution was abolished in 1829, whatever actual surplus existed at the end of each financial year being marked off for redemption of debt.”

Without suggesting the introduction of legislation of this description, it would be better if it was recommended that the Finance Member should be in a position, in case of actual surplus, to devote a portion to the liquidation of the national debt. The Honourable Mover did not indicate how this national debt was to be reduced, whether by general contribution or addition of taxation. Of course general contribution is impossible. With regard to additional taxation my submission is that the taxable capacity of the people has reached its utmost limit, and it would not be wise to bring pressure on the present generation by the imposition of further taxation for the purpose of reducing the national debt. For these reasons, Sir, I oppose the Resolution.

THE HONOURABLE SIR ARTHUR FROMM (Bombay Chamber of Commerce) : Sir, I support the Resolution of my Honourable friend, Sir Maneckji Dadabhoy, though I do not propose to go so far as to insist on legislation. I think that, if this Council had an undertaking from the Finance Department that a definite system for the redemption of the national debt should be adopted and pursued in, we should be satisfied. It is quite true that the national debt of this country after all does not assume very alarming figures. It may be taken roughly as about 800 crores, or say something like five or six hundred million pounds sterling. That a redemption system should be adopted, and rightly adopted, was clearly in the mind of the Honourable Finance Member when he made his budget speech, and I would remind Honourable Members that in that speech he proposed or hoped to make a provision over the next few years of something like 4 crores a year towards this redemption. He then went on to point out that so long as year by year this country has to borrow for productive measures, i.e., to arrange for productive loans, that this redemption fund in a way would take the form of a book entry. I am sure the Financial Secretary will correct me if I am wrong in what I say. Supposing you have to go to the country for a loan of 15 crores. After having taken into consideration your requirements of 4 crores for redemption you actually borrow 11, and presuming the non-productive debt of this country stands to the productive debt in the relation of 1 to 3, having borrowed your 11 crores you take into consideration 1 crore for the reduction of the non-productive debt and 3 crores for the reduction of the productive debt. These figures, of course, will be modified slightly according to the number of years over which you propose your redemption should take effect. I think the Honourable Sir Basil Blackett suggested that 50 years might be a reasonable period for the non-productive debt, and 80 years for the productive debt. In referring to these figures what I wish to understand is that having borrowed 11 crores with your requirements of 15, and the 1 crore which I refer to is applied to the non-productive debt, the non-productive debt is actually reduced by that one crore which is added on to the productive debt. Is that the way in which Government keep their accounts? The Honourable Sir Basil Blackett mentioned that it was not possible in a budget speech to treat the whole subject exhaustively, and I think if the Finance Member or the Finance Department would prepare a brief and short statement showing the position of the two debt

[Sir Arthur Froom]

it would be very illuminating for the Members of this Council. Perhaps in the non-productive debt there are items which rightly might be transferred to the productive debt. I have an idea that in the non-productive debt we might find Government buildings and that these Government buildings bring in certain income from rent. I think such might suitably be transferred to the productive debt. Perhaps the Honourable Finance Secretary would kindly take up these points when he replies in this debate. I think it would be interesting to the Council. I repeat what I said in the beginning that I do not propose to support this amendment so far as introducing legislation. I am not satisfied that it is necessary to go so far as that, but I should like from the Finance Department an undertaking that a definite system will be adopted and pursued in.

THE HONOURABLE MR. G. A. NATESAN (Madras: Nominated Non-official): Sir, I very much regret that I cannot vote for this Resolution. It would be a pity to introduce such legislation in the present state of the financial affairs of this country. I feel very strongly that we should not even take in hand the consideration of the suggestion made by my Honourable friend, Sir Arthur Froom, that Government should at least give an undertaking to do something in this direction. I am not a student of political economy, and I have not the extensive commercial experience of my Honourable friend, Sir Maneckji Dadabhoy or of Sir Arthur Froom, but I speak with the ordinary instinct which the prudence of a small businessman dictates to me. During the last few years it was with considerable difficulty and with a great deal of unpopularity which the Honourable Finance Member had to face that the Government of India have been able to produce a sort of budget, trying to make two ends meet and to show something like a surplus.

You must remember that the Provincial Contributions are still hanging over the heads of the various Provinces. My Province particularly suffers from a very heavy impost that Anglo-Indians, officials and non-officials have gone to the length of describing as almost iniquitous. There are also other Provinces which suffer from this impost. With some difficulty the Honourable Finance Member brought forward last year an alternative proposal to divide a crore and something more between the Provinces, so that the burden of this impost might be reduced. That proposal, for reasons which need not be gone into here, was not adopted, and the Provinces are still suffering from the burden of this contribution. It has prevented the Provinces from devoting adequate attention to education, sanitation and local self-government and prevented them from developing their agricultural and other resources. Is it just at this time that my Honourable friend Sir Maneckji Dadabhoy would venture to ask the Government of India to take steps to make provision for this redemption of public debt? What is expected by many people is that, taxation being in many cases at a high level, it should be the duty of the Finance Minister who wishes to carry the Central Legislature with him, as far as possible to find out ways and means of reducing taxation, at least in those cases where taxation is at an admittedly high level. The efforts of future Finance Ministers and the Government of India should be to reduce taxation. Is it just at this time that a proposal of this kind should be made?

More than anything else this is a proposal that ought to be considered only at a time when the Finance Minister, after enabling the Provinces to wipe off their contributions according to the terms elaborated by Lord Meaton's Committee, and after trying to reduce as far as possible some of the taxes which can legitimately be reduced, is able to show a surplus; then it will be time enough to consider this proposal. I feel that at present this Council will not be justified in voting for the measure now adumbrated by Sir Maneckji Dadabhoy, and the Government of India, which have so many difficulties, ought not add to the number. I am therefore unable to support the proposal of my Honourable friend Sir Maneckji Dadabhoy.

THE HONOURABLE MR. A. C. McWATTERS (Finance Secretary): Sir, as two dissentient voices have been raised in this debate, somewhat, I confess, to my surprise, I should like to say at the outset that the Government of India are in entire agreement with what they take to be the main principle of this Resolution, namely, that there should be a comprehensive programme for the redemption of the public debt, taking into account Government's capital liabilities as a whole, and that this programme should be based on principle and not on chance. We have heard the views of Members of great commercial experience as the Honourable Sir Maneckji Dadabhoy, the Honourable Mr. Bell and the Honourable Sir Arthur Froom, and the House will surely attach great weight to the opinions of men of such practical knowledge of business. The Government has also got its business aspect. The Honourable Sir Maneckji Dadabhoy suggested that we ought to have a periodical review of our assets, and I agree with him. Now the principal asset of a Government is its credit, and there is no way in which the credit of Government can be maintained better than by making adequate provision for a reduction of their capital obligations to the public. It is just the same with Government's currency; they have to avoid over-issue, and they have to make adequate provision for reserves, so with the public debt. They should avoid over-borrowing for unproductive purposes and make adequate provision for redemption of that debt. Therefore, so far as the principle of this Resolution is concerned, Government are in complete agreement with it. I will return later to the subsidiary, though important point as to whether the programme should be embodied in legislation at the present moment.

The Honourable Mover of this Resolution paid a graceful tribute to the Honourable the Finance Member in acknowledging his indebtedness to him for having attracted general attention to this subject in his budget speech. In that speech the Honourable Finance Member gave a full account of the position of our public debt and the provisions which existed for redeeming it, and the Honourable Sir Maneckji Dadabhoy has also given the House a very full historical account of our debt, so that it will not be necessary for me to go into any detail in this matter. There is general agreement on one point that no systematic provision has hitherto been made for the redemption of the public debt. It has been largely a matter of chance. I can in half a dozen sentences sketch the position to the House. So far as India is concerned, there is no depreciation fund or sinking fund for any of the earlier loans. For the long term 5 per cent. loans raised during the war a depreciation fund of 1½% of the face value of the loans was introduced, in order to guarantee to

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subscribers that the capital value of their subscriptions would not be impaired. In England the circumstances have been different; the greater part of the provision for reduction of debt is due to the various methods by which large railway properties were taken over by the State many years ago. They were taken over in two ways, a certain portion by issue of 3 and 3½% Government of India stock in purchase of annuities and debenture stock of certain railways. In these cases statutory sinking funds are attached by Acts of Parliament. The other method was by annuity payments over a long period of years, which include both capital and interest, and this is an important point, because as these payments continue until they are extinguished about 1946-47, the capital portion is an increasing amount and the interest portion a diminishing amount each year. The same applies to the provision made for redeeming our obligations in respect of the £100 millions British war loan taken over during the war. The greater part of this was met from the proceeds of the War loans issued in India, but a portion remained which is now approximately 19½ millions. This is also being extinguished by equated annual payments, and of these equated annual payments an increasing amount each year represents capital and a decreasing amount represents interest, until our obligation is extinguished, also in 1947. In addition to these provisions, there are in England a number of discount sinking funds, which were introduced when loans were issued below par, and these are an annual charge against revenue, spread over a number of years. In India, on the other hand, on the few occasions when we have issued loans below par, the discount has been written off against the revenue of the year concerned, with the sole exception of last year, when a similar discount sinking fund was introduced for the loans which were then floated. That is the present position, and nobody will maintain, I think, that it is in any way a scientific one; it is due purely to chance.

When the Honourable Finance Member rather more than a year ago took up this question in a scientific way, he found, I will not say to his surprise, because he has never expressed surprise to me about it, but he found that the actual contractual and obligatory payments which we were making towards the redemption of debt were approximately equivalent to the figure arrived at on a scientific examination as an adequate provision from revenue for this purpose. This, I think, is important; and the conclusion I draw from it is that if we are putting our house on a securer foundation and introducing a more scientific system, we do not thereby imply any reflection on our predecessors.

Indeed, those who, like myself and most members of this House, have had personal acquaintance with such Finance Ministers as the late Sir William Meyer and his predecessors will, I think, acknowledge that they managed the finances of the Government of India in both a skilful and cautious manner, the result of which was that when the war broke out, the Government of India's unproductive debt had been practically extinguished and the credit of India at the beginning of the war stood high and enabled this country to meet better than most countries the cataclysm which overcame the whole world. Therefore, although we propose to treat the matter now in a different fashion, it is without any reflection on our predecessors, to whom we owe a debt of gratitude.

Now, some time before notice was given of this Resolution, the Government of India had already been in communication with the Secretary of State on this question, and I am able to inform the House that complete agreement has been reached. Some minor details are still unsettled; but a Government Resolution will be issued shortly in which a definite scheme of debt redemption to cover the next five years will be laid down. The basis of this scheme is the existing amount of our total capital obligations on 31st March 1923, for which we have audited figures. We have examined the whole question again very carefully and are satisfied that, for the redemption of the debt at that period, a provision of 4 crores from revenue is sufficient. That is the basis of the scheme. To that amount will be added each year in respect of any new capital borrowings one-eightieth of any new sums borrowed. The amount so arrived at will be applied to the avoidance of debt or the reduction of such debt as the Governor General in Council will determine. Our Statutory and contractual obligations will of course remain, but the amount charged against revenue in any year will be determined on the basis above described. It will be a definite figure based on the total amount of debt as certified by the Auditor General at the end of each year taking into account any fresh borrowings since March 1923. In addition we propose that any actually accrued surpluses shall be applied automatically to the reduction of debt.

In reply to the objections which have been raised by the Honourable Dr. Dwarkanath Mitter that a scheme for reduction of public debt may involve the country in new taxation, I would like to say that this is an entire illusion. The fact that we are making a definite and more scientific provision for the reduction of public debt does not necessarily mean that that amount will be in excess of the amount which is set aside from revenue now. In fact, as I have pointed out in connection with the terminable Railway annuities and the annual payments in connection with the British War Loan, the capital amount in each case is an increasing figure, which in the case of the Railway annuities would amount in 1946 to £2½ millions; so that the present unscientific system might well be far more burdensome than a scientific one. Incidentally, we should not overlook the fact that by making a proper provision for reduction of debt we improve our credit and may hope to reduce our borrowing rates and interest charges to the benefit of the tax-payer. With regard to the statement of Dr. Mitter that no reduction of debt is of any use unless there are real surpluses, I am in general agreement with him, but I hope that we have passed the period of deficits. When I was speaking last March in this Council in connection with the Budget, I said that we anticipated at that time on our revised estimates a probable deficit of 38 lakhs irrespective of the windfall in connection with enemy ships. I am glad to be able to tell the House that so far from there being a deficit last year we expect quite a comfortable surplus. As for the prospects of the present year, I can of course make no prophecies, but must leave it to the House to judge whether they are favourable or not. This, then, Sir, is the scheme which Government put forward, and I hope the House will agree that if that scheme is introduced and persisted in, as the Honourable Sir Arthur Froom said, it will be to the great advantage of India's credit both at Home and abroad. With regard to the particular questions which the Honourable Sir Arthur Froom addressed to me, I think the real answer to one of the questions is, that any provision for the reduction of

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debt, while we still have unproductive debt outstanding, is really a reduction not of our total debt but of the unproductive debt.

It is in fact a contribution from revenue towards productive capital expenditure. I shall specially note the point he made that the public would like to have definite figures of our productive and unproductive debt put before them in a clear way.

I now turn to the subsidiary point as to whether it is desirable that this programme should be embodied in legislation. This involves a somewhat difficult constitutional point, which, I am glad to see, nobody in the House has raised. I prefer to discuss it as a practical question. The arguments for including a provision of this kind in legislation are usually based on what is done in other countries, particularly in England. The English system is an interesting one, with a history which I should like to mention briefly. It begins in the year 1786, when the British Parliament practically first took serious control of public expenditure, and what is known as the consolidated fund was introduced. Against that fund are charged two separate classes of expenditure. The first is expenditure which is laid down definitely by Parliamentary Statute, either permanently or for a long period, as a first charge against the consolidated fund. The second class of expenditure is expenditure which has to be brought before the House of Commons for its cognisance and scrutiny each year. Now, with regard to the first class of expenditure of a more or less permanent character, this of course includes the interest charges of the public debt. To these have been added also from time to time other items, such as the civil list, payments for His Majesty's Judges, annuities and pensions and various other items, which for obvious reasons it has been considered desirable to reserve from the annual vote. So far as sinking funds for the public debt are concerned, these fall as a first charge against the consolidated fund if there is a statutory enactment to that effect, otherwise they would come as an annual vote before Parliament. So in England there has been a gradual growth, developing a system less rigid than our system of voted and non-voted heads of expenditure, although there also certain items are removed from the annual vote of the Legislature. I do not wish to pursue the matter further, but simply to point out that the development in England has been gradual and the fixation of a Statutory Sinking Fund would not naturally apply to a case where we are only laying down a programme for a limited period of five years. If we were in a position to say now that we could introduce a programme which would hold good for 50 years or for ever, I think there would be a strong case for embodying it in legislation. But we are feeling our way in this country, and have not got much experience yet. An important further point is that we shall, as I said, have set aside actually accrued surpluses for the reduction of debt. At the end of five years when we know what those surpluses are, we shall be able again to review the position and decide what is a reasonable charge against revenue for a further period. The only argument which has been adduced for making this provision statutory, so far as I have heard, was that of the Honourable Mover who distrusted future Finance Members.

THE HONOURABLE SIR MANECKJI DADABHOY: I did not say that I distrusted the future Finance Member, but I said that the whole policy, the

provision for redemption, will depend on the caprices and whims of the future Finance Member. It is quite a different thing to "distrust"; he may honestly take a different view of the general policy from that of his predecessor, Sir Basil Blackett. Another Finance Minister may honestly take another view of debt redemption. There may be honest differences of opinion. I therefore want statutory provision.

THE HONOURABLE MR. A. C. MCWATTERS: I accept the correction. But, Sir, I do not think any Finance Member who is worth his salt would depart materially from a considered scheme which was working well. The position then is that Government are in entire agreement with the main object of this Resolution, but they cannot accept it as it stands. With your permission, Sir, I should like to move an amendment, of which I have given private notice to the Honourable Mover.

The amendment is:

"That for the words 'suitable legislation' be substituted 'a considered programme.'"

I trust that the Honourable Mover will see his way to accept this amendment, which I think gives him all that he really wants. If he does accept this amendment, Government will be pleased to give him their most hearty support.

THE HONOURABLE SIR DINSHAW WACHA (Bombay: Nominated Non-Official): Sir, I am sure that everyone in this House as well as outside it will be quite gratified to hear.....

THE HONOURABLE THE PRESIDENT: I am afraid I must interrupt the Honourable Member so as to put the amendment formally to the Council.

The original Resolution is:—

"This Council recommends to the Governor General in Council that the Government be pleased to take steps to introduce suitable legislation at an early date to provide for an annual provision for the reduction or avoidance of public debt."

To this an amendment has been moved:

"That in place of the words 'suitable legislation' the words 'a considered programme' be substituted."

That amendment is now before the House. Does the Honourable Sir Dinshaw Wacha wish to speak on that amendment or on the main Resolution?

THE HONOURABLE SIR DINSHAW WACHA: Sir, I shall speak on the amendment. I am sorry, Sir, that I had to leave early on Monday last and therefore had not the pleasure of hearing the excellent speech of Sir Maneckji Dadabhoi. But I entirely agree with what has fallen from my Honourable friends, Mr. Bell and Sir Arthur Froom. I am getting a little deaf nowadays owing to my advancing age, but, so far as I have heard the Honourable Mr. McWatters, I can say that not only the Honourable Members here but the public outside will be quite gratified to hear the very lucid statement that he has made and the intention of the Government in regard to the reduction of debt in the future. Of course, it must be understood that I am entirely for the amendment which my Honourable friend Mr. McWatters has now proposed. What has happened, however, is this: for years past everybody has been demanding that there should be some sort of a permanent provision for the reduction of debt. But the position, ever since the time

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that the transfer of India came to the Crown from the East India Company, has been that the Government have never been able to boast of what we may call stable and elastic finances, much less prosperous finances. For the last so many years the Government have practically lived from hand to mouth. Sometimes there have been surpluses. But if you look at the Budgets of the last 64 years, say from 1860, you will find that there have been more years of deficits than of surpluses. When Government had had more or less annual deficits to meet, which are, of course, met by taxation, it was not possible that they could be in a position to start a statutory provision for the reduction of debt. Everybody, of course, will agree that there can be nothing more desirable and expedient than a scheme for the reduction of debt in every civilized country. I would like to take the Honourable Members, so far as India is concerned, to the year 1882 when Sir Evelyn Baring (afterwards Earl Cromer) was the Finance Minister. While remitting considerable taxation, which practically made India a Free Trade Country, he observed that India had "no true surplus" to speak of. He was quite right in making that pertinent remark. Whatever the surplus whenever obtained, it was simply a modest excess of receipts over expenditure. What Sir Evelyn Baring meant by "true surplus" was this. That India had never such a substantial surplus which could warrant a certain amount of it to be set apart as a reserve fund for the reduction of debt. If there was some surplus left in a given year it was generally applied to remission of taxation. Given an adequate surplus the first duty should be to set apart a sum for the reduction of debt and thereafter to remit taxation. That is the principle which the Government of India have always borne in mind. But they have not been able up to this time to see their way how to do it, the finances being more or less far from fluid. Now, of course, times are changed. Our war debt has increased. Our productive debt has increased and also our unproductive debt. So far as the productive debt is concerned, there is nothing to apprehend, because it will in time repay itself, if a certain sum is annually set apart from railway gain for depreciation. But as far as the unproductive debt is concerned, it is time that we did deliberately take some steps, and I can only say that it was wise that the Honourable Sir Maneckji Dadabhoy had brought before the House his proposition in order that the Government may now seriously make a beginning. That beginning should, in my opinion, be in the direction of the amendment which the Honourable Mr. McWatters has moved. So far, I think, the House ought to be grateful not only to Sir Maneckji Dadabhoy but also to the Government, who now propose to proceed on lines which will, I hope, ease our Indian finances in the future and put them on a more stable footing than they have been during the last 64 years. We are, of course, now living in different times, which make me believe that there will be more taxation in the future than there has been in the past. The question then will arise—How are we going to avoid or reduce our debt unless we have a very big surplus? In this connection the first thing to see is, what is the present yield of your taxation? If your taxation is not sufficient to meet your demands from year to year, then, the Government will be obliged to impose heavier taxation. How is that to be done? That is a very difficult question. It is very easy to say that you must reduce your debt. But, at the same time, the Honourable the Finance Member,

who has the interests of the Indian finance at heart will have to see how it can be practically and prudently done. That will be the problem the Finance Member will have to solve. It is pretty certain that all the present taxation will be needed and it is possible more will have to be imposed. That is one of the biggest problems which occurs to my mind. I do not know whether it similarly strikes my Honourable Colleagues in this House. That is one of the problems which will have to be closely looked into when the Government come forward to propose a scheme for the reduction of debt. I think that will be the proper time to consider the different aspects of this difficult question in order to arrive at a satisfactory solution of it. In the meantime, I do repeat and say that the step that we are going to take to-day as a preliminary to a future reduction of the debt is a step in the right direction, and I congratulate both the Government (the Honourable Mr. McWatters) and the Honourable Sir Maneckji Dadabhoy for having brought the matter into the domain of sound finance.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY (West Bengal: Non-Muhammadan): Sir, the answer to the question very pertinently put by the Honourable Sir Dinshaw Wacha, who, in spite of his deafness, hears all that is worth hearing, has been furnished by the Professor from whom the Honourable Dr. Dwarkanath Mitter quoted and I wish to read just one more sentence!

"Debt reduction must also be effected by the imposition of taxation. Where inconvenient and oppressive debts are levied it may be wiser, even with a view to the ultimate repayment of loans, to relieve industry and trade from their burdens and trust to the increased productiveness of the reformed system for compensation."

There lies the solution in a nutshell and that is a solution towards which we have been asking Government to concentrate their attention. I am glad, Sir, to know that the Honourable the Finance Secretary does not agree with the idea of legislation and I have not the least doubt that the Honourable Mover of the Resolution will accept his amendment. But, whether we pass that amendment or not, we are not doing much useful work, because the Honourable Mr. McWatters has already told us that Government have been in communication with the Secretary of State and a considered programme of the proposed solution is likely to be published soon as a Resolution experimentally spreading operations over five years or so. But what is the crucial point here also? A sum of four crores of rupees a year has to be provided. And where is that four crores of rupees likely to come from without either adding to or continuing "inconvenient and oppressive duties" such as are mentioned above, say like the enhancement of the salt duty. That is a question, Sir, to which we have been looking forward for a clear answer from the Honourable Mr. McWatters and I am afraid we have not had it. It is not enough for him to assure this House that there will be no fresh taxation. We want a guarantee for something more and that is that the present "inconvenient and oppressive taxation" shall be reduced and more money shall be found for what have been called the nation-building departments. Without complying with these requirements, I am afraid no considered scientific programme will be acceptable, let alone legislation.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces : General) : Sir, I am exceedingly grateful to this Council for favourably receiving my Resolution, and I cordially thank my Hon-

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ourable Colleagues, the Honourable Mr. Bell and Sir Arthur Froom for the judicious support they have given to this Resolution. I am also grateful to the Honourable Mr. McWatters for the very sympathetic manner in which he has dealt with the whole question, as well as for the enormous amount of light that he has thrown on the question. Objections have been taken by my three Honourable Colleagues, Dr. Dwarkanath Mitter, Sir Deva Prasad Sarvadhikary and Mr. Natesan on the ground that any system of debt redemption would involve additional taxation, and, as Dr. Mitter put it, unless we have got an excess of revenue over expenditure there can never be a real sinking fund. This is a fallacy which needs no refutation. Theories and abstract doctrines may be very good, but they do not always serve our purpose. What we have to find out is the way in which other nations far more advanced than India have dealt with their financial responsibilities and more particularly with the national debt. My Honourable friend, Mr. McWatters has rightly said that the constitutional question was not discussed by any Honourable Member here. I intended to discuss that question in my opening speech the day I moved my Resolution, but unfortunately the time-limit prevented my doing so. The Honourable Mr. McWatters has in a way completely and ably answered my friend, Dr. Mitter and that relieves me of the onerous duty of criticising and analysing his arguments to any great extent. My Honourable friend, Mr. McWatters referred to this Act of 1786, the circumstances under which that Act came into existence in England and the provision for debt redemption that was made. That Act is known to lawyers as "Mr. Pitt's Sinking Fund", XXVI George III, c. 31, to which my Honourable friend Mr. McWatters has referred. The constitutional history in England has been slightly different from what has been stated by the Honourable Mr. McWatters. The British Parliament did not remain content with the Act of 1786, and as the crux of the problem became more and more difficult and engaged public attention in the year 1829 they passed another Act which was called the "Old Sinking Fund", which Act considerably enlarged upon the scope of the Act of 1786. That Act in its turn was further modified by the new Sinking Fund Act brought into operation by Sir Stafford Northcote which is known as 38 and 39 Vic., c. 32. The Old Sinking Fund and the New Sinking Fund are now utilised for reducing the debt. The whole thing has been systematised, and there are Commissioners appointed for the due discharge of the Debt. That system has placed the English financial position on a proper basis. Now I do not want to detain the Council with the history of other countries. I can show what France at one time did and what America is doing for the redemption of national debt, and the manner in which statutory steps were taken towards this object. There is no doubt that no amount of general or temporary arrangement can come up to any statutory organisation. In every country, in every Legislature, doctrines and ideas rapidly change; the financial problems which were looked at from one angle of view are now looked at from a different standpoint. It was therefore deemed expedient that some sort of statutory obligation consistent and compatible with general revenues and the circumstances under which loans could be repaid was proper to introduce. It is on such lines

that other countries have proceeded. I am aware of the difficulties in India. I am aware of the deficit budgets to which my learned friend Dr. Mitter has referred; but the one panacea for deficit budgets is, as you all know, the consolidation of our finances and putting our finances on a proper and well organised basis. If once that is done the effect of that policy will influence all the departments of finance and our deficit budgets with a wise, judicious and well considered financial policy will soon become a matter of the past. A statutory programme does not necessarily imply the imposition of additional taxation. In 1921 Sir Malcolm Hailey in order to prop up the 5 per cent. and 4 per cent. securities asked the Council to vote an additional amount of 80 lakhs and he then stated that that was a meagre provision, and that he was more or less prepared to adopt the "heroic measure" of additional taxation. I myself on that occasion opposed that policy, and I said I would not be a party to the imposition of additional taxation for the purpose of redemption; that redemption was to proceed from revenues that may be regarded as surplus. The surplus revenues would depend on the manner in which your general accounts are shaped and prepared, and this is the position. I am therefore very pleased and express my gratitude to the Government for having now awakened to the necessity of taking suitable steps for the purpose of consolidating the financial policy of Government in a matter so important as debt redemption. I realise the difficulties of imposing a statutory obligation as much as any one in this Council, and that is why I stated the other day that the matter will have to be threshed out by financial experts who may also call for the assistance of experts from Home. I therefore welcome the amendment which my Honourable friend Mr. McWatters has now suggested as a prelude and a preliminary step towards that ultimate realisation of a statutory programme. I see that Government have practically decided to go in for a definite scheme to cover the period of the next five years and to lay down principles and a policy in connection therewith. Mr. McWatters has also stated that a sum of one-eighth of the amount will be added every year. I understand that this extra addition will proceed on the principle that the loans are to be repaid as far as possible within a period of 80 years. On that basis I am quite prepared to accept the suggestion. The suggestion is a valuable one and it would prepare and educate this country, at any rate it will enable us to know in the next five years what provision we can adequately make for the redemption of our debt and what policy we should adopt hereafter. As a prelude to future action, and as an experimental scheme, I am quite prepared to accept this amendment in preference to my Resolution. I have much pleasure therefore in announcing that I am willing to accept the amendment proposed by the Honourable the Finance Secretary.

THE HONOURABLE THE PRESIDENT : The original motion is :

"That this Council recommends to the Governor General in Council that the Government be pleased to take steps to introduce suitable legislation at an early date to provide for an annual provision for the reduction or avoidance of public debt."

To this motion an amendment has been made. "That for the words 'suitable legislation,' the words '*a considered programme*' be substituted."

The question before the Council is that that amendment be made.

The motion was adopted.

THE HONOURABLE THE PRESIDENT: The motion now before the Council is:

"That this Council recommends to the Governor General in Council that the Government be pleased to take steps to introduce a *considered programme* at an early date to provide for an annual provision for the reduction or avoidance of public debt."

The motion was adopted.

RESOLUTION RE THE PURCHASE BY A PRIVATE COMPANY OF THE EAST INDIAN RAILWAY OR THE GREAT INDIAN PENINSULA RAILWAY.

THE HONOURABLE SARDAR JOGENDRA SINGH (Punjab : Sikh): Sir, I beg to move:

"That this Council recommends to the Governor General in Council that he may be pleased to allow a private company to purchase the East Indian Railway or Great Indian Peninsula Railway outright."

I may mention at the outset that I am not entering into the conflict, which has been set at rest, by the Acworth Committee, regarding State management and Company management of the railways. The recommendations of the Acworth Committee mainly concern the State-owned railways managed by companies. This is the distinction I want to draw from the very beginning. The report has clearly set forth the reasons why it is not possible to keep this system, as it lacks all the advantages of Company management and the dual control is not likely to work well in the future. I do not see any objection to a purely company-owned railway managed by a company that provides the finance for that railway. So far as I can see, Sir, in that Report no decision was arrived at regarding a purely company-owned railway. The advantage of private enterprise, and of an undertaking run by private people, need not be elaborated; there is the human element, the directorate is all the time concerned in making profits, in affording facilities to attract traffic, exploring all the possibilities of increasing earnings. I would not say that State management cannot be as efficient; it certainly can be efficient, but at the same time there is always the change in the directorate every five years. New men come in, new policies are initiated, and no permanent policy can be maintained. Then again, Sir, in India the need for encouraging private enterprise is greater to-day than it was in the past; indeed my Resolution is complementary to the Resolution which has just been moved and passed by this Council regarding the reduction of our national debt. If a private company could come forward and take over one of our railways, there can be no doubt that we could immediately proceed with a very large reduction of our debt, and at the same time ensure larger credits, which might be available, not only for pushing forward State enterprise in the matter of railways, but in other directions also. My point is, that if there is a company which can be found to take over one of our railways, it would be in the interests of the State to encourage that company to do so, so that the State may take up the building of new railways. When I am talking about this, Sir, I may also mention, that I am never afraid of capital coming out from England or from any other country. The idea of preventing the flow of capital from outside should never be entertained. For instance if I need

money and it came from Timbuctoo, I would welcome it, to extend my business; and when we are talking of England, to talk of England as a foreign country seems to me rank hereby. I will never admit that English capital is foreign capital. England is the predominant partner in this great Empire; England has done a great deal to push enterprise and business in India, and if England will give us capital, we should welcome the capital that we can utilise out here. English capital is partly our capital, and I want in this House to make it clear that we do not wish to shut out the flow of capital from England. We should do all that we can to induce capital to flow into India to help our enterprises. There can be, Sir, no greater partnership between India and England than that based on pure business relations. When both the countries are linked together and realise their economic interdependence, the partnership will become a reality, which pure politics can never make real.

The history of State management in other countries is not very encouraging so far as we can see from the Report of the Acworth Committee, and I think India may well take a lesson from what has happened in other countries, where the State has taken over the railways and tried to manage them. This is what is stated in paragraph 77 on page 268 of the Report:

"We will now allude briefly to the conditions in a few important countries where State management exists. The Swiss Federal railways in seven years (1914—20) have shown a loss of 200 million francs, say 8 to 10 million sterling. Before the war they were earning a small profit. Passenger fares have been increased by 40 to 60 per cent. Prior to 1914 and subsequent to the date of nationalisation there was a steady and often large increase in the cost of the staff and in the operating ratio. The Northern Railway of Austria, before it was taken over by the Government in 1906, paid a dividend averaging for the previous five years 12 per cent; the Government succeeded in turning that profit into a loss. In Italy for a period of eight years from 1905, when Government took over the working of the railways, there has been a steady yearly increase in the operating costs and the return on the capital has declined. . . . The American railways are in such a bad way consequent on the last period of Government control, that President Harding in a recent address to Congress, after referring to the 'heedlessness of cost of Government operation,' emphatically asserted that there would be a foundation for rebuilding after the past disaster, if it was clearly understood that there would be no State ownership, and that the people would not be taxed to cover railway deficits. This shows the trend of opinion in a democratic country."

If in democratic countries where the Governments are stabilized, where there is no transitional period to be passed through, where political influences are not likely to become strongly intrusive, it has been found that State management has not been profitable, then how can we in India expect that immediately we take over the railways, we would make them profitable?

The way to look at the Railway undertakings which is one of our biggest enterprises is not to look at it from the sentimental point of view, but purely from the business point of view, from the tax-payers' point of view. We must safeguard the interests of the tax-payer, for which most of the Honourable Members were very anxious a little while ago, by providing efficient, economic and elastic management; that private management have greater chances of proving itself efficient, profitable and enterprising no one can deny. As I am on the point, Sir, I do not mean to say that State management is inefficient. I think our officers are doing their best. But we cannot ignore the human element which comes into play when personal profits are concerned. I may also say—it may be a far-fetched view—but I think that the private

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wealth which any individual may accumulate in a State ultimately belongs to the nation as a whole. Therefore, the wealth that may accumulate in the hands of a company, Indian or English or Indo-English, will form part of our national wealth. You may in a bigger sense say that the railways do not cease to be national because private individuals own shares and run the railway. That is the view which we may take from the political aspect of the question. Again, Sir, I find it very difficult to understand why there should be opposition to the private owning of railways. I can quite understand the opposition to a dual system which has so far existed; I personally also am opposed to that system. But, at the same time, if it is possible to raise such a large amount of capital that we need, if it is possible to induce capitalists in England to come forward and the capitalists in India to join hands in taking up our railway enterprise, the State certainly would be well advised to decentralise by handing over the railway to one of these private companies. We have just heard the enormous debt of 800 crores which India now shoulders. The figures supplied to me by the courtesy of the Railway Department show that these two railways, the Great Indian Peninsula and the East Indian Railways, are worth at least 300 crores. It is a very large figure to think of. But if it were possible to raise this amount by the sale of these two Railways, we could immediately pay off 300 crores, save the interest on these 300 crores and be in a position to lighten taxation. From the figures available, you can easily imagine that in income-tax alone the State will get nearly Rs. 1,10,00,000 from the East Indian Railway and from the Great Indian Peninsula Railway nearly 81 lakhs income-tax alone. If you hand over these Railways to private concerns, you save interest on 300 crores, and add an income of 2 crores from the income-tax, not a bad bargain from the tax-payers point of view. Then, Sir, taking the working of the Great Indian Peninsula Railway for 20 years, it has not been giving more than about 3% as profit less than the interest which the country has been paying. On the East Indian Railway, the profits have been larger, ranging in the neighbourhood of 8 per cent., but I suppose the average will be about 6 to 7 per cent. Even then, it would be an advantage to the State to have a permanent and assessed income rather than to depend on its own enterprise and management to earn it. I do not wish to detain the House very long over the figures. My object in moving this Resolution is twofold. In the first place, I wish this House to record that it has absolutely no opposition to the flow of foreign capital into the country.

THE HONOURABLE SIR MANECKJI DADABHOY: Will it flow in the present unhappy state of the political condition of the country?

THE HONOURABLE SARDAR JOGENDRA SINGH: That is another matter.

THE HONOURABLE SIR MANECKJI DADABHOY: That is a very important matter.

THE HONOURABLE SARDAR JOGENDRA SINGH. In the second place, to show that we as a country and a nation are not opposed to private enterprise and that, if necessary, funds are forthcoming, we would welcome the idea

of handing over the railways to a company that can properly finance the enterprise. These are the two objects with which I move the Resolution. As there has been a great deal of talk in the country about the nationalisation of the railways, I want to warn the country that in these difficult days, the country would be taking upon itself a very serious undertaking, in taking up these two large railways under State management. In the report of the Acworth Committee, the results of the State-managed railways and the Company-managed railways have been very clearly set forth, and if I have read the report aright, it seems to me that the balance is still in favour of Company-managed railways. In these circumstances, Sir, I put this Resolution to you and seek your support in putting this before the country that we, the Members of this Council of State, are not opposed either to the flow of capital into India or to the Company management of railways if sufficient finances can be found.

THE HONOURABLE SIR CHARLES INNES (Commerce Member): Sir, when I received notice of the Honourable Mr. Jogendra Singh's Resolution, to use a popular expression, I wondered what he was at. I could not make out why he proposed to move this particular Resolution just at this time. He has now told the House that he had two objects in view. The first object is that he wishes this House to declare that it does not object to the flow of capital into India. Sir, I am perfectly sure that the House will entirely agree with the Honourable Member in that statement. But if the Honourable Member had wished this House to agree to that statement, I suggest that he would have been better advised if he had moved a Resolution in those exact terms instead of camouflaging that Resolution under a discussion of the relative merits of State and Company management. He also wishes this House to declare that it does not object to private enterprise. Well, Sir, I am sure that no House, no popular House, would object to private enterprises; we might as well ask them to say that they do not object to, say, economy. Sir, I propose to take the House back to the precise terms of Mr. Jogendra Singh's Resolution, and I should like to say that most of the sentiments expressed by Mr. Jogendra Singh were, in my opinion, absolutely unexceptionable. My only criticism of the Resolution is that I rather doubt whether at this particular period any useful purpose would be served by discussing in the abstract the question whether any particular railway should be transferred to Company management. Now, let me restate the position which Government have taken up in regard to this very thorny and vexed question. As the Council no doubt knows, we discussed it with the greatest care in connection with the Acworth Committee's Report. In the first place, everybody accepts the first proposition of the Acworth Committee, namely, that as the contracts of different companies fall in, the domicile should be brought to India. Everybody accepts that. We proceeded to discuss the question particularly in regard to the East Indian Railway and the Great Indian Peninsula Railway whether, when those contracts fell in, we should take the companies under State management or whether we should try to transfer them to a company.

Now, I may say at once that we in the Government of India, and I think I may say that many Members of the other House, when we discussed this question, saw all the dangers of and objections to State management. I wish to guard myself rather carefully in making that remark. As regards the State management in India at the present time, I am not prepared to admit that it

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is in any way inefficient. I am not prepared to admit that there is much difference in the matter of efficiency between our State-managed lines and our Company-managed lines. But the House has got to remember that the Railways in India are now governed by what, for the lack of a better term I may style a bureaucratic body, namely, the Railway Board. The dangers that I see in State management are the dangers that will inevitably arise as India becomes more and more democratised and as your popular Assembly exercises more and more influence and control over the management of railways. It is no use saying that in India the popular Assembly will not attempt to exercise that control. It is common experience that in all democratic countries the popular Assembly has interfered with the railway management, and it is also common experience that in all these democratic countries pure State management has been a failure. It has been the inevitable result that your railways have been a charge upon the State. In view of this experience the modern tendency in democratic countries is, as the Council no doubt saw in the telegram which appeared quite recently stating Sir William Acworth's view, to guard against those dangers by separating off the railway finance from the general finance and as far as possible getting your railways away from the interference of the popular Assembly. Now, that is the danger that we have always seen in regard to State management; and it was in view of that danger that two years ago we made strenuous efforts to try and devise a workable system by which we might get the benefits of real Company management for these two railways. We prepared, after careful thought and consideration, two alternative schemes. We circulated those schemes. One of the schemes was practically no more than the carrying on of the existing system of Company management. If there is anything that is perfectly clear from the Acworth Committee's Report it is this, Sir William Acworth was the great protagonist of Company management. He has also always condemned State management. But he came down in favour of State management in India because he did not regard the existing system of Company management as anything more than a very anaemic form of real Company management. One of our schemes was quite rightly condemned on that ground. The other scheme received an equally lukewarm reception and we had to admit that we had failed. We had to admit that we had failed to devise any scheme which would give us the benefit of real Company management in India. We had other considerations which weighed with us. In particular, the taking over under State management of these two big railways enabled us to carry out some very useful measures of grouping. We hope to be able to group the East Indian Railway and the Oudh and Rohilkhand Railway together to make them into one system in time, which will enable us not only to get a more coherent and more efficient service on these two railways but also, we hope, to reduce our overhead charges. Those are the two main reasons which influenced us in deciding last year that we should take over these two railways under State management. At the same time, in view of the dangers which I have already pointed out, I expressly stated in another place that we were anxious not to bolt the door against Company management in India. I made it clear that the kind of management that we had in view was real Company management, and I understand from my Honourable friend that he entirely

agrees in that proposition. I also said in the other place that we would explore any possibility which might present itself in that direction. I wondered, Sir, when I saw the notice of the Honourable Member's Resolution whether he was trying to find out from me what we have done in that particular matter. I am very happy to tell the Council we have done nothing at all. In the first place, we have not yet taken over these two railways. We shall not take the East Indian Railway till the 1st of January next and we shall not take over the Great Indian Peninsula Railway till the 1st July next. Therefore, we have not been able to carry out, though we are making arrangements, those measures of grouping to which I have just referred. In the second place, we have been very busy on another line of advance. We have been working very hard for more than a year in the Railway Board to try and devise a workable method by separating railway finance from general finance. If our proposals are accepted by the Legislature, then I may say quite clearly that many of the objections which I have taken hitherto to State management will be, if not removed altogether, at any rate very greatly diminished. We hope, Sir, that, if these proposals are accepted, we should be able to make our railway finance more elastic and we hope that we shall be able to get rid of many of those objections which are always taken to State management, namely, that it is too much bound down by red-tape and that it is too bureaucratic. The result is, Sir, that, as I have said, we have taken no action at all in regard to exploring the possibility of handing over either the East Indian Railway or the Great Indian Peninsula Railway to a private company. I think, Sir, that the Council on reflection will see that it will be an extremely difficult business to hand over either of these two railways to a real company in India. Just let me take the East Indian Railway. The capital of the East Indian Railway amounts approximately to a hundred crores of rupees. If we group the Oudh and Rohilkhand Railway with the East Indian Railway, then the capital of the two systems combined will amount to something between 125 and 130 crores of rupees. Sir, the East Indian Railway goes through the richest part of India and it is the most paying line of India. It has paid on an average, with the exception of the last two or three years, something like 8 per cent. If we had to capitalise that concern for the purpose of handing it over to some private undertaking, we should have to capitalise it with something like 150 crores of rupees. Sir, that is a very large sum. It is possible to say that we might be able to arrive at some arrangement by which Government would take half in the form of debentures. That would leave a share capital of something like 75 crores of rupees. Possibly Government—I am simply discussing a sort of scheme that might be put up—shares to the extent of, say, 50 crores of rupees. Even that would necessitate raising from the public 25 crores of rupees in the shape of share capital. The House will see that it will be an extremely difficult matter at the present time to raise 25 crores of rupees in share capital in India. It would also be extremely difficult to show that it would pay the country, at any rate for some time to come, to hand over those concerns to a private company. Those are the difficulties which have always faced the Government. We have not tried to deal with the matter as a purely abstract question. I do not wish to discuss *in vacuo* the relative merits of State and private management. I myself hold theoretically that there is no doubt about the question, theoretically there is no doubt that railways ought to be managed by the State, because they render such extremely

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important service to the public. In actual practice, however, State management has always been inefficient management, and no one will quarrel with the Honourable Sardar Jogendra Singh's statement that generally speaking real company management is more efficient than State management. But as I say you have to bring this question down to real practical issues. Is it practical, is it possible, that any one should float a company of that kind at the present time? Then we would have to examine other questions, as for instance whether it is going to be of actual advantage to the State that such a thing should be done. Therefore my criticism of the Honourable Sardar Jogendra Singh's Resolution is that he has not carried the matter any further than it was when I left the subject in March 1923 in the other House. It seems to me that it would be rather doubtful whether it would be useful for this Council to express an opinion upon the abstract question raised by the Honourable Sardar Jogendra Singh. If the Honourable Sardar Jogendra Singh's object is merely to ascertain what action we have taken in regard to this matter, well his object has been served, and he will no doubt consider the advisability of withdrawing his Resolution; but if he wishes to put it to this House as an abstract question, whether State or private management is better for India, the Government will be extremely interested in the decision of the House; but Government do not propose to take part in the division.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: (West Bengal: Non-Muhammadian): Sir, Sir Charles Innes' reply has certainly been useful in clearing up matters. He has referred to what had taken place elsewhere last year and referred to two alternative schemes of private management. May I remind him that there was a third alternative, somewhat on the lines that he indicated at the close of his speech, to-day, definitely put before the Assembly, and which might have been carried if Government were of the same mind as Sir Charles Innes indicates that they are to-day. That State management in the sense that the Assembly then wanted to be taken up was not likely to be successful was clear to a very strong minority in the other place, and if there was sufficient lead from Government I make bold to say that that scheme would have been carried; and that scheme would not only have been carried in theory, but I assert from personal knowledge that there were people ready then and there who would have made themselves answerable for the 25 crores of rupees which Sir Charles Innes says would be required to start efficient private management but would now be difficult to find. If Government were the predominant shareholders in that concern, which as owners they must be, and if those shareholders were now going out, and the general public were allowed to subscribe the 25 crores of rupees that is now mentioned as the minimum requisite would have been really much less. It was an opportunity that the Government let go and that is not likely to repeat itself. What Sir Charles Innes tells us to-day, shorn of all extraneous matter, really comes to this that unless railway finance is separated from general finance and unless uninterfered bureaucracy prevails State management will be a failure. There can be no other meaning that I can put to his speech. We have seen in the press that the Committee which was considering the question of the separation of railway finance from general finance has by a majority decided that that separation should not take place. I myself have no doubt what will happen

elsewhere. What will happen here is another matter. Until that separation can be secured and unless democratic interference can be eliminated Sir Charles Innes tells us that State management of both these companies will fail. Sooner or later, even sooner perhaps than is imagined Government will have to come to the Legislature for sanctioning some scheme as the third scheme which had been put forward in the other place but which was not accepted because of lack of Government support. Those are the outstanding features of this problem that have been brought home to us to-day. I am not concerned with the Honourable Sardar Jogendra Singh's Resolution to-day because it is far too wide and has not the stamp of that businesslike consideration which the House requires to bestow on subjects like this. But the debate has brought out innate germs of failure, to which I wish to call attention prominently. Government will no doubt do their best. As has been pointed out elsewhere the Railway Board has not yet that element of popular representation which the present requirements of the country require and outside influence against which Sir Charles Innes warns has been eliminated. They have not been able to find so far, they say, an Indian of sufficient training whom they could associate with the Railway Board which will go on as it is doing. Therefore practically Company management in the innermost sense of the term will continue under the costly supervision of the bureaucratic Railway Board. This is nearly the sort of thing that is bound to go on in real company management also, because no company management is absolutely free. The Railway Board is entitled to exercise its advisory and dominating influence upon the management of these private companies, and what more will go on when the State management of the Great Indian Peninsula and E. I. Railways comes? What some of us apprehend very seriously will come about, costs will go up, losses will multiply and the public will be where they are. And ultimately want of success will make it obligatory on the Government to think anxiously, nay with alarm, of ways and means by which some businesslike machinery of the kind that was discarded will have to be brought into existence for the purpose of saving the situation.

THE HONOURABLE SARDAR JOGENDRA SINGH: Sir, I am deeply indebted to the Honourable Commerce Member for the statement that he has made. He has shown us the difficulties that are in the way of coming to direct grips with the problem. He has been trying to explore for the last year some way of separating railway finance from general finance. If I may say so, I am in entire sympathy with the separation of railway finance from general finance.

He has also told us that under the present conditions it is impossible to raise the required capital, and that really clinches the problem. Unless the money can be raised, it would be useless to talk of Company management at the present juncture. If I am not wrong, and reading between the lines, I can see that the Commerce Member would welcome Company management if it were possible to raise the necessary capital. But since the necessary capital is not available, we have no other alternative but to adhere to the decision that has already been arrived at. In speaking of Company management and State management, he certainly laid great emphasis on State management being as efficient as Company management. I never questioned that.

[Sardar Jogendra Singh.]

What I wish even now to go on the record is whether State management would be as efficient in profit earning and providing the same facilities for travelling which Company management provides.

Sir Deva Prasad Sarvadhikary in his remarks said that Company management will continue even under the changed conditions. This I have not been able to understand. How will Company management of a railway continue after the Government have taken it over? Then again, Sir, as the Commerce Member pointed out, it is really a question of practical politics, whether the capital can be raised, and since the capital cannot be raised, I would not like to go into the question any further. My purpose has been served in getting the statement the Commerce Member has made, in pointing out that India would welcome the free flow of capital, and if not to-day, in future, India may find that Company management is to its advantage more than State management. I will ask the permission of this Council to withdraw the Resolution.

THE HONOURABLE THE PRESIDENT: Is it your pleasure that the Resolution be withdrawn?

THE HONOURABLE MR. R. P. KARANDIKAR (Bombay: Non-Muhamadan): Before I accord my sanction to it, I have a word to say.

THE HONOURABLE THE PRESIDENT: I am afraid the Honourable Member has missed his opportunity. The Honourable Mover has replied. The Honourable Member (Mr. Karandikar) should have got up before him.

THE HONOURABLE MR. R. P. KARANDIKAR: If it is open to me, I oppose it.

THE HONOURABLE THE PRESIDENT: Does the Honourable Member for Commerce wish to speak before I put the question?

THE HONOURABLE SIR CHARLES INNES: No, Sir.

THE HONOURABLE THE PRESIDENT: The motion before the Council is:

"That this Council recommends to the Governor General in Council that he may be pleased to allow a private company to purchase the East Indian Railway or the Great Indian Peninsula Railway outright."

The motion was negatived.

The Council then adjourned till Eleven of the Clock on Monday, the 15th September, 1924.

COUNCIL OF STATE.

Monday, 15th September, 1924.

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

MEMBER SWORN.

Lieutenant-Colonel John Clayton Coldstream, O.B.E. (Punjab: Nominated Official).

QUESTIONS AND ANSWERS.

AMENDMENT OF THE USURIOUS LOANS ACT, 1918.

404. THE HONOURABLE MR. HAROON JAFFER: (a) Will Government be pleased to state the result of their inquiry into the working of Act No. X of 1918 and into the question raised by Khan Sahib Maulvi Abdul Quadir, M.L.A., while introducing his Interest Act (Amendment) Bill in the Assembly on the 27th March 1923?

(b) What further steps do Government intend to take in the matter?

(c) Do they intend to introduce their own Bill against the principle of "Damdupat"?

THE HONOURABLE MR. J. CRERAR: (a), (b) and (c). After considering the views of the Local Governments and other authorities consulted, the majority of whom including the Governments of Bombay and the Central Provinces do not favour any extension of the rule of *Damdupat*, the Government of India have come to the conclusion that no extension of the rule is necessary or desirable. They have also decided, after considering the views of the authorities consulted, to postpone further consideration of the question of the revision of the Usurious Loans Act, 1918, till more experience of its working has been gained.

EXCAVATIONS IN THE SHANWAR WADA, POONA.

405. THE HONOURABLE MR. HAROON JAFFER: Will Government be pleased to state—

(a) how far has the work of excavation in the Shanwar Wada, situated at Poona, progressed;

(b) how much work still remains to be done;

(c) when will it be completed;

(d) what is the cause of the delay; and

(e) when will the Shanwar Wada be open for the use of the public?

THE HONOURABLE SIR NARASIMHA SARMA: (a) The inner courtyard of the palace, containing fountains and channels, together with the surrounding rooms, has already been excavated.

(b) Approximately one-sixteenth part of the area remains to be cleared, but some of the structures already unearthed await conservation.

(c) The work covered by existing estimates will be completed in about three years from the time when adequate funds are made available.

(d) Want of funds.

(e) The Shanwar Wada is already open to the public by a free pass.

GRANTS BY THE ORDNANCE FACTORY TO THE ALEGAONKER SCHOOLS AT KIRKEE.

406. THE HONOURABLE MR. HAROON JAFFER: Will Government be pleased to state—

(a) how many children of the labourers of the Kirkee Arsenal and Ammunition Factory, Kirkee, attend the Alegaonker Schools at Kirkee;

(b) besides the contribution deducted from the salaries of the men, what monetary help does the Ordnance Department give to this school;

(c) is it a fact that this department gives support to such schools situated at Jubbulpore and other places where such factories are situated;

(d) why is no Government help given to the Alegaonker Schools; and

(e) do Government intend to give such help?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: The information desired by the Honourable Member in so far as the question concerns the Ammunition Factory, Kirkee, is as follows. The required information in regard to the Kirkee Arsenal has been called for and will be furnished to the Honourable Member on receipt.

(a) 162.

(b) Boys employed in the Factory and attending these schools are given an increase in pay of 6 pies *per diem*. A sum of 8 annas a month is deducted and paid to the school as fees. The money thus paid to these schools during 1922-23 amounted to Rs. 1,521. These fees are in lieu of a grant and no further grant is made.

(c) Yes.

(d) and (e). Government do not consider that any further assistance is called for.

DEMOLITION OF THE RAILWAY BRIDGE NEAR THE SANGUM, POONA.

407. THE HONOURABLE MR. HAROON JAFFER: (a) Is the Railway bridge near the Sangum, Poona, being demolished?

(b) If so, did Government, in deciding to demolish the bridge, take into consideration the fact that it had previously been used for the transit of *Tazias* on the occasion of Moharram processions?

THE HONOURABLE MR. G. L. CORBETT: (a) Yes. A bridge under the railway has been substituted for the overbridge in question.

(b) Government have no information beyond the fact that the scheme was approved by the Local Government.

RECOMMENDATIONS OF THE INDIAN BAR COMMITTEE.

408. THE HONOURABLE DR. DWARKANATH MITTER: (a) Have the Government of India received information as to what steps have been taken by the different High Courts in India, respectively, to give effect to the recommendations of the Indian Bar Committee?

(b) If so, will the Government be pleased to state in what manner and to what extent the recommendations have been given effect to in the different High Courts, respectively?

THE HONOURABLE MR. J. CRERAR: (a) and (b). Certain rules framed by the Calcutta High Court were published with the Home Department Notification No. F-422-24-Judicial, dated the 5th September 1924, but the Government of India have no information whether any other High Courts have framed rules to give effect to the recommendations of the Indian Bar Committee. They are still awaiting the views of the Local Governments, High Courts, and other authorities consulted in the matter.

APOLOGY BY THE HONOURABLE MR. HAROON JAFFER FOR NON-ATTENDANCE AT THE MEETING ON THE 11TH INSTANT.

THE HONOURABLE MR. HAROON JAFFER (Bombay Presidency: Muhammadan): Sir, before we proceed to the ordinary business of the day, I wish to say a few words in explanation. I am really sorry that on the last meeting day, that is the 11th instant, I was absent from here and caused so much inconvenience to His Excellency the Commander-in-Chief and other Honourable Members of this House. I did send a telegram three days before the meeting that I was not able to come on the 11th, but I think it was considered to be faulty by the Department. I wish to make it quite clear that my absence on that day was not intentional, and I am very sorry for any inconvenience I may have caused.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY (West Bengal: Non-Muhammadan): May I have your permission in this connection, Sir, to make a suggestion to the Honourable the Leader of the House for consideration. When for unavoidable reasons an Honourable Member is absent and is unable to ask a Colleague to put his question all the trouble and labour of the Departments and Honourable Members' time is wasted if the answer which has been prepared is not given on account of his absence. Unless there are strong reasons to the contrary, it would be an advantage for the Honourable Members opposite to give their answers (as they have the right to do if they choose), so that they may be available to the public and form the basis of any future action that Honourable Members may desire to take.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (West Punjab: Muhammadan): Sir, I also rise for the same sort of explanation;

[Col. Sir Umar Hayat Khan.]

but I did send a wire that I was caught by a flood and could not get out. I hope my wire got here in time.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI (Law Member): Sir, although I feel sure that the House will readily accept the explanation which has been given by two of our Honourable Colleagues with reference to their absence on the days when their questions were put down on the agenda, I would like to mention to the House that the Honourable Mr. Haroon Jaffer first sent a telegram asking the Department to put down his questions for the 11th. In compliance with his request the questions were so put down on the agenda of the 11th. Subsequently, again, a telegram was received from him in the office to the effect that he would arrive before the 14th. Apparently the telegram must have been mutilated in the Telegraph Office and the word "not," which I have no doubt my Honourable friend intended to emphasise in his telegram, was missing in the telegram as it was received by the Department. The Department, in view of the express request already made by him that his questions be put down on the 11th, took this telegram to be a confirmation of his previous telegram and that is how the whole affair took place.

With regard to the suggestion made by my Honourable and learned friend opposite (Dr. Sir Deva Prasad Sarvadhikary), I would like to mention that there is already a provision in our rules that, whenever the Government regard the answer to a question put down by any Honourable Member as of importance, and that Honourable Member happens to be absent on the day for which the question has been put down, it is open to the Government to give the answer even though the Honourable Member may not be present.

THE HONOURABLE THE PRESIDENT: I think the House will agree with me that this matter may now be dropped. The telegram sent by the Honourable Member was certainly not as clear as it might have been, and the officials of the Council had no alternative but to put his questions on the agenda of the day for which he had already asked.

At the same time the Honourable Member has made it clear that no intentional discourtesy to the Council was intended. I think we may accept fully the explanation which he has given, and I would only emphasise what the Honourable the Leader of the House put before the House the other day, namely, that if Honourable Members are unable to be present to put their questions, they should give timely notice to the officials of the Council and, if possible, to the department concerned. I may add that it is always open to Honourable Members to ask a friend to put their questions on their behalf, in which case of course no complication will arise.

RESOLUTION REGARDING THE RECOMMENDATIONS OF THE LEE COMMISSION.

THE HONOURABLE MR. J. CRERAR (Home Secretary): Sir, I rise to move the Resolution which stands in my name. Before I do so I have been requested by the Honourable the Home Member to express to the House his regret that urgent business in another place prevents him from being in his place in this House to-day, and he trusts that the House will acquit him of

any discourtesy in the matter. I am sure the House has a sufficiently lively recollection of the solicitude with which the Honourable the Home Member, when he occupied your august Chair, Sir, asserted the dignity and prerogatives of this House to absolve him from any such imputation.

Sir, I move this Resolution in redemption of an assurance which I was authorised last May to give to the House, that before any orders were passed on the recommendations of the Royal Commission this House would have an opportunity of expressing its views on those recommendations. The Report has now been for some time in the hands of Honourable Members, and I may safely assume that it has received their close attention and examination. As I do not wish to trespass unduly upon the patience and indulgence of the House and as I have in a brief space of time to cover a very extensive tract of ground, I shall not weary the House with any mere recapitulation of matter of which they are already in full possession. I do not propose to refer to the history of the appointment of this Commission. The Commission has been unjustly charged with omitting matters which did not fall within their terms of reference. On this point I shall only say this. The passing of the Government of India Act created new conditions and it was clearly important, apart from the unmistakable urgency of the question of relief to the Services, that early steps ought to be taken as soon as sufficient experience should be obtained to bring the organisation of the Services more closely into conformity with the new conditions so set up. That may appear to some Honourable Members an unduly limited objective. But it was certainly a very necessary and logical objective. The Commission were not instructed to proceed on a hypothetical basis, but on the basis of the Act and of the policy underlying it in respect of the Services. They proceeded on that basis; they entered on their task with ardour and devotion and completed it with due deliberation, but nevertheless with remarkable despatch. I think, whatever views may be held of their conclusions, a recognition of these facts is due to the distinguished members of the Commission. Nor can anything be imputed to the advisers of His Majesty in the matter other than an honest and earnest desire to promote, in the words of Bacon, "a sober and laborious inquiry of truth" and to select the fittest instruments for that purpose. If the Report does not assume solutions of great constitutional issues, which as a matter of fact have not been yet solved, it not only does not prejudice them but keeps them clearly in view. If the Commission had attempted to do more than this, they would have exceeded their instructions.

Having regard, therefore, to the conditions in which the Commission entered on its labours, to the high authority and grave responsibilities conferred and imposed upon it by His Majesty, and to the distinction of its members, the House will, I think, be prepared to treat their united counsels with the respect which they deserve and will recognise the significance of the view which they emphasise as to the inter-dependence of their agreed conclusions and the spirit of compromise by which they have been inspired. Though the Commission has not hesitated to recommend bold and extensive measures of advance, no extreme views have prevailed, and doubtless none of the advocates of the various interests affected will express themselves as fully satisfied. But

[Mr. J. Crerar.]

that is an inevitable incident of any attempt to reconcile on a basis of compromise divergent views and interests. Compromises do not always lead to sound conclusions; but when a Tribunal with the authority of a Royal Commission, one of the highest Tribunals recognised by the British constitution, and constituted as this Commission was constituted, is able to arrive at unanimous conclusions, that remarkable fact lends to their agreement a very special degree of significance and importance. I would remind the House that compromise in the best sense of the word means conciliation.

I now turn to the definite proposals of the Commission and again I shall limit myself to essential principles and to the widest issues. The issues are indeed of the greatest moment and magnitude. They affect in almost all of its component parts an administrative machine which, in the complexity of its structure, the diversity of its functions, the heavy burden of its duties and its responsibilities, has no close parallel at the present day and no precedent in history. Whatever the form of government, an efficient administrative service is an indispensable condition of good government. Any Government which does not hand over to its successor contented, efficient and incorruptible services will have been guilty of one of the greatest possible derelictions of duty, especially if that transfer should take place at a crucial time of transition. Further, if the administrative services are to carry out honestly and impartially the policy of Government they must be safeguarded from the insidious dangers of political influence. Every modern State has learnt, generally by bitter experience, the necessity for these safeguards and they have been clearly recognised in the recommendations of the Royal Commission on the subject of the control of Services.

The present position, as the House is aware, is that the control of the All-India Services is vested completely in the Secretary of State in Council. The Commission would leave this position unchanged in respect of the Services operating in the reserved fields, and they would place the Services operating in the transferred fields under the control of the Local Governments. The basis of these proposals has been ably and acutely examined by a member of the Commission, Professor Coupland, in a separate Minute. He points out that they are based on two of the cardinal principles of the reforms. If the one principle was to make Ministers and Legislative Councils responsible in the fullest practicable degree for the good government of the transferred field, the other principle was that the Secretary of State and Parliament must remain no less fully responsible for the reserved field. Only through the Secretary of State can the responsibility of Parliament be fulfilled. It cannot be fulfilled through any other agency if responsible government is to be interpreted and practised in accordance not merely with constitutional forms but with the well established lessons of political experience. The responsibility is too great to be broken at any point. It must form from link to link a single chain.

As regards their second proposal—that relating to provincialisation—the Commission, as I have said, have not hesitated to urge a great and a significant advance. I am aware that there is a considerable body of opinion and of Indian opinion—which holds that, looking to the future, looking to the ultimate consolidation of India as a national and political unit, this may prove to be too great a concession to centrifugal forces. That is a position which is entitled

to respectful attention, but regarding the proposition as a whole, I think it will be admitted that it is in consonance with the policy and purposes of the Act and the predominant voice of political opinion in India.

The Services affected are the Indian Educational Service, the Indian Veterinary Service, the Indian Agricultural Service, the Indian Forest Service in Bombay and Burma, and the Buildings and Roads Branch of the Indian Service of Engineers. I leave in a category by itself the Indian Medical Service, which presents problems of special difficulty and intricacy on which no summary decision is possible. But with the reservations stated in the Resolution the Government of India are provisionally prepared to accept the Commission's recommendation for the constitution of Provincial Medical Services.

In regard to the next point of major importance—the Indianisation of the Services—the Commission has taken a view radically different from that of its predecessor and proposes a step far in advance of anything that has hitherto been contemplated. I will only invite the attention of the House to the following figures so that Honourable Members may visualize what it is that these proposals actually mean. I take the All-India Services. The present sanctioned strength is 4,279; their actual number is just under 4,000. It is estimated that on the proposals of the Commission, about 1,300 posts, so far as future recruits are concerned, will be provincialised, and I will assume for the sake of argument that this means practically complete Indianisation. There will remain something under 3,000 posts on an All-India basis but of these 3,000 it is contemplated that the greater portion will eventually be filled by Indians. In every case except the Police it is recommended that Indian recruitment to these Services should be more than half the total, while in the Police it is proposed to recruit half and half. If the proposals of the Commission are given effect to, there will, I estimate, eventually remain in the All-India Services only some 1,300 British officers including the doctors of the military reserve. If we confine our consideration to the two security Services—the Indian Civil Service and the Indian Police—the number of posts which will eventually be held by Europeans on the proposals of the Commission is less than 900. I sometimes wonder if it is realised that, when the Indian Civil Service consists half of Europeans and half of Indians, there will only be 675 officers employed in the whole of India in the important tasks which this service performs and of this number less than 400 will be filling posts of major responsibility, the remainder being under training in less responsible posts or on leave. Is it really suggested that some 400 British officers employed in important Secretariat or administrative posts, as heads of districts, as Sessions Judges, as Judges of the High Courts, as Political officers and the like, is an excessive number for a country with a population of over 300 millions?

To these proposals the Commission attach a corollary which, for the reasons which I have already briefly indicated, is vital and indispensable. They urge that the Public Services Commission contemplated by the Government of India Act should be established without delay; and they urge further, with special reference to their proposals for provincialisation, that Public Service Acts to regulate the conditions of service in the Public Services should be passed with as little delay as possible.

[Mr. J. Crerar.]

Well, Sir, can it be denied that these proposals go far? To many they appear to go too far. They certainly do not err on the side of undue caution and timidity. Indeed, I have heard apprehensions expressed that, apart from the question of European and Indian recruitment, they will raise serious problems in the sphere of Indian recruitment alone. The Muhammadan community and other communities are apprehensive that they may suffer in the process. Several of the Provinces evince alarm at the possibility of the importation into their jurisdiction of an undue number of officers from other Provinces. It is clear that questions of this character cannot be met without some departure from the principle of unrestricted competition. The policy of Government in the matter was explained more than a year ago by Sir Malcolm Hailey; but it is evident that these issues must inevitably arise, under the Lee Commission's proposals, in a new and a more acute form. I can say no more than that they are engaging the very serious attention of the Government of India.

Taking a broad survey of these proposals, it is at any rate obvious that the Commission did not, as many were disposed to anticipate, put on their terms of reference the narrow construction of a mandate to propose reliefs for the Services. It is to this aspect of the question that I now turn. The Commission approached this problem with two main objects in view. The first was relief to the officers now in the Services, and the second was the maintenance on the scale they proposed of recruitment to those Services.

The financial position of the Services had been urgent for a long time and it had become more urgent with the lapse of time. That was established by an elaborate inquiry instituted by the Government of India into the rise in prices before 1912. These questions again formed the subject of examination in 1912 when the Islington Commission was appointed. That Commission laboured under what in those distant days was not uncommonly incidental to such inquiries, a more than elephantine period of gestation. It reported after the outbreak of the war. The war raised perilous and portentous issues to which all others had of necessity to yield precedence. Many members of the Service went to the war. The rest bent themselves to the tasks which had been allotted to them. They got no relief such as was obtained by the Civil Services in the United Kingdom in the shape of war bonuses or otherwise.

