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Proceedings of
The Indian Legislative Council
Assembled for the purpose of making Laws and Regulations

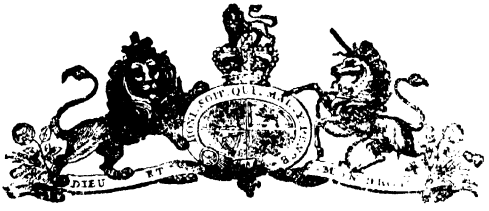
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GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.
(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Viceregal Lodge, Simla, on Friday, the 20th August, 1920.

PRESENT:

His Excellency BARON CHELMSFORD, P.C., G.M.S.I., G.M.I.E., G.C.M.G., G.C.S.I., Viceroy and Governor General, *presiding*, and 51 Members, of whom 42 were Additional Members.

OATH OF OFFICE.

11 A.M.

The following Additional Members made the prescribed oath or affirmation of allegiance to the Crown :—

The Hon'ble Mr. Charles Alexander Innes, C.I.E.

" " Mr. Alexander Robertson Murray, C.B.E.

" " Mr. Arthur Henry Froom.

" " Mr. Moses Mordecai Simeon Gubbay, C.S.I., C.I.E.

" " Mr. John Hullah.

The Hon'ble Mr. Edward Robert Kaye Blenkinsop, C.I.E.

" " Dr. Sir Deba Prasad Sarbadhikari, Kt., C.I.E.

" " Colonel William Danvers Waghorn, C.B., C.M.G.

" " Mr. James Alexander Richey, C.I.E.

" " Mr. Samuel Perry O'Donnell, C.I.E.

" " Mr. Bhupendra Nath Mitra, C.I.E., C.B.E.

" " Mr. Henry Mayne Reid Hopkins.

" " Saiyid Mahomed Ali.

" " Mr. Henry Norton Hutchinson, O.B.E.

" " Mr. Ratanji Dadabhoy Tata.

11.0 A.M.

HIS EXCELLENCY THE VICEROY'S SPEECH.

The President:—"I will preface my remarks to-day by a brief reference to the Royal Proclamation which was published on Wednesday last to the effect that the visit of His Royal Highness the Prince of Wales to India has been unavoidably postponed. This message will, I fear, have caused intense disappointment to the millions of India who were looking forward to giving His Royal Highness such a welcome as only India can give. But the exacting nature of his recent activities has imposed so great a strain on His Royal Highness that it would be ungenerous of us to grudge him that rest which he has so well earned. Anyone who will take the trouble to peruse the reports of the Prince's tour in Australia, will appreciate the great strain to which he has been subjected.

"Meanwhile let us extend a hearty welcome to His Royal Highness the Duke of Connaught who is already well known in India and who is coming in his place to inaugurate, in the name of our August Sovereign, the new reforms. Finally let us hope that His Royal Highness the Prince of Wales may be restored to full vigour and health when he visits India next year.

"Once more and for the last time I welcome Hon'ble Members to a Simla Session. I would remind the Council of the great advance which has been made during my tenure of office in the work which is undertaken at these Simla meetings. When I assumed office, under the orders of the Secretary of State, we were precluded, except under special conditions and with his leave, from undertaking legislative work at Simla. I obtained an abrogation of those orders and we have carried through legislation in these Sessions similar to that with which we are familiar in Delhi. The necessity for this change is obvious. With the advance of political ideas the appetite for legislation grows. The cynic may deride this, but the tendency is common to all Parliamentary institutions, and as our legislative assemblies approximate to Parliamentary bodies, the same incidents, which prevail elsewhere, will inevitably find their place with us.

"This Session, as Hon'ble Members probably realise, we are providing a legislative bill of fare which should satisfy the most exacting member. This is due to the circumstances in which we meet. We have to prepare and make ready the way for the new Councils. We have to meet emergencies which have arisen since we last met, and we ought to set in order certain matters which have been long outstanding. In particular I would draw your attention to the necessity for passing such Bills as the Corrupt Practices Bill and the Devolution and

Delegation Bill. This is imperative if the Reforms Scheme is to be introduced. Again there are Bills bearing upon the complicated financial position which are vital, the necessity for which will be made clear to you by the Hon'ble the Finance Member. Finally, there are Bills, the urgency of which will be explained by the Hon'ble Members who introduce them, dealing with matters which require early settlement in the public interest. I commend these to you for your earnest consideration.

" Since our last meeting one of our most respected colleagues Mr. Sita Nath Roy has passed away. The Rai Bahadur was in the Bengal Legislative Council from 1909 to 1912, and in our Council from 1913 to his death. That is a fine piece of work for a commercial man with large business interests of his own to look after. He was always ready to place his experience at the disposal of the Council, especially in Committees. He never imported into our discussions any flavour of bitterness, and we mourn his loss as a loyal true-hearted gentleman.

" Hon'ble Members will recognise on the Government bench one of their former non-official Colleagues—Mr. Sarma. He has always been one of the most diligent and industrious of our members, and I am sure that Hon'ble Members will join with me in offering him our congratulations and in expressing our confidence that that same diligence and industry which he has shown in criticising the shortcomings of Government will now be displayed in constructive statesmanship. Hon'ble Members will have noticed that another of their Colleagues has been designated by His Majesty for high office. I refer to Dr. Tej Bahadur Sapru. Dr. Sapru has always had the esteem of this Council. His contributions to our debates have been invariably weighty and conceived in a spirit of sober moderation. As Law Member, he is taking a heavy responsibility on his shoulders, and I am sure we will all offer him our congratulations on the high office to which he has been called. The Council will, I am sure, also wish me to offer Sir G. Lowndes our regrets at his approaching departure. We have all admired his legal attainments and the sureness with which he brought them to bear on problems in hand. In debate he has wielded a weapon which has won the respect of all those who have crossed swords with him, but Hon'ble Members have always known that no acute passage-at-arms in debate has ever impaired his ready willingness to help them with counsel and advice or affected their personal relations.

" In the speech which I delivered in January last, when opening the previous Session of the Council, I referred to the press of work which the passing of the Government of India Act of 1919 had involved and outlined the steps that were being taken for dealing with it. In the interval that has since elapsed we have forwarded for the sanction of the Secretary of State and have published for general information drafts of all the rules under the Act to which the approval of Parliament is required. In the preparation of those rules we have been greatly assisted by the loyal co-operation of the provinces and by the suggestions and criticisms of our advisory committee whose deliberations were marked by a spirit of reason and moderation that I gladly take this opportunity of acknowledging. We still await the orders of the Secretary of State as regards the important constitutional rules under sections 45-A and 29-A, but the electoral rules and the rules of legislative business have been approved by Parliament in a form that differs but slightly from the rules as drafted by us. I congratulate the Council on the fact that the electoral rules have been sanctioned at so early a date, because this will enable us to bring the Reforms Scheme into operation sooner than would otherwise have been possible. I am aware of the criticisms that have been passed on some of our rules. It was inevitable that there should be differences of opinion on some points, but I am glad to observe that the provisions to which exception has been taken are comparatively few. Hon'ble Members will allow me to quote paragraph 1 of the first Report of the Joint Committee of the two Houses of Parliament appointed to revise the draft rules made under the Government of India Act—

'The Committee desire in the forefront of their Report to express their appreciation of the great care and ability which are displaye din the drafts, and of the remarkable expedition with which this heavy task has been achieved by the Government of India and the Local Governments.

As will be seen from the Report, the Committee have made but few alterations in the rules as drafted by the authorities in India, and they desire to record their considered opinion that the rules, with these few alterations, are an accurate, but at the same time liberal, interpretation both of the general recommendations contained in their Report on the Bill and of the intentions of Parliament in framing the Act.'

" To those in India who have laboured in this field it must be a matter of great gratification to receive this generous appreciation of their work, and I, who have seen this work at close quarters, would like to add my humble tribute to that accorded by the Joint Committee.

" I now turn to certain matters which alas ! have been subjects of acute controversy. May what I say add no fuel to the fire.

" Since we last met Lord Hunter's Committee has reported on the events of last year in the Punjab, Bombay and Delhi. My Government forwarded a despatch to the Secretary of State recording their views on the findings of that Committee and His Majesty's Government have passed their judgment on the whole case. There are those, however, who are dissatisfied with the decision of the Government of India and of His Majesty's Government, and they have expressed their dissatisfaction in no uncertain terms. There is much that I could say with reference to the criticisms on this side or on that, but I am content to leave the issues to the verdict of history. For the present moment the matter of paramount importance is that we should concentrate on the problems of the immediate future. Much will depend on the manner in which the new Councils and the new Governments grapple with the task to be laid upon them. Are we to enter upon the new era in a spirit charged with the animosities of the past, or shall we leave those things that are behind and press forward to the things that are before ? I am confident that so far as Hon'ble Members are concerned their wish is to write upon a clean slate and leave the past behind. I refrain then from doing more to-day than recording the facts and much as I am tempted from the personal point of view to reply to our critics, I would point to the future. There is much work for all of us to do ; there are many opportunities opening out for mutual service and co-operation. Can we not steadfastly fix our eyes on these and refuse to be drawn away from our main purpose ? It is not then because I underrate the importance or gravity of the events of last year, nor the criticisms on either side which may be passed upon them that I refrain from discussing them, but because I see in the continuance of those discussions nothing but fresh recriminations tending to further racial exacerbation. There has already been enough, indeed too much of this on either side and it is calculated to frustrate that spirit of co-operation which lies at the basis of our Reforms and through which alone we can reach the goal of India's aspirations.

" To turn from this to the Khilafat agitation and the non-co-operation movement. Hon'ble Members are fully aware of the line which my Government have taken in relation to the Turkish Peace terms, and I need not further dilate upon it. So far as any Government could, we pressed upon the Peace Conference the views of Indian Moslems, but notwithstanding our efforts on their behalf, we are threatened with a campaign of non-co-operation, because, forsooth, the Allied Powers found themselves unable to accept the contentions advanced by Indian Moslems. Could anything be more futile or ill-advised ? This policy of non-co-operation must inevitably lead, if persisted in to the discomfort of the community at large, and indeed involve the risk of grave disorder. I am glad to think that everything points to this policy being repudiated by all thinking people, and it is because I and my Colleagues have faith in India's common-sense that we have preferred to allow this movement to fail by reason of its intrinsic inanity. Can we, for instance, picture to ourselves the legal profession generally foregoing its practice in support of this policy ? I am proud to belong to this great profession, but I cannot envisage such a possibility, and from one example can we not learn the unpractical nature of this visionary scheme ? Much has been made in speeches and the press of an answer given by the Secretary of State to a question in the House of Commons. He said—

'I am prepared to support any steps the Government of India think necessary in the very difficult situation now arising. But I will not dictate any steps to the Government of India. I would prefer to leave it to them.'

[20TH AUGUST, 1920.] [*The President.*]

"I think Hon'ble Members will agree with me in thinking that he could have given no other reply. There is a point at which no Government could refuse to take action to protect the interests of the community at large, and when that point is reached, Government is bound to and will use all the resources at its disposal. That is a platitude, but even platitudes require sometimes to be stated. But, as I have said above, I have every hope that this point will not be reached, but that the common-sense of the people and the opposition of all moderate men will erect an insuperable bar to the further progress of this most foolish of all foolish schemes.

"Hon'ble Members expect from me at the opening of each Session a review of the most important matters which are engaging our attention, and I will commence with that subject so vital to good government,—Finance.—

"Since the close of the Delhi Session various important measures connected with our currency and exchange arrangements have been carried into effect.

"I need scarcely remind Council of the change which has come over our trade position, resulting indeed in the month of June last, which is the latest month for which complete trade statistics are available, in an excess of imports over exports of nearly three crores of rupees. Since the armistice, our imports have been consistently and increasingly expanding, as indeed might have been expected after the great shrinkage which the conditions of the war brought about in this branch of our foreign trade. At the same time, partly from causes of world-wide application, there has been a reaction in the demand from our customers for our products. Those who drew largely on us during the war for raw materials and finished products have now curtailed their requirements; while others who stand in need of our goods have found it difficult, and even in some cases impossible, to offer satisfactory credit facilities. For instance, the reduced purchasing power of countries which draw their supplies of raw materials from us is well exemplified in the curtailment of the demands of our principal customer for cotton, namely, Japan, where a marked change in the trade position, a curtailment of credit, and other domestic difficulties have resulted in the practical stoppage of her purchases of this article.

"We have been much concerned at the large stocks, still undisposed of, remaining from the season of 1919-20, and we have asked our representatives at the Brussels Conference to consider how far it will be possible by arrangement with representatives of other countries, particularly of Central Europe, to find an outlet for the balance of these stocks which will remain undisposed of at the end of the season; and generally too we have asked that the question of facilities for the financing of our exports to Central European countries, which have been particularly affected by the breakdown of their exchanges, should be taken into consideration. The question is, as Council is aware, largely one of making provision for satisfactory credit facilities.

"Another special cause which has very considerably diminished our export trade has been the maintenance of our prohibition on the export of food-grains, which was imposed for the benefit of the general population in India who were affected by the high food prices in the last two years.

"I have now indicated to Hon'ble Members the chief source of our embarrassments, *viz.*, the swing-round of the balance of our Trade, from a surplus of exports to a surplus of imports. Let me now bring to their notice the favourable side of our financial picture. During the war we were compelled to impose restrictions upon the movement to and from India of the precious metals. These restrictions have now been entirely removed. Indeed, so far as silver is concerned, the position is even better than it was prior to the war inasmuch as we have removed the import duty which was imposed in 1910. As regards gold, Hon'ble Members will remember the emphasis and force with which during last Session the question of the restrictions on the importation of gold were discussed both in this Council and outside. These restrictions have now disappeared. We have found ourselves

also in a position to remove further restrictions. There is now no restriction on the encashment of notes at Currency Offices, and we have restored the pre-war facilities in regard to their encashment at treasuries. It is satisfactory to note that the result has been to emphasise the confidence which has been shown in our note issue, for during the last two months the return of silver rupees from circulation has been on an immense scale, and we have had no fewer than Rs. 12,38 lakhs of silver tendered to us in exchange for our notes since the 1st April. We have also been able to carry into effect our determination to reduce the fiduciary portion of our note issue. Our metallic reserve on the 31st July was no less than 58 per cent.—a figure which will challenge comparison with that of any other country. Our note circulation on the 31st of January amounted to 185 crores, and has now been brought down to 163 crores—a reduction which has been entirely effected by the withdrawal of that portion of our note issue which was based on securities. Council will remember that we asked for powers at the last Session to hold as high a figure as 10 crores in the investment portion of the Paper Currency Reserve, but we gave a distinct pledge that we would not make use of these powers except for the most pressing reasons. We have discharged to the full our undertaking in this respect, and the securities we now hold as backing to our notes have been reduced to 69 crores. We shall shortly be coming before the Council with our proposals for the permanent constitution of the Paper Currency Reserve and for the transitional arrangements which will be necessary before we are in a position to bring into effect the reconstitution of the Reserve on the permanent basis we desire to see adopted.

"We further propose to alter the ratio at which the sovereign is legal tender from Rs. 15 to Rs. 10 in accordance with the recommendations of the Currency Committee. But in the meantime the restoration of uncontrolled import of gold carried with it the necessity of consequential intermediate measures, for since February, when we announced our intention ultimately to adopt the new rating of Rs. 10 for the sovereign, large quantities of sovereigns have been smuggled through foreign ports for encashment at the privileged rate of Rs. 15. Clearly, it was out of the question to continue, with the restoration of the right to import gold, the obligation on us to pay Rs. 15 for every sovereign. We accordingly demonetised the latter, allowing at the same time a moratorium within which we would continue to pay at this privileged rate. We had given ample notice of our intention to introduce this change through the announcement which we made on the 2nd of February, and advantage has been taken during the five ensuing months by the holders of sovereigns of this opportunity to encash their sovereigns at this rate, for during this period there were presented to us for encashment just under seven millions of sovereigns, of which without doubt a large number represented sovereigns illicitly imported during that period.

"I may next refer to the vexed question of emigration and the status of Indians in self-governing Colonies and Dominions a question which has been engaging our very earnest attention. As you will remember, the position generally accepted at the Imperial War Conference and embodied in what is usually known as the Reciprocity Resolution was that, while each country, including India, must retain the right of deciding for itself what classes of permanent immigrants it would admit, facilities should be given for the admission of wives of persons already domiciled in the country and of tourists, students, businessmen and other temporary visitors. Negotiations on these points have been proceeding with the different self-governing Dominions and many outstanding points have now been satisfactorily settled. Where, however, the question of status becomes acute is in countries where there are already large bodies of resident Indians. I refer of course to South Africa. The Asiatic Enquiry Commission, to which I referred in my speech last January, has now been sitting for several months.

"We do not anticipate that its report will be published before the end of this year, but we know that the Indian case has been very effectively placed before the Commission by Sir Benjamin Robertson, and I think that I am

entitled to say that Indians in South Africa have nothing to fear and everything to gain from an impartial investigation into what is often called in South Africa the 'Indian menace'. I am quite sure that much of the feeling which is unfortunately displayed against Indians in South Africa is due to the fear, which I am afraid has been sedulously fostered by propagandists, that the white population in South Africa generally and in the Transvaal in particular is in danger of being swamped by Indians. Nothing but good can come from an enquiry in which those responsible for exaggerated statements of this kind are compelled to substantiate them in public and to submit to cross-examination. There is every reason to believe that the Commission will address themselves to this point, to which I know Sir Benjamin Robertson attached much importance, and I anticipate that the Commission's report will show how unfounded these fears are. Once the true facts are known, I hope and believe that the agitation will die away, and the way will be paved for a peaceful statesmanlike solution of the Indian problem in South Africa.

"Before leaving the subject of South Africa, I propose to say a few words on the question of voluntary repatriation. As you are all aware, the Commission has issued an *interim* report advocating a scheme of assisted voluntary repatriation for those Indians who are anxious to return to India, and the Union Government has already taken steps to give effect to this proposal. Let me make clear the position of the Government of India in regard to this scheme. We were not consulted, nor is there any reason why we should have been consulted. The Union Government are merely putting into force a section of an Act which was passed in 1914, and they are clearly entitled to do so. At the same time, the Government of India do not regard the scheme as being in any sense a solution of the Indian problem in South Africa, and they feel that they are entitled to ask for assurances that the scheme will be what it purports to be, namely, a purely voluntary scheme. We have already cabled to the Union Government on this point, and we have asked that the Repatriation Officer may be given clear instructions that no pressure must be put on Indians to accept repatriation, and that it must be left to Indians themselves to decide whether they will take advantage of the scheme or not. We also hope that the Union Government will appoint an Advisory Committee on which Indians are represented to advise the Repatriation Officer. Inasmuch as the scheme is, we understand, already in operation, we have suggested to the Governments of Madras, Bombay and Bengal that Employment Bureaux should be organised to assist returning Indians to find employment on their arrival in India. I hope that these Bureaux will be largely composed of non-official Indians.

"I now turn to the even more vexed question of the position of Indians in East Africa. We all know that this question has been discussed recently by Lord Milner with the Governor of the Colony, and that the Indian residents in what is now known as the Kenia Colony sent a deputation to England to represent their case to the Colonial Office. We have all read Lord Milner's speech on the subject in the House of Lords on the 14th July, and great anxiety has now been caused in India by a brief summary which has been received of a speech by the Governor of Kenia Colony. This speech indicates that the decision of His Majesty's Government has gone against the Indians in some of the points to which we attach most importance. I regret to say that a telegram which I have just received from the Secretary of State confirms the report of the Governor's speech. I am sorry that I have nothing satisfactory to tell you, but I will give directions for the publication at once of the information contained in the telegram. I am in close communication with the Secretary of State on these and other questions, and the Council may feel assured that the attitude I am adopting with regard to them is the same as that defined in my speech of January last, and I adhere to the position which I then took up. I do not admit that there is any justification in a Crown Colony or a Protectorate for assigning to British Indians a status in any way inferior to that of any other class of His Majesty's subjects. We have continually pressed this point of view upon the authorities at home, and we have urged that the franchise in Kenia Colony should be a common franchise

on a reasonable property basis, plus an educational test, with no racial discrimination. I have only to add that if the decision of His Majesty's Government is not favourable to Indian claims, this result is not in any way due to failure on the part of the Government of India to press the Indian point of view. I reserve further remarks on the subject, and it will be a matter for serious consideration what further action the Government of India must take in order to secure the legitimate rights of Indians in Crown Colonies.

"The position of Indians in Tanganyika has also given rise to some anxiety in India, but on this subject I need say no more than that the draft mandate for the territory which, I understand, the League of Nations proposes to give to the British Empire fully safeguards the rights of Indians.

"In my speech at the opening of the Delhi Session, I also referred to the fact that two deputations had arrived in India from British Guiana and Fiji, respectively, to endeavour to persuade us to re-open emigration to these Colonies on a new basis. A Committee of this Council was appointed to consider the cases presented by the two deputations. This Committee were not prepared to recommend the immediate acceptance of the schemes put forward and suggested that the Colonies should first be required to give guarantees that the position of the immigrants in their new homes would, in all respects, be equal to that of any class of His Majesty's subjects resident in the Colony, and that if these guarantees were given, deputations should then be sent to both Colonies to investigate local conditions and to report on the suitability of the colonisation schemes suggested. Both the Colonies have now agreed to give the desired guarantees, and, in accordance with the promise made, deputations will be sent to Fiji and British Guiana, respectively, as soon as the *personnel* of these deputations can be satisfactorily arranged. Hon'ble Members, however, will realise that owing to the near approach of the elections we have had considerable difficulty in obtaining Indian gentlemen to serve on the deputations.

"In my speech at the opening of the last Session of this Council, I referred to the creation of the Board of Industries and Munitions—an organisation which would close down the war commitments of the Munitions Board, would work out those specific recommendations of the Industrial Commission to which effect has not yet been given and would eventually prepare the way for the new Department of Industries. In addition to the Reports of the Chemical Services Committee, the Stores Purchase Committee and the Coalfields Committee with which the reconstituted Board is now dealing, I wish to mention one or two other matters of particular importance. The first is the conference of Provincial Directors of Industries held in April last. This conference was in the nature of an experiment; the intention was to ascertain whether, by informal discussion and the interchange of views between the Imperial and Provincial Departments of Industries, ideas could be gained, difficulties cleared away, and some measure of co-ordination secured in the activities of the different provincial organisations. I am happy to say that the experiment proved most successful, and there will, I hope, be another such conference in the near future. I am looking forward to the day when these meetings will not be confined to Government officials, but will include representatives of the greater industrial interests as well.

"The second subject to which I wish to refer is that of 'Labour,' to deal with which in all its ramifications it has been necessary to supplement the existing organisation of the Board of Industries and Munitions. In view of her new international obligations, India must henceforward maintain contact with the International Labour Office and keep abreast of developments in other countries; we wish too to have at our disposal machinery to facilitate the collection and collation of information relating to labour both in this country and abroad, which will also, we trust, be of value to Provincial Governments and to all who have to deal with local industrial problems. We have already begun to build up a bureau, which we hope will help to attain this end.

"And while I am on the important subject of 'Labour' I should like to take the opportunity of making a few general remarks. India is an original

member of the League of Nations and as such was represented at the Labour Conference at Washington last year. Owing to the short notice we received and the lack of industrial organisation in India, we were unable to consult all sections of employers or employed before nominating our delegates. And while I think you will agree with me that the case for India could not have been better presented than it was by the delegates we selected, we are anxious not to make nominations for the conference to be held next spring at Geneva until opportunity has been given to the interests to be represented of voicing their opinions. I note with pleasure the increasing attention that this matter is receiving from the general public.

"Our delegates at Washington found themselves in a position of singular difficulty. Few of the delegates from other countries had any true conception of Indian needs and conditions, and quite a number wished to enforce on India the same restrictions that countries with radically different climatic and economic conditions are ready to accept. Our delegates, though fortified by treaty rights, had difficulty in securing the modifications that they considered essential for India. At the same time they all felt, and I cordially agree with them, that the present position in India, as regards certain features of factory legislation, is difficult to defend. We are consulting Local Governments in connection with the revision of the Factories and Mines Acts, and hope to be able to put proposals before you very early next year. In the meantime, we have advanced a strong claim for the inclusion of India among the eight leading industrial countries of the world, which are entitled to seats on the Governing Body of the International Labour Office. It would strengthen our claim to inclusion, and would raise the status of our labouring classes and the prestige of the country as a whole in the eyes of the outside world, if we were able to point to an enlightened and efficient system of factory legislation and to an increased interest in the welfare of labour.