It has frequently been contended that that was the right form in which to grant the relief. That may be so. But had the relief been given in that form and at that time, the cost up-to-date to the Indian Exchequer would have been a matter not of lakhs but of crores. The orders on the Islington Commission's Report, many of the recommendations of which necessarily had already become largely obsolete, were issued during the years 1919-20 at a time when financial and economic oscillations were violent and unpredictable. It was impossible to foretell what the stable level of adjustment would be, and many of the anticipations then formed were falsified by events. Then we had the Montagu-Chelmsford inquiry. We had the enactment of the Government of India Act in 1919, —another momentous change in the data. There was the inquiry instituted by the document commonly known by the name of my predecessor. There was the inquiry by Lord McDonnell's Committee, but

as the Royal Commission rightly observes, the result of all these inquiries was merely to state the propositions and not to solve them. Now it has never been contended on behalf of the Services that they should be restored to the position occupied by their more fortunate predecessors. They do not claim to be relieved of their share of the burden of the war and of the disturbing economic conditions which supervened. They only claim that they should be placed in a position to discharge their duties under tolerable conditions without the continual strain and anxiety of great and growing financial embarrassments. The revisions of pay of 1919 did not attempt to go further than this. There was one vital assumption on which these revisions were based—the exchange value of the rupee. I will not recapitulate the evidence to show that that is a fact. It has been affirmed so explicitly by men who are in the best position to judge, including the then Viceroy and the then Secretary of State for India, that the matter is no longer open to debate. It will be observed that the proposals of the Commission are largely designed to meet the needs of the remitter, as is apparent from the main form in which they propose that relief should be granted. They suggest that an addition of Rs. 50 a month should be made to overseas pay, and that the whole of the overseas pay should then be converted into sterling at a 2s. rate of exchange. The Government of India prefer to put this proposal in a simplified form by which the overseas pay will be stated in sterling and paid in sterling. The officer will be protected against loss if the rupee falls below 1s. 4d., and if the rupee rises above 1s. 4d. the profit will go to Government. Another of the most crushing burdens which fell upon the Services was the enormous rise in the cost of sea passages. I believe it is a fact that an officer who before the war could take his wife and one child to England and back for Rs. 3,000 and could do it in 1920 for Rs. 2,000 could only do it now for Rs. 5,000. The Commission proposes to give a moderate relief in this respect. As regards officers holding administrative posts, the Commission did not arrive at a unanimous conclusion. The majority of the Commission proposes to give relief to posts whose pay does not exceed Rs. 4,000 a month. The Government of India are disposed to take a middle course. They are impressed by the fact that the financial circumstances of many officers holding administrative posts are straitened and that it will in many cases be a matter of administrative necessity to raise the pay of certain posts above the time-scales to correspond with the relief given at the top of the time-scales, so that the proportion between the officer on the time-scale and the officer holding an administrative post may not be unduly disturbed. At the same time they consider it unnecessary to extend the grant of relief to any officer drawing at present more than Rs. 3,000 a month except in respect of passages.

In the matter of pensions the Commission declined to re-open the question of the refund of the 4 per cent. contribution to officers of the Indian Civil Service. It must be remembered that under the system which terminated in 1919 the pension of a member of the Indian Civil Service was not £1,000 per annum as commonly represented. It has been calculated that an officer of the Indian Civil Service formerly contributed £250 a year to his own pension and received only £750 per annum from the State. It will not be till 1944 that any officer of the Indian Civil Service will receive a pension of £1,000 per annum. Those now retiring receive very much less. The Commission proposed to grant certain enhanced pensions to members of the Indian Civil Service who attain the high

[Mr. J. Crerar.]

rank of Member of Council or Governor. The Government of India are unable to accept this proposal. It has been argued that the great and special responsibilities devolving on Members of Councils and Governors clearly differentiate them from other administrative and judicial officers in the service, and that the increase advocated by the majority of the Commission is a very moderate recognition of this fact. On the other hand, the pensions of the Indian Civil Service have hitherto always been on a uniform basis, and any breach in this uniformity might lead to a total reconstruction of the whole of the pension system which the Government of India are not at present prepared to advocate or to undertake. Therefore, Sir, the only reward which these officers will obtain is the honour of having served India in some of the most exacting and most arduous posts under the Crown. In the case of the other Services the proposal is for a moderate increase of Rs. 1,000 a year in ordinary pension from 25 years' service onwards. The inadequacy of the existing rates has been a long-standing ground for complaint. The pension was fixed originally nearly 70 years ago at Rs. 5,000 a year which at that time was worth £500. Under the proposal of the Commission the 30 year pension will now bring £612-10s. It is, I think, not an excessive increase to cover the changed conditions of so long a period.

These are the main recommendations of the Commission in regard to financial relief, and I shall leave it to my Honourable Colleague the Financial Secretary to explain them and their consequences in fuller detail. I will only say this that the Services have suffered the "Hope deferred that maketh the heart sick". The Commission themselves have given testimony to the whole-hearted acceptance of the reforms and the spirit of the Government of India Act by the Services and their anxiety to assist and play their part in the progress of India along the road to self-government. In spite of much obloquy, they have not deviated from this path. If I should select any particular Service which has been more exposed to such attacks but which has nevertheless, in spite of such attacks and in spite of the hardships and perils peculiarly incidental to their profession, persisted steadfastly in the path of duty, it would be the Indian Police Service. If the recommendations made on their behalf and on behalf of the Services as a whole are moderate and equitable, as I contend they are, they should be granted without further delay. Efficient and contented services are not more essential to the Government as at present constituted than to the Government as it may hereafter be constituted. Inefficient and discontented services must prove the most costly of all.

I will touch very briefly on the subject of recruitment. The Commission have proceeded on the assumption that a certain though a much reduced element of Europeans in the higher public Services will be required for a considerable number of years to come. I do not think, and I am encouraged in this belief by a letter written by an Honourable Member of this House which I recently saw in the Press and which struck me by the spirit of generosity and goodwill by which it was inspired. I do not think that any Honourable Member will desire to contest that assumption and I do not therefore propose to fortify it. Indeed I myself look forward to the day when India, having attained to her full political stature, will of her own free

will desire to retain the services of European officers. It has been suggested that this result could be obtained and these prospects could still be kept in view if European recruitment were suspended in order to accelerate the process of Indianisation. I would remind the House that as a service is an organism of slow growth so also it extends its roots, the sources of its life and renovation, both wide and deep. There has been a tradition of the inheritance from father to son of service in India and there are distinguished records of services in India rendered by members of families whose names are household words. There have been, and there still are, traditions at the Universities and the great schools of England giving encouragement to an Indian career and making provision for it. These old and valuable traditions,—valuable certainly to England, but even more so to India—can easily be destroyed, but if you cut them at the root they will die and they cannot be revived.

That, Sir, is the plain and unvarnished tale which I have to lay before the House. I have not attempted to adorn it with any flowers of rhetoric or to point it with any thorns of controversy. I have made no attempt to sway the judgment of the House by any invocation of emotion or prejudice. I have appealed to the reason, the sense of justice and the statesmanship of the House. I am prepared to base my case on that appeal and on that appeal alone. The House is now in full possession of the views provisionally arrived at by the Government of India on the main recommendations of the Commission, and I think that, whatever may be the judgment of Honourable Members on questions of principle or on questions of detail, they will agree that these recommendations represent a serious, a sincere, and a statesmanlike endeavour to arrive without fear or favour at just and practical conclusions. These large issues, on which so much that is momentous for the expeditious as well as for the orderly and peaceful progress of the country depends, ought to be approached with a large mind; and I say this not with regard to any particular aspect of the problem, such as the relief of the Services, but equally with regard to those great questions of reconstruction and reorganisation, on all of which, as the Commission so strenuously plead, the integrality of their report as an organic whole is based. I urge, Sir, that we for our part ought to take a broad perspective of that structure.

I urge that we for our part ought to approach these issues in the spirit of the words of the most statesmanlike of philosophers and the most philosophic of statesmen, "Magnanimity in politics is not seldom the truest wisdom."

THE HONOURABLE THE PRESIDENT: The Honourable Member has still to move the Resolution which stands in his name?

THE HONOURABLE MR. J. CRERAR: Sir, I move the Resolution that stands in my name.

THE HONOURABLE THE PRESIDENT: But it has not been read out?

THE HONOURABLE MR. J. CRERAR: No, Sir.

THE HONOURABLE THE PRESIDENT: That has to be done under Standing Order No. 60.

THE HONOURABLE MR. J. CRERAR : I move :

"That this Council recommends to the Governor General in Council:—

- (1) that the following recommendations of the Royal Commission on the Superior Civil Services in India be in principle approved—
 - (a) that while the existing system of appointment and control of the All-India Services should, in present conditions, be maintained in reserved fields, the following Services operating in transferred fields, namely, the Indian Educational Service, the Indian Agricultural Service, the Indian Veterinary Service, the Buildings and Roads Branch of the Indian Service of Engineers in those provinces in which the two branches have been separated, and the Indian Forest Service in Bombay and Burma, should so far as future recruits are concerned be appointed and controlled by Local Governments ;
 - (b) that recruitment of Indians for the Services in reserved fields should be increased as recommended ;
 - (c) that, having particular regard to recommendation (a), early steps be taken to constitute the Public Service Commission contemplated by section 96-C of the Government of India Act and to enact such legislation as may be necessary ;
- (2) that pay, passage concessions and pensions be granted to the officers of the Superior Civil Services in India approximately on the scale recommended ; and
- (3) that the recommendation of the Royal Commission regarding the constitution of Provincial Medical Services in Governors' Provinces be accepted in principle subject to—
 - (a) the employment in the provinces of an adequate military reserve ;
 - (b) the provision of adequate medical attendance for British officers in the Civil Services and their families ; and
 - (c) the further consideration of the conditions necessary to secure an adequate number of British medical recruits for the needs of the army."

THE HONOURABLE THE PRESIDENT : I think it will be convenient at this stage if I explain to the Council the course which I propose to adopt with regard to the amendments of which notice has been given. As the Council has no doubt observed these amendments fall into two classes. First, there are those of the Honourable Sir Deva Prasad Sarvadhikary and of the Honourable Mr. Karandikar, which are of a dilatory character. They express no opinion on the merits of the proposals put forward in the Resolution, but suggest that action be delayed until, in the case of the Honourable Sir Deva Prasad Sarvadhikary, the inquiries about the Reforms have been completed, and action has been taken thereon, and, in the case of the Honourable Mr. Karandikar, a fresh Committee, to be set up by the Legislature, has dealt with the recommendations. The other amendments agree with the Resolution, in so far as it propounds an immediate decision, but seek to modify it in varying degrees of stringency. In order to prevent confusion I have decided that the Council shall first be called upon to decide whether a delay should occur in dealing with the proposals of the Lee Commission or not ; and, as the Honourable Sir Deva Prasad Sarvadhikary's amendment suggests an indefinite delay, whereas the amendment of the Honourable Mr. Karandikar suggests only a delay until a Committee of the Legislature has taken action, I shall call upon the Honourable Sir Deva Prasad Sarvadhikary first. I shall also divide his amendment into two parts and call upon him to move, in the first instance, only that portion of it, ending with

the words "recommendations of the Lee Commission", which suggests dilatory action. When he has moved this amendment—and in so doing I shall allow him to cover the whole of the terms of the Resolution and of his amendment—I shall call upon the Honourable Mr. Karandikar. I shall allow him similarly to deal with the whole field covered by the Resolution, the Honourable Sir Deva Prasad Sarvadhikary's amendment and his own amendment, but I shall not permit him formally to move his amendment until that of the Honourable Sir Deva Prasad Sarvadhikary is out of the way. If the Honourable Sir Deva Prasad Sarvadhikary's amendment is carried, then that of the Honourable Mr. Karandikar will not be called up, but if the amendment of the Honourable Sir Deva Prasad Sarvadhikary is defeated, then I shall call upon the Honourable Mr. Karandikar formally to move his amendment and take a decision on that. Once these two dilatory amendments have been disposed of, I shall deal with the other amendments, including the second part of that standing in the name of the Honourable Sir Deva Prasad Sarvadhikary, but it should be clearly understood that these can be put in their entirety only if the dilatory amendments are defeated. If either of the dilatory amendments is carried, then only such parts of the other amendments will be put as are not inconsistent with the decision in favour of delay. I desire once again to make it clear that the whole of the Resolution and the two dilatory amendments will be open to discussion to the whole House pending the decision upon the question of the delay, but I shall not expect the Members, who have given notice of amendments of a different kind, to elaborate the points of detail contained in their amendments until the time comes, if it does, for them to be considered.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY (West Bengal: Non-Muhammadian) : Sir, I beg to move the amendment standing in my name and having regard to your ruling I shall read out the whole of the amendment but would not move the last portion of it for the present.

THE HONOURABLE THE PRESIDENT : I think it would be convenient if the Honourable Member reads out the amendment which he intends to move.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY : I move :

"That this Council recommends to the Governor General in Council that it be represented to the Right Honourable the Secretary of State for India that pending the inquiries about Reforms and action that may be taken thereon, it is not desirable to give effect to the recommendations of the Lee Commission."

The portion of the amendment that will not be now moved but will be moved later is shown in the paper and need not be read out except to show what connection it would have with the first portion of the amendment and the context.

Before proceeding to speak on my amendment I desire to congratulate the Honourable the Home Secretary on the lucid and dispassionate manner in which he has presented the Government case before the House. I am sure we should have been glad to see our old friend, the Honourable the Home Member, here to-day if it was possible. He has not been good enough to visit us since he left us and this would be one occasion when we should have looked forward to his presence in our midst. But, Sir, as has been explained, business elsewhere detains him and if I may say so the lucid presentment of the Honourable

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Mr. Crerar has left nothing to be desired. He has taken all possible care to leave controversial matters out and to import none of that bland bravado and pitiless pleasantry that have been attempted elsewhere on the Government Benches for no useful purpose. It will be my endeavour and I am sure it will be the endeavour of all Honourable Members to keep the debate on the same high level and to do our barest duty on the occasion, which for me happens to be on a line different from that of many others in this House. The Honourable Mr. Crerar comes here in an atmosphere which was described by Lord Pentland as "deliberately and wisely constructed in order to represent powerful interests and men with larger stake in the country." My misfortune is that I can hardly claim to be one of such and my duty is to put the popular point of view for I belong to the people, a point of view which may not find large favour here. The Honourable Mr. Crerar comes with the confident modesty of an assured victor who has only to walk in to look round and to win. If as in ancient times, when the Rajput's own citadel gate was closed against him if he happened badly to lose an action elsewhere, Mr. Crerar's attitude might have been different. He is assured of victory here!

But that will not dissuade me from trying to do my duty and to take my defeat, for some defeats are better than victories as some victories are worse than defeats. I could not allow judgment to go by default without trying to put in the point of view which I believe animates the large bulk of what I may be permitted to call the people of the country, the intelligentsia if you like whom some are anxious to see separated from the masses from certain points of view. Sir, on previous occasions it became my duty, sometimes painful, to have to withdraw Resolutions and amendments for which I found not the least chance of success in this House. But on an occasion like this such a course would serve no useful purpose, for the Government Resolution is there and will have to be dealt with and be passed in any event. You have been pleased to describe my motion as a dilatory one. It may be so from certain points of view. But it is not put forward with the object of mere idle delay. I am prepared to discuss the Report on its merits, to show that my mentality is not one of obstructive dilatoriness, but it is only the exigencies of the situation that have obliged me to put forward the suggestion about the postponement of this question till the Reforms Committee, which the Government saw fit to appoint, following their own departmental Committee, to investigate closely the possibilities of further action even in regard to the Reforms under the Government of India Act, has reported though this is not the time to refer fully to the evidence that has been given before that Committee in public, not *in camera* as in the other case. I think public opinion is considerably satisfied that all that has been going on under the Government of India Act and the Reforms Scheme is not in the best interests of the country and drastic changes are needed. It has also come out that those officials who have to deal with the Ministers in the transferred departments of the Provinces are not always having, to put it mildly, a happy time of it. That tension has been the order of the day is clear, and if in some Provinces diarchy has partially or fully failed, it is largely, if not wholly, due to the existence of that tension between the ministry and the officials who are charged with the carrying out of the orders and decisions of the ministry.

Having regard to that fact, it is incumbent upon those who have the ordering of things to wait and see what further developments take place, to see what action the Reforms Committee suggest to minimise that tension and for having the decisions of the Ministry concerned better carried out. That, Sir, is in part my reason for urging that, in view of the present examination of reform measures that is going on, Government should wait and watch before undertaking large administrative changes affecting the uncertain future.

Taking some of the points of merit which I think I ought to indicate, as showing that, not merely on the ground that I am putting forward for delay but on the merits also, it would be desirable to wait and obtain further public opinion regarding the Lee recommendations, which both in principle and detail the Right Honourable the Secretary of State has shown a commendable desire to obtain. Let us take in the first instance the financial question. In the House of Lords and elsewhere we were given to understand that the expenses involved by what was proposed by the Commission would be somewhere near 1 crore, 1½ crore if not 1½ crores a year in time. The Honourable the Finance Member elsewhere said the other day that we need not talk at all of the finances in this concern in crores, for they are in lakhs. Well, Sir, I have never been able to understand financial legerdemain feats; and when the opportunity occurs there may be an obstacle that vanishes like a wall of water when other opportunities demand precedence. I shall take the figures as they have been given in the other place though I am not persuaded that they are correct. The Government of India will not have to pay more than 26 lakhs, I believe, and it can do so when necessary; but I shall go back to my own Province where the seemingly modest sum of 9·3 lakhs will have to be spent. Situated as we are in that unfortunate Province—I shall not refer to political and other questions but merely to the financial question—we have to find and pay in the near future 63 lakhs of rupees, which the generosity of the Legislature and the Government enabled us to get for the last three years. And, Sir, with regard to the question of retrenchment which has been engaging attention here as elsewhere, although an influential and representative Retrenchment Committee has been recommending fairly large reductions in Bengal, reductions amounting I believe to nearly a crore of rupees, Rs. 98,25,900 to be closer,—no more than Rs. 9,28,000 have been retrenched so far and the ultimate reductions in view are no more than Rs. 11,56,000. That is the position of Bengal which is invited now, in addition to the 63 lakhs of rupees that she will have to find in regard to questions arising out of the Provincial Contribution Scheme, to meet this addition of over 9 lakhs. I say Bengal is not able to bear that burden. That in itself would be enough reason for my entering a protest.

With regard to the larger questions involved by the Lee Commission's Report, I shall take one other aspect of the question. Sir, it is very unedifying, it is undignified, to have to quibble about meeting the legitimate grievances of those who are serving you, those who have undoubtedly served well in the past and those who, if left alone, will serve us as well and better in the future. I for myself would be prepared to treat the grievances and complaints and requirements of those who are already in service with the fullest

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measure of generosity that would be permissible on the materials placed before us; I should like to separate their case from those larger questions of policy in the future which have been hopelessly and unwarrantably mixed up in the recommendations of the Lee Commission. The adamant interdependent pact if I may so call it, that the Lee Commission made the pivot of their recommendations, has been much in the way of treating separately the case of those whose immediate grievances have to be, and I say ought to be, immediately satisfied on proper materials. I shall not indulge in any meticulous examination of the wording of this Resolution, as to whether the words "in principle" and "approximately" do not give the whole show away from the point of view of the interdependency of the recommendations. Nor shall I refer to those changes in the recommendations voiced in this Resolution which the Government of India have themselves shown readiness to suggest. Take for example their generous and seemly consent to the withholding of larger pensions in the case of an Executive Member of the Government or a Governor. I need not go into details but say that the interdependence does not stand. The belated addition of the question of the Medical Services in this Resolution and elsewhere shows that that interdependence has for all practical purposes disappeared. I suggest therefore that the case of those in service, or who are immediately affected by the situation that has arisen out of the Reforms, should be taken up and redressed on proper materials as soon as possible. Sir, family budgets have been circulated although the evidence before the Commission is not forthcoming. But who has ever troubled about the family budgets of those from whose pockets this crore and a half (or 9 lakhs for Bengal) is to come? But I should not allow questions of that kind to stand in the way of justly dealing with the case of those whose grievances are legitimate and well-founded. Unfortunately, Sir, the terms of reference have been somewhat widened, and a subtle change in interpretation has come in which has permitted the Commission not to confine itself to the absolute requirements of the case, but has permitted enunciation of questions of policy, questions of future control and recruitment on racial basis that would not on a strict reading of the terms of reference arise. It has enabled them also to change and differentiate in a way that was not intended regarding the position of members of the same Service, with the same training, recruited in England but having a different domicile. If 20 per cent. increase of pay was intended, as the Finance Member's statement would show, it might have been given straight away instead of being *camouflaged* to the detriment of Indian Members. Those who tell us that we are making bad blood between the people and the Service by withholding our immediate assent to these recommendations—to them I shall answer back that by mixing up these questions you have made the position more difficult. The tension is not only between the people and the Services, which did not exist before, but also between different sections and members of the same Service. We have been told a certain proportion of Europeans is necessary in order to secure the British character, or what other people have called, the Steel frame character of the administration. Well, before 1919 questions of that kind did not trouble the authorities. They were content to have as members of the same Service men, whether Europeans or Indians, but sufficiently trained and

recruited in England, and they had exactly the same privileges, the same concessions, the same pay. Now for the first time questions of pay, of overseas allowances, of exchange compensation and of special privileges, medical attendance, etc., have been imported which have certainly led to tension between these two sections of the same Service who are inequitably differentiated and among whom amity and good feeling have so long prevailed. Questions of that kind hardly affect those who are already in service, who had entered service with their eyes fully open as to what was in store for them and whom the questions arising out of the reforms would in no way affect so far as those details are concerned. This differentiation for the first time is an unfortunate aspect of the recommendations which to my mind would in itself be a good reason for hesitating to accept them. Shall I say, Sir, that for the first time in the Superior Services what may be called a diarchy of colour has been attempted to be introduced? I do not want to labour these points because the time is limited and even with your indulgence, Sir, I do not think I can deal in sufficient detail with these matters. But I think that it is possible to deal with the Report keeping aside these questions and limiting the consideration to those who are in service already, our obligations and duties towards whom I fully recognise and am prepared to meet. I say there are good reasons why we should wait regarding the rest till we know exactly where we are. If the small measure of reform that has been introduced has already created a flutter, why, we ought not to complicate future issues by bringing in those who will be disgruntled more than those who are now in service, because of the worsened possibilities of the situation. Are we sure that if we go on as we are going on we shall be getting the best Europeans that we want? The Honourable the Home Member said elsewhere the other day that if recruitment were stopped for five years there will be 340 vacancies, not 20 as some people had put forward. At the present moment I am confining myself to the European members. In the Indian Civil Service out of 1,400 we have 164 Indians. Supposing the limit that has been put forward were to be attained in a given number of years, would it be so much of a disaster if on the strength of Indian recruitment alone we were to go on for the time being, even if 340 Europeans disappeared in 5 years, and after the atmosphere cleared up we reverted to the old system of recruitment? Knowing as I do my friends in England I have not the least apprehension that matters will suffer in regard to recruitment if it were to be resumed later on. Sir, we had 21 applicants for 22 vacancies this year; in previous years it was either 20, 21 or 38, whereas before the war the applicants used to number about 200. Should we be content with getting what we can supplemented by military recruits as has been the case in the near past. An active propaganda to my own certain knowledge has been in operation to prevent European youths from competing for these posts; I have talked to some of them and dispelled their mistakes and seen them ready for competition. Let us take other spheres of usefulness where the European finds employment. Take the Indian States; take the Indian merchants; take the Indian Zamindars some of whom also employ Europeans. Take our missionary friends who have so selflessly given in the past of the best that is in them without considerations such as those which exercise the Services. Has there been any falling off in those directions? I have great faith, supreme faith, in the British people that when wanted on proper conditions they will be

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willing to give us a helping hand ; they have been doing so in the past and much good has come out of it. We expect, we hope, we want to work together. Questions of provincialisation or Indianisation do not necessarily rule out British association. On the other hand, no sane man would rule it out, except in so far as it is permissible and necessary in the changed circumstances that are before the country.

In the state of uncertainty in which we undoubtedly are, having regard to the further measures of reform which will create greater difficulties from the point of view of those who do not want to serve except under the old conditions to which the Honourable Mr. Crerar does not expect to get them back, I think the only reasonable course is to wait and in the meantime to give relief to those who are wanting it badly and whose case can be made out.

As I am not moving the second part of my amendment I shall not fully go into the question as to how by suspending recruitment we are not likely to suffer in the way that it is apprehended in some quarters we may do. But limiting myself to the first part of the amendment, I think there is a strong case for waiting and seeing what the Reforms Committee, that is now sitting at the instance of Government of India, recommends and what further action Government are prepared to take.

Sir, the Resolution speaks of the appointment of the Public Service Commission contemplated by section 96C of the Government of India Act. It is rather a gratuitous suggestion ; there was nothing to prevent the Secretary of State appointing this Commission and by rules directing that some of the powers that are vested in him might be made over to the Government of India ; in the wide words of the Government of India Act, section 96C, the Public Services Commission should discharge in regard to the recruitment and control of Public Services in India such functions as may be assigned thereto by rules made by the Secretary of State in Council, and much could be covered by the Rules. Even if the Lee Commission's recommendations were held up, there is nothing to prevent the Secretary of State from appointing a Public Services Commission to-morrow and getting all that he thinks necessary should be done. Therefore any delay with regard to this matter cannot handicap Government in any way.

With regard to what has been said about provincialisation and Indianisation, that they will suffer if the Resolution were not to be accepted, I myself am not troubled by the apprehension for a moment. Sir, I do not view this prospect of undiluted provincialisation with equanimity. We have always been for Indian unity and Indian progress as an organic whole and All-India Services are a great help in this. I may differ from some of my friends on this side of the House and in the country, but I say it will be a bad day for India and for the Services and for the Government when there is thorough and total provincialisation of the kind contemplated in water-tight compartments. I do not for a moment suggest that Local Governments ought not to have all the powers of control and discipline that are necessary for the purpose of proper work ; but that the Superior Services with regard to many branches that are now under the Central Government, I myself have not the slightest

doubt should continue central in the broader sense. Indian unity is what the Congress has always aimed at in its saner days. Indian unity as a whole and a free flow from the different provinces of men of light and leading in the services and in public life are alike needed. Take for example the department in which I am very much interested, education. Men from different provinces going to other provinces and giving of their best is, I think, the ideal that ought always to be kept before us, and in Calcutta we have been working up to it. Therefore, when we are told that provincialisation will suffer for the time, I myself am not perturbed ; and when provincialisation comes I hope some means will be found of retaining some touch and control for the Central Government so that the prospects and ideals of a united and progressive India may not suffer. It was urged in favour of the immediate acceptance of the recommendations of the Lee Commission that otherwise national interests would suffer.

I myself do not for a moment think so. All sorts of considerations are urged and there has been loss of balance of judgment. We have been told for example that the recommendations of the Lee Commission amount to a verdict of the jury. Even the Judges have not had the evidence before them and the foreman of the jury attempted to address some of the Judges and what is more he, without an Indian past and future, attempted to call in evidence at this late stage. Lord Inchcape and others came forward willingly and the foreman of the jury was given an opportunity of reinforcing the case that he had made in the recommendations of the Report, which to a certainty has influenced the authorities in England. I do not think that is a sort of procedure that will find countenance and that should be allowed to influence judgment on the merits of the situation which should be dealt with in another way.

THE HONOURABLE THE PRESIDENT : The Honourable Member is drawing near to the end of his time.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY : I shall appeal to my friends on these Benches as well as on the other Benches, that it is only upon mutual trust and good-will and mutual regard for one another's interest that this Empire can be broad-based, and, if there are genuine apprehensions in the public mind that the immediate giving effect to all the recommendations of the Lee Commission is likely to lead to further unrest, Government should represent to the Right Honourable the Secretary of State that he should wait and see what further developments in the reforms are possible and likely to be made, and then take up household arrangements for the future.

THE HONOURABLE MR. R. P. KARANDIKAR (Bombay : Non-Muham-madan) : Sir, I rise to support what has just fallen from my friend the Honourable Sir Deva Prasad Sarvadhikary. But, in doing that, it may be understood that I am not going to give up the amendment that stands in my name. I have every hope, if the first amendment is defeated, mine will be carried. And, even if I were to be brief on that occasion, I shall have the opportunity of requesting Members to remember what I am saying on the first amendment on this occasion.

When I begin my remarks, I beg it to be understood that, if I refrain from alluding to the numerous benefits that India has secured owing to the efficient

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administration under the Indian Civil Service, I am doing so only in the hope of curtailing my remarks, but I am not giving an inch of room for any suggestion that India does not appreciate what has been done by the Civil Service in the past. The question that is before the House is consistent with the march of the times and I really think that some wrong procedure is dogging the steps of this very important question. I really feel that this proposition should not have been moved by the representative of the Government of India. I also wish, though it is past time now, that it had not been moved in the other House first but that it had been moved here first. I had also hoped that the discussion of this subject would have been delayed for some time more.

When I say that the Government of India should not have undertaken to put forward this Resolution through their representative, I am reminded of the circumstances through which the discussion of this subject has passed. And I will, with your permission, try to place a few facts before this House. The whole trouble was caused by the theory of Indianisation and when a Resolution in that behalf was put forward in the Assembly it was passed and naturally adverse interests were stirred. I had an occasion to study a very remarkable document that proceeded from an Association which was known and is still known as the C. P. and Berar European Servants' Association. I had occasion to study that document of 19 paragraphs. That was in August 1922. I do not mean to say that it was in consequence of this protest that any swift action was taken in the matter, but there is a sequence of events. Soon after that we find the pronouncement about the appointment of the Royal Commission. The Assembly was not late in taking up this matter and in that Assembly the subject was discussed. Adjournment of the House was claimed and Honourable Members will remember that Sir Deva Prasad Sarvadhiary was one of the speakers on that occasion. I am also reminded here of the presence during that discussion of Mr. Samarth, whose interjections now and then brought out to what side his views were leaning. I have also gone through the literature of the Resolution in the Assembly, and I do find therein that the best case that could be put forward on behalf of the Government was done by Sir Malcolm Hailey, whose elevation to a very high place must have deprived the Government of India now, and the Government Benches as they are represented in the Assembly, of the assistance of that gentleman, which was very much needed in such discussions. I also find that Sir Charles Innes passed a few remarks accentuating the necessity for maintaining the prestige of those who had worked for India and in fact upholding the ancestry in the Service of such of those gentlemen so that lads who had given their time to study in the hope of coming out to India may not find discouragement hereafter in consequence of anything done by India in the interests of her self-government.

The terms of reference of the Commission were not then exactly known. Then came the Commission. In the Commission there were four Indian gentlemen who were appointed. One of them was Sir Chimanlal Setalvad. It is endeavoured in certain quarters to exploit the fact that this Report has been unanimously signed by the Indian members, and thus those who want to differ from the opinion recorded by the Indian members have to make out a strong case. I find, however, that their task is lightened by the fact that Sir Chimanlal Setalvad, who was one of the Commissioners then, ceased

to be on the Commission about October 1923, and was succeeded by Mr. Samarth. As to what would have been the views of Sir Chimanlal Setalvad, we are not kept in the dark now. Obviously, if he had been on the Commission, he would certainly have opined that recruitment must be stopped. Mr. Samarth was added to the Commission. There was also Mr. Bhupendra Nath Basu. This gentleman suffered from ill-health as he adds his note which is to be found in the records supplied to us. I had almost every hope that he would have devoted greater attention to this subject. He did everything in his power and we all appreciate his service. For him I have a high regard. Mr. Samarth who was present in the Assembly at the time when the adjournment motion was passed would have done well in the opinion of some not to have accepted the office of Commissionership on this Commission. But there it is. I therefore tried to discover the mentality of the four Indians who signed this Report, and I did go into the note that is added to the literature. In the note they make two points. One is that they have to keep contented the Services and it is for the purpose of helping the European Services that they have endeavoured to a great extent in the Report. I can easily see why these Indian gentlemen were influenced to that extent. I did discover from the tone adopted by the C. P. and Berar Association that they carried the matter so far and exaggerated the evils of the diminishing European element in the Services, and consequently those whom the Report reached were not quite in a balanced mood to consider the effect of their recommendations. The Indian Commissioners were also of opinion that by allowing the higher Services to be contented, they might smooth the way for the attainment of self-government. I have further gone into the matter and I am bringing to the notice of Honourable Members what is said in the literature that is supplied to us. The Indian Members, therefore, who signed this Report have paid scant attention to the principles that must govern the concessions—the rise in pay and the allowances that have to be allowed to the Services—however high, however efficient and however necessary they may be. In this respect I am fortified by the literature that has been placed in our hands recently. I am coming from Bombay and I went through this literature that has been placed in my hands to find out exactly how the Bombay Government stood with reference to the recommendations. On pages 5, 20, 41, 58, 95 and 107 you find what the Bombay Government has said in reply to the reference made by the Honourable the Home Secretary. In all those replies I find there is a small reference made to the opinion of the minority. I know the constitution of the Bombay Government. Unless the Governor gave his casting vote there could be no minority such as to be used in the plural sense and if I am right, it must be the Indian Members of Government who must have differed from the Government of Bombay. All through the replies, therefore, you find one sentiment and that is, the minority do not agree on a certain question—a very important question,—a condition precedent before any concessions are allowed. Speaking even for Bombay, it would be futile on my part not to notice what the Executive Councillors of the Bombay Government have said with reference to a certain question. All the recommendations therefore, that have been made by this Commission are not acceptable to the minority of the Bombay Government. The matter does not stand here, let us refer to other opinions recorded by the Executive Councillors of other Presidencies. You will find

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on page 6 the opinion of the Raja of Mahmudabad; you will find on page 12 the opinion of Mr. Ganesh Datta Singh and on page 13 you will find the opinion of Mr. Fakhr-ud-Din. You will also find the opinions recorded by certain Associations not accepting the recommendations made by the Lee Commission. Therefore I am fortified in the situation that I claim this House should occupy for the purpose of determining such an important matter as is now before this House, and I owe it to the reference made by the Home Secretary to the various Governments and I am thankful for being supplied with this kind of literature, for if it had not been supplied to us, we would have been very much deficient in the arguments even if we were inclined to support our arguments by facts—we would have had nothing whatever to supplement our case. I therefore invite the attention of Honourable Members to the various opinions recorded in this compilation. I am not going to weary this Council by reading portions from it, but I do venture to think that before they come to a conclusion they will have paid attention to what is contained in this compilation, and that will sustain, I hope, the manner in which this subject is to be reached. The matter does not rest here. I was going to find out the principles involved. Really speaking in these recommendations, because we are asked to maintain the principles involved in these recommendations, what are they? I have ventured to find out exactly if there are any principles. I did find one striking principle throughout, and that is the principle of expediency. I know expediency in politics plays a rather important part. Politics if it is a science that exists in the methods, then expediency is one of its principles. Expediency is a matter of opinion as experience might vary according to the situation. Let me try to see if the Lee Commission has ventured to go into the question of principles. The Lee Commission had before it ample material. The principles on which the remuneration of a public servant has to be secured have been laid down in Commissions times out of number. In the Islington Commission, if any gentleman's opinion is acknowledged to be sound, I would invite the attention of Members to the opinion of Sir Abdur Rahim and of Sir Mahadev Chaulbal, whose opinions have been recorded in the Islington Commission's Report. I was also at one time inclined to mention Mr. —I will mention that name later on—but I was inclined to mention another name in that connection, but it is sufficient for the present to indicate that it will not do for anybody as a matter of principle to ignore the condition of the country, the financial condition of the country, the economic condition of the country, before he comes to settle the remuneration of the Services. It can never be accepted for a moment that India is for the Services. Obviously not. It is the Services that must be for India, and consequently greater regard has to be paid to the financial condition of the country before you make any recommendation whatsoever. This has been completely ignored by the Lee Commission. They take shelter behind the reference: "This matter is not referred to us." If it is a one-sided inquiry like that, obviously it will not help us. Especially as it is a money matter I do not know that this is the proper place in which to have a proposition of that kind. The Lee Commission took care to exclude the question of passage money and had recourse to a strategic move. "The passage money ought not to be given as passage money. Call it Rs. 50, add it to the pay. Do not give it to him. Credit it all the while,

and whenever the officers propose to go Home, then use it as passage." The Honourable Mr. Cramer was right in pointing out in one of his references to Local Governments at page 92;

"On the other hand it is possible that some legal difficulties might arise in deciding whether money thus paid compulsorily into a general fund could properly be regarded as part of an officer's pay and therefore non-votable. The legal position is being examined....."

I do not know what the result of it is.

"Should the difficulties appear to be real, it might be necessary to abandon the idea of the fund."

Then what is going to be the substitute for it? I do not know. But there it is. The Lee Commission has gone the length of suggesting a method which does not appeal to the judicial sense of the writer of this reference. I do really think that these were very wise words. If this method is adopted, who is offended? Certainly not we, sitting as the elders in this Council who have no power to vote. It is the other House that has to vote. If anybody wants to hoodwink the Assembly and take away their jurisdiction in a certain manner over a certain item, it is they who would resent it and not we who can only correct anything that is done by them there. I do really think that this is really not the Council in which this proposition should have been brought, affecting as it does the finances of the country where we have not got power to vote money, but may have to advise Government that it would have been more proper if the Government of India had abstained from bringing up the question after they had realised the position with reference to this question once on the adjournment motion and again on the voting of the required money. I do really think that this was not the method in which this proposition should have been brought up. Not that I do not recognise that there is need to look into this proposition. I do realise it because of this fact further that in arriving at their conclusions the Lee Commission have had no material placed before them, no popular view ascertained. It may be that the people did not care to come up and give in their statements, but I know of cases in which statements had been put forward, but those who did so were not given a chance of being cross-examined, though some did try to represent the popular view in the matter. Consequently I do really think that the Lee Commission had not material before them to come to a proper conclusion. The recommendations, therefore, of the Commission are one-sided. However sympathetic we may be towards the claims made by the Services, it is not possible to agree to the recommendations being in their turn recommended to the Viceroy so that he in his turn may recommend them for acceptance to the Secretary of State. But the matter does not stop here. There is another principle which I find is violated in the recommendations. It has violated the very principle of reciprocity regarding which we passed the other day an enactment here. The Lee Commission takes no notice whatsoever of the chance of those people belonging to the Colonies that will not extend to Indians the ordinary rights of British citizenship, to go through the open door of the Civil Service, come out to India as rulers, go back laden with Indian money, and enrich their own colonies by the experience that they have gained here. Why should we allow such

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gentlemen to come into India through the Civil Service door? Could the Lee Commission make no reference to such a thing? And for them to be allowed overseas pay, for them to have passages, is adding insult to injury. Really I think they have no claim upon us. The Lee Commission therefore violates the main principle on which we are all agreed when we passed the Reciprocity Act just the other day. I do think therefore that not only is there no principle involved such as could be accepted, but there are principles violated. But let us further consider the matter. As to the case that is made out, I have tried to go through that literature as well. With the help of friends I have in my hands a statement that was supplied by the Government of Bombay on a certain interpellation put in that Council. That statement would enable Honourable Members here to see how the case stands with reference to the increment, pay and allowances. It will show that the increment that is now claimed—the first increment that was allowed in 1915-1916—for the purpose of shortening the time may, I venture to request you, Sir, to allow this to be embodied as part of my speech? That is a printed statement coming from the Government of Bombay in answer to a certain interpellation. That shows the stages at which the allowances were raised at which the pay was raised, and it will show that it was in 1915 that it was raised. Again it was raised in 1921-22, and the increase in the several stages, though approximately it might come on an average to something less than 25 per cent., in almost every case exceeded more than it was before. In the table No. 1 you find that in the 5th year,—Rs. 800,—the increase compared with 1910 was 48 per cent., in the 10th year it was 46 per cent., in the 15th year it was 16 per cent.....

THE HONOURABLE MR. J. CRERAR: Will the Honourable Member kindly explain to what Services these figures relate?

THE HONOURABLE MR. R. P. KARANDIKAR: The All-India Services.

THE HONOURABLE THE PRESIDENT: The Honourable Member cannot have incorporated into the record of his speech anything which he has not spoken. If he wishes to have any matter thus incorporated he must read it out. On the other hand, he has only three minutes left in which to conclude his speech.

THE HONOURABLE MR. R. P. KARANDIKAR: If it is economy that we have to observe in this discussion, is it not economy that has to be observed in granting compensation to the Services? We want efficient services but I cannot reduce my country to poverty. I must say that the Services are well paid. They must also think out as to where the money is to come from. I think we are not justified in putting the recommendations into force without having studied what has been done in the past, and I do trust that Honourable Members before coming to a conclusion will go through this literature and they will find that this question of remuneration is one of long standing. I have been trying to solve the proposition. You cannot feed the fire with fuel in the hope of quenching it. You say that you want money for this thing and that thing. Then I say your wants will increase undoubtedly. Prices have come to stay for some time. It may be possible that prices may rise. How many times are you going to revise the

remuneration? Besides it strikes me as being rather inconsistent with the wisdom of the Indian Civil Service. The discussion to-day in this Council is not only limited to India. All the Services in the educated world are looking to what the Indian Civil Service are getting out of India. They are low paid in their own countries. This is the only higher paid Service we find in India. If therefore the I. C. S. succeed in getting more what will they argue? Are the Indian civil servants unmindful of their duty to cut their coat according to their cloth? Cannot the civil servants who are described in this Report as being prone to get into debt largely on account of the expenditure they have to incur, make both ends meet? When they start from their own country, do they not know what expenditure they will have to meet? If they are really deficient in this art or science, whatever it may be, who can trust these highly paid officers when they propose to administer the finances of the whole of India?

These gentlemen cannot manage their own homes and they begin to dictate to the whole of India. Does that show the wisdom which the Indian Civil servants possess or ought to possess? I really think that when they come out to India they leave their strong commonsense behind them or the atmospheric changes in India affect their conceptions of their duty by the people. Let me put a question to them.

THE HONOURABLE THE PRESIDENT: I would draw the Honourable Member's attention to the fact that his time is up and that he must wind up his remarks.

THE HONOURABLE MR. R. P. KARANDIKAR: I bow to your decision. I cannot conclude better than by putting a question to the Indian Civil servants. Without you we cannot manage. We will agree to propitiate you. In that case you will get your money from the revenue department which is a reserved subject. The agriculturists of Bombay are in a state of indebtedness which is proverbial. There was a Commission to inquire into that matter. Do you want a Commission to inquire into their straitened circumstances? Will you have your money from the agriculturists by increasing the land tax? I appeal to you, before pushing on with this Resolution, to wait.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI (Law Member): Sir, during the recent debate on Indian affairs initiated by Viscount Peel in the House of Lords the Secretary of State for India made a very important pronouncement to which I would invite Honourable Members' attention.

"The Secretary of State for India in Council", said Lord Olivier, "who is, as the noble Lord has pointed out, the final arbiter responsible to Parliament in regard to practically the whole field governed by this Report, must necessarily subject the Report to a thorough examination on points both of principle and detail. The mere fact that he, as stated, accepts the view that the Report must be treated as a whole cannot of course in any way absolve him from the duty of examining the Report in all its bearings or commit him in advance to the acceptance of each and every recommendation just as it stands. He must also use the occasion to determine which of the recommendations in their relation to the Report as a whole will further need priority of treatment when the time comes to implement his decisions."

Along with this pronouncement of the Secretary of State it is essential for Honourable Members to bear in mind what Viscount Chelmsford said in his

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final reply on behalf of His Majesty's Government towards the conclusion of that debate—

"No one can doubt", said Lord Chelmsford, "that there must be an examination of Lord Lee's report. He would not pretend to regard it as so inspired that we must accept it in every jot and tittle. Therefore there must be an examination on the part of the Secretary of State, the Government of India and the Provincial Governments."

But later on in his speech Lord Chelmsford made a pronouncement which to my mind is of the utmost importance in connection with our own final conclusions on the Resolution now before the House. This is what he said :—

"Going back to the method, the Secretary of State told your Lordships the other day that he was doing everything he possibly could to get the whole case prepared for a speedy decision as soon as he received information from India as to their attitude towards it. Time, the second problem in the matter, is dependent of course on that matter, but I think you may take it that if the procedure which the Secretary of State and I have indicated with regard to this Report is followed, no time will be lost in dealing with the Report when the essential examination has taken place."

Three things are perfectly clear from these pronouncements which I have just read out to the House, firstly, the policy which His Majesty's Government have decided to adopt towards the Lee Commission Report, secondly the method which the Secretary of State himself intends to adopt in relation to his own determination upon those recommendations and, thirdly, that His Majesty's Government seriously intend to arrive at a speedy decision upon the recommendations made by the Royal Commission on the Imperial Services. In these circumstances, Sir, the Government of India have placed their provisional conclusions, embodied in the Resolution moved by my Honourable friend, Mr. Crerar, before this House in order to enable Honourable Members to assist the Secretary of State in arriving at what may be the correct conclusions upon the Royal Commission's recommendations. That is the attitude of the Government of India. On the other hand, what is the attitude adopted by my Honourable and learned friend ?

He asked this House to refrain from expressing any opinion upon these recommendations, but to urge upon the Secretary of State delay, postponement of his decision upon those recommendations until the Constitutional Inquiry Committee which is now holding its inquiry has made its recommendations and those recommendations have been acted upon : in other words, to allow India's case to go by default. That is really the position which is taken up by my Honourable and learned friend.

Sir, I am myself as ardent an advocate of constitutional advance for my country as any non-official member of the Central Legislature. In the language used on one occasion by that great patriot the late Gopal Krishna Gokhale, I want my countrymen in India to rise to that stature which other nations have attained in their own countries. Sir, if the veil of official secrecy could be lifted for a moment, Honourable Members would know what humble services I have already rendered in my official capacity to the cause of Indian Constitutional Reform. But perhaps, in this respect, it is sufficient for me to remind my Honourable and learned friend the Mover of the Resolution that 11 years ago it was under my presidency that the All-India Moslem League adopted self-government as their objective. And it is because of my love

for Constitutional advance in my country and because of my conviction that the course suggested by my Honourable and learned friend, instead of accelerating constitutional progress, is calculated to retard that progress, that I say to him in the words of the Persian poet :—

"Tarsam'na rasi ba Kaaba ai Erabi

Kin rah to me ravi ba Turkastan ast."

"(O, thou Erratic, I fear thou wilt not reach Ka'aba, for the path thou treadest leads to Turkestan)."

Sir, the introduction of partial responsibility in our Provincial Governments was undoubtedly the most prominent feature of the Chelmsford-Montagu Reforms. In other words, under the new constitution introduced by the Government of India Act, 1919, certain portions of our provincial administration were placed in the charge of the popular side of the Government presided over by Ministers selected from among the elected representatives of the people and responsible for the administration of those subjects to the Provincial Legislature. But the Superior Services operating even in the transferred field were, for certain reasons enunciated in the Chelmsford-Montagu Report, placed for a time under the control of the Secretary of State in so far as recruitment, pay, allowances and so on were concerned. My Honourable and learned friend will remember that the critics of this constitution, both friendly and hostile, complained that a system, a constitution which transferred certain subjects to popular Ministers responsible for their administration to the Provincial Legislative Council, and still retained the appointment as well as the control of the superior branch of the Services operating in the transferred field in the hands of an outside authority 6,000 miles away, could never be successful. That was the criticism advanced at that time in Indian political circles. The friendly critic said that transfer in these circumstances was incomplete : the hostile critics characterized the transfer as a mere sham. This, Sir, has been the demand put forward in all political circles during the whole course of these four years—that the superior branches of these Services must be placed under the control of the Provincial Government : appointment to these Services must rest in their hands, appointment as well as control being taken away from the hands of the Secretary of State. Well, the Royal Commission on the Superior Services in India presided over by Lord Lee, now has, recommended His Majesty's Government that appointment to and control of these Services operating in the transferred field should be taken away from the Secretary of State and placed in the hands of the Provincial Governments. But my Honourable and learned friend asks this Council to recommend to the Secretary of State : "Oh no ! It is not necessary to carry out this much-needed reform, although Indian political circles have been crying themselves hoarse in their demand for it. Better wait until the Constitutional Inquiry Committee which is now holding its inquiries has made its recommendations to the Government of India and the Government of India have come to their conclusions and those conclusions have been sent to England and the Secretary of State has reached his own decisions upon those recommendations." Until the final decision is arrived at on that question, this popular demand which has been put forward in all Indian political circles during the whole of these four years and is now accepted by the Lee Commission and accepted by the Government of India

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should not be carried out ! Is that course of action calculated to accelerate constitutional advance in this country ? Is it not on the other hand calculated to retard constitutional advance ?

THE HONOURABLE DR. SIR D. P. SARVADHIKARY : My friend will remember the modifications. I distinctly said that so far as control, discipline and working rules are concerned, they should be entirely provincialised ; but I wanted it to be an All-India Service in the broader sense.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI : At any rate my Honourable and learned friend's amendment does not say so. That amendment in the clearest possible language says that the decision on the recommendations should be postponed until after the constitutional inquiry has been completed and action thereupon has been taken. And as regards this new aspect which my Honourable and learned friend seeks to give to his own suggestion as embodied in the amendment, I have only one observation to offer. These All-India Services operating in the various Provinces are All-India in name. No doubt recruitment to them is on an All-India basis. But once a man has been allotted to a Provincial cadre, he begins his service in that Province, he ends his service in that Province, and he retires on pension from that Province. When I was in charge of the Education Department I was approached by friends and relations of successful candidates to post them in their own Provinces. So that so far as Indian candidates are concerned, not only is there no desire on their part to be posted to Provinces other than their own, but, on the contrary, they make every effort possible after they have succeeded in the competitive examination to be posted to their own Provinces. It is all very well for my Honourable and learned friend to say that Indian unity is interfered with in this way. Why should Indian unity be interfered with ? The recommendations of the Lee Commission amount to this—that the recruitment and control of these Services should be placed in the hands of Provincial Governments. It will still be open to a Provincial Government if they need an expert or if they need a person with particular qualifications for a particular post from Bengal or from Madras or from other Provinces, to give him an appointment in their own Province. No doubt it would ordinarily not be open to my friends from Bengal, for instance, to compete freely in an open competitive examination for, say, service in the Punjab ; but after all my friends from Bengal must remember that in their own Province they will have a similar monopoly and my friends from Madras will not be able to intrude into Bengal. (*The Honourable Dr. Sir Deva Prasad Sarvadhi-kary* :—"I do not grudge them.")

Well, Sir, I shall leave this question of provincialisation for a moment. The next demand of which we have been hearing so much and for so many years is the greater Indianisation of our All-India Services. If the literature which has been written and spoken upon this demand in the press and from public platforms, not by moderates, not by radicals, but by members of all schools of thought in India, were to be collected, I do not know if the volumes would not amount to something like half the Imperial Library of the Government of India. The Lee Commission's recommendations seek to satisfy that demand. My Honourable friend, Mr. Crerar has already given to the House facts and figures

to show the liberal extent to which the recommendations of the Lee Commission go in this respect. But I would like to give one or two figures myself, comparative figures to show what is the extent of the advance as compared with the present position. At present, according to the decision arrived at in 1919, Indian recruitment in the Indian Civil Service amounts to 37½ per cent. The Commission's Report recommends that henceforward recruitment shall be in the proportion of 60 Indians to 40 Europeans. In the Indian Police Service, according to the existing rule, 33 per cent. in all provinces, except in the North-west Frontier Province where it is 10 per cent. and Burma where it is 22 per cent., of Indians are recruited. The Lee Commission recommend that henceforward recruitment shall be half and half ; that is to say, 50 per cent. Indians shall be recruited for this Service. In the Indian Forest Service the present recruitment is 40 per cent. in all the Provinces and in Burma it is 35 per cent. The Lee Commission recommend that in future the Indian recruitment shall be 75 per cent. of the entire strength. As regards the Indian Service of Engineers the Lee Commission recommend that so far as the Roads and Buildings branch of that Service is concerned recruitment in future shall be left entirely in the hands of the Provincial Governments. Similarly, in the case of the Indian Agricultural Service, the Indian Educational Service, the Indian Veterinary Service—so that it will be for the Provincial Governments to fix what percentage of Europeans they will recruit for these Services, the entire control being vested in their hands. Well, Sir, the difference between the existing position and that recommended by the Lee Commission is undoubtedly a satisfactory advance in so far as the Indianisation of Superior Services in India is concerned. "But," says my Honourable and learned friend, "Oh, no. We do not want any of this greater Indianisation of our public services now ; we must wait until the constitutional inquiry is completed."

Sir, it is a disputable point upon which even the highest authorities have differed whether administrative advance should precede constitutional advance or *vice versa*. Indeed, to my mind administrative capacity and experience are the corner stone of the constitutional edifice. A nation which is not prepared by training and by experience to run its public services in the most efficient manner for the good of the people is to my mind not fit for constitutional responsibility. At any rate it must be plain to all sensible people that the two administrative and constitutional advance—must proceed simultaneously side by side. That being so, we had administrative advance embodied in the Report of the Islington Commission carried into effect in 1919. We had the step onward in constitutional advance embodied in the Montagu-Chelmsford Report carried into effect two years later in 1921. We have now a further administrative advance embodied in the Lee Commission's Report before us. We ought, this House ought, to earnestly request the Secretary of State to carry into effect the proposals now before us as soon as possible in order to pave the way for the next constitutional advance which may result from the inquiries of the constitutional Committee to which my Honourable and learned friend has referred in his amendment. It is thus, step by step, stage by stage, that both administrative and constitutional advance will go on apace, and India will at the appointed time attain to full responsible government. Instead of adopting this course, I am surprised that a far-sighted and experienced

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politician like my Honourable and learned friend, Sir Deva Prasad Sarvadhikary, should advocate, to my mind, a retrograde step, which is calculated to retard rather than accelerate constitutional advance in this country.

Sir, there is another feature of this Lee Commission's Report to which I would like to invite the attention of the House. For years past, even in the old days before the introduction of the Montagu-Chelmsford reforms, the central Legislature has always been demanding the creation of a Civil Medical Service in this country to look after the medical needs of the population. At last, after years of agitation, now, as a result of the Lee Commission's Report, we have the prospect of a beginning of that Civil Medical Service which we have always been asking for and looking forward to. My Honourable and learned friend and his supporters say: "No, no, the needs of the people regarding the necessity for the creation of a Civil Medical Service should be ignored for the moment. Wait, wait, until the Constitutional Inquiry Committee has concluded its inquiry and until a decision has been arrived at." Well, Sir, I confess as an Indian and in consequence as a sincere well-wisher of constitutional advance in the country, I for one am unable to understand the process of reasoning which has resulted in the adoption of this attitude on the part of my Honourable friend.

Then, I pass on to the question of relief to the Services. My Honourable friend himself has admitted the necessity of giving relief where relief is needed, and therefore I need not dwell on that point at any length. But there is one observation which I would like to make in that connection, and it is this. It has been said in another place that the members of our Services should recognise that they are no longer the "*ma-bap*" of the people, but that in the new conditions introduced as a result of the famous declaration of the 20th August 1917, now embodied by the British Parliament in the Preamble to the Act of 1919, they must look upon themselves as the "*bhai-bhain*" of the people. With that sentiment I myself am in entire accord. But that sentiment, or rather that proposition connotes as a necessary corollary another proposition which I want to put before the House and that is this. It follows necessarily that we ourselves also should look upon the members of our Services as our "*bhais*" real brothers, not step-brothers to be ignored whenever they put forward any reasonable demands for concessions or for alleviation of conditions which they find very difficult to face. I do hope that this House will look upon the recommendations embodied in the Lee Commission's Report and accepted by the Government of India as those which the necessities of the situation call for, and will therefore adopt the Resolution moved by my Honourable friend Mr. Crerar and reject the amendment put forward by my Honourable and learned friend. Indeed, if I may venture to say so, the interest of constitutional advance which my Honourable friend and I have equally at heart necessitates the adoption of the measures which have been recommended by the Lee Commission. The provincialisation of the All-India Services operating in the transferred field is in itself a step forward towards that constitutional aim which he and I have in view—the ultimate attainment of full responsible government in the country. As further subjects are transferred the same principle will continue to apply to the Services operating in the widening field of transferred subjects until a stage is reached

when provinces will have full responsible government if this process of advancement towards the ultimate goal is to be delayed. I am sure advancement towards responsible government will be retarded rather than accelerated, and it is on that ground that I appeal to the Honourable Members of this House to accept the Resolution put forward on behalf of the Government of India and to reject the amendment moved by my Honourable and learned friend.

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

The Council re-assembled after Lunch at Fifteen Minutes to Three of the Clock, the Honourable the President in the Chair.

THE HONOURABLE THE PRESIDENT: The Council will now proceed with the discussion of the amendment. Does any Honourable Member wish to support the amendment?

(The Honourable Mr. G. A. Natesan stood up).

Does the Honourable Member wish to speak in support of the amendment?

THE HONOURABLE MR. G. A. NATESAN: I wish to speak against the proposition.

THE HONOURABLE THE PRESIDENT: Does the Honourable Member wish to speak in support of the amendment?

THE HONOURABLE MR. G. A. NATESAN: Not exactly.

THE HONOURABLE MR. S. VEDAMURTI (Burma: General). Sir, I dare say the House has listened with great interest to the eloquent speech made by the Honourable Sir Mian Muhammad Shafi, the Leader of the House. He has told us that he is as eager for constitutional advance as any of us, and that there is nothing in the Report of the Lee Commission that can in any way be interpreted to be against such an advance. Let me join issue with him. One of my first objections to the adoption of the recommendations of the Lee Commission is that it is intended, consciously or unconsciously, to delay the advance of constitutional reforms for which the country has been clamouring. This is borne out, Sir, by the fact that, in the terms of reference, apart from the mention of the declared policy of Parliament in respect of "the increasing association of Indians in every branch of the administration," there is not a word about the more vital part of the Preamble of the Government of India Act of 1919, which is the "gradual development of self-governing institutions with a view to the realisation of responsible government." I am not one of those who are referred to by the Honourable Mr. Crerar as accusing the Commission of not dealing with the constitutional issue. But that significant omission is in the terms of reference to the Commission, and it has justly aroused the fears in our minds that constitutional advance will receive a setback by the adoption of their recommendations. Again, Sir, even when the Commission refers to the "new policy directed towards the progressive realisation of responsible government" as one of the factors in the situation, the Commission has in despair left the question unsolved, for the Report says on page 5 that—

"it was, however, impossible to produce a scheme which would fit the new circumstances without a complete re-examination of the problem."

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At any rate, the questions that are answered in their own way by the Commission, whether the reduction of the European element will be practicable within the next 20 years; whether the Services operating on the reserved side should continue to be members of an All-India Service, their appointment and control to continue to be vested in the Secretary of State; whether a guarantee should be given not only to the existing members of the Service but also to future entrants in those Services as long as those departments continue to be reserved; whether in case such transfers from the reserved to the transferred side take place within the course of 15 years the guarantee should not continue in the case of pay, allowances and pension; whether Parliament should not guarantee the pensions of the members of these Services in the case of future constitutional development in India; whether the grants in respect of certain Central Services and certain officers of the All-India Services should not be made a non-votable item, thus depriving the Assembly of its legitimate right—the answers given to these questions by the Commission go to prove that the pace of responsible government will be slower than what we demand. The justification for our fears comes from unexpected quarters. The Government of Bihar and Orissa in their reply to the Government of India circular say on page 28 of the correspondence :—

“When the transfer of a subject takes place, it is difficult to withstand the consequence that it should be accompanied by the transfer of the service dealing with that subject. If, at some date hereafter, an attempt is made to introduce full provincial autonomy, the risks inherent in the acceptance of the principle will be real and serious, but if they are considered to be too great to be undertaken, the true remedy is the postponement of provincial autonomy, and not an attempt to restrict its actual working in a manner which would certainly engender friction, even if, given the attainment of that stage it was practical politics, which almost certainly, it would not be.”

These are my reasons for saying that the recommendations of the Lee Commission really give a set-back to constitutional advance.

So far as the control of the Superior Services is concerned, it is a matter for some satisfaction that those members whose departments are now transferred will, in future, in the case of future recruits (other than the Indian Medical Service) be placed under the charge of Local Governments, but it is said that the existing members should retain all their present rights and status. I fail to understand, if the Local Governments are expected to deal fairly and justly in the case of future entrants, why they would not deal with the existing incumbents fairly and justly as well. Again, the popular demand is that the Secretary of State's powers of appointment and control of All-India Services should cease, and that they should be delegated to the Government of India. I refrain from quoting the authority of several Ministers in the Provinces who are of opinion that the All-India Services should no more be controlled by the Secretary of State, but that the Government of India should appoint and control the members of these All-India Services. But I will quote an instance in which the Finance Member of the Government of Burma goes further than that. The Honourable Mr. W. J. Keith, the Finance Member of the Burma Government, is against the retention of any All-India Service and is in favour of recruitment throughout on a provincial basis.

The Chief Secretary to the Government of Burma says in his reply to the Government of India at page 30 :

“The Honourable the Finance Member and the two Ministers would have preferred the solution set out in their answer to the Royal Commission's Questionnaire, namely, that recruitment to the present All-India Services (whether working in the Reserved or in the transferred fields) should cease forthwith, and their duties and functions be transferred gradually to new services organised on a provincial basis for which a minimum proportion of European recruitment would be laid down by the Secretary of State, who would recruit Europeans on behalf of the Local Government, but would not control them, although their contracts would provide for an appeal to him from any order of the Local Government affecting emoluments or prospects.”

Sir, as regards Indianisation, it is claimed, and claimed rightly, that the recommendations of the Lee Commission go far towards the Indianisation of the Services, and the Honourable Sir Muhammad Shafi has consoled us by quoting certain figures, but I am prepared to contest the statement and say that the advance is more specious than real. Take, for instance, the Indian Civil Service. The Commission proposes that the proportion should be 40 per cent. European, 40 per cent. Indian directly recruited, and 20 per cent. to be obtained by promotion from the Provincial Service which will produce an equal cadre in 15 years. To a question asked by the Honourable Mr. Crerar in his Circular whether it would be reasonable to guarantee that this result would be achieved in not more than 15 years, and whether any restriction should be imposed that this result should not be attained within a shorter period than 15 years, the Local Governments are almost unanimous in saying that no guarantee should be given. One Government says that, if a particular policy is adopted, it will not be practicable to alter that ratio at some future date in favour of the European element. Another Government says that no conditions need be made regarding the attainment of equal numbers within 15 years, as this depends on contingencies which it is impossible to forecast. In my opinion, it will take a longer period than 15 years to obtain an equal cadre. In fact, it is difficult to estimate, as the Madras Government have pointed out, what ratio of recruitment would be calculated to produce this result. The Honourable Mr. Sinha, Minister in Bihar and Orissa, thinks that—

“in order to attain a proportion of 40 European, 40 Indian direct recruited, and 20 Indian, promoted, within a period of 10 or 15 years, the recruitment ratios of 21 Europeans, 53 Indians directly recruited, and 26 Indians promoted from the Provincial Service should at once be adopted.”

The Honourable Mr. Crerar himself admits at page 37 :—

“It is extremely difficult to conjecture the period within which this rate of recruitment would produce a half and half composition of the Service. A considerable number of retirements on proportionate pension would accelerate the period appreciably, and it must be borne in mind that there is a possibility that the required number of European recruits will not be forthcoming. These factors perhaps render any conjectures regarding the period at which equal numbers will be obtained of little practical value.”

THE HONOURABLE MR. J. CRERAR : The purport of it would be materially to reduce the period of 15 years.

THE HONOURABLE MR. S. VEDAMURTI : At any rate, there is a business about the whole situation. If the recommendations of the Lee Commission thus land us in an atmosphere of uncertainty regarding Indianisation,

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is it fair to say that the Commission has advanced the cause of Indianisation to the satisfaction of the people of this country?

Unless further European recruitment is stopped at once, there is no probability of attaining an equal cadre in the Indian Civil Service, say, even within 30 years. Unless further recruitment is stopped at once how long will it take to reduce the present strength of 1,129 British I.C.S. officers to the figure of 655 to obtain an equal cadre? The Honourable Mr. Crerar has not chosen to answer that question. The same should be the case in the case of the other Imperial Services, the Police, the Irrigation portion of the Indian Service of Engineers, and the Forest Service, if the proportion suggested by the Commission is to be attained. In view of the fact that the recommendations, if carried into effect, will retard the pace of constitutional advance; in view of the fact that they are going to perpetuate the control of the Secretary of State over All-India Services operating in the reserved field; and in view of the fact that the recommendations for the Indianisation of the Services could be completed only at a distant date even according to the proportions set up by the Commission, I do not want to support the main proposition, but I support the amendment that has been moved by my Honourable friend, Sir Deva Prasad Sarvadhikary.

THE HONOURABLE SIR ARTHUR FROMM: (Bombay Chamber of Commerce): Sir, when any matter of vital and national importance to this country comes up for discussion before the Central Legislature, a debate invariably takes place in the Legislative Assembly before it is discussed in this Council. I have heard it described in some quarters that this procedure detracts from the value of the debate in this Council. I cannot, Sir, however, subscribe to that view in any way. The Council of State was primarily instituted as a revising Chamber, and it follows therefore that the procedure which I have described has of necessity, to be adopted, and it is not without its value, as the Members of this House usually have the opportunity of listening to words of wisdom, and perhaps to words of what I may describe as un-wisdom which fall from the lips of Members in the other House. Therefore the Council of State is at an advantage and when the subject comes up before it, the Council is able to exercise a restraining influence in its discussions. I had hoped that in this particular instance all the Members would have learnt some lesson from the discussion which took place in the other House and would have refrained from taking this debate into side-issues, an example of which is the amendment before the House now, which have no direct bearing on the important matter which we are called upon to discuss to-day. I listened, Sir, with interest to the soft words and calm speech with which the Honourable Sir Deva Prasad Sarvadhikary introduced his amendment. But I consider that there is a sting in that amendment. It provides for delay in the adoption of this important Resolution now before the House. The Honourable Member told us that he had no disagreement with any suggestion to improve the pay of the Services, but that he did object to the Lee Commission's Report as a whole because it introduced other matters. And what other matters did it introduce? Did it make any suggestion of a retrograde step in Indianisation? Does the Lee Commission's Report make any suggestion of a retrograde step in the matter of provincialisation?

No. What does the Lee Report do, in addition to providing relief for the Services? It takes the constitution of this country another step forward and why the Honourable Sir Deva Prasad Sarvadhikary should object to that I fail to see. The Honourable the Leader of the House has brought this point very forcibly before us to-day and therefore I will not refer to it further. The Honourable Mr. Karandikar in supporting the amendment gave voice to many principles, and one of the principles on which he based his objection was want of money. I sympathise with the Honourable Member in that respect. I think too most of us Members here feel a certain amount of grief when we have got to pay for everything just about twice what we would have paid ten or twelve years ago. This equally applies to wages, and the pay of the Services. You have got to pay more for them. I want the Honourable Members of this Council to keep that clearly before them. The Resolution which has been moved by the Honourable Mr. Crerar in effect proposes to adopt the majority of the recommendations of the Royal Commission on the Superior Services in India, the chief exception being that the recommendations on the Medical Services as a whole are set on one side, and I think rightly so, for further consideration. There is also what might be considered a minor matter. The recommendations of the Commission as regards small increases in the pensions of Members of Council and of Governors of Provinces, promoted from the Services, are not being adopted by the Government of India.

It has been seen that the Report does not make any general recommendation for increases in the pensions of the Indian Civil Service, the Commission contenting itself with the reflection that the abolition of the system under which the members of the I.C.S. contributed 4 per cent. of their pay annually would in years to come provide for an extra £250 a year for those drawing a pension. The years to come will not arrive until 1944 if I understood the Honourable the Home Secretary correctly. What about the members of the I.C.S. who are about to retire shortly. I would have welcomed some suggestion in the Report that relief should be given to them in the matter of their pensions possibly taking the shape of some allowance in respect of the very large reduction in their pensions on account of income-tax in England. However the Commission after due deliberation has not thought fit to make any recommendation with regard to this matter, and I do not feel it incumbent upon me to press the point. But I do think that, presumably out of a sense of modesty or self-abnegation the Government of India have acted somewhat over sensitively in not adopting the recommendations for small increases in the pensions of those members of the I.C.S. who by sheer ability, hard work and life-long devotion to their duties have climbed to the top and occupied positions of Members of Council or of Governors of Provinces. I cannot agree in any way with the remarks published in the Report as a foot-note by one of its distinguished members. He gives as one of his reasons for dissenting from this particular and strong recommendation of the Commission that he would not like to disturb the feeling of equality and camaraderie of the Services. I do not agree with that in the slightest respect. To follow such an argument to its logical conclusion you might as well suggest that the pay of the Member of Council should be no more than that of a Collector. The Commission in making its recommendation for a higher pension for those most successful in the Service to my mind put forward a very reasonable

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proposal, but I do not think it would be becoming in me to bring forward any amendment for reasons which perhaps I need not dilate upon but which will be readily comprehended by all the Members of this Council. I think though it would be a befitting and gracious act on the part of one of my Indian friends in this Council to bring forward such an amendment and to suggest that paragraph 68 of the Report should be given effect to. I would welcome such an amendment and give it my cordial support. One word more on this subject and that is the cost. The cost would be very small. Its immediate effect works out to about £1,200 a year, and its effect when fully felt would not, I believe, exceed something like a sum of 1½ and 2 lakhs a year.

Sir, I will now refer briefly to the Indianisation which is provided for at a steady rate in the Lee Report. It will be seen that the Indianisation suggested far exceeds the proposals of the Montagu-Chelmsford report of only a few years ago, and yet some Members of the Legislature are not satisfied. The figures given to this Council by the Honourable the Home Secretary I confess astounded me. I will not go into them in detail.

The Honourable the Leader of the House has already referred to them and a careful study of them will show that the progress of Indianisation is not slow, and in the opinion of many, if not of most, of the Members of this Council it is as rapid as should be adopted with due regard to the safe, efficient and satisfactory administration of this great country.

Sir, having dealt briefly with the progress of Indianisation, I now come to the all important question of the retention of the British element, and I think it will be agreed by all of us here that a proportion of British in the All-India Services will be necessary for many years to come. In voicing these views I feel sure that the Honourable Members of this Council will recognise that I have no intention nor that there is any suggestion on my part to cast any reflection on the ability and capability of Indians, and here I speak with confidence, coming as I do from Bombay where perhaps Indians and Europeans are in closer touch than in any other part of India. We work there together freely and unrestrainedly in business and in many other walks of life, and I feel sure that I shall have the support of my fellow Councillors from Bombay,—I am glad to see one has recently arrived,—in stating that mutual respect in many undertakings is most marked and the results of their collaboration have met with great success. I see no reason why a similar state of things should not obtain in the Services and why the combination of the intellectual powers of the Indian and the European should not continue to bring forth the very best results for the happiness and welfare of the many millions in this country whom they are called upon to govern and to assist with their advice. Sir, the British bring to this country, by virtue of their education and training from their boyhood, a high standard of efficiency and integrity. This high standard is welcomed and adopted also by the Indian official. However, at present, this high standard emanates from the British, it is the backbone of the Service and I for one would deprecate that backbone being removed.

Sir, as I have already said, I am sincerely convinced that the Members of this Council approved of the retention of the British element in the All-India Services. It therefore remains to consider how the retention of that

element can best be effected. It is obviously desirable—nay, necessary—that the British lads who come out to this country should be the best that Britain can produce and to continue to be picked men. Unfortunately it has been borne in upon us in recent years that, unless the Services are made more attractive, we shall not find British candidates coming forward possessed of those qualifications. And here I will refer briefly to the speech made by my Honourable friend behind me. He suggested why should you pay them more? Are you getting the right men? Yes, up to date. Are the right men likely to come forward? No. If you do not make your Service more attractive, what will happen? If you do not have innumerable more candidates for the vacant places, whom will you get? You will get the wasters coming out. Have you hitherto had wasters coming out? No; you have had the highest and best that Britain can produce.

To continue, Sir, to my mind the recommendations of the Royal Commission are the very least in the way of improving the Services which can have the effect of attracting the right man to India. I hold strongly to the view that the Resolution before us should be adopted without any petty cheese-paring and without the adoption of any inconsequential and non-constructive amendments.

Sir, from what I gathered when listening to the debate in this matter in the other House and from reading the report of it in the papers, I have come to the conclusion that the chief objection to the adoption of the Report emanates from the fact that the Royal Commission was appointed against the wishes of the Legislature. Let me, however, remind Honourable Members of this Council that the grievances of the All-India Services were real, have been real and have not been fanciful. The Services have waited patiently for some amelioration in their lot for many years, and to my mind the action of His Majesty the King in appointing a Royal Commission was in no way too precipitate. It must be remembered that after all the responsibility for the government of this country remains with the Government at Home, and when steps are taken, none too soon, to alleviate the disabilities under which the All-India Services in this country have been suffering, I cannot see that the action is in any way one to cavil at. I listened with regret to the Honourable Mover of the amendment when he proposed that it was not desirable to give effect to the recommendations of the Lee Commission pending the inquiries about Reforms. I believe that a somewhat similar enunciation was made in the other place, and I was much grieved to find that an amendment to that effect had been brought forward before this Council. What have the individual members of the Services to do with legislation affecting the Constitution? And why should their individual difficulties remain unsolved pending the results of the inquiry of the Reforms Committee? In lower walks of life when individuals are dissatisfied with their pay they go on strike and thus bring before their employers their grievances, and if their grievances are just they are readily remedied. Would anybody suggest that the All-India Services should take action of this sort? Men in the Services have had to wait year after year in the hope that some relief would be found for their financial embarrassment.

Sir, I support whole-heartedly the Resolution brought forward by the Honourable the Home Secretary. I condemn as ungenerous in the extreme,

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and wholly to be deplored, the view of any one who proposes to use the granting of financial relief to the Services as a lever for further amendments in the Constitution. Sir, I appeal to Honourable Members of this Council to refrain further from dragging in politics where politics are not required. I appeal to Members of this Council as man to man to rise to the occasion and to show to the people of India and England that this Council is ready to give relief to the Services—relief for which the Services have appealed for so many years in vain.

THE HONOURABLE MR. G. A. NATESAN (Madras: Nominated Non-official): Sir, I felt very happy and very proud indeed at the tenour of the speech which was delivered by the Honourable Mr. Crerar in placing his Resolution before the House; but I regret the remarks made by the Honourable Sir Arthur Froom who has just sat down. I have always thought that questions of this description should be discussed in no other spirit but one of goodwill, and I hope I shall practise the utmost self-restraint in giving expression to certain views which perhaps will not appeal to my Honourable friend Sir Arthur Froom and others who might think like him.

It is to me a regrettable circumstance that the Report of the Lee Commission should be forced more or less upon the Legislature at this time—particularly when after the introduction of the Montagu-Chelmsford Report sums amounting to a crore of rupees have already been given to remedy the grievances of the Civil Service. It is also, Sir, a circumstance to be regretted that after the Report of the Retrenchment Committee which proposed a reduction of over 5 crores this question should come up before us. It is equally unfortunate that this discussion should take place at a time when the Reforms Inquiry Committee is going on, when Minister after Minister has given evidence that the manner in which dyarchy is being worked is unsatisfactory, that the difference between transferred and reserved subjects should be done away with, and it is high time that provincial autonomy was given to the Provinces. My Honourable friend Sir Arthur Froom asked what has this proposal to give relief to the Services to do with constitutional development? I tell him in all sincerity and earnestness that it has a great deal to do with it. I give my word, and I speak with authority, that not only my countrymen here but elsewhere would undoubtedly be prepared to give relief to the Services if you brought it up as a separate recommendation and presented it to this House clause by clause. It was a demand made elsewhere. It was a demand made in several parts of this country in the course of public discussions in journals and at meetings. I hope the Honourable Sir Arthur Froom has read the whole of this Report carefully. The proposals are interdependent and are inextricably bound up. The Commission itself says so, and says very clearly, that you cannot separate one part from another without doing violence to the manner in which the whole thing has been constructed. And if to-day I am here to say that I regret I cannot support this proposition, it is not because I or any of my countrymen who share my views are ungenerous (as the Honourable Sir Arthur Froom seems to think) and unwilling to give relief which the Services need. I do not believe anybody in this country would be so base or mean as to stand the aspersion which my Honourable friend Sir Arthur Froom has cast upon them.

Sir, I cannot give my consent to this Resolution as it is framed and presented to this House because in my opinion it undoubtedly perpetuates an anomalous system. When at the time of the Montagu-Chelmsford Act many of my countrymen, particularly the Liberal Party to which I have the honour to belong, agreed to a condition that the appointment and control of the Services and their discipline and future should be in the hands of the Secretary of State, many people agreed to it reluctantly; but since then the opinion has been publicly expressed that it was an unfortunate thing. There is not a politician of note in India who does not now say that that system should cease. It is an anomaly, Sir. I say at once that it does great credit to their sense of loyalty and sense of discipline and their devotion to duty that the Civil Service should obey the Government of India, though they are always looking forward to the Secretary of State for India as the ultimate authority. But can any one point out to me any country in the world where this system of appointment and control of services is in the hands of an outside authority six thousand miles away? Even if there were any, I shall be unable to give my vote to this proposition as it is.

I should like to point out, Sir, that I quite agree that the Commission's proposals for Indianisation are certainly in advance of the present state of affairs. But without going into details I must say that there are many who think that Indianisation could not be effected even to the extent of fifty per cent. on the calculations arrived at by the Lee Commission: and by the way may I say here that we have not the evidence of the Lee Commission before us? We have none of the data which they had to come to a conclusion. We are simply told that, according to the scale they have proposed for Indianisation, 50% would be reached in 15 years in the case of the Civil Service. My Honourable friend, Sir Arthur Froom and others who talk about rapid Indianisation, do not seem to be acquainted with the real Indian view on this question. It is not a mere question of power and pelf and petty attempts to get offices. It is a question of trying to see as far as possible that the people of this country have their proper share in the administration and that the Services are under the direct control of the Central Legislature, with His Excellency the Viceroy at the head, as at present. I feel honestly that if the proposals of the Lee Commission are given effect to, it will add to the difficulties which are already bad enough in all conscience. It is clear—and the whole Report of the Lee Commission bears witness to the fact—that these proposals are made because there is a great deal of distrust and suspicion and a cloud of uneasiness hanging over some members of the present Services and haunting those young men who wish to come here. Now, I think in all fairness it is not a bad proposition to state: "Do not bring more young men into this country. Stop recruitment for some time. It is not fair to these young men that they should be brought into an atmosphere which as you say is already surcharged with suspicion and distrust."

I also wish to point out that this proposal to stop recruitment is nothing strange. It is the opinion of our distinguished friend, the Right Honourable Srinivasa Sastri, who cannot be accused of taking an ultra-radical view. It is also the view of Sir Sivaswamy Aiyer and of Sir Chimanlal Setalvad, two gentlemen who held the office of Member of the Executive Councils in their respective Provinces and whose moderation in politics is undoubted. It is

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also the view of a gentleman who was till lately a Minister, Mr. Chintamani; it is also the view of one who adorned the place of Member in the Viceroy's Executive Council till recently, about whose services to the State a Gazette Extraordinary was issued. I refer to the opinion of Sir Tej Bahadur Sapru. It is also on record that the National Liberal Federation consisting mostly of moderate politicians have said that it is desirable to stop recruitment. May I say, speaking for the Province from which I come, that the combined Madras Government have deliberately stated as their opinion that recruitment should be stopped? I may say, in fairness, that their conclusion is arrived at perhaps for a different reason from the one which I give. It is also the view of the Ministers in Assam; it is the view of the Honourable Raja of Mahmudabad, a distinguished Muhammadan nobleman who had taken an active part in the political life of the country and who is now an official. It is also the view of the minority in the Bombay Executive Council.

Further, I wish to draw the attention of the House to the fact that the recommendations of the Lee Commission have been disapproved by a majority of the Provincial Legislatures; they have been disapproved by Madras, by the United Provinces, by Assam, by Bihar and Orissa and by Burma. I speak subject to correction. If in spite of all this, having regard to the fact that the recommendations are so inextricably bound up, that we are told that if you detach one you are more or less doing violence to the spirit of the whole recommendation, if in spite of all this, you still ask me to vote for a proposition which means perpetuating the existing system of recruitment and control and the vesting of authority in an outside individual who is six thousand miles away, a proposition which by bringing in new men in the present circumstances is calculated to add to the tension of feeling which at the present moment exists in this country, I say you have no right to do so. If you ask me to do all this, if you accuse me of being wanting in loyalty and magnanimity and charity, I only wish to turn to you and say that you are asking "me, an Indian, to mortgage the future political destinies of his country".

I turn now from this to a consideration of the financial position—the suggested increase of pay, passage and pensions. Allow me to state in all sincerity that I have had to study a great deal of literature about the Civil Services. I have had to study it very carefully when I had the honour of being called upon to give evidence by the Madras Government before the Lalington Commission. In my own professional career as a journalist and publisher I have had to study the pronouncements of not one or two but of many distinguished Indians who have helped to make this nation better than it was and some of whom are still with us. Allow me also to state that for several years as a member of the Madras Corporation which has always been presided over by civilians, and in my capacity as member of several committees, in which I have served along with civilians I have had opportunities to watch their work. Let me state unhesitatingly without any reserve that I have always been struck by their high standard of duty, by their integrity and sense of discipline and their willingness to adapt themselves to altered circumstances. All this I grant. But when I say all this allow me to state

also that in the opinion of many of my countrymen, an opinion which was supported by the Honourable Sir Basil Blackett the other day, the Civil Service is a highly paid Service. It is a very unique Service, unique in character, unique in policy, unique in its unparalleled devotion to duty but unique also in the very high scale of salaries which its members get as compared with Services in other parts of the world. Let me also state that it is not a view which I am propounding for the first time. I am one of those who have publicly and privately protested against the attempts made by the Ministers, many of them Moderates, who insisted upon getting equal salaries with Executive Councillors. Let me tell my Honourable friend, Sir Arthur Froom, that the view I have consistently held is that Indian Ministers, once they got the right of equal status with Members of the Executive Council, had no right to demand the same salary; because from the time of the venerable Dadabhoj Naoroji, we have always said that our services were costly, that India is poor and cannot afford to pay such high salaries; and I am proud to say after sticking to a very unfortunate point of view for sometime that some Ministers in the Provinces have practically agreed to take less pay than before.

THE HONOURABLE SIR ARTHUR FROOM: I never drew any comparison between the salaries of Ministers and the salaries of Members of the Executive Council.

THE HONOURABLE MR. G. A. NATESAN: My point is to show that when all is said and done the salaries here are fairly high now and they should not be increased without regard to the actual condition of Indian finances and that it is a view which I am not holding now after the presentation of the Lee Commission Report but long before I saw the Report. Long before this Report I and some of my friends have been protesting that Indian Ministers ought not to get the same salaries as Executive Council Members, and for nearly half a century we have been saying that the salaries are high.

Sir, to sum up the popular view, I quote some extracts here:

"The Indian Civil Service and all the cognate services are very highly paid."

"Old times have changed, and the time is come when the salaries should be revised with reference to the market rate prevailing all over the world."

"There should be no more agreements and covenants. These covenants are most burdensome; they bring in their train costly furlough allowances, pensions, and a lot of other charges. All these must be abolished."

"India wants efficient but less costly service from any place in the world."

"If impartially considered, the Government of India ought to pay no heed to the recommendations made by the Public Service Commission, that about a crore of rupees at this juncture should be added to the burdens of the tax-payers."

Sir, these observations were made seven years ago, in 1917, at the time a Resolution was moved in the Viceroy's Legislative Council by Pandit Madan Mohan Malaviya, and I believe the Honourable Mr. Sastri also took part in the discussion. Since then one crore has been added to the salaries of the All-India Services. There is not a nobler friend of British rule, nor a truer or warmer admirer of British character than the Honourable Sir Dinshaw Wacha, or one who is more in favour of law and order. These extracts are from a speech delivered by him, whose collected speeches it has been the privilege of my firm to publish. I admit since then certain difficulties have arisen. But

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et me state that in any attempt to ask us to agree to an increase of pay, pensions, passages, etc., your claims to relief are sternly limited by the low condition of our finances. The Honourable the Finance Secretary has often told us that the present condition of Indian finance is not sound. (*The Honourable Mr. A. C. McWatters* : I don't think I said that). I will put it another way. We are in the circumstances in which extraordinary difficulty has been felt in making both ends of our Budget meet.

Now, I come again to the question of calculation. It has been estimated that the cost is about one and one-fourth crores, with regard to pay, pensions and other things, and kindly remember that this is limited to the All-India Services. But what about the others? We had an authoritative statement from Sir Basil Blackett that already there is a proposal for increase of pay for Army officers. Could this House appear to treat one set of Services one way and another set of Services in another way? What is to become of European officials in the Railway services when you take over the G. I. P. and E. I. Railways? And may I ask if you have included the cost of special medical attendance which is one of the suggestions made by the Commission? Have you included also the cost of house rent allowances which have been proposed? May I ask further how would these new proposals affect the Budget for next year?

Despite all this, let me state that I am prepared, speaking for myself and I am sure there are others who will agree with me, if you put a proposition simply and purely by itself which says that we should vote something for the relief of these Services we are prepared to vote for the same. As I said I have been on terms of intimate friendship with several Civilians. I am bound to say that I think the grievance is not universal. It is true of some Civilians who have their boys and girls to educate in England and who find it difficult to make both ends meet. Therefore, give an opportunity to me and to others who are similarly situated to consider that in order that we may vote upon the proposals separately and give relief to existing members of the Service only who are hard hit. But do not put a set of Resolutions tagged together and tell me that if you do violence to this part you will nullify the whole thing, and that the whole structure would go to pieces. Sir, it is not fair to myself nor to the Civil Services who have very naturally the right to expect relief. I am glad that already the Honourable the Home Member has said elsewhere and my Honourable friend, Mr. Crerar said here, that in the case of officials drawing a salary of over Rs. 3,000 you would not give increased salaries. That only shows that even in these recommendations you can do violence to one portion without nullifying the rest. I have no doubt as to the result of this debate here and also of the voting. But I do ask in all earnestness, just as the Government of India have very carefully scrutinised these proposals—and I find at least one of these proposals could not be put before the Assembly and its support or the support of the people of India asked for it, they ought to scrutinise again every other proposal despite the fact that these proposals *en bloc* may be carried in this House. May I also point out that it has been the pride and the very just pride of the Civil Service—that the Civil Service here are the trustees of the people of India. I ask you and I appeal to you—I will not

be silly or adopt the tone of a non-official member of the European mercantile community, who said elsewhere that they would withdraw all support from Government—and that they will cause them trouble if all these proposals are not carried *en bloc*—I venture to adopt the more humble tone of a loyal citizen and to ask you to remember that you are the trustees of the people of India, and to remember the responsibilities and solemn obligations which trusteeship inevitably carries with it in every part of the world.

THE HONOURABLE SIRDAR CHARANJIT SINGH (Punjab : Nominated Non-official) : Sir, I rise to oppose the amendment of my Honourable and learned friend, Sir Deva Prasad Sarvadhikary. I really do not think any case has been made out for the amendment. As the Honourable the Leader of the House has pointed out, the decision rests entirely with His Majesty's Secretary of State, and it would be to the advantage of the House to lay before him its views before the final decision is arrived at. We would be, I think, failing in our duty if we did not take advantage of the opportunity afforded to us of expressing our views. As regards the Commission, Sir, everyone who has got a grievance has a right to be heard by the Government and if his grievance is found to be correct to have it redressed. Is there any reason why the Services alone should have been treated differently. Why they should have been made an exception to the rule, or why they alone should not have been given a hearing? It was only right and proper that a Commission should have been appointed to inquire into their grievances which had been pouring in for the last several years and to submit a considered Report. As far as I am able to gather, there are three objections which have been raised against the Report. One is that the proportion of Indians is insufficient, the second is that it will considerably increase expenditure, and the third is that it will be a hindrance in the way of constitutional advance. Regarding Indianisation, we find with regard to some of the Services that the Lee Report, which has been drawn up after the examination of a large number of witnesses, both Indian and English, has actually recommended 75 per cent., while in regard to one it has recommended 60 per cent. and in regard to two 50 per cent. Therefore, in view of the considered and unanimous opinion of the Commission and of the Government of India, would we be justified in withholding our assent?

On the other hand, is not the proposal reasonable, particularly in view of the circumstances which are unfortunately prevailing in India just now? In this connection it is worth remembering that this proportion is not for all time. There is no reason why in future and under more favourable circumstances the proportion may not be increased. But, as I have said, we would be well advised to accept it under the present circumstances. As regards the second objection, we all know that the cost of living has undoubtedly risen and unfortunately the value of the rupee has gone down. The pay of the provincial and of the subordinate services was raised not long ago by about 10 crores for this very reason. What justification can there be for not treating the Superior Services in the same way and for not meeting their just demands? Are they, of all people, not affected by the increased cost of living? The present pay and allowances were fixed when the prices were not so high and when the value of the rupee was not so low. Unless you raise the pay, it would be difficult to get suitable men to come here and join the Services. I know for a fact that the

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tendency of late has been to go to the Colonies rather than come out to India. As for those who are already here, they would be working for the rest of their term under a grievance. Can any one reasonably expect the Government to carry on their work of administration satisfactorily under such circumstances? The present case is one of those which must be faced and the more cheerfully we face it, the more graceful it would be. Besides, it is worth remembering that according to the Report, the cost of the Civil Service and the Police eventually would come down from 428 to 381 lakhs. So, in this respect also, India would not be a loser in the long run. I have just explained that the proposed increase is absolutely essential for the contentment of the Services and consequently for the purposes of good government. How can it be postponed till the next constitutional advance? How is the administration to be carried on satisfactorily in the meanwhile? Postponement can only be achieved at the cost of good administration. Would such a state of affairs help us in the realisation of the advance we all look forward to? Would it not, as I think it would, go against us? A Government run by undermanned and discontented services would not conduce to the happiness of the people, and, consequently, would set back the clock and instead of making an advance, would simply retard it. Constitutional advance can only be achieved by having an efficient administration, a contented service and a happy people. Therefore, in our own interests, we should, instead of postponing this needed measure, hasten the introduction of constitutional advance by helping to increase the efficiency of the administration in every possible way. For this reason I am strongly of opinion that it would be to our advantage—it would be right and proper that we should whole-heartedly support the Resolution which has been so ably moved by my Honourable friend Mr. Crerar.

(The Honourable Saiyed Mohamed Fadsan Sahib Bahadur then rose to speak).

THE HONOURABLE THE PRESIDENT: Does the Honourable Member wish to speak in support of the amendment?

THE HONOURABLE SAIYED PADSHAH SAHIB BAHADUR (Madras: Muhammadan): Yes, Sir. I feel extremely thankful to you for having permitted me to contribute my humble quota to the discussion on so important a matter which is now engaging our attention. Sir, one of my Colleagues who spoke a short while ago remarked that the fact that the Royal Commission was appointed against the wishes of the Assembly ought not be allowed to influence our decision in the matter which is now engaging our attention. Well, Sir, I agree with this view, and I am prepared to have the recommendations of the Lee Commission examined on their own merit free from all bias. Just as I would not allow the cause of the Lee Commission to suffer on account of its having been appointed in the teeth of opposition from the Assembly, I would equally refuse to give the Commission any undue weight for the sake either of its personnel or of the unanimity of its conclusions. It is really remarkable that no Commission has met with such universal disapproval as this Lee Commission, and if there is any force or cogency in the argument based upon the unanimous nature of its report, I am of opinion, Sir, that this universal chorus of disapproval which has hailed it from all quarters, from all sections and shades of

public opinion, must also be given its due and proper value. I would, therefore, Sir, brush aside all these extraneous considerations and judge the question on its own intrinsic merit. It has also been said by the same Honourable speaker that the question of constitutional advance should not be allowed to be mixed up with the Lee Commission whose recommendations mainly concern the Services. I wish, Sir, it was possible to do so. But, Sir, from the very nature of the subject it is impossible to keep these two inextricably bound-up matters in two separate water-tight compartments. Even the Lee Commission have not succeeded in steering clear of the rocks on which unhappily, as you would all recognise, their labours have ultimately been wrecked.

Now, Sir, we see from a perusal of the Report that every now and then they have themselves adverted to this constitutional question, though invariably they have been forced to drop it like a hot potato. There is yet another consideration which has got to be given its right and that is, the Lee Commission recommendations are not brought before this House merely to be examined and admired for their own sake. They have been brought before us for the express purpose of being applied to the administrative needs of India, India which nobody will deny is on the eve of a very great change in the direction of responsible government. It may be, Sir, that this stage may not be reached just now and all at once. But that is the goal which this country has at heart and to which the efforts of all and sundry, whatever their political creed or conviction, is directed.

Therefore, Sir, this organisation of the Services is only a part, and an integral part of the larger question of constitutional advance. As I am now speaking of these constitutional questions, I would, with your permission, refer to a factor which has undoubtedly to be reckoned with in connection with this subject—a factor, a circumstance which is very often flung in the face of all such demands as conclusively demonstrating the unsuitability of India for anything like responsible government—I mean the question of Hindu-Muslim relations. I would like at the outset to state that this is not, after all, a very insurmountable obstacle. Indians of all castes, creeds and communities realise that in spite of their apparent differences they have a community of interest. They realise that they are all sailing in the same boat and that they have all to sink or swim together. They have, I believe, realised, and there are unmistakable indications to that effect, that they should adopt the wiser course of swimming together through. Again, it is said in some quarters, and I think with seeming justification, that the Muslims being not quite so advanced in western education as their Hindu brethren they may not be in a position to walk abreast of their fellow-countrymen. It is true that the number of English educated Muslims among our community is not quite so large as that which the other more fortunate community can command at present. But I can say that the Muslim community in each province has a sufficient number of English educated Muslims of high attainments that may be required to take their place in the government of the country, whether in the Legislatures, or the local bodies, or in filling high administrative offices. There is yet another matter which has got to be considered in this connection. It is not merely university degrees that qualify a man for service; there are other qualifications which go to more than make up this seeming deficiency in the Muslim education. Breadth of view, patriotism, a high sense of integrity and honour, and moral stamina

[Saiyed Padshah Sahib Bahadur.]

and so forth—these are traits which nobody will deny—are the characteristics of all respectable Muslim families in this country. These are traits which, I submit, go to make one both a useful citizen and an ideal officer. Consequently, Sir, I submit that far from being frightened at the prospect of any constitutional advance we welcome it most heartily, and we are prepared to strive for it most assiduously and look forward to it most hopefully, and we feel sure that our fellow-countrymen will recognise all this and not grudge to give us our due share—a share which will not only be in keeping with its glorious traditions but will also take stock, and full stock, of the number, the character, influence, and importance of the great Muslim community. I shall not say any more on the subject as another Honourable Colleague of mine has given notice of an amendment in this connection. But I merely hinted this with a view to disarm all suspicion that is entertained in some quarters that the Muslim community is likely to act as a brake on the activities of our fellow-countrymen here.

Now, turning to the general question of constitutional advance, we see from the Report of the Commission:

“In the words of the authors of the Report on Indian Constitutional Reforms the success of the new policy (enounced in the historic announcement of August 1917) must very largely depend on the extent to which it is found possible to introduce Indians into every branch of the administration.” Recognising that Indianisation must be a long and steady process, they recommended that recruitment of a largely increased proportion of Indians should be initiated without delay, if the Services are to be substantially Indian in personnel by the time that India is ripe for responsible government.”

¶ Therefore, Sir, it is quite clear that Indianisation, substantial Indianisation of the Services is something of a *sine qua non* to the attainment of responsible government. Consequently, everything, be it the action of an individual or the proposal or recommendation of a body like the Lee Commission that concerns itself with Indian affairs must tend to help the Indians and accelerate this process of Indianisation. Let us see what the Lee Commission has accomplished in this matter. I take, for instance, the recommendations regarding some important Services. At the outset I would take the case of the Indian Civil Service and the Indian Police Service. The recommendations of the Commission seem to aim at bringing about a percentage of 50 in these two important Services by means of recruitment which would take us to that limit in one instance in 15 years and in another instance in 25 years. We have to add to this a period of something like 30 years each during which the recruits admitted during these 25 years will continue. The inference is quite obvious that even at the end of 50 years the proportion of Indians in these two important Services will not be anything more than 50, and it will generally be conceded that for the Services to be substantially Indian the proportion should be much higher. Similarly, in respect of all the other Services, I would not inflict on this House an analysis of the detailed recommendations of the Commission in this respect, but I think it is enough for me if I have dealt with a few of the Services.

Again, let us see what the Commission has done in the matter of helping provincial autonomy. Now, Sir, we all know and everybody admits that the existence of dyarchy works a very great hardship on Local Governments

and besides its ordinary incidents there are a number of other disabilities which handicap the smooth working of the transferred departments in some of the Provinces. We know, Sir, that in my Province, I hail from Madras, the Minister in charge of development is charged with the onerous duty of improving and fostering industries under his control, but he has no control over factories, labour and such things, and the same functionary is expected to explore all possible avenues of advance and utilise the national resources. Yet this functionary has no jurisdiction over forests and irrigation. This is an anomaly, against which one Minister in my Province has been protesting while both in office and out of it. What did the Commission do to rectify this unnatural state of things? We see that in the matter of helping Indianisation, in the matter of accelerating the process of provincial autonomy and also in the matter of making provisions for the better working of the reforms, the Lee Commission has disappointed all our expectations. I would lay stress on this point because Honourable Members who spoke on behalf of the Government made claims for the Lee Commission mainly on this constitutional question. So it is quite obvious that the one acid test by which the recommendations of this Commission could be judged is the way in which they have acquitted themselves in this respect, and if you are satisfied that their recommendations in this respect go to help Indians in the demand for responsible government in the way of Indianisation, and if you are satisfied with the half-hearted concessions that have been made, then you may vote for the Resolution that has been moved by Government. But if you are of opinion that all the recommendations that have been made for increasing the proportion of Indians tend ultimately to delay the process I think your way is clear and it will not be possible to give your assent to the Resolution that has been brought before us.

Before I sit down I will say just one word regarding the recommendations for the increase of pay, etc. In this respect I would only say, as most of my Honourable Colleagues have said, that the attitude adopted by the Commission is not a happy one, even though the Commission recommended their suggestions on the ground of compromise. They seem to me to have adopted a very uncompromising attitude inasmuch as they did not give any opportunity to the Legislature to come to their decision regarding the various suggestions that have been made by them and have asked them to take their recommendations in their entirety. I would wish that this demand for concessions to the Services had been presented separately to enable the Honourable Members here to try and do justice where it was really needed.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, it is with the greatest diffidence that I, a soldier, and only a very temporary member of Government, venture to address this House on this subject. I only do so because after many years' service in India, the land of my birth, I feel that I should say a word or two regarding the affection and regard which I have for India and I also feel that from the somewhat detached point of view of a soldier I may be able to speak in an unbiassed manner regarding the work done by those great Services regarding whom the Lee Commission has just reported.

I would like to begin by saying how very touched indeed I was at the welcome which I received on the first day I entered this Chamber and by the

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

receipt of a letter written by one who, I imagine, is possibly one of the eldest, certainly in years, of my fellow members, for he tells me that he has been a lawyer for 46 years. The Honourable Mr. Karandikar very kindly wrote to me, and in doing so referred to the respect and regard, indeed affection, he had had for a member of the Bombay Civil Service who served for 10 years in that Presidency, a name, he told me, which was still after many years a household word. That civil servant was my father and I only mention the fact to show the traditions in which I have been brought up, traditions which have been with me from the date of my birth down in the Mahratta country. And with those traditions it is surely only natural that I should be very jealous of the good name of India and anxious to do all I can to help her and her people. As regards the Lee Commission Report, the only point which really affects me personally, as Member in charge of the Army Department, is that in connection with the Medical Service. These have been already fully explained by my Honourable and learned friend Sir Narasinha Sarma in another place, while in another place details were given regarding the effect on the military Medical Services. I think it will probably be patent to all that the recommendations, as far as the military portion of the medical service was concerned, was really beyond the terms of the Royal Commission. The Government of India have therefore decided to put them entirely aside for the present, and not to consider them in connection with the remainder of the Lee Commission Report. I can only assure all Honourable Members of this House that if they have any recommendations to make regarding this subject these will receive the full consideration of Government. Sir, it has been recognised by all civilised Governments that it is essential to keep up a war reserve for medical service, and it has also been recognised that that war reserve must be taken from the ranks of civil practitioners. The actual form of that war reserve has not yet been decided.

Talking about the medical service, I am rather reminded of a passage in a despatch I happened to come across the other day. It was a despatch of the Government of India on the termination of our first expedition to Burma in 1811. That despatch finished up with the curious and cryptic sentence "though there were 38 doctors yet there were only 20 deaths." It rather struck me that the Government of the day took strong exception to the fact that the troops had not consented to die in proportion to the number of medical officers with the expedition. When I listened to a speech in another place I could not help thinking that possibly one of the Members was actuated by the same feelings and that he resented the fact that a very large number of beds in both our British and Indian hospitals were untenanted. I may mention, incidentally, that the number of these beds is being greatly reduced. But it seemed possible that this Honourable Member would have been content had all these beds been full. Surely those empty beds are the very greatest tribute that can possibly be paid to the efficiency of our medical service. Sir, I expect that many Honourable Members of this Council took the opportunity, as I did, of attending in another place last week and listening to the words of wisdom which we then heard. I heard a reference in moving terms to the disappointment felt by a hypothetical gentleman who had hoped for a ride on a magnificent and high spirited horse, only to find that he was sitting

on a hollow wooden horse and moreover fastened down by a steel frame work. I should have felt sorry for his disappointment but for the fact that a story happened to come to my mind, which an Irish friend told me about an uncle of his. Passing through the streets of Dublin he saw an advertisement offering a reward of £5 to anyone who could sit on a certain mechanical horse for five minutes. The uncle was at once persuaded to try his luck on that mechanical horse. Being the rider he was, he sat the horse with success for four minutes, but as the story was told to me, during the last minute the horse began to buck, bound, plunge and kick with terrible results—(I am sorry I cannot vouch for the truth of this story); but as told me the result was so appalling in the very last minute that in the words of the narrator, "the horse kicked himself inside out, and I have never seen my uncle since!"

Well, Sir, when I thought of that I could not help thinking to myself how extraordinarily fortunate was the gentleman we heard of in the other place, who was still comfortably seated on his wooden horse, thanks to that honest steel frame, which kept him in his place, till he had learnt to have a really firm seat in the saddle and be able to ride by himself. I trust the people of India will never forget or despise that framework which has done so much for them in past generations.

But, Sir, listening to some of those speeches, I wondered whether I was in a dream when I heard an Honourable Member contrasting what he described as the present poverty and misery of this country compared to the prosperity, happiness and well-being in times gone by before men of the British race came out here to help in carrying on the government of this country. In my mind's eye, I could see hordes of Afghans and Mongols sweeping down in their invasions over the North-West Frontier, leaving behind them devastated cities and whole tribes of people wiped off from the face of the earth. I saw before me Nadir Shah the Persian sacking Delhi, and that the beautiful city being given over to murder and rapine and plunder for days. I could see the armies of the Mahrattas—of the Peshawa, of Scindia, Bhonsla and Holkar, followed by swarms of Pindaris, sweeping over India and sparing none. I saw before me the gaunt spectres of famine and pestilence sweeping through the country with no hand to stay their progress. You have only to march, as I have done, through Central India, Rajputana, the Deccan and elsewhere to come across what were evidently once magnificent cities but are now in decay and ruin—because either they were overthrown by a merciless enemy or destroyed by the ruthless ravages of pestilence and famine which swept through them when no one was willing or able to give a helping hand. And when one comes to think of that and compare it with the present state of affairs one realises how extraordinarily easy it must be for one who has no knowledge of the past, to have his point of perspective obliterated and his sense of proportion entirely gone. But, Sir, when I heard the dangers, poverty and misery of those days contrasted as happy with the present, I really wondered whether the speaker meant all he said. Think of the present state of things in comparison to that which I have just described. Think of India covered from north to south and east to west with her lines of railways, her telegraphs, her roads and life-giving canals. Let us realise how during the last 60 years every one has been able to go about in perfect safety and security

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how everyone who wishes to sow his fields can do so in the certainty that he will reap them in due course. Let us realise that traders have been able to carry on their business with safety; hospitals have been established, education has been spread and famines have been provided for and their effects minimised as far as they humanly can be. And, Sir, I would ask who has been responsible for this great change which has come over the country? Personally I have no hesitation in saying that the greater part of the responsibility for that lies upon the shoulders of the Service whose position is now being discussed. I have no hesitation in saying that after 40 years' experience of them—and I will add that there is no Service in the world which contains anything like the same number of loyal, efficient and devoted men—men who time after time have sacrificed their lives and are still prepared to sacrifice their lives for the sake of India and its people. I have seen them working away through the hot weather, absolutely alone, right out of public ken—working entirely for the good of those whose destinies have been placed in their hands—working through epidemics of cholera and plague, with no thought of themselves, and no thought of reward or recognition, and doing their utmost to prevent—very often with success—anything like communal disturbances, but when such have unfortunately broken out, I have seen them dealing with such, with courage and determination and very often at great personal danger. It may be quite impossible to estimate the number of lives and the enormous amount of property which has been saved by these officers on such occasions. Personally, Sir, I have never quite liked to regard the Services as a steel frame—solid, efficient framework though they are: I have rather regarded them as the cement which has bound India together; and I for one think that without it India could never have reached the stage to which she has now come. Think of India in days gone by. The India of those days was a conglomeration of nations—Pathans, Sikhs, Punjabis, Mahrattas, Rajputs, Tamils, Scindis, Bengalis, Burmese and goodness knows how many other races. They have been bound together into one solid nation by, as I say, the cement of the Imperial Services. I appeal to the Members of this House to remember what those Services have meant not only to India's past, but what they mean to India's future. And remember too that the members of those Services have loyally accepted and will carry out the promises held out to India under the Government of India Act of 1919; that they are doing, and that they will continue to do, their duty in helping India towards that state of self-government which has been promised by the British Parliament. I entirely associate myself with my Honourable friend and Colleague Sir Muhammad Shafi in what he said on the subject of "*Ma-bap*" government, but from my personal observations in villages I still believe there are an enormous number of those who are really thankful for the help, sympathy and kindness of those British officers who come to them in the guise of *Ma-bap*. I am certain there are many who will confirm me in that; the time may come when they will not be regarded in that respect, but I honestly believe at the present moment, if the British officer were to withdraw from his role of *Ma-bap*, the act would not only be regarded as the greatest unkindness but also as a great betrayal on the part of those whom the people of the country have learnt not only to trust but to love.

THE HONOURABLE THE PRESIDENT: I should like to know what the wish of the House is about coming to a decision on the amendment before it. The speeches to which we have been listening have been gradually drifting away from the main object of the amendment to the Resolution itself. If it is the pleasure of the House we might, I suggest, deal before we adjourn this evening with the two dilatory amendments. In that case the amendment of Sir Deva Prasad Sarvadhikary should be put to the vote now. Is that the pleasure of the House?

(The House signified its assent.)

To the Resolution moved by the Honourable Mr. Crerar the following amendment has been proposed:

"That after the words 'This Council recommends to the Governor General' the following words be substituted:

'That it be represented to the Right Honourable the Secretary of State for India that pending the inquiries about Reforms and action that may be taken thereon, it is not desirable to give effect to the recommendations of the Lee Commission'."

The question I have to put is that that amendment be made.

The motion was negatived.

THE HONOURABLE THE PRESIDENT: I now call on the Honourable Mr. Karandikar to move formally his amendment. If there are any remarks he wishes to make they must be strictly limited to the subject of the amendment; and any remarks thereafter will be similarly limited.

THE HONOURABLE MR. R. P. KARANDIKAR: Sir, the amendment which stands in my name and which I have formally to read is this:

"That for the original Resolution the following be substituted, namely:

'This Council recommends to the Governor General in Council that the several recommendations of the Lee Commission be referred to a Committee of both Houses, of which ten will be non-official elected Members of the Assembly and five of the non-official elected Members of the Council of State, all the fifteen being elected by the two Houses respectively, for consideration and report after review of all matters availed of by the Lee Commission and all such other matter, documentary and oral, as they in their discretion deem it necessary to call for, and, in the event of their favouring any of the recommendations, for an expression of their opinion as to how the extra cost due to such recommendations is to be met out of the public revenue, and that this report be due by the end of 1924.

(2) That until such report is further considered by both Houses, no action affecting the finances of the country be taken on the Lee Commission.

(3) That it is open to the Committee so appointed to make any other suggestions which in the interests of the ideal of self-government accepted for India they deem it desirable to make.

(4) That the Committee do appoint their own chairman and their own officers and that as a temporary measure and until such appointment the Secretary of the Legislative Department be the Secretary of such Committee'."

Bearing in mind the observation from the Chair I shall limit my remarks and merely refer to the sentiments that have prompted me to stand up and move this amendment. Honourable Members have just heard from His Excellency

[Mr. R. P. Karandikar.]

the Commander-in-Chief in how high esteem I do hold and did hold at one time members belonging to the Civil Service, especially those that belong to the judicial side to which Mr. Justice Birdwood had the honour to belong and Honourable Members will realise that I would be the last man to say anything in disparagement of the work done by the Civil Services generally; it is from the point of view that any vote on this Resolution should carry real weight that I am moving this amendment. Here I am reminded of what Sir Malcolm Hailey said in the other place when the discussion took place about the adjournment of the House and when he was asked as to how any committee appointed by the Government of India on such a matter could not have carried weight and why a Royal Commission was needed. Sir Malcolm Hailey then pointed out that no committee appointed by the Government of India could have carried as much weight in England with the British people, who have to be satisfied, that the recommendations emanated from the highest source such as a Royal Commission. I am anxious that no recommendation that might go from this House should fall flat; and I am anxious that there must be a full and thorough inquiry satisfying all it may concern, and therefore I suggest a Committee to go into the matter fully, and this can only be done by associating Members of this House with Members of the other House; and though the other House, if my memory is right, did not mention Members of this House in the committee proposed there, I am willing to have a joint committee of both Houses in order that we might have all the importance attached to such a Resolution in consequence of what we may do. My anxiety is also that the matter should be considered as quickly as possible. I am not willing to defer the matter until the result of the Reforms Committee is out. The Reforms Committee, I am told, will be sitting in October. If it does, well and good. But if it did not I am anxious that this inquiry should be pushed on and that the public should be satisfied as to the matter on which the Lee Commission made their recommendations. As yet it is a sealed book. I really do not like that idea — that there should be no evidence before the public to sustain the recommendations of the Lee Commission. There must be an endeavour made to place all the matters before the public so that a full judgment may be assured. It is from this point of view that I am making this recommendation in my amendment. I have also endeavoured in the third clause to make it possible for any other recommendation to be made — with reference to the points that were discussed in connection with self-government for India. This Committee will have to consider also whether it is essentially necessary that the reserved subjects should be reserved for the reserved services and that those departments should be controlled by the Secretary of State, and whether the Public Services Commission which is likely to be brought into existence must be only the representative of the views of the Secretary of State, as the Lee Commission contemplate. The Public Services Commission would be appointed wholly by the Secretary of State; its members cannot be chosen by any Assembly or Legislature; the Lee Commission has made only a recommendation with reference to their nomination. I submit that it is possible for the Committee I suggest to make some recommendations to Government in that matter also. I am not deterred by the fate of the amendment which has just been thrown out. The Government

of India have been twice defeated, first when the adjournment was moved and second on the 12th instant in the Assembly. Still they persist in bringing forward this Resolution here, and I therefore feel it necessary to submit this recommendation of mine as an amendment.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI :—Sir, I have only a few observations to make in connection with the Honourable Mr. Karandikar's amendment. The House is aware that the Royal Commission consisted of 8 members, 4 Europeans and 4 Indians. Of these 8 members, 5, i.e., a majority did not belong to any of the Imperial Services in India. Of the 3 Indians, Mr. Bhupendranath Basu is well known, I have no doubt, to Honourable Members of this House as one who at one time was a leading figure in the public life of this country and who spent a long number of years in the service of his motherland. The other, Mr. Samarth, was a Member of the other House, and a very leading Member, who always took an active part in the discussions upon public affairs which took place in the Legislative Assembly. The third member, Sir Muhammad Habibullah, was a member of the Bar who after some years of practice was appointed to a special post in Madras and subsequently became a Member of the Executive Council there. The only Indian member out of the four members who was a member of our services was Rai Bahadur Pundit Hari Kishen Kaul, one of the leading members of the Punjab Provincial Service. Of the four European members, two came out from England, one a well-known authority on constitutional law and constitutional history and the other an *ex-Cabinet* Minister. There were only two European members of the Commission who belonged to the Services, one to the Indian Civil Service and one to the Indian Police Service. That was the constitution of this Commission. The Commission travelled all over India and held inquiries into the questions which had been referred to them. My Honourable friend, Mr. Karandikar, complained in his speech this morning that their inquiries were one-sided, that the popular view was not placed before them, and in consequence their Report cannot carry such weight as it would have carried had both sides of the case been represented to them. Well, Sir, whose fault was it that the popular view was not represented to this Commission? Unfortunately, the popular leaders decided upon boycotting the Commission, and the result was that they did not place their view of the matter before it. But it must not be forgotten that there were two popular leaders on the Commission itself, Mr. Bhupendranath Basu and Mr. Samarth, and in consequence they were well able to place the popular view before the body of which they were members. And I have no doubt that it was as a result of their advocacy of the popular view that all this provincialisation of the Services operating in the transferred field and the greater Indianisation of the All-India Services has been advocated by the Lee Commission. Therefore, it seems to me that the reference of all these matters again to a Committee of the two Houses will serve no useful purpose and will merely delay decision upon the problems which were referred to the Commission. And after all, there have been two full dress debates, one in the other House and again one here to-day, when Honourable Members have had full opportunity of expressing their views and of advising the Secretary of State with reference to what the right position in this matter is. Where is then the necessity of postponing decision by referring this question again to a Committee of the two Houses? No useful purpose will

[Dr. Mian Sir Muhammad Shafi.]

really be served by this reference to a Committee consisting of non-officials and officials. The Royal Commission itself consisted of officials and non-officials and in consequence a second reference to another committee will not bring about any practical results. And I am afraid the amendment moved by my Honourable friend, Mr. Karandikar, will create a position of difficulty, for one of the two Houses of Legislature because in view of what has been said and in view of the pronouncements made, really they would have to face a very difficult position indeed by coming on to this Joint Committee and then swallowing what they have hitherto said. Therefore, I think, from all points of view really it would be best if my Honourable friend were to withdraw his amendment.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: Sir, from the point of view of the last observation of the Honourable the Leader of the House I am inclined to think that, if such a Committee could come as it will not, it would serve some useful purpose. Reference has been made to the wisdom and unwisdom that has been imbibed in the other House by Members of this House—I thought such reference was not ordinarily made here—but those who watched the proceedings there will bear me out that, with perhaps a solitary exception, every Member

THE HONOURABLE THE PRESIDENT: I do not want the Honourable Member to bring into the discussion references to particular speeches in the other Chamber. It is a recognised rule that speeches in the other Chamber should not be referred to here.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: I quite realise that, Sir, and that is exactly what I was saying.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: Perhaps my Honourable friend will permit me to say that it was only by the way that I referred to the awkwardness of the situation; that is not one of the principal reasons for which I appeal to my Honourable friend to withdraw his amendment.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: And that is, I say, answered by the fact that Members elsewhere were all for a Committee which could go into matters such as I ventured to bring up this morning, namely, the redress of the immediate grievances of those with whom we absolutely sympathise. Sir, the Honourable Mr. Karandikar regretted that we were not mentioned in the other House. Is he surprised that we should be left severely alone if unwarranted assumptions about the powers of what is called the revising Chamber go on? About this assumption I find no authority in the constitution although there may be some reference in a Report. What wonder I say if we are left severely alone? We were left severely alone in Parliament and the general reference there was to the Assembly. I had to ask a question in this Chamber whether this House would be ever consulted with regard to the Lee Commission's Report and had thus to get ourselves invited as it were. Sir, I do think a useful purpose will be served if a branch of the inquiry to which I referred this morning could be taken up by this Committee and expeditiously dealt with before the end of the year.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (West Punjab: Muhammadan): Sir, while reserving my right to speak on the Resolution to-morrow, I just want to say one word on this amendment. If there is a Joint Committee, there will be five members of the other House who have already voted that the Lee Commission's Report should be rejected—naturally if they come on the Committee, they would do the same. Now our House is of a different opinion and the five members who go there will naturally say that the other five are wrong and we are right and this Resolution should be adopted, and so 5 minus 5 represents zero. So such a suggestion is no suggestion. It should be dropped.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces: General): Sir, I object to this amendment from another point of view. This amendment is of a peculiar character. It wants a Committee of both Houses to sit in judgment on the Report of the Lee Commission, and as such the proposal to my mind is simply ridiculous.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: That is what we are doing now.

THE HONOURABLE SIR MANECKJI DADABHOY: No, we are not doing that now. What does this amendment ask? That 10 elected members of that House associated with 5 elected members of this House should sit together and consider the Report and call for all documentary, oral and other evidence as they think fit and make any fresh proposals they deem proper. In the sub-clauses to this amendment the widest possible powers are allowed to this Committee. Now, Sir, does my Honourable friend seriously intend that the country should spend another five lakhs of rupees and that what the Lee Commission did by way of thorough investigation should be repeated by this Committee? Is there any man in this Council who would attach more weight in such administrative matters to the conclusions of amateur politicians who never had any administrative knowledge or experience? Is this Council to be guided by the views of politicians who had no administrative training in big matters involving the administration of the country and the welfare of one-fifth of the human race?

THE HONOURABLE MR. R. P. KARANDIKAR: We will have the Honourable Member himself.

THE HONOURABLE SIR MANECKJI DADABHOY: I submit the proposal is one which does not appeal to me. It is, in the first instance, impossible for this body, constituted as it would be, to come to any decision. On that body who would be elected? On that body elected Members mostly will be representatives who have shown great bias and prejudice against this Report and who have refused to discuss and debate the Report from the standpoint of the materials that are embodied in the Report. Is that body likely to come to a decision worth of the importance of the subject? I do not believe at all that there will be any unanimity in that Committee. Public money and public time will be wasted if this suggestion is accepted. I therefore request the House to reject the amendment if my Honourable friend does not agree to withdraw it.

THE HONOURABLE MR. YAMIN KHAN (United Provinces West: Muhammadan): Sir, I am sorry I cannot agree with the views advanced by

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my Honourable friend Sir Maneckji Dadabhoy in this matter. He has treated the Assembly in his speech with great contempt.

THE HONOURABLE SIR MANECKJI DADABHOY: No, I have not.

THE HONOURABLE MR. YAMIN KHAN: They are the elected representatives of the people. Whatever their views, whatever ideas might be guiding them, still they have got due regard for their opinion. My Honourable friend wants to save money. They also want to save money. As I had the honour of being for some time a Member of the lower House.....

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: The other House.

THE HONOURABLE MR. YAMIN KHAN:..... of the other House, I think I may, in rising, utter a word of protest against the words and the feelings of contempt expressed for the Members of the other House.

THE HONOURABLE SIR MANECKJI DADABHOY: Sir, I must interrupt the Honourable Member with your permission. He is absolutely wrong in putting an interpretation on my speech which the language of my speech did not bear out. I did not express any contempt for the Assembly. I said the proposition was not a feasible one, and I pointed out how it was not a feasible and practicable proposition.

THE HONOURABLE THE PRESIDENT: The House may rest assured that the honour of the other House is in safe keeping in this Chamber in the hands of the Chair. (Applause.) And if the Honourable Sir Maneckji Dadabhoy had expressed any contempt for the other House, I should at once have requested him to withdraw his remarks or to resume his seat.

THE HONOURABLE MR. YAMIN KHAN: No doubt, Sir, I am afraid I cannot agree with the amendment of my Honourable friend Mr. Karandikar. I quite agree with the conclusions which have been arrived at by my Honourable friend Sir Maneckji Dadabhoy that it will serve no purpose to have any such Committee appointed, consisting of ten Members of the Indian Legislative Assembly and five non-official Members of this Council. Besides, what were my Honourable friend wants is this, that the ten should be non-official Members of the Assembly, all the fifteen being elected by the two Houses respectively. We all know that in the other House there are two parties. They are not sharply divided, but of course though they call themselves two parties, they are really of one party. They are the Independent Party and the Swarajist Party. If we have ten Members elected by the Assembly out of the non-official Members, we know what will be the position of those Members and what will be their ideas. There are other non-official Members who are nominated by the Government. Supposing any of those nominated non-officials are elected to this Committee, what will be the views of the Assembly on the report of such a Committee? Or supposing that nominated non-officials of this Council are returned to this Committee, what value will the country attach to their views? Will they attach greater weight to their views than they are attaching now to the Report of the Lee Commission? I do not think so. My friend wants to place that Committee also in a very awkward position. I am sure that if this House so desired

three of the five could come out of the nominated Members and this will bring the Committee and the House and the Government into ridicule in the whole country. I do not think this will serve any useful purpose now. It is of course a different matter about the whole House sitting in judgment. I do not agree that this Honourable House or the Indian Legislative Assembly cannot sit in judgment on the Report of the Lee Commission. We are entitled to look into every matter that has been reported on and we have to sift what is good and what is bad in the Report, and we can adopt our attitude accordingly. But what the Honourable Member wishes is to appoint a few people in this way and entrust them with this work. This will make their position awkward and will bring ridicule on this Honourable House from the whole country. I therefore oppose the amendment.

THE HONOURABLE THE PRESIDENT: The motion now before the House is:

"That for the Resolution proposed by the Honourable Mr. Crerar the words set out in the *amendment moved by the Honourable Mr. Karandikar be substituted."

The question I have to put is that that amendment be made.

The motion was negatived.

THE HONOURABLE THE PRESIDENT: I think the Council will now wish to adjourn the debate, which will be continued at 11 A.M. to-morrow morning, when I shall call upon the Honourable Mr. Khaparde to move his amendment.

The Council then adjourned till Eleven of the Clock on Tuesday, the 16th September, 1924.

* Vide p. 1081 of these Debates.

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COUNCIL OF STATE.

Tuesday, 16th September, 1924.

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

QUESTIONS AND ANSWERS.

DEATHS AMONG HAJ PILGRIMS IN 1924.

409. THE HONOURABLE MR. YAMIN KHAN: How many Indian pilgrims died on this year's Haj pilgrimage?

THE HONOURABLE MR. J. P. THOMPSON: Government have not been able to secure trustworthy statistics, though they have endeavoured to do so. Fortunately there were few Indian pilgrims included in the caravans which made an unsuccessful attempt to proceed from Mecca to Medina.

ADOPTION OF MEASURES TO ENSURE THE SAFETY OF HAJIS.

410. THE HONOURABLE MR. YAMIN KHAN: What steps, if any, do the Government propose to take to ensure the safety of the Hajis during the pilgrimage?

THE HONOURABLE MR. J. P. THOMPSON: The Hedjaz is an independent State, and no action can be taken except in the form of moving His Majesty's Government to make diplomatic representations.

COMPENSATION PAID BY THE HEDJAZ GOVERNMENT AS COMPENSATION TO INDIAN PILGRIMS FOR LOSSES SUSTAINED BY THEM.

411. THE HONOURABLE MR. YAMIN KHAN: (a) Did the Government of India make any representation to the Hedjaz authorities in connection with the alleged loss of money by Indian pilgrims during last year's Haj?

(b) If so, was any money refunded to the pilgrims in consequence of the representation? If so, how much money?

THE HONOURABLE MR. J. P. THOMPSON: (a) The necessary representations were made by His Majesty's Government at the instance of the Government of India.

(b) As a result of His Majesty's Government's representations the Hedjaz Government paid a sum of £3,300 in compensation for losses suffered by

Indian pilgrims at Khaif, and this sum is now being distributed through the Protector of Pilgrims, Bombay.

REJECTION OF AN APPLICATION BY LALA GOPAL KRISHNA PIPLANI, PLEADER, FOR A LICENSE TO PRACTISE IN THE N. W. F. PROVINCE.

412. THE HONOURABLE MR. S. VEDAMURTI: (a) Is it a fact that one Lala Gopal Krishna Piplani, Pleader, Bhakkar, and belonging to Dera Ismail Khan in the North-West Frontier Province, applied for a license to practise in the North-West Frontier Province in the year 1923?

(b) Is it a fact that his application was rejected on the ground that he did not belong to the Frontier, though the fact that he belonged to the Frontier was mentioned in the application?

(c) Is it a fact that, on receipt of the above order, the attention of the Judicial Commissioner was again drawn to the fact that he belonged to the Frontier and again his application was rejected; if so, why?

(d) Do the Government propose to instruct the Judicial Commissioner, North-West Frontier Province, to reconsider the application at once if it is resubmitted?

(e) Is it a fact that such applications are considered only once in the year by the Judicial Commissioner, North-West Frontier Province, and not throughout the year, as is the practice in other High Courts and, if so, do Government propose to order that they should be considered the moment they are submitted; if not, why?

THE HONOURABLE MR. J. CRERAR: The information required is being called for from the Local Government and will be communicated to the Honourable Member when received.

RESTRICTIONS ON THE ENROLMENT OF PLEADERS IN THE N. W. F. PROVINCE.

413. THE HONOURABLE MR. S. VEDAMURTI: Is it a fact that the Government of the North-West Frontier Province imposes restrictions on the enrolment of Pleaders; if so, why; and are the Government prepared to remove those restrictions; if not, why?

THE HONOURABLE MR. J. CRERAR: The enrolment of pleaders in the North-West Frontier Province is regulated by rules made by the Local Government under section 9 (2) of the North-West Frontier Province Law and Justice Regulation, 1901. In practice the number of licenses granted is limited to the probable requirements of litigants. The objects of this limitation are, firstly, to ensure to every legal practitioner to whom a license is granted a reasonable expectation of earning a living; and, secondly, to prevent touting and the fostering of unnecessary litigation.

SEGREGATION OF INDIANS DURING SIR ROBERT CROYNDON'S VISIT TO MOMBASSA.

414. THE HONOURABLE MR. S. VEDAMURTI: (a) Is it a fact that, at the time of His Excellency the Governor, Sir Robert Croyndon's visit to Mombassa, the Resident Commissioner, under written orders, segregated at the station Indians, Arabs and Europeans?

(b) Is it a fact that, in consequence, the Indians boycotted the Governor's reception?

THE HONOURABLE SIR NARASIMHA SARMA: (a) and (b). The Government of India have no information apart from what has appeared in the Press.

ALLEGED SEGREGATION OF INDIAN REPORTERS AT THE OPENING OF THE KENYA LEGISLATIVE COUNCIL ON THE 20TH AUGUST 1924.

415. THE HONOURABLE MR. S. VEDAMURTI: Do Government propose to obtain the information sought in my supplementary question to the Right Honourable V. S. Srinivasa Sastri's question No. 343 in this Council on the 3rd September 1924, on the subject of the alleged segregation of Indian reporters at the opening of the Kenya Legislative Council on the 20th August?

THE HONOURABLE SIR NARASIMHA SARMA: The reply is in the affirmative.

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

SECRETARY OF THE COUNCIL: 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 held on Monday, the 15th September, 1924, namely:

A Bill to amend the Imperial Bank of India Act, 1920;

A Bill further to amend the Indian Penal Code and Criminal Procedure Code, 1898, for the purpose of affording greater protection to persons under the age of eighteen years.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

SECRETARY OF THE COUNCIL: A Message has been received from the Legislative Assembly which runs as follows:

"Sir, I am directed to inform you that the Legislative Assembly have at their meeting of the 15th September 1924 agreed without any amendment to the Bill further to amend the Indian Motor Vehicles Act, which was passed by the Council on the 8th September, 1924."

RESOLUTION *Re* RECOMMENDATIONS OF THE LEE COMMISSION— (contd.)

THE HONOURABLE THE PRESIDENT: Before calling on the Honourable Mr. Khaparde to move his amendment to the Resolution moved by the Honourable Mr. Crerar, I wish to explain that I expect Honourable Members to keep strictly in their speeches to the terms of the amendment. I also draw the attention of the Honourable Mr. Vedamurti, with regard to the first part of his amendment, to the fact that, if he wishes to deal with that subject, he should speak on the amendment of the Honourable Mr. Khaparde. He will not be permitted to put the first part of his amendment separately. The same applies to the Honourable Sir Deva Prasad Sarvadhikary in relation to the last part

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of his amendment. If he wishes to pursue that subject he will have to move an amendment to the Honourable Mr. Khaparde's amendment, and if he does that, his amendment should be written out and handed in as soon as possible.

THE HONOURABLE MR. G. S. KHAPARDE (Berar: Nominated Non-official): Sir, I beg to move:

"(a) That for the words and figures from '(1) that the following recommendations of the Royal Commission' down to the end of paragraph (1) (b), the following be substituted, namely:—

(1) That in modification of the recommendations of the Royal Commission on the Superior Civil Services in India on the subject of the recruitment and control of the All-India Services, the following propositions be adopted, namely:—

(a) That every All-India Service, whether operating in the reserved or in the transferred field, should, so far as future recruits are concerned, be appointed and controlled by Local Governments;

(b) That recruitment for the All-India Services be so conducted as to produce at the earliest possible moment not exceeding ten years, a proportion of Indians to Europeans in each such service in the ratio of 75 to 25 per cent.,

(b) That sub-paragraph....."

THE HONOURABLE THE PRESIDENT: The Honourable Member should not move his clause (b) at the present stage.

THE HONOURABLE MR. G. S. KHAPARDE: In dealing with the amendments I take it for granted, and hope that the Honourable Members also will do so, namely, that the Lee Commission was very well composed, that is to say, its personnel was unexceptionable. Its recommendations are also unanimously arrived at, and that both these facts deserve our respect, and we have got to treat them with as much deference as we can. Well, arising out of that circumstance is a circumstance which I wish to mention specially, namely, they being composed of men of great eminence according to our Hindu ideas they were as Brahmins are the best of men. Well, these are the Brahmins of the whole British Empire and such men were sitting together on this Lee Commission. But like Brahmins—the Brahmins are fond of the caste system— and these being the Brahmins, they are also fond of the caste system, and they introduced it here. Brahmins are divided into two parts, which are called Panch Gaud and Panch Saraswat. So they divided the whole Service into two parts, one having a domicile in England and another having a domicile in India. Two Brahmins of two castes: they met together—that is the beauty of our Hindu religion, and it is this that it fits in anywhere. Having made that distinction, they then went on to consider all the matters that were laid before them—in fact it was only one, as will be seen from the earlier part of their Report and the history given there I am not going to mention the rest but only one part of it, namely, the Macdonald Committee. They recommended that the inquiry should be into the case of all the Services and into all the reforms that have been introduced, and the adjustment of both; there were three subjects, the Services, the Legislature, and the interaction between them, and all these were to be considered. Well, this was a large problem, or, popularly speaking, a large fish, and some would like at once to roast and fry the whole fish, and

others would like to divide it into two parts and take each part and make it into a kind of pastry or some other thing—the Government chose that they should not take the whole problem at once, and they appointed this Lee Commission to take only one part, namely, the Services—not all the Services, only the head of that part. They want to cook each separately. One may not object to that, as a matter of opinion I may differ, but still there it is. So I am now confining myself to that part. Well, how about this Commission? I have praised them, I admit that they were very good men, I admit they worked conscientiously and in the best manner, but, as I said, defects crept in because of their being regarded as Brahmins, as they divided the Services into two parts, namely, those having, if you choose to call it, a non-Indian domicile or European domicile, and the other having an Indian domicile. These are two castes, not two races—I do not want to deal with the racial point at all. It is a caste business. Well, proceeding to that, they confined themselves to the All-India Services, and only incidentally mentioned the others. That is their way. First, there are the Brahmins, then the Khatriyas, then you get the Vaishyas, which is the ordinary serving class, and then the Sudras, the servants. They omit the Khatriyas, they omit the Vaishyas and for the present purposes also the Sudra class, and only deal with the Brahmin caste. In making these recommendations they came to the conclusion that in the first year there would be an increase of cost. Well speaking in round figures in the beginning the costs come to something like Rs. 96 lakhs, and then they go on until they increase to nearly Rs. 1½ crores, and then they begin a decline and then go back—I do not know whether they fall to zero—but I suppose it will go back to 96 lakhs. Where is the money to come from? They did not consider that question at all. With all due respect to this Commission, they never devoted their attention to finding out as to how the increase is to be provided for. That is one of the Brahmin's faults. Then the other thing is that they did not explore any part of the subject so as to find out whether reductions in any direction were possible. That I find was a great defect; and it is no use talking of a defect without supplying the remedy, because I am not a destructive critic, I am what you may call a constructive critic. So I went about to seek a remedy and I said, let us see. There is a schedule of what we used to call listed appointments, they are mentioned, and they are to be given only to members of the Indian Civil Service. Well I find that had these eminent Brahmins looked into that, they would have discovered that there were some fields from which this highest Service is, so to say, excluded, or rather what I say is that they should not be employed in those posts at all. There is a list given, I do not think I need give it, everybody is familiar with it. You will find the subject of Education not mentioned in that list. Similarly, commerce is not mentioned there; also finance is not mentioned there. Now we find the members of this highest Service employed in various posts, these highly-trained, most intelligent, carefully selected and nicely and most carefully brought up,—how are they employed in India? They do not confine themselves to their proper sphere, and so we find, one of these civil servants, a very nice, a very able man, superintending a printing press. This I. C. S. gentleman was selected with great care, was brought up with great care, trained with great care, to industrial work and he is employed in looking after the printing press. I say this is bad. Then I find that another highly educated, most nicely brought up member of the Service is put on telegraph

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duty, post office duty. I think this is rather a bad thing to do. Even in the matter of finance, I suppose my Honourable Colleagues will agree with me, that finance is a technical subject and it requires a long preparation to attain eminence; so that in that department there should be what are called chartered accountants and people who have made it the business of their life to master all the details of it. We could employ one of them; what do we do? We bring out these carefully selected I. C. S. gentlemen, then we give them a training in finance. First we put them on to district duties and let them acquire some knowledge of the country and then we carefully draft the most intelligent of them into the Finance Department, train them there and then bring them to the Secretariat here and they get more training and then they become Finance Members. There is nothing to be objected to, so far as I can see. Some of the best financiers in the world have been produced by Civil Service training in that way. The last I met, I suppose all of us remember, was Sir William Meyer, one of the greatest financiers. The reason is that these are carefully selected people and you can teach them almost anything you like. There is no trouble about it. But in spite of all that, I think that this is a branch for which the general public also train its people as chartered accountants, as financiers. I do not see why our highly trained Civil Servants should be put to this business of finance when we can get an expert financier ready made in the market. As a matter of fact, the Government of India themselves recognise it, and now we have our Finance Member, specially brought out from England, a very able person, a very good man and all the rest of it. Had this Lee Commission looked about this business and seen whether these highly trained persons are necessary or whether they can be spared, I think they would have found that there are a good number of places from which they could have been spared, and to that extent, the cadre could be reduced; and the expenditure in bringing them up and training them and other things might have been saved. So, that would be one source from which this additional cost could be met. They could have explored these things to secure more revenue or rather to husband the revenue which they already have. The Brahmins are notoriously extravagant and so are these people. But if you husband your resources and manage your gift and use it properly, you can make a decent living out of it. If you reduce the cadre and do not employ them on business not strictly assigned to them, then you would probably find more funds left than there would otherwise be. I did not mention one department and I wish to mention it now, and that is the judicial department. According to the schedule, the posts of District Judges and District Magistrates are reserved for the Civil Service. It might be that in those days when this Service was created, there was not a large class of pleaders. There was not a large class of what you call professional men; and in those days it was perhaps necessary to bring men and train them in the judicial department. But now the Bar has become overcrowded. I read an article in the "Times of India" which says that pleaders are increasing and litigation is going down. I suppose my Honourable Colleagues will agree that Indians practising at the Bar have a special ambition. They talk of having an Indian Bar, having Indian Inns of Court, and Benchers and all appliances of control. There is a Bill coming

up I believe; at least it is talked about. Now, in Great Britain, the judiciary is entirely taken from people in the profession. Practising barristers rise to eminence, become King's Counsel and in course of time they occupy selected higher judicial appointments, also the lower judicial appointments, namely, County Court Judges and Magistrates. If we could, therefore, spare our Indian Civil Service from going into these judicial appointments, it would be a matter of very great importance and affect much saving. If my countrymen have done well in any department of administration, it is in the judicial department. I could give you illustrious names from Calcutta, and the United Provinces, illustrious names even from the Central Provinces, I think, and Madras, and so on. These people have filled honourable judicial positions with great distinction and some of them have retired with long titles. Therefore, I say now that the circumstances have changed, kindly take the judiciary also out of the sphere of the Civil Service. You can then reduce the cadre, and save the expenses of preparation, training, and all the rest of it, and in that way you save. You also save in another direction. Take them away from these technical posts, then these technical appointments will easily admit of being filled up, so to say, by a system of contract, just as we have got a Finance Member for five years on a certain pay. He goes away after that period and he does not claim pension. You then get another expert. The same is the case with the Department of Commerce. I do not mean to reflect at all on the Civil Service. They have done very well even as commercial men, but still I say that these are technical appointments and should go to the persons of the profession. Many of the minor departments can go to men in the profession and thus expenditure can be saved. Of course you will have to reduce the cadre, but that does not matter. The remaining persons will be very happy and we shall be very glad to give them all that they want. A discontented service is a great misfortune. I want that the Service should be thoroughly contented. In fact, I want each individual member of it to feel that he is very well looked after and he should not want to go out of India. I should like them to settle down here. I want to make their lives very happy. In that way you see that I am not unkind to them at all. In fact, I want to extend their sphere of action in another direction. In England, there is what is called a Parliamentary Secretariat. I suppose the time has come when we should have in India also a Parliamentary Secretariat, where these highly trained members will be highly useful. I thus provide for them another department in which they can be employed. So, I say there should be this exploration. Have you seen how a householder acts? I found I had two thread ceremonies and one marriage to do and it required so many thousand rupees, and I had not the money. I found that the best course was not to have a new coat but to go on with the old coat for one more year, not to buy a horse, but to go on with what I had. In the same way had the gentlemen of the Lee Commission done so and explored these things, this difficulty of 1½ crores would not have appeared so terrible as it appears now, and no new or additional taxation would be required. All that money would have been provided for by exploration of possible savings. Another defect which I found and which I have mentioned is their caste distinction. They have tried to introduce the caste distinction in the Services. They say that gentlemen of non-Indian domicile should be provided with passages and with convenience of doctors and for remitting

[Mr. G. S. Khaparde.]

money. Their reasons for making these distinctions are not convincing. Take the cadre as it is now or as it was three or four years ago (because lately we have taken to examining people for the Civil Service in India too). What was the state of things in the case of an Indian wishing to enter the higher Civil Service? He had to go to England, join some college, live a few years in England, and learn all the subjects he wanted to be examined in, and then he went through a very narrow door called competition, competitive examination. He, however, went there, or his father perhaps borrowed in some cases and in other cases got money somehow and he sent his son to England. He had to maintain his son for four or five years in England to be trained there. Supposing he passed, then he had to be kept there for another few years to learn riding, to go about, see people and make acquaintances, learn English life, and so forth. Then you bring him out here and send him into some district as a supernumerary. He has no particular duty to perform but tries to get generally acquainted with the people and see the country, and so forth. All this is done as training and that is all right. Why should he receive less than a civil servant with a non-Indian domicile? It is a general rule that everybody likes to educate his son at least as well as he himself has been educated. That is a good idea and I accept it. Then, this Indian Civil Servant of the Indian domicile has got a son and generally he has many sons. He wants to bring them up in the same style as he was brought up. He was sent to England, so he has got to send his wife and his son to England. The wife and the son remain in England. The son attends the college and goes through the whole training. The necessity for him to send money to England is thus just the same as it is to the Indian Civil Service officer with an English domicile.