"But it is not only in its international aspect that the labour question in India deserves your attention. The recent rise in the cost of living, coupled with the growing consciousness of the workers, has led to considerable industrial unrest. Among working men there is no little dissatisfaction with the conditions under which they live. So far, the chief manifestation of this unrest has been an epidemic of strikes in several parts of the country. I need hardly impress upon you the necessity of reducing strikes and lock-outs to a minimum. They result not only in bitter feeling and in great financial loss to the parties directly involved, but also in deep injury to the whole community. If India is to make any real progress under the Reformed Councils, these Councils must have the means of expanding the revenue that they control. No great expansion in revenue is practicable without a substantial and continuous increase in India's resources. This increase will depend chiefly on industrial advance, and nothing will do more to check that advance than continuous conflict between employers and employed. If it proves impossible to check industrial discord, the country will be faced with a contraction of its resources that will seriously hamper the work of our legislators and administrators. Suggestions have reached us from several quarters that Government should legislate to prevent industrial disputes. But I attach far more importance to the establishment of right relations between employers and employed than to any Government machinery for arbitration and conciliation. England after many decades of bitter strife is realising that there are better means than strikes or lock-outs for settling disputes, and that the only sound policy is to prevent strikes by removing their causes.

"I would earnestly impress upon employers the necessity for sympathetic consideration of the claims of Labour. It has too often proved the case that employers, after a long and ruinous struggle, have been forced to concede claims that they might have allowed with honour and with profit as soon as they were presented. It too frequently happens that employers are in imperfect contact with those they employ, and are consequently unable to redress grievances that finally result in very serious disputes. Workers are beginning to demand not merely the right to live in comfort but a living interest in their work. This is a claim that must be taken seriously, and I see no reason why we should not

make our new start abreast of the most advanced European countries. So long as Indian industry was organised on a small scale, the close personal contact between the master and each of his men secured intimate, if not harmonious, relations. With the inevitable growth of great factories and mills this contact, in its original form, has become impossible, and there is a tendency to allow the bond between employer and employed to become a purely commercial one. It is essential that machinery should be devised which will re-establish under modern conditions personal contact and good understanding. One of the latest developments designed to meet this need elsewhere is the Works Committee, which is intended to enable the employer to realise the difficulties and hardships of his men, and to give the employed an opportunity of making known their needs and of influencing directly the policy of those who control the factory or workshop in which they serve. I have observed with pleasure that this idea has already commended itself to some of the leading employers in India. We are endeavouring to establish similar committees in a few industrial establishments under our control. The welfare of workers and especially the care of women and children and provisions for the education of the latter are matters that are engaging the attention of many employers at the present time. My Government is preparing itself, in consultation with Local Governments and employers, to furnish advice and help in this important matter. I sincerely believe that employers, who are willing to meet labour in this spirit and to treat their businesses as being as much the concern of their workers as of themselves, will find their reward not merely in increased profit, for that will not be lacking, but in the gratitude and loyalty of their men, and in the knowledge that they are furthering in the best way possible the contentment and the happiness of their country.

" To those who are endeavouring to influence and focus the aspirations of labour I would counsel a similar sympathy and forbearance; their responsibility is even greater than that of the employers. Labour in India is as yet scarcely articulate. But large numbers of working men are being enfranchised and they will look to the leaders of Indian opinion for guidance and help. It will be a tragic and irreparable disaster if India is forced to repeat the long history of industrial strife in England. There will always be men ready to foment strife ; some hope to achieve notoriety and influence out of the quarrels of others ; more create mischief through ignorance. The great majority of disputes admit of easy settlement, and there is no direction in which sane and sagacious political leaders can exercise a greater influence for good. In any strike it is the workers that suffer first and longest. And if we have to go through a long period of strife, industry will be crippled and the good start that we are making will be lost. To Hon'ble Members I would say, if you can bring capital and labour closer together, if you make it your duty to persuade them that their interest lies in co-operation and not in conflict, you will do more in a few years to bettter the condition of the workers in India than can be achieved by a life-time of agitation. The future of industrial India is in your hands.

"I would especially commend this matter to your earnest consideration, for as you know Industries under the Reforms Scheme will be a transferred subject and Ministers will need all the help which we can give them in this most important matter.

" The passage from the subject of labour to that of food-supply is a natural one, for the average man on the soil thinks in terms of the price of his food.

"The improvement in the position of food-supplies in India to which I referred at the opening of the last Session of the Council has, I am glad to say, been maintained. We felt justified in removing at the end of April the only remaining restrictions on the inter-provincial movements of food-grains, and though the effect was to raise prices slightly in some of the producing provinces, the restoration of free conditions of trade conduced I believe to the benefit of India as a whole. The good yield of the crops and especially that of rice and wheat has gone far towards replenishing the country's stocks. Much, however, still depends on the future course of the monsoon. The rainfall up-to-date has been defective in many parts of India, and in the Deccan protracted

drought has caused considerable anxiety regarding the fate of the early sown crops and the possibility of sowing a full area, but a few days ago good rain was received almost throughout the tracts which have suffered most, and I hope that it has come in time to save the crops and ensure the fodder-supply. In Northern and Central India and in Burma the rainfall has been good or satisfactory. Owing to excessive rain severe floods have occurred in parts of Orissa and Bengal causing some loss of human life and extensive damage to property. I should like here to express my sympathy with the sufferers, whose distress every effort is being made to relieve.

" Though the prices of wheat and millets have this year shown generally a marked decline, the price of rice has fallen only slightly below the figure which it reached at this time last year. Under the scheme introduced for control of Burma rice, we have arranged for the import into India of nearly 650,000 tons of Burma rice at controlled rates since the beginning of year and have set aside a further quantity to meet India's future requirements. We cannot hope that food prices in India will in the near future or, perhaps, ever revert to their pre-war standard. Apart from the depreciation in the purchasing value of money, the demands of the war dislocated and greatly reduced the agencies of normal production, and a long period must inevitably elapse before recovery is complete. It is perhaps however not generally realised how favourable are conditions in India in comparison with those in other countries. According to a statement made in Parliament last May food prices since the war had risen in the United Kingdom by 135 per cent., in France by 220 per cent. and in Italy by 306 per cent. In India the prices of rice in Calcutta and of wheat in the Punjab are now only 49 and 38 per cent. respectively above their figures in August 1914.

" I now come to Universities. At your last Session you passed an Act for the constitution of a University at Dacca. Some controversy arose regarding certain sections dealing with communal representation on lines recommended by the Calcutta University Commission and essential for the success of the institution in the condition which obtain at Dacca. But an amicable arrangement was arrived in the Council and the measure, was received with general acclaim. I trust that its provisions regarding the fundamental proposals of the Commission may form a model for future legislation elsewhere. But the seed which the Commission had sown is already beginning to germinate and schemes for new Universities are opening around us thick as flowers in spring. There will be laid before you at this Session a Bill for the constitution of the Aligarh Muslim University. I had hoped that proposals might also be put forward for the reorganisation of the University of Calcutta. But that measure is being postponed. Legislation has also been sanctioned in local Councils for unitary Universities at Rangoon and at Lucknow. Sir Harcourt Butler has shown his usual energy in directing the attention of the educated public in the United Provinces towards the recommendations of the Commission, and he has met with a warm response. Indeed, it looks as though those recommendations were destined to bear fruit in other parts of India earlier than in the University with reference to which they were actually made. I had always contemplated that the report would be of general application, and it is gratifying to find that the soundness and wisdom of its conclusions are finding acceptance in so many quarters.

" Coming now to the Army the only military operations to record are those in connection with the closing stages of the advance into the Mahsud country. I am dealing in that portion of my speech which relates to external affairs, with our Waziristan policy, but I must place on record here the sympathy and pride with which I have followed the story of our gallant troops in Waziristan, and I congratulate them on the success which has attended their arduous operations.

" I regret greatly the slowness with which the demobilisation and disbandment of Indian units is taking place, but this is due in the main to causes outside our control. The shortage of shipping has been to a great measure responsible for the non-return of units from overseas. We have been obliged to maintain our formations on the frontier at a considerably higher strength than was anticipated. The position in Mesopotamia has forced us to mobilise additional formations for active service.

"We are, however, doing everything we can to expedite demobilisation. We hope in the near future to reduce our Trans-Indus forces to normal strength, and we have pressed and are pressing the War Office to push on the repatriation of Indian units from overseas as much as possible.

"We have under consideration at the present moment a scheme for the development of education in the Army. It will be general in so far as its aim is to improve the general capacity of the men, but it will have a vocational side with a view to increasing the economic efficiency and earning capacity of the soldier when he returns to civil life.

"Two hundred special jagirs have been distributed to Indian officers in recognition of distinguished service during the war, and as a further mark of recognition of the services of the Indian Army during the war over 300 Indian officers, of whom roughly 200 have been gazetted, have been selected for the grant of Honorary King's Commissions as Lieutenants and Captains carrying substantial increases of pay and pension.

"Last September I alluded in this Council to the work on behalf of *ex*-soldiers which was being carried out by the Indian Soldiers' Board under the presidency of my Honourable colleague Sir George Lowndes.

"This work is still being carried on. During the past 12 months the Board acting as almoners on behalf of the Imperial Indian Relief Fund have distributed the sum of 57 lakhs of rupees in lump sum donations partly to the dependents of Indian soldiers who have been killed or who have died as the result of active service and partly to Indian soldiers who have been permanently disabled in the Great War. The actual payments of these donations have been made by Local Governments and Administrations in the case of dependents and by the Controllers of Military Accounts in the case of disabled soldiers.

"The distribution of land rewards and special pensions to be known as *Jangi Inams* to Indian officers and other ranks who have specially distinguished themselves in the war has been delayed owing to the difficulty experienced in obtaining lists of those recommended for the reward from the widely scattered units of the Indian Army.

"A commencement of the distribution has, however, now been made, and some 3,000 officers and other ranks will by the end of October have been placed in possession of valuable plots of land mainly on the Lower Bari Doab Canal, where the standard grant in the case of an officer is 50 acres and in the case of all other ranks 25 acres.

"Bills will be introduced for your consideration for the organisation of the Volunteer Force and also for the creation of a framework on which it is hoped to build up an Indian Territorial Force.

"A communiqué was issued to the public with regard to these Bills some little time ago, and I have caused copies of it to be distributed so that Hon'ble Members may refresh their memories on the principles underlying these Bills. The Report of the Esher Committee has been received and is being examined. It foreshadows extensive changes in the higher organisation of the Army and makes important proposals which will require careful examination in view of the heavy expenditure, which they are likely to entail.

"At our last Session I gave some account of the measures we were taking to restore the disturbed situation on the North-West Frontier caused by the Afghan War, and I mentioned that the rejection by the Mahsuds of our terms had necessitated the advance of troops into their country. The operations against the Mahsuds have now practically been brought to a close, and as the result of hard fighting we have occupied a central and dominating position in Waziristan. The campaign thus forced upon us, with its heavy cost in treasure and lives, has compelled us to bring under scrutiny the whole of our policy in this troublesome border tract. For many years, ever since we inherited from the Sikhs the task of controlling Waziristan, and especially since the Amir Abdurrahman formally recognised it as lying within our sphere, we have followed the policy of non-interference with its inhabitants. We have, it is true, held two lines of militia forts,

along the Tochi in the North and towards Wano in the South, for the purpose of checking raids upon the settled inhabitants of India and upon the caravan traffic proceeding up and down the Gumal. But to this end we have employed mainly the Wazirs and Mahsuds themselves. We have not interfered with their internal affairs and beyond granting them subsidies, to enable them to live without raiding, we have had as little to do with them as possible. We hoped that, if we left them alone, they would leave us alone. This hope has, I regret to say, proved fallacious, and the time has come when we can no longer shut our eyes to the fact. We have had a campaign, more or less important, against Waziristan on an average every four years—sometimes it has been called an expedition and sometimes a blockade. Since 1852 we have had 17 of these military operations, and since 1911 we have had four, including that just concluded. These have all been occasioned by deliberate aggression against us on the part of tribesmen, who have ravaged the plains whenever they saw an opportunity. During the last few years, when we were occupied first with the Great War and then with the Afghan War, their depredations have been bolder and more intolerable than ever before, since, in spite of our efforts to the contrary, they have obtained arms of precision from certain sources. During the Afghan War they swept over the border tracts of the Derajat and Zhob and even penetrated into the Punjab, robbing and murdering the peaceful villagers, especially the Hindus; and after the signature of peace with Afghanistan they became even more truculent and absolutely refused the lenient terms which we offered them in the hope of avoiding a campaign.

"On a review of the facts we have now made up our minds that this continual and gratuitous provocation can no longer be suffered; and we have decided, with the approval of His Majesty's Government, that our forces shall remain in occupation of Central Waziristan, that mechanical transport roads shall be constructed throughout the country, especially roads linking the Gumal with the Tochi line, and that our present line of posts shall be extended as may seem necessary. It is not possible to set any limits to the period of our occupation, our main care being that we shall not lose the advantage gained during the past nine months at the cost of valuable lives and of much money and that there shall be no recurrence of the series of outrages of which I have given you an outline. We hope that the peace which must eventually attend our domination of these tribesmen will bring its usual blessings in its train; that they may be weaned from their life of rapine and violence and may find both in material improvements in their country, such as the extension of irrigation and cultivation and in civilising intercourse with India, a more stable prosperity than they have ever derived from their traditional profession of robbers and marauders.

"In order to improve our frontier communications we have, with the concurrence of the Secretary of State, sanctioned the extension through the Khyber of the broad-gauge railway which at present terminates at Jamrud. I trust that the time may not be distant when the Afghan Government similarly may build railways down to their frontier, and that in this way a connection may be made between the two countries. Nothing, I am convinced, would more conduce to the mutual advantage and good understanding between the two countries than such a connection, and if the Afghan Government were to wish for it, I can assure them that we shall be ready to co-operate.

"I am glad to say that our relations with Afghanistan have been friendly. As is known to you, the Afghan Government sent a delegation to India at the beginning of April to discuss with British representatives all subjects of misunderstanding between the two Governments, in the hope that such discussion might clear the way for subsequent negotiations for a treaty of friendship. Some 15 years had passed since Sir Louis Dane and his mission discussed matters of common interest in Kabul, and I felt that it would conduce to the mutual benefit of ourselves and Afghanistan, if another free and frank interchange of opinions were to take place. The discussions were prolonged, as their range was wide; and the Afghan delegation did not return to their country until the end of July. The Afghan Government is now in full possession of the

views of the British Government on all matters affecting Afghan interests, and I hope that these discussions may not have been without their value in clearing up doubts and difficulties. I must record my warm appreciation of the labours of Mr. Dobbs and his colleagues during these long discussions, and I sincerely hope that the fuller understanding, which is the result of their work, may form the basis of a permanent establishment of really neighbourly relations between the two States.

"Much is being said on the platform and in the press both in India and England at the present moment with regard to the state of India. No one can deny that there are disquieting symptoms of uneasiness and unrest, but are these peculiar to India alone? We must maintain a proper perspective of these phenomena. Look round the world and see if there are not identical symptoms wherever you cast your eyes. They are the swell after a great storm, the aftermath of a great upheaval. And consider, I pray you the tale of ordered progress which I have unfolded to you this morning. There are high prices, but the rise in India is small as compared with those prevailing elsewhere. There are financial problems, which cause us anxiety, but, as I have indicated, we are returning to normality at a pace greatly in advance of the rest of the world. We have removed all restrictions on the flow inwards and outwards of the precious metals, and we have a metallic backing to our note issue which would be the envy of every other country. In Industry we have a country unravaged by war with vast potentialities only waiting development, and despite all the pre-occupations of the war and the aftermath of war, we have laid the foundations for this development. On our frontiers we hope, and I put it no higher, that we have a policy which will make for enduring peace. In politics we must admit, alas! but it is an admission that does not differentiate us from the rest of the world, there are harsh utterances and much bitterness, but here again within a year of the armistice we had inaugurated a Reformed Constitution which gives great scope for personal activities and introduces Indians to a progressive measure of real co-operation and responsibility.

"There are three great virtues, which have won the world's acknowledgment, faith, hope and charity, of which three the greatest is charity.

"Faith we must all have in the boundless possibilities of this great land. And surely, if we have faith, we must have hope, hope for what is to come, hope for the realisation of those aspirations, which find their first fruits in the new Constitution.

"But charity the greatest of the three! Is not charity the one thing needful to-day? Without it all our doings are nothing worth. With it we can face the future in the sure and certain knowledge that our efforts will not be in vain."

STATEMENTS LAID ON THE TABLE.

12-8 P.M. **The Hon'ble Mr. Shafi:**—"My Lord, I lay on the table a Statement* showing the grants made to institutions for the instruction of the blind, deaf and dumb which was promised† in reply to a question asked by the Hon'ble Mr. Patel on the 23rd February 1920."

The Hon'ble Sir William Vincent:—"My Lord, I lay on the table a Statement‡ showing the number of appointments in the Judicial Branch of the Provincial Civil Service in Bengal, which was promised§ in reply to a question asked by the Hon'ble Nawab Saiyad Nawab Ali Chaudhuri on the 22nd March 1920."

* *Vide* Appendix A.

† *Vide* page 871 of Council Proceedings of 23rd February, 1920.

‡ Not included in these Proceedings.

§ *Vide* page 1529 of Council Proceedings of 22nd March, 1920.

[20TH AUGUST, 1920.] [*Maharaja Sir Manindra Chandra Nandi; Sir George Barnes; Sir Thomas Holland.*]

QUESTIONS AND ANSWERS.

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:— 12-9 P.M.

1. "(*a*) Are Government considering the desirability of again taking action under the Cotton Cloth Act, 1918, and supplying standard cloth as a temporary relief to the poorer people? The Cotton Cloth Act.

(*b*) Have Government received any communication from the Government of Bengal, or any other local Government, regarding the matter?

(*c*) Are Government aware of a strong demand in the country for standard cloth of a cheap variety?"

The Hon'ble Sir George Barnes replied:—

"(*a*), (*b*) and (*c*). In March last the Chief Commissioner of Assam applied for a further supply of standard cloth and, thanks to the co-operation of a number of firms in Bombay, arrangements were made to send 150 bales to the province. The Cotton Cloth Act is still in force and its provisions can at any time again be brought into operation. The Government of India, however, do not think that they would be justified in resuming operations under the Act until the necessity for this course has been clearly established by a widespread demand for standard cloth from the different provinces. At present there is no evidence of any such widespread demand. No Local Government other than that of Assam has addressed the Government of India on the subject."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

2. "What progress has been made in the different provinces in regard to the organisation of Industries under State patronage?" Organisation of Industries under State patronage.

The Hon'ble Sir Thomas Holland replied:—

"The attention of the Hon'ble Maharaja is invited to the annual reports of provincial Industries Departments, copies of which will be laid on the table if so desired. The Government of India have no information other than that contained in those reports."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

3. "(*a*) Have the Government any official information regarding the Seamen's Conference at Genoa, at which certain claims were put forward on behalf of Indian seamen? The Seamen's Conference at Genoa.

(*b*) If so, will Government be pleased to make a statement thereanent?

(*c*) How do the status and emoluments enjoyed by Indian seamen in the mercantile marine, generally compare with those enjoyed by men of other nationalities employed in similar work?

(*d*) What recognition has been made of the services of the Indian seamen during the war, and what relief has been given by Government to families of Indian seamen who met their death while on war service or to those who were disabled during the war?

(*e*) What are the present methods of recruitment of Indian seamen and what facilities are provided by Government for their training?"

[*Sir George Barnes; Mr. Srinivasa Sastri; Mr. Shafi.*] [20TH AUGUST, 1920.]

The Hon'ble Sir George Barnes replied :—

"(*a*) and (*b*). The attention of the Hon'ble Member is directed to the Press Communiqué which was issued on the 28th May last of which I should be very glad to send him a copy if he so desires. No official report of the proceedings of the Seamen's Conference has yet been received, but the Government of India lay on the table a copy* of the questionnaire and of their reply thereto, as finally revised by their delegates in consultation with the delegates of the employers and of the workpeople.

(*c*) The Government of India have no information on the subject.

(*d*) Members of the Indian mercantile marine who served at sea for not less than six months during the period from 4th August 1914 to 11th November 1918, are eligible for the British war medal. Pensions have been granted to Indian seamen disabled through the war and to the families of Indian seamen who lost their lives through hostile action or died during internment in enemy countries.

(*e*) The methods of recruitment of Indian seamen are explained briefly in the Government of India's reply to the questionnaire. No special arrangements are at present made by the Government of India for the training of Indian seamen."

The Hon'ble Mr. Srinivasa Sastri asked :—

The Census for 1921.

4. "Have Government issued or do they propose to issue instructions, in connection with the forthcoming Census, for carrying out the purpose of the following resolution which was carried in the Legislative Council of the Punjab at the instance of the Hon'ble Mr. Fazl-i-Hussain and printed in the Punjab Gazette, dated May 14th, 1920—

'This Council recommends to His Honour the Lieutenant-Governor that in the next Census-taking of 1921, provision be made for the preparation of tables of boys and girls of school-going age in each village and in each town to help in the matter of developing primary education in the Punjab'?"

The Hon'ble Mr. Shafi replied :—

"The Government of India have considered the recommendations contained in the Resolution alluded to along with other recommendations received in connection with the Age Tables of the Census. The proposal to tabulate the actual age of boys and girls of school-going age in each town and village could hardly be confined to one province, and as the compulsory age in the Primary Education Acts differs in different Provinces the effect of the proposal would be that the census sorting offices would have to take out and tabulate for each town and village the actual ages returned of children of each year from 6 to 15, which are under the present system included in the age groups 5 to 9, 10 to 14 and 15 to 20. Even if such tables were otherwise satisfactory they would obviously have only an ephemeral value.

The extreme inaccuracy of the individual age returns, as given by the enumerators in India in the census schedules, has formed the subject of comment in every Census Report. In the case of figures compiled in age groups for large areas the effect of this inaccuracy is to some extent mitigated by the law of averages, but even in the Imperial Census Tables for units as large as districts and cities the statistics are not sufficiently satisfactory to permit of anything more than rough deductions as to the general age constitution of the population, until they have gone through an elaborate statistical

* *Vide* Appendix B.

process of graduation. The Government of India think that detailed age tables of the kind proposed, based on figures obtained under the present conditions of census enumeration in India would form an unstable, if not a dangerous, foundation for any practical measures, and that the very considerable additional labour and expense involved by the proposal would not be justified by the value of the results obtained.

It may be added that mainly for purposes in connection with the vital statistics prepared by the Sanitary Department the Government of India propose to give to Local Governments discretion to have prepared in the Census offices tables showing the population of tahsils and towns in age groups which will include the groups 5-10 and 10-15. Beyond this the Government of India do not themselves think it advantageous to go; but the original census schedules will remain in the hands of the local authorities and will be available for any further analysis of the entries that may be locally required and can be locally undertaken."

The Hon'ble Mr. Srinivasa Sastri asked:—

5. "Will Government be pleased to state the information in their possession calculated to show the improvement made in the conditions of travel on railways of third class passengers referred to in the circulars of the Railway Board No. 552-T.-17, dated Simla, 23rd January and 23rd August 1918?" Improvements made for 3rd class passengers on railways.

The Hon'ble Colonel W. D. Waghorn replied:—

"It is not possible to give in any detail the information asked for by the Hon'ble Member. The Railway Board's circulars to which the Hon'ble Member refers were issued with the object of impressing on railways the need for giving constant attention to the comfort and convenience of third class passengers, and detailed replies from railways were not called for. Government Inspectors of Railways were advised to pay special attention to the different points referred to in the circulars when submitting their inspection reports. It is believed, however, that considerable minor improvements have been made on various systems in the directions indicated in the circulars under reference, and the attention of Agents has again more recently been called to the necessity for improving matters in regard to the comfort of third class passengers."

The Hon'ble Mr. Srinivasa Sastri asked:—

6. "Do Government propose to move the Secretary of State for India for getting the Colonial Office to appoint a Commission to inquire into the origin of the recent riots in Fiji and the measures that were taken to quell them?" Riots in Fiji.

The Hon'ble Sir George Barnes replied:—

"In view of the very detailed account of the recent riots given in the despatch of the Governor of Fiji, dated the 12th March last, which was published in the Gazette of India of the 17th July, the Government of India do not think that they would be justified in moving the Secretary of State as suggested by the Hon'ble Member."

The Hon'ble Mr. Srinivasa Sastri asked:—

"(*a*) Is flogging resorted to as a punishment in the Indian Army? Abolition of flogging in the Indian Army.

(*b*) Do Government propose to consider the question of abolishing flogging as a punishment in the Indian Army?"

[*His Excellency the Commander-in-Chief; Mr. Kamini Kumar Chanda; Colonel W. D. Waghorn.*] [20TH AUGUST, 1920.]

His Excellency the Commander-in-Chief replied:—

"(*a*) Yes.

(*b*) The answer is in the affirmative."

The Hon'ble Mr. Kamini Kumar Chanda asked:—

The Bengali Regiment.

8. "(*a*) Is it true that the Bengali Regiment is to be disbanded?

(*b*) In case it is in contemplation to do so, do Government propose to take into their confidence the public men of Bengal connected with the movement before finally arriving at any decision?"

His Excellency the Commander-in-Chief replied:—

"(*a*) The answer is in the affirmative. Orders for the disbandment of the 49th Bengalis were issued on the 4th June 1920.

(*b*) In view of the reply to (*a*) this point does not now arise. The attention of the Hon'ble Member is however invited to the official statement which was published by Mr. Surendranath Banerjea in the Calcutta papers on the 20th July, in which it was announced that the cadre of the 49th Bengalis would be maintained until further orders, with a view to providing a connecting link between the Regular Bengali Battalion and any Territorial Bengali Battalion which may be formed should the Indian Territorial Force scheme materialise."

The Hon'ble Mr. Kamini Kumar Chanda asked:—

Number of Railway accidents and collisions in 1919 and 1920.

9. "(*a*) Will Government enumerate the railway accidents and collisions attended with loss of lives or injuries to persons which have taken place in 1919 and 1920, with a list of the casualties in each case?

(*b*) What were the casualties in the recent railway collision near Moradabad (the Mewa-Newada railway collision)?

(*c*) Are Government aware that the estimate of casualties made in the Government communique is alleged to be wholly inadequate according to non-official information, which puts the number of persons killed at 400 at least?

(*d*) Was there any non-official on the joint committee of inquiry about the collision?

(*e*) Do Government propose to appoint some non-officials to such committees in future and to provide for full inquiries being made?"

The Hon'ble Colonel W. D. Waghorn replied:—

"(*a*) The Hon'ble Member is referred to the statement* placed on the table by Sir Arthur Anderson in answer to a question asked by the Hon'ble Mr. Sachchidananda Sinha on the 25th September 1919, giving particulars of serious accidents involving loss of life or injury to passengers which occurred up to 1st September in that year. A similar statement† giving information regarding accidents which occurred between 2nd September 1919 and June 1920 is placed on the table.

(*b*) and (*c*). The most careful search at the scene of the Moradabad accident and subsequent enquiry showed that the number killed could not have exceeded 45. The number injured was 69, and this figure includes many with injuries of a trivial nature.

* *Vide* pages 527 and 585 of Council Proceedings of 25th September, 1919.
† *Vide* Appendix C.

[20TH AUGUST, 1920.] [*Colonel W. D. Waghorn; Mr. Kamini Kumar Chanda; Sir William Marris.*]

(*d*) and (*e*). In all cases of accidents involving loss, danger or injury notice of the enquiry is sent to the District Magistrate and to the Senior Government Inspector, both of whom attend the enquiry if the importance of the case requires it. A representative of the Police Department also attends as a rule. The regulations further provide for an independent investigation by the Civil authorities when such a course is considered necessary. In this way the interests of the public seem to be fully protected, and the Government see no reason for a change of practice."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Election to the Legislative Councils under the Reforms.

10. "(*a*) Is it the policy or intention of Government that persons holding the views of the Indian National Congress should not be elected to the Legislative Councils under the Reforms?

(*b*) Has any circular been issued by the Government of India to this effect?

(*c*) Is it a fact that the Bombay Government has issued such a circular?

(*d*) Has any other Provincial Government issued any similar circular?

(*e*) If the answer to (*c*) be in the affirmative, was the circular issued with the knowledge or approval of the Government of India or in accordance with their policy or under their instructions? If not, do the Government of India propose to ask the Government of Bombay to withdraw the circular and to make it known to the public that it was not approved or sanctioned by them?"

The Hon'ble Sir William Marris replied :—

"No such circular has been issued by the Government of India or by any local Government. As the Hon'ble Member is aware the Government have always scrupulously refrained from any interference, direct or indirect, with the elections to the legislative councils; and they are unable to imagine what has led the Hon'ble Member to suppose that they had altered, or contemplated altering, their policy in this matter."

The Hon'ble Mr. Kamini Kumar Chanda:—"As a supplementary question, my Lord, is it a fact that the Bombay Government issued such a circular?"

The Hon'ble Sir William Marris:—"I have answered that question, my Lord, I think."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Treatment of an Indian lady passenger at Ujirpur Railway Station.

11. "(*a*) With reference to the reply* given by the Hon'ble Sir Arthur Anderson to my question put in the Council on the 8th March last about the treatment of a 1st class Indian lady passenger at Ujirpur Railway Station was any enquiry made in the matter?

(*b*) What action, if any, has been taken by Government about the conduct of the parties complained against?"

The Hon'ble Colonel W. D. Waghorn replied :—

"Full enquiry was made but all efforts to trace the passengers referred to failed."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

The Defence of India Act.

12. "(*a*) Are the Defence of India Act and the rules thereunder still in force?

(*b*) When will they expire?"

* *Vide* page 1113 of Council Proceedings of 8th March, 1920.

[20TH AUGUST, 1920.] [*Sir William Vincent; Mr. Kamini Kumar Chanda; Mr. W. M. Hailey; Khan Sahib Shah Nawaz Bhutto; Colonel W. D. Waghorn.*]

The Hon'ble Sir William Vincent replied:—

"(*a*) The answer is in the affirmative.

(*b*) They will expire six months after the termination of the war."

The Hon'ble Mr. Kamini Kumar Chanda asked:—

Increase of pensions on account of high prices.

13. "(*a*) Has the attention of Government been drawn to a public meeting of Government pensioners held under the presidency of Mr. H. W. B. Moreno in the rooms of the Indian Association in Calcutta on 6th May last which passed a resolution asking for a 40 per cent increase of pensions with effect from 1916 on account of high prices?

(*b*) Is it a fact that the Ceylon Government has granted an increment of 25 per cent to all pensioners?

(*c*) Is it a fact that Imperial Service pensioners have recently been granted increments?

(*d*) Do Government propose to consider the question of granting similar increments to other pensioners?"

The Hon'ble Mr. W. M. Hailey replied:—

"(*a*) Yes.

(*b*) It is a fact that the Ceylon Government has granted temporary increases to pensions. The percentage of increase ranges from 15 to 50 subject to certain maxima.

(*c*) The reference is presumably to the revised pension rules recently sanctioned, which provide for increased maximum limits. These rules were devised with reference to existing and future conditions and not with a view to giving relief to those who had already retired, though in pursuance of what was considered to amount to a pledge given when memorials on the subject were first presented in 1913, their benefits were extended to those who have retired since the 23rd July, 1913. The rules are not, however, as seems to be suggested by the Hon'ble Member, confined to the Imperial Services, but apply to all gazetted officers of any standing.

(*d*) The question whether it would be practicable to grant any relief to the poorer classes of pensioners in view of the rise in the cost of living is at present under consideration."

The Hon'ble Khan Sahib Shah Nawaz Bhutto asked:—

Temporary Engineers on Railways.

14. "(*a*) Is it a fact that substantial increase in pay on account of high prices has been given to the temporary engineers in the Public Works Department but not to such engineers on Railways?

(*b*) Will Government state the reason for this difference?

(*c*) Is it a fact that temporary engineers on Railways are continued as temporary indefinitely?

(*d*) Do Government propose to consider the question of making these temporary engineers permanent after approved service for 5 years?"

The Hon'ble Colonel W. D. Waghorn replied:—

"(*a*) and (*b*). A substantial increase of pay on account of high prices has recently been given to temporary engineers on State Railways with effect

[20TH AUGUST, 1920.] [*Colonel W. D. Waghorn; Mr. G. S. Khaparde; Rao Bahadur B. N. Sarma; Sir William Vincent.*]

from the 1st January 1920. Only in a very few cases where it was considered that the engineers where already in receipt of pay commensurate with their qualifications was no increase granted.

(*c*) It is a fact that a certain number of temporary engineers on State Railways have been employed from year to year for long periods. In most cases such officers are permitted to subscribe to the Railway Provident Fund and are given the benefit of the leave rules.

(*d*) The answer is in the negative. The qualifications of temporary engineers are not as a rule such as would have obtained for them an appointment on the permanent establishment, and it would therefore be unfair to the permanent establishment to appoint such engineers to that establishment.

The question of abolishing the temporary engineer establishment, as at present constituted, is under consideration."

The Hon'ble Mr. G. S. Khaparde asked :—

Slaughter of cows at Saugor in Central Provinces.

15. "(*a*) Has it come to the knowledge of Government that about a thousand cows and agricultural cattle are slaughtered every day at Saugor in the Central Provinces?

(*b*) Is it a fact that a Tanning and Trading Company is proposed to be started at Saugor with the approval, and under the patronage of, the Local Government?

(*c*) If the answers to (*a*) and (*b*) be in the affirmative, do the Government of India propose to take steps to prevent such slaughter and discourage the establishment of the said Tanning and Trading Company?"

The Hon'ble Rao Bahadur B. N. Sarma replied :—

"Information on the points mentioned in parts (*a*) and (*b*) of the question should be sought in the Central Provinces Legislative Council. With reference to part (*c*) the Government of India do not propose to interfere with the discretion of the local Administration."

The Hon'ble Mr. G. S. Khaparde :—"I propose to put a supplementary question. Has the Government of India any policy on this subject?"

The Hon'ble Rao Bahadur B. N. Sarma :—"I should like notice of the question."

THE INDIAN LIMITATION AND CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

12-23 P.M.

The Hon'ble Sir William Vincent :—"My Lord, I move for leave to introduce a Bill further to amend the Indian Limitation Act, 1908, and the Code of Civil Procedure, 1908.

"This Bill is intended mainly to reduce the delays which have occurred in Privy Council appeals. It affects other cases in certain respects also. The question of these delays in the Privy Council has exercised the minds of the Secretary of State, the Government of India and their Lordships of the Judicial Committee for some years. On many occasions the Privy Council have criticised the want of expedition in these appeals with great severity, at times they have become almost plaintive about this. To anyone who has any knowledge of the time that is taken before such appeals are heard, these complaints must appear well founded. I have two cases here which may interest the Council. One is a case instituted in 1905 in which a decree was passed by the subordinate Judge in 1906, by the High Court in 1909, and the appeal was decided in the Privy Council in 1916, that is after a delay of 7 years. I have another case here—but I do not wish to detain the Council with all the details—in which it took 5 years to get the printed records to the Privy Council. These are exceptional cases but the system is clearly in need of modification. One great cause of delay is the printing of the paper books, and here I wish to acknowledge the assistance we have received from the various High Courts who have taken steps to expedite this process. But this action is not sufficient, and I ought to say that a recent Order of His Majesty in Council authorises the High Courts to insist upon the speedy prosecution of appeals. The Order will come into force on 1st January 1921, but before it comes into force it is essential to enact the present legislation which is in part intended to supplement that Order. The first important change in the law, for which the Bill provides, is a reduction of the period within which a person must apply for leave to appeal to the Privy Council. Those who are interested in the subject may compare the Bill with rule 1 of the new Order in Council as published. It is proposed to reduce the time prescribed from 6 months to 90 days. It is also proposed to reduce the period within which the security for costs shall be furnished from 6 months to 90 days, but this period may be extended by the Court to 150 days. Further, appellants will be compelled to furnish security in cash or in Government securities, though the court may, if it thinks fit, in exceptional cases, allow the litigant to furnish security of a different character. A third reduction in a period of limitation is provided for, and, this is the period allowed for the substitution of parties, which is also reduced from 6 months to 90 days. This change will affect the procedure in all cases, and not only in Privy Council Appeals. Another clause of the Bill provides for service of notice on the representatives of deceased parties who have not appeared, by publication in the papers, that is, by advertisements. Clause 5 is merely consequential on the previous clause and is very similar to section 23 of the Judicial Committee Act of 1833. The whole subject is, however, very technical. I do not wish to detain the Council; I will merely ask for leave to introduce the Bill. I intend at a later date to move that it be passed if it meets with no severe opposition.

The motion was put and agreed to.

The Hon'ble Sir William Vincent:—"My Lord, I introduce the Bill and move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

THE INDIAN MOTOR VEHICLES (AMENDMENT) BILL.

11-29 P.M. **The Hon'ble Sir William Vincent**:—"My Lord, I move for leave to introduce a Bill further to amend the Indian Motor Vehicles Act, 1914.

[20TH AUGUST, 1920.] [*Sir William Vincent.*]

"This is a very simple Bill. Under section 11 of the present Motor Vehicles Act, the Local Government has power to prescribe the authority by which certain licenses under the Act shall be given. Under section 18 Local Governments can suspend these licenses, and criminal courts have similar powers subject to a definite limitation. With the great growth of motor traffic in this country, and the increase in the number of motors, accidents have become very common, especially in the larger towns. When drivers guilty of negligence are prosecuted, it is found that courts merely inflict small fines which in no way meet the necessities of the case by being a sufficient deterrent to prevent a repetition of the negligence. What is required is a more effective and expeditious procedure in the matter of the suspension of licenses of reckless drivers as this is the only suitable punishment in any case. It is proposed, therefore, in this Bill that Local Governments shall be empowered to prescribe the authorities by which licenses may be suspended or cancelled. It does not follow that the authority should always be the same throughout the whole of the province; different authorities may be appointed in different parts. Further, I may say that these licensing authorities have at present power to refuse to renew licenses, and the addition of powers to suspend licenses is no very great increase in their authority. It is also urgently necessary in the interests of public safety that these additional powers should be granted."

The motion was put and agreed to

The Hon'ble Sir William Vincent:—"My Lord, I introduce the Bill, and move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

THE INDIAN RIFLES BILL.

The Hon'ble Sir William Vincent:—"My Lord, I move for leave to introduce a Bill to provide for the better discipline of Police-officers enrolled in Military Police or Rifle Battalions. This is another non-controversial measure. Certain Military Police are at present subject to discipline and penalties when serving in the province in which they are enrolled, and these penalties are imposed by virtue of Provincial Acts, but the provisions of these Acts are not applicable to them when they have to serve outside the province in which the law is enacted. Military Police have frequently to be employed outside their province, and it is therefore necessary to validate those provisions of the law which impose upon them these diciplinary measures and penalties when serving outside the province in which they are enrolled and this is the intention of the Bill under consideration." 12-31 P.M.

The motion was put and agreed to.

The Hon'ble Sir William Vincent:—"My Lord, I introduce the Bill and move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

[*Sir William Vincent*; *Sir George Barnes.*] [20TH AUGUST, 1920.]

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

12-33 P.M. **The Hon'ble Sir William Vincent:**—"My Lord, I move for leave to introduce a Bill further to amend the Code of Civil Procedure, 1908. This is another Bill intended to reduce delays in civil cases, but it does not relate to cases before the Privy Council; it relates to civil courts generally. The Code at present provides for dismissal of suits where a summons on a defendant is returned unserved and the plaintiff fails to apply for a fresh issue of process within a year. The Bombay Government, at the instance, I believe, of the Bombay High Court, pointed out that this procedure meant a great deal of delay in disposing of cases. We proposed therefore to reduce the period, and we took the opinion of other local Governments and High Courts in the matter. There is a general concensus of opinion that the period may safely be reduced to three months. Hon'ble Members will also see that this Bill goes a little further than the present law in another respect, namely, in providing that the Court shall make an order that the suit be dismissed unless it is satisfied as to certain facts, in which case it may extend the period. Under the present law the court has absolute discretion whether to dismiss a suit or not, in the circumstances already explained."

The motion was put and agreed to.

The Hon'ble Sir William Vincent:—"My Lord, I introduce the Bill, and move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

THE NEGOTIABLE INSTRUMENTS (AMENDMENT) BILL.

12-35 P.M. **The Hon'ble Sir George Barnes:**—"My Lord, I beg to move for leave to introduce a Bill further to amend the Negotiable Instruments Act, 1881.

"The object of this little Bill is simply to remedy an omission in the Negotiable Instruments Act of 1881. This Act was passed just before the English Act of 1882 and does not include the very necessary provision that delay in presentment of a Bill of Exchange for payment is excused if the delay is caused by certain circumstances beyond the control of the holder. The object of this Bill is to repair this gap on a permanent basis. I say on a permanent basis because, as this Council knows, there is in force at the present time a piece of War legislation which provides for cases of delay due to war causes, but this Act is limited to war causes and will lapse six months after the official termination of the war.

"The Bill was referred to Local Governments and to all the Chambers of Commerce, and has received approval from every corner.

[20TH AUGUST, 1920.] [*Sir George Barnes*; *Mr. H. R. C. Dobbs*; *Mr. W. M. Hailey.*]

"I beg to move for leave to introduce the Bill."

The motion was put and agreed to.

The Hon'ble Sir George Barnes:—"My Lord, I beg to introduce the Bill, and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

THE INDIAN PASSPORTS BILL.

The Hon'ble Mr. H. R. C. Dobbs:—"My Lord, I rise to move that the Indian Passport Bill be referred to a Select Committee. Leave to introduce this Bill was given in the Delhi session in February last, but the further consideration of the Bill was postponed until the present session, mainly on the ground that we did not possess at that time full information regarding the intentions of other countries in the matter of passports after the end of the war. It is now my duty to commend to the acceptance of this Council the principles of the Bill. I understand from the speeches made by certain Hon'ble Members on the occasion of the introduction of the Bill that the main principle that Government should have power to exclude mischievous persons from India is generally accepted. I need not therefore dilate upon this point. It is evident that in the present state of the world an ordered society like ours must have the means of protecting itself against the insidious and hostile elements which everywhere abound. All States including our Colonies do utilise the passport system and it would be unwise for India to deprive herself of such a weapon, especially as it is most valuable for the purposes of securing reciprocity from other States. 12-37 P.M.

"There are many points of detail which may possibly be raised in debate, but it would seem more convenient to leave these for consideration in the Select Committee.

"I now beg, My Lord, to move that this Bill be referred to a Select Committee consisting of the Hon'ble Sir George Lowndes, the Hon'ble Sir William Vincent, the Hon'ble Mr. H. McPherson, the Hon'ble Mr. L. F. Morshead, the Hon'ble Mr. Surendra Nath Banerjea, the Hon'ble Mr. Ebrahim Haroon Jaffer, the Hon'ble Sir Zulfikar Ali Khan, the Hon'ble Mr. Srinivasa Sastri, the Hon'ble Raja Sir Rampal Singh, the Hon'ble Mr. Sachchidananda Sinha and myself."

The motion was put and agreed to.

THE IMPERIAL BANK OF INDIA BILL.

The Hon'ble Mr. W. M. Hailey:—"My Lord, as the Council is aware, certain vacancies have occurred in the Select Committee appointed to consider the Bill relating to an Imperial Bank for India. We have lost the services of the Hon'ble Mr. Sarma, the Hon'ble Rai Sita Nath Ray Bahadur, the Hon'ble Sir Fazulbhoy Currimbhoy, the Hon'ble Mr. Cook and the Hon'ble Mr. Crum, and I now beg to move that in place of these gentlemen the following names be substituted, the Hon'ble Mr. Banerjea, the Hon'ble Mr. Nathmal, the Hon'ble Mr. Murray, the Hon'ble Mr. Gubbay and the Hon'ble Mr. Tata." 12-40 P.M.

The motion was put and agreed to.

THE INDIAN ELECTIONS OFFENCES AND INQUIRIES BILL.

12-41 P.M. **The Hon'ble Sir William Vincent:**—"My Lord, I beg to introduce the Bill to provide for the punishment of malpractices in connection with elections and to make further provision for the conduct of inquiries in regard to disputed elections to legislative bodies constituted under the Government of India Act.

"As this Bill has already been published in the Gazette, it is not necessary for me to ask for the leave of the Council to introduce it. I shall before I sit down move that the Bill be referred to a Select Committee, but before I do so I am afraid I shall have to detain the Council for a short time in order to explain the main provisions of the Bill, and I hope Hon'ble Members will bear with me in this matter. I am anxious not to take up more time than is necessary and I will endeavour to deal with the matter as shortly as possible.

"The Council are aware that rules for the election of Members of the Legislative Assembly and Councils have been framed under the Government of India Act, and that these rules have received the approval of Parliament. Under these rules, however, which are not subject to alteration by this Council it is impossible in the first place to make any corrupt practice a criminal offence, or to vest Commissioners appointed to enquire into election petitions with the requisite authority necessary to enable them to carry out their enquiries effectively, and the Bill which I am now introducing is framed to meet both these defects. It falls, therefore, naturally into two parts. Now, if Hon'ble Members will refer to the Statement of Objects and Reasons for one moment they will see the reasons for the first part of the Bill which penalizes corrupt practices. The Report of the Joint Select Committee on the Government of India Act made the following recommendations on this point. They said that they themselves were firmly convinced that a complete and stringent Corrupt Practices Act should be brought into operation before the first election to the Legislative Councils; and it is in obedience to that mandate, if I may call it so, that the Government have now framed the first part of the present Bill which I will explain in greater detail later. The Council will see, however, that it proceeds beyond Council elections and deals with all elections to all public bodies. The reason for this is that in the opinion of the Government of India, there is no difference in the moral turpitude of corrupt practices, whether they are committed in regard to election to a local body or in regard to election to a Council, and uniformity in the law on such a subject is very desirable.

"Part II deals mainly with the vesting of adequate powers in Commissioners appointed to hear election petitions. I am afraid I shall have to go into a little more detail as regards some of the clauses of Part I, however, because they are of very great importance, or will be of greater importance to many Hon'ble Members here who may seek election to the new Councils.

"Clause 2 (1) merely includes in the definition of the term 'public servants' officers who have official duties to perform in connection with elections and I hope Council will agree that they should have the same privileges and obligations as other public servants. I refer in particular here to Chapters IX and X of the Indian Penal Code.

"Clause 2 (2) of the Bill is more important and introduces a large number of new sections into the Indian Penal Code. The first of these is clause 171-A which defines the term 'candidate.' This definition is based largely on section 3 of the Corrupt Practices Act of 1883, as interpreted by subsequent judicial decisions. It will be seen that 'candidate' includes a person who, when an election is in contemplation, holds himself out as a prospective candidate; these words 'when an election is in contemplation' were adopted on the advice of an eminent English Counsel who, I believe, is an acknowledged expert on election law—Sir Hugh Fraser, K.C. When the Government of India were considering the question of corrupt practices, they thought it advisable to obtain the advice of the greatest expert they could, and it is on his advice that this definition is based. The question whether a man is a candidate for election or not, and at what particular time he becomes such a candidate is, however, really one of fact. When a man has begun to promote his own election

when he has started his electoral campaign it is obvious that he is a candidate for election ; and this may often be some time before a vacancy has actually occurred.

" In the same clause will be found a definition of the term ' electoral right ' which, by a drafting device, is made to include both the right to give a vote or to stand as a candidate as well as the right to refrain from voting or not to stand as a candidate.

" Clause 171-B defines ' bribery ' and I understand that it reproduces substantially the modern English law. It will be noticed that a person who offers, or agrees to give, or who attempts to procure a bribe is deemed to be guilty of the offence of bribery. The term ' gratification ' which is used in this clause is a term explained in the Indian Penal Code and the effect of using this term in the Bill and inserting these new sections in the Code will be to attract the explanation of that term given in the Code and judicial decision as to its meaning.

" Clause 171-C defines the term ' undue influence ' and I should like to draw the attention of Hon'ble Members to the definition of the term in the rules which have been approved by Parliament. The essential point is that a voter should be allowed complete freedom to vote as he wishes and that his discretion should not be fettered in exercising the privilege which has been given to him by the Reforms. A declaration of public policy, promises of public action or fair arguments of any kind are, however, in no way prohibited by this clause but it is essential for the validity of elections that in the ultimate resort the freedom of the elector should not be fettered, and that he should be allowed to vote as he pleases. As an elector is not allowed to make any personal profit by the exercise of his vote, so he is equally protected from fear of injury or intimidation. Hon'ble Members will notice the reference in the section to spiritual injury which is, I believe, again based on English law ; some Hon'ble Members will be interested also in comparing it with the provisions of section 508 of the Indian Penal Code. I believe that most of the cases of threats of spiritual injury in the United Kingdom have arisen in Ireland.