Now take the question of passage money. The Englishman must go Home. It is his own country and therefore he likes to go there. The climate of England suits him very well and he goes there to refresh his energy. This Englishman, when he goes to England, kills very many birds with one stone. He goes to his own country. That is very good. He sees his sons and looks after their education. That is also very good. Supposing he is a Judge, he goes and sees some of the Judge's Court. If he is an Engineer, then he goes to some Engineer's place just to refresh his memory and keep himself in contact with the latest ideas on the subject and be as proficient as he can possibly be. That is all right. But the same necessity arises in the case of the Indian Civil Servant of Indian domicile. He wants to go to England to see any of his people there. He has to pay the same passage money. If he is in a profession, he also goes to the places of his profession and tries to increase his knowledge and keep up to date. So, the cases of both these officials are practically the same. In the case of an officer of an Indian domicile, however, the difference is that he is not going to his own country but is taking himself away from his country. That is the disadvantage in his case. Anyhow, the necessity of going over there and spending some money and the inconvenience caused thereby are common to both of them. The third distinction that the Lee Commission have made is rather amusing to me. They say that the officers with a European domicile want themselves to be treated by a European doctor when ill. I said to myself that it was all right. But does not the Indian want to be treated by an Indian doctor? Personally

I do not see why a European should object to be treated by an Indian doctor. When Indians go to England they have to have English doctors. The Commissioners may say that the ladies of these European officers might object. Well, the women are always conservative, whether they are Indian or European. It is a matter of sentiment. The Indian I. M. S. doctor is trained in the same college as the European I. M. S. doctor, he has been to England, and been very carefully examined, he has learnt all that medical science could teach, and then he comes out to India and diagnoses the diseases just as well as any doctor with an English domicile can do. He prescribes the same medicines as are prescribed by European doctors. Supposing he prescribes quinine, I do not think it will lose its property because the doctor who has prescribed it is an Indian doctor. In other words, quinine cannot have one effect if prescribed by an English doctor with an English domicile and another effect if prescribed by an Indian doctor with an Indian domicile. Such a thing is unknown.

So, all these three reasons which have been advanced by the Lee Commission people do not appear to me to be conclusive. I have, therefore, in my amendment proposed that these distinctions should be abolished. Both the Indians and the Europeans are members of the highest Indian Service and in their case no distinction should be made between the allowances, remittance concessions and other things that may be given to the European members of the Service. Then, we go a little bit further and we see

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI (Law Member) : May I be permitted, Sir, to ask the Honourable Member where is that amendment that he is speaking of?

THE HONOURABLE MR. G. S. KHAPARDE : The reply is that this amendment is to be found in clause (a) of my amendment where I say :

"That every All-India Service, whether operating in the reserved or in the transferred field, should, so far as future recruits are concerned, be appointed and controlled by Local Governments."

I maintain that the members of the highest Civil Services are included in the All-India Services.

THE HONOURABLE THE PRESIDENT : The Honourable Member is travelling very far from his amendment. I have not interrupted him so far, but I must remind him with regret that he has already exceeded his time limit. I would ask the Honourable Member to bring his remarks to a close.

THE HONOURABLE MR. G. S. KHAPARDE : I bow to the decision and I will close my remarks very shortly. I only want to mention the other heads about which I want to speak. I object to the Lee Commission's Report on the ground that it is unbusinesslike. I do not know any other term. I believe 'unbusinesslike' is not an offensive term. Therefore, I object to their Report.

I want to proceed a little further and say that you should not make any distinction between the members of the All-India Services. It does not matter whether they are Europeans or Indians. I want to provide for that. The principle of my amendment is that all these distinctions should be done away with. All the allowances, such as travelling allowance, etc., should be given on the same scale to all of them, otherwise you cannot have a contented Service. All the existing rights of the members should be maintained.

[Mr. G. S. Khaparde.]

For the future entrants, however, I would say that they will have to come in under one condition which will be laid down hereafter by the Government of India, I hope, in consultation with us. Anyhow, there will be some condition laid down and everybody will then come in under that one condition.

The third thing which I wish to bring in is that it can be said against my amendment that if you want to do away with caste distinction, why do you mention that the Indians must be 75 per cent. and the Europeans must be 25 per cent. The reply is that this distinction I have made has been declared by the 1917 declaration under which this Act of 1919 was enacted and in which the words are "increasing association." I thought then, and I still think so now, that the words ought to have been "increasing assimilation." But they would not agree to my word "assimilation" and they said that it ought to be "association." If the word was "assimilation" then I shall not talk of percentages at all. But since they talk of "association" and recommend in the case of some departments 50 and 50, in the case of others 25 and 75, etc., I have thought it proper to take a flat rate of 75 and 25.

Another thing on which I will lay particular stress is that you should give them increased pay and be done with them. But they say "No." If you give them an increase of Rs. 100 per mensem they will spend it, but I say "why not compel them to contribute towards the Provident Fund out of which they can borrow." In that case, the question of exchange will come up. Sometimes the exchange will be very low, then it will be profitable to give them in rupees. So, I say it is better to give them so much pay in sterling if you like, but give it to all entitled to it without making any distinctions. It will be easy to manage. It will not require an establishment to be kept up to administer the fund. Why not do it in this way? I forgot to mention about the Commissioners in Madras. Why cannot these appointments of Commissioners be abolished all over India? They do not appear to have any special business. However, that is a matter of small importance. It is only one of the ways of exploring how the cost can be reduced.

THE HONOURABLE THE PRESIDENT: My disinclination to stop the Honourable Member is as strong as ever, but my duty compels me to do so. I must really ask him to draw his remarks to a close.

THE HONOURABLE MR. G. S. KHAPARDE: Very well, Sir, with these words I will bring my remarks to a close.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY (West Bengal: Non-Muhammadan): Sir, availing myself of the leave which you were good enough to give me yesterday, I propose to put before the House, necessarily in a modified form, the last part of my amendment as appearing in the Agenda, and the modification that I have, after consideration, adopted and submit for your consideration is that:

"For (a) (1) (b) the following words be substituted:

'That all recruitment in England for the various Services be for the present stopped.'

But I just want to say a few words in regard to what has fallen from my Honourable and esteemed friend the Honourable Mr. Khaparde. Like a

good Brahmin he wants to see caste distinctions everywhere. That is the normal Brahmin frame of mind—white or dark. I would like to ask him if he would like to see fairly early marriage introduced among

THE HONOURABLE THE PRESIDENT: I hope the Honourable Member is not going to deal with the subject of early marriage.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: It arises out of the remarks of the Honourable Member and the Lee Recommendations as I will show in a minute. We have in these Recommendations a provision about certain concessions after five years of service. I appeal to all who know to say whether the marriage of young officers from England as a matter of fact takes place at the end of five years or not. A young man coming out at the age of 21 does not marry at the age of 26. I ask whether on the merits therefore it would not be an advantage to put the beginning of the concession period at the seventh or the eighth year of service, if there must be concessions, and not the fifth. Fully four or five lakhs of rupees would thus be saved to Indian revenue, and the desire to see early marriage promoted among the European members of the Services will be gratified. As it is they would be £1,500 or thereabouts better off than the Indian Members at this stage. My friend has referred to other Brahminical matters, one of which may well be that arising out of image or idol worship. Those who know something of the worship of the Goddess Durga in Bengal know that she is ten-handed. The tradition according to the village grand dame is that when the eldest son, Ganesh the God of Wisdom, was ill-advised enough to seek matrimony, the Great Mother spread out ten hands, lest the daughter-in-law should come in and interfere with domestic arrangements and with these ten hands thrown out, she had spread out on a big plantain leaf a rich repast—her last square meal before the daughter-in-law's advent. When Ganesh happened to come back to get something he had forgotten and found the mother with ten hands, and ascertained the reason, he preferred to have the saree-dressed and vermillion painted plantain tree as his wife. And is that what is going to happen because under the Reforms Scheme a different set of things is likely to come and before the interfering power arises, the best that can be had out of the situation should be secured for and by the outgoing power. The ten hands of the powerful Goddess coming out to guard against the likely interference of the daughter-in-law would alarm even the God of Wisdom, nay the God of Valour who elected to remain single.

This brings me to the subject of my amendment. I brought out certain points yesterday in this concern and do not wish to labour those. I shall restrict my observations to-day mainly to those I did not bring out yesterday. The reason why I want recruitment for the present to be stopped—I cannot expressly say for how long—has to a certain extent been brought out by my friend. If the position is already difficult for those who are actually in service, because of the small instalment of Reforms their successor's position will be more difficult when more reforms and more real powers are given, when more subjects are transferred and on the whole a more complicated state of things comes about, even if they had bargained for it. They should come with their eyes open, their minds absolutely clear, and know the terms upon and

[Dr. Sir Deva Prasad Sarvadhikary.]

work for which they have to come to India. We were told that recruitment is an organised matter and cannot be interfered with lightly, and that should we stop recruitment even for a time, we are not likely to get the right kind of material when we reopen recruitment. What we have been getting for the last four years in England is certainly not the type of men that we want. We had not a sufficient number of candidates, whatever the reasons may be. We have to take all we can get and supplement them by military recruits as we had to do in the near past. We do not get the pick of the men for reasons of uncertainty. I am fully convinced, when we have settled our domestic affairs absolutely and to the satisfaction of the parties concerned, there will be no difficulty in getting the type of men we want. Other countries and, as I showed yesterday, other departments of life in this country have no difficulty. May I have your leave and that of the House to refer to three short paragraphs in an article by Lord Winterton in a recent number of the *Asiatic Review*, where he deals with the question of recruitment elsewhere and the hardships of the services there and the possibilities. One extract is as follows :

"That hard work, difficult conditions and indifferent pay do not of themselves act as a deterrent to the Civil Service overseas is proved by the case of Africa."

So I take it that conditions of service cannot be more attractive in Africa, East, West or South, than they are even in uncivilised India.

Then his Lordship says :

"I can scarcely conceive a harder life than that led, say, by a British member of the Soudan Civil Service in the Equatorial Provinces."

The last paragraph that I shall quote is as follows :

"It must be remembered how small are the entrances to a livelihood open to the successful University man in the present time of world-wide trade depression, and though no one wishes to see men go into the Indian Civil Service because there is nothing else for them to do, it is legitimate to emphasise the fact that the war has made life in every profession harder than easier."

Are we sure that middle class employment in England has been so satisfactorily settled that it will be difficult for us to get 45 British youths of the right type, or whatever number is fixed, which the Honourable the Home Member said elsewhere is annually absorbed by any mercantile firm in India.

I submit therefore, Sir, that there is absolutely no ground for apprehension that if, for a short time, recruitment is suspended for reasons that to us appear necessary, when the time comes for reopening recruitment, there will be any real difficulty. On the general question the mind of the House should be absolutely clear that till matters have settled down, as a result of the Reforms Inquiry Committee, till we know where we are, we have no need for taking what we can get nor right to let people come in and be disgruntled more than ever.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces : General) : Sir, I rise to oppose both the amendments. I wish I could possibly accept the proposals enunciated by my friend Dr. Sarvadhikary. The arguments on which he has based his proposal for the total stoppage of all recruitment seem to my mind not only unconvincing, but not feasible, and will, if put

into practice, cause disastrous consequences. My Honourable friend has not realised the other side of the question. His only ground, so far as I have been able to ascertain from his speech, is that the Reform inquiry is pending, and there may be a change in the constitution hereafter, and it would not be fair to new recruits from that point of view, and it would be better to stop recruitment till conditions shape themselves properly. Now, Sir, a policy like that in my humble opinion will have an altogether demoralising effect. If you stop recruitment, it will demoralise, as I say, the educational policy in this way that it will interfere with the education of the university men who are now undergoing training. And please remember that the Civil Service course requires a number of years of training, men go in for that special and methodical training for years together; there are schools and colleges in which that training is imparted to certain classes of students with the idea of fitting them only for this important Service. And what is going to happen if you are going to stop the recruitment? Are you going to shut up all these universities and private classes where to a certain class of people who intend to go in for an Indian career this special training is being given? Will it not be difficult when you again start the process of recruitment, to obtain men to join the classes and schools to prepare for the studies? And what guarantee will there be for universities which impart this class of knowledge and prepare the students for competition in the Civil Service to incur fresh expenditure, what guarantee will they have that once this training is started it will not be interrupted again? It will altogether dislocate things. Further, it is very clear to my mind that, once you stop recruitment, it will be almost impossible to revive it. I feel confident that Honourable Members here who are now preaching the stoppage of recruitment will then stand up and be foremost to oppose the resumption of recruitment. It is not possible that if you now decide on the total stoppage of recruitment, that the Legislative Assembly is going to agree to resume it at a later date, and what would be the result? The result would be the total elimination of the British element from the Service, to which proposition no sane man, looking to the present circumstances of the country, can possibly agree. Does my Honourable friend seriously believe that once the recruitment is stopped, there will be no difficulty in reviving it? (Dr. Sir Deva Prasad Sarvadhikary : "I do.") Then he is very much mistaken; he has not appreciated the psychology of the people, and I speak with great caution, but I say this is the thin end of the wedge; this is the thin end of the wedge in this way, that it is the first step which you deliberately propose to take for the total elimination of the British element from the Service, and as such I distinctly and emphatically oppose it. I believe for the safety and well-being of one-fifth of the human race, for the security of 315 millions of our people, it is necessary that we should have the British element in the Service, and we should always and permanently have a certain tangible proportion. I am convinced in this view because of what I see in the country. From the Southern parts of India to the most northern limits, we have now nothing but riots, we have nothing but communal differences, nothing but ravages, plundering, killing and maiming of human beings, and, in these circumstances, I do not think any reasonable and unprejudiced mind could possibly agree to a proposition of this character. There is another factor also to be considered. Have you realised what would be the effect of such a proposal, even if it was adopted?

[Sir Maneckji Dadabhoy.]

Do you realise that, if you stop recruitment altogether for a certain period, say five or ten years, in order to accelerate the local recruitment of the Indian element, what would be the result? After five years in the lower ranks of the Civil Service there will be a gap. You may fill up the top of the gap by promoting juniors; how are you going to fill up the gap in the junior ranks? Where are you going to get the men from? My Honourable friend may say, we will take men from the Provincial Services. All right, we will take men from the Provincial Services and fill up the lower gap, but once that is done and you resume recruitment, what are you going to do with these men who have been put from the Provincial Services into this gap? Are you going to kick them out? Will not that cause discontent, and dislocate the work of the Service altogether? Will you be satisfied with the poor and inadequate training and knowledge of these men; will you prefer them to a highly cultured and equipped class of men? I say to my mind the whole proposition is an altogether impracticable suggestion and could not possibly be adopted.

I will, with your permission, say a couple of words only with reference to my Honourable friend Mr. Khaparde's amendment. My Honourable friend Mr. Khaparde, like Oliver Twist, always wants something more. If he gets something, he says, no I am not satisfied, I must have something more

THE HONOURABLE MR. G. S. KHAPARDE: Everybody, even the Civil Service, wants something more.

THE HONOURABLE SIR MANECKJI DADABHOY: But there is a limitation to the demand which we can only rationally make. Now what was the position of recruitment in 1920? In 1920 in the Indian Civil Service the recruitment of

Indians was fixed at 33 per cent. It was then agreed to raise it by 1½ per cent. annually to 48 per cent. in the year 1930. To-day, which is only 1924, it is nearly 39 per cent. and by the Lee Commission's programme it is settled that the proportion should be 50 to 50 in the cadre of the Indian Civil Service, and after this has been attained, it should be continued until a cadre of 60 Indians to 40 Europeans is reached. Now I must say honestly, Sir, that when I first read the Lee Report this came upon me as a great surprise. I never expected that the Lee Commission would go to this extent and fix a cadre of 60 Indians to 40 Europeans. I do not look without some apprehension and perfect equanimity on this proposal. I hope everything will turn out all right. The promise and pledge of the British Parliament were of an increasing association of Indians in the Services, but it was then distinctly stated that Indians will have to prove their fitness and the Judges of the fitness would be the British Parliament. Here to-day the Lee Commission Report has gone far in advance of the Preamble of the Government of India Act and of Mr. Montagu's scheme and proposals. I think we are very lucky, very fortunate in having this generous proportion given to us. I think we ought to be reasonably satisfied with what is given to us, and during the time when we are attaining this proportion let us show our fitness for administrative work; let us prove our ability and merit and then in the fulness of time ask for a gradual increase in the numbers. I think my Honourable friend will see the propriety of my

remarks. (*The Honourable Mr. G. S. Khaparde*: "I do not.") There are some people who can never see things in their correct perspective. There are some people who are blind to other views except to their own and who do not know and can never realise what is good for them. We cannot help such people, let them abide by the consequences. In my opinion the arrangement which has been arrived at both in the Indian Civil Service and the cadres of the Indian Police and the Indian Forest Service seems to be just and reasonable and no sane person can quarrel with it. For these reasons, Sir, I cannot see my way to supporting either of these two amendments.

THE HONOURABLE SARDAR JOGENDRA SINGH (Punjab: Sikh): May I confine my remarks, Sir, only to the amendment.

THE HONOURABLE THE PRESIDENT: Only to the amendment.

THE HONOURABLE SARDAR JOGENDRA SINGH: I have great pleasure, Sir, in supporting the amendment moved by my friend the Honourable Mr. Khaparde, though I will not go into the matrimonial questions raised by him and by Sir Deva Prasad Sarvadhikary. The Indian members of the Civil Service and the other Imperial Services have joined on the same conditions as the English members, and I certainly feel under present conditions that they should have the same privileges and concessions as have been allowed by the Lee Commission to the English officers. I will not labour the point any more, beyond expressing this opinion, which I think is very largely shared in this House and outside. Regarding the stopping of recruitment proposed by the Honourable Sir Deva Prasad Sarvadhikary I am very sorry I cannot support him. The idea is absolutely impracticable. Once you stop recruitment it is not possible to resume it at a later date, and, as has been pointed out, we need British officials more in the districts than at the headquarters. I do not think it would be wise at the present moment to stop entire recruitment pending the coming of reforms. At the same time, Sir, I must point out that I do not at all share Sir Maneckji Dadabhoy's sub-conscious fear regarding the unfitness of Indians to perform duties which might be entrusted to them. Indians of the right stamp have performed duties of all kinds before now, and I think in the times to come they will continue to do so. All that is required is that the proper stamp of Indian should be selected for the Imperial Services, which I am not sure will be possible through the competitive door alone. (Hear, hear).

This is all I have to say on these amendments. I think the House will be well advised to support the amendment moved by Mr. Khaparde and not to accept the amendment moved by the Honourable Sir Deva Prasad Sarvadhikary.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (West Punjab: Muhammadan): Sir, I oppose the Honourable Mr. Khaparde's amendment on a different principle, and that is that if we pay our Indian civilians just as much as the English civilians where would be the economy. What we want to show is that we can do exactly the same work and at the same time at a cheaper rate. If the other principle is once established with more and more Indians coming in the expense would continue to be just as great, and that would not do.

[Col. Nawab Sir Umar Hayat Khan.]

As regards the second amendment, we have a saying that the elephant has one set of teeth for show and another set for eating. In the same way, in another place it has been said that the recruitment of Europeans should stop. Here again we hear the same thing. Though the meaning of this is the same, perhaps the arguments are different. But supposing we did stop recruitment of Englishmen who would come in their place? I think one of the reasons why this claim is made is because the politicians have a grievance. And their grievance is due simply to the fact that they were not consulted, or perhaps because some civilians here in the Government of India have not expedited reforms, etc., for them, and for this reason we are to go against other civilians who have had nothing to do with that question and who are working hard in the districts, so that pressure may be brought to bear upon the civilians in the Government of India. It is really very hard that those who had nothing to do with the reforms should suffer for the sins of their brothers. For that reason too, I think this is a wrong proposition, and I think that recruitment should continue as it has been continuing up to now.

THE HONOURABLE MAHARAJA SHOSI KANTA ACHARYYA CHAUDHURI (Bengal : Nominated Non-Official) : Sir, I support Mr. Khaparde's amendment in so far as the present Services are concerned, the members of which should get all the concessions, passages, etc., recommended. But with regard to the future Services they should be under the control of the Government of India and they should come under such terms as they put down. Recruitment should not be entirely stopped, as Sir Deva Prasad Sarvadhikary recommends, nor restricted to a proportion of 75 to 25.

THE HONOURABLE RAJA SIR RAMPAL SINGH (United Provinces Central : Non-Muhammadan) : Sir, I desire to make a few observations on the amendment that has been moved by my friend Mr. Khaparde, as well as the other amendment which has been moved by Sir Deva Prasad Sarvadhikary. Sir, as far as I can understand the amendment, it means that every All-India Service should, so far as future recruits are concerned, be appointed and controlled by the Local Government. I do not think there is any amendment of my Honourable friend that the members of the Civil Service, that is Indians and Europeans, should be treated on the same lines and the same concessions should be given to them. The Report of the Lee Commission, as far as the transferred departments are concerned, has recommended that recruits for the All-India Services should be recruited by Local Governments, and I think that that recommendation is in the right direction. At present in the reserved departments the Local Government consists of the Governor in Council who is responsible to the Government of India and the Secretary of State, while in the transferred department the Local Government consists of the Governor acting with the Ministers who are responsible to the local Legislature. Yet we have not obtained provincial autonomy, and unless that stage is reached I think the Resolution of my Honourable friend will not fit in. Now as far as the security services are concerned, I am of opinion that at least the minimum strength of the European members in the All-India Services should be fifty per cent. The present state of the country warrants that this minimum strength should be maintained at least for some years to come, and therefore I would rather oppose the Honourable Member's amendment. At the same time, I am not in favour of altogether

stopping future recruitment for the security services, because that will create a gap which it would be very difficult to fill. But, Sir, there is one point on which I would like to draw the attention of the House. I have not been able to make out what is the principle that underlies the recommendation that the new-comers, that is the future British recruits, shall have the option of retiring on proportionate pensions if the Departments, in which they might have to serve, are transferred to popular control. The motive for this recommendation may be to give greater attraction towards Indian service. This is a very artificial attraction, it will prove harmful, and will create a feeling of antagonism and prejudice in the minds of such recruits against any change in the constitution. What I mean to say is that only those young men should be recruited who may be willing to serve with Indians as brother citizens of the British Empire and not those who may be biassed from the very beginning and imbued with the idea that their tenure of service is only as long as the present constitution continues. I therefore oppose both the amendments, and hope that, as far as this concession is concerned, it will not be given to the future recruits.

THE HONOURABLE MR. G. A. NATESAN (Madras : Nominated Non-Official) : Sir, I rise to support the amendment moved by my Honourable friend, Dr. Sarvadhikary. My Honourable friend, Sir Maneckji Dadabhoy observed that there are some people who are so blind as not to know what is good for themselves. (*The Honourable Sir Maneckji Dadabhoy* : "Though they cannot see us".) I fear the Honourable speaker belongs to that class. I am one of those who believe that as an Indian I am fit to discharge some of the duties which the Civil Service perform. I am one of those who believe that my countrymen are fit for these things. If my Honourable friend, Sir Maneckji Dadabhoy has doubts about himself and his countrymen, he is quite at liberty to say so, but it is much better that some one who thinks otherwise and who has reason to believe that he is echoing the views of a very large number of his countrymen so far as this is concerned, has at least an opportunity to give expression to that feeling—and that is consistent with the self-respect of Indians. Sir, I certainly have no right to repeat what I said yesterday, but the second part of my speech was directed to pointing out that if further recruitment were stopped for some time, it would to a great extent ease the present difficult situation. Already, as we are aware, many Civilians who entered the Service long before the introduction of the Montagu-Chelmsford Act naturally grumbled at the new and altered conditions they have had to face, and we have had to give them increased allowances and the right to retire on proportionate pension. Now, sooner or later you are bound to have a further instalment of constitutional reforms despite the wishes of some of my countrymen to the contrary. But I know what is going to happen, though I cannot say that I have the power to lift the veil that hides the future. For a man who has eyes to see, who is already able to some extent to know the views of the Government of India themselves and of the British Cabinet at Home, knows full well that some more radical changes in the constitution of the country are bound to come. May I ask, is it proper that you should tell people in a public document that the conditions of appointment for them when they come over to India and take part in the work of administration will be difficult, tell them also that some new changes are contemplated and they are bound to come sooner or later; at the same time tell them further

[Sir Zu'fiqar Ali Khan.]

country, special conditions prevailing in a country like India demand the participation of a third element in order to keep the balance straight.

THE HONOURABLE MR. J. P. THOMPSON (Political Secretary): On behalf of the Government of India, Sir, I join in the opposition to both these amendments. It is always a pleasure to hear the Honourable Mr. Khaparde speak and to open the proceedings with a speech from him is rather like getting up on a bright morning after months of mist and rain. The issues before the House, which are raised by his speech, by his amendment and by that moved by Sir Deva Prasad Sarvadhikary, are perfectly clear. The first of them is the demand for further provincialisation. Further provincialisation can be effected by delegation of powers under the Government of India Act. The question that we have to decide is whether we, as a House, should recommend to the Government of India to continue the process further. There are two aspects of this question, first the constitutional and, secondly, the practical. My Honourable friend, the Leader of the House, yesterday explained to us in very lucid and forcible terms the constitutional position. He pointed out that the same logic which makes it necessary to transfer the control of the Services working in the transferred fields to the Local Governments makes it necessary for the Secretary of State to retain control over the All-India Services working in the reserved fields. So long as he retains responsibility, he must retain control. The position is put very clearly in the note by Professor Coupland, which is printed at pages 116 to 123 of the Report of the Royal Commission on the Superior Civil Services in India. Let me read to the House what he says about the constitutional position. He is quoting at the outset from the first reforms despatch of the Government of India in paragraph 10 of his note, page 119:

"As regards the All-India Services, 'we consider that recruitment, whether in England or in India, should be according to the methods laid down by the Secretary of State, and that all persons recruited should be appointed by that authority.' These proposals were accepted by the Division of Functions Committee and the Secretary of State. They were embodied in the Act in sections 96-B, 96-C and 97 to 100 inclusive. And in the Memorandum he laid before Parliament by way of explanation of the Bill, the Secretary of State declared, in particular, that 'members of All-India Services will continue as at present to be appointed by the Secretary of State in Council, and the conditions of their service will be regulated by the same authority, which alone will have power to dismiss them'."

He goes on:

"This decision was dictated by the second of the two cardinal principles of the Reforms. If the one principle was to make Ministers and Legislative Councils responsible in the fullest practical degree for the good government of the transferred field, the other principle was that the Secretary of State and Parliament must remain no less fully responsible for the good government of the reserved field. It was never intended that this reserved responsibility should be diminished or delegated by degrees. The only change contemplated was the single change involved in the transfer, when the time should be ripe, of a subject or subjects in the first instance reserved. As long as such subjects should be reserved, the responsibility of Parliament with regard to them was to remain complete. It follows that the Secretary of State must continue to control the All-India Services operating in the reserved field. Only through the Secretary of State can Parliament's responsibility be fulfilled; it cannot be fulfilled through any other agency if responsible government is to be interpreted and practised in accordance, not merely with constitutional forms, but with the well-established lessons of political experience. And the Secretary of State on his part can only discharge this duty if he controls the Services concerned."

That, Sir, is a very clear statement of what has all along been intended and it would, I think, obviously be a breach of these intentions if we were now to transfer control of the All-India Services which are operating in the reserved fields to the Local Governments.

I now come to the practical aspect of the question. There seems to be an idea that the new conditions proposed will in some way work hardly on the Indian members of the Service. Let us just examine that idea. The Indian members of the Service who now draw overseas pay will continue to draw it. They will obtain the remittance privileges if they have a wife and family in England. That, Honourable Members will recollect, is in accordance with the principle which is embodied in the Government of India Act in regard to the pay of members of the Council of India. An Englishman serving on the Council of India is paid at the rate of £1,200 a year. An Indian Member of that Council draws in addition an allowance of £600 a year as a subsistence allowance on the ground that he is residing outside his own country.

Now I come to the question of passage concessions. I understand these concessions also will be extended to Indian members of the Civil Service drawing overseas allowance now. My Honourable friend Mr. Cregar will correct me if I am wrong in making this statement.

The second practical aspect that I wish to put before the House is one that has been emphasised by many speakers. The speakers have been divided, apparently sharply, into two different schools of thought on this point. That point is that the stoppage of recruitment is going to affect the prospects of recruitment; should it be necessary again to revive it. That comes up in connection with the provincialisation proposals and from the point of view of abandoning the Secretary of State as the recruiter. I believe—and many Honourable Members of this House have expressed their concurrence—that the Secretary of State is the only authority which can recruit for the All-India Services men of the right stamp. The Honourable Sir Deva Prasad Sarvadhikary disagrees. It seems to me, Sir, that the point is quite apparent that once you stop recruiting you cannot resume it on advantageous terms. If you stop recruiting, you break a tradition. You have got to re-create it. Men of the right stamp will not come forward until you have re-created that tradition. May I put this aspect in another way? Who would join the Club which has once closed its doors?

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: Even for spring cleaning!

THE HONOURABLE MR. J. P. THOMPSON: The Honourable Member proposes to close the doors much longer than for spring cleaning. What I do say, in spite of Sir Deva Prasad Sarvadhikary's opposition, is that, if we attempt to recruit for the All-India administrative Services—it may be different for the technical Services—through the Local Governments, we shall only get the wastage of England. We shall not get men of the stamp we desire.

Thirdly, Sir, this is a matter in which the Government of India and we in the Central Legislatures are greatly interested. The Government of India draw from the Provincial cadres of the All-India Services the officers which

[Mr. J. P. Thompson.]

they need for their own secretariat and for other appointments under their own control. The convenience of the Legislatures depends, to some extent at any rate, on the efficiency of the Government of India Secretariat. Is it right, is it reasonable, that the Government of India and the Central Legislatures in this respect should be at the mercy of provincial standards?

I now pass on, Sir, to the question which has been raised by the second part of the Honourable Mr. Khaparde's amendment. He proposes that recruitment should be so arranged that at the end of ten years there shall be left in the service of India a residuum of 25 per cent. of British officers.

THE HONOURABLE MR. G. S. KHAPARDE: I did not urge that point here, anyhow. I have it in my amendment, but I did not urge it here.

THE HONOURABLE SIR MANECKJI DADABHOY: Does my Honourable friend propose to abandon that part of his amendment?

THE HONOURABLE MR. G. S. KHAPARDE: If I did not urge a ground, it is supposed to be given up.

THE HONOURABLE THE PRESIDENT: I think the House is entitled to have a clear indication on this point. Do I understand that the Honourable Member wants to withdraw sub-clause (b) of his amendment?

THE HONOURABLE MR. G. S. KHAPARDE: I would withdraw the words "not exceeding ten years". I withdraw those words because I did not urge this proposition here.

THE HONOURABLE MR. J. P. THOMPSON: Then the position is, I take it, that the Honourable Member requires that we shall work up to a percentage of 25 of British officers in the Services after some wholly indeterminate period of years. Is that the case?

THE HONOURABLE MR. G. S. KHAPARDE: I believe the expression used is "at the earliest possible moment".

THE HONOURABLE THE PRESIDENT: I must point out that the amendment, as it stands, is before the House. If any words are to be removed, it can only be by process of amendment. Pending their removal, the Honourable Mr. Thompson is quite justified in commenting upon any words contained in the amendment.

THE HONOURABLE MR. J. P. THOMPSON: I think, as the Honourable Member is not going to withdraw them, it will be as well for me to make some comments on this proposal just in order to show the House how difficult these problems of recruitment and percentages are.

The Honourable Member proposes that we should work up to a percentage of 25 after a period of ten years. Let me give the House some figures. In paragraph 6 of the Report it is shown that there are at present 1,290 members in the Indian Civil Service. Of these, 165 are Indians. That leaves 1,125 Europeans. Now what we call in recruitment cases the casualty rate, that is to say, the average number of losses by retirement and death which may be expected every year is, I believe, 4.19 per cent. Let us put it at 5 per cent. That means to say that in ten years' time we should have got rid of

50 per cent. of the Europeans now in the Service. That would bring down the number to 560, so that even if there is no European recruitment for the next ten years, we shall still have at the end of that period not less than 43 per cent. of British officers in the Indian Civil Service in India. I thought it possible that the Honourable Member was going to unfold some scheme for offering particularly liberal terms in order to induce men to retire! That would I fear prove very expensive, but if he is unable to stimulate retirement, the only other way of bringing about what he desires is to stimulate the other kind of casualties. I hope he will provide us with some very simple and painless method. All he will have to do is to get rid of about 24 members of the Indian Civil Service each year, over and above the normal losses from deaths and retirement.

I now, Sir, come to the larger questions. The question of the rate of Indianisation and the complementary question of the need for a British element are, of course, largely matters of opinion. I know of no exact method of determining the percentage of Europeans in the Government of India, in the administration of India, which will give us the best results. But Sir Deva Prasad Sarvadhikary whose proposal would amount in reality to an entire stoppage of European recruitment for India raises the whole question of the need for British officers in this country. Now, this is a subject, Sir, on which it is easy to strike sparks, and I intend to strike none. But the need is a need which is based on facts deep-seated in human nature, and if Honourable Members have studied the works of those who have written on this question, which is after all largely a question of the effect of climate on civilization, they will have realised that this question is in reality a question for India of insurance, and it is simply and solely from the point of view of the advantage to India that it is admissible to discuss it. Just as every clime has its own fauna and its own flora, so every clime produces its own human character. England and France are separated by less than 30 miles of water, hardly more than the breadth of some Indian rivers in flood time, and yet look at the difference between the characters of the English and the French. It used to be a commonplace among Indians in India when the French bulked more largely in India than they do now to contract the characters of the British and of the French. Their comments were not always, I regret to say, to the advantage of the Englishman, but it was we who stood and the French who fell. Character, after all, is destiny. The main question for us to decide is whether India wants, whether India needs the British. I think there is hardly a man here who would seriously contest that India does want, and probably will always want, British soldiers and British administrators. Let us consider for a moment what the peculiar features are which make this desirable. It is not very difficult to explain. The only consideration is the dangers to which this country is exposed. Look at the map, the long coast line, the exposed ports, the frailty of sea-borne commerce. Then the long land frontier, with its many openings into the fold, all safely closed now. And without—we can hear even now the howling—just of the mountain-winds. And within—the daily telegrams are daily reminders, they will not let us forget it. Some Honourable Members may seek to minimise the danger, and this is not the only one; but as for this Hindu-Moslem business let me see if I can put it in a new light to some

[Mr. J. P. Thompson.]

Honourable Members. To what is due this growing bitterness? To my mind it is the Nemesis of religion profaned. Religious feelings have been stirred up, not to turn the people from evil and to incline them towards good, but to rouse up hatred for political ends. The hatred is recoiling on the heads of those who roused it and the people have become a prey. What is the remedy? Each man's conscience can find it. Teach religion because it is good, because it is right, and not because it will lead you to pomp, popularity and power—the single aim, the single eye, sincerity of heart and a grand tolerance. If those who are inaugurating this new campaign for Hindu-Moslem unity will bear that in mind, a blessing will rest on their labours. Otherwise once more will it be written:

“Welcome light

Dawns in the East but dawns to disappear,

And mock us with a day that ripens not

Into the perfect morning.”

Sir, I have been led to speak warmly on a subject on which I feel deeply. The point from which I started was the need for British assistance in this country, and the view that this was not the time to attempt drastic reductions. After all what we are now asked to approve is a transitional measure. Things may be brighter in 1929 when it is bound to come under review. The Royal Commission have weighed the question from all points of view. There was evidence before them of many schools of thought, and after weighing it they have come to certain conclusions. And I suggest that this House cannot do better than endorse and accept those conclusions. But though I am convinced that these proposals of the Commission are as good as we shall get from any other body, yet at the same time I recognise that the decision as to whether these proposals are going to effect the end at which they are aimed rests, not with this House, not with the Government of India, not even with the Secretary of State; it rests with the youth of England, and unless a change comes over their attitude, we shall not get men of the stamp we desire. If that is so, the vanity of human forecasts may defeat us yet, and the Honourable Sir Deva Prasad may some day have the satisfaction of feeling that, though he was defeated on his amendment to-day, yet after all destiny was on his side.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: I want no satisfaction like that.

THE HONOURABLE MR. J. P. THOMPSON: I fear the Honourable Member might perhaps not regard it as a satisfaction if that time ever came, and that the thought might come to him not as a healing balm, but as wornwood and as gall.

THE HONOURABLE THE PRESIDENT: If the Council wishes to wind up this debate before the adjournment, we should, I think, proceed at once to a decision on the motion now before it. Otherwise the debate will be continued this afternoon.

THE HONOURABLE SIR NARASIMHA SARMA (Member for the Department of Education, Health and Lands): Sir, I shall deal first with the amendment moved by the Honourable Sir Deva Prasad Sarvadhikary. I realise that

almost all that can be said on this difficult question has been said already on both sides of the House; but I feel it my duty to show to the House that, whatever may be the difference of view on the question of principle, the proposition that he is urging upon the Government of India is not in any way a practicable proposition so far as the amendment goes. We shall have to treat this amendment with the very greatest respect possible because this is a view that has been urged upon the Government by highly esteemed members of both the Houses. The Honourable Sir Sivaswamy Aiyer, Sir Chimanlal Setalvad, Sir Deva Prasad Sarvadhikary, not to mention numerous other names, and a large body of Indian public opinion in the country have been pressing upon the Government of India that a part of the solution of this problem might be reached if, for the present at any rate, recruitment in England could be stopped for the All-India Services. The Honourable Mr. Cregar, the Honourable Sir Alexander Muddiman and others have given very cogent reasons showing that that is not a practical course, and that it would defeat the purpose which the Government of India have in view. I would urge one other consideration, and that is this. Honourable Members ask that the British recruitment should be stopped for the present. “For the present” is rather a vague term. It has been defined, more particularly in the other House, and I think in the terms of the original amendment, as being confined to the period by which the future constitution of the Government of India can be settled. To take up a more easy answer, when in the Public Works Department, on account of the then existing ratio of British and Indian officers in the service, it was resolved to alter the ratio of recruitment, and to stop in future the recruitment of Indians in England, it was found impossible to stop recruitment at once, or within a short period of years, for the simple reason that there were a number of young men qualifying themselves for these services with a view to enter the field of competition, and it was undesirable, it would have been unjust, to stop recruitment without adequate notice. It may be said, for the same reason, that a number of youths in England, Britishers and Indians, have been training themselves with an eye to an Indian career, and it is but right that the Government of India should do nothing to prevent these youths, British and Indian, now being trained in England, from competing for the Indian Civil Service and for other All-India Services. Therefore, as a practical proposition, on this simple ground of justice and expediency, I think it would not be desirable, it would not be just, to carry out a proposition of this kind. But I shall not rest my contention on that simple ground. The question we will be faced with is this. Even under a reformed system, which we can anticipate, are we going to have British youth in our Civil Service or not? That is the essentially concrete proposition we shall have to face, and there is no use shirking it. In my conception of the Empire, although I can give no adequate answer having regard to the attitude of some parts of the Empire, in my conception of the Empire, there should be nothing done to prevent all members of the Empire from competing on equal terms for service in India or elsewhere. And if that is to be our conception, and that has been the conception of the Indian National Congress which has been asking for fair and free and equal treatment by means of simultaneous examinations, I do not think it would be right on our part to say that recruitment of British youths should be stopped artificially. I quite grant that these principles are subject to exceptions, and we have in the Lee Report for various considerations an

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exception made. I am not now arguing that question, but I say that as Indians, hoping to live in an Empire where we expect equality of treatment, it would be wrong on our part to take the narrow view and to say that recruitment should be stopped. What we should urge is fair and equal and free play. It has been said then that something has to be done to prevent great inequality

1 P.M. between the members of the two communities in order that there may not be friction between the two constituent parts of the various services or the Services and the Ministers. And that is one of the reasons urged for the stoppage of recruitment. Another reason, and it is a very fair reason, that is urged is that the British youth should not be tempted to come to India only to find that a little later they may be confronted with conditions which at present do not exist. I will take the first. It is to meet the first condition that the Lee Commission have increased the ratio from 37½ to 60. With regard to the second point, namely, that it is unfair to the British youth to bring them out here in this unsettled state of affairs, I join issue. You may quarrel, you may not agree with some of the details of the recommendations. That is a point which is not in issue now. But young men in England who are competing for these Services are not children. They know the conditions they have to face. They are coming or have to come here to help us to achieve self government. They are going to come here to help us to evolve a constitution which will place us on a solid basis. And therefore I do not see why there should be this undue sympathy for British youth, when we have told them clearly, when the Government of India of 1919 has told them clearly, that changes are possible and probable in the near or distant future, according to the conditions of things, which would and must alter the policy of Government and the basis on which the British youth will have to work in conjunction with the new constitution that may be set up. Therefore to this extent, Indian politicians are correct, namely, that the British youth who come here must come with their eyes open and knowing the possibility of changes to which they will have to adapt themselves. That notice has already been given and is being given, and therefore it is not for us to say, it is not for the Government of India to say, that recruitment should be stopped for the benefit of Britishers who will have to come with their eyes open. But, Sir, I think Honourable Members will on reflection find that the anxiety of the Secretary of State, the anxiety of the Government of India and the anxiety of the Lee Commission in making these recommendations is to secure British recruits of the right type for service in India. I know it has been said that the country is ready to treat existing members of the Services fairly in the matter of emoluments. But I may assure you that some of the recommendations had this distinct object, and correctly too, that they should attract British recruits for the Government of India, and that was the anxiety which actuated partly the appointment of this Commission. Therefore we are not dealing with practical politics in urging upon the Government of India and I know I shall be making myself unpopular in making this statement when we ask them to stop recruitment immediately. I may inform Honourable Members that recruitment has been stopped on a competitive basis in the Indian Medical Service, for the simple reason that we have not been able to get recruits, and we have had to get in officers on special terms. And it is in order to prevent a similar breakdown of the competitive system for the other Services that many

of these concessions have been devised. I hope therefore that Honourable Members will see that there is not much use in urging this part of their proposition.

Then, Sir, there is the proposition which has been very strongly pressed, namely, that the Services working in the reserved fields should be appointed by the Local Governments. I think the Honourable Mr. Khaparde will see that, although something can be said for his view, as the amendment stands at present there can be no All-India Service if it be left to each Local Government to make its own arrangements with regard to appointments and control. There cannot be such a thing as an All-India Service operating in the reserved fields so far as future recruits are concerned who we are told are to be appointed by Local Governments on a separate and distinct basis. The Honourable Mr. Khaparde may say that Local Governments may work possibly under a scheme evolved by the Government of India or the Secretary of State. I am reading into his amendment something which is not there; but even then what does it come to? It means really the control of the reserved fields of activity by the people rather than control by Parliament in England. If you analyse it it comes to that, and I have myself very great sympathy with the progress of reforms; but if you acutely analyse it there does not seem to be much from the constitutional point of view in favour of the control of the Local Governments. As the constitution stands the Local Governments and the Government of India are subject to the superintendence, direction and control of the Secretary of State.

THE HONOURABLE MR. G. S. KHAPARDE: I think it might save time if I intervene. I did not have time to expound the point in making my speech. I will only indicate that all these young people will be selected by the Secretary of State by competition and the Local Governments can pick from out of them the men they want. That is what I meant.

THE HONOURABLE SIR NARASIMHA SARMA: I may say if the Secretary of State is to make the appointments that is practically what is occurring now. The young men are given a choice in the first instance, subject to some sort of superintendence by the Government. They are then sent to the Local Governments and are hardly ever removed from there. It is only in cases where officers feel that they have been unjustly dealt with that there is an appeal to the Government of India and the Secretary of State. In other respects the Local Governments are practically supreme in respect of the All-India Services. (*The Honourable Mr. G. S. Khaparde*: "That is what I want.") If that is what you want, it is already there. (*The Honourable Mr. G. S. Khaparde*: "That is the point. It is not there.") I was thinking that what was wanted is that control, with regard to the power of making appointments and the final right of dismissal, etc., should rest with the Governments in India if the Local Governments are not satisfied with the conduct of officers under them. Well the point I would suggest for the consideration of the House on this subject is, that even if the final authority be the Government of India under the present constitution it can only be subject to the control of the Secretary of State. We will have to obey the behest of the Secretary of State unless there is a devolution of authority, and if he can do a thing whether he does it through

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us or does it directly does not make much difference in substance. And I hope therefore that it will be recognized that under the existing constitution the Lee Commission were not wrong in recommending what was technically correct, namely, that where the Indian Legislatures are paramount, the Services should be subject to the Legislatures, and where the British Parliament is supreme, the Services should be subject to the control and appointment of the authority who is directly responsible to the British Parliament. There is a good deal of truth in the philosophical and calm statement of facts by the Honourable Mr. Thompson and the importance he attaches to the influence of climate. We must realize that what has made the British administration of India so successful is the vantage point from which they have been able to view the situation and the characteristics which they have been able to display in practical matters. Luckily for India we possess every type of climate, and therefore it will not be impossible for India to evolve the types of character necessary for the proper self-government of India if only we set about in the right manner and in the right direction. What is wanted is education on sound lines; the development of character has been the aim of the educational policy of our British friends, and I hope that with their assistance the country will achieve that measure of progress in the near future and to a time when they can look forward safely to administering their own affairs.

THE HONOURABLE MR. G. S. KHAPARDE: The Honourable Member contemplates the British colonisation of a part of India?

THE HONOURABLE SIR NARASIMHA SARMA: I do not follow that quite, but we are now practically on a different question, and there is not the slightest doubt that, as far as we can foresee at present, British recruits would be necessary for some time, and the evolution that has been suggested by the Lee Commission is calculated to achieve that end. And let me therefore express the hope that British youth will rise to the occasion and see in India a fair field for their activities in helping their Indian brethren to stand firm and self-reliant and in enabling them to take charge of their affairs in the fulness of time when self-government becomes not merely a possibility but a reality. Meanwhile I submit, Sir, that all that has to be done in a transitional stage must be done, and the remarks which have been made with regard to the Indianisation of the Services and the other points raised will receive the very careful and sympathetic attention of the Government.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: May I be permitted a short word of personal explanation? My friend, the Honourable Sir Narasimha Sarma, has complained of vagueness in regard to the expression "for the present" in my amendment. What I intended and made clear in my speech was that, "pending action on the Reforms Committee's Report" recruitment should be suspended. But owing to the exigencies of circumstances those qualifying words which had been attached to the amendment of yesterday having been defeated, I could not bring in those very words and that is why I introduce the words "for the present."

THE HONOURABLE THE PRESIDENT: I think it is unfortunate that the Honourable Member has made this personal explanation, because it suggests that

the whole of his speech was out of order. The House decided yesterday that there should be no such delay as apparently he has in mind, and had I understood that the words "for the present" were meant in the sense now indicated, I would not have allowed him to move his amendment.

I will now put the amendment of the Honourable Mr. Khaparde in two parts. I will put sub-clause (a) first and then sub-clause (b), and before putting (b) I will put the amendment of the Honourable Sir Deva Prasad Sarvadhikary to the Honourable Mr. Khaparde's amendment. In the original Resolution sub-clause (a) runs:

"That while the existing system of appointment and control of the All-India Services should, in present conditions, be maintained in reserved fields, the following Services operating in transferred fields, namely, the Indian Educational Service, the Indian Agricultural Service, the Indian Veterinary Service, the Buildings and Roads Branch of the Indian Service of Engineers in those provinces in which the two branches have been separated, and the Indian Forest Service in Bombay and Burma, should so far as future recruits are concerned be appointed and controlled by Local Governments."

To this an amendment has been moved in the following terms:

"That every All-India Service, whether operating in the reserved or in the transferred field, should so far as future recruits are concerned, be appointed and controlled by Local Governments."

The question I have to put is that that amendment be made.

The motion was negatived.

Sub-clause (b) of the original Resolution runs:

"That recruitment of Indians for the Services in reserved fields should be increased as recommended."

To this an amendment has been moved by the Honourable Mr. Khaparde as follows:

"That recruitment for the All-India Services be so conducted as to produce at the earliest possible moment not exceeding ten years a proportion of Indians to Europeans in each such service in the ratio of 75 to 25 per cent."

To this amendment a further amendment has been moved by the Honourable Sir Deva Prasad Sarvadhikary:

"That for the proposed amendment the following words be substituted:

'that all recruitment in England for the various services be for the present stopped'."

The question I have to put is that the amendment of the Honourable Sir Deva Prasad Sarvadhikary be made.

The motion was negatived.

I now put the amendment of the Honourable Mr. Khaparde:

"That recruitment for the All-India Services be so conducted as to produce at the earliest possible moment not exceeding ten years a proportion of Indians to Europeans in each such service in the ratio of 75 to 25 per cent."

The motion was negatived.

The next amendment on the paper is to clause (2) of the original Resolution and stands in the name of the Honourable Mr. Vadamurti. I do not think that the Honourable Member will.....

THE HONOURABLE MR. S. VEDAMURTI: I can move it in five minutes.

THE HONOURABLE THE PRESIDENT: Clause (2) of the Honourable Mr. Crerar's Resolution runs as follows:

"That pay, passage concessions and pensions be granted to the officers of the Superior Civil Services in India approximately on the scale recommended."

To this the Honourable Mr. Vedamurti moves an amendment:

"That for the words 'approximately on the scale recommended' the following words be substituted:

'on the same terms and at the same rates as at present but that the Burma allowance should be discontinued'."

THE HONOURABLE MR. S. VEDAMURTI (Burma: General): Sir, I do not want to detain the House at this stage, because I know what the fate of my amendment is going to be. It will certainly go the way that all the previous non-official Resolutions have gone, but I feel it my duty to move it. As regards the first clause of my amendment, Honourable Members of this House who are of my own way of thinking regard that, in the absence of any evidence before us, they are not willing to acquiesce in the recommendations of the Commission in the matter of pay, passage concessions and pensions. If we are convinced of any hardships suffered by the Superior Services, which at present we are not, we are perfectly willing to recommend relief.

It is on the clause of my amendment regarding the discontinuance of the Burma allowance that I should like to say a word or two. The Commission's recommendation is that, excepting the Indian Civil Service, the basic pay of the other All-India Services should be increased. All the Services are gaining under these recommendations increased emoluments in overseas allowance, exchange, passage and pension. I, for my part, do not understand why a special allowance, known as the "Burma allowance", an antiquated allowance, perhaps that was given when Burma was not opened up, should be perpetuated. Owing to these recommendations, Burma has to bear an additional burden of Rs. 10 lakhs a year, a burden larger than that of any of the Provinces, excepting the United Provinces. Is it fair, I ask, that Burma should bear a burden larger than Madras, Bombay or Bengal, which are advanced Provinces? I ask why the tax-payer in Burma should bear an additional burden in the shape of "Burma allowance." The Commission was perhaps influenced by the presence of Sir Reginald Craddock, the late Lieutenant Governor of Burma. Increased emoluments, passage and other concessions are given on the ground of the high cost of living, and yet another allowance on the same ground of the high cost of living is granted in the case of the Superior Services serving in Burma. If granted, it would only show that the interests of the tax-payer are being sacrificed to those of the Services. In one breath it is said that Burma is a backward Province needing development in the matter of education, university and technical, for which sufficient money has to be spent but no money is available, while in another breath, you want to impose an additional burden—a burden on a backward Province, a burden greater than that of the other Provinces. If Burma had not a University of its own till four years ago; if the number of Burman graduates of the Calcutta University were only 400 up to the year 1920; if Burma has not even to-day a Medical College and an Engineering College for the training of her sons; if Burma had an Agricultural College opened only the other day; if Burma is

backward in respect of university, technical and professional education, whose fault is it? Is it not the fault of the Government, who had been pleading that they had no money? Still, you are going to saddle the Province with a greater burden, greater than the far advanced Provinces of India. I ask, Sir, is it fair, is it just? In these circumstances, I exhort this House to accept my amendment, which is in the following terms:

"That in clause (2) for the words 'approximately on the scale recommended' the words 'on the same terms and at the same rates as at present' be substituted, and at the end of clause (2) the words 'but that the Burma allowance should be discontinued,' be added.

THE HONOURABLE THE PRESIDENT: I understand that the Government will reply at length. There will, therefore, be an adjournment now till a quarter to three.

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

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

THE HONOURABLE MR. A. C. McWATTERS (Finance Secretary): Sir, I rise to oppose the amendment which was moved before the adjournment by the Honourable Mr. Vedamurti. I shall not detain the House for long, as I have noticed very little, if any, want of sympathy on the part of Members of this House with the financial proposals of the Commission. The Honourable Member himself did not develop his theme to any length except with regard to Burma. But the amendment, as it is worded, raises a clear issue. And, in case there are any Members of the House who are still honestly unconvinced of the justification of the proposals of the Commission on behalf of the Services, and also in view of the fact that certain questions on financial points have been put by various Members in the course of the debate, I wish to answer those questions and to re-emphasise some of the points in connection with these financial recommendations, though I can scarcely hope after four or five days debate on this subject to throw much new light or to add much fresh information. As I said, the amendment puts this matter as a clear issue, and I am very glad that it does so, entirely removed from the consideration of constitutional questions. The great mass of Government servants in this country are not politicians, though some of us occasionally, somewhat to our surprise, find ourselves figuring in the rôle of public speakers. The great body of Government servants are then to carry out policies in the framing of which they have no concern and the question of their remuneration should be considered entirely on its merits.

The Honourable Mr. Crerar pointed out that what is being claimed on behalf of the Services is not that they should be compensated for the whole of the increased rise in prices before the war and during the war. What is claimed is merely that they should be given a remuneration sufficient to keep them free from financial embarrassment and to ensure the flow of recruitment, on a reduced scale, to the Services of the quality which we have had in the past. Now, in my opinion, the claim put forward is overwhelming. The Finance Department is not usually accused of being generous, and if we find the Finance Department honestly supporting these recommendations, it is at any rate a "Bull" point in their favour. The claim is based on the following

[Mr. A. C. McWatters.]

grounds :—Firstly, the admitted increase in prices, particularly for Europeans in this country both before the war, during the war and since. Secondly, the inadequacy of the revisions which were made in 1919 and 1920 of the pay of the Superior Services and, thirdly, the known facts which constantly come to our notice of actual distress and financial embarrassment.

Now, first of all, with regard to the rise in prices. We all feel it, but it is a little difficult to express in figures. We had, however, before the war, an elaborate inquiry into the rise in prices conducted by Dr. Datta and Mr. Finlay Shirras. Since the war, we have the Bombay index number which shows how the cost of living of Europeans has increased. I admit that prices in Bombay are not the same as elsewhere in India. But that index number is valuable as showing the relative increase in the cost of living among Europeans generally. If you consider the fact that the main items which have contributed to the increase in the cost of living of Europeans are the same for Europeans everywhere in India, you will see that that index number can be applied, within limits, to Europeans living elsewhere than in Bombay. I am referring particularly to the cost of education in England, which is now more than doubled; to the increased cost of living at Home apart from education for those who have got their wives and children there; to the increased cost of passages, which my Honourable friend opposite, Mr. Bell, can tell us about; to the increased cost of all imported stores which are naturally largely used by Europeans; and the great increase in customs duties. All these items are common to Europeans anywhere in India. Now, when the revision of pay of the Superior Services was taken in hand towards the close of 1919, the Bombay index number was 146, i.e., for October 1919, 100 being the basic number for July 1914, which represents pre-war prices. A year later that number had risen to 158, and the latest figure for July 1924 is 162. It is evident, therefore, that the 1919 revision was undertaken on a basis which was inadequate in view of the increase in prices since, and as the Honourable Mr. Croom has pointed out, if the increase had been given on a Bonus system the cost to Government would have been very much higher.

The second point I wish to emphasize is that the whole atmosphere at the time of that recommendation was overclouded by the exchange situation. Both Government here and at Home believed at that time that a two-shilling rupee could be maintained. This has been emphasized by speeches made by the then Viceroy and the then Secretary of State; but I should like to add one extra proof. The Islington Commission recommended that exchange compensation should be done away with; but they recommended that a compensatory allowance should be given in its place. Now exchange compensation was done away with, but a compensatory allowance was not given. This fact is obscured in the case of officers on the time-scale, inasmuch as there was an increase in rupee pay. In the case of officers above the time-scale, however, the position is clear since the amount given at the revision of 1919-20 was Rs. 140 less than recommended by the Islington Commission. The maximum exchange compensation allowance was Rs. 138, so that there appears to have been a saving of Rs. 2 to the Finance Department.

I now come to the document which was mentioned by the Honourable Mr. Karandikar, which was an answer given apparently in the Bombay Legislative Council on the question of increase in cost of the Services after the various revisions. I am not surprised that the Honourable Mr. Karandikar has been misled by that document, as it is not at all easy to understand. I would point out, in the first place, that that document does not deal with the increased pay given to various Services. It deals with the cost of those Services at various dates, and that depends on the number in the service at the time and also on the number of officers on duty and on leave at various dates. Owing to the war the number on duty and the number on leave was completely at variance with ordinary standards. In the second place, as the Bombay Government themselves point out, the figures do not take account of the omission of exchange compensation allowance, and they show themselves that the apparent increase of 17 per cent. for the I. C. S. at the 1919 revision would be reduced to 10 per cent. if account were taken of the abolition of exchange compensation allowance. I do not wish to go into the document in any detail, but I would point out that in the very first item which refers to the Indian Civil Service, a first revision is referred to as in October 1914. There was no revision of I. C. S. pay in October 1914. What the document apparently refers to is the fact that when the whole body of Government servants was re-called to duty on the outbreak of the war—this was before time-scales were introduced—a large number of officers lower down in service found themselves on pay very much below what they would normally have drawn since their pay then depended on the actual appointments held, and a number of comparatively senior officers found themselves acting as Joint and Assistant Magistrates. Therefore, in October 1914, certain minimum rates of pay were guaranteed to officers in certain years of service as a temporary measure during the continuance of the embargo on foreign leave. That apparently is what is referred to as the revision of pay in October 1914. Anyhow, I think the House has heard sufficient to realise that this document has to be read with very considerable qualifications, and I think the House would probably prefer to hear from me what the Government of India's calculations are, for India as a whole and not for one Province only, of the revisions made in 1919-20. The average increase for most Services was between 20 and 30 per cent. In the case of the Indian Police it was higher, something over 30 per cent., and in the case of the Indian Civil Service about 10 per cent.

Coming now to the Lee Commission's proposals, I think the House is probably agreed that those proposals are on the moderate side. They represent after all a compromise. I should like again to give the percentages. If we take the main recommendations of the Commission, that is the additions to pay, remittance concession and concession in regard to passages, the increase recommended works out for the Indian Civil Service at 12 per cent., for other Services 16 per cent., and for the Police 21 per cent. These are the proposals which Government commend to the House. I scarcely think it necessary to elaborate a defence of them in any great detail. The Honourable Mr. Natesan mentioned a comparison with Colonial Civil Services. I have here a voluminous printed document in which that comparison has been worked out, but I do not propose at this stage to trouble the House with details. The result of an examination of

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that document goes to show that in recent years the Colonial Services, in comparison with India, have been much more generous especially with regard to such items as passages for wives and children. They are given practically uniformly now in all Colonial Services.

I should like to turn for a moment to the Honourable Mr. Vedomurti's remarks about the Burma allowance. The Honourable Member spoke of it as if it were some archaic survival from the days of Burma's Kings.

THE HONOURABLE MR. S. VEDAMURTI: I merely said it must have been introduced when Burma was not opened up.

THE HONOURABLE MR. A. C. MCWATTERS: It was introduced in the year 1919.

THE HONOURABLE MR. S. VEDAMURTI: I have got the Civil List of 1910 in my hand in which the Burma allowance is mentioned. It rises from Rs. 75 to Rs. 150.

THE HONOURABLE MR. A. C. MCWATTERS: I had better give the history of the main scheme for Burma allowances which is now in force. In 1909 a Committee was appointed by the Burma Government to go into this question. That Committee recommended certain scales. Their recommendations were referred to the Government of India, who, as the Islington Commission was about to be appointed, referred them to that Commission. That Commission reduced the scales slightly, but supported generally the views of the Burma Government. The Secretary of State sanctioned the scales for a period of ten years in 1919. They expire in 1929. The main point, however, is that since the Reforms the question of compensatory allowances is one entirely for Local Governments. It is within the power of the Government of Burma to grant those allowances or not, and the Honourable Member's plea should be addressed to them. So far as the officers of the Central Government are concerned, the Government of India are taking up, in connection with paragraph 92 of the Lee Commission's Report the question of house rents and compensatory allowances in expensive centres, which will include Rangoon.

I come now to the general cost of the Commission's recommendations, regarding which the Honourable Mr. Natesan made some pertinent queries. We may take the figures given by the Public Services Commission as approximately correct. They had in fact attached to them an officer of the Finance Department as a statistical expert and the calculations have been verified since. The figures given by them are approximately 98 lakhs, of which 26 lakhs falls upon the Central Government, and a sum of between 9 and 10 lakhs for each of the major Local Governments. The only one where the cost exceeds 10 lakhs is the United Provinces with ten lakhs and eighty thousand, and for the smaller Provinces the figure is less. But it is necessary to make some additions to these figures. They do not include, in the first instance, house rent concessions and medical attendance. For those it is obvious that it is practically impossible at the present time to form any very reliable estimate but relatively speaking they are not likely to constitute a very large figure. In the second place, we have to allow for the fact that the pensions of the Uncovenanted Services, the additional Rs. 1,000 which it is proposed to grant

after 25 years' service, will be an increasing amount. In the first year it will be 1½ lakhs, and it will increase by that amount each year for 14 or 15 years. In the third place, we have to add a sum not exceeding 7 lakhs, if the Government of India's recommendation regarding the additions to pay above the time-scale for officers not drawing more than Rs. 3,000 is accepted. We also have to add some charge for the cost of the Public Services Commission. Now, on the other hand, we have several very important items to set off. The first is connected with exchange. As the Commission's proposals were worded, and also in the form in which they are recommended for acceptance by the Government of India, any advantage when exchange rises above 1s. 4d. comes to Government, and I would point out that if exchange were at its present level of 1-5½, the saving during the year would be 12½ lakhs. In the second place, we have to take account of the effect of Indianisation. This means, even if the basic pay of Indians remains untouched, and if Indianisation proceeds at the pace recommended in the Government Resolution, a progressive saving of something over 2 lakhs increasing by that amount each year, which the House will observe is considerably larger than the corresponding loss under the head of pensions, to which I referred just now, and the gain will continue for longer. In the third place, the proposals before the House contemplate the discontinuance of judicial pay for Indian Civil Service officers, that is, for those who will in the future hold such posts. This will only be a gradual saving, but it will, when it reaches its maximum, amount to a sum of Rs. 3 lakhs. In view of what I have said, it will be realised that, so far as the Provinces are concerned, the figures which I have given are maxima, and will be considerably reduced in course of time. So far as the Central Government is concerned, the position is not so simple because, if the Commission's recommendations are extended to officers on railways, as mentioned by the Honourable Mr. Natesan, there will be an extra charge of 18 lakhs. This, of course, is strictly a charge against Railways, and if railway finance is separated, it will be borne on the railway estimates. We have also to consider the possibility of passages being given to military officers. If this is done, there will be an increased charge of Rs. 12 to 15 lakhs. The Honourable Mr. Natesan referred to army pay, but that question is on a different footing. The quinquennial revision, which became due in July 1924, is being undertaken as a separate matter, and without any direct reference to the recommendations of the Royal Commission. The figures which I have mentioned are certainly not inconsiderable, but I think that if the House agrees that the relief which it is proposed to give is justified on its merits, there are not sufficient grounds for refusing it because of any question of financial stringency. So far as the current year is concerned, I have very little hesitation in saying that we can meet it. So far as the next year is concerned, I am not prepared at the present moment to produce a budget, and even the Honourable Mr. Karandikar's Committee, which he wished to report by the end of 1924, would have found some difficulty in recommending how the cost would be met during the next financial year before the budget or estimates are ready. I cannot do better than use the words of the Finance Member in another place, that we do not think these charges are unmanageable. That is all I have to say on the financial ground. Of course the amendment, if it were accepted, has implications which go much beyond finance. I would, in fact, do as much to destroy the traditions of the Services and that

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machinery of Government as proposals for total cessation of European recruitment.

THE HONOURABLE THE PRESIDENT: Clause (2) of the original Resolution runs:

"That pay, passage concessions and pensions be granted to the officers of the Superior Civil Services in India approximately on the scale recommended."

To which an amendment has been moved:

"That in place of the words 'approximately on the scale recommended,' the words 'on the same terms and at the same rates as at present, but that the Burma allowance be discontinued' be substituted."

The question I have to put is that that amendment be made.

The motion was negatived.

THE HONOURABLE THE PRESIDENT: I now call upon the Honourable Mr. Yamin Khan to move his amendment that at the end of the Resolution the following clause be added; namely:

"4. That in any scheme of the Indianisation of the Superior Services that may finally be adopted, a provision be made that one-third of such appointments be reserved for Mussalmans in all Provinces except the Punjab and the North-West Frontier Province, and that as long as that proportion in each Service is not secured, Mussalmans should be recruited in larger numbers in order to bring their number to a third at an early date."