" Clause 171-D defines false personation and is based on section 24 of the English Ballot Act of 1872. Clauses 171-E and 171-F are the operative clauses which provide punishments for bribery, false personation and undue influence. Clause 171-G protects candidates from malicious defamation and will, I think, probably commend itself to many members of this Council. It is based on section 1 of the Corrupt and Illegal Practices Prevention Act of 1895. Clause 171-H again is taken from section 34 of the Representation of People Act, 1918. Clause 171-I penalises the failure to keep accounts. Accounts are essential for returns and the inclusion of this clause in our Bill was also recommended by the high authority, Sir Hugh Fraser, to whom I have referred. I do not think there is anything more in the first part of the Bill to which I need draw attention.

" Part II of the Bill is much simpler. Clause 4 consists of definitions, and clause 5 merely gives the Commissioners the necessary powers of a civil court, as to discovery and inspection, enforcing the attendance of witnesses, etc. Clause 6 applies the provisions of the Indian Evidence Act, 1872, to election enquiries and clause 7, following in part proviso (*a*) to section 35 of the Stamp Act, provides that in proceedings of this character, being of a *quasi*-criminal nature, documents shall not be inadmissible merely on the ground that they are not registered or properly stamped. Clause 8 imposes certain obligations on witnesses to answer questions truly, but also contains a proviso which prohibits a man from being asked to state for whom he has voted and also provides for the grant of a certificate of indemnity to witnesses who give true evidence. Clauses 9, 10, 11 and 12 merely provide for the appearance of parties by pleaders and for the payment of costs. Clause 13 is a new provision of the law of a different character. It penalises persons guilty of certain corrupt practices by disqualifying them for certain offices. They may not be appointed as magistrates and may not be elected to any office of a local authority. I believe that many of these disqualifications now attach to undischarged insolvents and that some of them are also imposed in the case of persons guilty of malpractices under the English law. There is a further provision, namely,

that a man who has been convicted of an offence under clauses 171-E, 171-F or 171-G or has been disqualified from voting for a period of five years is incapable of being appointed or acting as a trustee of a public trust. I believe this to be new. It was considered and, I understand, approved by the advisory committee which assisted the Reforms Department in preparing the rules. In any case I think it is a provision which will appeal to most Members of this Council.

"I have now explained the main provisions of the Bill and I have no doubt that the general principle will be accepted by the Council. There are many questions of detail which will have to be examined in the Select Committee. We have had a number of suggestions from the Local Governments and from various associations, and I can assure the Council that these will be very carefully considered by the Select Committee. But I do not think that to the main principles of this Bill any Members of this Council can have any serious objection.

"With Your Lordship's permission I would like to add two new Members to the Select Committee. I have been asked by the Hon'ble Mr. Chanda to add another non-official to the Committee, *viz.*, Mr. Patel, and I propose, with Your Excellency's permission, to do so, and at the same time to add the name of Mr. O'Donnell.

"I now move, my Lord, that the Bill be referred to a Select Committee consisting of the Hon'ble Sir George Lowndes, the Hon'ble Sir William Marris, the Hon'ble Mr. Muddiman, the Hon'ble Sardar Sundar Singh, the Hon'ble Mr. Sastri, the Hon'ble Mr. Banerjea, the Hon'ble Mr. Haroon Jaffer, the Hon'ble Mr. Sinha, the Hon'ble Mr. Allen, the Hon'ble Mr. Hopkins, the Hon'ble Mr. Patel, the Hon'ble Mr. O'Donnell and myself, with instructions to report on or before the 9th September 1920."

12-58 P.M. **The Hon'ble Maharaja Sir Manindra Chandra Nandi** :—"My Lord, the present Bill purports to supplement the rules under the Government of India Act, and give effect to the recommendations of the Parliamentary Joint Committee for the enactment of a stringent corrupt practices legislation. I may be permitted to say that I fully appreciate the object which the Joint Committee had in view in recommending such a measure. But let us be sure that in our anxiety for the maintenance of purity at the elections, we do not fail to take proper account of our surrounding circumstances. The corresponding law in England and elsewhere has been evolved through years of practice and experience, in an atmosphere far different from ours. And an attempt to engraft its main features in India all at once, is fraught with some amount of risk. Representative institutions will be on their trial in this country for some time to come. If they are to succeed in the end, they will have to overcome a good deal of prejudices and other serious difficulties. The one test, therefore, which every well-wisher of the constitutional reforms should apply in judging the merits of all such incidental rules and legislative measures, is as to whether they would tend to make the reforms a success. Abstract considerations, however, unexceptionable in themselves, should not influence our judgment on such a practical question.

"My Lord, when I consider the present state of education in the country, the grinding poverty of a vast majority of our people, the imperfect appreciation of our rights and obligations by them, and last, though not least, the efforts in certain quarters to belittle the ensuing constitutional changes, I am sometimes filled with apprehension as to how far the elections will appeal to the popular constituencies and help their political education. If further obstacles are created during the initial stages of this great experiment, one may well nigh despair of its ultimate success. I should have thought that the provisions made in the rules under the Government of India Act in regard to corrupt practices at elections, were sufficient for our present purposes. If it were found on some future date that they did not meet the requirements of the situation, and corruption could not be checked except with the aid of penal legislation, there would be time enough for adding to the provisions of the Indian

Penal Code. Why anticipate events, and court failure of the larger object which you desire to promote. So long as the people do not learn to value their franchise for its own sake, such harsh legislation may scare them away from the polling booth, as from a trap laid for the confusion and ruin of the poor and the unwary. If this is how it is likely to affect the uneducated masses, the proposed legislation may place a powerful weapon in the hands of unscrupulous persons for black-mailing even the educated and the comparatively well-to-do. It is to be remembered that the penal provisions would apply not only to candidates for election, and voters, but to anybody who might have to do anything with the elections in any way. And if the educated classes feel that the best that they can do to keep out of harm's way, is to give a wide berth to the elections, the prospect cannot be said to be encouraging.

"It may be said that the Bill would govern elections to local bodies as well. I do not think a sufficiently strong case has been made out for such a stringent measure in their case. In any event, that is a question of minor importance, and should depend upon the decision in connection with the legislative bodies.

"My Lord, I venture to appeal to Your Excellency's Government to reconsider the matter and keep Part I of the Bill in abeyance. If, however, it is not found feasible to do so, I would strongly urge that the offences relating to elections should in no case be punishable with sentences of imprisonment."

The Hon'ble Sir D. P. Sarbadhikari:—"My Lord, I desire to give the Bill, which is next in importance only to the Reform Act and the rules passed under it, warm support as it is necessary for effective success of the Reform measures. I do not understand the somewhat cautiously worded expectation of the Hon'ble Sir William Vincent that the principles of the Bill would not meet with serious objection in this Council and that most of the Councillors would be with him so far. My Lord, being new to the Council, I am not aware of its temper or its temperament; but one should have thought that his expectation in this regard need not have been so very cautious, at least so far as the general principles are concerned, for no one can tolerate corrupt practices. Before I come to the question of principles, or to some details involving principles, if in order, I should like to say just one word regarding some phases of the larger measures of Reform which His Royal Highness the Prince of Wales to the delight and benefit of India was to have come out to inaugurate and also to the high appointments preceding the Reforms." 1-4 P.M.

The President:—"I think the Hon'ble Member must confine himself to the subject under discussion, that is, the Corrupt Practices Bill which is being introduced."

The Hon'ble Sir D. P. Sarbadhikari:—"I was not intending to refer to anything excepting what may well be deemed to be aids and necessary safeguards in the interest of the Reform measures. Your Excellency has already referred to some of them and I wish to accord entire support to the sentiments which Your Excellency uttered in your opening speech giving expression to the keen and widespread sense of disappointment that the Prince cannot come and according warm welcome to the Duke of Connaught..

"As regards the principles of the Bill they are, I believe, freely and frankly accepted as necessary and Sir William need have pleaded no mandate in their support. We recognise that if the Reforms are to have a real chance, safeguards like those that have been thought of in the Bill, following up the rules passed by Parliament which are no longer open to discussion, are necessary. The safeguards have to be 'complete' and 'stringent' and should precede and not follow the Reforms according to the Joint Committee. One would have thought therefore that criticism would be only on details round which there may also be some questions of principles. We have the mature fruits of deliberations of those who have been long accustomed to representative

government in their country in its different progressive phases and it would not be wise to disregard experience in the home of representative government in modern times. We are entering upon a new era and all the precautions that possibly can be, should be taken in the interest of the measure itself and those affected by it. A careful surgeon prepares his antiseptics and his ligatures in advance, not in a merciless spirit, but in order that no accidents may spoil the chances of the treatment in hand. The Reforms are more or less accepted in principle even by those who are yet unable to see eye to eye with the majority and who think that much more should have been granted. In their detached and in some cases hostile mood they should not be given the chance of urging that the new Councils come into existence under circumstances and methods not above reproach or suspicion, though people should not be scared away. Those who will be charged with the carrying out of these measures should themselves come to the Council with clean hands and clean records, such as may make them worthy associates in the great cause ahead.

"Coming to the question of details, one is faced with some difficulties, and in regard to what I propose to say, I desire to make it quite clear that it is in no spirit of hostility that I draw the attention of the Select Committee to these points. Upon the supposition that the principles of the Bill are acceptable I desire to see it *complete*, as the Joint Committee has indicated. After a very hurried examination of the Bill I do not see complete enactment of the provision about safeguards set out in paragraph 13 of the Statement of Objects and Reasons, *viz.*, that the prosecution shall not be except with the sanction of the Governor General or the Governor as the case may be, which is one of the most essential of safeguards."

The Hon'ble Sir William Vincent:—"It is in the Bill. Clause 3 (1) of the Bill covers the point. I only point this out to save the Hon'ble Member trouble."

The Hon'ble Sir D. P. Sarbadhikari:—"I am glad, and thankful, my Lord, that the provision is there in this particular shape. It could not have been otherwise; I did not realise that the enactment is there and hope it is complete.

"The Hon'ble the Maharaja of Kasimbazaar has drawn attention to the mixing up, as it were, of two parts of the question. The Statement of Objects and Reasons makes it clear why it was necessary to have the first part of the Bill, and also why with regard to elections for the Reform Councils the enactment in part II is necessary. But with regard to inclusion of 'public bodies' and 'public authorities,' in the penal clauses there is room for doubt and apprehension. Among the collection of opinions that was circulated, I do not find the Bengal collection. The collection of opinions from the Punjab Government draws attention to the fact that the time for examining the Bill has been short. That criticism will probably not be permitted generally to prevail, as expedition is necessary for the enactment of penal provisions; but may it not be, my Lord, that questions affecting 'public bodies' and 'public authorities' other than Reform Councils should stand over. One is not very clear as to what the 'public bodies' and 'public authorities' are that are to be affected. From Reforms Councils to village unions, any body may come under the Bill and there may be good reasons for throwing the net as wide. But the reasons have not been made quite clear. And one does not know for example whether some of the universities now coming into existence may not be excluded from the category of public bodies in time.

"These are some of the questions that require elaborate and careful consideration, in this particular regard which I do not think has yet been given to them. My Lord, I am not in sympathy with apprehensions that have found expression that because there is a likelihood of black-mailing or abuse the right

thing should not be done. The Penal Code provides for black-mailing and abuse as well, and in this Bill we should provide all necessary safeguards. If we do not always get adequate relief against abuse it is more our misfortune than the fault of the law. That should not deter us from doing the right thing in the light of past experience here and elsewhere. Fortunately, my Lord, past experience in this country has not always been bad ; but it has been bad enough sometimes and it is of the utmost importance that every precaution should be taken. Conceding that where powerful influences are at work a mere fine may not be adequate ; one may have to consider the question of severe and deterrent punishment. But too drastic measures may defeat their object. We have also to differentiate, in other matters, particularly having regard to the social customs of the country and the traditions of the people. In Bengal attention has been drawn by public bodies, bodies like the British Indian Association, the Indian Association, the Marwari Association, the Council of the All-India Moderate Conference, that at least for the present it will be wise to keep out of the purview of the law provisions about treating and entertaining. Treating and entertaining is not the same here as it is in the country from where the model of these rules comes and where it has been made penal only recently. We have our traditions, we have our social customs which require that hospitality should be freely given, particularly to those who come from a distance and who may find it difficult to procure board and lodging in a strange place. One can conceive of circumstances under which voters may have to be looked after during election times, without the slightest improper motives. The provisions of the Bill are quite large to give opportunities for creating trouble even if these common amenities are extended and the Hon'ble Maharaja of Kasimbazaar has rightly voiced this apprehension. That is a matter which the Select Committee may carefully take into consideration ; and if the Select Committee see their way to exclude treating and entertaining, at least for the time being, from our point of view it would be a much needed improvement in the Bill.

" I might be permitted to draw the attention of this Council to one or two matters which may improve the Bill. In clause 171-A. (*b*) reference is only to persons standing or withdrawing as candidates or voting for candidates. But there is a large class of people concerned in the nomination of a candidate whom it will be wise to include. Withdrawal of nomination sometimes happens ; it may of course be enacted that withdrawal shall not be allowed to affect the nomination, still interference with nomination may well be safeguarded.

" The same observations apply to clause 171-B. (2), where the limitation is only with regard to the voter and the candidate.

" Regarding clause 171-C., neither ' interference ' nor ' undue influence ' is defined. Though there may be the greatest possible difficulty in the way of defining these, there must be adequate safeguard against the smallest things being deemed to amount to interference. I do not know whether canvassing, in any shape personal or otherwise, may not come under the clause as it stands. I am sure many Hon'ble Members will be with me in thinking that it would be a good thing if canvassing of all sorts could be really stopped. But enterprise should not be allowed to prevail while the honest candidate suffers. If it cannot be stopped, it must be considered whether canvassing such as is allowed in other countries should be allowed to come under the provisions of clause 171-C. There may come under clause 171-C., sub-clause (2) another class of ban more terrible now than divine displeasure and spiritual censure which enlightened and progressive people are learning to survive. Social ban may operate to a larger extent in deterring or inducing people, particularly in the villages where its fear is still very strong.

" Coming to clause 171-G, while the candidate himself is protected, persons in whom he is interested may also be protected, for it is possible to damage one without direct personal defamation. It is possible to damage one through one's family.

" Coming to clause 171-H, permission of the candidate or his agent should be covered. Clause 171-H, as it stands, may stop all propaganda work in the interest of any cause or party represented by any particular candidate, all work of friends of the candidate, even newspaper comments and notices of meetings in favour of a particular candidate. I may be putting extreme cases but in

framing these provisions one has to be careful as far as possible, so that abuse of law may be minimised.

"With regard to clause 171-I, the provision relating to accounts, non-keeping of accounts is punishable; but provision with regard to false accounts has not been made possibly because it is thought that the existing law ought to be enough. If that is so, it may well be said that that applies to many of the provisions in the Bill and that creation of new offences and thereby of fresh crimes is not right.

"Regarding provisions about public bodies in Parts I and II of the Bill, my Lord, I do not wish to say more than what I have already indicated, *viz.*, that it would be desirable for many reasons to keep local bodies and other public bodies out of the purview of the proposed law for the present. The Bill and the Statement of Objects and Reasons uses the term 'Public Bodies' and 'Public Authorities' indiscriminately; one sometimes finds a difficulty in realising what is really intended to be covered. As regards clause 12 of Part II it will be an improvement to allow execution of orders of the Commissioners for costs through the civil courts not only where the person concerned has a place of residence, but also where he has property. In a place of residence there may be very little property; whereas in the place of business there may be very good chances of realisation.

"I draw attention to these matters, my Lord, to show that very careful consideration of the whole situation in detail will be necessary; and if in taking these into consideration, the Select Committee is able to accept some of the views I have ventured to place before this Council, the Bill from our point of view will to a certain extent be an improvement.

"We are all looking forward to the success of the Reforms and it is up to the people and their representatives on whose demand they came to see that they are properly safeguarded. I am sure that, in spite of what we may hear now and again to the contrary the Reforms will succeed; otherwise more will not come. They are, I fully believe, bound to succeed. But we must see that the Temple and its approaches are kept thoroughly clean, however much we may desire enlargement in time. The enemies of the scheme, for there are such, must be given no handle for wrecking the Reformed Councils or pointing the finger of scorn to unclean worshippers. It is, therefore, that I heartily support the principles of the Bill and I trust that the views put forward will help in removing some of the causes of discontent, which, as Your Excellency nobly said this morning, is the true, nay the only, way of ending strife."

The Hon'ble Mr. Kamini Kumar Chanda:—"My Lord, although my doctor has forbidden me to speak, I am afraid I must say one word. I desire to offer my grateful thanks to my Hon'ble friend Sir William Vincent for accepting one of my nominations to the Select Committee. I repeat that I am specially grateful to him for having accepted Mr. Patel for service on the Select Committee as sometime ago Mr. Patel and some of his colleagues in this Council were considered to be out of doors as regards all matters about the Reforms, which bar seems now to be removed. Now that I am on my legs I wish to say one word about the speech of my Hon'ble friend Sir Deba Prasad Sarbadhikari and about the clause of the Bill which relates to undue influence at elections. In sub-clause (2) of the Bill it says that whoever induces any person to believe that he will be rendered the object of divine displeasure or of spiritual censure shall be deemed to interfere within the meaning of this section. I have nothing to say to that as far as it goes but in the part of the country from which I come and in parts of Bengal interference in the form of threats of official displeasure will be more common and more potent, and will have to be provided against. I have specific cases in mind when I say this. I know cases where the candidate and his friends are telling the people that the candidate does not desire to stand but that he was being induced by the Divisional Commissioner, or the Magistrate or some other high official. I wish to guard myself against the supposition that I assume such allegations to be true, I believe that if enquiries were made they would very often be found to be devoid of truth, but all the same the mischief is done and taking the conditions of the country into account I think the contingency should be provided against. I would therefore urge for the consideration of the Council, the Hon'ble the Home Member and the Government that something should be done to provide against cases of that sort."

The Hon'ble Sir William Vincent :—" My Lord, I am grateful 1-35 P.M.
to the new Member, the Hon'ble Sir Deba Prasad Sarbadhikari, for the support he has given to the principle of the measure. It is exactly what I should have expected from a man of his education and position and from my past experience of him in public affairs. I regret that he is not on the Select Committee as he appears to have such advanced views on the principles to which the Bill gives effect. He accused me, however, of ' over-caution '. I hope I have got the word rightly. If he had heard the speech of the Hon'ble Maharaja who preceded him, he would see that I was really perfectly right in this attitude. Possibly he was in the same difficulty that I was and failed to hear the Hon'ble Member. I had great difficulty in doing so but I gathered from the speech that he was not in favour of Part I of the Bill at all. His approval of the principle of the Bill was thus very theoretical. I could not myself understand what ' the grinding poverty of the people' had to do with the Bill; it may have had some connection. I can not suppose that it was intended to convey a regret that poorer people were deprived of any opportunity of adding to their earning that might be afforded them by an election : I am sure that that was not the intention. Generally speaking, however, it is clear that the principles of the Bill are approved by this Council.

"There are, nevertheless, some matters of detail to which I ought to refer. The question of the election to public bodies, for instance, was referred to by Sir Deba Prasad Sarbadhikari, and we shall certainly have to examine it in Select Committee, though I am surprised that the reason he adduced for it was the fact that it might include election to university seats. If there was one class of bodies in the case of which I should expect elections would be free from a suspicion of corrupt practices, and which would therefore not be touched by this Bill, I should have thought it would have been universities.

"The Hon'ble Member then went on to mention the subject of treating. I only want to speak on this point very shortly at present. But I should like to explain that treating does not mean merely giving a man food or drink. The term is only used when food and drink are given with a corrupt motive. If Hon'ble Members will refer to the rules they will see that the rule only applies to food, drink or entertainment when given to a person with the object directly or indirectly of inducing him to vote or refrain from voting for some person, not when it is given merely as hospitality or charity. I quite agree, however, that this point will need careful examination, and if this motion is agreed to, it will be examined in Select Committee.

"I cannot think that Mr. Chanda was speaking seriously when he spoke of official displeasure as a serious form of undue influence. Indeed, I am sure that in many parts such displeasure would be looked upon as a recommendation for a candidate. I feel that the Hon'ble Mr. Chanda would secure more votes by opposing the Government than by supporting it, and his suggestion to the contrary is of little weight but will be considered. Another point on which I wish to correct a misapprehension of the Hon'ble Dr. Sir Deba Prasad Sarbadhikari arises in connection with Part II of the Bill. I understood him to say that Part II applied to elections to all public bodies. I think that is a mistake. It only applies to elections to Legislative Councils.

"Then a point was raised by the same Hon'ble Member regarding the necessity of a provision penalizing false accounts. We believe that the filing of false returns before the authority prescribed would be an offence under the ordinary penal law, and therefore there is no necessity for providing for this specifically in the Bill.

"My Lord, I have now dealt with many of the points raised. From the reception offered to the Bill, my Lord, I have every reason to hope that the motion will be passed unanimously."

The motion was put and agreed to.

The Council then adjoured to Thursday, the 26th August, 1920.

A. P. MUDDIMAN,
Secretary to the Government of India,
Legislative Department.

SIMLA;
The 30th August 1920.

Appendix A.

Statement showing the grants made by the local Governments and Administrations in India to institutions for the instruction of the blind, deaf and dumb, during each of the years 1914-15 to 1918-19.

Serial No.	Province.	Year.					Remarks.
		1914-15.	1915-16.	1916-17.	1917-18.	1918-19.	
		Rs.	Rs.	Rs.	Rs.	Rs.	
1	Madras	26,769	7,915	7,335	12,909	20,992	
2	Bombay	5,323	5,323	5,323	5,623	5,865	
3	Bengal	4,980	5,711	5,495	7,329	11,667	
4	United Provinces	*Nil*	*Nil*	*Nil*	*Nil*	*Nil*	
5	Punjab	3,064	2,596	2,864	1,602*	1,632	* The Shuspilla Memorial Deaf and Dumb Aided School, Lahore, ceased to exist with effect from 1st August 1917 and hence no grants were made after 1st August 1917.
6	Burma	363	346	369†	2,975	13,275	† Includes Rs. 438 which were awarded from Municipal funds.
7	Bihar and Orissa	?	840	600	950	2,350	
8	Central Provinces	750	750	900	900	1,100	
9	Assam	*Nil*	*Nil*	*Nil*	*Nil*	*Nil*	Has made no regular grants but has awarded a few scholarships tenable in Calcutta in deserving cases.
10	Coorg	*Nil*	*Nil*	*Nil*	*Nil*	*Nil*	There are no such institutions in Coorg.
11	North-West Frontier Province	*Nil*	*Nil*	*Nil*	*Nil*	*Nil*	There are no such institutions in North-West Frontier Province.
12	Delhi	*Nil*	*Nil*	*Nil*	*Nil*	*Nil*	
	Total ...	41,249	23,481	23,386	32,288	56,369	

Appendix B.

LEAGUE OF NATIONS.

LABOUR ORGANISATION.
CONFERENCE OF SEAMEN.

QUESTIONNAIRE.

PRELIMINARY NOTE.

In your answers to these inquiries you are requested to bear the following points in mind :—

1. Careful allowance should be made in every answer for the distinctions drawn by legislation or custom in your country between the various kinds of vessels ; for instance :—

(1) Foreign-going merchantmen :

(*a*) Steamers and other mechanically-driven vessels.

(*b*) Sailing ships.

(2) Coasting vessels.

(3) Tugs and barges not self-propelled.

(4) Fishing boats.

(5) Vessels employed on inland waterways.

2. In your replies, which are invited in order that international Agreements and Recommendations may be drawn up, you are requested to state how far you think it possible, or advisable, to apply the same general regulations to the various classes of ships, or whether separate arrangements should be made for them.

3. As regards navigation of inland waterways :

(*a*) Does your Government think that this should be subject to the same regulations as maritime navigation ?

(*b*) Does your Government think it possible to make a distinction between persons employed in mechanically-driven vessels on large lakes or rivers, whose duty is continuous, and those employed in vessels confined to canals or canalized rivers ?

[It will be recalled that at the Washington Conference during the debate on the Report of the Commission on Hours of Work (Provisional Record, pages 314—322) attention was drawn by several delegates to the peculiar conditions affecting inland navigation on the great lakes of Northern America, the Swedish fiords and the great rivers of Asia, on which voyages often continue without interruption for several days. In defining the application of the Conventions which may be drawn up in regard to the various items of the agenda, it will be necessary to take these special conditions into account and perhaps to distinguish them from those of river and canal navigation in Europe.]

ITEM I OF THE AGENDA.

HOURS OF LABOUR AND THEIR EFFECT ON MANNING AND ACCOMMODATION.

A.—Hours of Labour.

1. Please explain fully the nature of any existing regulations (*i*) in the national law (*ii*) in agreements between organisations of shipowners and seamen prescribing the hours of duty for foreign-going seamen.

N.B.—The reply should, where necessary, distinguish between the various classes of seamen (deck hands, engine room staff and general service) and between the hours of labour while at sea and in port.

2. What arrangements and adjustments does your Government consider necessary for the application to seamen of the eight hours' day and the forty-eight hours' week, as adopted by the Washington Conference ?

B.—]

1. Are there any manning regulations in your national legislation, at any rate for foreign-going vessels.

2. If the principle of the eight hours' day and the forty-eight hours' week were adopted in the Mercantile Marine:

(*a*) What modifications do you anticipate in your manning regulations, if you have any ?

(*b*) Does your Government see any objection to the adoption of international manning scales, at any rate for foreign-going vessels ?

C.—Accommodation.

1. What provision, if any, is made :

(*a*) by your national law,

(*b*) by agreements between organisations of shipowners and seamen ;

in regard to the amount of cubic space to be allotted to seamen and in regard to their general accommodation ?

2. As the application to seamen of the principle of the eight hours' day would probably involve larger crews, what steps would you propose to take, and within what period, to adapt their accommodation to these new requirements ?

3. Is it advisable to establish by Agreement the international regulation of accommodation for seamen on board ship ?

Does your Government think it advisable to fix by international Agreements uniform standards of accommodation for seamen on board ship ?

ITEM II OF THE AGENDA.

A.—Articles of Agreement.

Under what system are seamen in your country engaged ?

(*a*) Are all seamen required to sign articles of agreement ? If so, please give particulars of the legal requirements as to the signature of articles.

(*b*) What provisions exist for ensuring the observance of agreements ?

(1) by State supervision :

(2) by Trade Unions :

(3) by other means ?

B.—Facilities for finding Employment for Seamen.

1. Have you in your country any system for registering the service of seamen ?

2. Does your national law provide employment exchanges for seamen ?

(*a*) If so, how are they constituted and controlled ?

(*b*) What connexion have they with the official authorities who control seamen's employment ?

C.—Washington Conventions and Recommendations on Unemployment and Unemployment Insurance.

What provisions or modifications, if any, do you consider necessary for the application to seamen :

(*a*) of the Draft Convention ;

(*b*) of the Recommendations adopted at Washington in regard to Unemployment and Unemployment Insurance ?

ITEM III OF THE AGENDA.

PROHIBITION OF THE EMPLOYMENT OF CHILDREN UNDER 14 YEARS OF AGE.

1. What limitations are imposed by your national law on the age at which children may be employed on board ship ?

2. What arrangements and adjustments does your Government consider necessary for the application to the Mercantile Marine of the Draft Convention adopted at Washington prohibiting the employment of children under 14 years of age ?

ITEM IV OF THE AGENDA.

THE POSSIBILITY OF ESTABLISHING AN INTERNATIONAL CODE FOR SEAMEN.

1. Do you think it possible to establish a kind of International Code for Seamen ?

2. If so, what does your Government consider should be the general principles of an International Maritime Code as regards the conditions of service at sea ?

In particular, should the seamen's contract of employment be brought into line or not with that obtaining in the case of other workers. For instance, for discipline, the right to leave their ship in a foreign port, the payment of wages before discharge, etc ?

N.B.—The Governing body of the International Labour Office, at its meeting in January when the Agenda of this questionnaire was drawn up, had this important question brought before it ?

The Governing Body considered it so vast and bound up with so many other problems that the coming International Conference would hardly be able to deal with it. In spite of this, it deemed it necessary to retain the question in that agenda for general examination. We should be glad if you would send us forthwith the most complete information available on this subject, particularly on those points which might ultimately give rise to International Agreements, in order that the work which will be subsequently necessary may be put in hand.

ANSWERS TO QUESTIONNAIRE AS FINALLY REVISED.

The Government of India desire to point out that they received notice of this special meeting of the Labour Conference only in the middle of February last, and that, though a brief summary of the questionnaire reached them by cable in the beginning of March, they did not receive the full text till the middle of that month. This short notice, which is particularly short for the Government of India since their answers have to be sent by mail to London to be considered there by their representatives, probably caused little inconvenience in countries where the questions to be discussed at the Conference are familiar, where the shipping and labour interests are both highly organized, and where an authoritative opinion can readily be obtained from either interest. But conditions are entirely different in India. Many of the questions raised in the questionnaire, while they raise issues of far-reaching importance, are novel in India and have not previously been considered. The country is very large and is divided into provinces under Local Governments which have large powers and which must be consulted. Owing to imperfect industrial organization, there are no ready means of ascertaining the views of employers and employees on the questions raised. Labour is particularly ill-organized and inarticulate, and its interests, which in European countries can safely be left to Trades Unions in India must be safe-guarded mainly by Government and their officers. Nor have the Government of India had time, through the Local Governments, fully to consult the various shipping companies which are vitally interested in the subjects for discussion and which ordinarily have to refer questions of this kind to their head offices in London. For these reasons, the Government of India feel that before they can definitely commit themselves on the questions raised in the questionnaire they require more time for consideration than has been given them, and they would have preferred that any conventions or recommendations which may be agreed to by the Conference should not apply to India, but that the case of India should be reserved for consideration by a future meeting of the Conference. At the same time, recognizing, as they do, the great importance of the subjects for discussion, they have sent delegates to represent them at the Conference, and, as will be seen below, are prepared in respect of the first item of the agenda, to agree, with certain exceptions and reservations, to the principle of a 60 hours' week.

2. The replies now given to the questionnaire embody all the information which the Government of India have been able to collect in the short time given. In respect of such of the questions, however, as require an expression of the views of the Government of India as to future policy, the answers below must be regarded as provisional and as subject to further consideration when the Government of India have had time to make more detailed enquiries. The Government of India also desire to reaffirm the general statement of policy in regard to organized labour in India expressed in paragraph 18 of their memorandum for the Washington Conference. They deprecate any attempt to bring Indian labour conditions into line with those of Western countries by violent legislative changes. But they fully recognize the necessity of improving labour conditions in India.

3. Before stating their answers to the questionnaire, the Government of India desire to make the following points clear :—

(1) Their answers relate only to 'lascars and other native seamen'. British seamen engaging in foreign-going and home-going ships in Indian ports usually engage on British articles of agreement. Their case need not be considered with special reference to India.

(2) The most important legislative provisions in India dealing with the conditions of employment of seamen are contained in Chapetr IV of the Indian Merchant Shipping Act V of 1883 read with Act I of 1859. These provisions do not apply to the crews of ships of a burden not exceeding 300 tons employed in the coasting trade, and nothing in the answers below should be regarded as applying to the

crews of tugs, barges, native craft employed in the coasting trade or in the trade with Persian Gulf ports and of fishing vessels. These classes of vessels, so far as India is concerned, should be excluded from the operation of any conventions or recommendations adopted by the Conference. The Government of India have not sufficient information regarding conditions of employment on such vessels to justify their making any recommendations concerning them, and for the present they prefer to concentrate on the main issue and to confine their attention to the case of lascars and other native seamen employed on foreign-going and coasting steamers.

(3) For the same reason the Government of India do not propose to deal in these answers with inland navigation. Hitherto as regards inland navigation, legislation has been undertaken only in respect of such matters as the survey of inland steam vessels and the qualifications of masters and engineers. Whether legislation is required for the protection of the crews on steamers navigating inland waters is a matter which requires separate consideration. The Government of India are quite prepared to give it that consideration and to pay careful attention to any views which the Conference may express. But the Government of India are not prepared to commit themselves on the question. One Local Government which is closely interested in inland navigation has already expressed the opinion that it is quite unnecessary to introduce for inland navigation the provisions of section 18 *et seq* of Act I of 1895 and of Chapter IV of Act V of 1883, and has stated that the labour involved would be quite disproportionate to the advantages to be gained. It is obvious, of course, that the conditions of inland navigation differ entirely from those of navigation by sea, and the Government of India as at present advised doubt whether the same regulations could suitably be applied to both forms of navigation. They also think that it would be impossible to apply the same regulations—

(1) to the large steamers and flats which navigate the Irrawaddy and Ganges; and

(2) to the small tugs, launches and barges which ply on such rivers as the Godavari and Kristna, on navigable canals and on the backwaters of the West Coast.

4. Having made the above preliminary points clear the Government of India proceed to answer the questions in the questionnaire.

ITEM I OF THE AGENDA.

Hours of labour and their effect on Manning and Accommodation.

A.—Hours of Labour.

1. There are no regulations in the Indian Merchant Shipping Acts prescribing the hours of duty of foreign-going seamen. As far as is known, there are no agreements between organizations of shipowners and seamen on the subject. It is believed that there is only one organization of seamen in India. It is a Union of Goanese stewards (who are not British subjects) and has been only recently established.

2. " Lascars and other native seamen " fall into three main classes :—

(1) Deck hands.

(2) Engine room staff.

(3) Stewards or saloon crews.

Their hours of labour vary not only for each class but also with the port of engagement and the class of vessels. But the following scale of hours of duty which is reported to be ordinarily in force at Bombay may be taken as typical.

Deck Hands.—At sea, from about 5·30 A.M. to 5·30 P.M. with two intervals of one hour each for meals and one hour's duty on look-out. Shorter hours are worked on Saturdays and Sundays. In port, from 6 A.M. to 5-30 P.M., with the same intervals for meals and shorter hours on Saturdays and Sundays.

Engine-room Crew.—At sea the crew is divided into watches. Each watch is 4 hours on duty and 8 hours off duty. In port the hours of duty are from 7 A.M. to 5 P.M., with intervals, for meals as above. Shorter hours are worked on Saturdays and no work is done on Sundays except that necessary to maintain lighting and sanitary services.

Saloon Crews.—The duties performed by this section of the crew are so various tha any general statement regarding hours of work would be misleading. Broadly speaking, men are required to be on duty during service hours, which vary with the class of employment and the rating of the individual.

It will be seen that the hours of labour are considerably longer than the standard 8 hours day and 48 hours week recommended by the Washington Conference. In pursuance of the terms of Article 405 of the Peace Treaty with Germany, however, the Washington Conference agreed that India was entitled to special treatment, and Article 10 of the Draft Convention limiting hours of work in industrial undertakings prescribes that in British India the principle of a 60-hour week should be adopted in all industries at present covered by the Factory Acts, in mining and in such branches of railways as shall be specified for this purpose by the competent authority. British India is equally entitled to special treatment in respect of seamen's labour, and, if the principle of an 8 hours day be adopted for maritime workers generally, the Government of India would be prepared to accept the principle of a 60 hours week for Indian maritime workers. As stated above, however, the Government of India cannot at present commit themselves regarding workers on inland vessels, and in view of the facts stated in paragraph 3(2) above, the possibility of applying this principle to vessels in the coasting trade will require very careful consideration. Even on ocean-going vessels the principle will require modification in its application to the various sections of the crews.

B.—Manning.

1. No.

2. If hours of labour are fixed, masters will naturally engage sufficiently large crews to allow for the necessary relief, and the Government of India are not at present satisfied that specific manning regulations are necessary. The necessity for them has not so far made itself felt. But in any case, as any Convention regulating hours of work would contain special provisions applicable to Indian seamen, an international manning scale could not be applied to India.

C.—Accommodation.

1 (*a*). An extract of section 70 of Act I of 1859 is appended :—

" 70. A place or places of shelter shall be provided below a well caulked and substantial deck for the men engaged under this Act ; such place or places shall be so arranged as to allow for the men the following spaces :—

" (1) for each European seaman or apprentice or other person shipped on the same footing as a European seaman, ten superficial feet, if the place be not less than six feet in height from deck to deck ; or sixty cubic feet if the height from deck to deck be less than six feet ;

' (2) for each lascar or native seaman or other person shipped on the same footing as a lascar, six superficial and thirty-six cubic feet ; and if the place allotted be under the top gallant forecastle, such forecastle deck shall not be less than four feet six inches above the one below it.

" Every such place shall be kept free from stores or goods of any kind, not being the personal property of the crew in use during the voyage ; and if any such place in any ship is not in the whole sufficiently large to give such space for each seaman and apprentice as hereinbefore required, or is not properly caulked, and in all other respects securely and properly constructed and well ventilated, the owner

shall, for every such failure to comply with the provisions of this section, incur a penalty not exceeding two hundred rupees; and if any such space as aforesaid is not kept free from goods and stores as aforesaid, the master shall, for every such failure to comply with the provisions of this section, incur a penalty not exceeding one hundred rupees."

In practice, however, the more liberal scale (12 superficial and 72 cubic feet) prescribed by the British Merchant Shipping Act of 1894 is applied not only to ships of British registry, but also in practically all cases to ships of Indian registry. The British Act of 1906, which further increased the scale to 15 superficial and 120 cubic feet, specifically provides that the new scale does not apply to lascars.

(*b*) None.

2. If larger crews are necessitated by the ratification by the Government of India of the convention adopted by the Conference it would be necessary —

(1) to amend section 27 of Act V of 1883 so as to prescribe that the agreement between masters and seamen should contain particulars as to the maximum hours of labour;

(2) to frame rules as to the hours of labour to be entered in the agreements;

(3) to allow the shipping companies reasonable time to carry out the necessary alterations in the accommodation provided for seamen.

Section 71 of Act I of 1859 enables a shipping master or his deputy to enter on ships to see if the prescriptions of the Act as to accommodation for seamen are observed.

3. No. The habits of life of "lascars and other native seamen" differ so entirely from those of European seamen as to make it impossible to apply the same standards of accommodation to both classes of seamen.

ITEM II OF THE AGENDA.

A.—Articles of Agreement.

The relevant sections of the Merchant Shipping Acts are sections 18 to 35 of Act I of 1859 and sections 25 to 30 of Act V of 1883. A form of lascar agreement will be available at the Conference.

(*a*) Yes. *See* section 22 of Act I of 1859, sections 26 to 29 of Act V of 1883 and section 115 of Act I of 1859.

(*b*) (1) Provision is made in the agreement itself that any member of the crew who considers himself aggrieved by any breach of the agreement or otherwise, if he does not get satisfaction from the master or officer in charge of the ship, may represent his grievance to a Lascar Transfer Officer on the arrival of the ship at a port in the United Kingdom or to a British Consul on arrival at a foreign port or to the British Shipping Master at a British Colonial port. Enquiry is then made.

(2), (3) None.

B —Facilities for finding Employment for Seamen.

1. Under section 43 of the Indian Merchant Shipping Act I of 1859, the master is compelled to sign and give to a seaman discharged from his ship a certificate of his discharge in a form approved and sanctioned by Government. These discharge certificates specify the period of service and the time and place of engagement and discharge, and also the seaman's rating and character. They form a complete record of the seaman's seafaring career. Expired articles of agreement are kept for future references in the shipping office where they were originally opened.

2. No. Seamen are engaged in India through licensed brokers, and the shipping masters' offices at the principal ports also serve as a centre where seamen can obtain employment.

C.—Unemployment and Unemployment Insurance.

(*a*) The question of unemployment of lascars has not yet assumed practical importance in India. Some classes of lascars prefer to work on land during the four monsoon months, and during that period return to their villages, where they obtain work either on their own lands or as agricultural labourers. There is practically no unemployment problem, and India is scarcely interested at all in the Draft Convention adopted by the Washington Conference.

(*b*) The Government of India see no necessity at present to introduce any system of unemployment insurance, which in the circumstances explained in the previous paragraph would be entirely premature. As regards the recommendation of the Washington Conference that measures should be taken to prohibit the establishment of employment agencies which charges fees or which carry on their business for profit, and that where such agencies already exist they should be permitted to operate only under Government licences, and that all practicable measures should be taken to abolish such agencies as soon as possible, the Government of India observe that shipping brokers already work under Government licences, *vide* section 18 of Act I of 1859. So far as is known, the shipping broker system has not given rise to any complaint and is suited to a country where labour is so ill-organized as in India. Shipping brokers are useful in that they protect the labour from crimping, and it should be noticed that the fees paid to the brokers are paid not by the lascars themselves but by the shipowners. It would be premature at once to abolish the licensed broker system, but the question will be kept constantly in view.

ITEM III OF THE AGENDA.

Prohibition of the Employment of Children under 14 years of age.

1. The Apprentices Act XIX of 1850 prescribes that children between the age of 10 and 18 may be bound as apprentices and provision is made in the Act for sea service. But the Act, it is believed, is practically a dead letter, at any rate in regard to sea service. The Merchant Shipping Acts do not impose any limitations on the age at which lascars may be employed on board ships. By executive instructions, however, shipping masters have been instructed not to permit the engagement in the engine-rooms of foreign-going steamers of lascars of less than 18 years of age and not to permit the employment in the engine-rooms of coasting steamers of lascars of less than 16 years of age. In India, of course, it is extremely difficult to get accurate information as to the age of lascars applying for employment. The shipping masters, therefore, have been warned to pay particular attention to the physique of young lascars seeking employment in the engine-room of steamers, and where candidates appear to be physically unfit by reason of their youth, either to refer the matter to the decision of the Port Health Officer or to refuse employment as they think fit.

2. The Government of India as at present advised see no objection to applying to sea labour the provisions of Article 6 of the Draft Convention adopted by the Washington Conference regarding the employment of young children. Occasionally, however, young boys are employed as deck hands in coasting steamers on nominal wages. These boys are usually the sons or relatives of serangs, tindals and leading hands, and are looked after by them. In India, there is no form of compulsory education at present, and it is a great convenience to serangs and tindals, especially those who are widowers, to take their sons on board with them. It is regarded as a privilege and the Government of India presume that the practice need not be objected to.

ITEM IV OF THE AGENDA.

The Possibility of Establishing an International Code for Seamen.

The Government of India have not had time to deal with the important question raised in this item of the Agenda. It is presumed that the intention is to draw up uniform Articles of Agreement for seamen all the world over and to bring contracts of employment as far as possible into line with those obtaining in the case of workers on shore. The Government of India note that, in any case, lascars agreements must be in a special form owing to the necessity of providing for their repatriation from foreign ports. But, as already mentioned, they are not in a position at present to discuss the question raised in this part of the Agenda.

Appendix C.

List of serious accidents between 2nd September 1919 and June 1920.

Date.	Place.	Railway.	No. of passengers killed.	No. of passengers injured.	Remarks.
5th September 1919 ...	Khandbara	Bombay, Baroda and Central India.	3 (two coolies and one trespasser).	8 (including 6 railway servants).	Collision between a passenger train and goods vehicles, due to points having been incorrectly set.
8th November 1919 ...	Near Bamangachi ...	East Indian ...	4 (including one railway servant).	19 (including 5 railway servants).	Collision between a passenger train and a light engine due to the engine having been diverted to the wrong line.
21st December 1919 ..	Between Kharian and Karyala.	North-Western ...	.....	6 (mule drivers) ...	Collision between the rear portion of a troop train which had parted and the engine of a passenger train standing on station line, due to the rear portion rolling back into station.
21st March 1920	Rangapara	Tezpur Balipara ...	3	6	Derailment of a Hat special due to defective setting of points.
26th April 1920	Mewa Nawada ...	Oudh and Rohilkhand ...	45	69	Collision between an express train and a goods train due to express entering the section before it had been cleared by the goods train.
17th May 1920	Jakhvada	Bombay, Baroda and Central India.	26	41	Collision between a passenger train and an empty wagon due to train having been received in a dead end siding where wagon was standing.
6th June 1920	Rampore Haut ...	East Indian ...	1 (railway servant) ...	10 (including 2 railway servants).	Collision between a parcels express and a shunting engine due to express having been admitted on the wrong line.

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GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.
(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Viceregal Lodge, Simla, on Friday, the 27th August, 1920.

PRESENT :

His Excellency BARON CHELMSFORD, P.C., G.M.S.I., G.M.I.E., G.C.M.G., G.C.B.E., Viceroy and Governor General, President, *presiding*, and 52 Members, of whom 44 were Additional Members.

OATH OF OFFICE.

The following Additional Member made the prescribed oath or affirmation of allegiance to the Crown :— 11 a

The Hon'ble Mr James MacKenna, C.I.E.

STATEMENT LAID ON THE TABLE.

The Hon'ble Sir William Vincent:—"My Lord, I lay on the table a statement* showing the procedure adopted by the India Office in connection with applications made by Indians for appointments in their gift, which was promised in reply to a question asked by the Hon'ble Mr. Patel on the 22nd March, 1920.

* Not included in these Proceedings.

[*Sir Umar Hayat Khan*; *Sir William Marris*; *Mr. Kamini Kumar Chanda*; *Rao Bahadur B. N. Sarma*.] [27TH AUGUST, 1920.]

QUESTIONS AND ANSWERS.

11-1 A. M. **The Hon'ble Major Malik Sir Umar Hayat Khan** asked :—

Franchise for Indian soldiers.

1. " (*a*) Is it a fact that under the coming Reforms no particular favour as regards franchise is to be shown to those who have fought during the war?

(*b*) Is it not a fact that the majority of those who fought will not be eligible for votes at Council elections under the standards fixed for the franchise?

(*c*) Do Government intend to consider the question and take any action in this connection?"

The Hon'ble Sir William Marris replied :—

" Under the electoral rules as finally sanctioned the franchise for the provincial legislative councils has been conferred on all retired, pensioned and discharged officers, non-commissioned officers and soldiers of His Majesty's regular forces. The Government of India understand that in adopting this modification of the original proposals Parliament was actuated by the desire to recognise service in the war.

The Government of India are unable to say what proportion of those who fought in the war will be eligible to vote at the coming council elections; but under the rules referred to any such persons who are not so eligible, will eventually qualify for a vote."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

High prices of food stuffs and cloth.

2. " (*a*) Is it a fact that prices of food stuffs and cloth have gone up further causing hardship to men of moderate means?

(*b*) Has the Committee appointed on the motion of the Hon'ble Sir Dinshaw Wacha at Simla in last September, submitted any report or made any recommendation about any steps likely to ease the situation?

(*c*) Do Government propose to take any measures in this direction?

(*d*) Will Government make a statement on the subject?"

The Hon'ble Rao Bahadur B. N. Sarma replied :—

" (*a*) As regards foodgrains it is presumed that the Hon'ble Member refers to the level of prices at the time when the Committee on High Prices was appointed on the motion of the Hon'ble Sir Dinshaw Wacha in September last. A statement* showing the present prices of the principal foodgrains in certain of the most important producing centres as compared with their prices in September 1919 is laid on the table.

It will be seen that the price of all the foodgrains mentioned therein has fallen appreciably, with the exception of *ragi* which is nearly at the same figure as in September 1919. In the case of jowar and gram the fall in prices is large. With regard to cotton cloth, it is a fact that the price of cloth has risen together with the rise in the price of commodities which has taken place all over the world, but I may remind the Hon'ble Member that the effect of this rise has been tempered in India as elsewhere by a general rise in the scale of wages.

(*b*) The minutes of all the meetings of the Committee on High Prices up to date are laid on the table.

(*c*) Action has been taken on all the recommendations made by the Committee.

(*d*) Government have no further statement to make on the subject."

* Not included in these Proceedings.

[27TH AUGUST, 1920.] [*Mr. Kamini Kumar Chanda*; *Mr. H. R. C. Dobbs*; *Mr. Sachchidananda Sinha*; *Sir William Vincent.*]

The Hon'ble Mr. Kamini Kumar Chanda asked:—

Passports for Indian ladies travelling to foreign countries.

3. "(*a*) Has Moulvi Rahim Baksh, M.A., Secretary for Mission work to Hazrat Khalifa-tul-Masih Qadian, Punjab, addressed Government on the subject of passports for ladies travelling to foreign countries?

(*b*) Is it a fact, as alleged by him that all applicants for passports, whether male or female, have to annex their photos to such applications?

(*c*) Is it not the fact that according to Islam exhibiting photos of ladies is repugnant to every Muslim?

(*d*) Do Government propose to consider the propriety of modifying the rule requiring photos of ladies with applications for passports as suggested by the Moulvi or in some other way agreeable to Muslim sentiments?"

The Hon'ble Mr. H. R. C. Dobbs replied:—

"(*a*) The Government of India have received no communication from Maulvi Rahim Bakhsh on this subject.