THE HONOURABLE MR. YAMIN KHAN (United Provinces West: Muhammadan): Sir, I beg to move this amendment which stands in my name. Before speaking on the subject, I wish to say a few words to the Honourable House about my motives, that I have not got the slightest intention to encroach upon the rights of the other communities, but what I place before the House is what I think is the right and just claim of my community. My own family have got a tradition, not for a few years but for centuries, that we have enjoyed great confidence with the Hindu public, and we have absolutely kept ourselves aloof from any kind of communal questions. My family has been for many years standing between the Muhammadans and the Hindus on one side, and between the Government and the public on the other side. Whenever there was any disturbance or any kind of bad feeling existing between the communities, we came forward just to have those feelings of any kind removed and good understanding established. We have played the same part between the Government and the public for centuries. So I do not wish that any of my Hindu brethren, or the Government may construe my motives in this respect to be animated by only one object, and that object is that I wish that the bad feeling which exists at present between the communities on the one hand and between the Muslims and the Government on the other to be removed. This is my sole object in putting forward this amendment which is only a communal question at present.

Before going into other details I wish to let the Honourable House know the one precedent which has been established by a great administrator with the help of three nationalist Indians. I refer to the late Governor of the United Provinces, Sir Harcourt Butler. Of course the Government Benches

as well as the people from my Province and perhaps from other Provinces too are well aware of the great administrative capacity of Sir Harcourt Butler, and the wisdom with which he tackled such questions as these whenever they cropped up in the masterful way he had in dealing with these problems. That was the underlying reason of his great popularity and great reputation as an administrator. Of the three Indian gentlemen to whom I have referred one was his Councillor and his name is well known to everybody, the Raja Sahib of Mahmudabad. The two others were his Ministers, Mr. Chintamani and Pandit Jagat Narain. And this communal question was settled by Sir Harcourt and these Indian gentlemen once for all and in a spirit which has never been in any way disputed. Everybody is perfectly satisfied with the scheme which he introduced and put into execution. This question in its acutest shape was prevailing previously in the United Provinces of Agra and Oudh, where the Moslem population is very small as compared with the non-Moslems. But it was always claimed by the Moslems of the U. P. that their claims were not based only on numerical strength, but also on their importance and on other grounds as well; and this claim has been conceded in the very able solution which was adopted, which was, that out of every 12 appointments nine were filled by competitive examination, but the papers of the Moslems were collected separately and the three best Moslems were given appointments and six of the best non-Moslems. The remaining three appointments were reserved to be filled by nomination by the Governor, and with the aid of this power of nomination he was able to redress the grievances of any other communities who had not sufficient representation or were being excluded by the competitive examination. The result of this was that the acute feelings and grievances which had existed previously were removed and everybody, as regards this matter, seems to be quite contented. This was a remarkable solution of the problem, and in case Honourable Members do not remember reading in the papers of 1921-1922, I would draw their attention to the fact that at that time probably no Governor was more popular in the whole of India than Sir Harcourt Butler. The secret that underlay the great success of his administration was that he kept the hearts of everybody in his hand. And that is what is required from the Government. We wish Government to be strong, and strength comes simply by looking into the grievances of different communities living under the Government, who look to the Government and seek their help and assistance in different matters. At the same time I have every confidence that my non-Moslem Indian Colleagues in this Honourable House will like once for all to decide this matter here in this House. This House has a reputation of its own, the responsibility of seeing and settling matters in a spirit of compromise. People outside are fighting; they have grievances against each other; and we responsible persons who come here and are removed from that and who want these matters and disputes to be settled, would of course naturally like to have these questions settled here in this House under the guidance of this House and not outside. We have to come to a solution somehow or other. Some of the Honourable Members here might have seen the Resolution passed by the Nationalist Party as a whole about standing by the Lucknow Pact. They are considering the same question, whether the same proportion in the All-India Services should be given to Mussulmans or not. They are going to decide this matter. But it is my sincere

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desire that this question should be settled on the floor of this House and not outside. I will give only a few figures from an address presented to His Excellency Sir William Marle on the 14th of August at Agra under the guidance and presidency of one of our esteemed Colleagues Nawab Sir Mazammil-ullah Khan on behalf of the United Provinces Provincial Educational Conference. The figures in that address were of Muhammadans who generally go in for Government service, go in for education and are essentially the people who have for a long time been employed under the Government. The castes as well as the numbers have been very carefully given. The sects are Sheikhs, Saiyid, Moghul, Pathan, Turk, and Kamboli. Their total population comes to 3,637,273 in the whole of the Province. This calculation leaves out altogether those classes which are engaged in menial work or who are employed as weavers, *telis* and other castes which deal in other works, but it gives only the classes who in that Province are getting into Government service. Then, Sir, that deputation has taken the figures of the Hindu classes also who go into Government service. Brahmins 1,659,738, Vaishya 1,114,029, Kaisthas 471,541, Khatrias 41,764, Aryas 85,831... 1,411,701. This whole comes to 6,517,601. (*An Honourable Member*: "What about Rajputs?") They have given the figures of the Hindu and Musalman Rajputs as well, and by this calculation they try to show that these figures correspond to one to two. Then they have given figures to show the population of the people who chiefly reside in the cities and in the big towns. The total population of the Hindus in all the big cities and municipal areas comes to 2,959,661, and the total population of Muhammadans residing in the towns and in the municipal areas comes to 1,860,756. This also of course does not come to one to two, but besides this, the Hindus who are residing in the villages and are practically rich people, also seek Government service. Of course if their figure is taken, about 9 lakhs more, that comes to 38 lakhs. That will be one to two. Sir, I have given this as an example of what they had been urging that it is only a matter that these solutions can be arrived at very easily by giving some and taking some. Of course by my Resolution when I say "fix a proportion of one-third," I know that there will be some Provinces in which the Mussalmans will by their numerical strength and by their importance, as I have mentioned, be quite entitled to get one-third, in some Provinces they might be getting about 35 per cent., in others they might be getting about 20 per cent. (*The Honourable Sir Maneckji Dadabhai*: "And where do I come in?") I am willing to extend to you the same terms. (*An Honourable Member to Sir Maneckji Dadabhai*: "You are always safe.") But I would request my Musalman Colleagues to concede the rights of the Hindus as well, where they are in a larger proportion of the population and the Hindus are in a minority, to give them similar treatment. What they ask for themselves they must give to the other side. There are certain Provinces where the Hindus in numerical strength stand at very very low figures, but their importance is such that it demands that certain concessions should be made, and they deserve concessions. Now, Sir, in Eastern Bengal, in Bengal, where the Muhammadan population is in excess of the Hindus, who are far more educated, the Hindus are holding offices in greater numbers, and for this reason I do not propose to treat Bengal on the basis of popu-

lation, but I recognise it a little bit in the same shape as I wish to have it recognised in the other Provinces for the Mussalmans. Now, Sir, where do the Muhammadans stand? In spite of their 900 years of rule in this country, in spite of their having no other profession in this country except being landlords and being Government servants, to what are they reduced at present in the Government services? I have a pamphlet with me prepared by my Honourable Colleague, Maulvi Abdul Karim Sahib, who has given the figures here. It was sent to the Government of India, I believe, in the last winter session, and he has given the figures of all. I shall not thrust the details upon the House, but I shall give the totals of all the figures, that the Mussalmans, in all these Departments, Railway, Finance and Accounts, Public Works Department, Education, Police, certain Scientific Services, Agriculture, Jails, Medical, Judicial, Indian Civil Service, in all of them together their percentage is 2.9. This is their ratio at present in the All-India Government Services. I ask this Honourable House....

THE HONOURABLE THE PRESIDENT: Order, order. The Honourable Member has exceeded his time and must bring his remarks to a close.

THE HONOURABLE MR. YAMIN KHAN: Now, Sir, I would request this Honourable House that if they will concede this proposition, that the Mussalmans have got really this grievance that they are not represented in a sufficient proportion as they ought to be, if they wish that the differences which are existing to-day between communities and communities should subside and there should be progress on national lines towards self-government, then they must accede to this principle and to this request. Otherwise what will be the result, what will follow? The Mussalmans will remain a backward community, they will not let you go up, they may be dragging you by your feet if you want to rise. This will be the net result of a difference between the communities; and to the Government I say, what will be the result? The result will be that the non-co-operation movement will be strengthened and under circumstances in which the whole blame will be thrown on the Government and the Government will be throwing the blame on the communities. Of course the Swarajist Hindus will get them into their arms, and they will come and embrace them, and their only remedy will be this one. Will this Honourable House, having responsible people on both sides, of public opinion as well as Government, would it like this thing that is going on for some time? I can assure this House on this point but I have got no time to give my reasons. In conclusion, I would draw attention to the fact that it will be a very bad thing if Muhammadans are not allowed to be represented; they would not let the country have any progress.

THE HONOURABLE MAULVI ABDUL KARIM (East Bengal: Muhammadan): Sir, I beg to second the amendment, though I am not quite sure that this important problem can be properly solved by an amendment of the kind that has been moved. As regards the Indianisation of the Services, my community is as keen as any other community in India, but naturally they desire that they should get their legitimate share in the services of the country and Indianisation should not amount practically to non-Muslimisation. I think Honourable Members are not perhaps unaware that the representation of the

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Muslims in Government services has hitherto been most inadequate. In some of the most important Services, they are altogether unrepresented, and in others their representation is far below what their numerical strength, communal importance and administrative capacity entitle them to get. In some of the Services, they are altogether unrepresented, as I have said. In the pamphlet, referred to by my Honourable friend, I have shown that in the Superior Civil Services in India their proportion barely comes up to 3 per cent., while the proportion of non-Muslim Indians comes up to over 20 per cent., and that of the Europeans and Anglo-Indians to over 76 per cent. Such disparity in the number of Government employees belonging to different communities cannot but foster much discontent and ultimately lead to great administrative difficulties. This is a fact, Sir, that should not be lost sight of by any of the parties concerned. It is about two years ago that a Resolution was passed in the Assembly that—

“in making recruitment for the Services under the Central Government, steps should be taken to secure that the Services are not unduly over-weighted with representation of any one community or province and that as far as possible claims of all communities and provinces are considered.”

I believe it was an amended Resolution by my Honourable Colleague in front of me. If prompt action had been taken on this Resolution, there would have been hardly any cause for complaint. As far as I am aware no effect has been given to the Resolution up to this time, and the Muslims now are as conspicuous by their absence in many of the offices under the Government of India as they were before. This had to be admitted by the Honourable Mr. Crerar and other officials who gave answers to my questions on the subject in this House. I do not like to take up the time of this House by citing concrete instances of unjust ignoring of the claims of deserving Muslim candidates. Suffice it to say that there have been to my knowledge many instances of this kind.

So long the excuse for not appointing Muslims was that they did not possess the requisite intellectual qualifications. Now that they have taken University degrees and have qualified themselves in that respect, other excuses are brought forward, and I regret to say, to keep them back. If due credit had been given for strong physique, family traditions, mental calibre, moral stamina, administrative capacity and a sense of honesty and integrity, a combination of all of which makes an ideal officer, I believe my community would not have suffered so much as they have done. I think it would be uncharitable to presume that the descendants of those who ruled India for about seven centuries have so far deteriorated as not to be able to discharge the duties of responsible posts under the present Government.

When such is the position of Muslims in respect of Government service, it is strange that an impression should have gained ground among some of the non-Muslims that Government have been especially favouring the Muslims at their cost. It is hoped that the facts and figures given in the pamphlet referred to by the Mover of this amendment would show that far from any special favour having been shown to the community, justice has not been done to them in the matter of appointments to Government service. It has been noted, however,

with satisfaction that in discussing the recommendations of the Lee Commission, Sir Alexander Muddiman made an announcement in the Legislative Assembly regarding the employment of Muslims and other minority communities. It is hoped that early steps would be taken to remove the grievances of these communities.

Unemployment among the Muslim graduates and under-graduates has been causing for some time in some parts of the country great anxiety. If they join hands with the unemployed graduates and under-graduates of other communities, some of whom, I regret to have to say, have committed regrettable excesses, woe betide the country. I hope and trust that all well-wishers of India will devise means to minimise unemployment among the educated as far as possible.

If I had any hand in the framing of the amendment moved by my Honourable friend, I would have excepted Bengal also from the amendment, because I am not certain that Mussalmans of Bengal will accept the proportion he has fixed. But, as I have said I do not think it is possible for this House to solve this important problem. I think it is a case of mutual understanding between the different communities inhabiting India, and I have reason to hope that the time is soon coming when they will realise the gravity of the situation and will try to come to an amicable settlement.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN: Sir, though the family of my Honourable friend the Mover has stood as a mediator for all those centuries, I think the bringing forward of this question to-day deprives him of all that. I am thankful to him for having brought this vexed question before this House and I also thank him on behalf of the Muhammadans that I represent here. I am very glad that he has not spoken anything about the Punjab because we are 55 per cent there. And, unless we get our due share, we are not going to be satisfied with one-third or any other proportion. There is one thing that I would like to say now. This amendment is really an acid test. We shall see how our brethren, the Hindus, vote on it. We shall see whether they are going to help us to-day in passing this amendment or not. At the same time, I will ask the officials that as this is a question between us Indians, they should refrain from saying anything in the matter. So, if we, the Muhammadans are for it and if our Hindu brethren help us and if you the officials, do not interfere, we are safe. You have heard, Sir, about our proportion. The difficulties that we have experienced are these. In my part of the country we are mostly agriculturists and live in villages. The first difficulty we have got is that there are no schools. And if there are schools they are only up to the primary standard. Further, if the zamindar has to continue the education of his son, he must send him somewhere far away from his place, which he cannot do on account of financial trouble. If he wants to give a college education to his son, he will have to send him to Lahore or some other place where there are colleges, because there are no colleges in the districts. In that way, we are lagging behind in the matter of education.

As to the proportion, Sir, all of us have a great trouble with our eminent friend, the Honourable Sir Muhammad Shafi, about the Pact which was arrived at in the League held at Lucknow. The Punjabis were against it, because it

[Colonel Nawab Sir Umar Hayat Khan.]

said that where Muhammadans are in the minority they should remain in a minority, but where they were in the majority, i.e. in the Punjab, even there they were brought into a minority. So, we did not gain.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: I do not like to interrupt my Honourable friend, but he has perhaps forgotten that at the time when that Pact was being entered into, I was presiding over the All-India Muhammadan Educational Conference at Aligarh.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN: Then, Sir, we have also seen enough about the unity, though there is a great deal of talk about it. In the Punjab we only asked for representation in proportion to our numbers in the municipalities and other local bodies. On this the other party resigned in a body saying that we the Muhammadans should not get our numerical proportion. In the same way when we asked that our sons should be given admission into Government colleges according to their numerical strength, the other communities in the Punjab have gone to the extent of running down the authority who allowed only 40 per cent, whereas it ought to have been 55 per cent. Even 40 per cent is not tolerated there. I wanted to say all this in connection with the general subject; but since this amendment has been moved about the Muhammadans, I thought I had better make these remarks on this occasion. I do hope that my appeal which I put forward in the very beginning about voting will be acceded to.

THE HONOURABLE SARDAR JOGENDRA SINGH: Sir, I feel that I am in an awkward position. I should like to respond to the appeal that has been made by my Honourable friend. I belong to a minority community. Perhaps we are in a hopeless minority not only in the Punjab but throughout the whole of India. (*The Honourable Sir Maneckji Dadabhai*: "Not more than we are.") You beat us. Then, again, Sir, I have absolutely no sectarian feeling. I can worship in a mosque to-morrow and go to a Christian church the day after. I would gladly retire from any position if I were given the option in favour of my Honourable friend on the left. At the same time, Sir, I ask for no preference for my own community. I rely entirely on the fitness of the members of my community to win their way and I would ask my friend also to do the same. When the Mussalmans came to India seven centuries ago and established their Empire here, they did not go out begging for posts. They got them because they deserved them. So, even now, they will get them when they deserve them. I will ask my friend Mr. Yamin Khan to put in force the principle that he has enunciated here to-day in his own estate and establish a proportion of the Hindu and Muhammadan tenants. If he cannot do it there, how can he expect that it can be carried out in the Government of India? (*The Honourable Mr. Yamin Khan*: 99 per cent of my tenants are Hindus.) So, even there you have not maintained the proportion. Then, when fixing a proportion for the whole of India why exclude the Punjab. It seems to me unreasonable, Sir, to ask for an arrangement which means "Heads I win and tails you lose." In a remarkably thoughtful speech which the Honourable Mr. Thompson made not long ago, he enunciated a few aphorisms. One of these was—character is destiny. Let us develop character, let us develop education and we shall win our way to places of power. My Honourable friend here says that there

are only primary schools in the villages. Does he mean that from these primary schools he would translate the candidates right into places of responsibility. Is that possible? We must all remember that we have set our hearts on attaining self-government and that we must keep our eye on the goal. A poet says:

"(My quick-footed friends have captured the bridal camel. We remain still spell bound by the call of the caravan to rise.)"

That is where we stand to-day in discussing the Lee Commission's Report and mixing it up with politics. We have not yet realised that the way is clear before us, if we will only realise how to attain citizenship, and how to march forward in order to secure self-government. If I may apply what the Honourable Sir Muhammad Shafi said the other day I would say "Turn your faces from Turkistan and set your own house in order." We should remember that we have a long, long, way to go and that we can do so only by learning to work together. This is the principle which we have adopted in our own estates where there are Hindu and Muhammadan tenants. We have employed in our estates the best men, whether they be Hindus, Muhammadans or Christians, without making any distinction whatsoever. The same rule holds good for Government posts. We must remember that we have got only a few days to work.

"Oh lamp, thy natural age is only just a night; You can pass it in laughing or in weeping."

So, let us try to work together. Sink communal differences, and realise nationality.

THE HONOURABLE MR. J. P. THOMPSON: This debate has been conducted with admirable good humour, if I may say so, but I think it is perhaps time that the attitude of Government towards the amendment was indicated. I do not think it will come as a surprise to the Honourable Mover that Government are unable to accept his amendment. The Honourable Mr. Karandikar, who seconded the amendment, showed that he felt the difficulty of the position in which Government were placed by being confronted with an amendment of this sort. Government cannot obviously accept an amendment of this sort, of this very far-reaching importance without consulting the Provincial Governments concerned. The Honourable Member himself showed that he was conscious of another defect in his amendment, and that is that the rigid percentage which it is suggested should be applied is one which could hardly be made applicable to the differing circumstances of the various Provinces. At the same time I take it that the Honourable Member was perfectly conscious of the weakness of his position when he put down this amendment, and that really what he wanted was to elicit from Government some indication of their general views. That indication has already been given. The Honourable Maulvie referred to the amendment which was accepted by the Government on the 10th March 1923. That was an amendment to a Resolution in regard to appointments under the Government of India, which was made by the Honourable Sir Deva Prasad Sarvadhikary. The amendment ran as follows:

"That this Assembly recommends to the Governor General in Council that in making new recruitment for the Services under the control of the Central Government, steps should be taken to secure that the Services are not unduly over-weighted with representatives of any community or province."

[Mr. J. P. Thompson.]

With reference to that amendment Sir Malcolm Hailey made these remarks :

"I would therefore ask the House to put aside the main proposition, based on the claims of separate classes and minority communities, and to affirm the wide, the simple and the reasonable policy which I have enunciated. It is recognised in the amendment which Sir Deva Prasad Sarvadhiary read out to the House. That amendment has my whole-hearted support; the House can adopt it with safety; and I would urge that it accept it in the cause—I can only put it in this way—of its own dignity and its position as a representative of All-India interests."

That was announced as the policy of the Government of India, and that is the policy of the Government of India still.

The Honourable Mover asked that effect should be given to that Resolution. He complained that nothing had been done on it. He is not in possession of the facts. A copy of that Resolution was sent to every Department of the Government of India with instructions that it should be given effect to, and the Departments concerned have been recently reminded. That is the position in which the matter now stands. I would earnestly ask the Honourable Mover that, in view of the position that I have explained, he should withdraw his amendment.

THE HONOURABLE MR. R. P. KARANDIKAR (Bombay: Non-Muhammadan): Sir, before the amendment is withdrawn or put to the vote, I would like to make a certain point clear. An appeal seems to have been made to the Hindu community with reference to their attitude as regards the claims of the Muhammadans. I for one am entirely in favour of the aspirations that are voiced by this amendment, and I was quite willing and am still willing to abide by it. I was wondering why the Punjab and North-West Frontier Province have been excepted, but a little speech from the Honourable Member there solved the problem. There is a larger number they were entitled to according to population there than under the amendment, and they were not willing to reduce the number to that suggested in the amendment. The acidity of the test therefore that he proposed for the Hindus loses much of its property; if the Muhammadans are not willing to accept the amendment, because it lowers their privileges, it is no wonder that other communities may come in and ask for their share. But I may assure my Honourable friend that the Hindus entirely go with the Muhammadans. The Lucknow compact will be followed. It can never be tolerated that the bureaucracy pull one way and the Muhammadans the other way and the fabric of self-government or Swarajya has to fall through. This unity must be based on a solid foundation and it can only be on the foundation of joint action. My Honourable friend Sir Maneckji Dadabhoy asked where was he. He is perfectly safe in his position between the bureaucracy and the popular side, and indeed his position was made perfectly secure by the recommendation made by the Central Provinces and Berar Association who grouped the Parsis along with the Europeans, and certainly they are more secure. They were pioneers of civilization in my part of the country. It is the Parsis who have been leading us on. Parsis will never be forgotten.

I stood up merely to say that it is my hope and that of every well-wisher of India that Arbitration Boards and Conciliation Committees all over India

will be brought into existence to settle the differences for the purpose of unification of the races.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras: Muhan madan): Sir, I confess that the unexpected turn that the debate has taken in this House has taken me quite 'aback. I was shocked not only by the speeches delivered from the non-official benches but also by those made on behalf of the Government. I am not a logician and I am not in a position to make a hair-splitting difference between the acceptance of a principle and the adoption of measures to carry out the principle. It is said, Sir, that the Government are in favour of the principle which lies at the bottom of the suggestion that has been made by my Honourable friend here. My idea was, Sir, before I listened to the debate here, that the amendment was of such a nature that, instead of coming from a non-official Mover, if it had only emanated from the Government benches, it would have come with as much grace, for this amendment is calculated, not only to secure and safeguard the interests of the minority communities in India, but is also calculated to remove much of the difficulty that is now felt in the administration of the country. The fixation of this proportion has been a method, Sir, which has every now and then been resorted to by several Local Governments in the matter of communal representation. Therefore, Sir, I am quite at a loss to see what insurmountable obstacle or what objection on the point of principle there is in the way of Government to the ready acceptance of the amendment. As I said, Sir, I was surprised equally by some of the speeches that have been made by my Honourable non-official Colleagues here. I regret that the suggestion has not been taken in the spirit in which it has been made. Some of the Honourable Members here seem to think that by demanding their just and fair share, by proposing that measures be adopted for the safeguarding of one's own interests, that by claiming their own natural and reasonable right, the Muhammadan community is compromising its position. But I desire to say that, in making this just and right claim, we are not playing the roll of a beggar, but on the other hand we are simply evincing our own moral courage in standing on our own rights. Now, Sir, I would like to say I have also referred to this question yesterday in my speech, and I do not want to traverse the same ground to show how the Muslim community, on account of various reasons, is entitled to the treatment which has been demanded by my Honourable friend who has moved the Resolution. All that I say is this, Sir, that if the Muhammadans wish to secure their own rights, if they are anxious to have measures adopted to obtain their own proper and due share in the government of the country, the Muhammadans have not the least intention of usurping any other's rights, that the other minority communities in the country may rest assured that their interests, far from being jeopardised by an attitude of this sort on the part of the Muhammadans, will only be all the more secure, for the principle, if conceded in the case of one community, will have naturally to be extended to other minority communities. Again, Sir, it has been said that a proposal of this nature is one which is calculated to embitter feelings more in the country; but on the contrary, Sir, I am of opinion that the effect of suggestions like this, that the effect of adopting measures of the nature proposed here, will be quite the reverse, for to my mind it looks as if, far from promoting mutual differences, when once these proportions are fixed, the result of this would only be to remove all grounds of

[Saiyed Moh. med Padshah Sahib Bahadur.]

suspicion, minimise chances of mistrust and jealousy, and in short to create an atmosphere of mutual goodwill and tranquillity. I wish only to state this point that none of us have the least suspicion of any sinister motive on the part of my non-Muslim brethren here. I am quite sure that the heart of my fellow-countrymen is quite sound, that they recognise all this, and are quite prepared to concede what is really due to the Muslim community.

THE HONOURABLE SIR MANECKJI DADABHOY: Sir, I move that the question be now put.

THE HONOURABLE SIR ZULFIKAR ALI KHAN: Sir, I do not intend to take up much time of the Council, as I have already realised that this subject is getting on the nerves of the Honourable Members. But, Sir, representing Eastern Punjab as I do, I cannot entirely keep silent on this question, as it so vitally concerns my countrymen. I realise that it is a delicate subject to discuss in the placid atmosphere of this Council, which has so far kept the ethics of communal interests away from its deliberations, but I do feel that the policy of renunciation on the part of the Muhammadans with regard to this matter will not be tasteful to my people. Sir, a short while ago in the Government of India, taking the Central Government into consideration, there was perhaps only one Muhammadan representing the whole Muhammadan population of India, that is to say the Honourable Dr. Mian Sir Muhammad Shafi was the only Muhammadan representing the 70 million Muhammadans of India, although later on another man was introduced in a very junior capacity. But in spite of the representations made by the Muhammadans, no heed was paid to it. I do not claim any privilege for the Muhammadan community on the exploded idea of communal importance, because, as my friend on my right has said, we must deserve and then claim something. There was a time in the Punjab and elsewhere when the Muhammadans were not highly educated, and therefore their representation in the services was very paltry. But now, Sir, on account of the advance which education has made amongst us we have men intellectually as well equipped as any members of other communities. Therefore, it is inscrutable to my people that in spite of all this preparation and success in academic examinations they are not able to secure that share in the services which is their due. I have no doubt that members of other communities present here will look upon this claim as a just one, because all the Honourable Members of this House are distinguished by wisdom and impartiality and have experience which will guide them in these communal matters. Therefore, Sir, without introducing any acrimonious spirit into the discussion, I would expect the Government, if they cannot accept this Resolution, to keep in mind the sentiments of the Muhammadan community in this matter. That is all I want to say about this matter.

THE HONOURABLE MR. J. CRERAR (Home Secretary): In view of the remarks which have fallen from my Honourable friend Sir Zulfikar Ali Khan, I should like to add only one or two words in supplementation of what was said by the Honourable Mr. Thompson with regard to the attitude of Government in this matter. I should think it deplorable that when the House is addressing itself to issues of the character contained in the main Resolution, that anything in the nature of dissension, or any formal act of dissension, on a

question of this kind should be moved. I should regret that very much, and I should like to remind my Honourable friend the Mover and my Honourable friend Sir Zulfikar Ali Khan of the reference which I made to this question in my opening speech. In doing so I repeated in substance the statement made by the Honourable the Home Member in another place, which was adverted to by my Honourable friend Maulvi Abdul Karim. I said that this question of communal representation had been dealt with at length on a former occasion by Sir Malcolm Hailey. But I added that Government have realized that, if the proposals of the Lee Commission in respect of Indianization are given effect to, that question would necessarily arise in a new and possibly a more acute form. I said that, having regard to the new circumstances which would be created, it would be necessary for Government to reconsider this matter and to examine very closely the expedients which are possible for giving effect to the sentiments expressed so earnestly and so vehemently by Members, not only of the Moslem community but of other communities which are in the position of minorities. As my Honourable friend Mr. Thompson observed, these questions affect closely—and will affect in future under the conditions which we are assuming still more closely—Provincial Governments. It is necessarily a matter on which the Government of India could not commit themselves definitely to any rigid formula without full consultation with them. In view of this further explanation I trust my Honourable friend the Mover will see his way to withdraw the Resolution.

THE HONOURABLE MR. YAMIN KHAN (United Provinces West: Muhammadan): In view, Sir, of the views expressed by the Honourable Mr. Crerar and the Honourable Mr. Thompson and the assurance given that the Government will carefully consider this problem under the new circumstances as they arise, I beg to withdraw my amendment.

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

THE HONOURABLE THE PRESIDENT: All the amendments having been disposed of, the original Resolution is now before the Council.

THE HONOURABLE MR. LALUBHAI SAMALDAS (Bombay: Non-Muhammadan): Sir, as the Lee Commission was appointed although the grant for it was thrown out by the Assembly, the appointment of that Commission was received in the country with a feeling, if not of hostility, at least of suspicion and mistrust. That feeling was seen in the attitude of the majority of the Assembly when they threw out the recommendation. Here we are not going to take up that attitude, and as the Commission was appointed by His Majesty the King Emperor, we will try our best to examine the recommendations made by it with all respect that is due to a Commission appointed by His Majesty. Sir, the Honourable the Leader of the House in the impassioned appeal which he made yesterday for a careful consideration of the Government proposals said that he recommended us to accept it because he thought that unless we accepted all the recommendations we may not be able to get the constitutional reforms as early as we wanted them. He said that our throwing out these proposals might retard the advent of further reforms. I believe that all of us want the constitutional reforms as early as possible, and if I honestly believed, as my Honourable friend the Leader of the House believes, that by not accepting this Resolution as a whole we were putting back the clock of

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constitutional reform, I would be the first man to vote for it. But my reasons for not accepting the Resolution as it stands are first and primarily that the whose aspect of the question is being examined by the Reforms Inquiry Committee, and any action that we may now take may in a way handicap the decision of that Committee. If it does not actually prove a handicap I am sure it will influence to a very great extent the recommendations of that Committee. (*The Honourable Sir Arthur Froom*: "I do not think so.") My Honourable friend Sir Arthur Froom says he does not think so. He is a member of the Committee and he ought to know. However, I believe that human nature being what it is, if the Council accepts the Resolution as it stands, it will affect the decision of the Committee. I will now take the Resolution, the main Resolution. It says:—

"that while the existing system of appointment and control of the All-India Services should, in present conditions, be maintained in reserved fields".

That portion, Sir, makes us accept that portion of the recommendation of the Commission for some time to come, we do not know how long. It is an indefinite period, as indefinite perhaps as Sir Deva Prasad Sarvadhikary's "for the present", was. And if those words are there and we accept them, the Reforms Inquiry Committee may very well say: "the Council of State has by their acceptance of this Resolution given its decision that for the present this system of appointment and recruitment should be continued; let us not therefore tackle that problem." It is for that reason, Sir, that I do not want to give my vote in favour of at least the first portion of the Resolution.

Then my other reason is this. The Honourable Mr. Thompson made the constitutional position quite clear in his speech. He quoted the opinion of an eminent professor of constitutional law. If that is the correct opinion and if that is the opinion which I daresay is accepted by the Government of India, where is the necessity of getting the Council to agree to anything of the kind suggested in the first portion of the Resolution?

Is it not merely repeating what the Government of India Act says or what Professor Coupland has said as to the real constitutional position just now? This very fact shows that the Government themselves may have some doubts, and they want the Council of State's opinion on that portion of their Resolution. If that first sentence were taken off, I for myself am prepared to accept (1) (a), because as my Honourable friend, the Leader of the House said, half a loaf is better than no bread. Here the Commission does give us something. There is no doubt about it that the Services operating in the transferred fields, namely, the Indian Educational Service, the Indian Medical Service and all these are transferred, and that is a real gain; and if the first portion is omitted I am prepared to accept it as it stands. But, Sir, there also the way in which the recommendations of the Commission have been hedged in by, if I may say so, a distrust of the Assembly is not right. Chapter X of the Commission's recommendations, which lays special stress on the guarantees, shows that the Commission as a whole have accepted what in their opinion seems to be the

feeling of some of the members of the Services. The Commission in paragraph 79 said:—

"It is only to be expected that if constitutional changes would lead to uneasiness amongst members of the Services with regard to the effect of these changes and the conditions under which they are to serve, etc."

Sir, we have heard not only in this House but from some of the members of the Services who gave evidence before the Commission that they were prepared to work the reforms in a loyal spirit. I thought, Sir, they would have full confidence in the Legislature that any agreement or any contract that was entered into by the Secretary of State would be observed by the Legislature now and even when full responsible government was granted. This feeling of distrust, Sir, is visible on both sides. I am not going to say how it was created. There is no doubt about it that the Services are suspicious, they are distrustful, of the action that the Central Legislature might take. On the other hand, there is undoubtedly also a feeling among some of the Members of both the Houses that the Services are not going loyally to carry out the constitutional reforms. That feeling has to be set at rest, and it can only be set at rest if we all work together in a spirit of friendliness. And here I want to raise a word of protest against what the Honourable Mr. Thompson said. I do not think he meant, when he referred to the character of the Englishman and the Indian, the superiority of the Britisher over the Indian. I daresay what he meant was that the culture of each was different, and that the character would be according to the culture; I hope I have correctly understood the Honourable Mr. Thompson that he never meant that there was any question of superiority, but merely a difference of culture. If this is so, I have nothing more to say, but unfortunately that speech might create the impression that there is a feeling abroad that the Britisher is necessary because the Britisher as a class is superior in character to the Indians. I am sure the Honourable Mr. Thompson could not have meant that in his remark about the difference of character due to climate. Still I want that position to be made quite clear.

Then, Sir, there is another point on which I want to lay stress. I entirely agree with what the Honourable Mr. Thompson said, with great feeling about Hindu-Muhammadan unity. That is a problem that is disturbing all of us. As he said, if the attempts made by the leaders of both the parties are crowned with success, a great burden will be lifted off the head of the Government and also off the leaders of both the communities. We all expect, Sir, that Government will do their level best to help the leaders of the two communities in coming to an amicable understanding.

As regards the recruitment of the Services in England, I do not think that anybody on this side of the House wants that there should be any cessation or stoppage of that recruitment. We want the advice, the guidance, the friendly advice of English officers. My friend, the Honourable Sir Arthur Froom, told us yesterday that we in Bombay, officials and non-officials, Indians and Englishmen, have always been very friendly and have been working hand in hand for the progress of the reforms. That is so, Sir, because the English officials of my Province—and I can speak about my Province only—have treated non-officials as their equals; there has been no patronizing spirit, there has

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been a spirit of camaraderie, and the same spirit has prevailed between non-official Englishmen and non-official Indians. That is why Bombay—I do not know whether the Honourable Mr. Bell will agree with me—that is why Bombay gives a lead to the rest of the country as regards equality and friendliness between Englishmen and Indians. We in Bombay have no “Clive Street” of Calcutta. But that is by the way. Now, Sir, coming to the details of the recommendation. I hope, Sir, I have not exceeded my time!

THE HONOURABLE THE PRESIDENT: You have four minutes more.

THE HONOURABLE MR. LALUBHAI SAMALDAS: Paragraph 48 refers to the commercial houses having given evidence. No names have been mentioned because it is said they wanted their evidence to be treated as confidential. I do not know whether the commercial houses were all English houses or also Indian houses. If they were Indian houses, most probably they would have given the same replies that have been given by the English houses. There may be some difference here and there, but the main reason why in commercial houses we have to pay higher salaries to our expert advisers is that in the first place there is no pension; then the contracts are for a number of years, and after that period we may renew them or not, as we find them suitable for our work or not. They have no guarantee that their services will be continued. The security services have a security which the commercial services have not, and that is the reason why we have to pay higher salaries. As regards the security services and the Imperial Services, it is very difficult to understand the reasons why the Commission have said that the Imperial Customs, the State Railway Engineers, and the superior Telegraph officers should be officers nominated by the Secretary of State. We want, Sir, to have such power delegated to the Government of India, and we hope that the Reforms Inquiry Committee will insist on the greatest power being delegated to the Government of India so that the Government of India can show by their action, in consultation with the Central Legislature and in co-ordination with them, that they will treat the Services with as great regard and as great confidence as the Secretary of State would ever do. If we have that feeling of mutual confidence created here and outside this House, then I believe we can easily march together to Swaraj.

THE HONOURABLE DR. DWARKANATH MITTER: (West Bengal: Non-Muhammadan): Sir, at the outset, I must congratulate the Honourable Mr. Crerar for the forcible and eloquent and at the same time calm and dispassionate manner in which he has presented the case of the Government. It is a misfortune that the Lee Report, which we are considering, does not satisfy anybody. It has pleased neither its friends, nor its opponents. While on the one hand it is said on behalf of the Services that the recommendations do not suffice to attract a sufficient number of British recruits, that the recommendations do not fully allay the discontent which exists in the Services, on the other hand it has been said on behalf of the people that the recommendations do not satisfy Indian aspirations and impose a financial burden. Even the Honourable the Mover of the Resolution is not prepared to accept the recommendations wholesale, for I think there are three modifications of the Report which are suggested in paragraph 3 of the Resolution. I find also

from page 49 of the correspondence between the Honourable Mr. Crerar and the Local Governments that the Honourable Mr. Crerar finds some traces of confusion in the treatment by the Commission of officers above the time scale. But notwithstanding its imperfections, notwithstanding the criticism to which the Report has been exposed, I feel, Sir, that I cannot reject the recommendations wholesale. When I find, Sir, that 9 members of the Commission, after examining 411 witnesses, some of which evidence was taken in public, have come to a certain conclusion, when I find that amongst the 9 members of the Commission there were four representative Indians, headed by Mr. Bhupendranath Basu, who has laboured all his life for the political advancement of India, I feel it extremely difficult to reject the recommendations altogether. Sir, to the verdict given by such a body if you cannot attach a conclusive effect, you can certainly say that it affords a *prima facie* presumption, to use legal language, as to the accuracy and soundness of its conclusions, and I am prepared to accept those conclusions in the absence of any evidence to rebut the presumption as to its soundness. I have not heard anything said in this House which makes me think that the recommendations, so far as the first part relating to the Services are concerned, are in any way displaced by any contrary evidence that has been brought before the House. The criticisms which my Honourable friend Mr. Karandikar suggested have, I think, been amply met by the Honourable Mr. McWatters. Now, Sir, if, as I take it, we are to take the recommendations with respect to the relief to the Services, I think it should be granted to the Services at once. The reason for my saying so is this. Experience has shown that in all countries, however democratic the country may be, it is one of the essential conditions of good administration that there must be a permanent Civil Service, efficient and contented. I agree entirely with the view with reference to this which has been taken by the Honourable Mr. Crerar. Now, Sir, this leads me to consider the Indian Civil Service, and I must say, and it is practically acknowledged on most hands, if not on all, that that Service has been noted for its efficiency, noted for its high traditions, noted for its integrity and for its honesty. My own conviction is that taking the Service as a whole, it has shown an initiative, resourcefulness, and a driving power which is rare in any of the Services elsewhere. I believe also, Sir, that the Indian Civil Service has an earnest and sincere desire to help India in the progress towards the development of self-government within the Empire—a cause to which the British Government is now committed. I also believe that the Indian Civil Service combines with that desire a determination to deal justly not merely between Indians and Indians, but, what is politically more important, between an Indian and an Englishman when questions of conflicting claims arise, as they constantly do arise, between an Indian and an Englishman. Under such circumstances, Sir, it would not be right to refuse to the Services the relief which has been promised by the Commission and which, it has been represented by the officers, is very urgent and has long been overdue. The object of increasing the emoluments is, I find, two-fold, first to attract to India British recruits of the required stamp and second to allay the discontent and remove the financial embarrassment of those already in service. I have already stated that efficiency is one of the essential conditions required in a Civil Service. But as Lord Salisbury once said, “All efficiency must be relative” that it must take into

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account not merely the requirements but also the resources of the people for whom you are going to secure efficiency ; and this leads me to consider the financial aspect of the recommendations. They impose a financial burden of about 1½ crores, distributed over the Government of India and the different Provinces. Lord Curzon in the debate in the House of Lords said that 1½ crores is nothing for the contentment of the Services when compared with the wastage of money, wastage of crores which is happening with regard to new Delhi. Whether I agree with his Lordship or not I must get an assurance from the Government that no additional taxation would be imposed for the purpose of raising this 1½ crores. In this connection, I feel that relief must be given to the Services, and I am sorry I do not see the Finance Member here—I appeal to the Finance Secretary to find funds for financing this without fresh taxation by a reduction in the military budget of India, which is a heavy burden, and there is a general feeling which is by no means confined to Indians that the whole of it is not properly chargeable to this country. A question has been raised by my friend Sir Deva Prasad Sarvadikary that in Bengal we are in financial straits. The 63 lakhs which the Government of India have been granting for the last three years will now be stopped, and Bengal's contribution to this additional burden of one crore is about 9 lakhs. I understand from the Honourable Mr. McWatters that it will exceed that amount. When the question with regard to Provincial Contributions arises, I think the Honourable Mr. McWatters who is here will remember that he will have to give Bengal the relief which is needed in this respect. I notice also that the Bengal Government which was addressed in this respect do not represent, at any rate that the Bengal Government will not be able to carry on the scheme of these new recommendations without further financial relief. Now, Sir, I leave the part of the Resolution which deals with the relief to the Services.

I now come to recommendation 1 (b) that the recruitment of the Indians in the reserved fields should be increased as recommended. Treating this question, Sir, as a purely service question and not as a question of constitutional advance, I submit to the House that the recommendations fall short of Indian aspirations. The time seems to be ripe when larger and freer admission of Indians into the higher regions of administrative service has become necessary if there is to be harmony between the Government and the awakened life of India. I have, of course, no objection at present to the Indianisation to the extent of 50 per cent. (I am speaking of the Indian Civil Service). But the period during which we have to attain this half and half proportion is 15 years, which is indeed very slow. We have been assured by the Government elsewhere, and I think the assurance is also given here by the Honourable Mr. Crerar, that the adoption of the Lee Commission's Report would not in any way interfere with further constitutional advance, if such advance is given either by the Reforms Committee which is now presided over by the Honourable Sir Alexander Muddiman or by the revision of the constitution in 1929. Of course, we take this assurance of the Government. With regard to the entire stoppage of British recruits, of course, I am not in favour of entire stoppage. For I see the full force of the argument which has been presented by the Government, namely, that if there is an

entire stoppage once, there may be a time when the British element will altogether be eliminated for a period of time, which is perhaps not desirable. I may however submit this that if the speed of Indianisation is to be accelerated I should suggest for the consideration of the Government that instead of there being recruitment at the rate of 40 Europeans to 60 Indians, in the Indian Civil Service let it be in the ratio of 25 Europeans to 75 Indians till the revision of the constitution in 1929. For, after all, we have been assured by the Honourable Mr. Thompson, that this is only a provisional measure. The recommendations are really of a transitory nature and can be taken to have effect up to 1929. Or, even if there is a difficulty to accept that figure of 25 and 75 for this period of 4 years, I would suggest a progressive scale, namely :—

40 to 60 in 1925

35 to 65 in 1926

30 to 70 in 1927

25 to 75 in 1928 till the constitution is revised. It is true, of course, the constitution will be revised and in the meantime some vested interests will be created. But that is a position which cannot be helped. I therefore suggest this amendment and hope that the Government will find their way to accelerate the speed of Indianisation by accepting the figures which I have suggested with regard to the recruitment of the Indian Civil Service. I will conclude only by saying this. The Honourable Mr. Thompson as well as Sir Arthur Froom told us the other day as to whether we desired the entire elimination of the British element. I, for myself, can say that I do not desire the entire elimination of the British element from the Indian Services. What we do want is this that our English friends should not shrink from putting into practice in their dealings with India the principle of partnership in rights and duties on which the British Imperial Commonwealth of Nations has been built up. The British people have enshrined that principle in the Constitutional Charter which they have given to us of their own free will, and I hope and trust that the British element in the Services will carry that principle into practice.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYHT KHAN : Sir, I strongly support the Resolution and ask the House to vote unanimously for it because the tradition of this House, I hope, would be such as would save the good name of India from what has happened to this Resolution in another place.

THE HONOURABLE THE PRESIDENT : The Honourable Member must not reflect on the action of the other House.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN : Now, the question is a very simple one. It has been said by nearly every Member that we do want the British element. If we do want them, naturally we want good men. Everyone knows that if we want to purchase a good thing we must pay for it, because good things are always dearer than ordinary things. Therefore, Sir, in order to attract the best men, we will have to pay what is recommended in the Lee Commission's Report. Then, Sir, there are Services and Services. And in my opinion the Civil Service and the Police Service are very essential for our country because there are different religions and different

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castes in this country and India is just as big as Europe. So, even different Provinces have got different ideas about their own affairs. So, I say, Sir, that those who hold the scales even like the British Services are very much needed. They really act as a buffer State between the various communities. Any community which may have a grievance goes to them and they listen to them very sympathetically. One of the ablest men, Sir, when I asked him why so many buffer States are kept on the Frontier, told me that now we do not fight with our Afghan friends because there is a buffer State in between. If that second buffer State of Afghanistan did not exist we would have to fight with perhaps Russia, which was very strong in those days. In the same way, Sir, the Services are very useful. They would keep us from fighting with each other, which would be inevitable if they were not there. I do admit that there are very able men among the Indians, but they have got lots of difficulties. When there are troubles between Hindus and Muhammadans, the position of an Indian official is a very awkward one. If he goes on the side of his own friends and co-religionists, the other party says that he is biased. If he does not take the side of his own party, then he will be called a weak man. Even if he gives a right decision, both the sides will accuse him of one thing or the other. Knowing therefore that he will be accused, he thinks a lot before he comes to any conclusion, and the time so lost is very dangerous. In other Provinces, Sir, when there are troubles, people fight and perhaps pull each other's hair and even tear the clothes or they may even scratch the faces with nails. But unfortunately whenever a Punjabi fights, dozens and even hundreds of heads are cut or split. So, for that reason too the Punjab is a Province where we do want such a service which would come forward at once and decide on the spur of the moment and save us from all this trouble which we have been having lately in the Punjab. This trouble, too, has been caused by the various movements from our very great friends who speak for unity. As to the money, Sir, I think where there is a will there is a way. The Punjab is a Province which can easily get this money because there are certain Services which are not so important. For instance, the Engineers. In the Punjab at the present moment there are two sets of Patwaris. When the irrigation work is in full swing, the people themselves can take charge of it. This experiment is being tried in one of our Divisions, when so many of them will be reduced. Even that money alone could be sufficient for the pay of our Civilians and even of Police officers. Then, Sir, I accused our own House as well as the other politicians for not having sufficient money. To begin with, they have not made any sacrifices for the good of their country. Even now they take travelling and other allowances, etc. They can easily do away with them for the sake of their country. Then, Sir, whenever any man breaks the law, unfortunately there are some of our politicians who want his release. This has been going on time after time. The same men who have been once convicted are tried again and any amount of money is spent on pleaders. We have got hundreds of these in jails. Where does the money come from? The tax-payer who is absolutely innocent suffers for this blunder. Here again there is a great deal of money which can be saved. In the same way we have got certain Utopian ideas about popular things like the salt tax. When the question of its abolition was brought in, I was afraid that something would happen to us. As the salt tax did not come

into operation, we in the Punjab have been visited with the abnormal increase of the water rates even in those districts which have just been assessed. There are lots of ways we can get money, the only thing is that we the legislative bodies will not do it.

In the meantime I put this before the House, that though some politically minded Muhammadans may say we can have union the religious minded people cannot say so. For a very long time to come, we will require the services of the British, because we have had so much trouble in many places in the Punjab. There was a saying in our country before the advent of the British Raj that all we eat and the clothes we wear are ours but the rest goes to Ahmed Shah. Another saying is :—

“Ki Maz-lur-i-Khushdil Kunad kār besh”.

“He who gives the best pay his work is good.” Thus we should increase the pay of the Services.

That is all in the way of general remarks that I want to put before the House. My last request again is that we should rise to the occasion and pass this Resolution unanimously.

THE HONOURABLE MR. J. W. A. BELL (Bengal Chamber of Commerce): Sir, if I support the Resolution proposed by my Honourable friend, the Home Secretary, it is not because I am favourably impressed by the Lee Commission's Report because I am not. In saying this I do not refer so much to the second Chapter which deals, in the first place, with the appointment and control of the Services in the second place, with the constitution of the Public Services Commission; and, in the third place, with the Indianisation of the Services.

With regard to the first we have heard a good deal to-day on the subject of recruitment and control of the Services, and in this connection I merely say that, owing to the altered conditions in the country, it seems reasonable that the Services operating in transferred fields should be dealt with by Local Governments, and that they should have power to make rules controlling these Services and also the present Provincial Services. I think that this is in conformity with the intention of the Government of India Act. It is equally reasonable—in fact it is absolutely essential—that the Services operating in reserved fields and the Central Services should continue to be recruited and controlled by the Secretary of State. I do not think that there will be much objection in this House to the proposals made under this head.

With regard to the Public Services Commission, this was provided for in one of the sections of the Government of India Act.

5 P.M.

The standard set for the members is very high, so much so that a distinguished ex-Viceroy of India, in the House of Lords the other day, expressed some doubt as to whether five gentlemen with suitable qualifications could be found, who would be willing to accept service on this Commission. Similar Commissions at present exist in South Africa, in Canada, and, I think, in Australia, and the experience gained there seems to confirm the opinion expressed by the Lee Commission as to the possible usefulness of such a Commission.

With regard to Indianisation we have heard much on this subject to-day, and I do not, at this late hour, wish to go over ground that has already been

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covered. It is true that there may be some people who consider that the proposals of the Lee Commission do not go far enough, but there is a very large body of public opinion in the country both Indian and European, who believe that the proposals of the Lee Commission reach—if they do not in fact overstep—the border line of safety. As I say, much has been said on this somewhat difficult subject to-day and I propose to leave it at that.

In this connection, however, there is one matter to which I should like to draw attention, that is, with reference to the proportion of Indians and Europeans in the different Services. The Lee Commission in referring to recruitment for the Indian Civil Service, the Police Service, the Forest Service, the Indian Service of Engineers, and the Political Service, speak of the proportion of "Indians" to be recruited. In speaking of the Imperial Customs Service they refer to the number of "Statutory natives of India" to be recruited. I should like to know the reason for the use of the different terms in these different cases. I do not suppose that it was the intention of the Lee Commission, and I do not think that it will be the practice of the Government of India to exclude from the five Services first named, Anglo-Indians and members of the Domiciled Community. To do so would be to inflict an injustice on two important, although small, Indian communities, which I do not think would be contemplated by the Government of India or by Honourable Members of this House.

I should like some assurance from my Honourable friend, the Home Secretary, that my understanding on this point is correct.

But it was not because proposals for changes in the method of recruitment of the Services, or for the immediate formation of the Public Services Commission, or for the further Indianisation of the Services were urgently called for that the Lee Commission was appointed. It is a matter of common knowledge that for years the Services in India have been inadequately paid, and that this has caused widespread and somewhat justifiable discontent.

The members of the different Services are unable to perform their duties efficiently, as members of any class are unable to perform their duties efficiently, if they are faced by continual financial embarrassment.

When the appointment of the Lee Commission was announced, great hopes were entertained that something very substantial would be done to improve the financial position of the Services, but I am afraid that the proposals made, even if they be adopted in their entirety, will do very little in this direction. That the Lee Commission were informed of the financial position of the Services is indicated in certain parts of their Report. I hesitate at this hour to read extracts from the Report to Honourable Members, but there are two short paragraphs of which I think the House ought to be reminded before coming to a decision upon the Resolution now before it. On page 26, the Commission say :—

"In the course of our inquiry, the Services have placed before us carefully compiled statements of current income and expenditure. We could not examine these figures in such detail as to warrant us in accepting them as a sufficient basis for new scales of pay, but they offer strong evidence that a considerable proportion of married officers now serving are either falling into debt or only avoid doing so by economies which may be detrimental to their contentment and efficiency."

On the same page they say :—

"We were informed that a great many officers, particularly in the early years of married life, are at present in debt to an extent which was unknown 20 years ago, and that this is by no means due to extravagance. Insurance policies are pledged as security for advances to a much greater extent than formerly, and in many cases their surrender value taken. In other words, officers are mortgaging or sacrificing the provision made for their families in the event of their death, and only escape from their difficulties, if at all, towards the end of their service."

In view of these remarks, one would perhaps have expected that the recommendations of the Lee Commission would have been more generous.

With regard to the actual increases proposed, this aspect of the question has been gone into very fully by Honourable Members on the other side of the House, and therefore I do not wish, as I had intended to do, to go into the question in detail. It might be borne in mind, however, that the only increases in basic pay that are recommended are in the cases of the Police Service and the Indian Service of Engineers. In both cases the increases are very small and, as some one speaking on that subject yesterday said, especially in the case of the Police, will not be grudged by any one. The only benefit of any great importance to the other Services is a proposal under which over-seas pay will be increased by Rs. 50 per month and officers, after the 5th year of service will be entitled to remit the whole of their over-seas pay at 2s. to the rupee. That is a very substantial concession.

One proposal which has caused a considerable amount of criticism is that under which it is suggested that free passages should be granted to officers of the different services. The proposal is that, in the course of his service, an officer should receive four free passages from and to his domicile, that his wife should receive the number of passages of which the officer has not availed himself at the time of his marriage, and that each child should receive one free passage Home. This is a concession which will be greatly appreciated, I think by members of the different Services, but it is a concession the importance of which it is very easy to exaggerate. What does it really amount to? Assuming that, on an average, an officer is married after his second furlough Home, the exact financial result: he will receive four passages, his wife two and each child one and assuming there is a family on an average of two or three—in the case of an officer of 30 years' service is an increase of about Rs. 32 per month in his salary during the course of his service. I think that, when it is realized that the financial benefit to the officer is so small, any opposition to the granting of these free passages at least on the part of Honourable Members of this House, will be abandoned. I do not think that the proposal will receive any opposition, even from so ardent a protagonist of economy as my friend the Honourable Mr. Vedamurti.

THE HONOURABLE THE PRESIDENT: The Honourable Member has two more minutes.

THE HONOURABLE MR. J. W. A. BELL: Generally speaking, looking at the Lee Commission Report from the aspect of the result which its recommendations will have, on the financial position of officers of the different services, the improvement is so very small that one can only feel that the members of the Commission have been influenced by the financial position of

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the country. One thing is absolutely certain, and that is that the proposals as they stand will do nothing at all to stimulate recruitment at Home. However they do certainly to a certain extent improve the position of the Services. They have apparently been accepted by Government as the best that may be done at present, and they represent the unanimous findings of this Commission, no member of which has submitted a minute of dissent. That being so, I think it would be well for the House to accept the proposals in the same spirit of compromise as that in which they have been formulated. I would therefore appeal to Honourable Members of this House to refrain from embarrassing Government by pressing any small points in respect of which they may feel that the recommendations are defective. If they adopt this attitude, they will dispel any feeling that the proposals for increases in pay and pension which have been made have been approved of by them in any grudging spirit, and by their action they will convey to those directly interested and to the public here and elsewhere, a very desirable indication of their high appreciation of the splendid work that has been done, and that is being done, by the different Services in India, to whom every one of us here is so greatly indebted, and to whom this country owes so very much.

THE HONOURABLE DIWAN BAHADUR V. RAMABHADRA NAIDU (Madras: Non-Muhammadan): Sir, though last, but not least, let me say a few words on this motion from the point of view of the agriculturists: however feeble they may be.

In spite of British rule in India for 150 years and more, the condition of the raiyat has not improved substantially. He lives in his poor hut and his surroundings are as miserable as ever. His lot is the same everywhere from Cape Comorin to the Himalayas. Sanitation and health in villages are not very much improved as we expect them to be. Why, the other day, His Excellency Lord Gochen was, during his recent visit to the flood-affected area in Southern India, taken by the raiyats to their homes and shown by them the miserable huts they live in. All day long he is at his plough. Even the bountiful Nature and Heaven above do not smile on him sometimes. He finds it difficult to have for himself and his family, at least a full meal a day. 89 per cent. of the population of India are more or less agriculturists. In spite of the rapid strides we have made in politics, they seem to have no concern in it for the fact that they have got laborious days to live and nothing to spare either in the way of money or time. They are destined to be always tillers of the soil, hewers of wood and drawers of water. We have to depend on them for everything and they are right in saying that they pay for all, the King, the soldier, the clergy and the advocate. Yet we do not bestow on them as much attention as they fully deserve. His Excellency the Commander-in-Chief was pleased to present us yesterday with one side of the picture. This is the other side.

Irrigation in India is, in my opinion, the greatest question to be attended to. Any amount of money spent upon it is not a waste. It brings profit to the State and wealth to the raiyat. It may exercise the full energy of my Honourable Andhra friend Sir Narasimha Sarma. Still many rivers require to be harnessed and utilized for irrigation purposes. I would not be satisfied

until and unless the system of irrigation advocated by General Sir A. T. Cotton, R.E., is carried out.

Among the nation-building departments, I would place sanitation and medical aid above education. They are starved for want of funds. Municipalities and Taluk Boards do not, after the Reforms, get any grant from the Government as formerly. In this vast Continent there are hordes of villages that ought to be freed from malaria.

The administration of the Services both Civil and Military is top-heavy. The expenditure on Military in 1913-14 amounted to 39½ crores, while in 1924-25 it is estimated to be 60½ crores. His Excellency the Commander-in-Chief would require this amount if we expect from him the efficiency of the Army.

It is only four days ago at the instance of my Honourable friend Sir Maneckji Dadabhoy, we committed ourselves to an important Resolution. The Government also agreed to introduce, at an early date, a considered programme for the reduction of the public debt annually. Our veteran the Honourable Sir Dinshaw Wacha sounded a note of warning that there should be no fresh taxation on that score.

Floods, famine and plague are visiting us every year. My Honourable friends from Rangoon and Madras and Allahabad, Messrs. Vedamurti, Natesan and Saiyid Raza Ali have tabled a Resolution for a free grant of a crore of rupees from the Central Revenues to meet the extraordinary expenditure caused by the unprecedented floods of a great magnitude that occurred in July last in Southern India. I trust the Government would willingly vote the sum prayed for.

THE HONOURABLE THE PRESIDENT: I must request the Honourable Member to draw nearer the subject under discussion.

THE HONOURABLE DIWAN BAHADUR V. RAMABHADRA NAIDU: If I remember right, we were asked to agree in 1921 to an additional taxation of 19½ crores of rupees to meet the deficit of the budget. In 1922 it rose up to 29 crores. Before we complete our term of five years, it may come up to about 50 crores. When such is our financial condition, we are asked to approve the recommendations of the Royal Commission on the Superior Civil Services in India involving an estimated recurring expenditure of a crore and a quarter of rupees required for the relief of superior officers in the way of passage concessions, overseas allowances, pensions, medical attendance, etc. Where is the money to come from? The Services clamour that the relief sought for is already overdue.

In spite of the strong arm of the British Army and the ardent desire for unity between Muhammadans and Hindus, we are sorry to see even now the frequent outbursts of fanaticism among them in some Provinces. At any time there may be a conflagration. It may take many years before their differences are sunk. The millenium is distant. It would take years before we stand on a common platform. It cannot be worked in a year or two as advanced politicians expect it to be. As long as we have our class, communal, racial and religious dissensions, so long it becomes necessary to have the

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British element to hold the scales even amongst us. We must not grudge paying the costly administrative machinery. Against our wish the Royal Commission was appointed. It has cost us a good deal. On the lines suggested by my Honourable friend Mr. Karandikar, it may cost us a good deal more for the appointment of a fresh Committee of 15. Will it not be wise to stop with further Commissions and Committees? It would be better if we appeal to the good sense of our superior officers not to burden the poor Indian taxpayer. As practical men we may consent to the recurring expenditure of a crore and a quarter of rupees provided they could devise means and ways of finding that sum without further additional taxation.

The famous declaration of 1917 granting the attainment of responsible government to India in course of years has given encouragement to Indians to largely co-operate with the Government in all possible ways in the administration of the country. Advanced politicians wish for further Reforms before 1929. Others expect to get them gradually. Anyhow they are bound to come in a few years. It is impossible to set back the Reforms once granted. In view of the likelihood of constitutional changes in the near future, and the inexpediency of creating vested rights which may retard or interfere with such changes and of raising expectations which may become incapable of fulfilment, we ventured to ask for the stoppage of future recruitment in England to the Superior Civil Services for at least some years to come. But it is feared that once recruitment is stopped, it could not be revived.

After hearing the powerful exhortation of the Honourable the Leader of the House who spoke with the fervour of a true patriot rather than the earnestness of a Government official, many of us had to let go the amendment of the Honourable Sir Deva Prasad Sarvadhikary without our support. Considering the urgency with which we are asked to express our opinion by the Secretary of State and seeing that the political atmosphere is not favourable to us in spite of the Labour Government, we should seriously consider before we reject these recommendations of the Royal Commission.

I entirely agree with the Honourable Sir Charles Innes that the Collector of the District is the representative of the Government. In fact he is, as it were, the Governor of the District which he administers. After the advent of the motor cars for tours instead of horses and the abolition of the responsibility over District Boards and Taluk Boards, now-a-days Collectors are not taking so much abiding interest in the people, in hearing their grievances and inspecting the villages as the old Hailebury gentlemen and others like Sir Vere Levinge, Sir Frederic Nicholson, Sir Leslie Miller and Sir Alexander Cardew did. They come and go like angels without redressing their grievances. As has been rightly observed by His Imperial Majesty the King Emperor, India requires to be ruled with sympathy even now.

THE HONOURABLE THE PRESIDENT: Ordinarily I do not approve of keeping the Council sitting after five, but I have done so to-day in the hope of coming to a decision on the whole Resolution this evening. Is it the pleasure of the House to come to a decision? (Cries of "Yes").

THE HONOURABLE MR. J. CRERAR: Mr. President, the hour is so late and I have already had such a long and patient hearing from the House that I

do not now intend to detain it long. We have traversed a great extent of ground, we have examined the principles and details of the Report very fully, and it would be an impossible task for me to attempt to sum up the debate or even to reply fully to the arguments adduced against my Resolution. Having regard to the necessary limits of my speech and the limitations of the speaker, I must, even as it is, with regard to the task I propose to impose upon myself, plead the words of the old prologue:

" Pardon, Gentles all,

The flat unraised spirits that have dar'd
On this unworthy scaffold to bring forth
So great an object: can this cockpit hold
The vasty fields of France? or may we cram
Within this wooden O the very casques
That did affright the air at Agincourt?"

In my opening speech, Mr. President, I ventured to appeal to the sense of justice and to the statesmanship of the House. I must acknowledge that I have not made that appeal in vain. The principal burden, I think, of the opposition to the Resolution I must take to be that which is most nearly in the form of a direct negative—the amendment of my Honourable and learned friend. And I have a mild impeachment to urge against my Honourable and learned friend, an impeachment of some inconsistency in his attitude. When the Report of the Lee Commission was first laid in the hands of Honourable Members, my Honourable and learned friend was foremost in pressing upon me the demand that the House should be given an opportunity of discussing the recommendations of that Commission. Now if the discussion had been limited to the terms of my Honourable and learned friend's present motion, I venture to point out that the House would have been completely precluded from any full, fair and frank discussion of the merits of these recommendations. And as my Honourable and learned friend's motion was conceived in inconsistency, so also, I venture to suggest, it was brought forth in inconsistency.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: The reforms inquiry came in since.

THE HONOURABLE MR. J. CRERAR: Quite so, but that does not materially affect the justice of my position.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: That is the basis of my amendment and nothing else.

THE HONOURABLE MR. J. CRERAR: I will proceed, Sir, to indicate the other directions in which I consider that my Honourable and learned friend has been somewhat inconsistent. He urged upon us the vital connection between administrative reform and constitutional reform. His conclusion from those premises was that the large and extensive measure of administrative reform which the Lee Commission have proposed should be refused. That point has been adequately replied to by the Honourable the Law Member and Leader of the House and I will not advert further to it. My Honourable and learned friend also—I must say with a distinct sense of acknowledgment—agreed with every other Member of the House, except I think the Honourable

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Member from Burma, whose local patriotism he permitted to prevail over his sense of perspective—my Honourable and learned friend, arguing with the almost unanimous voice of the House, was prepared to grant relief to the Services. That proposition was promptly followed up by the further proposition that he was not prepared to support financial provision for this purpose. Thirdly, my Honourable and learned friend made some remarks, which I am bound to say seemed to have a good deal of substance in them, in regard to the question of the All-India Services,—a point which I have already adverted to in my opening speech,—but the proposition that the All-India Services should be retained as All-India Services and that their control should nevertheless pass to the Provinces,—these propositions are not only inconsistent but mutually destructive propositions. Then the Honourable Member made on his side an impeachment against me. He said that I showed the assumed modesty of an assured victor. I am very glad that I gave my Honourable and learned friend the impression of modesty. But I regret that he should have supposed that it was assumed. The truth is that I was thinking a great deal more of conviction than victory. At the same time the Honourable gentleman intimated on his own part some premonitions of ill success. Now, Sir, I can only infer from that one of two things. Either my Honourable and learned friend lacked confidence in the judgment and impartiality of this House, or he was acutely conscious that he had a bad case. Of these two alternatives, I think the second was the correct one.

Now, Sir, I pass to other matters. Much has been urged mainly I think in favour of the Services; something has been urged against them. But there were some things which it is quite impossible for any member of the Services to urge on their behalf. I should therefore like to take this opportunity, on behalf of the All-India Services, to express to His Excellency the Commander-in-Chief our deep appreciation of his noble vindication of their records, their traditions and their achievements. We have a legitimate pride that that vindication was made by the son of a very distinguished Indian Civilian. That might perhaps be imputed in part to filial piety. We are proud that it should have been made by the Commander-in-Chief. But some might suppose that he had military prepossessions. We have the most unreserved and the deepest sense of pride and gratification in the fact that the vindication was made by General Sir William Birdwood. And I should like to add a word of appreciation for the words of recognition which also fell from my Honourable and learned friend Dr. Mitter and from other Members of the House.

Now, Sir, as I said, it is an impossible task for me to traverse the whole ground once more. I understood from my Honourable friend Mr. Lalubhai Samaldas that he was on the whole disposed to accept my Resolution with one reservation regarding the maintenance of the existing system of appointment and control of the All-India Services. I point out to my Honourable friend that his apprehension that those words commit the House to anything in the nature of a perpetuity is entirely erroneous; and in the presence of my Honourable friend Sir Arthur Froom I will say nothing on the suggestion that, if the House passes this Resolution, the Reforms Committee of Inquiry—

a body comprising gentlemen of considerable independence of view—could find that their independence of view unduly restricted. I think neither the Honourable Member nor the House need have any apprehensions on that point. My Honourable friend, Mr. Bell, asked me for one word of assurance with regard to the Anglo-Indian community. I have no hesitation in giving it. When, with reference to "Indianisation", we use the term India, we mean by that statutory natives of India, and that term undoubtedly covers the community to which he particularly referred. Now, Sir, I will not detain the House any further. I made one appeal in my opening speech, which, I admit, has been fulfilled. I asked Honourable Members to approach these large questions with a large and open mind. Substantially and from almost all sides, that appeal has been answered. I now confidently ask for the judgment of the House.

THE HONOURABLE THE PRESIDENT: Is it the desire of any Member to have the Resolution put in parts?

THE HONOURABLE MR. LALUBHAI SAMALDAS: I beg to suggest that it might be put in parts, because as regards clause (2) I want to support it. I had no time to say at the end of my speech that I would do so.

THE HONOURABLE THE PRESIDENT: I will put the Resolution in parts and then as a whole, beginning with sub-clause (a) to clause (1). This runs:—

"(a) That while the existing system of appointment and control of the All-India Services should, in present conditions, be maintained in reserved fields, the following Services operating in transferred fields, namely, the Indian Educational Service, the Indian Agricultural Service, the Indian Veterinary Service, the Buildings and Roads Branch of the Indian Service of Engineers in those provinces in which the two branches have been separated, and the Indian Forest Service in Bombay and Burma, should so far as future recruits are concerned be appointed and controlled by Local Governments."

The question is:

"That sub-clause (a) of clause (1) stand part of the Resolution.

THE HONOURABLE THE PRESIDENT: I think the "Ayes" have it

THE HONOURABLE MR. R. P. KARANDIKAR: If a division is called for, will it be taken after all the matter is put?

THE HONOURABLE THE PRESIDENT: A division on what?

THE HONOURABLE MR. R. P. KARANDIKAR: On each item.

THE HONOURABLE THE PRESIDENT: A division, if desired, will be taken on each question which is put to the Council.

THE HONOURABLE MR. R. P. KARANDIKAR: What is the procedure? Will a division be taken on the whole Resolution or on each item.

THE HONOURABLE THE PRESIDENT: A division can be claimed on each question put. The question I have now to put is that sub-clause (a) of clause (1) stand part of the Resolution. Does the Honourable Member ask for a division on that question?

THE HONOURABLE MR. R. P. KARANDIKAR: No.

THE HONOURABLE THE PRESIDENT: The "Ayes" have it.

The motion was adopted.

THE HONOURABLE THE PRESIDENT: The question is:

"That sub-clause (b) of clause (1) namely:—

'that recruitment of Indians for the Services in reserved fields should be increased as recommended'

stand part of the Resolution."

The motion was adopted.

THE HONOURABLE THE PRESIDENT: The question is:

"That sub-clause (c) of clause (1), namely:—

'that, having particular regard to recommendation (a), early steps be taken to constitute the Public Service Commission contemplated by section 96-C of the Government of India Act and to enact such legislation as may be necessary'

stand part of the Resolution."

The motion was adopted.

THE HONOURABLE THE PRESIDENT: The question is:

"That clause (2), namely:

'that pay, passage concessions and pensions be granted to the officers of the Superior Civil Services in India approximately on the scale recommended'

stand part of the Resolution."

The motion was adopted.

THE HONOURABLE THE PRESIDENT: The question is:

"That clause (3), namely:

'that the recommendation of the Royal Commission regarding the constitution of Provincial Medical Services in Governors' Provinces be accepted in principle subject to—

(a) the employment in the provinces of an adequate military reserve;

(b) the provision of adequate medical attendance for British officers in the Civil Services and their families; and

(c) the further consideration of the conditions necessary to secure an adequate number of British medical recruits for the needs of the army'

stand part of the Resolution."

The motion was adopted.

THE HONOURABLE THE PRESIDENT: I now put the Resolution as a whole. It runs as follows:

"This Council recommends to the Governor General in Council:—

(1) that the following recommendations of the Royal Commission on the Superior Civil Services in India be in principle approved—

(a) that while the existing system of appointment and control of the All-India Services should, in present conditions, be maintained in reserved fields, the following Services operating in transferred fields, namely, the Indian Educational Service, the Indian Agricultural Service, the Indian Veterinary Service, the Buildings and Roads Branch of the Indian Service of Engineers in those provinces in which the two branches have been separated,

and the Indian Forest Service in Bombay and Burma, should so far as future recruits are concerned be appointed and controlled by Local Governments;

(b) that recruitment of Indians for the Services in reserved fields should be increased as recommended;

(c) that, having particular regard to recommendation (a), early steps be taken to constitute the Public Service Commission contemplated by section 96-C of the Government of India Act and to enact such legislation as may be necessary;

(2) that pay, passage concessions and pensions be granted to the officers of the Superior Civil Services in India approximately on the scale recommended; and

(3) that the recommendation of the Royal Commission regarding the constitution of Provincial Medical Services in Governors' Provinces be accepted in principle subject to—

(a) the employment in the provinces of an adequate military reserve;

(b) the provision of adequate medical attendance for British officers in the Civil Services and their families; and

(c) the further consideration of the conditions necessary to secure an adequate number of British medical recruits for the needs of the army."

The question I have to put is that that Resolution be passed.

I think the "Ayes" have it.

THE HONOURABLE MR. S. VEDAMURTI: May I ask for a division?

THE HONOURABLE THE PRESIDENT: Division.

(The division bell rang.)

THE HONOURABLE THE PRESIDENT: The question is:

"That the Resolution standing in the name of the Honourable Mr. J. C. Crerar, which has just been read to the Council, be passed."

The motion was adopted.

THE HONOURABLE THE PRESIDENT: Has the Honourable the Leader of the House any statement to make?

STATEMENT OF BUSINESS FOR FRIDAY, THE 19TH SEPTEMBER, 1924.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI (Law Member): In a statement made on Tuesday last I indicated that on Friday next motions would be made for the consideration and passing of the Indian Post Office (Amendment) Bill and the Imperial Bank of India (Amendment) Bill. I have now to add that similar motions will be made in respect of the Indian Criminal Law Amendment Bill which has been laid upon the table to-day. Further, at the conclusion of Government business time will be given to the Honourable Sir Arthur Froom to move for leave to introduce his Indian Succession Amendment Bill, and if he so desires to make a further motion with regard thereto. The business to be placed before the Council on Tuesday, the 23rd September, will depend on the course of events in another place.

The Council then adjourned till Eleven of the Clock on Wednesday, the 17th September, 1924.

COUNCIL OF STATE.

Wednesday, 17th September, 1924.

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

DEATH OF MR. BHUPENDRA NATH BASU.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY (West Bengal : Non-Muhammadan) : Sir, before the business of the day begins it is once again my painful duty to inform the House of the death of an old and valued member of the late Imperial Council, Mr. Bhupendra Nath Basu. Sir, it was a cruel and inscrutable irony of fate that, while some of us were discussing him and his work on the Lee Commission yesterday, his soul had already taken its flight to its eternal home where no praise or blame could reach or affect him. Those of us who worked with him in the Imperial Council and the different spheres of public activity which he invariably adorned remember what a devoted public servant he was in the truest and the broadest sense of the term, whether as an official or a non-official. A strenuous life was ever his enjoyment and, whatever was the state of his health or his mind, he invariably discharged his duties faithfully, loyally and with conspicuous success in whatever sphere of activity that for the moment he happened to occupy. Those who remember Bhupendra Nath Basu, bare-footed, flag in hand, marching in procession in the Calcutta streets in the anti-partition days, were surprised that he should have come to accept an official position at a later stage of life ; but his were lofty ideals of true citizenship, ideals that I hope all who seek to work for public good in this country will always have before them. Seek not office but avoid not responsibility when there is a call. And it was a stern sense of duty that made him respond to the invitation of Mr. Montagu to join his Council, and those who were behind the scenes and knew anything of what was going on realised the unproclaimed value of his great work and felt that but for his faithful, silent and devoted services the Secretary of State and the Right Honourable Lord Sinha could hardly have carried their Reform measures through in the Houses of Parliament. In the same way, Sir, at the most critical juncture in the history of the Calcutta University he accepted the heavy burden of Vice-Chancellor—a burden of which I happened to have some taste, and one wondered how in his state of health and with a succession of heavy bereavements that would have crushed and laid low another man, he consented to take up that burden and the burden of the Revenue Member of the Council of the Governor of Bengal. If Mr. Bhupendra Nath Basu had been in good health and in his place, much of what Bengal has had to go through recently might have been spared and avoided. But now, Sir, is not the time to go into the details of his career. I mourn him now not merely as a

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friend, I mourn him not merely as a relative and a fellow villager or as a colleague in the profession which he adorned, or even as a colleague in the different spheres of work which we occupied together. To my mind his death, long expected as it has been, is an India-wide and national loss. His high ideals, his unblemished character, his untiring energies, his tact and his limitless resources as an organiser placed him always in the forefront of leaders who knew better how to follow, and his place will be hard to fill in Bengal which has fallen on evil days. We have lost during the last few short months many men of distinction in Bengal; the death of Bhupendra Nath Basu makes the Province and the country poorer than ever.

THE HONOURABLE SIR DINSHAW WACHA (Bombay: Nominated Non-Official): It is with a sense of the deepest sorrow that I associate myself with all that has fallen from the Honourable Sir Deva Prasad Sarvadhikary. I knew the late Mr. Bhupendra Nath Basu as a co-worker with me in public life for the last 40 years in connection with the old Congress, and never was there a stouter, liberal or a greater stalwart than he full of burning patriotism. Year after year, all the old political reformers of a constitutional character have passed away and I mourn their loss. I am left alone, except for Sir Surendra Nath Banerjee, who is now the only co-worker left to me. All the others have passed away. They have passed away in such a way that, had they been present here, I think this new Assembly and this new Council of State would have rejoiced to see them advancing the cause of responsible self-government in a way that would have delighted the hearts of all. Such was Mr. Bhupendra Nath Basu. He was really a "gem of purest ray serene." I do not wish to enter into any more details. I think my Honourable friend Sir Deva Prasad Sarvadhikary, as a Bengali gentleman who was associated with him throughout all his life, has said exactly what was his due. He was a man who had no regard for anything but right and truth and never angled for any honours which mean so much in vulgar eyes. He was the staunchest of patriots, and in him one of India's most distinguished sons has passed away and been gathered to his fathers. We all deplore his loss.

THE HONOURABLE MR. G. A. NATESAN (Madras: Nominated Non-Official): Sir, on behalf of my Presidency of Madras I wish to associate myself with the just and eloquent tribute to the late Mr. Bhupendra Nath Basu that has fallen from the previous speakers.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces: General): Sir, as one who was for many years associated with the deceased in the late Imperial Council, I desire to fully associate myself in this expression of sorrow and grief at his untimely death. Mr. Bhupendra Nath Basu was not only a great Bengali, he was a great Indian, he was a great patriot. He served his country well and devotedly. I have been for many years an eye-witness to his work. The proceedings of the late Imperial Council will bear testimony to his great erudition, his extensive knowledge, his wide experience, his broad sympathy for the people of this country. He was a man who sought for no honours, no privileges, no reward for work done. He unselfishly and devotedly served his country. His devotion to his country was so staunch that he practically gave up a very lucrative and extensive

practice to serve his country, and when the call of duty was made on him to serve the Government which he had on many occasions in the past opposed and fought against, he readily accepted the charge because he thought that in the new sphere of activity he would be of service not only to Government but to his own countrymen. The great work which he did on the India Council is hidden under a veil and is not before the public view; but it is an open secret that his was the personality which moulded the policy of Mr. Montagu, and the reforms which were given to India were in a great measure due to his services and the unstinted support which he gave to the then Secretary of State and the sympathy and co-operation which he aroused among his colleagues. His services and his character are well worthy of our admiration and emulation, and his name will be handed down to posterity with the names of many a great Indian patriot. May his soul rest in peace.

THE HONOURABLE MAULVI ABDUL KARIM (East Bengal: Muhammadan): Sir, on behalf of my community I beg to associate myself with the remarks that have been made by the previous speakers. I had occasion to know the late Mr. Bhupendra Nath Basu for over a quarter of a century, and I do not think I have come across a more sound and more sober politician than the deceased. His death following closely upon the death of the two great Ashutoshes cannot but be regarded as a calamity to the Province of Bengal, nay to the whole of India. He was a sincere patriot and his death at such a time, when the country is in need of such sincere patriots, cannot but be regarded as an irreparable loss. I cannot think of any other person in Bengal who can take his place. I wish he had lived for some time more to help us in tiding over the difficulties we are passing through. May God grant him a happy place in Heaven where "adieux and farewells are a sound unknown".

THE HONOURABLE MR. K. N. MITTER (Bengal: Nominated Official): Sir, I thank you for permitting me to say a few words on this melancholy occasion. As one who was fairly intimately known to the late Mr. Basu I cannot let this occasion pass without offering my tribute of respect to the memory of the great man. I was beside his sick bed before coming up here, and I saw with my own eyes the terrible agony which he was suffering; but he bore all this with great patience and fortitude. His was a philosophic mind, and I may tell you a fact which may not be known to all, that he devoted some part of the morning or evening regularly to the study of Indian philosophy and religion. While he was thus engaged with the Pandit, no one was allowed to see him, however high the position of the visitor might be. Sir, he was a quiet worker and did not always choose to come before the footlights of popular favour. The singleness of purpose with which he worked sometimes brought upon him various insinuations and calumny; but friends and foes alike remained in the end to admire his sincerity, courage and patriotism. He enjoyed the confidence of all parties; he sympathised with them and his house was the resort for men of all shades of political opinion and creeds. At his house one might have found Sir Surendranath Banerjee, and Mr. C. R. Das; Mr. Gandhi and Sir Sankaran Nair would equally be his guests. He tried often to serve as peace-maker between these parties and at any rate as a link of connection between them. He rose to the highest offices that the Government could give, but he was not a place-hunter. He never

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cared for honours, though honours came thick upon him. He only cared for the genuine satisfaction born of the honest performance of duty. Sir, when he became Vice-Chancellor of the Calcutta University the expectation was entertained in many quarters that probably he would do his utmost to crush the party that was in power at the time in the university. But what did he do? He found that the party in power was more often in the right than not, and he supported that party sometimes even against Government. There were other educational institutions also with which he was connected; many a philanthropic institution owes its success to him and they must be deploring to-day, as we are doing, the irreparable loss which the country has sustained by the death of one of its most devoted and most illustrious sons.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI (Law Member): Sir, I am sure I am echoing the sentiments of all my Honourable Colleagues, official as well as non-official, when I say that in the sad death of the late Mr. Bhupendranath Basu it is not only his Province but the whole country which has lost one of its most prominent public workers and patriots. Before the introduction of the Morley-Minto reforms, I knew him as a very successful member of the legal profession and as a prominent figure in the public life of the country. But after the introduction of those reforms I came into close contact with him for the first time in Calcutta when I was elected a member of the old Imperial Legislative Council; and I found that by his solid work, by an entire absence of all racial, communal or religious spirit, by his sober patriotism, he won the respect and esteem of all his colleagues on the old Legislative Council. He fearlessly advocated the cause of the country and yet never went beyond those reasonable bounds which a real patriot and a far-sighted statesman always keeps in view. His great work was recognised as we are all aware by his appointment to the Secretary of State's Council, and those who have any acquaintance with the work which he did on that Council know how the Secretary of State valued his advice and what good work he did as a member of the India Council. On the completion of his tenure of office as Member of that Council, when he returned to Bengal, he was appointed as Vice-Chancellor of the Calcutta University at a time when the Province of Bengal had suffered a grievous loss in the sad death of Sir Ashutosh Mukharji, the late Vice-Chancellor and the great educationalist of Bengal. In spite of his poor health, when called upon by the Governor to assume the arduous duties of that position, Mr. Bhupendra Nath Basu assumed office and tried to pour oil on the troubled waters in Bengal. He was subsequently appointed a Member of the Bengal Executive Council, but unfortunately, owing to his failing health, had to resign that high office. In his death the country has lost a true patriot, the Government a distinguished public servant and a wise adviser.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (West Punjab: Muhammadan): Sir, I associate myself with all the rest.

THE HONOURABLE MR. HAROON JAFFER (Bombay Presidency: Muhammadan): Sir, I also associate myself with the previous speakers. I suggest that we may send a message of condolence on behalf of this Council to the family of the deceased.

THE HONOURABLE RAJA SIR RAMPAL SINGH (United Provinces Central: Non-Muhammadan): Sir, on behalf of the United Provinces, I associate myself with Sir Deva Prasad Sarvadhikary in offering my tribute to the deceased.

THE HONOURABLE SARDAR CHARANJIT SINGH (Punjab: Nominated Non-official): Sir, on behalf of the Punjab, I associate myself with the tribute which has been paid to the memory of Mr. Bhupendra Nath Basu. He was an old friend of mine and I can bear personal testimony to the great and loyal services he rendered to India and the Empire. By his death India and the Empire loses one of its most distinguished citizens.

THE HONOURABLE MR. J. P. THOMPSON (Political Secretary): Sir, on behalf of the European Members of this Council I should like to say one word in memory of the deceased statesman. May his wisdom survive him and guide the feet of younger men into the paths of concord and peace.

THE HONOURABLE THE PRESIDENT: I should like to associate myself with all that has been said about the late Mr. Bhupendra Nath Basu. Tributes have been paid from every quarter of the House, and in the most feeling terms, to all that he was and that he did. I like to think of him best as a peacemaker, for I remember what was said: "Blessed are the peacemakers for they shall be called the children of God." And, speaking as I do from the Chair, and representing the Council as a whole, I like to think that for the last two days, when we were discussing perhaps his last great piece of work for the country, and when none of us knew that he was on his death-bed, that, though opinion was sharply divided as to the merits of the Report which he signed, yet nearly every Honourable Member who spoke paid a tribute to his independence of judgment and selfless impartiality. It is a good thing for India that, however much we may be divided in opinion, we can and do all recognise the value of the services of a man who gives himself whole-heartedly to his country. I shall make it my business to send a copy of these proceedings to the relatives of the deceased.

ABSENCE FROM THE COUNCIL OF THE HONOURABLE SAIIYID RAZA ALI.

THE HONOURABLE THE PRESIDENT: The Honourable Saiyid Raza Ali. Is the Honourable gentleman not present? Has any intimation been received by the officials of the Council or by the department of Government concerned that the Honourable Member would not be here?

THE HONOURABLE MR. J. CRERAR (Home Secretary): No, Sir.

THE HONOURABLE THE PRESIDENT: On the surface this appears to be another case in which adequate notice has not been given to the House by an Honourable Member in whose name business is shown on the paper. I shall make it my business to inquire into the matter.

RESOLUTION *RE* CONTRIBUTION BY THE GOVERNMENT OF INDIA TO RELIEVE DISTRESS CAUSED BY THE FLOODS IN THE MADRAS PRESIDENCY.

THE HONOURABLE MR. G. A. NATESAN (Madras: Nominated Non-official): Sir, before moving my Resolution, I should like first to express my grateful acknowledgments to the officials of the Madras Government who have helped me in tabling this Resolution, though I must state that I am solely responsible for the nature of the demand for financial assistance contained therein. The Resolution which I have the honour to present before you runs as follows:

"This Council recommends to the Governor General in Council that a sum of one crore of rupees be contributed by the Government of India as a free grant from central revenues to assist in meeting the extraordinary expenditure that must inevitably be incurred by the Government of Madras in affording relief to those who have suffered from the floods which occurred in the southern and western portions of the Madras Presidency in the month of July last, and in repairing the extensive damage that has been caused throughout a considerable portion of the Presidency."

I very much regret that it is my painful duty this morning to give you an account of the unprecedented nature of the floods that occurred in the southern and western portions of my Presidency in the month of July last and of the widespread havoc which resulted therefrom, and also to trouble you a little with the heart-rending story of woe and misery unheard for the past forty years in the history of my Province. I will put before you very briefly an abridged newspaper account of the troubles caused by the floods as we read a few days after the disaster:

"The river Kauvery which contributes much to the agricultural pre-eminence of the territories through which it flows and is, perhaps, therefore, considered as a holy river became for a time a veritable plague of South India. Rising from the Western Ghats in Coorg the river Kauvery flows through Mysore, Salem, Coimbatore, Trichinopoly and Tanjore, and all these districts were affected by the unprecedented rising in that river and its tributaries. The river Bhavani was in full floods and the town was entirely submerged. The Kauvery with its tributaries, Tunga and Bhadra, and the river Kapila were all in floods in Mysore, and the overflow at the Kannambadi Dam is reported to have risen to 18 feet above the Dam. Several places in Trichinopoly and Tanjore were reported to be under water, and an eye-witness reported that places all round Umayalpuram to Shiyali presented 'one flowing sea of water'."

The situation was further aggravated by the outbreak of cholera. The news from the West Coast—South Canara, Malabar, Cochin and Travancore—was most alarming. It was reported that there were seventeen breaches between Olavakot and Calicut on the South Indian Railway and consequently communications were cut off. Cochin was isolated by the wrecking of the Shoranur bridge. Half of Cochin State was said to be under water. So also was the case in Travancore. Communications between Shencotta and Punalur were completely cut off and a large portion of the State was reported to be under water. News from the interior was not available for some time."

This popular and newspaper account was more or less confirmed by an official report issued by the Madras Government, dated the 4th of August. In answer to an urgent request made to His Excellency the Governor of my Province, under his instructions the following details were furnished in a telegraphic reply:

"Under His Excellency the Governor's instructions, am furnishing details flood damages this Presidency. Malabar about 50,000 houses destroyed, damage private property very large, assistance immediately required purchase seed, grain, cattle, building

material and subsistence till harvest. Trichinopoly about 2,000 houseless in town, total damage house property not yet received. Water supply dislocated. Cholera epidemic in town. Coleroon bridge completely destroyed. Coimbatore about 6,000 houses destroyed. About 24,000 persons houseless. Assistance required for rebuilding houses and for providing work for labourers. Tanjore about 3,000 houses destroyed in two taluks in two other taluks rough estimate impossible being under water. About 15,000 people houseless in two taluks and in two others figures not ascertainable. Other districts damage less serious."

A subsequent telegraphic account of the nature and extent of the disaster caused by the floods has been received by the Government of India from the Government of Madras and it is dated Madras, 3rd September. I understand the document has been laid on the table of the Assembly and I take it it will also be furnished to Members of this Council. I do not propose therefore to take up the time of the House by reading it. The situation has been considered so serious that the Government of Madras have thought it fit to appoint a Special Commissioner, and that officer is a Member of the Board of Revenue. According to the official account—and I take the figures from the statement that was placed on the table of the House elsewhere—the districts affected very seriously are Malabar, Trichinopoly and Tanjore and to a somewhat smaller extent South Canara, Coimbatore, the Nilgiris, Salem and South Arcot. I am very glad to be able to report to you that the loss of life was after all 20 in Malabar and 23 in the Nilgiris according to the official report. Regarding the number of houses destroyed, according to the official report, 23,000 houses have been destroyed in Malabar, in Tanjore 6,040, Trichinopoly 7,710, Coimbatore 6,000, Salem 1,323, South Canara 364, the Nilgiris 37, making a total of nearly half a lakh of houses. A good number of cattle have also been lost and the Madras Government telegram states that the loss of other immoveable properties is impossible to estimate. I come to the more serious part of this very sad and tragic story. Regarding the standing crops that have been destroyed, in Malabar 30,000 acres have been destroyed, Trichinopoly 11,300, Tanjore 8,340—and this does not include the 71,000 *kalams* of paddy lost in seed beds sown and destroyed—Salem 1½ lakhs, the Nilgiris 340 acres of paddy and coffee, South Canara low lying paddy fields destroyed. The damage caused by silt and sand looks as if almost irremediable. According at least to the view of the people, the damage has been enormous. In Trichinopoly, according to the official account, 6,000 acres have been rendered unfit for cultivation owing to the sand that is deposited, and I may say that according to the official version itself, the sand deposit varies from 2 to 6 feet in some places. In Trichinopoly, according to the official version, as I said, 6,000 acres have been rendered unfit though the non-officials say it is as much as 10,000 acres. In the Tanjore District from which I come the official version is 8,819 though the non-officials say it is as much as 14,000 acres. In Salem, 824 acres. Communications and irrigation works have been seriously damaged in many of the districts that have been affected. The Coleroon bridge has been completely destroyed—that is the language of the official report:

"A serious situation will arise if the Cauvery breaches cannot be speedily removed. Nine lakhs of acres depend for irrigation on the Delta system."

I now come to another part—a more serious part—which I am anxious should be considered carefully by this House and my Honourable friends opposite. According to the official estimate made by the Special Officer appointed by

[Mr. G. A. Nate-an.]

the Madras Government the damage which Government will immediately have to set right will, in the shape of irrigation works, rebuilding of bridges and canals and communications which have been destroyed, come to nearly a crore. You have to add to this the cost of the removal of silt and sand. According to the official estimate, it is about 15,000 acres, though the non-officials put it at a higher figure, and even accepting the lowest calculation, it will cost at least a crore to remove this silt and sand. I find from newspaper accounts, which I have been carefully reading particularly after coming here, that Lord Goschen, the Governor of my Province, has recently been visiting the affected areas and giving plenty of time to hearing the tale of woe and distress which the agriculturists and cultivators there are giving him, and in many places they have pointed out that it would be impossible for them to remove this silt and sand unless official help was given, and some of you who have no idea of the nature of paddy fields and the way in which they are distributed, will be surprised to know that nearly 500 paddy fields adjoin each other and no one can now distinguish which is his paddy field, and that many of these people have to remove sand six feet high, and that even if it were possible for a rich *mirasidar* with his pecuniary resources at his disposal to remove the sand, yet he will have to carry it far far away from his fields, a task almost impossible to discharge. The raiyats and agriculturists who have met His Excellency in person and represented their tale of woe have rightly brought to his notice that modern scientific contrivances must be brought to their rescue; that Government itself should undertake the removal of this silt and sand, and they were generous enough to say, though afflicted with distress, that they were not unwilling to bear a fair portion of the cost of this removal. The loss of revenue which is certain to accrue to Government, at least for some years to come, till all the sand and silt is removed, will certainly be some lakhs.

I now come to the more woeful and distressing part of the tale. Nearly a lakh of houses have been destroyed, and if official and non-official accounts be taken, there is not much difference as to the amounts that will have to be spent in rebuilding these houses. But most of those who have been rendered homeless and desolate belong to what is called the depressed classes in the Madras Presidency, men whose lot has for a long time been unfortunate, and it looks as if nature and man have combined to make a miserable position still more miserable, and no amount of help that could be given by Government would enable these people to look again to the brighter morn, which during the past, under many divers conditions, has been denied to most of them. The cost, as I have been able to calculate, of rebuilding these houses will at least be half-a-crore. The total, to put it at a very carefully calculated estimate, taking account of the small differences between the official and non-official version regarding the extent of damage and the amount that will have to be spent to set it right, will certainly come to 3 crores.

I should be failing in my duty if I did not add that so far as immediate relief work was concerned, many voluntary associations did their best. The members of the Ramakrishna Mission, the members of the Servants of India Society founded by the late Mr. Gokhale and the present head of which is a distinguished Member of our Council, the members of the Young Men's Christian

Association of Madras, a body of selfless workers, and many Congress and Swarajist organisations who collected large funds for this purpose were doing missionary work, have tried their best. I may also add here my tribute to the brave and heroic manner in which officials and non-officials bore their share in meeting this unexpected catastrophe. I have heard it said and reported in the newspapers that more than one official European and non-Indian took the risk of taking a boat in the midst of heavy floods to prevent further disasters, and for some days it was a concern to some of us as to what had become of them. It was with great relief we heard that these men who took such risks were safe and were heroically doing their duty to save other people from distress and suffering. The real work of reconstruction, however, is yet to begin. I do not think it is possible for the Government of Madras, burdened as it is with this heavy impost of 3 crores and 48 lakhs—their Provincial contribution—to do this work. Bridges have to be rebuilt, communications restored; the lands that have been rendered desolate have to be reclaimed; the houses that have been damaged or destroyed have to be constructed. More than anything else you have to give facilities of every description to enable agriculturists to begin agricultural operations.

When I have given you all these details of the distress which these devastating floods have caused, you may naturally ask how have the people of your Province borne them? Yesterday the Honourable Mr. Thompson in a speech full of eloquence and beauty which it would be foolish of me or anybody else for the matter of that to try to imitate, spoke of an aspect of the British character, of which many people may be in doubt; but to-day I want to draw attention to the fact that amidst this unforeseen catastrophe, the havoc of a devastating flood, the people of my Province have borne themselves with patience and fortitude almost unimaginable and difficult for a Westerner quite to appreciate. And may I tell you that it was the first thing which struck Lord Goschen, the Governor of Madras, when presiding at a public meeting convened for the purpose of concerting measures for the relief of the distressed, though he had not been more than a few months in our Presidency. He concluded a very practical and at the same time highly sympathetic speech by paying a tribute to the stoicism with which my countrymen in that part of the Presidency have borne their troubles. May I add that it is this very stoicism which throughout the ages, from the morning of the world, indeed from the dawn of civilization, the saints and sages of my country have commended as the best of all virtues.

THE HONOURABLE THE PRESIDENT: I must explain to the Honourable Member (Mr. Vedamurti) that he will not be allowed to move his Resolution separately. Anything he has to say should be said on this motion. It is open to him of course to move an amendment in the sense of his Resolution.

THE HONOURABLE MR. S. VEDAMURTI (Burma: General): Sir, the Resolution that stands in my name lower down on the agenda covers the same field as that moved by the Honourable Mr. Natesan, with this difference, that the Honourable Mr. Natesan asks for a free grant from the central revenues of a crore; while what I ask is a substantial sum without mentioning what that sum is. With your permission, Sir, if you will allow me to move my Resolution as an amendment I will read my Resolution.

THE HONOURABLE THE PRESIDENT: The proper form for it to take will be to propose that in place of the words "the sum of one crore" the words "a substantial amount" be substituted. Is that your intention?

THE HONOURABLE MR. S. VEDAMURTI: Yes, Sir.

THE HONOURABLE THE PRESIDENT: You may move it in that form.

THE HONOURABLE MR. S. VEDAMURTI: I move, Sir, that in place of the words "one crore of rupees" the words "a substantial amount" be substituted in the Resolution moved by the Honourable Mr. Natesan.

Sir, the details of the havoc which the floods have committed are so harrowing that they make one's flesh creep. In one district, in the Trichinopoly district alone, according to the calculations of the Landholders' Associations, 6,000 acres of cultivable land have been converted into a sandy desert. In one division in Malabar, a district which has suffered more than any other, over 7,000 acres have been damaged. Traces of several villages are not to be seen, and that is the case of Malapuram in Malabar which was once a populous town but is to-day a desert. According to the Revd. Mr. Popley, the Secretary of the Y. M. C. A. (one of those organisations that have been working in the affected area), who made a trip to the Malabar side according to him—the Malabar Collector's version of 50,000 houses destroyed seems to be an under-estimate. Apart from the loss of life, and apart from the fact that thousands have been rendered homeless and are on the brink of starvation, canals are damaged, tanks are destroyed or filled with sand and mud, bridges have to be built, communications restored, and loans have to be granted to the agriculturist for removing the sand from his field, for purchasing seed grain, for repairs to wells or for the re-digging of wells; and in several cases, monetary help has to be given to those who have lost their houses. Steps have to be taken for the repair of minor and major irrigation works, and that means a great deal. His Excellency the Governor of Madras, who presided at the public meeting convened for the purpose, said it is rather sad to think that the irrigation works should have been damaged just at the beginning of the irrigation season. Large masses of agriculturists are now degenerating into casual labourers, and there is a likelihood of the depletion of the rural population which has already begun to emigrate to other countries. In the wake of this disaster, famine and pestilence are doing their work. We have heard from the Honourable Mr. Natesan several stories of misery and starvation. The only silver lining to the cloud is the readiness, the promptitude and the generosity with which His Excellency the Governor of Madras, and his Government came to the rescue. All honour to those organisations who are still working in the affected areas and affording physical comforts to the needy and the distressed. It is a matter of some satisfaction, of great satisfaction I should say, that help has been forthcoming not only from all the Provinces of the Indian Empire, but even from Ceylon and the Malay States whose Governments have contributed a sum of Rs. 10,000 each to flood relief. The feeling is growing stronger in our minds that, with all this outside help, and with all the help that the Madras Government can give, further help from the Government of India is indispensable. The very fact that at the last Madras meeting a Mansion House Fund was suggested shows the gravity of the situation. Sir, some of us have sometimes accused the Government of

India as heartless and even as soulless. Whether that is a true criticism or not, here is a chance for them to show that they have a heart to feel, and a soul to save. I trust the Honourable Sir Narasimha Sarma, who, I believe, is going to reply to this Resolution and who, for the nonce, is the keeper of the conscience of the Government of India, will not raise legal difficulties or constitutional issues, but will deal with the question in a spirit of humanity. Madras asks: "Give me relief by the suspension or reduction of that iniquitous impost of Provincial contribution of 3 crores which you exact from me per annum, or contribute a substantial sum from your Central Exchequer!" What is the Honourable Sir Narasimha Sarma's answer to that?

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (West Punjab: Muhammadan): Sir, now that my Honourable friend has moved his amendment to which he had prior right, I want to ask your permission and through you, the permission of the House, to amend the amended Resolution by deleting the word "South" which occurs in the second line.

THE HONOURABLE THE PRESIDENT: I am afraid that that motion is not before the Council, and therefore cannot be amended. Any amendment which the Honourable Member wishes to propose must be based on the motion before the Council or on the amendment which has already been moved by the Honourable Mr. Vedamurti. He cannot move an amendment to anything which is not before the Council.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN: My amendment is that this should take the place of the proper Resolution—that instead of that Resolution there should be the amendment.

THE HONOURABLE THE PRESIDENT: I am afraid we must first dispose of the amendment before the Council; I will consider later if any other question arises.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN: May I speak on it generally?

THE HONOURABLE THE PRESIDENT: Yes.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN: For this purpose, Sir, before the meeting I approached my friend and told him about the troubles in northern India and said that floods whether in northern or southern India did equal damage. In the same way as fire burns and water drowns one, if the waters of the Cauvery or the other rivers in Madras drown the crops on the land and property in southern India, the waters of rivers in the north do the same thing. If my friend had known that we also have suffered similarly he would not have given preference to his own Province in this Resolution. To-day, Sir, a man from the same Province asks a man of that Province to help them, but we hope, Sir, now that Sir Narasimha Sarma belongs to the whole of India he will do all in his power to help us also in the north.

Now this Resolution asks for so much money; I do not know where all this money is going to come from, because whenever any scheme is proposed everybody says "Where is the money?" There is only one way, as the Persian poet has said: "*Ba khal-i-Hinduash bakhsham Samarqand-o-Bokhara*," which means "I will give you for this all Samarkhand and Bokhara."

[Colonel Nawab Sir Umar Hayat Khan.]

So I think what this Resolution asks for is a cheque on the Government of Samarkhand and Bokhara, i.e., Russia ; but the difficulty will be how to cash it. If we get that cheque I offer my help to Mr. Natesan and shall go with him, through Waziristan and Afghanistan to those places ; but I do not know whether he would like to go with me. All that I want to say is that the floods of Sind have done perhaps greater damage than the floods in south India, because the river here is a much bigger river and starts from a much higher level and the devastation is all the greater. It has been said that the standing crops have all been spoiled. In our part of the country, which is low-lying, not only have the standing crops suffered, but the water stands there and gets stagnant and no other crops can be sown, and the villages and stores of the people for their consumption have also been wiped out at the same time. It is therefore not only a loss for this year, but for three years running.

I shall not go into the details as my Honourable friend has done. There is a story about a Hindustani and a Punjabi who had both lost their friends. They sat down together and the Hindustani said that the man got fever and after that pain and such and such a *vaid* or *hakim* treated him ; he spent about half an hour in explaining it ; but the Punjabi, when he was asked simply said : “ *Tap charha aur margya*,” which means “ He got fever and he died ”. All that I want to say is that we have got the same flood and we have suffered similarly. We need not go into the details of it.

A great deal has been said about the Governor of Madras, but our illustrious Governor, Sir Malcolm Hailey, who had gone on a short tour of the Punjab, seeing our trouble has visited people on the spot and has done a great deal to alleviate the sufferings of the poor ; and as he knows that my district has also been subject to floods I have heard that he was very kindly telling a friend of mine that he was very anxious about the floods of Shahpur. I shall relate to the Council another flood in northern India which I have seen myself and which was the cause of my stopping away from this Council till now. There are floods and floods ; there are periodical floods which are worse because one suffers year after year ; there have been other floods in India which come perhaps once in a century and need not count for much. What I want to put before the Honourable Sir Narasimha Sarma is this. Floods that one can do nothing against are out of the question ; but floods which could be stopped ought seriously to be tackled by Government. When the highest level mark of a flood has been seen and if it can be stopped by a *bund* or some other device, I think it ought to be done. I do not want to accuse Government of neglect ; but I say this, that when there have been 20 floods one after another and when there is a scheme costing only one lakh of rupees by which this could be stopped, nothing has been done.

THE HONOURABLE THE PRESIDENT: I am afraid the Honourable Member is drifting away from the subject before the House. He must not use the Resolution now before the House as a text on which to hang an argument in favour of certain remedial measures in his own district. The question before the House is whether the Government of India shall contribute money to relieve suffering in Madras, and he must keep to that.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN: Sir, there are floods in my district just the same as in Madras or elsewhere. I argued that point because I want just one lakh out of that money to be devoted to my district. It is the same money that I am asking for.

I shall not take up the time of the Council further ; but as this is a specific Resolution, I want Government to give an assurance that the whole question of floods in northern, central and southern India will be taken up at once, and not that a particular sum be given for a particular part of the country, and also that schemes should be so prepared that in any places where floods can be stopped, the work will be taken in hand at once and as much as lies in the power of the Government will be done.

THE HONOURABLE MR. W. G. MCFARLAND (Madras : Nominated Official) : Mr. President, I have to say a word on the Resolution moved by the Honourable Mr. Natesan and the amendment moved by the Honourable Mr. Vedamurti. The floods in the south of India have had no recent parallel. The amount of rain which fell had, in many places, no recorded precedent : in one place 48 inches of rain fell in 48 hours. The damage done is wide and deep, roads and bridges washed away, irrigation sources damaged or destroyed ; some of the most fertile land in India rendered useless for many years to come, and many thousands left homeless. Even yet it is not possible to say with any degree of accuracy what amount of money will be required by the Madras Government to remedy the damage ; but it is possible by a few instances to indicate how large the total bill must be. The roads and bridges will cost 37 lakhs to restore. Immediate repairs to the banks of the Kauvery and the Coleroon rivers will cost 5 lakhs. Applications for special loans have already been received to an amount exceeding 20 lakhs. I would not, however, ask the Government of India at this time to pledge themselves to the grant of any particular sum : I would be content with an assurance that the demands of the Madras Government, when they are received, will be met with sympathy and consideration.

THE HONOURABLE SIR NARASIMHA SARMA (Member for the Department of Education, Health and Lands) : Sir, no one who has heard the harrowing tale of distress and woe from the people of southern India, who have had to face unprecedented floods, can help being moved to a feeling of deep sympathy that something ought to be done to relieve distress in those afflicted parts. His Excellency the Viceroy as soon as any details of this distress were known here, telegraphed to the Governor of Madras expressing his deep sympathy on behalf of himself and on behalf of the Government of India with the sufferings of the people in the affected districts and expressing his readiness to do what could be done legitimately to relieve their distress. I who come from southern India, though not belonging to the particular portion of the Presidency affected, have travelled over that smiling land rich with cornfields irrigated by large river systems, have travelled over Malabar many years ago—a land of plenty at one time, and I cannot help picturing to myself the vast change for the worse that must have occurred in those happy regions where villages have been washed away, crops have been so badly affected and fertile lands have been covered deep with sand, and the land of plenty has been reduced at any rate temporarily to a land of

[Sir Narasimha Sarma.]

woe and distress. I who come from that Presidency cannot help being moved by the picture that has been presented to this House and I express my deep sympathy personally with the people of that unhappy Province. And this comes at a time when the people of Madras have had to face enormous difficulties owing to an unhappy rebellion in Malabar, owing to another prolonged rebellion in East Coast districts of Madras, and both the people and the Government have to face famine in three districts at the present moment. May I say, Sir, in this connection that the sympathy of the Government of India goes with the afflicted people in a similar plight in the devastated districts of Sind, and of the Punjab where the river Indus overflowed its banks and overran a vast strip of territory, 100 miles long and 10 miles broad. Similar tales of distress come from Alwar and the Bharatpur State. A recent telegram announces that many villages in the district of Agra also have suffered a similar fate. On behalf of the Government of India I can assure the people of those tracts of our deep sympathy. But Honourable Members may ask "All very well and thanks for this expression of sympathy, but what about the remedial measures?" You have heard the representative of the Madras Government as to what it is that they exactly want from the Government of India at the present moment. In this connection, as there seems to be some misconception with regard to the duties and responsibilities of the Government of India, it is but right and proper that I should deal with those dry questions which Mr. Vedamurti forbade me from discussing on the floor of this House—dry constitutional and legal issues arising out of the relations of the Provincial and the Imperial Governments under the Reform scheme. The Madras Government realise, and I think all Governments realise, that inasmuch as all famine relief measures are purely Provincial in character, the Government of India cannot directly contribute out of Central revenues for the purpose of relieving distress owing to famine conditions. We may group the relief measures under the head of restoration of communications, of irrigation works, grant of *takavi* loans, remission of revenue, and grant of gratuitous relief to sufferers. Well, Honourable Members will readily recognise that communications, irrigation works, revenue remissions, are all purely Provincial subjects. Specific provision has been made in the Devolution Rules for relieving distress in famine-stricken areas, and consequently the Government of India are unable to grant any relief from Central revenues.

THE HONOURABLE SARDAR JOGENDRA SINGH (Punjab: Sikh): There used to be a Famine Relief Fund. How is that utilised and is no money available from that Fund for this relief?

THE HONOURABLE SIR NARASIMHA SARMA: I may inform the Honourable Member that there is a Trust Fund for the relief of distress in famine-stricken areas, which is under the control of a Committee, of which I happen to be the President, but that is independent of the Government of India and there is no question of giving any help from Central Revenues when we are dealing with this Trust Fund. If any application be received by the Committee of that Trust Fund, supported by adequate reasons, the Committee would always be willing and ready to extend relief so far as the resources of that Fund permit. (The Honourable Sardar Jogendra Singh: "It used to be a very large fund.") And Madras as well as other affected parts may

approach that Committee. We have in the past contributed to the extent of our ability from that Fund for the relief of distress in Bengal, Orissa, Bihar and other parts of the country. I am not now dealing with that question, because this Resolution cannot and does not ask for any relief from that quarter. I am dealing with the Central revenues which are under the control of the Government of India. It would not be possible, and it would not be consonant with the spirit of the reforms, to make a free grant, although possibly in extraordinary cases we might alter the rules for the purpose, but no such case does arise now. We cannot appropriate any part of the Central revenues directly for the objects which I have mentioned. But there is a possibility of extending relief to sufferers by contribution towards any fund which may have been started or which may be started for the purpose. The Government of India have had no application for any such relief, and it is therefore unnecessary for me to say as to what the Government may do or may not do when an application is received by them for relief in that respect. All that I can say at present is, that this question is under the consideration of the Government of India, but I cannot undertake to commit the Government to any particular course of action. I have already indicated our deep sympathy with the suffering of the people in these afflicted parts.

One word more and that is to say that the Government of Madras have applied to the Government of India for a loan for the restoration of their communications and repair of irrigation works. The Government of India appreciate the difficulties of the Madras Government and are prepared to grant that loan, repayable over a long period of years, but not exactly on the terms which the Government of Madras have asked for. That ought to be some source of satisfaction, because the Government of India have gone as far as they legitimately can in helping the Government of Madras at the present juncture with a loan to the extent asked for and on the terms I have mentioned.

Sir, I regret that I am unable to give a more sympathetic reply than I have given, but Honourable Members may rest assured that the Government of India will not approach this or any similar question hide-bound by exact rules and canons which they would plead on their behalf for inactivity or inability to give the right help at the right moment. You may rest assured that the Government of India, although a corporation, has a heart, and many of its members still believe in the possession of a soul which they wish to be saved. Although as a corporation it may have to behave in a manner which some may think is heartless and soulless, that very fact, Honourable Members may rest assured, shows the very high sense of discipline and rigid adherence to principle which Governments, if they are worth the name of Government, should adopt in dealing with this and similar suggestions. The Honourable Colonel Sir Umar Hayat Khan has asked for particular measures of relief in similar situations, but I may assure him that these are all purely Provincial matters, and the Government of India cannot and ought not to encroach upon the sphere of purely local Provincial administration. It is for him through his representatives to press for the adoption of measures which would prevent the devastation by floods so far as human endeavours can prevent such devastations. I hope, therefore, that the Honourable Mr. Natesan will feel convinced that the sympathy of the Government of India is entirely on the side

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of the people of the afflicted parts and that they would, so far as is permissible, take into very earnest consideration any representations for relief which may be made by the people of the Madras Presidency and the Government entrusted with the task of administration there. I have already indicated that they are prepared to grant the loan in the manner specified. I hope, therefore, that the Honourable Mover of this Resolution would be satisfied with this assurance and not press this matter further.

THE HONOURABLE SIR MANECKJI DADABHOY: Will the Honourable Member be pleased to tell the Council the amount of loan which the Madras Government have asked for?

THE HONOURABLE SIR NARASIMHA SARMA: I think about 35 lakhs and an advance of 20 lakhs.

THE HONOURABLE SIR DINSHAW WACHA (Bombay: Nominated Non-official): I am glad to hear the Honourable Sir Narasimha Sarma say that Government extend their sympathy to those suffering in South India. Will the Government be pleased to extend their sympathy to those in this place who are daily suffering from a flood of words? (Laughter).

THE HONOURABLE MR. G. A. NATESAN: Sir, when I moved my Resolution and recounted the tale of woe and suffering in my Province, I did not expect the Honourable Member who has just spoken for Government to dwell in the first part of his speech with an appeal to the sympathy of the House to extricate him from the constitutional difficulties which the Central Government has in dealing with problems of this character in accordance with the provisions of the Government of India Act. However, I am glad to be assured that the Madras Government are in communication with the Central Government and the nature, the form and extent of the help is engaging their serious consideration. If a matter like this was my own concern, I should have liked to pursue it. But as the matter is now under discussion between the Madras Government and the Government of India, and as I am sure my Government will try its level best to get as much as possible out of the Central Government, and having regard to the assurance that has now been given and to the appeal made to me, I do not feel I will be justified in pressing the Resolution.

The Resolution and amendment were, by leave of the Council, withdrawn.

RESOLUTION *RE* APPOINTMENT OF A COMMITTEE TO INQUIRE INTO THE GRIEVANCES OF HAJ PILGRIMS.

THE HONOURABLE MR. HAROON JAFFER: (Bombay Presidency: Muhammadan): Sir, I have discussed my Resolution with the Honourable Sir Narasimha Sarma, the Member in charge, informally. He has assured me that he will immediately go into the grievances of the Haj pilgrims. Not only this, but he will try and go to Bombay and find out any difficulties and remedy them. In view of these assurances, I will not move the Resolution* which stands in my name on the agenda paper.

*“This Council recommends to the Governor General in Council that a committee of officials and non-officials be appointed to consider the whole question of the difficulties and the grievances of Haj pilgrims, and to suggest suitable remedies for the improvement of their position.”

THE HONOURABLE THE PRESIDENT: Under Standing Order 60 the Resolution stands withdrawn.

RESOLUTION *RE* REPRESENTATION OF AGRICULTURAL INTERESTS ON THE TAXATION INQUIRY COMMITTEE.

THE HONOURABLE SARDAR JOGENDRA SINGH (Punjab: Sikh): Sir, I move that:

“This Council recommends to the Governor General in Council that a representative of the producers may be appointed on the proposed committee which is to inquire regarding taxation.”

Sir, the House remembers that when the discussion regarding this Committee came up in this House, I asked a direct question of the Honourable the Finance Member and he said, it will not be an inquiry obviously into the economic condition of the agriculturists, but it will be to some extent an inquiry into the land revenue system. In the terms of reference that he read out it was carefully stated that it would include the consideration of the land revenue only in so far as was necessary for a comprehensive survey of existing conditions in regard to taxation. He said:

“It will not be, I think, quite the sort of Committee on which an expert agriculturist would find a place. It will be more for the experts in land revenue than the experts in agriculture.”

I think the whole question depends on the definition which you might place, whether a land revenue expert dealing only with the assessment of land revenue without knowing something about the average holding, the cost of production and the surplus that will be available is the right kind of expert to deal with the whole Land Revenue problem. So far as I can gather from the discussion that took place, it seems to me that the idea of the Finance Department in appointing the Committee is to find some new ways to base taxation on modern lines as pointed out by Sir Joshia Stamp in his new book on Taxation. If so, it is absolutely necessary to find out what the available surplus is, and if that is the object of the inquiry I cannot understand how an academic Committee can reach just conclusions without the presence on the Committee of men who know how that surplus can be arrived at.

Then, Sir, in this connection I have again to quote from the Resolution appointing this Committee in which the personnel of the Committee is also mentioned. This is one of the most important Committees which has been appointed in recent times. I represent I think not less than 90 per cent. of the tax-payers in India, because, when you go into the figures, you will find, Sir, that the tax-payers in India are the agriculturists and they form the bulk of the population. It is for them and in their interests that the Government have now to consider if a new way of taxation and a uniform taxation can be found. I am really very glad to see that land revenue has been included in this inquiry. It means an indirect admission on the part of the Government that land revenue is a tax, and that is a very proper admission on the part of the Government of India. So far, what has been happening is, that the question of land revenue has been confused—people do not know whether it is revenue or rent or a tax, in spite of the very clear definition on the part of Baden Powell,

[Sardar Jogendra Singh.]

one of the greatest authorities on the land revenue system, who defined it clearly, as a tax on agricultural incomes. The admission on the part of the Finance Department that land revenue is to be treated by the Committee amounts to this that the Finance Department in any case is beginning to consider that land revenue is a tax, and as such should be included in this inquiry. Dealing with the land revenue, Sir, the Resolution says :

"Similarly as regards land revenue, the Committee will not be required to make suggestions regarding systems of settlement, but it will be within the scope of the inquiry to study the incidence of the land revenue including water rates and to point out any defects from the point of view of the canons of taxation or any difficulties in re-adjusting the burden of taxation."

I think, Sir, this is a most important inquiry so far as the people of India are concerned and so far as the agriculturists are concerned; certain new canons of taxation are to be evolved and land revenue to be judged by these. It is most essential that in forming our judgments, we should have not only academicians on the Committee. If we look at the personnel, we have as the President, I think, a great authority on land revenue, Sir Charles Todhunter. My objection to him however is, has he ever paid any land revenue himself? Has he had anything to do with agriculture? And the House will agree with me that, unless you are directly interested, you never really know how a particular tax is going to work. (*The Honourable Sir Maneckji Dadabhoy*: "What about the Maharaja of Burdwan?"). I am coming to him immediately. The Maharaja of Burdwan comes from Bengal, the land of permanent settlement, where the settlement has not varied for over a century. He is not likely to realise what revision of settlement means in other parts of India. If he did, I should never object to his appointment at all. He would then be the proper person to lay down new canons of taxation. But Bengal, favourably situated as it is, has never known any change in settlement or any revision of settlement such as affects other Provinces. So by that fact alone he is precluded from understanding the revenue problems which exist in other parts of India.

Then we have a Professor. I do not know if he too has ever been directly concerned with agriculture. I should like to make this very clear before this House; that if I had my way, I would have only those who are affected by the taxation to sit in judgment and realise how the incidence of the taxation works in practice.

Then, Sir, it is also said that the Committee will consider the question of water-rates. The question of water-rates in the Punjab has just been to the fore-front; and if I may, Sir, I should like to bring to your notice the policy of the Government of India, as to the earning of profits in the matter of Railways. In a note which was circulated not long ago it was pointed out by the Honourable Mr. Parsons that a profit of $5\frac{1}{2}$ per cent. on capital was quite satisfactory, and he said :

"It will be generally agreed that $5\frac{1}{2}$ per cent. represents a fair, normal standard of revenue—that is to say, if we are consistently earning more than that, then it is desirable in the interests of the country that the rates should be reduced."

In the case of the water-rate the earnings have been something like 40 per cent. and yet the Government in this year of grace have decided to increase the water rate by another 30 per cent. Why should there be different

canons of taxation in these two Departments of State. This ~~is~~ too is going to come before this Committee which is going to consider the question of taxation. How is the Committee really going to realise the difficulties which exist and the way in which taxation presses on the people? The land revenue problem, Sir, is one of the biggest problems in India. It is no use going back to the times of the Moguls; we have to judge of these things by modern standards, and judging them by modern standards I think the Government would be doing a great thing by having a thorough and full inquiry into the matter and by having properly qualified men on the Committee who can assist in reaching right conclusions. So far as I can see this Committee which has been appointed is not likely to reach right conclusions. It has not on it experts in agriculture and revenue. I mean no disparagement to the officers who have been appointed. I do not mind whether it is a European agriculturist or an Indian agriculturist; we are all affected in the same way. We shall be very happy if a European agriculturist is appointed on this Committee; he too knows how we are affected by the incidence of taxation and how important it is that uniform and clear canons of taxation should govern the land and water-tax.

In the discussion which was raised by my Honourable friend, Sir Maneckji Dadabhoy, the question was discussed at great length. Sir Purshotamdas Thakurdas expressed misgivings regarding the ultimate result of this inquiry; at this moment, so far as land revenue is concerned, I have deep misgivings regarding this Committee's reaching right conclusions. It is for these reasons, Sir, that I have brought this Resolution directly before this House. This House represents not only particular interests—it represents the interests of the whole of India, and the House will realise that the bulk of tax-payers are agriculturists. That being so, is it not fair that at least one member of that large class of tax-payers should find a seat on this committee, to be able to represent their interests, to show to the Committee how the land revenue problem affects them, to work out the averages, to lead them on to find out the average holding and the average cost of production and determine the surplus? I think that is the only course possible, if this inquiry is to be of any use at all to the large bulk of the population of this country. If the Finance Department thinks that it can go on the data available in the departments, I am very doubtful if it would reach right conclusions. The one objection which has been raised to the appointment of a representative of agricultural interests on this Committee is that it is a matter for experts to decide. I really should like to know, when my Honourable friend, the Finance Member stands up to reply, what he means by an expert. Would you call a man who has never been to a medical college who has never attended any patients a medical expert? Would you call a man who has never grown any crops an expert in matters of land revenue? If not, then I do not know what he really means by an expert. I hope the House will realise the great importance which has to be attached to this Taxation Committee. I welcome this Committee and I move this Resolution only in the hope that the decisions of this Committee may be more effective, may afford relief to the people who need it, may define new canons of taxation and at the same time treat land revenue as a tax and afford relief to the agriculturist. In this connection I have the high authority of Sir Harcourt Butler whose

[Sardar Jogendra Singh.]

sympathy with the people is very well known. Before he left the United Provinces, he left a note on the land revenue problem, and that note sums up the whole situation in the clearest possible manner. I would have welcomed him as the President of this Committee. He has the heart and the vision to understand agricultural problems of India.

Now, Sir, in putting this motion before the House I hope that the House, acting in the interests of the large mass of the population of India, will pass this Resolution and will press on the Government the need of appointing an agricultural expert who alone can be a land revenue expert on this Committee.

THE HONOURABLE MR. A. C. McWATTERS (Finance Secretary): Sir, the Honourable Mover of this Resolution has, I am pleased to see, confined his speech strictly to the terms of his Resolution. The reason why I venture to say that is because a Resolution couched in much wider terms and dealing with this same question of the taxation inquiry has been tabled for discussion on Monday; and if the Honourable Mover had traversed wider ground I might have found it necessary to go beyond what I propose to say now. The Honourable Mover reminded us that he put the very question which is the subject of this Resolution to the Honourable Finance Member on the 11th February last when we were discussing the Honourable Mr. P. C. Sethna's Resolution regarding a wider economic inquiry, and the reply given by the Finance Member was roughly as he stated, that he did not think a special representative of agriculturists would be in place on a committee of this character. What I have to say to-day is really very little more than an elaboration of the same point. The House will remember that this Taxation Inquiry Committee was decided on after very careful consultation with Local Governments and the terms of reference proved extremely difficult to settle in view of the very divergent interests of Local Governments in these matters. But the terms of reference which have been unanimously accepted by Local Governments are, I gather, not challenged by the Honourable Mover of the Resolution; and those terms strictly limit the scope of inquiry so far as land revenue is concerned. This was done deliberately because it was felt by the representatives of the Provinces who were experts in agriculture, although they may not have grown crops, that the extension of this inquiry to land revenue systems and land revenue policy might lead to the whole inquiry being carried on for two or three years and would require to have representatives on the Committee who understood land revenue in more than one Province; in other words, we should have to expand the Committee by four or five members, who understood different systems of land revenue. The Honourable Member's own speech proves the point because he challenged the Maharaja of Burdwan's knowledge of land revenue systems outside Bengal. In other words, he wants on this Committee a number of people who understand the systems of land revenue in different parts of the country. The fact of the matter is that this Committee was deliberately limited in its scope and therefore limited in numbers, in order that it should be a practical inquiry into the technology of taxation which would give us practical results at an early date.

As was explained in the debate on Mr. Sethna's Resolution, it is not necessary that the institution of this inquiry should estop a wider inquiry into the

economic condition of the country and in fact as a result of the Resolution accepted by this Council Local Governments have been consulted on that wider issue, and most of the replies have been received which show that a great deal of preliminary work in the way of inquiry has already been done or is being undertaken by Local Governments. It is on a wider committee, if one is appointed, that representatives of various specialised interests might possibly find a place; but if we are to represent one particular interest, such as agriculturists, I think there would be a quite legitimate claim from those who represent a considerable body of tax-payers—and certainly a very considerable volume of taxation in other walks of life; I refer to commerce, industry, mining and so on. It may be true that 90% of the population of this country are agriculturists or dependent on agriculture; but that is by no means the proportion of taxation which they pay as compared with the total tax-payers of the country.

That, Sir, is really my answer to this Resolution, that we do not want the Committee to be widely extended in numbers, nor to undertake an inquiry which may be indefinitely prolonged in time. I would join issue with the Honourable Member when he says that an expert in land revenue must necessarily be an agriculturist himself. In fact, we have I think among Government servants a number of people whom I should confidently call experts in land revenue, but they certainly have never been practising agriculturists. The Chairman of this very Committee has for many years been an experienced district officer and is very well versed in the land revenue system of one part of the country at any rate. But, in addition to that, I would point out that he has been a member at different times of two of the large Taxation Departments in this country. He was for a number of years Collector of Customs. He was after that the greatest expert in India on Excise, having personally revised the whole of the excise system in the Central Provinces and the Kashmir State, and for three years afterwards was Inspector General of Excise with the Government of India in Simla. After that he returned to Madras as Chief Secretary and as Member of Council, and thus came into personal contact with all the intricate taxation problems both before and since the Reforms, and had experience of the difficult questions which arise between the Central Government and Local Governments in respect of taxation. The same applies to the Maharaja of Burdwan and to Mr. Paranjpye. One of their greatest qualifications, apart from their personal qualifications, is that they have an intimate knowledge of these taxation questions as affecting Provincial Governments in recent years since the Reforms. The other two members of the Committee I need scarcely say represent taxation experience and theory in England in the person of Sir Percy Thompson, and specialised economic knowledge in the person of a distinguished Muhammadan economist from the Aligarh University. I think the House will be well advised if they leave the personnel of the Committee as it is. This does not mean that particular interests will be neglected. It is premature for me before the Committee meets out here in November to try to define more clearly the form in which they will invite the collaboration of the representatives of different interests. But it is obvious that they will have to be in the closest consultation not only with Local Governments and their experts but with the unofficial representatives of different interests, agriculture, industry and commerce; and I have no doubt

[Mr. A. C. McWaters.]

whatever that among others the Honourable the Mover of this Resolution will place at their disposal the benefit of his great experience and knowledge. That, Sir, is all I have to say, and I hope the Honourable Member will not press his Resolution.

THE HONOURABLE SARDAR JOGENDRA SINGH: I will.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (West Punjab: Muhanmadan): Sir, to-day I stand to oppose the Resolution of my friend. I have been now nearly 20 years in the Council and every time such a case has come up, I have backed it up. I have got tired of it because I absolutely know now that the agriculturists are step-sons and nobody is going to do anything for them. When this Resolution came up, I knew that the Honourable mover would be simply speaking to a wall, and the same has been the fact. No doubt, Sardar Sahib is a very chivalrous man and has brought this Resolution up though he knew of this. But what is the use? The last thing, I think, is to leave the agriculturists to their fate and, now that the high water mark has been reached, I think they will show that before dying at any rate they must howl. What has happened to them apart from all these various settlements in which the revenue has been increasing? Now, this time the water-rate that has been imposed is a burden unbearable, and I think that they will show that it is unbearable by other acts. We are the well-wishers of the Government and, knowing that the agriculturists are 99 per cent. or something like that and are the backbone of the whole country, we want that the Government and the agriculturists should always be friendly, because they are those who fought the wars for them and shed their blood and even got these reforms. But unfortunately I do not know why each time that anything is said for them, it is spoken to deaf ears. As to the taxation, Sir, I think one has to say it over and over again because the subject is the same. The proper son—the money lender—does not pay anything for income up to Rs. 2,000, while an agriculturist, for half a *Kanal* of land, must pay. It does not matter if his children are sitting without any food or anything else. It is for this, Sir, that I ask the Sardar Sahib in despair to withdraw his Resolution because there is no use of moving it. The Government are not going to help us nor are the moneyed classes. We look up only to God who will help us.

THE HONOURABLE SIR ZULFIKAR ALI KHAN (East Punjab: Muhanmadan): Sir, I give my whole hearted support to the Resolution which my Honourable friend on my right has moved. I have listened to the very indignant speech which my Honourable friend Nawab Sir Umar Hayat Khan has just delivered and he is right when he says that, when a question which concerns the zamindars and landholders comes up before the Councils, it gets no support, and it is a pity that those people who form the backbone of the Government should be neglected in this manner. All of us who belong to the soil realise that on the contentment and prosperity of the masses depends the happiness of the country and the well-being of the country. Why then, in the name of justice, Sir, should their just demands be ignored? I know that the Government need money for their expenditure but for those who are paying so much already towards the expenses of the Government any further taxation would

be the last straw on the back of the camel and if remedies are to be devised for lightening their burdens, Sir, I submit that a man who sympathises with them wholeheartedly and who knows their needs and their petty cares must be appointed on such committees to help their case properly. With these few words, Sir, I support the Resolution.

THE HONOURABLE MR. G. S. KHAPARDE (Berar: Nominated Non-official): Sir, I wish to submit a few observations on this subject, and the first observation which I make is that I remember a conversation that I had in this Council at Delhi when I asked as to what was the average income of an Indian and then they said—this was a highly technical subject. I said it was a very plain question. You want to tax me: I would like you to tell me how much I am worth. It might be I am only worth Rs. 100 and you want to tax me on the scale of Rs. 5,000—the thing will be improper. Yes, but they said it was a very difficult question. Then how are agriculturists going to be taxed without knowing what their income is? Their income is a very complicated thing to determine because there is the plough, there is the bullock, sometimes they are attacked by locusts and so forth. When and how is their income to be determined? And unless a person is very familiar with all the factors which go to make up the income of the agriculturists, how is he to know? I have heard it said that it is not necessary for a Taxation Committee to know all about agriculture. Then what is it that is necessary for a person to know in order to tax me? I once had a lengthy controversy as to whether the land revenue collected is really a tax or a rent. If it is rent then certain obligations attach to the landlord and it is a responsibility. Are Government willing to take it? Then the canals are dug by the landlord to improve his land. They should be free and the land holder should not be charged for them. If it is a tax then the collection ought to be made by the Government from the land holders and should not be charged to the agriculturist. Similarly, various other considerations may arise. This question is a very important one which the Honourable Sardar Jogendra Singh brought out, namely, that the first thing to determine is whether it is a tax or a rent. And what obligation the private landlord has to meet the Government would have to meet as a supreme landlord.

Another point that struck me as rather peculiar is that we have got so many land systems—there are nine Provinces and that we should require nine experts. Where is the objection? If you require 9 people to come in, it is all the better, because then the interests of the agriculturists will be properly represented. But I believe there are revenue officers who have served in more than one Province. Probably they know more about the land system in more than one Province. They probably have been brought into contact with people who actually till the land and raise the crops. They would serve a useful purpose by being put on the committee and then this number of 9 could be reduced to 3, and out of those 3, or in addition to them one who is actually, if not personally, cultivating land would be very useful.

Another remark was made as to who contributes the most. The mercantile people contribute the largest amount of money. The agriculturists may be large in number, but they do not contribute so much. My reply to that is, "Do you judge of the happiness of the whole people by the person who

[Mr. G. S. Khaparde.]

pays most or by the persons who number most ?" Happiness, if it is to be general, is to be determined not upon the capacity of the man to pay but the number of people who come into the category. Nearly 80% in India are agriculturists. It is therefore proper to adopt measures that will allay the fears of the 80% rather than of the 20% who may, because of their richness, contribute crores of rupees to the Government. That matters nothing. So the question as to who is to be taxed, how he is to be taxed, what his income is—all these factors have to be taken into consideration. If peace, good government and the happiness of the people are to be secured, I humbly submit that agriculturists are the people who ought to be very much represented on this Committee. This matter was talked of before and is also discussed to-day. I generally do not agree with my Honourable friend Sir Umar Hayat Khan, but it happens, I am very glad to say, that on this one subject at least, he and I meet, and we do believe that the interests of agriculturists have been very much neglected. Notwithstanding what we hear talked of in favour of the agriculturists, nothing is done for them. Their position is to be determined by certain experts, who may be able and very good gentlemen, for what I know—I do not want to say anything against them but they have no experience of the condition of the Indian agriculturist to be taxed. It is the play of Hamlet without the Prince of Denmark in it. I humbly therefore, so far as it lies in my power and within my knowledge, heartily support the proposition brought forward by my Honourable friend Sardar Jogendra Singh.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI (Law Member): Sir, being myself a hereditary land owner and agriculturist, I am very naturally in sympathy with the sentiments underlying the speech delivered by my Honourable friend Colonel Sir Umar Hayat Khan. But I am afraid that in this particular instance his misgivings with regard to the Taxation Committee are not justified.

THE HONOURABLE SARDAR JOGENDRA SINGH: They are based on facts.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: Perhaps my Honourable and gallant friend does not know that Dr. Hyder, who has been nominated a Member of this Committee, belongs to a very important agricultural tribe in the Punjab.

THE HONOURABLE MR. YAMIN KHAN (United Provinces West: Muhammadan): Does he belong to the Punjab?

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: If my Honourable friend will turn up the list of declared agricultural tribes in the Rawalpindi district, he will find that Lodi Pathans are a recognised agricultural tribe in the Punjab. Dr. Hyder belongs to a village in that district and is a member of an agricultural family. At the same time, as an economist, being a Professor of Economics in the Aligarh University, he is not only an expert in the subject which he will have to deal with, but he is also a representative of an agricultural tribe. He will, I have no doubt, have the interests of the agricultural classes in the Punjab and the agricultural producers generally at heart and will bear those interests in mind when taking part in the deliberations of this Committee.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN: May I know how much land he has got and whether it is in the colonies?

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: I am unable to inform my Honourable friend what is the area of land which he possesses. But I am perfectly certain that members of agricultural tribes, whether they have thousands of acres of land as my Honourable friend, or whether they have 5 or 10 *kanals* of land, have got the same spirit and the same desire to promote the agricultural interests. In fact, my Honourable friend himself pointed out that a zamindar owning one *kanal* of land has to pay tax to Government and to contribute to the public exchequer, while money-lenders who make Rs. 1,999 pay no tax at all. An agriculturist, whether he be a large landowner or whether he be a small landowner, has got the right agricultural spirit in him, and I have no doubt that this gentleman, who is a member of an agricultural tribe and who is at the same time an expert in the subject with which this Committee will deal, will bear in mind the interests of his own class.