(*b*), (*c*) and (*d*). It depends on the destination of the traveller whether female applicants for passports have to affix their photographs to applications. The Government of India are aware that it is repugnant to Indian feeling that Indian ladies should exhibit their photographs, and for this reason they made as long ago as the Autumn of 1918 reciprocal arrangements with the Governments of most of the countries within the British Empire to which Indians travel whereby the attachment of their photographs to passports by Indian ladies, travelling to or from those countries, has been dispensed with. The British Government have no power to control or vary the passport regulations of foreign countries outside the British Empire, and in cases in which the regulations of such countries require photographs to be affixed to passports, it is not possible for the Government of India to exempt persons of either sex from compliance therewith. The countries which have dispensed with ladies' photographs on passports are:—

Mesopotamia, Malaya, the Straits Settlements, the East Africa Protectorate now called (Kenia), Uganda, Zanzibar, Mauritius, the Nyassaland Protectorate and the Union of South Africa."

The Hon'ble Mr. Sachchidananda Sinha asked:—

The Hon'ble Mr. Shafi's Minute on the Majority and Minority Reports of the Punjab Disorders Enquiry Committee.

4. "(*a*) Did the Hon'ble Mr. Shafi write any separate minute containing his views on the Majority and Minority Reports of the Punjab Disorders Enquiry Committee?

(*b*) If so, will Government lay on the table a copy of the said minute?"

The Hon'ble Sir William Vincent replied:—

"The Hon'ble Mr. Shafi did not write any Minute of dissent on the Government of India's Despatch to the Secretary of State, but desired that his views on certain points, regarding which he differed from his Hon'ble Colleagues, should be embodied in the despatch. The despatch was framed accordingly."

The Hon'ble Mr. Sachchidananda Sinha:—"May I ask a supplementary question My Lord? Am I to understand that beyond the reference made to the Despatch by the Hon'ble the Education Member he did not record his opinions on the two reports separately in any document, whether it be called a minute, a note or by any other name. Am I to understand that?"

The Hon'ble Sir William Vincent:—"I have nothing to add to my previous reply."

[*Mr. Sachchidananda Sinha*; *Sir William Vincent.*] [27TH AUGUST, 1920.]

The Hon'ble Mr. Sachchidananda Sinha asked:—

Case of Mr. Amir Chand Bombwal.

5. "Has the attention of Government been drawn to a leaderette headed 'The case of Mr. Amir Chand' in the *Tribune* of 29th July last, in which it is stated that Mr. Amir Chand Bombwal, an internee under the Defence of India Act, has addressed a telegram to His Excellency the Viceroy making serious allegations against the Chief Commissioner of the North-West Frontier Province?

(*b*) Has that telegram been received by His Excellency the Viceroy? If so, what action, if any, has been taken on it?

(*c*) If no action has been taken, do Government propose to take action and enquire into the allegations and direct the release of Mr. Amir Chand Bombwal pending the result of the enquiry?"

The Hon'ble Sir William Vincent replied:—

"(*a*) Government have seen the article referred to.

(*b*) *and* (*c*) The reply is in the negative."

The Hon'ble Mr. Sachchidananda Sinha asked:—

Case of General Dyer.

6. "(*a*) What is the exact effect of the orders passed by His Excellency the Commander-in-Chief on General Dyer?

(*b*) For how many years longer, would General Dyer have been entitled to serve, but for the said orders being passed?

(*c*) Will General Dyer draw from Indian remittances to the India Office on account of pay and pensions to officials, any pay or pension? If so, how much?

(*d*) How much would he have drawn as pay or pension if he had retired now of his own accord?

(*e*) Has the attention of Government been drawn to the statement in the extract from an English newspaper, quoted in the *Tribune* of July 30th last under the heading 'Dyer's pay,' that General Dyer 'was in receipt of the retired pay due to his rank'? Is that statement correct?

(*f*) If so, what is exactly the penalty imposed upon General Dyer by Government to mark their sense of disapproval of his conduct?"

The Hon'ble Sir Willim Vincent replied:—

"(*a*) General Dyer, by his removal from his appointment, forfeited his tenure of command of a brigade which he might otherwise have held until he attained the age of 57 years, *i.e.*, until the 9th October 1921.

(*b*) Until the 9th October 1921, unless promoted to the rank of Major-General.

(*c*) General Dyer is residing in England unemployed. Under the new scale of unemployed pay recently sanctioned by the Secretary of State he will draw £701-17-6 *per annum* from Indian revenues.

On retirement he will be entitled to a pension of £900 *per annum* which will also be met from Indian revenues.

(*d*) He has already qualified for the full pension of his rank, *viz.*:—£900 *per annum*.

(*e*) As already stated in answer to part (*c*) General Dyer is now residing unemployed in England. The statement referred to is, therefore, incorrect.

(*f*) The answer is contained in the reply to (*a*) above."

[27TH AUGUST, 1920.] [*Mr. Sachchidananda Sinha* ; *Sir William Vincent.*]

The Hon'ble Mr. Sachchidananda Sinha asked :—

Bihar and Orissa and the United Provinces at the time of the Punjab disturbances.

7. "(*a*) With reference to the statement of the Government of India in their memorandum presented to the Hunter Committee and quoted on page 81 of the Committee's Report that 'anxiety was also felt in Bihar and Orissa where the British garrison is small, and in the United Provinces', will Government state the facts or circumstances (if any) which justified the Government's statement about 'anxiety' being felt in Bihar and Orissa and also in the United Provinces at the time of the Punjab disturbances last year ?

(*b*) Were these facts or circumstances (if any) based upon information supplied by the local Governments of Bihar and Orissa and the United Provinces ? If so, will Government lay on the table the said information ?"

The Hon'ble Sir William Vincent replied :—

"(*a*) and (*b*) The statements made were based on information received from the Local Governments concerned. Government do not consider it to be in the public interest to lay such information on the table."

The Hon'ble Mr. Sachchidananda Sinha asked :—

Appointment of the Committee to enquire into the occurrences in the Punjab.

8. "Has the attention of Government been drawn to a statement published in the editorial columns of the *Statesman* that 'Mr. Montagu in response to the demand of Indian politicians and, as we understand, against the wishes of the Government of India, decided to appoint a Committee to enquire into the occurrences in the Punjab' ? Is that statement correct in what it alleges about the wishes of the Government ?

(*b*) If not, will Government state the circumstances in which the Committee came to be constituted ?"

The Hon'ble Sir William Vincent replied :—

" Government have not seen the statement to which the Hon'ble Member refers, but if it is to the effect alleged, it is not correct. The Hon'ble Member's attention is invited to the statement on the subject made in His Excellency's speech on the 3rd September 1919 and to the Home Department Resolution No. 216, dated the 14th October 1919, of which a* copy is laid on the table."

The Hon'ble Mr. Sachchidananda Sinha asked :—

Enrolment of special constables.

9. "(*a*) With reference to Government's statement in their despatch No. 2, dated the 3rd of May last, to the Secretary of State for India about the enrolment of special constables, that Government have decided to address local Governments on the question whether the orders now obtaining on the subject require modification or revision, have Government already addressed the local Governments on the subject ?

(*b*) If so, will Government lay on the table a copy of the communication to the local Governments, with their replies, if any, received so far ?

(*c*) Do Government propose, after receiving the replies, to take any steps in regard to obtaining the expression of non-official Indian public opinion, before carrying out the modification or revision of the rules in force ?"

The Hon'ble Sir William Vincent replied :—

" (*a*) A reference on the subject was made recently to local Governments.

(*b*) No replies have yet been received and it is not proposed to lay any correspondence on the table at the present stage.

(*c*) After receipt of the replies, Government will consider if any action of the nature suggested is necessary or desirable."

* Not included in these Proceedings.

[*Mr. Sachchidananda Sinha*; *His Excellency the Commander-in-Chief*; *Sir William Vincent.*]

The Hon'ble Mr. Sachchidananda Sinha asked :—

10. "(*a*) Has the attention of Government been drawn to the report (in the *Pioneer* of Saturday, July 17th, 1920) of a speech delivered at Rangoon by Colonel Frank Johnson?

(*b*) Will Government inform the Council whether Colonel Johnson was in service when he made the said speech?

(*c*) Is it not a fact that the speech was in contravention of military service regulations?

(*d*) If the Colonel was in service at the time, have Government taken or do they propose to take any action against him ? If not, why not ?"

His Excellency the Commander-in-Chief replied :—

(*a*) " Yes.

(*b*) Colonel Johnson was not in the Service when he made the speech. He had resigned his commission.

(*c*) and (*d*) In view of the answer given to (*b*), these questions do not arise."

The Hon'ble Mr. Sachchidananda Sinha asked :—

Release of convicted.

11. "(*a*) Have all the persons convicted in connection with Punjab disturbances of last year been released by now under the terms of the Royal Proclamation or are some of them still serving their sentences ?

(*b*) If the latter, will Government be pleased to state their number and the reason for their continued detention in jail ?"

The Hon'ble Sir William Vincent replied :—

" 1,779 persons were convicted in connection with the Punjab disturbances. Many of the sentences passed were reviewed and reduced or remitted by the local Government; others were later reviewed by two High Court Judges on whose recommendations several prisoners were released. In addition a large number of persons were released under the amnesty of last year. Attention is invited in this connection to paragraph 42 of the Government of India Despatch No. 2, dated the 3rd May 1920. It will be seen that 86 persons still remain in jail. These persons were convicted either for serious offences of violence or injury to property or for encouraging, endangering or causing the loss of human life and it is not proposed to release them.

The Hon'ble Mr. Sachchidananda Sinha asked :—

Conduct of Lala Sri Ram Sud.

12. "(*a*) With reference to the Government's statement in their despatch No. 2, dated the 3rd May last, to the Secretary of State for India about the conduct of Lala Sri Ram Sud that ' the minority condemn him on the ground that his intention was punishment and that the firing was, therefore, not justified,' will Government state their grounds for differing from and setting aside the said view and accepting that of the majority that ' Lala Sri Ram displayed promptitude and decision in the discharge of his duties.'

(*b*) Since accepting the said view of the majority, have Government taken or do they propose to take any steps to suitably acknowledge the said officer's ' promptitude and decision in the discharge of his duties.' If not, why not ?"

The Hon'ble Sir William Vincent replied :—

" (*a*) Government decline to make any addition to the statement of their views contained in their despatch.

(*b*) The local Government has been asked suitably to acknowledge the services rendered both by officials and non-officials in accordance with paragraphs 24 and 43 of the Government of India's despatch and paragraph 10 of the despatch from the Secretary of State."

[27TH AUGUST, 1920.] [*Mr. Surendra Nath Banerjea*; *Colonel W. D. Waghorn.*]

The Hon'ble Mr. Surendra Nath Banerjea asked :—

Excess fare and freight over the Burdwan-Howrah chord.

13. "(*a*) Is it a fact that the East Indian Railway charges fare and freight over the Burdwan-Howrah chord between Burdwan and Howrah for 67 miles although the actual distance between the two stations over this section is only 59 miles ?

(*b*) If so, will Government be pleased to state whether such excess charge is not illegal ?

(*c*) If illegal, do Government propose to direct the East Indian Railway to discontinue the practice and to charge for the actual distance over this section in the case of goods and passengers ?"

The Hon'ble Colonel W. D. Waghorn replied :—

" (*a*) The facts are as stated.

(*b*) The excess charge is not illegal. The Burdwan-Howrah Chord was constructed on account of the necessity for affording much needed relief for the movement of traffic between Burdwan and Howrah on the East Indian Railway, and was an alternative to quadrupling the main line. The charging of rates and fares on the basis of the mileage by the longer route, *via* the main line, has been sanctioned for the same reason.

(*c*) In view of the reply above that the charge is not illegal, this question does not arise."

The Hon'ble Mr. Surendra Nath Banerjea :—" May I ask a supplementary question?"

" It may not be illegal, but I should like to know whether it is equitable to charge more mileage than is really covered by the running of the trains ?"

The Hon'ble Colonel W. D. Waghorn :—" It is a question not only of the equity which has to be considered ; but of the point of view of the charges and the cost incurred. In this case there was a new line built."

The Hon'ble Mr. Surendra Nath Banerjea asked :—

Levy of freight and fare by the East Indian Railway.

14." (*a*) Is it not a fact that the East Indian Railway levies freight and fare over all its sections as over the shortest route between any two stations ?

(*b*) Is not the Howrah-Burdwan Chord route an exception to this rule ?

(*c*) If so, do Government propose to direct the East Indian Railway to charge for goods and passengers as over the shortest route over all sections including the Howrah-Burdwan Chord ?"

The Hon'ble Colonel W. D. Waghorn replied :—

" (*a*) The ordinary practice on Railways, not only on the East Indian Railway, is to levy charges on the mileage by the shortest route between any two stations.

(*b*) The Howrah-Burdwan Chord route is an exception to this rule for the reason which I have just given in my answer to the Hon'ble Member's previous question.

(*c*) The reply is in the negative."

[*Khan Sahib Shah Nawaz Bhutto*; *Mr. W. M. Hailey.*] [27TH AUGUST, 1920.]

The Hon'ble Khan Sahib Shah Nawaz Bhutto asked :—

Cost and strength of certain services.

15. "With reference to the Hon'ble Mr. Hailey's answer in Council on the 22nd March last to my question regarding the cost of certain services will Government be pleased to state—

(*a*) What is the All-India strength of each of the following services—Imperial and Provincial branches being shown separately :—

Indian Civil Service.	Provincial Civil Service.
Imperial Forest Service.	Provincial Forest Service.
Imperial Educational Service.	Provincial Educational Service.
Indian Medical Service.	Public Works Department. (Provincial.)
Public Works Department.	
Imperial Police Service.	Provincial Police Service. ?

(*b*) What, over and above that referred to by the Hon'ble Mr. Hailey, will be the cost of the latest improvement of the Public Works Department pay and allowances ?

(*c*) How many officers of the Indian Medical Service are employed—

(*i*) on Military duty,

(*ii*) on Civil duty ?

(*d*) Does the total of 25 lakhs by which the Indian Medical Service benefits in consequence of the recent increases in pay cover the whole service or only that part of it in civil employ ?"

The Hon'ble Mr. W. M. Hailey replied :—

"(*a*) The All-India strength of the services referred to by the Hon'ble Member is as follows :—

Indian Civil Service	1,295
Provincial Civil Service	2,099
Imperial Forest Service	277
Provincial Forest Service	277
Imperial Educational Service	264
Provincial Educational Service	713
Indian Medical Service	744 permanent. 832 temporary.
Public Works Department (Old Imperial Service)	563
Public Works Department (Old Provincial Service)... ...	253
Imperial Police Service	700
Provincial Police Service	349

(*b*) The cost of the latest improvement in question is Rs. 58,000 per annum.

(*c*) The figures are as follows :—

Number of I.M.S. officers employed on Military duty { 455 permanent. / 832 temporary.

Ditto ditto on Civil duty ... 289 permanent.

(*d*) The total of Rs. 25 lakhs given in clause (*a*) (*v*) of my answer to the Hon'ble Rao Bahadur B. N. Sarma on the 1st March 1920 covers the whole of the I.M.S., *i.e.* both the civil and the military branches."

[27TH AUGUST, 1920.] [*Khan Sahib Shah Nawaz Bhutto*; *Sir George Barnes*; *Sir Manindra Chandra Nandi*; *Rao Bahadur B.N. Sarma*; *Sir Thomas Holland*.]

The Hon'ble Khan Sahib Shah Nawaz Bhutto asked :—

Opening of Telegraph offices at certain stations in Sind.

16. "(*a*) Are Government aware of the inconvenience experienced both by the Government and the public alike in not having Telegraph offices at Ratodero Mehar, Dokri, Khairpur Nathoshah, Warah and several other Talika Head-quarters in the province of Sind ?

(*b*) When is it proposed to open Telegraph offices at these stations, particularly at Ratodero, Dokri and Mehar ?

(*c*) Was it decided by the Bombay Government so long back as 27th September, 1919 in their Government Order No. 5843 to open Telegraph offices at these stations ?"

The Hon'ble Sir George Barnes replied :—

"(*a*) Government are fully aware of the inconvenience experienced owing to the impossibility of opening all the telegraph offices which are required. This inconvenience, it is regretted, is not confined to Sind.

(*b*) It is proposed to open telegraph offices as material is available. At present it is impossible to obtain sufficient supplies to open all the telegraph offices which are desired.

(*c*) The Government of Bombay order No. 5843 of the 24th September 1919 contained a priority list of a large number of places where telegraph offices are required. The Government of Bombay desired that the work of opening offices in the Central and Southern Divisions should be pushed on most urgently and that the work in Sind should be begun as soon as possible. The offices mentioned in the first part of the Hon'ble Member's question were included in the list sent in by the Bombay Government and their construction will be taken in hand when material is available.

TheHon'ble Maharaja Sir Manindra Chandra Nandi asked :—

The Committee appointed to report on high prices.

17. "Has the Committee of this Council on high prices submitted its report, or made any *ad interim* recommendations ? If so, what is the purport thereof and what effect has been given thereto ?"

The Hon'ble Rao Bahadur B. N. Sarma replied :—

"The Hon'ble Member is referred to parts (*b*) and (*c*) of the reply I gave to-day to a similar question by the Hon'ble Mr. Kamini Kumar Chanda."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

Consumption and manufacture of paper in India.

18. "(*a*) What is approximately the total quantity of paper usually consumed in India every year, and how much of the same is manufactured in India ?

(*b*) What practical steps have been taken by Government to encourage the development of the paper industry in India and increase the output of paper in the near future ?"

The Hon'ble Sir Thomas Holland replied :—

"(*a*) The average annual consumption of paper in India is estimated at 75,000 tons, of which some 30,000 tons are manufactured in the country.

(*b*) The following steps have been taken by Government to encourage the development of the paper industry and to increase the output of paper :—

(*i*) Government purchase the bulk of their requirements of paper in India, the amount of Indian-made paper so purchased on an average during the last five years being more than 11,000 tons per annum. In the year 1918-19 Government purchases of Indian-made paper were more than 9-10ths of their total requirements.

[*Sir Thomas Holland*; *Sir Manindra Chandra Nandi*; *Rao Bahadur B. N. Sarma*; *Mr. W. M. Hailey.*] [27TH AUGUST, 1920.]

(*ii*) To encourage manufacture, concessions in respect of raw materials have been given to a number of commercial firms.

(*iii*) Research on the utilisation of Indian raw materials for paper-making has been undertaken by the Forest Research Institute, Dehra Dun, and advice is freely given to enquirers.

(*iv*) The Cellulose Expert to the Government of India has been sent to England to purchase plant for the experimental manufacture by Government of pulp and paper at Dehra Dun. The necessary plant is now under construction in England. The results achieved will be made available to the public."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

Average price of rice in Bengal and other provinces.

19. "(*a*) Will Government be pleased to make a statement, showing, month by month, the course of the average price of rice in the different provinces since January last ?

(*b*) Is it a fact that the removal of restrictions on inter-provincial movements of rice, was followed by a steady increase in price in Bengal, week after week, up to the end of June last, while the market continued almost steady in most other provinces ?"

The Hon'ble Rao Bahadur B. N. Sarma replied :—

"(*a*) The statement* asked for is laid on the table.

(*b*) The facts are generally as suggested by the Hon'ble Member. There has, however, been in Bihar and Orissa and Assam a rise in the price of rice similar to that which has occurred in Bengal. There has been a considerable rise of price in those three provinces since the removal of the restrictions in April, but this measure has doubtless tended to prevent a rise of prices in other provinces, and has in fact had the general effect of causing prices over the greater part of India to approximate to equality."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

Financial position of Provincial Governments under the proposals made by Lord Meston's Committee.

20. "(*a*) Will Government be pleased to make a statement explaining, on the basis of the Budget figures for 1920-21, the financial position of each provincial Government under the proposals made by Lord Meston's Committee showing particularly the total provincial revenue and expenditure, the first year's contribution to the Central Exchequer and the net provincial surplus ?

(*b*) Is it a fact that on examination of the Committee's proposals with reference to the budget figures for 1920-21, the position of Bengal is found to be far worse than is supposed in the said Committee's report ?"

The Hon'ble Mr. Hailey replied :—

"(*a*) I lay on the table a statement* showing—

"(1) the revenue in each province according to the Budget estimates for 1920-21 as recast in accordance with the new classification of subjects, (2) the expenditure in each province as settled at a conference with representatives of Provincial Governments held in September-October 1919, (3) the contributions for the first year according to the recommendations of the Financial Relations Committee, and (4) the net surplus for each province.

(*b*) I lay on the table a similar statement* in which the figures of Provincial revenue are based on the Budget estimates for 1919-20. The Honourable Member can draw his own conclusions by a comparison of these two statements."

* Not included in these Proceedings.

[27TH AUGUST, 1920.] [*Sir Manindra Chandra Nandi; Sir George Barnes.*]

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

21. "(*a*) Is it a fact that Lower Division clerks of the Calcutta Customs Housepetitioned His Excellency the Governor of Bengal in 1918 for improvement of their pay and prospects ? Pay of Lower Division clerks of the Calcutta Customs House.

(*b*) Are Government aware that in a letter to the Government of Bengal, the Collector of Customs, Calcutta, said that very few of the clerks in the Lower Division of his office could hope to be promoted above the Rs. 60 grade before the age of retirement, owing to congestion of grades ?

(*c*) Is it a fact that the revision of the clerical staff which was introduced in 1911 was proposed in 1907 on the basis of the cost of living then prevailing and that since 1911 most of the clerks have not been able to get to the next higher grade ?"

The Hon'ble Sir George Barnes replied :—

"(*a*) The answer is in the affirmative.

(*b*) The Government of India have no information.

(*c*) The proposals of the Government of Bengal for the last re-organisation of the clerical establishment of the Calcutta Customs House were submitted to the Government of India in December 1910. They have no information as regards the latter part of this question."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

22. "Is it a fact (*a*) that the sanction of the Secretary of State has been obtained to the increase of the pay of the preventive officers of the Calcutta Customs House (*b*) that the initial pay of these officers was four times that of the Lower Division clerks and that they earn handsome overtime allowances, and (*c*) that the pay of all the employees of the Calcutta Customs House from gazetted officers down to the menials has been increased, with the exception of the ministerial establishment ?" Increase of pay of the ministerial establishment of the Calcutta Customs House.

The Hon'ble Sir George Barnes replied :—

"(*a*) (*b*) and (*c*). The Government of Bengal have not yet submitted proposals for the revision of the pay of the ministerial establishment of the Customs House. Their proposals relating to the appraisers and preventive establishments were received last year, and these revisions have been carried out."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

23. "(*a*) Is it a fact that the Collector of Customs, Calcutta admitted in a demi-official letter to the Government of Bengal that the position of the Lower Division clerks was worse than that of the Preventive Officers ? Position of the Lower Division clerks of the Calcutta Customs House.

(*b*) Did Government come to the decision that the case for the revision of salary of the Preventive Officers and the appraisers of the Calcutta Customs House was more urgent than that of its Lower Division clerks?

(*c*) Are Government aware that this preferential treatment has caused great disappointment and discontent among the clerks of the Calcutta Customs House?

(*d*) Is it a fact that one of the reasons of the Collector of Customs to recommend an increase of the pay of the Preventive Officers, was his apprehension lest they might otherwise incur debts?

(*e*) Are Government aware that a good number of Indian officers are indebted to the Credit Society of the Customs House?"

The Hon'ble Sir George Barnes replied :—

"The Hon'ble Member is referred to the reply to the previous question. The Government of India have received and dealt with the proposals of the Local Government relating to the Preventive establishment. They have not yet received any proposals relating to the ministerial establishments. They are not in a position therefore to give the detailed information asked for in the question."

[*Sir Manindra Chandra Nandi*; *Sir George Barnes*; *Mr. G. S. Khaparde*; *Sir Thomas Holland.*] [27TH AUGUST, 1920.]

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

Reorganisation of the pay of the ministerial officers of the Calcutta Customs House.

24. "(*a*) What is the amount of Customs revenue in Bengal since 1914?

(*b*) Is it a fact that Rs. 45,000 was allotted in the Customs Budget Estimate for 1920-21 for the revision of the pay of the ministerial officers but subsequently withdrawn?

(*c*) If so, why?

(*d*) Has it been decided that the question of the re-organisation of the pay of the ministerial officers of the Calcutta Customs House will be held in abeyance until there is a general Provincial enquiry into the pay of all Departments?

(*e*) If answer is in the affirmative, will Government state when the Provincial enquiry will be held?"

The Hon'ble Sir George Barnes replied :—

"(*a*) A statement* is laid on the table showing the gross amount of Customs duty collected in Bengal during the six years ending 1919-20.

(*b*) and (*c*) The Government of India have no information.

(*d*) and (*e*) The Hon'ble Member is referred to the concluding portion of the reply given to Question No. 22."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

Method of recruitment for the Calcutta Customs House.

25. "(*a*) Will Government state—

(*a*) how clerks are recruited for appointment in the Upper Division of the Calcutta Customs House?

(*b*) what percentage of appointments (if any in the Upper Division) is reserved for efficient Lower Division Clerks?

(*c*) how many Superintendents there are in the Calcutta Customs House and how many of them are Indians?"

The Hon'ble Sir George Barnes replied :—

"The Government of India have no information on these points. The Customs House for administrative purposes is under the control of the Local Government."

The Hon'ble Mr. G. S. Khaparde asked :—

The Coalfields Committee.

26. "(*a*) What action, if any, has been taken on the recommendations of the Coalfields Committee?

(*b*) What will be the probable cost of carrying out the said recommendations?"

The Hon'ble Sir Thomas Holland replied :—

"(*a*) The Coalfields Committee's Report is at present under the consideration of the Government of India.

(*b*) As it is not possible yet to indicate which of the Committee's recommendations it will be practicable to accept, no estimate of their cost can be stated."

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*Vide Appendix.

[27TH AUGUST, 1920.] [*Mr. G. S. Khaparde*; *Rao Bahadur B. N. Sarma*; *Mr. Shafi.*]

The Hon'ble Mr. G. S. Khaparde asked :—

27. "(*a*) Have Government taken any steps or do they propose to take any steps— Provision for maintenance of stud bulls for breeding purposes, etc.

(*i*) for the provision and maintenance of stud bulls or bulls for breeding purposes;

(*ii*) for the provision of pasture grounds;

(*iii*) for the prohibition of the slaughter of prime cows and calves;

(*iv*) for the establishment and maintenance of charitable Veterinary Dispensaries and hospitals;

(*v*) for cheapening the cost of transport by railways and steamers of cattle, fodder, milk and milk products from one place to another in India; and

(*vi*) for the prevention of adulteration of milk and milk products?

(*b*) If any such steps have been taken, or are proposed to be taken, will Government state the same?"

The Hon'ble Rao Bahadur B. N. Sarma replied :—

"The attention of the Hon'ble Member is invited to the answer which Sir Claude Hill gave to an almost identical question put by the Hon'ble Mr. Kamini Kumar Chanda on the 11th March 1920. The position remains unaltered except that the scheme for the development of cattle-breeding and dairying in India under Imperial control referred to in (*a*) of Sir Claude Hill's reply has since been inaugurated. The scheme provides for the appointment of an Imperial Dairy Expert, a Physiological Chemist and a Bacteriologist with the necessary subordinate staff. The Imperial Dairy Expert who has already taken charge of his duties will work on the material furnished by the military dairy farms and will undertake breeding operations with a view to improve the milking qualities of Indian cattle. This will be followed later by a scheme of education in dairying. The Physiological Chemist will deal with feeding problems while the Bacteriologist whose headquarters will be at Muktesar will work on the immunization of dairy stock from disease."

The Hon'ble Mr. G. S. Khaparde asked :—

28. "With reference to the Government communiqué issued on 12th July, 1919 in relation to the cure of Influenza by using salt, will Government be pleased to state— Use of salt for the cure of Influenza.

(*a*) whether the salt cure has been tried in any Government dispensaries and hospitals, and if so, with what result; and

(*b*) what steps have been taken to bring the salt cure to the notice of the general public, in addition to the communiqué referred to above?"

The Hon'ble Mr. Shafi replied :—

"(*a*) The question of the Hon'ble Member appears to be based on the assumption that nasal douching with salt solution is a cure for influenza. A reference to the communiqué to which the Hon'ble Member alludes would show that this is not the case and that this douche was suggested merely as a preventive of influenza. The use of salt has no curative value for influenza. The Government of India have accordingly no information as regards the first part of the question and it would not seem to be profitable to call for such information.

(*b*) Apart from the communiqué referred to above, the Sanitary Commissioner with the Government of India prepared in the spring of 1919 a memorandum dealing specially with preventive measures including the use of salt which was translated into suitable vernaculars and widely distributed to the public."

[*Mr. G. S. Khaparde*; *Sir Thomas Holland.*] [27TH AUGUST, 1920.]

The Hon'ble Mr. G. S. Khaparde asked :—

The Stores Purchase Committee Report.

29. "Will Government lay on the table a copy of the rep Purchase Committee and indicate approximately the cost of th Stores Purchase Department in India ? "

The Hon'ble Sir Thomas Holland replied :—

"The report of the Stores Purchase Committee, which was received on the 19th of July, has not yet been printed ; and, although the report has not yet been examined by Government, or submitted to Secretary of State, it is presumed that there will be no objection to its publication in the usual way.

Since the Government of India are not yet able to say to what extent any particular recommendation of the Committee will be accepted, it is impossible at present to give any indication of the cost of the creation of a Stores Purchase Department in India."

The Hon'ble Mr. G. S. Khaparde asked :—

The report of the Chemical Services' Committee.

30. "(*a*) Has any action been taken on the report of the Chemical Services' Committee and if so, what ?

(*b*) Will an opportunity be afforded to this Council to discuss the proposals made by the Chemical Services' Committee before their submission to the Secretary of State for sanction ?"

The Hon'ble Sir Thomas Holland replied :—

"(*a*) Certain of the recommendations made by the Chemical Services' Committee are under the consideration of the Government of India. The views of the departments of Government concerned are being obtained.

(*b*) None of the recommendations made by the Committee are likely to necessitate legislation, but the questions are of general public interest and, subject to the ordinary rules, are open for discussion in the usual way."

The Hon'ble Mr. G. S. Khaparde asked :—

The Indian Industrial Services.

31. "Will Government lay on the table a copy of their proposition statement on the organisation of the proposed Indian Industrial Services and state whether an opportunity will be afforded to this Council to discuss it before its submission to the Secretary of State for approval and sanction ? "

The Hon'ble Sir Thomas Holland replied :—

"No proposition statement in connection with the organisation of the Indian Industrial Service can be prepared until the views of local Governments and Administrations, which have been consulted on the subject, have been received and considered. It is unlikely that the statement will be ready during the present session of the Council."

The Hon'ble Mr. G. S. Khaparde :—"With reference to the latter part of my question, whether an opportunity will be afforded to this Council to discuss the statement, will the Hon'ble Member kindly answer that ?"

The Hon'ble Sir Thomas Holland :—"I have already explained that it is unlikely that the statement will be ready during the present session of Council, but when the statement is ready it will be available for discussion like every other subject of public interest."

[27TH AUGUST, 1920.] [*Mr. G. S. Khaparde; Rao Bahadur B. N. Sarma; Sir William Vincent.*]

The Hon'ble Mr. G. S. Khaparde asked:—

32. "(*a*) What is the number of Indian candidates selected this year by the Selection Board for appointment to the Indian Forest Service? Indian candidates for appointment to the Indian Forest Service.

(*b*) What are the conditions which the selected candidates are expected to fulfil?"

The Hon'ble Rao Bahadur B. N. Sarma replied:—

"(*a*) Four.

(*b*) A copy of the regulations* for the appointment, in India, of probationers for the Imperal Forest Service in 1920 is placed on the table."

THE IDENTIFICATION OF PRISONERS BILL.

The Hon'ble Sir William Vincent:—"My Lord, I move for leave to introduce a Bill to authorise the taking of measurements and photographs of convicts and others. 11-47.

"If Hon'ble Members will refer to the Statement of Objects and Reasons attached to the Bill, they will, I think, at once realise the necessity for this legislation. It has long been the practice in India to take such measurements including finger prints and photographs when required, but there is no legal authority for this and we now think it necessary to legalise and regularise that procedure. Indeed we should have undertaken this legislation earlier had any practical difficulties arisen of a serious character and had it not been for our preoccupations during the war. Recently Local Governments have been consulted on the subject and they are unanimous as to the necessity for this legislation. I do not think that I need dilate in this Council on the advantages which are secured by a record of such measurements in the case of criminals and their immense value to those who are engaged in the detection of crime. This is a matter which is recognised over the whole of Europe and indeed in all civilised countries; and if Hon'ble Members take an interest in the matter, I am quite sure that the Director of Central Intelligence will be very pleased to show them over his finger-print office, and they will then at once appreciate how valuable this system of finger-prints is for the investigation and detection of crime. Indeed I hope that some Hon'ble Members may find the time to follow up this suggestion. I myself spent some hours recently in the Calcutta finger-print office with very great interest.

"The Bill itself is a very simple one and I will not detain Hon'ble Members more than a few moments over it. Clause 3 authorises the taking of measurements of persons convicted of certain offences and also of persons, bound down under section 118 of the Criminal Procedure Code. Clause 4 provides for the taking of measurements of persons in police custody and accused of certain offences. Clause 5 provides for the taking of measurements of a man who has at some time been under arrest on suspicion of his being implicated in certain offences but is not under arrest at the time it is proposed to take these measurements. For instance a man may be arrested in a theft case and subsequently released; further investigation may indicate that it is necessary to take his finger impressions in order to ascertain whether he was implicated in the crime or not but for any action under this clause, *i.e.*, against a man not actually under arrest at the time the order of a Magistrate will be necessary. Clause 6 authorises officers of Government to use reasonable force to secure these measurements. Clause 7 is a very salutary provision which provides for the destruction of photographs and records of measurements of

* Not included in these Proceedings.

[*Sir William Vincent; Sir G. S. Barnes; Mr. A. H. Froom.*] [27TH AUGUST, 1920.]

a man if he is subsequently acquitted or discharged, *i.e.*, if he is found to be innocent of the offence of what he was suspected or accused. This will include the case of a man acquitted on appeal. Clause 8 is merely a rule-making power, but I draw Hon'ble Member's attention in particular to one power, and that is the power to make rules respecting the taking of photographs of persons. This will allow local Governments to impose such restrictions as may be necessary in the interests of any class of persons in the case of whom there are reasonable objections to the taking of such photographs.

"I do not think there is anything else in the Bill to which I need draw attention. It follows very largely the principle of English legislation and I am sure that it will commend itself to this Council."

The motion was put and agreed to.

The Hon'ble Sir William Vincent:—"My Lord, I beg to introduce the Bill, and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

THE INDIAN WIRELESS TELEGRAPHY (SHIPPING) BILL.

The Hon'ble Sir G. S. Barnes:—"My Lord, I move for leave to introduce a Bill to provide for the installation of Wireless Telegraphy on ships registered in British India and for other purposes. The essential part of this Bill is to be found in clause 3, which provides that every sea-going British ship registered in British India, being a passenger steamer or a ship of sixteen hundred tons gross tonnage or upwards shall be provided with a wireless telegraph installation of the prescribed description. There is a proviso to this clause empowering the Governor General in Council by notification to exempt from the obligations imposed by the Act any ships or classes of ships if he is of opinion that having regard to the nature of the voyages on which the ships are engaged, or other circumstances, the provision of a wireless telegraph installation is unnecessary. The kind of case to which this proviso is intended to apply is that of ships which do not go out of sight of land. The next important clause to which I must draw the attention of Hon'ble Members is clause 5 which provides that the Act shall, as from a date three months after the commencement of the Act, apply to ships other than British ships registered in British India while they are within any port in British India in like manner as they apply to British ships registered in British India; that is to say, the Bill applies to foreign ships when they are in Indian ports. The present position, as explained in the Statement of Objects and Reasons, is that under the two Acts of Parliament mentioned in the Statement, compulsory provision of wireless telegraph installation on certain classes of ships registered in the United Kingdom is required. Clause 5, as I have pointed out, makes compulsory provision of wireless telegraphy applicable to foreign ships when they are in Indian ports. Speaking generally the object of the Bill is to secure as far as possible the safety of passengers and crews of ships starting from or arriving in India, and the avoidance of risks which might be obviated. I move for leave to introduce the Bill." 11-32 A.M.

The Hon'ble Mr. A. H. Froom:—"My Lord, there is little doubt, I think, that this Bill, which has for its object the additional security of passengers and crews travelling on vessels registered in British India, will commend itself to all the members of this Council. This Bill, however, has been before us but a short time and there may be one or two points of detail 11-35 A.M.

[27TH AUGUST, 1920.] [*Mr. A. H. Froom*; *Sir G. S. Barnes*; *Sir Thomas Holland*.]

which require careful investigation and possibly may necessitate the introduction of one or two minor amendments of a non-contentious character. I venture therefore to suggest, my Lord, that when determining the date for the introduction of this Bill for the consideration of Council the Hon'ble Member-in-charge should allow sufficient time for any suggestions to reach us from the various ports of this country after the Bill has been published in the Gazette of India."

The Hon'ble Sir G. S. Barnes: "My Lord, I am prepared to meet the Hon'ble Member, but I should like to inquire from him what time would in his opinion be sufficient for the enquiry he desires to make. I move for leave to introduce the Bill."

The motion was put and agreed to.

The Hon'ble Sir G. S. Barnes:—"My Lord, I beg to introduce the Bill and move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

THE INDIAN PATENTS AND DESIGNS (TEMPORARY RULES) AMENDMENT BILL.

The Hon'ble Sir Thomas Holland:—"My Lord, I move for leave to introduce a Bill to extend the operation of the Indian Patents and Designs (Temporary Rules) Act, 1915. 11-37 A.M.

"The Act of 1915 was passed especially for the purpose of extending, during the war, the powers of the Governor General in Council to make rules under the Indian Patents and Designs Act of 1911. The action taken here in 1915 followed the war measure adopted by Parliament in August 1914, except that the English Act was indefinite in duration, whilst the Indian Act, in conformity with other war legislation, was for the period of the war and only six months after.

"One of the powers thus granted, enabled the Governor General to make rules for extending the time within which formalities should be completed under the principal Act of 1911; and among the Rules thus made, one provided for extensions of time to those applicants or patentees who, by reason of absence on active service or from other circumstances arising from the war, were prevented from complying with the usual formalities with regard to the registration of patents and designs.

"Now, under Article 307 of the German Peace Treaty, German nationals are given a minimum of one year after the coming into force of the Treaty to complete patent proceedings which were started before or during the war, and effect has been given to this Article by the Privy Council Order of last July. A similar agreement was made afterwards by Article 259 of the Peace Treaty with Austria.

"But, as I have said, our temporary Act of 1915 expires six months after the termination of the war, and with it, all privileges granted to our own nationals who have been granted licenses to work enemy patents, or who, because of the war, have obtained extensions of time regarding their own patent formalities.

"In consequence of the delay in settling peace treaties with other enemies, it is desirable to extend the Temporary Rules Act for another year, and this is provided for in the second clause of the Bill, which I now move for leave to introduce."

The motion was put and agreed to.

The Hon'ble Sir Thomas Holland:—"My Lord, I beg to introduce the Bill and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

THE INDIAN PATENTS AND DESIGNS (AMENDMENT) BILL.

The Hon'ble Sir Thomas Holland:—"In 1919 a Bill was passed through the English Parliament revising the Patents and Designs Act of 1907, and several improvements in the patents law were then adopted as the result of lessons learnt by the war.

"We have, in the same way, been examining our Act of 1911, with the assistance of the new Controller, Mr. Lough, who came out from the English Patents Office at the end of last year.

"Mr. Lough is not prepared, without further experience of Indian conditions, to advise on all the new points raised.

"Some of the changes also in the English Act are sufficiently novel to be regarded as experimental; and we want to know how these will be received and how they will be worked before bringing our law into line with them. But the Controller has drawn our attention to the urgency of taking advantage of a slight verbal change in the English Act, which enables us now to obtain for applications filed in India the privileges of provisional protection in other parts of the Empire.

"Sub-section (5) of Section 91 of the English Act of 1907 runs as follows:—

'Where it is made to appear to His Majesty that the legislature of any British possession has made satisfactory provision for the protection of inventions, designs *and* trade marks.....it shall be lawful..... to apply the provisions of this section to that possession.'

"But in India we have no Trade Marks Act, and the investigations of the Industrial Commission showed that commercial conditions are not yet ripe enough to require one; by the change, however, of the word ' and ' to ' or ' in the English Act, we are now able to secure the benefits of this section as regards *patents* and *designs*, without regard to *trade marks*; for the English Act now provides for reciprocal arrangements with Dominions which have made satisfactory provision for ' the protection of inventions, designs *or* trade marks.'

"The Bill which I ask leave to introduce, adopts the formula of the English Act, and thus secures for India the privileges obtained by other Dominions, in securing for 12 months, protection for patents granted here. Conversely, British patents have hitherto been unable to obtain this protection in India, and their utilisation in industrial processes has been correspondingly discouraged. From the industrial point of view, naturally, the utilisation of a special process is generally more important to the country than the royalties obtained by the holder of patent rights; for a special process or special piece of apparatus may be an essential part of a large industry.

"Provisional protection, also, carries with it another important advantage; for our law, like all civilised patent laws, requires that the invention shall be novel, and to be novel within the meaning of the Act, the invention should not have been publicly known in any part of British India before the date of application for the patent. By taking advantage of the inter-imperial reciprocal arrangements now proposed, an application will not be invalidated in future by reason only of the publication of a description or use of an invention, or by the exhibition of a design. This subsidiary point is covered by clause 78A, (2) of the Bill, which I now ask for leave to introduce."

The motion was put and agreed to.

The Hon'ble Sir Thomas Holland:—"I now introduce the Bill and move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

[27TH AUGUST, 1920.] [*Sir George Lowndes ; Sir William Vincent.*]

THE REPEALING AND AMENDING BILL.

The Hon'ble Sir George Lowndes :—"My Lord, I move for leave to introduce a Bill to amend certain enactments and to repeal certain other amendments. This is a small Bill of a character with which the Council is familiar. The amendments we propose are explained by marginal notes in the Schedule. If there is any matter that any Hon'ble Member desires to have explained I shall be glad to discuss it with him." 11-45 A.M.

The motion was put and agreed to.

The Hon'ble Sir George Lowndes :—"My Lord, I have the honour to introduce the Bill and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

THE ROUBLE NOTE BILL.

The Hon'ble Sir William Vincent :—"My Lord, I move for leave to introduce a Bill to prohibit the possession and import of rouble notes. 11-47 A.M.

"Many Hon'ble Members are probably aware that a couple of years ago the import of rouble notes into India increased very largely, in fact it looked as if the whole country was about to be flooded with a large number of these notes issued by the Soviet Government—if indeed it is a Government. There is no security behind these notes. They are what is called I believe a fiduciary issue and they are issued in enormous quantities whenever the requisite paper and presses are available. They have in consequence a rapidly decreasing value. We had also reason to believe that large quantities of these notes were being introduced to promote Bolshevik ideas and to foster disaffection in this country. To stop this import of these notes was at first prohibited under the Sea Customs Act but it was later found necessary to supplement that action by Ordinance No. VII of 1919. The effect of that Ordinance was to compel any person who held rouble notes either to deposit them with the Government or to export them from the country within a fixed period. That Ordinance was in operation for six months and was followed later by an Ordinance of a somewhat different character, No. II of 1920. The new Ordinance legalised the retention by Government of notes already deposited and also prohibited imports, besides raising certain presumptions as to illegal import in the case of notes found in the possession of any individual in India. The provisions of this law will however expire in a very short time and it is necessary to supplement it by legislation in this Council. Hon'ble Members who read the Bill will find however that the law we now propose to enact is not intended to be in force permanently. It will remain in operation in the first instance for a period of one year, but we have thought it advisable to take power to enable the Governor General in Council to extend its operation for a further period of one year if such a course should be found necessary in the public interests. I am sure the Council will accept the view that it is very undesirable that large quantities of these Bolshevik notes should be allowed to be imported and possessed in this country without restriction to promote Bolshevik propaganda. As a matter of fact also these notes are not of any real value. I received information the other day that a thousand of them were only worth one rupee. So I do not think we are doing any harm to the public by this Bill. We are indeed protecting ignorant people from danger of accepting these notes as of any value. The Bill which I now ask for leave to introduce follows the lines of the second Ordinance and provides for the continued detention of notes in deposit and also prohibits import and possession of these notes. Government retain the power to facilitate export of notes in deposit and to grant further concessions to the holders of such notes if our relations with the Soviet Government improve.

[27TH AUGUST, 1920.] [*Sir William Vincent; Mr. W. M. Hailey; His Excellency the Commander-in-Chief.*]

"I hope that the Council will accept this measure as necessary for the protection of the people who might otherwise be tempted to accept those notes as valuable consideration and also as a reasonable means of preventing the dissemination of Bolshevik propaganda."

The motion was put and agreed to.

The Hon'ble Sir William Vincent:—"My Lord, I introduce the Bill, and move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

THE POST OFFICE CASH CERTIFICATES (AMENDMENT) BILL.

11-42 A.M.

The Hon'ble Mr. W. M. Hailey:—"My Lord, I move for leave to introduce a Bill to amend the Post Office Cash Certificates Act, 1917. The objects of this Bill are so clear and there is very little to evoke controversy, that the Council will, I am sure, be satisfied with a short explanation. The first point is this, that according to the existing law, if it is desired to transfer a Post Office Cash Certificate from one person to another the sanction of the Post Master General is required. We propose to give power to the Post Master General to delegate that authority to officers in charge of post offices or sub-offices.

"The second point is this, that at present a Post Office Cash Certificate cannot be paid without the intervention of a court if its value exceeds Rs. 3,000 We now propose that, on the analogy of the provision in the recent Securities Act, the value should be raised to Rs. 5,000. These are the only two provisions of the Bill, my Lord, and I now beg leave to introduce it."

The motion was put and agreed to.

The Hon'ble Mr. W. M. Hailey:—"My Lord, I introduce the Bill, and move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

THE AUXILIARY FORCE BILL.

11-55 A.M.

His Excellency the Commander-in-Chief:—"My Lord, before asking leave to refer this Bill to a Select Committee, I propose to make a few remarks in regard to the object and scope of the measure which was introduced about two months ago by publication in the Gazette of India. As Hon'ble Members are aware, we found it necessary in 1917 when we entered into the critical stage of the war to pass the Indian Defence Force Act, which substituted for the long-established volunteer force recruited on a voluntary basis an Indian Defence Force in which service was compulsory. Our principle object in carrying out this measure was to increase our man power in India so as to release as many British troops as possible for active service in the various theatres of war. The Indian Defence Force Act was therefore essentially a war measure, and, as such, will cease to operate a year after the date fixed as the official termination of the war. We have therefore to provide some suitable organization to replace it. We can, of course, fall back if necessary, on the Volunteer Act of 1869 which is at present unrepealed. But this enactment is quite out of date, and cannot give a force trained and organized according to present day requirements. Under the Volunteer Act no definite personal obligation could be enforced in the matter of service or training. The general

standard of efficiency was low and differed widely in different units. It is now proposed to remove these defects in the Bill now under discussion by imposing definite liabilities. The principle upon which our proposals have been framed is, that the European and domiciled communities being employed for the most part in the public services or in commercial and industrial occupations of importance cannot be regarded as available for any but purely local service. Further, that the standard of military training laid down, which is the lowest compatible with efficiency shall be reached in the earlier years of service. It is recognised, however, that conditions differ greatly in different localities, and for this reason it has been found desirable to provide for modifications in the matter of training to suit local requirements. It is recognised for instance that training conditions which may be found convenient in large towns such as Calcutta or Bombay may not be found applicable to planting districts such as Assam or Behar. To provide for these varying conditions our system must be in the highest degree flexible. It will be seen from the Bill that provision is made for this adjustment through the agency of the Advisory Committees which will be created in every military area and which will have the power of varying the training and the period of service to suit individual cases. It will be noticed that we propose to limit the obligations of members of the new Force to local service, that is to say, it will be quite exceptional for an auxiliary force unit to be called out for duty anywhere except in the military area to which it properly belongs. It will be seen that no term of service is specified, but any member of the force desirous of being discharged during the first six years of service will be required to satisfy the local Advisory Committee as to the validity of his reasons for desiring to leave the force. After completing six years' service, however, he may be discharged at any time on application being made to the Commanding Officer and in such cases no reference to higher authority will be required.