THE HONOURABLE MR. YAMIN KHAN: Sir, I give my hearty support to the Resolution moved by my Honourable friend Sardar Jogendra Singh. I personally think it not proper to discuss personalities which have been brought into the House in this matter to-day. I would refrain from passing any remarks about the capacity of any particular member of the Committee which is sitting on the Taxation Committee. With due deference to the members who form that Committee and to the Government servants who have acquired experience in the matter of revenue and agriculture, I differ from my Honourable friend Mr. McWatters in this respect. I have got the greatest regard for Government servants who have acquired great experience in this respect. But at the same time they have got one particular view point. They see from a different angle of vision than that of the producer himself. The policy of the Government has been challenged repeatedly in the local Councils in the different Provinces. In my own Province, Sir, last time when the Budget for settlement was presented to the Council, the Council by a huge majority rejected that Budget. They demanded that there should be a permanent revenue settlement in those Provinces. Sir, what is the position of the agriculturist now and what is the condition of land? We have to see to that. It is not a question how much land is producing at present. We all know that land has reached its maximum capacity and is not yielding an increasing return but is now yielding a decreasing return. Of course, when the limit has been reached, that is the proper time to consider the question properly and thoroughly, not from the view point of the person who wants to get the most from the land, but from the view point of the persons who are going to suffer by having this continuous decreasing returns from the land. Sir, as the representative of a constituency which is at present mostly a constituency of zamindars, and being myself a zamindar having to deal with this question every day, I know perfectly well that the difficulties which are arising in the financial condition of the zamindars are very acute and the producers are suffering a great deal. It is not right to say, as my Honourable friend Mr. McWatters says, that the agriculturists are not paying as much as other people. From whose pocket really does that money come ultimately? Ultimately the money comes in every respect from the pockets of the consumers. Who are the consumers? This big population are the consumers and not the

[Mr. Yamin Khan.]

people who are running a few mills in the big cities. Every time, Sir, we have seen that whenever a question arises that a little increment be made on the cotton excise duty or anything of that kind, where there is a rise of say one pice in the rupee, we find a huge body raising loud voices in protest and saying that the pockets of the consumers will be affected, and why affect the poor people, and so on. But in this question the poor producer who is also a consumer of most of the articles which are produced has to pay; and we have to see to his pocket. We have to see under what conditions he is producing the articles which are consumed by himself and others as well. For instance this Committee may go and inquire about the cotton mills but unless you know how the cotton mills may be affected and unless we know in what conditions the men are producing the cotton, we cannot know anything about it. So it is necessary and we must recommend to the Government that there should be a person who is properly acquainted with these problems and with the conditions which prevail at this time. Unless that is done it will be only a one-sided view which will be represented to the country. It is no use people coming here to give evidence before the Taxation Committee unless we have on the Committee a man who knows the real conditions under which these articles are produced and who would be sympathetic and a person who could write a report which would really be useful to the Government. Sir, it has always been the practice of the Government, whenever a Committee has been appointed, to have some representative of the persons who are going to be affected by the report of that Committee. In this respect of course we may know that there are persons who understand these questions, but a representative of the people who are going to be affected by the report and by the ultimate findings of the Committee—such a person is not present. What will be the result? We shall have all the zamindars and tenants saying “This is the report of a committee which did not understand our situation, which did not know under what conditions we are labouring. Every time the settlement comes over our heads and we have to pay double the revenue that is demanded.” And what is happening every time? The settlement comes to a place, a zamindar purchases land at Rs. 400. He invests his capital in purchasing the land. Now the next settlement comes and instead of a rupee he has to pay Rs. 1-8-0 and so this land which he purchased for Rs. 400 now becomes not worth Rs. 300 because he has to pay out of his income to the Government in the shape of land revenue which he would not have had to pay if the settlement had not come. The ultimate result is he increases his rent on the tenant. The poor tenant has to pay, and this increased rent has to go towards the cost of production. The cost of production is increasing in every matter and the result is the prices of all these commodities are going up and up every day. I have heard many times that the zamindars cannot produce wheat under Rs. 4 per maund. It is not paying. What will be the result? If the prices go down normally, the tenant will not be willing to have the land under those conditions and with that revenue which they have to pay at present. This is a very serious problem because 80 per cent. of the population in India is engaged in this labour in agriculture. Therefore, I think, Sir, this is a right and just demand which my Honourable friend has put before the House and that it should be accepted—that is, to have on this Committee at least one member who knows these difficult problems.

This is nothing. It need not alter the construction of the present Committee; it will not mean anything else. It will not involve any such heavy expenditure that the Government cannot accept. We want one member added to the personnel who will know these things and advise properly. I do not see why the Government should ask the Mover in such a matter to withdraw his Resolution and why they should not accept this little demand which is put to them by my Honourable friend, so I give my wholehearted support to this Resolution.

THE HONOURABLE MR. R. P. KARANDIKAR (Bombay Non-Muhammadan): Sir, I have great pleasure in supporting the Resolution that has been placed before this House, and not in the words of despair addressed by my friend the Honourable the Nawab Sahib, who addressed those words of despair on the proposal of this Resolution. That was not so much directed at the Mover of the Resolution as to bring home to Honourable Members of this House the necessity of looking more closely into this question. When the Resolution speaks of a representative, I would not restrict it only to one representative as the gentlemen who preceded me wanted to do. Having regard to the larger purpose and that all over India 80 or 85 per cent. of the people are agriculturists, I really feel that no Committee that is to move about obtaining information and making their results acceptable can afford to ignore the interests of the agriculturists. I therefore appeal to this House, in spite of what may be said with reference to the qualifications of the members who are already on the Committee, and I do not mean to say that we are going to scan the qualifications of those members—we have no right to, nor have we the means to nor do we propose to do that, we trust them. What this Resolution wants is that its functions might be enlarged very substantially if this Committee had on it representatives of all interests possible.

I have no hesitation in supporting the proposition.

THE HONOURABLE RAJA SIR RAMPAL SINGH (United Provinces Central Non-Muhammadan): Sir, I rise to make a few observations on the Resolution that is before the House. At the outset I must confess that I have no great command over the language in which these discussions are carried on and so I shall not be able to give full expression to the feelings which are revolving in my heart. Sir, I fully endorse what has been expressed by my friend on 1 P.M. my left that gradually a feeling of despair is coming over the minds of the agriculturists; and the reason is that on the one side Government seem to be indifferent to their interests and on the other side some people think that agriculturists have no claim on a democracy. No doubt we do receive lip sympathy from the Government officials now and then; but when our real interests are involved we see that we are generally forsaken. I am not very much acquainted with the qualifications of the members of the Committee that has been appointed, but as far as I can find out none of them really knows where the shoe pinches. It is in my opinion extremely necessary that those who suffer from the present system of land revenue assessment should have a representative on the Committee because he will be able to represent the real grievances of the agriculturists. My friend, the Honourable the Leader of the House has said that he himself is a zamindar and has great sympathy with zamindari interests; but he has pleaded that there are one or two members on the Committee who will be able to represent fully the zamindari interests.

[Raja Sir Rampal Singh.]

Well, Sir, at present he is on the Treasury Benches : I am sure if he had been on this side of the House he would have very gladly supported this Resolution, and not only supported this Resolution but fought with the Government for not having allowed one representative of the zamindars and agriculturists to sit on this Committee. With these words, I wholeheartedly extend my support to the Resolution that has been moved by my Honourable friend Sardar Jogendra Singh.

THE HONOURABLE SIR ARTHUR FROOM (Bombay Chamber of Commerce): Sir, I support this Resolution. But I only propose to say a few words in connection with it. I preface my remarks however, by begging to differ with the previous speaker, my Honourable friend, Raja Sir Rampal Singh, when he said that he spoke our language with considerable difficulty. I think he speaks and expresses himself in the language of this Council exceedingly well.

Sir, I support this Resolution from the point of view of the agriculturist and from their point of view that they feel they have a distinct grievance. I do not always support people who air grievances, but on this occasion I think the grievances should be recognised as real ; and I wish that when this matter was discussed sometime ago the Finance Member had thought fit to adopt the suggestion then. Even now it is not too late to agree to this Resolution and thereby to allow the agriculturists of this country to feel that their interests are well considered by the Government. The appointment of a representative of agriculture on the Taxation Committee does not at once mean a reduction in the water-rate or the land tax ; but there will be a feeling amongst the great proportion of the population of this country — and I would add the loyal proportion of the population of this country — that they have had some one to look after their interests in all matters on which the Committee is invited to give an opinion.

THE HONOURABLE DR. DWARKANATH MITTER (West Bengal : Non-Muhammadan): Sir, I see a general feeling among the Members in this Council that there should be a representative of the agriculturists in this Taxation Committee. It has been said and generally said from high places by the Government that the agriculturists are the real people of this country ; if I remember aright, Lord Curzon when he was Viceroy of India said that the agriculturists are the toiling and voiceless millions who constitute the real people of India. That being so, Sir, I feel that the feeling round me is a feeling which cannot be disregarded and which must be respected. It is true that in the personnel of the Committee there is from my Province the Maharaja of Burdwan who, although he is a landlord, has at any rate been a Member for five years of the Governor's Executive Council and as Revenue Member undoubtedly has some experience in matters of taxation. I also find Dr. Paranjpye, a distinguished University man, who was also the Revenue Member of the Bombay Executive Council and is also one of the members of the Committee (*The Honourable Mr. G. S. Khaparde* : "He was the Education Minister, not the Revenue Member.") I am told by the Honourable the Leader of the House that Dr. Hyder who is a professor of political economy in the Aligarh College is a person who is fit to be on a committee with regard

to taxation inquiry. I find that Mr. McWatters is not willing to accept this Resolution ; but may I suggest to him a middle course which may be acceptable to him, that if the personnel has already been constituted and if there is nothing in the terms of reference to limit it, that it is possible for the Government to co-opt a member of this description, who will be a representative of the agriculturist class when they proceed to this inquiry ? Even if the terms of reference do limit the members of the Committee and prevent them from co-opting such a member, the terms might be expanded and the Government might meet the wishes of the House so far as to co-opt a member of the agriculturists class so that the agriculturists who are the real people of the country might be represented on it. I therefore appeal to the Honourable Mr. McWatters to see that the wishes of this House are respected in this behalf.

THE HONOURABLE MR. J. W. A. BELL (Bengal Chamber of Commerce): Sir, I did not propose to speak on this Resolution at all ; but I have been very much impressed by the arguments put forward by my Honourable friends on my left. They seem to me to have made an appeal which is so strong that it can hardly be resisted, reasonably, by Government. I have always been struck in this House by the splendid loyalty of the representatives of the agricultural interests, and I think that they are deserving of recognition which, in this case, they have not received. There seems to have been some difficulty put forward, I think, by my Honourable friend, Mr. McWatters, to having one representative to represent the interests of every Province. But I do not think that the Resolution need be confined to one representative. If it be felt that agriculture is of sufficient importance, more representatives than one might be appointed in order that all the different Provinces, if their differences be so very great may be represented. I strongly support the Resolution moved by my Honourable friend.

THE HONOURABLE MR. A. C. McWATTERS (Finance Secretary): Sir, I admit that I have been extremely impressed by the unanimity of opinion among non-official Members in this House on this question, and I may say that, in view of this unanimity of opinion, I do not propose to press further the Government objection to this Resolution.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN: Thank you.

THE HONOURABLE SIR DINSHAW WACHA (Bombay : Nominated Non-official): Sir, I would like to say only one word. I entirely agree with what has fallen from my Honourable friend Dr. Dwarkanath Mitter. It would be the best thing to have members co-opted from the different Provinces as the Committee would find while going round the country that agricultural conditions vary. So that if a competent member might be co-opted in each Province this would give great and general satisfaction.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: Might I, Sir, with your permission say this much on behalf of the Government, that, in so far as the method of representation is concerned,—whether it should be as suggested by my Honourable friend, Dr. Mitter, that the representative of the agricultural communities in each Province could be co-opted to this Committee

[Dr. Mian Sir Muhammad Shafi]

or whether a representative of agriculture should be added to the Committee that is a matter to which the Government will give its best consideration.

THE HONOURABLE SARDAR JOGENDRA SINGH: I rise, Sir, to sincerely thank the House for the support that it has given to this Resolution. It has once more demonstrated that in all problems that affect the country the House has a sane and sensible view and gives its support to all things that are good and true.

Regarding the appointment of a member to the Committee, I think the Government would be well advised to appoint one member at least to this Committee, and then co-opt, if necessary, as the Committee goes round to the various Provinces. The problem of taxation is a great problem, Sir, and the question of taxation should not be lightly treated or treated in haste. I am sure the House will agree with me that, even if the inquiry takes a longer time and causes a little more expenditure, the House should not grudge it, but should insist on the whole question being thoroughly sifted, so that the basis of taxation might be placed on a firm foundation, equitable in all respects. It only remains for me to thank the Government for accepting this Resolution and showing that the Government realise their responsibility to the large population that they represent.

THE HONOURABLE THE PRESIDENT: Do I understand that the Honourable Member, in view of the Government assurance, asks leave to withdraw his Resolution?

THE HONOURABLE SARDAR JOGENDRA SINGH: My Resolution has been accepted, Sir.

THE HONOURABLE THE PRESIDENT: Does the Honourable Member in charge wish to reply?

THE HONOURABLE MR. A. C. McWATTERS: No, Sir, I am not opposing the Resolution.

THE HONOURABLE THE PRESIDENT: Resolution moved:

"That this Council recommends to the Governor General in Council that a representative of the producers may be appointed on the proposed Committee which is to inquire regarding taxation."

The question is that this Resolution be accepted.

The motion was adopted.

The Council then adjourned till Eleven of the Clock on Friday, the 19th September, 1924.

COUNCIL OF STATE.

Friday, 19th September, 1924.

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

QUESTION AND ANSWER.

SIR EDWARD COOK'S RESIGNATION OF HIS APPOINTMENT AS SECRETARY TO THE HIGH COMMISSIONER FOR INDIA.

416. THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: Under what circumstances and for what reasons was Sir Edward Cook transferred from his appointment as Secretary to the High Commissioner in England?

THE HONOURABLE MR. G. L. CORBETT: Sir Edward Cook asked to be relieved of his appointment for private reasons.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: May I ask a supplementary question? Is it likely that Sir Edward Cook will come back to India and take his place in the United Provinces where he has been gazetted?

THE HONOURABLE MR. G. L. CORBETT: I cannot say what Sir Edward Cook's intentions are.

INDIAN POST OFFICE (AMENDMENT) BILL.

THE HONOURABLE MR. A. H. LEY: (Secretary, Department of Industries and Labour): I beg to move:

"That the Bill further to amend the Indian Post Office Act, 1898, for certain purposes, as passed by the Legislative Assembly, be taken into consideration."

This is a very simple little measure and I do not think that I need detain the Council for more than a minute or two with an explanation. Most Honourable Members are probably aware that the use of stamping machines has recently been authorised for the stamping of letters in place of postage stamps. This is a measure which was authorised by the International Postal Convention which was held in Madrid in 1920. The advantages of these machines to large users of postage stamps, such as big commercial firms or big Departments, are obvious, and I do not propose to go into any detail, nor need I describe the machines themselves in detail. They are very ingenious. They consist of two or three meters, one being an invisible meter which can only be set by an officer of the post office. Each machine has to be licensed by the post office, and is under the control of the post office. The machine is set at a certain figure according to the wishes of the user, say, Rs. 200 or 300, and when that amount has been expended in the stamping of letters, the machine is automatically locked and cannot be used any further,

[Mr. A. H. Ley.]

that is to say, till it is reset by an officer of the post office. The Government have considered this matter carefully and are satisfied that there is practically no danger of fraud on the postal revenue from tampering with the machines themselves. The machines are fool-proof and thief-proof. But it is obvious that steps have to be taken to prevent the counterfeiting of impressions of these machines, so as to put them in exactly the same position as postage stamps and render the counterfeiting of these impressions liable to the same penalties. That, Sir, is the only object of this very small measure.

The motion was adopted.

Clauses 1, 2, and 3, and the Title and Preamble were added to the Bill.

THE HONOURABLE MR. A. H. LEY : Sir, I move :

"That the Bill further to amend the Indian Post Office Act, 1898, for certain purposes, as passed by the Legislative Assembly, be passed."

The motion was adopted.

IMPERIAL BANK OF INDIA (AMENDMENT) BILL.

THE HONOURABLE MR. A. C. McWATTERS (Finance Secretary) : Sir, I beg to move :

"That the Bill to amend the Imperial Bank of India Act, 1920, as passed by the Legislative Assembly, be taken into consideration."

Sir, the genesis of this Bill was a promise which was made by the Honourable the Finance Member rather more than a year ago, when the action taken by Government in connection with the Alliance Bank affair was being discussed in another place. It was common ground between Government and its critics that it was undesirable that the Imperial Bank should have to wait upon Government in a matter of this kind, and that it should be dependent upon Government before it could render the assistance which was necessary either to prevent or to mitigate the consequences of a serious financial crisis. The object of this Bill is simply to give effect to that promise and to relax the ordinary provisions of the Imperial Bank of India Act in cases where the Imperial Bank considers it desirable to take action of this kind. I have little doubt that this Council will agree without hesitation that this is in principle a very desirable measure. The Bill was introduced last March in the Assembly and was circulated for opinions. Those opinions will have been read by all Members of this House and they will see that there has been practical unanimity in favour of the Bill. The Bill was then referred to a Select Committee where certain amendments were made, and it has now come to us. The Bill, therefore, has been already very fully considered.

With regard to some points of detail, in the discussion in the other House, an addition was made to make it clear that this Bill referred only to banking companies registered under the Indian Companies Act which had a rupee capital. I may say that there are no companies registered under the Indian Companies Act which have not got rupee capital, and as a matter of fact Government are advised that it is extremely doubtful whether a company with sterling capital can be registered under that Act. But as there has been no

authoritative decision on the point, it was considered that there would be no harm in making this matter explicit since it was Government's intention that this Bill should be confined to assistance to Banking companies with rupee capital. A second point which was made clear in the amendment suggested by the Select Committee was that the Imperial Bank should be able to give this assistance in combination, if necessary, with other banks. There is one other point I wish to refer to because it is not included in the Bill itself. The Select Committee observed that it was very important that action of this kind should be taken with due caution, and therefore they considered it desirable that, before taking any action of this kind, the Imperial Bank should have a proper valuation made of the assets of the banking company which it proposed to assist, and that the assistance which it was to give should be limited to a definite proportion of those assets as ascertained; and further they considered that any action of this kind must receive the prior approval either of the Central Board of the Bank or, in case of extreme emergency, of the committee of the Central Board. The Select Committee did not suggest including these provisions in the Bill itself, but they considered it desirable that they should be included in the bye-laws of the Bank. I may point out to the House that the bye-laws of the Bank have to be framed with the previous approval of the Governor General in Council under section 31 of the Imperial Bank of India Act and these suggestions of the Select Committee will be considered in due course.

There is only one other point. When the Bill was before the other House an amendment was moved and carried extending the provisions of the Bill to co-operative societies. In the opinion of Government that amendment was not really a good one. The object of the Bill which deals with financial crises scarcely applies to the conditions under which co-operative societies work, and apart from that Government consider it very desirable that these societies should not learn to depend upon Government or outside assistance but should stand upon their own feet; also from the point of view of the Imperial Bank itself it is not desirable that large amounts of its funds should be locked up in securities such as those possessed by these agricultural societies which are not of an easily realisable character.

These views were presented in the other House but the amendment was carried. Now Government consider that this amendment is not an improvement, but, at the same time, the Bill is a permissive one and, in view of the considerations that I have pointed out, the Imperial Bank will naturally act with considerable caution before venturing to give assistance of this nature. In view of the fact that the Bill is permissive Government do not propose to move an amendment deleting this provision.

I hope that the House will agree that the Bill is a desirable one. I think that the mere fact of its being on the Statute-book will in itself help to prevent the necessity for the use of these provisions. Their existence will inspire confidence and confidence is the very breath of life of banking.

THE HONOURABLE SIR DINSHAW WACHIA (Bombay : Nominated Non-official) : I welcome this little amendment of the Imperial Bank of India Act. It is a very good one; it is a very judicious one, and as the Honourable

[Sir Dinshaw Wacha.]

Mr. McWatters says it will certainly inspire confidence in the mercantile and banking public. I am very glad to see that this amending Bill has been introduced and I welcome the proposal.

THE HONOURABLE THE PRESIDENT: The question is:

"That the Bill to amend the Imperial Bank of India Act, 1920, as passed by the Legislative Assembly, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3, the Title and the Preamble were added to the Bill.

THE HONOURABLE MR. A. C. MCWATTERS: I move:

"That the Bill, as passed by the Legislative Assembly, be passed."

THE HONOURABLE THE PRESIDENT: The question is:

"That the Bill to amend the Imperial Bank of India Act, 1920, as passed by the Legislative Assembly, be passed."

The motion was adopted.

INDIAN CRIMINAL LAW AMENDMENT BILL.

THE HONOURABLE MR. J. CRERAR (Home Secretary): I move:

"That the Bill further to amend the Indian Penal Code and Code of Criminal Procedure, 1898, for the purpose of affording greater protection to persons under the age of eighteen years, as passed by the Legislative Assembly, be taken into consideration."

This, Sir, is a brief Bill which is nevertheless an important one. I do not think however that I need detain the House very long as the matter which it contains has been before the public and some aspects of it at least have been already before the House. I will therefore begin with the year 1912. In that year, Mr. M. Dadabhoy (now Sir Manekjee Dadabhoy) introduced a Bill in the Indian Legislative Council dealing with this matter. In the same year other Bills dealing with matters germane to the same subject were introduced by Mr. Mudholkar and Mr. Madge and Government, as a result of the inquiry which these three Bills initiated, decided to introduce a Government measure. That measure was introduced by Sir Reginald Craddock in 1913 and was referred for opinion to Local Governments and subsequently to a Select Committee. The war supervened and it was found impossible to proceed with the legislation, and the matter now comes before the House. The circumstances now very considerably vary from the circumstances which subsisted in 1912 and 1913. As the House is aware there has been during the last three or four years an important body of legislation both Central and Local dealing with matters of a cognate character. The Indian Legislature in their Act XX of 1923, as the House will recollect, passed a measure expanding the provisions of section 366 of the Indian Penal Code and adding other sections with a view to implementing the ratification by India of the International Convention regarding the traffic in women and children. In the course of the present year a measure was enacted to alter the age in sections 372 and

373 of the Indian Penal Code. Besides that we have had a considerable body of very important legislation in local Legislatures. We have had the Burma Act for the Suppression of Immoral Traffic, the Bombay Prevention of Prostitution Act, the Calcutta Suppression of Immoral Traffic Act, the two latter of 1923, and two Local Governments, Bengal and Madras, have enacted Children Acts following pretty closely some of the more important provisions of the Parliamentary Statute relating to children; and a similar measure is, I believe, in process of being enacted by the Legislative Council of Bombay. Well, Sir, the measure now before the House, is as I said, a brief measure but a very important one.

It is intended in some respects to supplement certain aspects of local legislation to which I have referred, and in other respects to bring the general criminal law more into conformity with the standard set up in that legislation and more in conformity with the present state of public opinion in the matter. It has had to traverse very thorny and controversial ground, but I think the House will admit that, in the form in which it comes before it, it does represent a very useful measure, one which we can enact with every hope that it will become really operative.

I will touch very briefly upon the actual provisions of the Bill. As Honourable Members will observe it makes two important amendments in substance in sections 372 and 373 of the Indian Penal Code. It makes it perfectly clear that the ingredients of an offence under those sections will be complete even though the actual employment for immoral purposes takes place after the age of 18. It makes it also clear that the immoral employment contemplated does not extend merely to a habitual or permanent life of prostitution, but covers also single acts of illicit intercourse. We have also the very important provision which defines illicit intercourse, and that, as the House will immediately apprehend, has been one of the questions which have roused much difference of opinion, on which I submit an agreement has now been reached in the discussions in another place, which, without going so far as perhaps some of our reforming zealots might desire to go, represents nevertheless an important advance in the law. We must remember that this Bill applies to the whole of India, including very many backward tracts. I think it a reasonable proposition, a proposition which will be admitted by any one who has ever had any administrative connection with tracts of that kind, that there are certain things which in ordinary common sense, in humanity and in justice, however distasteful they may be to us, we must recognize. We must recognize that in some of these communities there are existing certain relationships which are regarded by these communities as quite respectable, which are really marital relations though they are not in any strict or judicial sense of the term matrimonial. It is to avoid any undue hardship in the application of the law to these cases that this definition has been framed. I must remind the House that the offences constituted by sections 372 and 373 are very serious offences indeed, and that the punishment may extend to ten years' imprisonment. We must therefore be very careful before we take steps which may have the effect of instituting a new offence,—we must consider that very carefully,—and we must consider further the conditions in which this law will be applied to which I have adverted very briefly. Most Honourable Members are

[Mr. J. Crerar.]

cognizant of the facts and many of them have direct acquaintance with the facts and will, I think, support me in that view.

I do not think I need add anything more except this. The House is probably aware that in the original form of the Bill there were certain provisions made for the custody of children and young persons dealt with under the Bill, what we may briefly call the rescue clauses of the Bill. The Select Committee in another place decided, for reasons which are set forth in their Report, that it would be inconvenient and probably improper that provisions of that kind should appear in our Criminal law. I think the House will appreciate the importance of that point of view. Consequently those portions of the original Bill have been omitted. I now move the motion standing in my name.

The motion was adopted.

Clause 2 was added to the Bill.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY (West Bengal : Non-Muhammadan) : Sir, with regard to clause 3 I have given notice of an amendment which runs as follows :

"That all the words after the words 'united by marriage' in *Explanation II* of clause 3 be omitted."

I beg to move that amendment.

The Honourable Mr. Crerar has in many ways made my work easy. He has given us the history of recent legislation in this direction, legislation that has been actuated by force of public opinion as well as by reason of convention elsewhere, which both the Houses of the Legislature have accepted in principle, namely, that in matters of this description the age of the minor girl should be raised as far as possible. He might have added that not only with regard to non-marital matters has an advance been made, but even with regard to questions of marriage the Legislature has not been slow in making such advance as is possible with regard to the raising of the age of consent in the case of married people, which is being further attempted to be raised. That legislation is still pending. I must recognize, Sir, that the changes that the Select Committee have made in the Bill in the other place are all for the better so far as they go. I am prepared to recognize within limitations the force of the suggestion that the Honourable Mr. Crerar has made, that so far as backward communities are concerned there are certain practices prevailing which have to be taken into consideration. The Government and the Legislature must do all they can to minimise what would be hardships, if a very rigid view was about to be taken. I cannot claim to be one of the Honourable Mr. Crerar's reforming zealots, and without being such I feel that the amendment that I have the honour to bring before this House ought to find acceptance. Where there is a basis of religious reasons Government and the Legislature ought to be careful, nay, apprehensive, about interfering with people's practices, but where no such reasons exist and when after all it is not proposed to penalise practices that may not appeal to some people, the question is whether in regard to the age question, with the advance of public opinion it would be desirable for the law embarking upon an amendment of this kind to give open, direct and almost aggressive recognition to practices that are certainly baneful,

objectionable and undesirable and have not the sanction of religion. My amendment has not for a moment proposed that anything should be done to penalize those practices themselves. I am only concerned with bringing the age question into line. We have raised the age with regard to sections 372 and 373 from sixteen to eighteen. It may be urged with regard to other matters, matters for example connected with offences such as kidnapping, that the necessary advancing of the age has not yet been made and there might be an inconsistency in raising the age in the case of one class of offences and not raising the age in another class. That exactly was the objection which the Honourable Sir Malcolm Hailey put forward, with force, on a previous occasion when the question of the raising of the age as a result of a Convention of the League of Nations first came before the Assembly. The force of that argument was admitted, and time was taken to consult public opinion and Local Governments and that time was usefully spent in the end, for the age was raised. That being so, the only question is as to whether this advancing of the age should be made nugatory regarding practices to which attention has been called, and out of respect to which *Explanation II* as it stands has been provided. We had a lower age limit in this section before, and such hardships as are now pleaded might then have well been pleaded for these connections did take place when the girl was of the age of sixteen. But the law never thought of making any provision of the kind that we are now invited to make openly and I say almost aggressively. The existing *Explanation* in section 312 quite sufficed. Well, Sir, as the House knows, time was when the Hindu community looked upon with the greatest disfavour the raising of the age of consent in the case of married people to twelve. There was a question of religious sanction behind that agitation, which was overridden, and the Government and the Legislature did not hesitate there to raise the age. Having deliberately advanced the age in that case, is it up to us to say that because the age of eighteen in non-marital cases is provided, practices that are spoken of in these cases should continue to enjoy the advantage or disadvantage of the lower age? Nobody suggests that after eighteen a girl should be free to do what she likes or that the guardians should be allowed to dispose of her as well as they may. Have we any right to say that the State, which is answerable for the welfare of all minors, should, after having taken a decisive step in other directions, continue to say that because in some province, among some sections of backward people, certain practices prevail, the advance of at least the age limit shall not be availed of in the case of those minors? I shall not bring out the old and as some say worn-out argument as to whether a minor who cannot sell or give away property is to be at liberty to give herself away and bargain for eternal damnation. That, Sir, is the class of argument that has been always produced in cases of this kind, and by advancing it now I shall not be much advancing my case. But the fundamental principle remains, and now that you have decided to advance the age and make necessary changes in other directions for very good reasons, it is not up to you to say that because of the existence of these practices that higher age limit should not apply to those cases. Well, Sir, when I was in the other House a gentleman from the south with fierce frankness proclaimed that the landed and wealthy aristocracy of his part of the country preferred for their own reasons damsels of sixteen for certain purposes and that the law should not interfere with that. Are we to listen to an argument of that kind? Sir, it is not a new class of cases

[Dr. Sir Deva Prasad Surva-Ihikary.]

that we are considering. Where there is a semblance of marriage, and that can be proved by the laws or customs of the community, the Courts would be very slow and loath to bring the offender to book. When we had a lower age limit this class of cases arose in connection with certain practices in Madras, and there were no hardships, with the existing qualifications and explanations. The House will bear with me for a moment while I read the decision of one of the full Bench cases in Madras.

"The acts imputed to the accused could not constitute an offence because they are sanctioned by the religious usages of Hindus."

I do not intend to interfere with anything that has religious sanction of any kind. The Hindu law has never been repealed, and if one of the many forms of marriage that the Hindu law sanctions, though they have become obsolete, be resorted to, I do not think any one would be able to bring the offender to book. The Court proceeded:—

"The 372nd and 373rd sections of the Indian Penal Code were intended for the protection of minors. They involve the declaration as a matter of general law that no person under the age of majority shall be devoted to a life of prostitution nor employed in, nor used for, any unlawful or immoral purpose nor placed in a position in which it is likely such person will be employed in, or used for, any such purpose."

I admit, Sir, that we are making a further advance in this direction because we are bringing within the purview of the law cases even of a single illicit intercourse, but we should bear in mind that one single illicit intercourse may for ever ruin a girl's life and never give her the chance that she has in other communities and in other countries.

"This rule, which is obviously suggested by the highest considerations of justice and morality, must control the exercise of all private law."

I take my stand upon that. The Court says that:—

"even in those cases in which the private law assumes to vindicate itself on the specious plea of religion no harm can accrue."

I do not want to go so far, but the Courts gave ample protection and still will. The decision further says:—

"If the terms in which this law is expressed are sufficient to include within their provisions acts done under colour of religion, those who participate in such acts are liable to the penal consequences, however laudable their motives according to the peculiar standard of morality adopted by the professors of their religion."

The point was fully considered and decided by this Court in *ex parte Padmavati*. . . . The learned Judges observe: "The argument that the treatment of such a transaction as criminal is impossible because the Hindu religion sanctions the practice and the private law recognizes private rights as flowing from it, is manifestly of no weight. An offence is every transgression of a penal law, and a rule of penal law is a rule of public law, and necessarily overrides every precept of private law, and cannot be affected by any arguments derived from that law. . . . With respect to the argument from religion, it is only necessary to observe that if the precepts of a particular religion enjoin acts which transgress the rules of penal law, these acts will clearly be offences. Where the Legislature intended that acts which otherwise would be offences should not be so because connected with religious observances, they have expressed that intention (Penal Code, section 292)."

That gives cover only so far as religious sanction is concerned. Here we are going to take a step further. In the terms of the Explanation II to clause 3

"any union or tie which, though not amounting to a marriage, is recognized by the personal law or custom of the community" is safeguarded against the higher age limit. The Madras Court went on further to show:

"Where the objection is founded not on a religious injunction but on a usage allowed by religion and suggested merely by sentiment, there can be no reluctance on the part of the Court so to interpret the law as to protect minors from a life considered by civilized nations as shameful."

And civilized nations have now leagued together and entered into certain negotiations which have been accepted and to which by the various enactments that have been referred to by the Honourable Home Secretary we have been trying to get sanction. Sir, I need not labour the point much further except to say that where a clear case on the basis of religious sanction can be made out, or where an institution is in vogue and is pleaded in mitigation of the offence and amounts to marriage the Courts of law will always give protection. Then, Sir, we have got to regard the section as a whole and as it stands. There also they have a certain amount of protection of which a capable defence advocate would not be slow to avail. The section says:—

"Whoever lets to hire or otherwise disposes of a minor under the age of eighteen years,"

and so on. To be an offence under this section it will have to come under the category either of "selling, letting to hire, or otherwise disposing of." To show how jealous and cautious the law Courts have been in deciding as to whether what has taken place amounts to "disposal of" or not, I shall quote from another decision. It is not a very savoury thing to do so, but I am afraid I have to refer to the decision.

"Where with the help of the mother of a minor girl a man performed the *kanyarikam* ceremony (which is, I suppose, somewhat prevalent in Madras)—which has the effect of an arrangement by which a man has sexual intercourse with a girl who has just attained puberty for three days—it was held that the mother and that man were not guilty of the offences under sections 372 and 373 because the act of the mother did not amount to 'letting to hire' or 'disposal of the minor.'"

As regards these amiable relations about whom we are supposed to be so anxious, it will have to be established to the satisfaction of the Courts of law that what has taken place amounts to selling, or letting to hire, or otherwise disposing of, before it can be penalised and negotiation and transactions of other kinds are safe. Even where such an atrocious thing has taken place as I have read out in that last Madras case, the Courts of law did not say that it amounted to "disposal". Therefore, I do not think that there need be any undue apprehension in the interests of those who resort to these practices. For the sake of giving them some relief, imaginary or otherwise, we need not enact this Explanation merely because the age limit is increased. I do not think that we should let it go forth to what has been called the civilised nations an enactment which whittles down in some respects, and important respects, what the League of Nations had agreed upon, which has been given effect to in the course of various pieces of legislation that have already been enumerated, and to bring which to a logical conclusion it is but right that the explaining words which I take objection to should be omitted.

[Dr. Sir Deva Prasad Sarvadhikary.]

Sir, this piece of legislation has already had the benefit of consideration by a Select Committee in the other House. Under the rules, when that has taken place we cannot have a Select Committee here and the advice which the House would be entitled to get if the matter was carefully considered in a Select Committee of its own is not open to it. Incidentally, I should like to draw the attention of the House to the serious disadvantage in which this House is placed in matters of this kind. Even when we recommend Joint Committees as in the case of the Succession Act Consolidation Bill, the other House for reasons of its own does not fall in with our views and Joint Committees sometimes do not come about. The difficulty of considering the matter carefully in this House except by the whole House going into Committee such as it is obliged to do when the details of the Bill come before us is extremely great and that has placed me in some disadvantage. I may or I may not be right in what I am putting forward. If I had the advantage of consulting Colleagues interested in the matter round a table, there might possibly have been methods of obviating some of the difficulties that the Honourable Mr. Crerar has referred to. But broadly speaking, not having all the assistance and not also having all the opinions that from time to time come from various quarters, and the connected literature, this House is in a position of some difficulty. That is what I should like to observe generally, and if it is possible to obtain any relief that you, Sir, may think of, I think that that should be forthcoming. But, as it is, I have no doubt in my mind that although Government are actuated by the best of advice on the advice of some of the Provincial Governments in framing this *Explanation* with a view to giving protection to all sections of the community, it is up to us here to support the general point of view by declaring that only for very cogent reasons should a proclamation of this kind in our legislation be allowed. I have myself no doubt that there will be no hardship if these words are omitted, because, as I have tried to show from the decided cases, as well as existing *Explanations* of section 372 the law Courts are always careful and jealous in guarding the interests of people who, having regard to the peculiar surroundings, are led into doing things which, though not absolutely immoral still absolve them from the consequences of their action. For these reasons, I beg to propose the amendment that stands in my name.

THE HONOURABLE MR. G. A. NATESAN (Madras: Nominated Non-Official): Though I am a layman I venture respectfully to draw the attention of my Honourable friend, Sir Deva Prasad Sarvadhikary, to the fact that there is a place called Malabar in the Madras Presidency. If this amendment of my Honourable friend were accepted, it would totally exclude from the operation of the Bill marriages or *sambandams*, thousands of which are contracted in Malabar, and which are as good as marriages. My Honourable friend might say that there is Sir Sankaran Nair's Malabar Marriage Act. But if my information is correct, and I took care to consult my Madras friends this morning, not more than a dozen marriages have been registered under that Act. Surely, it is not the intention of my Honourable friend, Sir Deva Prasad Sarvadhikary, that that should be so.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI (Law Member): Sir, I have no doubt whatever that in bringing forward this amendment my Honourable friend is actuated by a laudable spirit of social reform. But I would ask Honourable Members to bear in mind that ordinarily it is hardly desirable that the Legislature should penalise the customs and practices of communities, particularly in a country like India, merely because such practices and usages may be repugnant to our own advanced ideals in regard to social customs and habits. Indeed, except in cases where social customs prevailing amongst the people result in extreme injury to society or in the commission of what from a modern point of view is regarded as a crime, such as *Sati* and cases like that, social reform in a backward community ought to be the result of private efforts of the social reformer in the community itself rather than as a result of action by the Legislature. Moreover, I would ask the Honourable Members to keep in view the fact that India is not a country inhabited by one community, but is a sub-continent inhabited by a large number of communities some of whom are very backward in social and educational advance. In those circumstances it is not surprising that in some parts of the country customs and usages exist among the backward communities which, judged in the light of opinions and feelings as they prevail amongst highly advanced communities, may appear to be opposed to abstract principles of morality. Nevertheless among those communities such customs and usages of social union between men and women occupy, according to their own views, exactly the position which lawful marriage occupies in advanced societies. In these circumstances, to seek to penalise such customs and such practices is to my mind opposed to all sense of justice and of right. I believe not only in Malabar and other parts of Southern India, but even in the hilly tracts of northern India there are unions between men and women in certain backward communities, recognised by those communities as perfectly valid, which possibly judged by the higher standards of morality which exist in the case of advanced communities might be considered as opposed to our own notions of morality.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: Then they become marriages.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: They are not marriages in the sense in which that word is used in our legal phraseology or in the Penal Code or in the Criminal Procedure Code. They are not marriages in the light of the definition of "marriages" as accepted by our Courts, by the Legislature and by modern schools of law. Nevertheless among those backward communities such unions occupy practically the same position as lawful marriages occupy in more advanced societies, and it seems to me that it would be wrong on the part of the Legislature to interfere with such unions by declaring them as illegal and unlawful. On these grounds I ask my Honourable Colleagues to reject this amendment.

THE HONOURABLE SIR NARASIMHA SARMA (Member for the Department of Education, Health and Lands): I feel that I cannot let this occasion pass without saying a word by way of reference to Southern India which has been dragged into this controversy. The words "more

[Sir Narasimha Sarma.]

advanced " and " less advanced " have been used without a clear understanding as to what is meant by advanced and the Honourable Sir Deva Prasad Sarvadhikary seems to imagine that the practice relating to *devadasis* and union with *devadasis* are somehow protected by this clause. As I read it, I do not think the practices of *Kanyarikam* and similar practices, which I would certainly characterise as barbarous, are protected, but from my knowledge of Malabar whose customs would to a certain extent be included in the *Explanation* I can definitely say there are no people more progressive and more cultured, to be found both among men and women, than among the people inhabiting Malabar. You find among the upper classes hardly a woman who is not literate and many of them are learned in Sanskrit and know English. The peculiar customs of Malabar have been so adapted as to promote unions between men and women of different castes. The exact form of marriages as they obtain in other parts of India does not obtain in Malabar among large classes of the population. For instance a man need not support his wife there. I suppose many of us would consider it a blessing if it were so. The children of the union live on the property of the mother, the *tarwad*, which is indivisible. You cannot compel a lady to depart from her home and accompany the husband. There is freedom of divorce towards which civilised societies seem to be moving. Therefore, I would take strong exception to using the word "backward" when we speak of such Provinces or tracts of country as Malabar. The reason why this *Explanation* is so widely worded is to include unions which technically in our conception of the term may not be marriages but still which are unions which are respected as sacred, which carry obligations of a character which indicate very progressive conditions, where the people are very highly literate, and I do not think therefore that the Select Committee of the Legislative Assembly was wrong, was not well advised, in providing this *Exception* to suit the varying conditions of a widely differing Continent like India. I hope therefore this explanation would soothe the ruffled feelings of my friend Dr. Sarvadhikary. There is absolutely no idea in the mind of any one to sanction barbarous customs which perpetuate the humiliation of women. It is intended to raise the standard of women, and I can assure you that in some of these tracts which but for this *Exception* would be adversely affected, the status of women is very much higher than that obtaining in India, in Europe or America. I therefore think that this *Explanation* is perfectly sound in principle.

THE HONOURABLE MR. K. V. RANGASWAMI AIYANGAR (Madras : Non-Muhammadan) : I think that I should oppose this amendment because we have to reckon with the custom of the various communities. The personal law or custom of many communities vary. Personally I am for marriage reform in several directions of the several communities concerned, but this Bill only wants to raise the age of consent for unlawful and immoral purposes and marriage reform need not be introduced here, the object of the Bill not being for that purpose. Quasi-marital relations should not be treated as cases of immorality and unlawful purposes. Sir, I should think that the analogy brought in of the Malabar marriages does not fit in here. They are as sacerdotal as any of the other marriages in other countries, and I should raise my voice of

protest against any expressions of disparagement concerning the Malabar *Sambandam*. I take exception to some of the statements made. They have got a peculiar custom of contracting marriages without lighting the fire or observing any other ceremonies of the east coast, but they are as sacerdotal and as good and fast as any marriages in the other parts of the country. For an example of quasi-marital relations some marriages called the sword marriages adopted by the Mahrattas may be cited. Even such quasi-marital relations should not be differentiated from what are called *pucca* marriages. With these words I should say that I do not agree with the amendment of my friend Dr. Sarvadhikary.

THE HONOURABLE MR. YAMIN KHAN (United Provinces West : Muhammadan) : Sir, I strongly oppose the amendment. My reasons are that in different communities they have their own notions of morality. My attention has been drawn by a gentleman here to the system of union which is called *mota*. It is recognized among the Shiah sect of Mussalmans. It has the same force as marriage but is contracted for brief periods. It is not marriage and has not the legal significance attaching to the word "marriage". Then Sir, in my Province the *Shudras* have a curious notion about the second marriage of a widow. It is not called a marriage. The word they use is *Karao*. It has not the same meaning as the word "shadi" or "beao." It is quite different. In *karao* amongst the Shudra classes they do not undergo any form of ceremony, and for marriage it is necessary that a certain form of ceremony should be gone through, because if there is no ceremony then sections 494 and 498 of the Indian Penal Code will have no force, because under section 494 of the Indian Penal Code a second marriage of a woman is bigamy, and that is punishable and triable by a Court of Session. And for that it is necessary to prove that a certain form of marriage has been undergone by a woman before it can be established that a woman already married has contracted a second marriage with another man. Now Sir, in a *karao* marriage as there is no ceremony that will be a great difficulty if my friend's amendment is accepted. He wants to do away with the word "customs". But when children are born under a form of *karao* marriage—that is when a brother of the widow simply comes and tells a man to keep the widow in his house as his wife, that is quite sufficient : or the relations of the deceased husband may allow the widow to live with a certain man : and both these are supposed to be good unions, and the children born of them are quite legitimate and entitled to inherit property. So the words which my Honourable friend wants to delete will affect these kinds of connections and will be absolutely prejudicial to the children born under these unions. I think the words of *Explanation II* have been very carefully drafted with the view of including all kinds of unions which can be considered to have the same force as ordinary marriage, and it is not advisable to delete these words. I therefore oppose this amendment.

THE HONOURABLE DR. DWARKANATH MITTER (West Bengal : Non-Muhammadan) : Sir, I find that there has been some confusion in the discussion with regard to the idea of marriage. The Honourable the Leader of the House suggested that there was a definition in the Indian Penal Code of marriage as distinct from what is understood as marriage having reference to the personal law of each community. The Hindu, Buddhist, Muhammadan,

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[Dr. Dwarkanath Mitter.]

Sikh, Jain or Jew—whenever a question of marriage arises between them the validity of that marriage has to be determined by the personal law of each of those communities. I would not have supported the amendment of my Honourable friend Dr. Sarvadhikary if the Honourable Mr. Crerar would have agreed to this, that from the words “quasi-marital relations” the word “quasi” be removed. Because I quite acknowledge and recognize that in different parts of India marriage is not governed simply by the personal law, but by customs which have the force of personal law. And as we all know, it has been recognized by the Judicial Committee of the Privy Council perhaps 50 years ago that in India custom outweighs the written text of law. That being so, if the intention of the amendment is to protect girls who have entered into a union which has the force of marriage, not simply by the personal law but by any particular custom which prevails in a particular community, the removal of the word “quasi” will meet that condition. And in this connection, Sir, may I draw your attention to this. This *Explanation* was added to the Penal Code in 1912, and it ran as follows:—

“For the purpose of this section and section 373 illicit intercourse means sexual intercourse between persons not united in marriage or bound by any union or tie which though not amounting to a marriage is recognized as lawful by their personal law.”

The question, Sir, is not one of social reform, as the Leader of the House has been pleased to point out. What is the necessity for introducing legislation changing the *Explanation* which originally existed in the Code as it now exists, merely because the age has been raised from 16 to 18. I find that Mr. Mayne, whose classic textbook on criminal law is well known, when this *Explanation* was introduced, pointed out that the result of that *Explanation* would be—and it is a very significant comment which Mr. Mayne makes—I find that that edition is edited by Swaminandan, a Madras Barrister, who says:

“It remains to be seen whether the interpreters of the section will use the amendment of *Explanation II* for the furtherance of immorality and unbridled licentious habits of well-to-do classes.”

Of course I am reading the text; those are Mr. Mayne's remarks. This is not a weakness simply of the well-to-do classes but one which affects all classes. But what I submit is, that if it is said that marriages recognized by personal laws or by customs will be excepted by reason of this *Explanation*, that will meet the case, not only of Malabar, but also of the institution of dancing girls which exists in Madras of which of course we read in books. I do not know myself how the institution is carried on, but it is generally said that the institution of dancing girls is not a very desirable institution. Of course it has existed in Madras for a very very long time, but I do not know that any sanctity attaches to the institution; although of course they have their own peculiar rights, and I understand there are adoptions amongst them and they live also like householders. With regard to the case of Malabar, a Malabar marriage is a good marriage for this reason that their society as I understand it, instead of being a patriarchal society where the father is recognized as the head of the family as in other parts of the world, is a society where the mother is the head, where a marriage is a good marriage and must be recognized and must fall within the first part, which is marriage recognized by law or custom. I therefore appeal to the Honourable Mr. Crerar.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: “Recognized according to custom or according to personal law?” That is the point.

THE HONOURABLE DR. DWARKANATH MITTER: I am thankful to the Honourable the Leader of the House. Marriages by custom are legal marriages. No one has ever said that any marriage which is recognized by custom is not regarded by the Legislature as such especially with reference to the Penal Code or with regard to any question of legitimacy or inheritance, no one has said that such a marriage has not been recognized as a good marriage. As I stated at the outset, it has been recognized both in Hindu and Muhammadan law that custom must outweigh the text of the law, and I therefore submit that the removal of the word “quasi” might meet what the Honourable Sir Deva Prasad Sarvadhikary wants.

THE HONOURABLE MR. LALUBHAI SAMALDAS (Bombay: Non-Muhammadan): Sir, I do not want to give my silent vote on this question because the question of morality has been raised, not of religion, not of social reform—but it is a question of morality. Are we going back or lowering our moral level by putting on our Statute-book a measure of this character? As it is, Sir, my Honourable friend, Dr. Mitter, has made it quite clear that if we accept this *Explanation II*, we are going back on the old *Explanation* as it stands in the Act. Probably that is a compromise which has been arrived at in the Select Committee of the other place, because while, they all wanted to raise the age from sixteen to eighteen they did not agree as to the best manner of doing it. Is that a sufficient reason to bring down the moral level from the present higher level? I am not one of the social reforming zealots referred to by the Honourable Mr. Crerar; still as one who does take a pride in belonging to the social reform party, I do hope that the amendment moved by the Honourable Sir Deva Prasad Sarvadhikary will be accepted by Government—may I suggest that Members on the Government Benches may be given freedom by the Leader of the House to vote as they like and that they should not be asked to vote for the measure. I am quite sure, Sir, that if they consider the question on its own merits, the Members on the Government Benches will feel that it is absolutely necessary either to delete the latter portion of the clause as suggested by my Honourable friend, Sir Deva Prasad Sarvadhikary or at least to drop the word “quasi” which has been added, not by Government but in the Select Committee. That word had not been put in by Government in the first instance in the original Bill—but it has been put in as the result of a compromise by the Select Committee. The Government, as Government did not put in the words “quasi-marital relation”, and the Government Benches should have the freedom to vote against it or in favour of it as they desire.

THE HONOURABLE SARDAR JOGENDRA SINGH (Punjab: Sikh): Sir, my only reason in rising to speak on this amendment is that the Age of Consent Bill was first brought forward before the Government by my late lamented friend, Mr. Byramji Malabari. There was a great agitation against it. My venerable friend, the Honourable Sir Dinshaw Wacha could tell you more. He was deeply concerned in this matter. It is a great thing that the age of consent has been raised to sixteen. I will not go into the question whether the amendment moved by my Honourable friend, Sir Deva Prasad Sarvadhikary, is

[Sa dar J g ndr Singh]

required or not; but I do feel that the definition of "marriage" itself should be clear enough to include all kinds of marriages. Why should there be a further complication by the use of the word "*Quasi*"? The Honourable the Leader of the House knows that in the Punjab there are various kinds of marriage that are contracted; and the High Court has gone even so far as to recognize that a man and a woman who have been living together openly for a long time should be regarded as legally married. If that is so, and the law recognizes it, where is the need for putting in any further explanation in the law itself? Then, Sir, as to the advanced ideas of marriage, I would refer the House to a very interesting book by Edward Carpenter, 'Love's Coming of Age'. If love ever comes of age, men and women will then obey a higher law, which will claim complete self-servitude.

THE HONOURABLE MR. J. CRERAR: Sir, my reply will be very brief. I am sure that the views expressed by my Honourable and learned friend and those who have supported him will command respect and sympathy, but will not carry conviction. My Honourable and learned friend has disclaimed the zeal of the reformer, but I think he has gone very far to justify his assumption of the title. He has made one suggestion which, if I may venture to say so, is rather surprising coming from so distinguished a lawyer—the suggestion that by their proposals the Government are asking the Legislature to give an open, an overt and an aggressive recognition to immoral practices. Now, Sir, surely, if the Government and the Legislature hesitate to impose a penalty of ten years' imprisonment in connection with a particular form of union, they are not giving an open, an overt and an aggressive recognition to immoral connections. When we examine more closely the general position taken up by the Honourable Mover, I think we shall find that his ground is really a very narrow one. He himself said, or at any rate he indicated, that the Courts would take a very liberal view of this enactment. Well, Sir, when you are passing a penal enactment, it is a very dangerous thing in the first instance to presume that the Courts will take a liberal view. He went on to suggest that the Courts should be satisfied by "any semblance of marriage". Well, Sir, if my Honourable and learned friend is content with a penal provision of this character on the presumption that the Courts will give it a liberal interpretation, if he is content that the Courts should recognize and give the benefit to any semblance of marriage, I cannot conceive why he should object to the words of the *Explanation* as it stands. Then, again, my Honourable and learned friend said that his intention was that the practices which a religion sanctioned should be respected and protected. But, Sir, is that the only kind of practice that is entitled to some measure of respect, to some measure of protection? Are there not social customs, communal customs, which so long as they do not transgress any grave principle of morality, which nevertheless have no specific religious sanction, are they also not entitled to some measure of respect, to some measure of protection? I submit they are. I did not entirely understand nor clearly gather whether the Honourable Dr. Dwarkanath Mitter supported the amendment. It appeared to me that though he intimated his support of the amendment, his whole argument was opposed to it, and he also, if I may venture to say so, took a somewhat narrow ground. What is the objection to the word "*quasi*"? If the

relations are marital relations without qualification, then they amount to legal matrimony and are not within the danger of the Bill. If they are relations regarded generally by the most responsible opinion of the community concerned as practically amounting to marital relations, though not definitely so in law, then they are quasi-marital. And a further point: it is not clear to me whether he urged that we should accept custom as well as personal law. Indeed the particular form which this *Explanation* has taken in the Bill was derived to a large extent from a suggestion made by the Government of the United Provinces, and I think I might read what they said:—

"His Honour is not satisfied that the second *Explanation* to the latter section represents, as it now stands, the best solution of what is undoubtedly an extremely difficult problem of definition.

"It appears to him that the expression 'their personal law' will be open to a large variety of interpretations by the Courts and that, in particular, it has very little relation to the well-recognised caste practices which will usually be the real question for consideration."

"He is, for example, doubtful as to whether the widespread and comparatively reputable practice of *kurao* can be described as a personal law."

This is the same instance which my Honourable friend, Mr. Yamin Khan gave.

Sir, I would ask the House to consider carefully this. Does this *Explanation* go too far? Are they prepared to cut down this *Explanation* to the terms suggested by the Honourable Mover? Are they prepared to set up an offence of that character in the conditions and circumstances and with reference to the particular customs and habits of certain communities—are they prepared to do that and to permit Courts to inflict a penalty of ten years' imprisonment for an infringement of the law?

THE HONOURABLE THE PRESIDENT: To the motion before the Council that clause 3 do stand part of the Bill an amendment has been moved:

"That all the words after the words 'united by marriage' in *Explanation II*, be omitted."

The question that I have to put is that that amendment be made.

The Council divided:—

AYES—4.

Jogendra Singh, Mr.
Lalubhai Samaldas, Mr.

Mitter, Dr. D. N.
Sarvadhikary, Dr. Sir D. P.

NOES—30.

Abbott, Mr. E. R.
Amiruddeen Ahmad Khan, Nawab Bahadur.
Ayyangar, Mr. K. V. R.
Berthoud, Mr. E. H.
Coldstream, Lieut.-Col. J. C.
Commander-in-Chief, H. E. the.
Corbett, Mr. G. L.
Crerar, Mr. J.
Dawn, Mr. W. A. W.
Ismail Khan, Mr.
Khaparde, Mr. G. S.
Ley, Mr. A. H.
MacWatt, Major-General R. C.
McFarland, Mr. W. G.
McWatters, Mr. A. C.

Misra, Pandit S. B.
Mitter, Mr. K. N.
Naidu, Mr. V. R.
Natesan, Mr. G. A.
Padshah Sahib Bahadur, Saiyed Mohamed.
Rampal Singh, Raja Sir.
Sarma, Sir Narasimha.
Shafi, Dr. Mian Sir Muhammad.
Singh, Sardar Cherranjit.
Thompson, Mr. J. P.
Umar Hayat Khan, Col. Nawab Sir.
Wild, Mr. A. C.
Yamin Khan, Mr.
Zahir-ud-din, Mr.
Zulfiqar Ali Khan, Sir.

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[The President.]

The motion was negatived.

Clause 3 was added to the Bill.

Clause 4 was added to the Bill.

THE HONOURABLE THE PRESIDENT: Clause 5.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: There is an amendment to this clause standing in my name which I beg to move, namely:

"That the word 'eighteen' be substituted for the word 'sixteen' in clause 5 of the Bill.

The section proposed to be amended reads as follows:—

"Upon complaint made to a Presidency Magistrate or District Magistrate on oath of the abduction or unlawful detention of a woman, or of a female child under the age of fourteen years, for any unlawful purpose, he may make an order for the immediate restoration of such woman to her liberty, or of such female child to her husband, parent, guardian or other person having the lawful charge of such child, and may compel compliance with such order, using such force as may be necessary."

To that section the amendment proposed by the clause in the Bill is that for the word "fourteen" the word "sixteen" should be substituted. That is the amendment which this Bill seeks to make. I desire further to amend that amendment by asking that the word "eighteen" should be substituted for the word "sixteen". Honourable Members will observe that the change now proposed is that the age in that section should be higher than it has been hitherto. It is a move in the right direction but does not go far enough. I ask, why make it 16 and not 18, because you have raised the age limit with regard to some of the offences, if not in regard to all. There is no reason to lag behind because some offences of this class still remain to be dealt with? The remainder of the work will be done in time. In the meantime, however, where an offence of the kind mentioned in section 552 has occurred, is there any reason why a girl of eighteen who is certainly a minor under the Minority Act should not be dealt with for the purposes of this section in exactly the same way as a girl of fourteen or sixteen, as the case may be?

Questions of *habeas corpus* and some other difficult questions might possibly arise and some reliance is placed in this concern on a ruling reported in the Indian Law Reports 16 Bombay. There however the Court was clearly of opinion that the Court should be guided by the circumstances of each particular case and that the welfare of the infant irrespective of its age should be the main feature to be regarded. What is good for a girl of 16 is certainly good for a girl of 18—still a minor—and there is no reason why this differentiation of age should be made now when we are attempting to amend the law. I do recognise, as I have said, that there are other amendments in the law which will have to be made, exactly the thing that I urged when exception was taken to raising the age to 18 in connection with other matters. And what I urged then has been partially accepted. I do not want to labour the point long, but I submit that there ought not to be any differentiation in the wording of the section 552 of the Criminal Procedure Code and sections 372 and 373 of the Indian Penal Code so far as the age of the girl is concerned.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: I have no hesitation whatever in asking the House to reject this amendment. It is quite true that under the Indian Majority Act a girl under 18 years of age is not a major for certain purposes: but as I am sure every Honourable Member of this House knows both under the Muhammadan law as well as the Hindu law a girl after she has arrived at the age of puberty is at perfect liberty to give herself away in marriage to any one she likes, irrespective of the consent of her guardian, whoever that guardian may be. In fact according to Hindu law, if the parents of a girl, after she arrives at the age of puberty, do not give her in marriage to some one it is considered a sin on the part of the parents, and the girl can give herself away in marriage to any one she likes, provided he does not come within the limitations which are laid down by Hindu law with regard to prohibited degrees and so on.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: Why provide an age-limit?

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: I will explain why. There have been conflicting rulings in the judgments of the High Courts as to when an Indian girl may presumably be said to have arrived at the age of puberty. It is 14, 15 and 16 in various judgments, and, therefore in order to settle that dispute once for all, perhaps it may be desirable in this section 552 to substitute 16 in the place of 14 as it stands at present. I can see no reason whatever to go beyond 16 when according to the personal law of both Hindus and Muhammadans a girl after she has arrived at the age of 16 at least is regarded as major for purposes of marriage and can give herself in marriage to any one she likes. Indeed it seems to me that if we look at the language used by the Legislature in section 552 the section will be reduced to something ridiculous in its nature if we substitute the word 18 for the word 14. It seems to me that to speak of a female child under the age of 18 years is ridiculous. I would like my Honourable friend to address a young lady of 17 years and 11 months as a mere child and see what reply she will give him.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: I would not care or dare to face "sweet 16" with that epithet.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: I have no doubt that my Honourable and learned friend during the long course of his practice at the Bar has come across cases which I certainly have in the Punjab more than once where two guardians, a female guardian and a male guardian, claiming to be the lawful guardians under the personal law, one of them with the consent of the girl has married her to somebody but the other guardian puts in an application under section 552 that the girl is being unlawfully detained or in order merely to involve the opposite party in trouble goes into Court under the Indian Penal Code and charges the husband of the girl to whom she has been lawfully married with her own consent with abduction or kidnapping. My Honourable and learned friend will be encouraging that sort of practice if he were to substitute 18 in place of 14 in the present section. The number of applications under section 552 will go up by leaps and bounds if the suggestion contained in my Honourable friend's amendment is accepted. I would therefore ask the House to reject the amendment.

THE HONOURABLE THE PRESIDENT: Does the Honourable Member desire to press his amendment?

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: Yes.

THE HONOURABLE THE PRESIDENT: The question is:

“That in clause 5 of the Bill the word ‘eighteen’ be substituted for the word ‘sixteen.’”

The motion was negatived.

Clause 5 was added to the Bill.

Clause 1, the Title and Preamble were added to the Bill.

THE HONOURABLE MR. J. CRERAR: I 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 Indian Penal Code and Code of Criminal Procedure, 1898, for the purpose of affording greater protection to persons under the age of eighteen years, as passed by the Legislative Assembly, be passed.”

The motion was adopted.

INDIAN SUCCESSION (AMENDMENT) BILL.

THE HONOURABLE SIR ARTHUR FROMM (Bombay Chamber of Commerce): Sir, I beg to move for leave to introduce a Bill to amend the provisions of section 27 of the Indian Succession Act, 1865.

Honourable Members of this Council are no doubt aware that when the Indian Succession Act of 1865 was passed, section 27 of it was framed on the lines of the legislation in England. Some time later the law in England was altered, but no alteration has been made in the law out here. I do not suggest that we in India should blindly copy the law of England, but on this occasion I think the amendment of the Act in England in order to afford relief with regard to small estates might well be adopted in this country. I should like to explain at once that the Act, which I seek to amend as regards section 27, does not apply in any way to intestate or testamentary succession in the property of any Hindu, Muhammadan or Buddhist. And equally that Act does not apply to Parsis who come under a separate Parsi Intestate Succession Act. So in effect this small Bill which I am introducing has relation only to Europeans and Anglo-Indians in this country. The Statement of Objects and Reasons I think will make quite clear to the Honourable Members of this Council the object I have in view. It is to deal with quite small estates. When a widow, in cases where there are no lineal descendants, succeeds to the property of her husband, if that property is Rs. 5,000 or less, it is suggested she should enjoy the benefit of the whole. I think, Sir, that is a very reasonable suggestion. Take, for instance, a small property of Rs. 2,000. Under the law as it stands at present the widow would receive a thousand and the balance of a thousand would go to her kindred relations. I think it would be much better and much more befitting for the widow to receive the whole. This only has application up to Rs. 5,000; but if the estate is bigger than Rs. 5,000, the

widow still has a first call of Rs. 5,000 of it. I think Honourable Members of this Council will recognize the benefit of the law in England with regard to this matter which deals with estates up to £500—and will agree that a similar law introduced into this country for small estates of Rs. 5,000 can only be regarded as beneficial.

There is just one other matter I would like to refer to. There is a slight printer's error in the Statement of Objects and Reasons. 53 and 54 Geo. V, should be 53 and 54 Vict.

Sir, I beg to move for leave to introduce this Bill.

THE HONOURABLE THE PRESIDENT: The question is:

“That leave be given to introduce a Bill to amend the provisions of section 27 of the Indian Succession Act, 1865.”

The motion was adopted.

THE HONOURABLE SIR ARTHUR FROMM: Sir, I introduce the Bill.

THE HONOURABLE SIR ARTHUR FROMM: Sir, I also beg to move the following:—

“That this Council do recommend to the Legislative Assembly that the Bill to amend the provisions of section 27 of the Indian Succession Act, 1865, be referred to a Joint Committee of this Council and of the Legislative Assembly, and that the Joint Committee do consist of 12 Members.”

It will doubtless be in the recollection of Honourable Members that the Honourable the Home Member, Sir Alexander Muddiman, introduced a Bill from the Chair of this Council in February last at the Delhi Sessions. The Bill was one of considerable importance and seeks to consolidate the law applicable to intestate and testamentary succession in British India. That Bill I understand has not been dealt with in the other House, and there is a suggestion from this House to the Assembly that when it comes up there it should be referred to a Joint Committee of both Houses. I think therefore it would be expedient for this small Bill to be referred to that Committee at the same time, and that is my object in the motion which I have just brought.

THE HONOURABLE MR. YAMIN KHAN (United Provinces West: Muhammadan): Sir, I support the motion. I am thoroughly in favour of this Bill and I think it is a step forward towards the protection of widows. According to Muhammadan law also the widow is entitled to the dowry which is fixed before marriage, and I am glad that that provision in our law is being recognized by my Honourable friend in his measure. I have seen very many hard cases in which widows were hardly hit. This Bill will remove difficulties in many cases. I quite see the advisability of clause 1 of section 27-A as proposed by my Honourable friend, that where the property does not exceed Rs. 5,000 that may go entirely to the widow. But he has not made any limitation as to the amount up to which this charge will remain. Supposing the intestate leaves property worth three lakhs, then this condition will still be applicable and there will be a first charge on the property of Rs. 5,000 which will go to the widow, and the remainder after paying the debts will be apportioned amongst the other relations who inherit the property. In this case the poorer people might be affected. Among Europeans this may not affect them very much, but among Anglo-Indians and Indian Christians who follow the same law of

[Mr. Yamin Khan.]

Indian succession and are not well-to-do, they might be affected in this case and the relatives of the intestate might be affected by this provision. So I think that it is very advisable to refer this Bill to a Joint Committee. I am personally in great favour of this Bill, but it is going to affect the poorer people. For instance, at present if the intestate leaves Rs. 5,000 and there is a widow and a brother, Rs. 2,500 goes to the widow and Rs. 2,500 to the brother under the existing law. This Bill of course will deprive the brother, who might be poor and in need of it, of that Rs. 2,500. It is therefore advisable that poor people like this who are going to be affected should be consulted. It might have been better if the Bill, because of this provision, had been circulated amongst the communities who are going to be affected. Of course I am no authority, but I am speaking as the friend of several Anglo-Indians who have settled down in India, who own property and zamindaris, and here and there I know of cases which might be affected by this provision. So I simply venture to suggest to the Honourable Mover of the Bill that he might do well to consult those people, as it will strengthen his hands in the future.

With these observations I support the motion.

THE HONOURABLE SIR ARTHUR FROMM: Sir, I thank the Honourable Member for his observations on this Bill. The only remark I have to pass with regard to his suggestion is that what I had in mind was that an estate of Rs. 5,000 might usually be regarded as so small that a division of it does no good to anybody, and I consider that the wife of a man has the first call on his property up to that amount. Still, I have no doubt that the point raised by my Honourable friend will be fully considered if this Bill goes to a Joint Committee as I have suggested.

THE HONOURABLE THE PRESIDENT: The question is:

"That this Council do recommend to the Legislative Assembly that the Bill to amend the provisions of section 27 of the Indian Succession Act, 1885, 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.

STATEMENT OF BUSINESS.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI (Law Member): It was hoped, Sir, to conclude the business of the current Session on Tuesday next. Owing, however, to the course of events in another place certain difficulties have arisen which I am under the necessity of placing before you. Motions are being made in the other House to-day for the consideration and passing of a Land Customs Bill. Government are anxious that the Bill in question should become law during the current Session and, if this desire is to be secured, the following alternative courses suggest themselves.

In the first place, the existing arrangement under which the Council will not meet again till Monday next might be left undisturbed. In that event the Bill, if passed by the other House to-day, would be laid on the table of this Council on Monday, and it would not be possible, save in virtue of a direction by yourself under rule 27 of the Indian Legislative Rules, to proceed with

the Bill in this Council before Thursday, the 25th instant. Some Honourable Members would probably find it inconvenient to remain in Simla for a meeting on that day, and, in these circumstances, you would perhaps, Sir, be prepared, in the event of the Bill being laid on Monday, to consider favourably the giving of a direction under the rule to which I have referred that the consideration and passing of the Bill should be put down for the following Tuesday or Wednesday. Alternatively, a meeting of this Council might be held to-morrow for the laying of the Bill, in which case the consideration motions could be put down for Tuesday next under the ordinary rule. This course, however, is open to the objection of bringing Members to the Council Chamber for the sole purpose of seeing the Bill laid on the table and it may be—especially in view of the fact that I can of course give no guarantee that the Bill will in fact be passed by the other House—that the general convenience would be better served by adhering to the original arrangement under which we will not meet again until Monday.

THE HONOURABLE MR. A. C. McWATTERS (Finance Secretary): Sir, would there be any objection, in the event of the Land Customs Bill being passed in the other House to-day, if the Bill and connected papers be circulated to Honourable Members this evening or to-morrow morning? In that case Honourable Members would have the papers in their hands for some days, even though the Bill has not formally been laid? And perhaps in that case you might find less objection in ruling that the Bill might be taken into consideration on Tuesday or Wednesday?

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: There is, Sir, if I may venture to say so, nothing in the Rules to prevent that being done.

THE HONOURABLE THE PRESIDENT: Does any other Honourable Member wish to make any observations?

THE HONOURABLE PANDIT SHYAM BIHARI MISRA (United Provinces; Nominated Official): Sir, I entirely support the proposal made by the Honourable Mr. McWatters; I think this would be the best course to be adopted in the circumstances.

THE HONOURABLE THE PRESIDENT: In view of the statement made by the Honourable the Leader of the House, to the effect that he can give no guarantee that the Bill will be passed to-day in another place, I am not prepared to call the Council together for to-morrow morning. Therefore, if any Bill is passed, with which the Government wish to proceed, they must lay it on the table on Monday, and I must reserve full liberty of judgment as to what direction I shall give on that day. I do not want to make up my mind until I have ascertained on Monday what the views of the House in general then are. I am not prepared to ask the House to say now, before the Bill has been passed, whether they will agree to its being taken on Tuesday or not. It will of course influence my judgment, and no doubt that of Honourable Members also, if any Bill which is passed to-day is at once circulated to all Honourable Members so that they will be in a position on Monday to acquaint the Chair with their opinion as to whether it should be taken at once or after the usual interval. I may add that should the Bill be circulated to-night or

[The President.]

to-morrow morning, there will be no objection, if Honourable Members desire to move amendments, to their sending them in informally at once.

The Council will now stand adjourned until Monday next, the 22nd September, at Eleven of the Clock.

The Council then adjourned till Eleven of the Clock on Monday, the 22nd September, 1924.

COUNCIL OF STATE.

Monday, 22nd September 1924.

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

THE HONOURABLE THE PRESIDENT: The Honourable Rai Bahadur Lala Ram Saran Das.

THE HONOURABLE SARDAR JOGENDRA SINGH: Sir, I have been asked by the Honourable Gentleman to put the questions for him, with your permission.

QUESTIONS AND ANSWERS.

REDUCTION OF STAFF CONSEQUENT ON THE ADOPTION OF THE NEW DIVISIONAL ORGANIZATION ON THE NORTH WESTERN RAILWAY.

417. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: (a) Will the Government be pleased to state what annual saving in establishment does the North Western Railway anticipate in adopting the new divisional system similar to that adopted on the Great Indian Peninsula Railway?

(b) What is the total number of officers who have been or will be retrenched or reduced in this connection, and what is the total amount of their salaries?

(c) What is the total number of subordinates who have been or will be retrenched or reduced in this connection, and what is the total amount of their salaries?

(d) What is the total number of clerks who have been or will be retrenched or reduced in this connection, and what is the total amount of their salaries?

(e) When is the new system to be enforced?

(f) Is it a fact that the North Western Railway has issued orders for the forfeiture of the gratuity of those clerks who have been reduced to effect economy and who refuse to accept the reduced salary and wish to retire? If so, why?

THE HONOURABLE MR. G. L. CORBETT: (a), (b), (c), (d) and (e). The permanent superior establishment of the North Western Railway, to be adopted when all the stages of the change from the present to the new divisional organization are completed, reduces the number of permanent officers from 224 to 214, and their aggregate average pay per mensem from Rs. 2,20,173 to Rs. 2,12,634. Sanction to adopt the new organization was accorded on 5th September 1924. The new organization will render possible gradual economy in the employment of staff, and such economy will be in accordance with the policy urged by the Legislative Assembly and the Inchcape Committee, that working expenses in all directions including establishment should be reduced to the lowest limits compatible with efficiency and safety. It is not possible at this stage to state the number of employees who will gradually

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become redundant, or the saving of expenditure, as the result of the adoption of a divisional organization on the North Western Railway.

(f) The matter is being inquired into and the Honourable Member will be informed of the result.

APPOINTMENT OF MR. F. WEBB AS SUPERINTENDENT, CENTRAL REGISTRY OFFICE IN THE OFFICE OF THE AGENT, NORTH WESTERN RAILWAY.

418. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : (a) Will Government kindly state whether one Mr. F. Webb has been appointed as Superintendent, Central Registry Office, in the Office of Agent, North Western Railway, on a salary of Rs. 350 rising to Rs. 400 per mensem ; if so, what are his duties and responsibilities ?

(b) Is it a fact that Mr. Webb was a chargeman in the North Western Railway Carriage Shops getting Rs. 210 per mensem prior to his new appointment ?

(c) Is it a fact that Mr. Webb had no office experience and that he never even held charge of any branch in any office ? If so, what led to his new appointment ?

(d) Will the Government kindly state how many clerks in class V in the Rs. 275 grade, who gave satisfaction when officiating as Superintendents in North Western Railway offices, have been superseded by this appointment and for what reasons ?

THE HONOURABLE MR. G. L. CORBETT : Government have no information. The selection of the best men for posts of this nature is a matter which must be left to the Agent's discretion.

EXTENSION OF THE PRESENT REVENUE SETTLEMENT IN THE UNITED PROVINCES.

419. THE HONOURABLE MR. MUHAMMAD YAMIN KHAN : (a) Have the Government of India got any control over the United Provinces Government in the matter of extension of period of revenue settlement ?

(b) If so, have the Government of the United Provinces ever represented to the Government of India within the last three years the desire of the United Provinces Council for the extension of the present revenue settlement ?

(c) Did the United Provinces Government bring to the notice of the Government of India that the United Provinces Council rejected their demand for the expenditure for the purpose of revenue settlement ?

(d) Was it ever brought to the notice of the Government of India that His Excellency the Governor of the United Provinces allowed the expenditure rejected by the Council for the revenue settlement purposes ?

(e) Was this expenditure allowed after consulting the Government of India ?

(f) If the wish of the United Provinces Council was represented to the Government of India, what steps, if any, did the Government take in this matter ?

THE HONOURABLE SIR NARASIMHA SARMA : (a) The Government of India exercise control over all Local Governments with regard to the

general and recognised principles of assessment and the period for which settlements may be sanctioned or extended.

(b) The answer is in the affirmative.

(c), (d) and (e). The answer is in the negative.

(f) The matter will be taken into consideration when the United Provinces Government makes its recommendation.

THE HONOURABLE MR. MUHAMMAD YAMIN KHAN : My question part (f) is, was any representation made to the Government of India ?

THE HONOURABLE SIR NARASIMHA SARMA : The United Provinces Council's wish has been forwarded to us without any recommendation of the Local Government, and we cannot take into consideration any such wish until the Local Government forward it to us with their views.

THE HONOURABLE MR. MUHAMMAD YAMIN KHAN : I want to know whether it was brought to the notice of the Government of India that such was the wish of the Local Council.

THE HONOURABLE SIR NARASIMHA SARMA : I have already answered in answer to part (a) that the United Provinces Government have communicated to us the desire of the United Provinces Council.

GRANT OF A PROSPECTING LICENCE FOR PETROLEUM AT MOGHAL KOT TO MESSRS. GRAHAM AND COMPANY OF CALCUTTA.

420. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Will Government kindly state whether the answer to my question No. 286, put by me on the 6th June 1924, is now ready ? If so, will they give a reply to that question ?

THE HONOURABLE MR. J. P. THOMPSON : Yes.

It is impossible to estimate the quantity of petroleum at Moghal Kot. No prospecting license has yet been issued, but it is proposed to issue one shortly in favour of Messrs. Graham and Company of Calcutta. The terms have not yet been finally settled. It is not proposed to enter into any arrangements with the tribes until Messrs. Graham and Company decide finally to start operations.

DEBIT TO MILITARY ESTIMATES OF THE COST OF THE KHYBER RAILWAY.

421. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : (a) Is the Khyber Railway a strategic Railway ?

(b) If so, why is the cost of the Railway not borne by the Military Department ?

THE HONOURABLE MR. G. L. CORBETT : The reply to the first part of the question is in the affirmative. As to the second part, the Honourable Member's attention is invited to the Resolution on the subject which was moved by him in the Council of State in February 1922 and which was negatived. It has been decided not to debit the Military estimates with the cost of such lines, but the question whether the estimates for strategic lines can be

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COUNCIL OF STATE.

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shown separately from that of commercial lines in the railway estimates is being considered.

ESTABLISHMENT OF BOAT-MAKING AND OTHER INDUSTRIES IN WANA, RAZMAK AND MIRANSHAH.

422. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: What practical difficulties, if any, stand in the way of the establishment of such industries as boat-making, breweries, saddle-making, tailoring, etc., in Wana, Razmak and Miranshah?

ESTABLISHMENT OF STONE-WORKS, ETC., IN WANA, RAZMAK, MIRANSHAH AND PARACHINAR.

423. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly state what practical difficulties there are in the way of establishing such industries as stone-works, cement and lime-making or woollen textile mills in Wana, Razmak, Miranshah and Parachinar?

ESTABLISHMENT OF MILITARY AND OTHER INDUSTRIES IN WAZIRISTAN.

424. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Do Government propose to consider schemes for the establishment of military and other industries in Waziristan?

THE HONOURABLE MR. J. P. THOMPSON: If I may, Sir, I will answer questions Nos. 422, 423 and 424 together. The answer is the same.

Inquiry is being made from the local Administration and the information will be supplied to the Honourable Member in due course.

SHIPS ENGAGED IN CARRYING GOVERNMENT OR RAILWAY COAL FROM BENGAL TO BOMBAY, MADRAS, KARACHI AND RANGOON.

425. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: What was the average number of ships engaged in carrying Government or railway coal from Bengal to Bombay, Madras, Karachi and Rangoon in the quinquennium before the war, and what has been the average number of ships engaged in this trade in the quinquennium after the war?

THE HONOURABLE MR. G. L. CORBETT: Figures for the pre-war period are not available. Figures for the period from 1st April 1919 to 31st March 1924 are:—

Bombay	..	..	..	..	..	24 shipments.
Madras	..	..	..	..	..	87 "
Karachi	..	..	..	..	..	7 "
Rangoon	..	..	..	..	..	120 "
Total						238

or an average of 48 per annum. Besides these 38 ships were loaded from Calcutta on Royal Indian Marine account during the same period.

ACTION TAKEN BY GOVERNMENT TO INCREASE THE NUMBER OF SHIPS REFERRED TO IN Q. No. 425.

426. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Have Government done anything in the matter of increasing the number of ships engaged in carrying Government and railway coal from Bengal to Bombay, Madras, Karachi and Rangoon?

THE HONOURABLE MR. G. L. CORBETT: The Honourable Member has doubtless seen the Resolution which appeared in last Saturday's Gazette, appointing a Committee to consider what measures can be taken to stimulate the export of coal from Calcutta by sea to Indian and foreign ports.

RAILWAY COLLISION NEAR HARAPPA ON THE NORTH WESTERN RAILWAY.

427. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: (a) Will Government kindly place on the table of the Council the detailed report regarding the cause of the collision which recently took place between Mirdad Muafi and Harappa stations on the North Western Railway; how many people were killed and how many injured?

(b) What is the number of subordinate traffic staff at Mirdad Muafi and Harappa stations, and what are their duties and hours of working, and what is the daily average number of trains passing?

(c) What was the traffic subordinate staff on these stations three years back? How did the Train Control fail in this instance?

(d) Is any mechanical block signalling apparatus installed on these two stations?

THE HONOURABLE MR. G. L. CORBETT: (a) The report will be published as soon as received. The latest information received shows that the total casualties were 202, which included 105 deaths.

(b) The traffic staff at both stations are:—

- 1 station master,
- 2 Assistant Station Masters,
- 4 pointsmen.

Their hours of working are:—

- 1 assistant station master, midnight to 9 a.m.
- 1 station master, 9 a.m. to 6 p.m.
- 1 assistant station master, 6 p.m. to midnight.
- 2 pointsmen are on duty at a time. They work 6 hours, then have 6 hours' off.

The daily average number of trains in each direction is:—

Mail and Passenger	..	..	..	..	4
Goods	..	..	..	..	2

(c) The same as now. There was no failure of Train Control.

(d) No.

THE HONOURABLE DR. SRI DEVA PRASAD SARVADHIKARY: Have the Government more information about the Great Indian Peninsula Railway device for preventing collision that was mentioned in this House some time ago, and if so, will the Government let the House have it?

THE HONOURABLE MR. G. L. CORBETT: I am afraid I must ask for notice of that question. I have no information on the subject.

INDIAN TRAFFIC INSPECTORS (TRANSPORTATION) ON THE N. W., O. AND R. AND E. B. RAILWAYS.

428. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will the Government kindly state the number of Indians appointed as Traffic Inspectors (Transportation) on each of the three State Railways (North Western Railway, Oudh and Rohilkhand Railway and Eastern Bengal Railway) since my Resolution on this subject was adopted in this House on the 28th February 1923?

THE HONOURABLE MR. G. L. CORBETT: The Government have not the latest information but are making inquiry.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

SECRETARY OF THE COUNCIL: Sir, a message has been received from the Legislative Assembly.

THE HONOURABLE THE PRESIDENT: Let it be read.

SECRETARY OF THE COUNCIL: The message runs as follows:—

"Sir, I am directed to inform you that the Bill to amend and consolidate the law relating to Government and other Provident Funds which was passed by the Council of State at its meeting of the 10th September, 1924, was passed by the Legislative Assembly at its meeting of the 20th September, 1924, with the following amendments:—

In clause 6 of the Bill sub-clause (b) was deleted and in sub-clause (a) the letter "a" within brackets and the word "or" at the end of the sub-clause were deleted.

2. The Legislative Assembly requests the concurrence of the Council of State in the amendments."

BILLS PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL: Sir, I lay on the table the Bill in question as amended by the Legislative Assembly, and, in accordance with Rule 25 of the Indian Legislative Rules, I lay on the table a copy of the Bill to consolidate, amend and extend the law relating to the levy of duties of customs on articles imported or exported by land from or to territory outside India, which was passed by the Legislative Assembly at its meeting held on the 19th September 1924.

RESOLUTION RE APPOINTMENT OF A COMPETENT INDIAN TO THE RAILWAY BOARD.

THE HONOURABLE SARDAR JOGENDRA SINGH (Punjab : Sikh): Sir, my motion is:

"This Council recommends to the Governor General in Council that at least one competent Indian should be appointed to the Railway Board taking into consideration the wide range of Railway activities."

With your permission, Sir, I should like to amend my Resolution by adding "as early as possible" after the word "appointed".

THE HONOURABLE THE PRESIDENT: Is there any objection on the part of the Government to this alteration?

THE HONOURABLE MR. G. L. CORBETT (Commerce Secretary): No, Sir.

THE HONOURABLE THE PRESIDENT: Then the Honourable Member should move his Resolution in the amended form.

THE HONOURABLE SARDAR JOGENDRA SINGH: The amended Resolution will run as follows:

"This Council recommends to the Governor General in Council that at least one competent Indian should be appointed as early as possible to the Railway Board taking into consideration the wide range of Railway activities"

I may begin by saying, Sir, that the moving of this Resolution has not been inspired by any mistrust of the Railway Board or its management. We have the fullest possible confidence in the Commerce Member who is in charge of the Railway Department, which is carrying on one of the largest undertakings in the world. The Railway Board has managed our railways very efficiently—in fact, as efficiently as is possible—and I hope it will continue to do so in the future. My reasons for moving this Resolution are quite different. We, Sir, are conscious of the change that is now taking place in the Government of India. With the rapid development of the self-governing institutions and the gathering of the power in the hands of the Legislatures, there is a greater need of strengthening control and making the authorities materially and morally strong. I agree with the Honourable Sir Alexander Muddiman in his remark that the real issue is not that of a few appointments out here but there are larger issues which are involved. And I feel, Sir, that the larger association of Indians with the Railways will lead to the strengthening of the railway management. For instance, if from the Government side a new suggestion is made in the interests of the railway management in the two Houses, it very often happens that public opinion, not being fully informed, becomes suspicious of the proposals made by the Government. But if we have an Indian fully associated with the management of the Railways, there will be no suspicion of any proposals which the Government of India may make for the efficient running of this great department. Another reason, Sir, is that in the process of reconstruction that is now at work, there is a risk of a break-down unless a large body of politicians come to grips with the real problems of administration. An attitude of drift and criticism without any constructive ideas is likely to disturb that atmosphere of discipline which all Governments must maintain. There is,

[Sardar Jogendra Singh.]

therefore, Sir, a greater need of harmony between the Legislatures and the Services. This need cannot be too greatly emphasised. The presence of an Indian on the Railway Board will bring that harmony of relations between the Services, which are responsible for the carrying on of the railway administration and the Legislatures, which is absolutely essential if the work is to progress harmoniously. I feel, Sir, that what we need most in these Councils is a better informed opinion and the Councils will be greatly strengthened when responsible men like our friends over there come and sit on the non-official Benches knowing the inner working of the Administration and ready to arrive at right conclusions. In the matter of Railways, there is a great need for Indian opinion being properly informed. In the interests of the country it is essential that an Indian ought to be in touch with the working of this big department, so that his presence in our Councils may be helpful in carrying out the administration on right lines. For instance, Mr. Hindley, the Chief Commissioner of Railways, is now being tied down for months in Simla and for months in Delhi, whereas he ought to be free to go about and see to the efficient working of the railways. If an Indian were to be appointed to the Railway Board, he will be able to do Mr. Hindley's work at the headquarters and Mr. Hindley will then become free to go about and make the railways more efficient. Then, again, Sir, the railways are great customers and the development of railway industries can be of great service to India. Here, also, an Indian would be of very great help in accelerating the development of railway industries. I, for one, have no fear, Sir, that the development of Indian industries will ever run counter to English interests. In fact, if India grows richer, her trade with England will grow larger. I am frightened of practical men. They hold short views, so do the capitalists. What one needs is a broader view, the view that is based on the faith that in the unity of India and England lies the prosperity of the two countries, and that a prosperous India also means a prosperous England and a poor India certainly governs the wage in England. That is why I am of the opinion that an Indian Member of the Railway Board, who will be able to promote Indian industries, will be indirectly helping English trade, which is very essential for the prosperity of both the countries. Under these conditions, Sir, I hope the House will support me in this Resolution asking for the appointment of an Indian on the Railway Board. I shall conclude my speech by saying to my English friends do not be despondent but with faith work for the realisation of self-government for India, promote the spirit of partnership and free association of India and England and maintain the aristocratic principles of greater humour, greater kindness and greater humility; and, believe me, India will respond with greater affection, greater faith and greater friendship.

THE HONOURABLE MR. G. L. CORBETT (Commerce Secretary): Sir, with your permission I will state at once the position of the Government in this matter. The Honourable Mover of this Resolution, both to-day and on other occasions in this House has emphasised—and if I may say so, he has rightly emphasised—the business aspect of railway administration. The Indian Railways are one of the greatest commercial undertakings in the world. There are 38,000 miles of line, and the capital at charge is no less than 571 crores for the commercial lines and 101 crores for the strategic lines. Last week, as Honourable Members are aware, it was agreed in another place

to put the finance of this great undertaking on a business footing by separating the railway budget from the general budget. The basis of this arrangement is that the commercial lines are required to make a standardised profit over and above the interest charges on capital. At the same time, it is essential for the trade of the country and for the travelling public that the rates imposed should be as low as possible. We must not abuse our position as monopolists, for political or for any other reasons.

Railway finance, then, has been put upon a business footing. We have got to make a standard profit. At the same time, we have got to keep rates and fares as low as possible. It follows that railway management must be on a business footing too. And I hope that the House will treat this Resolution as a business matter.

Let us first consider how this great commercial undertaking is directed and controlled. The Directors are the Government of India. The Railway Board are the technical managers. The Government of India settle the policy, the Railway Board carry it out. I am not quite sure that the Honourable Member has correctly conceived the functions of his Indian Member of the Railway Board. It seems to me that the officer he described would rather be the Railway Member of the Government of India.

Now let us consider this question of Indianisation. Let us see what this policy is, and how it has been carried out. The policy of the Government of India is to Indianise the railway services. I believe that this policy has the approval of this Council, and there can be no doubt, to my mind, that it is the right policy. I am not now concerned with political considerations. But from the business point of view, it is unsound that we should depend too much on overseas recruitment.

And what steps are we taking to give effect to this policy? In the first place, we have accepted the recommendations of the Lee Commission's Report that recruitment should be 75 per cent. Indians and 25 per cent. Europeans. In practice, we have already in some branches actually exceeded this percentage of Indians. I have the figures here. I think this Council is chiefly interested in the recruitment of gazetted officers, that is, the superior establishment. Taking the Traffic and Engineering branches together, 47 appointments have been made on the State Railways during the last three years. Of these only 9 were Europeans, and 38 or 81 per cent. were statutory natives of India.

This Resolution, however, recommends the appointment of an Indian to the Railway Board. Now, Sir, as I have shown, our policy and our practice are to Indianise the railway system as a whole. But we cannot undertake to Indianise any particular post within any particular time. This is a business concern, and we must employ each man on the work for which he is best suited. In particular, as I have said, the Railway Board are our technical managers. The Board is a very small body for the management of a great railway system. It consists of only four men. It is essential that each of these four should be the best man we can get for the job. The time will come, I am sure, when the best man we can get for the job will be an Indian. But it will not be at once. It must take time before there are Indians of the requisite standing

[Mr. G. L. Corbett.]

and experience in the Railway Department for appointment to the Railway Board. I feel sure that this Council will agree that the technical managers of this vast undertaking should be chosen for their technical qualifications, and not for any extraneous consideration.

Last Saturday, a Resolution was moved in another place in the following terms :

"That Indians should be appointed as Members of the Railway Board as early as possible."

This Resolution was not opposed by Government. The Resolution, as now amended by the Honourable Mover, is substantially the same, and it is not opposed by Government.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (West Punjab : Muhammadan) : Sir, the reason why, a little while ago, I got up in a hurry was that I was thinking the Government will probably accept the Resolution and I would not get a chance of supporting it. More or less the same thing has happened, so that there is no need for bringing forward the arguments in favour of it. At the same time I will say this that there has been a general feeling amongst Indians that railway appointments went more or less either to Europeans or to Christians; and they also went further in thinking that only those appointments, for which they could not get men from the communities I have spoken of before, were given to Indians. There are lots of people who have given up their head-dress, such as pleaders and others, and when we ask them "Why have you done it," they say "When we go on the railway and travel, the English hat helps a great deal."

We have all heard of this last accident and people think if there are Indians on the Board they will look after the third class passengers more, and instead of putting carriages after the engine, they may see that there are some wagons between.

Another thing is that we have been having a great deal of trouble with our B. A.'s and M. A.'s, because they are so numerous and the openings in Government service are so few, that we now practically prepare them for becoming volunteers for non-co-operation; so if we can Indianise, as the Government Member has kindly said, to the extent of 75 per cent., we will be able to give appointments to all these, and when they settle down we will have great relief.

I will not say anything further except to support the Resolution.

THE HONOURABLE MR. J. W. A. BELL (Bengal Chamber of Commerce) : Sir, the proposals that are made in this House by my Honourable friend, the Honourable Sardar Jogendra Singh, are usually so reasonable that I am often persuaded to vote for them, and when he does not so persuade me, he very nearly does.

On this occasion had my Honourable friend not altered his Resolution I should have been unable to support him, because I think his original Resolution was put forward under a misapprehension. The weakness of it was referred to by my Honourable friend, Mr. Corbett. My Honourable friend,

Sardar Jogendra Singh, has apparently confused the functions of the Railway Board with the functions of a Railway Advisory Committee. If the problems which are dealt with by the Railway Board had been merely business problems for which ordinary business experience only was necessary, there would have been a good deal to say even for my Honourable friend's original Resolution. But the matters which are dealt with by the Railway Board are of a highly technical nature. There are problems of civil engineering, problems of mechanical engineering, problems of electrical engineering, problems with regard to the control of traffic and many other matters which can only be dealt with efficiently by men who have spent their whole working lives in railway administration. While, therefore, I am in sympathy with the Resolution as amended, and which has been accepted by Government, and while there is every probability that in the future there will be Indians available to occupy positions on the Railway Board, I would warn my Honourable friend that it is not likely that this will happen for some years, and I would suggest that he should exercise patience, and refrain from embarrassing Government by too frequently bringing up Resolutions reminding them of this Resolution and asking what has been done. If he will only have patience, I have no doubt, that in the course of years, but it will be a good many years, there will be Indians available of sufficient experience to deal with the highly technical matters which are dealt with by the Railway Board.

THE HONOURABLE MR. G. A. NATESAN (Madras : Nominated Non-Official) : Sir, I should like to convey the thanks of myself and of those who think with me to the Honourable Sardar Jogendra Singh for having brought up this matter for discussion here, and to the Member of Government for having accepted it. I wish the first part of the speech of the Honourable Member was not delivered at all, having regard to the excellent progress and the splendid service which the association of Indians in other departments of Government, equally important, equally serious, and many of them requiring a considerable amount of practical and technical knowledge, has resulted in. I can assure the Honourable Mr. Bell that Members here are acquainted with the distinction between the functions of the Railway Board and the Railway Advisory Committee. I have some knowledge of the functions of the Railway Advisory Committee as I happen to be a representative of the South Indian Chamber of Commerce, Madras, on the Railway Advisory Committee of the Madras and Southern Mahratta Railway. I quite realise that the functions of the Members of the Railway Board are of a very technical character, but I do not think they are of such a character that you cannot find competent Indians, (at least one or two are in my mind, but I will not drag their names in here for obvious reasons); but I do think the work can be done by them very satisfactorily. I would ask my Honourable friends, who are somewhat pessimistic in this matter, to remember that this was the kind of objection that was advanced years ago against admitting even one Indian into the Executive Council of the Viceroy. It was the same kind of objection that was repeated from time to time when it was suggested that some Indians should be associated with the Executive Councils of the Local Governments. I would like to remind the Honourable Mr. Corbett and the Honourable Mr. Bill that, as a matter of fact, some of these technical subjects are now in charge of Ministers in the Provinces. Engineering and some of these subjects are in charge of

[Mr. G. A. Natesan.]

Ministers, and public acknowledgment has been made by the Governors of Provinces, particularly at the time when some of these Ministers have laid down their offices, upon the very efficient and very satisfactory and honourable manner in which they have discharged their duties. I would ask my Honourable friend Mr. Bell, and my friend Mr. Corbett also, who in the first part of his speech expressed some doubt about the matter, to pay a visit to Mysore. I have had the privilege of visiting Mysore on more than one occasion. On one occasion I stayed there for more than six weeks, and I was very much struck by the excellent manner in which the Mysore Government Railways have been constructed and the way in which they are being run. My Honourable friend Mr. Bell said the requirements of a Member of the Railway Board involved a knowledge of mechanical engineering, civil engineering, electrical engineering, traffic and transport. I believe in Mysore Indians have successfully shown in their small sphere that they can manage and tackle these problems, and there is absolutely no danger in associating Indians in the Railway Board, because, after all, if they are likely to take wrong views and make mistakes, there are other Members of the Board whose experience can be placed at their disposal, so that no disaster may happen. I do hope that Government, having said they will accept this proposition, will give effect to it at the earliest opportunity and appoint an Indian and thereby satisfy the aspirations of Indians, who, like most of us think that, after all, despite occasional lapses, the intentions of the Government of India are good, and that they are anxious to advance the cause of self-government. They will make our path easy, if an appointment of this description is made at the earliest opportunity.

THE HONOURABLE MAULVI ABDUL KARIM (East Bengal : Muhammadan) : I am exceedingly glad that Government has accepted this Resolution. The Railway Board has the largest number of employees in any of the departments of the Government of India. I believe no other department requires so many hands to carry on the work. On the 31st of March 1923 there were 750,000 railway servants in India. I am sorry to have to say that for a long time the superior railway service was closed to the Indians. I am glad, however, to have been told by the Honourable Member who has replied to Sardar Jogendra Singh, that of late Indianisation has been going on satisfactorily. There are about 2,000 officers in the superior ranks, and of these only a few are Indians. There is hardly any Indian, I think there is no Indian, holding any responsible post in the railway service, such as Agent, Chief Engineer, Loco. Superintendent, Chief Controller of Stores, or Traffic Manager in any of the Indian railways. Even in the subordinate railway service, the number of Indians is very small. Most of these posts are monopolised by Anglo-Indians, who now-a-days call themselves pure Indians.

The railways being the property of Indian tax-payers, it is but natural that Indians should desire, nay demand, that these should be worked in the interests of Indians. But I am afraid this has not been the case. It has been said by the Honourable Mr. Bell that Indians cannot expect in the near future to get into the Railway Board because they will have to gain the requisite technical knowledge. As far as I see, the work of the Railway Board is broadly divided into four parts : (1) commercial and traffic, (2) financial, (3) engineering,

and (4) administrative. I think there are Indians who can do each of these works as well as it is being done now. For example, Mr. S. C. Ghose was the first Indian Assistant Traffic Superintendent of the East Indian Railway and rose from Rs. 200 to Rs. 800. When he resigned this post, he joined the Khetra Mohan Company and constructed the Jessore-Jhenidah Railway, of which he was Manager. On severing his connection with the Khetra Mohan Company, he joined the McLeod Company and constructed the Burdwan-Katwa, Bankura Light and some other lines, and was appointed Manager of these lines on a salary of Rs. 2,000 a month. He then came to the Railway Board as a special officer on Rs. 1,500 and rose to Rs. 3,000. He left the Railway Board on the completion of the special work. He is an expert in rates, on which he wrote a book which was highly appreciated by all the railway officials. I think he is well qualified to be a member of the Railway Board. Another function of the Board is financial. There is Mr. Hydari, who was Accountant General of Bombay and is now the Financial Minister of Hyderabad. I think he is quite competent to take charge of the financial work of the Board. As for the Engineering Department, there is Rai Bahadur Ralla Ram, who was the Chief Engineer of the Eastern Bengal Railway on Rs. 2,500. I have no doubt he would have been the Agent of that Railway if he had not been an Indian. He is now the Manager of the Patiala State Railways. I think he is quite competent to do the engineering work of the Railway Board. There is another gentleman, Mr. Ali Akbar, who is a very experienced engineer. He was the Superintending Engineer and Secretary to the Government of Bombay. I think he also is competent to take charge of the engineering work of the Railway Board. As for the administrative department, Sir Ibrahim Rahimtulla, the President of the Fiscal Commission and Sir Purshotamdas, I think, are quite competent to take charge of the administrative work of the Railway Board. I hope and trust that one of these men or some other competent man will be appointed a Member of the Railway Board in the near future. I need scarcely say that, unless and until a competent native of India is appointed a Member of the Railway Board, the interests of Indians will not be properly looked after.

THE HONOURABLE SARDAR JOGENDRA SINGH : The Resolution has been very well received by the Government and the support that I have received from the other Members of the House, including Mr. Bell, is most gratifying. It shows that any business proposal made in this House is considered on its own merits and may we long continue this tradition. The Railway Department, as has been pointed out, is a business concern and it should not be allowed to be considered in any other light than that of pure business. If I may say so, Sir, without violating any sense of modesty, I did not confuse the functions of the Railway Board with the Advisory Committee. I quite realise that the Board in itself is a body of technical experts. At the same time, I feel, as in private companies, you have technical experts, but you have always men with large views of business associated with the technical men, so that the combination of these two forces leads to good and efficient business. I do not see why in the Railway Board we should not have the larger view of the ordinary business man who may not understand the technical side but who knows what business is. That is an important point. Then, again, the Honourable Mr. Corbett laid great stress on the Indianisation

[Sardar Jogendra Singh.]

which is in progress. Personally, Sir, I do not attach an undue importance to this matter. I am more anxious that the directorate should be more Indo-Anglian than it is at present; and personally I was going to say on the Lee Report that we want British officials more in the districts than at the headquarters. Similarly I suppose we want British officers in charge of railway districts. I am not particularly interested one way or the other, as long as the administration of the districts and the railways is made efficient, whether it is run by English or Indian officials. I hold to the ideal of a British Indian Empire, united and solid. I hold to the ideal that this is the only thing to work for, without any regard for race or creed. There is some truth in what Mr. Bell said, regarding the functions of the Indian Member. If I may, with your permission, draw attention to the Acworth Committee's report, the Acworth Committee clearly recommended the appointment of a Member in charge of the Railways and the sooner that recommendation is given effect to the better. You need an Indian Member in charge of the Railways, which is a very big department, and which certainly needs representation on the Government of India. I need not lay more stress on this point as this has been clearly set forth by the Acworth Committee. I do not think, Sir, it would be wise to delay the appointment of an Indian to the Railway Board. I do not want to reduce the number of members on the Railway Board. Perhaps an additional member may be sanctioned, and I can say without any hesitation that the appointment of an additional member will not burden the finances of the Railways to such an extent as to reduce it to bankruptcy. For instance, Agriculture is a purely technical department, and yet it has been found that very often the man in charge of the Agricultural Department is not a technical expert and the experts have welcomed the appointment of a non-technical expert at the head of the Agricultural Department. I am sure the Railways too will find that a man of business brings a broader view and strength to the Railway Board. One thing needful in the changing times which both Indians and Britishers should keep in view is this that we have been brought together to learn to live together, and in spite of many contentions we should not lose our faith but continue the good work in full belief that our faith will be justified in the long event.

THE HONOURABLE THE PRESIDENT: Does the Honourable Mr. Corbett wish to reply?

THE HONOURABLE MR. G. L. CORBETT: No, Sir.

THE HONOURABLE THE PRESIDENT: The question is:

"This Council recommends to the Governor General in Council that at least one competent Indian should be appointed as early as possible to the Railway Board taking into consideration the wide range of Railway activities."

The motion was adopted.

STATEMENT OF BUSINESS.

THE HONOURABLE THE PRESIDENT: The Honourable the Leader of the House, I understand, wishes to make a statement about the course of business.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI (Law Member): Sir, before you decide the date of the next meeting, I may mention that in accordance with the suggestion made on Friday last, copies of the Land Customs Bill, as passed by the Legislative Assembly, were circulated to Members on Friday evening. The consideration and passing of that Bill is the only further business which Government propose to place before this Council during the present Session.

THE HONOURABLE MR. LALUBHAI SAMALDAS (Bombay: Non-Muhammadan): Do I understand, Sir, that the Provident Funds Bill is not to be taken into consideration this Session?

THE HONOURABLE DR. MIAN MUHAMMAD SHAFI: Sir, with regard to the inquiry made by my Honourable friend, I have to inform the House that it is not the intention of Government to proceed further with the next stage of the Bill in this Session. That has been necessitated by certain amendments made in another place in the Bill, which require examination.

THE HONOURABLE THE PRESIDENT: I should like to ascertain the feelings of the Council as to when the Land Customs Bill should be taken up. Under the rules it should not be taken before Thursday next. But there is a power vested in the President to dispense with this notice. If it is the wish of the House, I am prepared to take up this Bill to-morrow.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY (West Bengal: Non-Muhammadan): It may be taken up to-morrow.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (West Punjab: Muhammadan): I think we have already seen the Bill and it has been circulated to the Honourable Members. So, if it comes up to-morrow, I do not think we will be able to say that we have not seen the Bill.

THE HONOURABLE MR. MUHAMMAD YAMIN KHAN (United Provinces West: Muhammadan): I think, Sir, it will be more convenient if this Bill is taken up on Wednesday as some Honourable Members may like to send in amendments. Although the Bill was circulated on the evening of Friday, it did not reach some Honourable Members till Saturday morning. So the only intervening day was Sunday, when everybody wants to take some rest and does not like the idea of going through the legislative business, especially when he has been busy for the whole week. So this is the first day when the Bill has come to the notice of many Honourable Members. In order to enable us to go thoroughly into the Bill, I think it will be better if we take it up on Wednesday.

(SEVERAL HONOURABLE MEMBERS: The Bill had better be taken up to-morrow).

THE HONOURABLE SIR ARTHUR FROOM (Bombay Chamber of Commerce): Sir, I understand that amendments will be received at short notice in connection with this Bill. I therefore support the proposal that the Bill be taken up to-morrow.

THE HONOURABLE THE PRESIDENT: Before I come to a decision, I should like to know from the Government Member whether an objection will be taken on account of lack of notice if an amendment is handed in this afternoon or to-morrow morning?

THE HONOURABLE MR. A. C. McWATTERS (Finance Secretary) : I should like to have time to consider the amendments. If they are handed in this afternoon, no objection whatsoever will be raised on the part of the Government. But if they are handed in to-morrow morning, it might be somewhat embarrassing.

THE HONOURABLE THE PRESIDENT (to the Honourable Mr. Muhammad Yamin Khan) : Does the Honourable Member propose to hand in any amendments ?

THE HONOURABLE MR. MUHAMMAD YAMIN KHAN : After going through the Bill I shall be in a position to say whether I will send in any amendment. But I do not want to inconvenience other Honourable Members and for that reason I will not press that the Bill be taken up on Wednesday.

THE HONOURABLE THE PRESIDENT : In that case I direct that the Bill be taken up at to-morrow's sitting. Honourable Members who are desirous of sending in amendments should do so during the course of to-day. If a copy is sent to the department, as well as to the Secretary of the Council, so much the better.

The Council then adjourned till Eleven of the Clock on Tuesday, the 23rd September, 1924.

COUNCIL OF STATE.

Tuesday, 23rd September, 1924.

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

QUESTIONS AND ANSWERS.

RECRUITMENT OF MUHAMMADANS FOR THE SUPERIOR SERVICE OF THE MILITARY ACCOUNTS DEPARTMENT.

429. THE HONOURABLE MR. YAMIN KHAN: (i) Will the Government state the number of officers in the Superior Service of the Military Accounts Department?

(ii) Is it a fact that until last year appointments to this service have been made only by nomination?

(iii) Is it a fact that no Muslim has ever been nominated to the said service?

(iv) Is it a fact that a cashier, drawing less than Rs. 200 per mensem and declared unfit for the Assistant's grade in the Foreign Office, was nominated for the Superior Service of the Military Accounts Department and is now drawing more than Rs. 1,000 per mensem? What is his name?

(v) What steps, if any, do Government propose to take to recruit Muslim officers for this service?

THE HONOURABLE MR. A. C. McWATTERS: (i) Sixty.

(ii) Before 1st April 1922 appointments to the Superior Service of the Military Accounts Department were, except in certain special cases, made by the Secretary of State for India. Since 1st April 1922 the vacancies in that Department are filled as follows:

1-3rd by promotion of subordinate gazetted officers.

2-3rds by Indians from among the successful candidates at the competitive examination held for the recruitment of Indians for the Indian Audit and Accounts Service.

(iii) The reply is in the affirmative.

(iv) No.

(v) In connection with this year's competitive examination for the Audit and Accounts Service, Customs and Military Finance Department, some posts are being reserved which will be allotted, on consideration of the results of the examination, to the best candidates of communities or Provinces which may otherwise be inadequately represented.

RECRUITMENT OF MUHAMMADANS FOR THE SUBORDINATE SERVICE OF THE MILITARY ACCOUNTS DEPARTMENT.

430. THE HONOURABLE MR. YAMIN KHAN: (i) Will the Government state the number of officers in the Subordinate Service of the Military Accounts Department?

(1225)

(ii) What is the total number of Muslims in the said service as compared with non-Muslims?

(iii) What action, if any, do Government propose to take to recruit Muslims for this service?

THE HONOURABLE MR. A. C. MCWATTERS: (i) Eighty-seven.

(ii) There is at present one Muslim in the above number.

(iii) There is no system of direct recruitment for this service. Appointments thereto are made by selection from among senior accountants in the Department borne on an All-India List, and Muslims have therefore an equal chance of advancement to the gazetted staff of the Subordinate Account Service with the members of other communities in that Service. The claims of any qualified Muslims will be carefully considered.

QUALIFIED MUHAMMADANS ON THE WAITING LIST OF THE STAFF SELECTION BOARD SINCE 1922.

431. THE HONOURABLE MR. YAMIN KHAN: (i) How many qualified Muslims have been on the waiting list of the Staff Selection Board since 1922?

(ii) Is it a fact that many of the non-Muslim candidates, who qualified this year, have been provided for, while qualified Muslims of 1922 are still waiting?

THE HONOURABLE MR. J. CRERAR: (i) Six now remain on the list.

(ii) The answer is in the negative.

REJECTION OF AN APPLICATION FROM A MUHAMMADAN GRADUATE FOR EMPLOYMENT IN THE OFFICE OF THE DIRECTOR, WIRELESS.

432. THE HONOURABLE MR. YAMIN KHAN: Is it a fact that a non-Muslim, who had not passed the Matriculation examination, was recently employed in the office of the Director, Wireless, and a Muslim graduate rejected?

THE HONOURABLE MR. A. H. LEY: The fact is as stated. The non-Muslim had worked for 2½ years temporarily in the Office of the Director of Wireless and had given every satisfaction. He was retrenched in May 1923 and was subsequently employed on a vacancy occurring.

EMPLOYMENT OF MUHAMMADANS IN THE INDIAN STORES DEPARTMENT.

433. THE HONOURABLE MR. YAMIN KHAN: Is it a fact that more than a dozen appointments were recently made by the Staff Selection Board for the Indian Stores Department out of which only one was given to a Muslim?

THE HONOURABLE MR. A. H. LEY: No. Since the recruitment of the clerical establishment of the Office of the Chief Controller of Stores was made over to the Staff Selection Board, 21 assistants, clerks and stenographers have been appointed in consultation with the Board, of whom 3 were Muslims. Out of the three appointments made to the Upper Division two were filled by Muhammadans.

REJECTION OF A QUALIFIED MUSLIM STENOGRAPHER BY THE RAILWAY BOARD.

434. THE HONOURABLE MR. YAMIN KHAN: Is it a fact that a qualified Muslim Stenographer was rejected by the Railway Board Office, while more than half a dozen unqualified non-Muslims were employed as stenographers?

THE HONOURABLE MR. G. L. CORBETT: The answer is in the negative.

SAFEGUARDING OF THE INTERESTS OF MUHAMMADANS IN GOVERNMENT OF INDIA OFFICES.

435. THE HONOURABLE MR. YAMIN KHAN: What action, if any, do Government propose to take to safeguard the interests of Muslims in the Government of India offices?

THE HONOURABLE MR. J. CRERAR: Assuming that the Honourable Member alludes to the Departments of the Government of India Secretariat, I would explain, as I did on the 24th March last, in reply to the Honourable Maulvi Abdul Karim, that Departments have already been instructed to bear in mind, when selecting candidates for vacancies, the policy announced by Sir Malcolm Hailey in the debate in the Legislative Assembly on the 10th March 1923, that Government cannot aim at securing the proportionate representation of minorities, but would take steps to prevent a preponderance of any one class or community. That still remains the policy of Government and all Departments have recently been addressed regarding the steps taken to give effect to it.

RECRUITMENT OF PUNJABI MUHAMMADANS FOR ARMY HEADQUARTERS AND THE ARMY SECRETARIAT.

436. THE HONOURABLE MR. YAMIN KHAN: (i) Is it a fact that a large portion of the recruitment for the Government of India offices is made from the Punjab?

(ii) Is it a fact that there are 210 non-Muslim Punjabis and only 56 Muslim Punjabis in the Army Headquarters and Army Secretariat?

(iii) Does the same proportion exist in other offices as well?

(iv) If so, what steps, if any, do Government propose to take to bring up the number of Muslims who constitute 56 per cent. of the population of the Punjab?

THE HONOURABLE MR. J. CRERAR: (i) Yes; but recruitment is effected by means of an open examination for which candidates from all provinces are eligible on equal terms, vacancies being filled, as far as possible, from among candidates who qualify at the examination.

(ii) The correct figures are 225 and 72, respectively, the percentage of Muslims working out to 24·2.

(iii) I have checked the figures for all Departments. In the majority of cases the percentage of Muslim Punjabis is a good deal higher.

(iv) I would refer the Honourable Member to the reply just given to his question No. 435.

POSITION OF INDIANS IN SOUTH AFRICA.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: Sir, I have given private notice of two questions to the Honourable Sir Narasimha Sarma. May I put them now?

(The Honourable the President signified his assent).

(1) Has the attention of Government been called to the speech of the Honourable the Secretary of State for the Colonies regarding the Indian question in South Africa and the suggestions in the South African Press that the Government of India and the South African Government should communicate thereabout with one another?

(2) Will the Government be pleased to state what action the Government propose to take in this matter?

(3) Will the Government be pleased to state what measures, if any, have been taken to present the Indian case before the Ormsby-Gore Committee in East Africa?

THE HONOURABLE SIR NARASIMHA SARMA: With your permission, Sir, I shall answer questions (1) and (2) together. The Government of India have seen the comments on the speech made by the Honourable the Secretary of State for the Colonies but not the speech itself. They have, however, cabled for a text of the speech and, on receipt of it, will consider whether any action on their part is called for.

(3) The question of sending a representative of the Government of India to assist the Ormsby-Gore Committee has been the subject of correspondence, but, since that body is primarily charged with the duty of collecting information locally, it has been decided that it is unnecessary to send one. The Government of India however hope that it may be possible to make representations on matters affecting Indian interests which are likely to come within the purview of the deliberations of the Southborough Committee before that Committee in London.

ELECTION TO THE COURT OF THE DELHI UNIVERSITY.

THE HONOURABLE THE PRESIDENT: Before we proceed to the legislative business of the day I should like to remind Honourable Members that the election by the elected members of the Council of State of two members from among their number to be *ex-officio* members of the Court of the Delhi University will be held in the Members' room as soon as the Chamber rises to-day. Members who wish to take part in this election should present themselves in the Members' room after we rise to-day.

LAND CUSTOMS BILL.

THE HONOURABLE MR. A. C. McWATTERS (Finance Secretary): Sir, I beg to move:

"That the Bill to consolidate, amend and extend the law relating to the levy of duties of customs on articles imported or exported by land from or to territory outside India, as passed by the Legislative Assembly, be taken into consideration."

Sir, this Bill is one to which Government attach considerable importance. Its object, as the House will readily realise, is in the first instance to safeguard

our customs revenue and to prevent smuggling. In view of the great increase there has been in recent years in the rates of duty on imported articles, and in view of the fact that so many of the highly dutiable articles are of small bulk and easily smuggled, the question of protecting our customs revenue from smuggling has in the last year or two assumed much greater importance than ever before in the past. When the Honourable Sir Charles Innes was speaking on the amendment of the Indian Tariff Bill last February in the other House, he mentioned that we calculated that a sum of not less than Rs. 12 lakhs had been lost during the last year in respect of matches alone. A similar tale I am afraid has to be told with regard to other articles, such as saccharine, cigarettes and gold thread all of which are particularly liable to be smuggled and all of which are tariffed at high rates. Our present machinery is defective in two respects. In the first place, so far as regards the frontiers which border on foreign territories in India, the foreign settlements in Madras and Bombay, we have two Acts which have been in force for the last seventy or eighty years—the Madras Land Customs Act of 1844 and the Bombay Land Customs Act of 1857 both of which Acts are naturally somewhat out-of-date; and the Local Governments have repeatedly pointed out that they are inadequate. They are also inadequate in so far as they do not take account of the change that has been made in bringing the administration of customs under the direct control of the Central Government. In the second place—and this is even more important—there is no machinery at all on other parts of our frontier. The point of greatest danger is the frontier between Burma and Siam, and the danger has been aggravated by the development of railway communications in Siam itself. The result has been that considerable quantities, particularly of matches and cigarettes, have been coming in through the Burma frontier, and cigarettes are actually being sold in places in Burma at rates considerably below those at which they can be imported; so that the second object of this Bill is to safeguard legitimate trade. These are the two objects—one, to safeguard our customs revenue, and the other, to make matters fair for legitimate importers.

As I mentioned, the Indian Tariff Bill was amended in February last and it gave Government power to impose duties on land frontiers and to notify territories which would be regarded as foreign territory; but in the absence of any machinery, it is ineffective. So far as concerns the Burma-Siam frontier the object of this Bill is to provide machinery by which that particular loophole may be stopped.

I wish to impress upon the House particularly that this Bill is a purely temporary measure. The Central Board of Revenue, ever since it was constituted, has been actively considering the whole question of the revision of our Sea Customs Act. Even fourteen years ago, when I was working in the Commerce Department, we had a formidable list of amendments which were considered necessary in that Act, which as the House knows dates from 1878; during the war of course it was impossible to take up this revision; but now the matter is being actively examined in consultation with Local Governments, and the Government of India hope to put before the Legislature early next year a complete revision of the whole of the sea, land and air customs procedure. The development of aviation has introduced an entirely new complication in the course of the last few years.

[Mr. A. C. McWatters.]

The present Bill which is before the House proceeds mainly by reference to the existing Sea Customs Act, and therefore I can quite understand Honourable Members raising important questions both of law and procedure: but I would ask them, in view of the fact that the whole question will come before the Legislature very shortly, to view the present Bill not in a very critical spirit. I do not think it is necessary to go into great detail. As I have said, the Bill attempts to apply the existing provisions, so far as they are applicable, of the Sea Customs Act to land customs. It does make a definite attempt to secure that the provisions will not be applied harshly. For instance, I would call attention to clause 6, which deals with personal luggage, and to clause 5 (4), under which the Chief Customs Authority may relax the provisions of that clause in respect of goods of any particular class or value; in other words he will endeavour to avoid causing the public any undue hardship in the application of these provisions.

One other important point which I think the House would like to hear about is that this Bill makes no difference whatever in the position of Indian States. By amendments which were made in the other House, this Bill has now no application whatever to States in India.

I have only to say finally that the provisions of this Bill have been accepted unanimously by the three Local Governments concerned, Madras, Bombay and Burma; and though it may not provide a final solution, it will at any rate give us machinery to prevent serious loss of revenue in the interval before our whole machinery can be thoroughly revised in consultation with the Legislatures.

THE HONOURABLE MR. LALUBHAI SAMALDAS: (Bombay: Non-Muhammadan): Sir, I rise to support the motion that the Bill be taken into consideration. This Bill did in the first instance create some misunderstanding. It was thought that the Bill, as it was drafted, might have been aimed at trade between Indian States, especially the Kathiawar States, and the Bombay Presidency. The Bill as amended in the Select Committee makes the position quite clear, that the old powers of the Local Government under the Bombay Act of 1857 remain as they were, and that this Bill does not confer any new power and that, so far as the trade between Indian States and the Bombay Presidency is concerned, there will be no new difficulties raised by this Bill. When the whole question, which the Honourable Mr. McWatters said was likely to come before the Central Legislature very soon, comes up here we will have to go through the whole question in a critical spirit. But, as the Government want these powers to protect their sea customs revenue and to create machinery so that this measure may be put into force in the right manner, I think the Bill ought to receive the unanimous support of this House.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY (West Bengal: Non-Muhammadan): Sir, I think the House would be well advised in responding to the appeal of the Honourable Mr. McWatters not to view the present Bill in a critical spirit, having regard to the fact that the larger proposals will soon come before us, and that Indian States are excluded from its purview. I desire to give it my support. The only question that I should

like to put to the Honourable Member is as to whether, in view of the treaty with Siam, the position of affairs has not been made easier on that frontier.

THE HONOURABLE MR. A. C. McWATTERS: Sir, we have been in correspondence with Siam on the subject. There is in existence an earlier agreement which will be terminated by consent of both Governments. I may say that the Siamese Government have no objection whatever to the procedure contemplated in this Bill.

The motion was adopted.

THE HONOURABLE THE PRESIDENT: I will now call the clauses of the Bill in order, and if any Member wishes to speak on any particular clause, he should rise when that clause is called.

Clauses 2 to 10 were added to the Bill.

The Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. A. C. McWATTERS: Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

THE HONOURABLE THE PRESIDENT: The question is:

"That the Bill to consolidate, amend and extend the law relating to the levy of duties of customs on articles imported or exported by land from or to territory outside India, as passed by the Legislative Assembly, be passed."

The motion was adopted.

VALEDICTORY SPEECHES IN CONNECTION WITH THE IMPENDING RETIREMENT OF THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI.

THE HONOURABLE SIR DINSHAW WACHA (Bombay: Nominated Non-Official): Sir, as to-day's meeting will be the last of this Session of the Council of State, I beg to embrace the opportunity on behalf of my Colleagues and myself to bid a hearty and cordial farewell to our popular Leader of the House, Sir Muhammad Shafi. He has proved himself admirable in the conduct of his duties as a Leader of the House and has given every satisfaction to all its Honourable Members. I believe also that as a Member of the Executive Council of His Excellency the Viceroy, Sir Muhammad Shafi's tact and judgment, his political sagacity and experience, have proved of the greatest value and assistance to his Government, and, whenever important questions and problems of State have come before us for consideration, Sir Muhammad Shafi has uniformly presented correctly the views and the attitude of the Government on the subject and, in doing so, what was more admirable was his lucidity of expression, his breadth of vision, his clarity of thought, his catholic sympathy and his tolerance of all shades of opinion. And even these expressions were greatly heightened by his polished manners, his refined culture, and above all his complaisance. These characteristics of Sir Muhammad Shafi as Leader have endeared him to all Members of this House, and, I think,

[Sir Dinshaw Wacha.]

I am really echoing their sentiments when I say we shall certainly miss him and possibly, if I mistake not, His Excellency the Viceroy will miss him even more because he was of great value and assistance to him and his Government by the sage advice and assistance he gave in so far as he was the true interpreter of the feelings and sentiments of the Indian people. We all wish him every success in his post-Council career, and hope that he will give the benefit of his close knowledge and experience of the internal administration of the affairs of the State to the country, and that he will be able to assure the people how with his high resolve and endeavour that great and distinguished statesman at the head of affairs is constantly devoting his close attention to their greater moral and material advancement. With these words, Sir, we all bid Sir Muhammad Shafi a cordial farewell and wish him success in his future career.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY (West Bengal: Non-Muhammadan): Sir, I desire to associate myself and my friends from Bengal very whole-heartedly with the expression of regret that has been voiced by the Honourable Sir Dinshaw Wacha on this occasion, and the sentiments that have fallen from him are all our own. It is not generally known that Sir Muhammad Shafi has held the largest number of portfolios in the Government of India of the whole of the Executive Council. It is not Law alone nor Education, but for a time I believe he held a third portfolio, though temporarily,—I forget whether it was Commerce, Industry or Revenue,—it does not matter. He has had a very large experience in the Government of India, experience which, I hope, will be of the greatest possible use in the life which he is looking forward to unless he is again intercepted.

Sir, when he was Education Member, it was a great privilege of mine to work with him, and I desire publicly to say of what great use he was in restoring academics to their proper place and ridding it of the political influences which at one time the Government of India wanted to bring to bear upon academic matters. That was the help that he gave to all the Universities, and chiefly to mine, for which I shall always be grateful. We shall miss him here but welcome him in the larger life that awaits him; and, wherever he may be, we wish him all success and prosperity.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (West Punjab: Muhammadan): Sir, when the veterans from Bengal and Bombay have been so kind as to speak about "our Sir Muhammad Shafi" it is appropriate that one who comes from his own province should also get up on this occasion and say a word. I have known Sir Muhammad Shafi for the last thirty years—that is about three decades, and in all the work that he has been doing in the province I have not only been observing it, but in many of them I have been working with him, so I have got firsthand knowledge in this way of his work. As we may call him, he is a right sort. Above all, he is a Punjabi. Well, you may ask him to plough or you may ask him to fill a Governorship; you may ask him to be at the head of an Army, or you may ask him to be the highest Member of the Government of India, or anything, and he will be able to do it. When he was coming to this post, none of us had any apprehension, Sir, that he would not be a success, and, when

now he has been a success, it is nothing new to us. We all expected this and he has fulfilled this. I am very sorry and I am very glad. I am very sorry because he will not be here to help us, and I am very glad that he is going back to his own province where we badly need him. I wish him all success and long life and a speedy return to us so that we may again utilise his services which have hitherto been utilised by us.

THE HONOURABLE SARDAR JOGENDRA SINGH (Punjab: Sikh): Sir, I just want to say one word—how proud we are of Sir Muhammad Shafi. His inherent good-will, kindness and statesmanship we have all experienced in this House. His leadership has been a source of joy and of strength.

I have every hope that the fellowship in this House is not going to be dissolved by his disappearance from the Government Benches. I hope he will return to this House again and will not be lured by the blandishments of youth in another place. It has been said that the price of freedom is eternal vigilance. We expect him to exercise that vigilance from the non-official Benches on this side when he leaves the Government Benches, and we have every hope that, whether he is here or outside, all his energies and all his power will be devoted to promote every good cause and to promote the well-being and prosperity of the country. I am quite sure he is taking with him the good wishes of all the Members of this House and the other House, Europeans, Hindus, Muhammadans and Sikhs. May he long prosper and continue his career of usefulness.

THE HONOURABLE SIR ARTHUR FROMM (Bombay Chamber of Commerce): Sir, I also should like to associate myself with the words which have fallen from the lips of previous speakers and join in the regret that when we meet in Delhi next January or February, we shall not have Sir Muhammad Shafi with us. In our many discussions in this Council, Sir Muhammad Shafi has always been courteous and pleasant even when he has had to oppose Resolutions or answer difficult questions, and that, Sir, I think has been keenly appreciated by all of us. I have been associated with Sir Muhammad Shafi in this Council since it was initiated after the Reforms, and I also sat with him previously in the Imperial Legislative Council, and whenever I have been in difficulties and taken them to Sir Muhammad Shafi, he has always received me with the greatest courtesy and has generally succeeded in explaining them away. If they were not explained away, it was not his fault; it was mine. Sir, I wish Sir Muhammad Shafi continued success when he returns to the Punjab, and I trust that, although he is leaving the high office which he has held in the Central Legislature, he will continue to do public work and assist the work of Government in his own province so that India will not lose his services entirely.

THE HONOURABLE MR. G. A. NATESAN (Madras: Nominated Non-Official): Sir, speaking for myself and for my Honourable Colleagues from Madras, I should like to say that I join in the chorus of appreciative words that have been spoken by the previous speakers. Courteous, affable, sympathetic and, above all, tactful, I think he has managed to lead us all with credit to himself and to those that have been more or less his genteel followers. He has even suffered my effusions sometimes and what greater credit can there be in the case of a political leader than to tolerate even me and the way in which I have sometimes expressed myself? If I were permitted to say so,

[Mr. G. A. Natesan.]

it was in 1921 that a very distinguished popular leader here assured me that at the hands of Sir Muhammad Shafi the interests of India may always be considered to be safe. I can now safely assert that that opinion has been quite justified, witness the tributes paid here and elsewhere. One could also say that he has served his Sovereign and his country very dutifully and loyally, and has set an ideal to others who may take his place. I join in the prayer that he may live long and enjoy a life of usefulness not only to himself but also to the service of his country and of the Sovereign.

THE HONOURABLE SIR ZULFIKAR ALI KHAN (East Punjab : Muhammadan) : Sir, as one who was associated with Mian Sir Muhammad Shafi for a long time in the political work of the country, it is my pleasant duty on this occasion to add my voice to the chorus of applause which we have already listened to in this Council. Mian Sir Muhammad Shafi, 30 years ago when I first knew him, was a young man full of aspirations and full of hopes. I saw him working consistently and with single-minded devotion for the end which leads to the good of the country and to the good of the ruling power in this land. Sir, I am one of those who do not separate the interests of the two, as I think that the good of the country is the good of the Government and the service of Government is the service of the country, and therefore, I as a co-worker with him had the greatest pleasure in supporting him in his ideas. In fact, there was a time when I was not in public life and it was Mian Sir Muhammad Shafi who persuaded me to come out of my sanctum. It was then that he took to political work, and I think I can congratulate the Honourable Member on the good results which he achieved in connection with the uplift of his community. Then, Sir, he overthrew all the difficulties that confronted him. I never saw him down-hearted. In fact in times of the greatest difficulty, I saw him cheerful and optimistic. That is his great virtue, and I think all those who have achieved success possess this great quality. When Mian Sir Muhammad Shafi was raised to his exalted position, he had the goodwill not only of the Muhammadans but of all communities, because they knew that in him they had a friend and well-wisher. We have watched his career for five years in the Government of India, but the seal of secrecy which is put on the official doings of the Honourable Member does not allow his good work to be known to us or the people outside this Council. But I hope that some day, when the seal is broken and there is no harm in his disclosing his great achievements in his present work, we shall know, and the country will know, of what great help he was to the Government and what great good he did to the country. Sir, I have seen many officials who sometimes have risen suddenly to very great positions, and it is not very frequently that we find them keeping their temper and their courtesy in those high positions. The conduct of Mian Sir Muhammad Shafi as a man and as an official was most praiseworthy. It is the same Muhammad Shafi, courteous, hospitable, and devoted to duty, as he was then in his public career. We wish him great success. I do not think that this is an obituary speech, but I think he leaves the Council with greater credit than before. With these few words, I close my remarks.

THE HONOURABLE MR. J. W. A. BELL (Bengal Chamber of Commerce) : Sir, I desire to associate myself with those who have expressed a sense of loss

at the retirement of the Honourable Dr. Mian Sir Muhammad Shafi from this Council. During the time I have been a Member of it I have always been impressed by his courtesy and friendliness, and I think that he has done very much to foster the extremely friendly relations which exist between the different nationalities in the Council. I do not feel that we are saying good-bye to Sir Muhammad Shafi altogether. I do not feel that his retirement from this Council will mean his disappearance from public life in India. But I do feel that his distinguished service here will lead to even a higher position elsewhere. However, whatever the future may have in store for him, he carries with him the very best wishes of his non-official European colleagues in the Council of State.

THE HONOURABLE MR. YAMIN KHAN (United Provinces West : Muhammadan) : Sir, I have had experience of the Honourable Sir Muhammad Shafi in this House for only 20 days, but in this short period I found him to be dealing with problems of great importance with great tact and ability just fitted for a leader of this House. Though my life in this Honourable House has been very short, I had experience of his doings for three years in the other House. He used to come very often to the Legislative Assembly after finishing his work in this House, and every time that he spoke in the Legislative Assembly he made himself respected by that House for those three years. I quite associate myself with all the other words that have been said about him by the other Honourable gentlemen, but I do not agree with one word which has been said about him by my Honourable friend Nawab Sir Umar Hayat Khan, that he is going back to the Punjab and also that Sir Umar Hayat Khan is very glad to receive him back to the Punjab. I think Sir Muhammad Shafi is going back to the whole of India, and I, as a representative from the United Provinces, welcome him equally as any Punjabi would do. His life and his activities as a non-official before he entered into the Government's service were not confined to one Province. His activities, as far as education and politics were concerned, spread to the whole of India. When he presided over the All-India Moslem League, the All-India Muhammadan Educational Conference and many other similar institutions, his activities were really directed to the whole of India and were for the well-being of India, and specially for that of his community. My province, though it contains a very small number of Muhammadans, has got its own traditions and we have got a centre of learning now of course changed into a Moslem University but formerly known as the Aligarh College. He presided over the Muhammadan Educational Conference in Aligarh, and that was the first occasion that I saw him. I welcomed him again as a prominent barrister. He was the leader of the Bar in Lahore and he had his reputation outside the High Court of Lahore, and I think all people who are practising in that profession will welcome him in that rôle also. With these words, Sir, I beg to associate myself with this occasion.

THE HONOURABLE SIRDAR CHARANJIT SINGH (Punjab : Nominated Non-official) : Sir, I heartily associate myself with what has fallen from my Honourable friend Sir Dinshaw Wacha. I have had the pleasure of knowing the Honourable Sir Muhammad Shafi for a long time. He is a very old friend of mine and I can endorse every word which has been said about him. As has been justly said, he has made an excellent leader of this House, and I hope I can safely say without violating the Official Secrets Act that he has made an

[Sirdar Charanjit Singh.]

excellent Indian Member of the Executive Council also in whose hands the interests of majorities and minorities have been absolutely safe. I can assure you, Sir, that the Punjab is proud of him and I join the chorus of hope that he will come back to this House and lead the non-officials as he has done now from the Treasury Benches.

THE HONOURABLE SIR NARASIMHA SARMA (Member for Education, Health and Lands): Sir, it gives me very great pleasure indeed to associate myself and my official Colleagues with all that has been said on this. I may say as far as I am concerned, very regrettable occasion when we have to part with our esteemed Leader and Colleague. With all that has fallen from my non-official Colleagues and friends, official etiquette and reserve prevent me from saying all that I wish to say on this occasion. I cannot forget that Sir Muhammad Shafi will continue to be an official for another three months, all too short a period indeed, and therefore it is not open to me, a brother official and colleague, to say all that I feel and all that I know about him. But this much I may be permitted to say, and that is that by his ability, great tact and skill as a leader, unruffled temper and genial good humour he has endeared himself to every one in this House and in the other House and that he leaves a rich harvest of good-will and harmony among all sections of the House to his successor.

THE HONOURABLE THE PRESIDENT: Before I call upon the Honourable Sir Muhammad Shafi to sing his official swan song, I must say a few words to associate the Chair with all that has fallen from Honourable Members who have spoken this morning. The Honourable Sir Muhammad Shafi has been the Leader of this House almost from its beginning, and the traditions of leadership which have been created here are the work of his hands. A smaller man might have been content to be the leader of the Government forces. The Honourable Sir Muhammad Shafi has never faltered in presenting the Government case, but as Leader of the House he has formed a higher conception of his duty, and has made it his business to represent the interests of the House as a whole, and no one knows that better than the President of the Council. Much of the smooth working of the Council is due, I think, to the fact—and I know my distinguished predecessor would say the same—that the Honourable Sir Muhammad Shafi has always kept the Chair in touch, not only with the feeling of Government, but with that of the House as a whole; and that tradition is a very valuable one, and one which will I know bear fruit after he is gone. Therefore in a very special sense the Chair is grateful to the Honourable Sir Muhammad Shafi.

I do not think I need say any more. We hope that this is not a farewell as some Honourable Members have said. But whether it is or not, all of us here give him God-speed and trust he will have a happy and successful future before him. (Applause.)

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI (Law Member): Sir, I confess I cannot find words to give adequate expression to my sense of deep gratitude for all the kindly sentiments which have been expressed towards me by my Honourable Colleagues, non-official and official, on this occasion. If during the years that I have had the honour of occupying the responsible

position of Leader of this House I have achieved some measure of success in the discharge of my responsibilities, it has, I know, been due to that spirit of mutual co-operation and good-will which has all along pervaded the atmosphere of this House. Here in this House we have had an entire absence of factious spirit; we have had displayed from all sides of the House a high sense of responsibility and a consciousness of the duty which every Member, official as well as non-official, owes to this country.

Sir, this is the last occasion when I have the proud privilege of occupying the position which I had in this Honourable House. Believe me that the memory of the associations, the very pleasant associations attaching to that position will abide with me for many years to come. I have tried to do my duty in accordance with the light with which Providence has endowed me, always bearing in mind the fact that I was the first Punjabi to be called upon to assume high office, and that I am not only a Punjabi but also an Indian and a citizen of the greatest Empire the world has ever known. I regard the citizenship of that Empire as one of my proudest possessions and, convinced as I am after a lifelong study of internal and external conditions that the future of my motherland lies within that Empire, I have always throughout my career, both in public life as well as in the official world, tried to do my little bit in the consciousness of that position as an Indian and as a citizen of the British Empire. My Honourable friend, Nawab Sir Umar Hayat Khan, said that I was returning to the Punjab. Why, I have never left the Punjab. Whether in Simla or in Delhi, which at one time was part of our province, I have been in the Punjab all these five years and more.

Sir, all I can say is this. As a Member of His Excellency the Viceroy's Executive Council, whether I was in charge of one portfolio or another, or whether I was in charge of two portfolios at one period as was alluded to by one of my Honourable friends, I have tried to do my little bit and I can assure the House that when after the 31st December next I go out of official life into professional and public life, I shall continue to do my little bit. (Applause.)

PROROGATION OF SESSION.

THE HONOURABLE THE PRESIDENT: Mr. Secretary, is the business of the Council concluded?

SECRETARY OF THE COUNCIL: Yes, Sir.

THE HONOURABLE THE PRESIDENT: It is now my duty to read a Proclamation from His Excellency the Viceroy and Governor General proroguing this Council.

(The Council stood while the Proclamation was read.)

PROCLAMATION.

"In pursuance of sub-section (2) of section 63D of the Government of India Act, I, Rufus Daniel, Earl of Reading, hereby prorogue the Session of the Council of State on the conclusion of its business on Tuesday, the 23rd of September, 1924.

(Sd.) READING,

Viceroy and Governor-General."

The 22nd September, 1924.

THE HONOURABLE THE PRESIDENT: The Council now stands prorogued. Gentlemen, I bid you farewell.

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