"The scale of training laid down in Schedule I of the Bill has been prepared with great care and must be regarded as the minimum requisite to attain a useful standard of efficiency. The preliminary training in the case of infantry consists as a maximum of 32 days' drill and a course of musketry; for other branches it is 40 days and a course of musketry or gunnery. The periodical training varies according to classes for men of the Active Class, that is to say those under 31 years of age, it consists of 16 days' drill in each training year and the firing of a musketry course. For men of the first class Reserve, that is to say, men of from 31 to 40 years of age, it consists of 6 days' training in each year, exclusive of musketry, while for those of the second class Reserve, which will consist of men who have completed their service in the first class of the Reserve or are over 40 years of age, it is limited to the firing of an annual musketry course. A man can enrol himself in the Force any time after attaining the age of 16. From 18 to 31 he will belong to the Active Class, and up to 40 he will be in the first class Reserve, and after 40 in the second class. It will be permissible, however, for any member of the Reserve to undertake, from year to year the liabilities imposed on those belonging to a higher category of the Force. This provides for the case of zealous and efficient members of the Force who do not wish to have their obligations reduced merely because they have reached a certain age. Members of the Force will be subject to the provisions of the Army Act only when called out and when embodied or when attached to, or training with, any part of the Regular Army.

"This is the rule which applies,in similar circumtances, to the Territorial Force in England.

"Owing to the large number of the members of the Indian Defence Force who were granted commissions during the Great War, a special organisation will be necessary to utilise to the best advantage their practical training and experience. This will be provided for by the creation of an Auxiliary Officers' Corps, from which we hope to draw our future Reserve of Officers. This Corps will be composed of those who have been permitted to retain their rank in the Army after relinquishing their temporary commissions. Where possible, special units will be formed, for which a special scale of training will be adopted, consisting normally of special courses, schools of instruction, regimental tours, and the like, carried out under the orders of local Commanders ; the aim of this

[*His Excellency the Commander-in-Chief.*] [27th AUGUST, 1920.]

instruction being the exercise of the mind rather than of the body. The more irksome details of drill will be omitted as being unsuitable in the case of men who have graduated in war. These Officers' Corps will serve more than one purpose. Firstly, they will be available, as are other units of the Auxiliary Force, for local service ; secondly, they will constitute a source of supply of trained officers for other units of the Auxiliary Force ; and, thirdly, in the event of a Reserve of Officers being constituted in India they will form training centres for such of those officers as are unable, for business or other reasons, to undergo the periodical training with a regular unit which will probably be laid down for the Reserve of Officers in general.

" In lieu of the old system of capitation grants, which resulted in considerable waste of money and gave no personal incentive to efficiency, it is proposed to grant pay and allowances on a definite scale to persons enrolled in the Auxiliary Force who complete the specified periodical training. No rates have been finally determined, and any rates proposed will, of course, require careful consideration in Select Committee. It has, however, been recommended that pay should be Rs. 2 per diem for Privates, Rs. 3 for Corporals and Rs. 4 for Sergeants. A day is to be reckoned as four actual drill or instruction and may be made up by fractions of a day not exceeding four in number. Any person, in whatever class he may be placed, would be able to earn pay up to the maximum number of days specified for the Active Class, *viz.*, 16 days in the case of Infantry, and 20 days in the case of other arms. All persons of the Active Class completing the full number of days' training and the required musketry course, would, it is proposed, receive in addition to pay a bonus equivalent to the pay thus earned. A Reservist of either class completing his training and the required musketry course, would receive a bonus equivalent to 50 per cent. of the pay that could be earned by completing the training laid down for that class, *viz.*, 6 days in the Infantry and 10 days in the other arms. It is proposed that the pay and bonus thus earned should be additional to travelling allowance, for which provision will be made on scales to be fixed locally. Similarly, officers holding commissions in the Auxiliary Force would, for the statutory period of training, receive pay of rank on the scale laid down for the Regular Army. Mounted officers and men, provided they complete the training required, would receive horse allowance at the rate of Rs. 30 per mensem. When attending camp, all ranks, except officers, would receive free rations as for the British Service or an allowance in lieu. An officer on appointment would receive an outfit allowance of Rs. 300, and other ranks would be given their uniform free.

" *Communiques* have been published, copies of which have issued to Hon'ble Members, giving in greater detail particulars in regard to the various matters to which I have referred. These will be considered by Select Committee and, in due course, Hon'ble Members will receive their report in regard thereto. I may add that in preparing this Bill great pains have been taken to ascertain the views of the various interests affected. Two Staff officers from Army Headquarters toured all over India last cold weather to consult representative bodies, such as Chambers of Commerce, Trades Associations, Planters Assocations, and other public organisations representing various communities, and every endeavour has been made to produce a scheme which will be sufficiently elastic to meet these very divergent interests and at the same time satisfy the irreducible military requirement. I hope that with this explanation the Bill will prove generally satisfactory to the communities concerned and that it will succeed in providing us with a Force which, as its name implies, will serve as a valuable auxiliary to the Regular Forces. I hope also that it will produce, on a voluntary basis, a strength not inferior to that which was reached under the compulsory system imposed by the Indian Defence Force.

" With these remarks I beg leave to move that the Bill be referred for report to a Select Committee consisting of the Hon'ble Sir George Lowndes, the Hon'ble Major-General Sir Alfred Bingley, the Hon'ble Sardar Sundar Singh, the Hon'ble Raja Sir Rampal Singh, the Hon'ble Hr. Allen, the Hon'ble Mr. Morshead, the Hon'ble Mr. Pipon, the Hon'ble Mr. Murray and the Hon'ble Mr. Froom with instructions to report or before the 9th September, 1920."

[27th AUGUST, 1920.] [*Sir Umar Hayat Khan; Mr. Sastri.*]

The Hon'ble Sir Umar Hayat Khan:—"My Lord, as this Bill has been delayed such a long time in spite of protests from many quarters, it is gratifying that it has been introduced at last, but I am sorry that it is not in the form in which it would have been more beneficial for the European British subjects. It would have been far better if compulsion had been resorted to as that force would have been more efficient and of great value not only to the community itself which has got so many vested rights in the country, but also with the object of guarding their belongings, and in an emergency, their families and children. It would have also been a great asset to loyal Indians who have got a stake in the land. As the present policy of transferring the British Government into the hands of a small oligarchy of agitators is to be inaugurated and 98 per cent of the martial classes and others will be also in those hands the country cannot remain tranquil for long. It is for this reason that European subjects should regard this bill in the light of conscription and flock round the colours not only for their own sakes but for the sake of the masses and loyalists in the country. As to the other provisions of the bill I think they are excellent. With these few words, my Lord, I heartily support the Bill before the Council." 12-5 P.M.

The Hon'ble Mr. Srinivasa Sastri:—"Your Excellency, when three years ago the Bill to constitute an Indian Defence Force for the purpose of the war was discussed in this Council, it was the painful duty of some of us, non-official members, to draw attention to certain racial discriminations that were made in the Bill. On that occasion, we were put off because it was alleged that the Bill under consideration was an emergency measure, and that the principles which we proposed to discuss could only be settled satisfactorily when the war was over. 12-7 P.M.

"His Excellency the Commander-in-Chief in replying to our observations said—

> 'We have had to take up an attitude of *non possumus*, it has been forced on us by the inexorable circumstances of the war. We feel we cannot embark on questions some of which relate really to very high imperial policy and are visions into the future. We can only deal with the present and that is hard enough.'

"Your Excellency in closing the session observed, in referring to these matters—

> 'The Act is confessedly a war measure and therefore temporary. Do not ask us at such a moment as this to give answers to problems which will have to be solved at a time when there is more leisure. When that time arrives then criticise, as you will, the Government in respect of its policy, but for the moment I would assure you that all the subjects of your criticism are engaging our most sympathetic consideration.'

"We have a right my Lord, to complain if after the conclusion of the war when it is proposed to place these measures on a new basis, those very high questions of imperial policy we then raised, still remain as if nothing had been said on those measures. I am sorry to observe that the matter of great significance to which we then drew attention remains exactly where it was, and in the opening speech of His Excellency the Commander-in-Chief I failed to observe the slightest trace of reference to that controversy. Neither in his speech nor in the communiqué issued on this subject, nor in the Statement of Objects and Reasons is any reason put forward for differentiation between Europeans or Anglo-Indians on the one hand and Indians on the other for constituting an Auxiliary Force under that specific name for the benefit of Europeans and Anglo-Indians and a Territorial Force, about which His Excellency the Commander-in-Chief will speak presently, for the benefit of Indians.

"Why is it impossible to make the Auxiliary Force open to all Indian subjects of His Majesty the King? Why is it impossible to make the Territorial Force open to all subjects of His Majesty? The reason for this has now to be made clear; it has not been so far. I implore His Excellency the Commander-in-Chief, who is about to lay down his office, to tell us, the public of India, whether it is intended by the Government of India and by the Secretary of State and his advisers in England that in the new *regime* upon which we are about to enter with the object of placing India in a position of equal partnership with all other parts of His Majesty's Empire, whether it is seriously intended to perpetuate measures of this kind which involve racial differentiation of the most objectionable type.

"Your Excellency, there are very many points of difference of a deep and radical nature between the provisions embodied in the Bill now under consideration and the Bill about to be introduced by His Excellency the Commander-in-Chief. Subject to Your Excellency's ruling on the subject, I propose to enter into detail on those differentiations when the second Bill is under discussion. For the moment, I wish only to draw attention to one provision in this Bill, that contained in clause 33, which provides that any person accused of an offence under this Bill should be tried only by Magistrates of a certain grade of authority. If His Excellency the Commander-in-Chief is unable to satisfy us that that discrimination is essential, it will be our painful duty, when the occasion arrives, to move an amendment for the excision of that clause.

"Other features of this Bill I could notice, but, my Lord, it is quite enough for me to refer for some enlightenment to an article published in the 'Pioneer the Commander-in-Chief and by the *communiques* issued by the Government of India. That article goes in great detail into the reasons which underlie the differentiation hitherto established and proposed by His Excellency to be perpetuated for the future. My Hon'ble and gallant friend from the Punjab has referred in no ambiguous terms to some of the reasons to which the article in the 'Pioneer Mail' also makes definite allusion, and that is that the Auxiliary Force is especially meant for the protection of the lives and property of the European and Anglo-Indian subjects of His Majesty, which seem to lie under a special risk from insurgent bands of Indians. Is that so? We often have to look for unsupplied reasons to the columns of the Anglo-Indian journals. If that is the case, the Auxiliary Force remains shut, as the Volunteer Force previously was, to subjects of His Majesty of pure Indian extraction for the mere reason that it is from that class of people that danger is most apprehended to His Majesty's European subjects. I have a misgiving that there may be something in it, but I have no right to assume it until I have it on the authority of His Excellency the Commander-in-Chief, that this either does or does not form part of the *raison d'etre* of the differentiation. My Lord, it is absolutely necessary for us to be enlightened on this subject as it will determine our conduct not only with regard to this measure in its final stage, but it will enable us to find out precisely what amendments we should seek to introduce into this Bill in order to make it completely satisfactory to the self-respect of the Indian people."

12-16 P.M. **The Hon'ble Mr. Kamini Kumar Chanda:**—"My Lord, I do not desire to give a silent vote on this motion. At the same time I do not wish to take up much time during this Council. I wish only to submit one or two remarks.

"In the first place, my Lord, referring to the racial discrimination which undoubtedly is disclosed in clause 4, I have only to associate myself with the weighty remarks of my esteemed friend the Hon'ble Mr. Sastri.

"In the second place, my Lord, Your Excellency in your opening speech the other day foreshadowed the creation of these two forces as a second line of defence and in doing so Your Lordship was pleased to sound a note of warning with reference to the recommendations of the Esher Committee. My Lord, I submit we are entitled to know what the recommendations and the findings of that Committee are in reference to these two Forces as well as in reference to other matters, and I respectfully submit that the report of the Committee ought to be published, if not to the general public at least to the members of this Assembly.

"My third submission, my Lord, is with regard to the cost. His Excellency the Commander-in-Chief has not given us any idea as to what this Force and the other Force, with regard to which a Bill will presently be introduced, will cost. That, my Lord, I submit, is a most important consideration. As it is, our military expenditure has more than doubled itself and in the last Budget debate I believe almost all the Indian Members with the exception possibly of my Hon'ble and gallant friend Colonel Sir Umar Hayat Khan—I am surprised to find he is still styled 'Major' though he is now a Lieutenant-Colonel—condemned the growth of the military expenditure. My Lord, Your Lordship was also pleased to forecast a prospective growth in that expenditure. This is a very serious matter. His Excellency the Commander-in-Chief calls upon us to

give a blank cheque indirectly by sanctioning by legislation the creation of these two forces. My Lord, that is very important. I submit we ought to get an idea of the cost of these two Forces, firstly, to see whether the country can afford it, and, secondly, to see whether we shall get the value of this money out of these two Forces.

"With these observations, I do not oppose the motion now before the Council."

The Hon'ble Mr. G. S. Khaparde:—"My Lord, I did not originally intend to speak on this part of the Bill, but the observations which my Hon'ble friend Colonel Sir Umar Hayat Khan has made induce me to say a few words. In his speech he said that the policy of making over the Government of India to agitators, to the detriment of loyalists, is being pursued, or words to that effect. I am rather sorry to see that these reforms, co-operation and all these things which we have been talking about, are reduced in a sense to this, that the Government of India is being made over to the agitators and that the loyalists are being sold to the extremists. I suppose that is what he means. 12-20 P.M.

"But the reason which I wish to urge on this part of the Bill is that I believe the British Empire is going to be a great partnership and we are also members of that partnership. If that is so, then protecting any part of that partnership, or the property of that partnership, is the duty of each member: it is as much the duty of the Indians as of the Europeans to protect every part of India; just as it is, I think, the duty of every Indian and every Englishman to protect any other part of the British Empire and every other part of the British Empire. If that is so, then why this discrimination and why these two Acts for carrying out only one purpose? The purpose is that the British Empire has to be protected from foreign aggression and from internal commotion. Now it is the duty of every member of the partnership to look after themselves and to see that there is no internal trouble and that every foreign invader is repelled. Why these two acts for carrying out one and the same object? I submit that a measure could be devised which would make it the duty of every Indian and every European here to protect every part of India as also every part of the British Empire, and there would be no difficulty as far as I can see in doing this.

"The further objection we have to this Bill is still more strong. I see it is said that this Auxiliary Force is the development or an evolution of what originally was a Volunteer Corps, or Volunteer Army, I suppose. Well, I remember the time when this Volunteer Army was formed, and I was then another person to what I am now, and we applied for permission to enrol in that Army. They said, if the members of the Army choose to take you, we have no objection. That is, our names had to be submitted and ballotted about in the Corps which we wished to join. Those were the circumstances in which people got enrolled, and then afterwards, for some reason or other, they dropped out and they never came again. So this objection I raise is not even conceived to-day but has been there for the last thirty years or upwards.—To my own knowledge, from the time that the Volunteer Corps came into being, we always thought this was a grievance and a kind of reflection on our loyalty and our ability to protect our own shores, our own property and our own homes.

"I am sorry that the Government have brought forward these two measures, and I would submit that they should be consolidated into one Bill, with rights equally given to Europeans and Indians."

The Hon'ble Mr. Sachchidananda Sinha:—"My Lord, I am sorry to find that His Excellency the Commander-in-Chief has chosen to bring into this Council two separate Bills dealing with the same kind of organization. It had been a complaint of long standing with the educated Indians that the Indian Volunteer Act enabled only the European subjects of His Majesty the King Emperor to be enrolled and not His Majesty's Indian subjects. As the Hon'ble Mr. Sastri has pointed out, at the time the Indian Defence Force Bill was enacted in this Council, a number of non-official Members—amongst whom I find were also the Hon'ble Mr. Sarma, who has now crossed the floor and Dr. Tej Bahadur Sapru who will do so very soon—offered strenuous opposition to that Bill being enacted on the ground that it would intensify racial discriminations 12-24 P.M.

and distinctions. The Hon'ble Mr. Sastri has quoted the observations of His Excellency the Commander-in-Chief and of Your Excellency on that occasion, when both Your Excellency and the Commander-in-Chief were pleased to point out that that particular measure was a war measure and that therefore we should not look for any indication of policy in it. But Your Excellency was pleased to promise that after the war was over and when the whole thing came to be revised, the question of policy would be given favourable consideration. Now that the occasion has arisen, I am sorry to find that I do not see anywhere liberal policy introduced into either of these two measures. I think it is a very serious matter that even after the war is over and when so much is heard of co-operation among all classes of His Majesty's subjects in this country, the Government should have brought forward two separate measures based on racial distinctions dealing with the same matter. My submission is that even now it is not too late for His Excellency the Commander-in-Chief to consolidate the two Bills into one.

"My Lord, I associate myself with the Hon'ble Mr. Sastri and the Hon'ble Mr. Khaparde in regard to what they have said in reply to my esteemed and gallant friend the Hon'ble Malik Sir Umar Hayat Khan. I have been in this Council one of his oldest colleagues and I know how to take his reference to the educated Indians as a band or an oligarchy of agitators to whom the Government of India is being transferred. The Hon'ble Mr. Sarma will, no doubt, take the compliment in that light and we do not resent it. That is how the Hon'ble Malik Sahib likes to put things in his own blunt soldier-like fashion and we make no complaint at all.

"I shall have more to say later on with regard to the Indian point of view. My present submission is that in my humble opinion it is a serious mistake for the Government now to pursue a policy of continuing and keeping up these racial distinctions between the two classes of His Majesty's subjects, Europeans and Indians; and I hope His Excellency the Commander-in-Chief will allow the two measures before us to be consolidated into one even now."

(12-27 P. M.) **His Excellency the Commander-in-Chief:**—"My Lord, in dealing with the observations which Hon'ble Members have made on the Bill which with your permission I introduced in this Council, I beg leave to say that opportunity will be given in the Select Committee for any Hon'ble Member to make representations to the representatives of the Government and of Army Headquarters on that Committee as to any changes which they may consider necessary. There is very little else, I think, I need say on an occasion of this kind. It has been a matter of profound regret to me that the Hon'ble Mr. Sastri should have introduced a spirit of rancour and bitterness into the discussion to-day. If enquiry is made as to what has been done by the Government of India during the last four years for the benefit of the Indian Army, I think that most fair-minded men who are in this Council will agree that a very great deal has been done and done in times of great stress. It is needless for me to enumerate here everything that has been achieved: my colleagues in this Council know it; but in every detail connected with the Indian Army and with the welfare of the Indians composing it, there has been a degree of progress of which, in vacating my position here as Commander-in-Chief, I do not feel in the least ashamed; and my colleagues who have been associated with me both in the Government of India and at Army Headquarters have always had the same end in view. The reception of my words here leads me to believe that the carping bitterness of spirit in which this Bill has been received by the Hon'ble Mr. Sastri is not shared by this Council generally. I will leave it at that, for I have no desire to introduce any heat into the discussion. I can assure him that in every Force in which we considered improvements and ameliorations necessary, our aim has always been how to increase the efficiency and safeguard the interests of the Army in India. But Army re-organisation and changes in the Army must move slowly.

"Faults which are created by want of consideration and hasty action are apt to react far, and when we are told that this Bill is another example of racial preference, I would remind Hon'ble Members that we only began two or three years ago to take measures which will, we hope, in time—I cannot speak for my successors or the future Government of India—we have, I repeat, taken measures which will lead in the direction which many Hon'ble Members desire now. I refer

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to the measures that we have introduced providing for voluntary military training in the universities of India, a measure which is having a very considerable degree of success ; and we hope, now that the war is over, and we are able to devote more money, more men and more material to that development, we hope that this training may lead to results which will be fraught with advantages to India. To introduce changes of this kind straight off is a very easy thing for the outside and irresponsible critic to put forward. It is a very different thing for those who have to administer the Army and to administer it within a certain fixed Budget. If we are going to develop the proposed Territorial Force throughout India and if we may presume that the members coming forward for enrolment will be considerable. I should like to know how I am to approach my friend, the Finance Member, the Hon'ble Mr. Hailey to find the money required. We have to create an Army and maintain it at the least possible expense and at the highest degree of efficiency. The task is not an easy one, but we are moving in that direction. We hope, as I have told you just now, that we shall be able, through the Universities Cadet Corps, to develop the spirit which the Hon'ble Mr. Sastri desires. We hope, also, through the Territorial Force Bill which I am going to introduce now, to provide means for the expansion of the man power of India in case of necessity, so that the country may, should necessity arise—which God forbid—have at call anyhow a very large proportion of the manhood of India. My Lord, I have said enough. I desire again to repeat that, in introducing this Bill, the racial feeling which we all deplore never entered my mind, nor did it enter the minds of the Government of India. It may be that the case may have been imperfectly presented, but anyhow the intention is very different from what has been suggested by my Hon'ble friend, Mr. Sastri. "

The Hon'ble Mr. Srinivasa Sastri:—" Your Excellency, just one word of personal explanation. I did not intend in my remarks to withhold my appreciation of the great sympathy and consideration that His Excellency the Commander-in-Chief has always shown to any representations made by me or by others regarding the Indian section of the Indian Army. "

The motion was put and agreed to.

THE INDIAN TERRITORIAL FORCE BILL.

His Excellency the Commander-in-Chief:—"Before asking for 12-35 P.M.
leave to introduce a Bill to constitute an Indian Territorial Force I should like with Your Excellency's permission, to make a few introductory remarks. In 1917, when our military resources were severely strained, India was asked to develop her man-power to the utmost, and so assist the Empire in carrying the war to a victorious conclusion. With that object it was decided to form the Indian Defence Force. This force consisted, as Hon'ble Members are aware, of two portions, *viz.*, the European portion formed from the old Volunteer Force, which it is proposed to continue under the designation of the Auxiliary Force, and the Indian portion which will I hope become part of the permanent Indian Forces of the Crown, under the designation of the Indian Territorial Force. Our object in creating the latter force is to respond to the aspiration of those Indians who desire to see the formation of a second line to the Indian Army, whereby in time of need the almost unlimited man-power of India may be utilised to strengthen the military forces of the country on a scale commensurate with its vast population. With that object we have framed the Bill which I am about to introduce. It aims at creating an Indian Territorial Force for service in India, but not overseas, on the model of the Militia in England, which the Home Government with all the experience of the recent war to guide them, have now decided to revive.

" The creation of such a Force must of necessity be experimental at the outset, and the success of the experiment will depend on the response made by the people of India, and more especially by those classes which have at present no military traditions to the opportunities of service which the Force will offer

them. The essence of the scheme lies in the training of men by means of an annual embodiment for a short period in successive years. This is the system which has stood the test of centuries in England, and it is believed that with the modifications required to suit local conditions it should prove equally suitable to India. We hope in this manner to give the Force such preliminary training in peace as will enable it after a comparatively brief term of intensive training to take its place side by side with the Regular Army in time of war. In a tentative Bill of this character it is not possible to include complete details as to the conditions of service and training; these must be elaborated to suit the requirements of the Force as the latter takes shape. I can say this much, however, that it is our intention to provide Indian Territorial Units with suitable training staffs of their own, thus removing one of the defects of the original scheme. Our project has been examined by the Esher Committee whose recommendations are in accord with the proposals now put forward. Working on the English model, it is proposed that men from 18 to 30 years of age should be enlisted for a period of 6 years, and that after such preliminary training as may be found necessary, each provincial unit should be embodied annually for 28 days continuous training, under a supervising staff of regular British and Indian officers. The scheme will provide for the training of the officers of the Territorial Force, so that they may be rendered efficient in the performance of their duties, and fitted for the ultimate attainment of higher rank. With that object, facilities will be afforded to officers of the Force to train for short periods with regular units, to attend various schools of instruction, and to qualify themselves for promotion in accordance with the standards of proficiency prescribed for corresponding ranks of the Regular Army.

"The widening of the activities of the present Indian University Corps, so as to turn them into Officers Training Corps, would form an integral part of the scheme. With that object, special regulations and a special course of training would be laid down for them. These would be generally on the lines of those already in force. It is obvious that in the case of an University Corps, training cannot be concentrated into a single short period, as this would interfere with the ordinary studies of the Cadets. It is hoped that these University Corps may, in course of time develop into a valuable recruiting ground from which to recruit some at any rate of the future officers of the Territorial Force. It is recognised that the elaboration of all the details necessary to render the force efficient will take time, and will require very careful consideration. The present Bill does not profess to do more than lay the foundation of a structure which will be built up gradually. It is introduced mainly with the object of affording scope for the martial aspirations of those classes of Indians who, from the nature of their avocations in civil life, do not as a rule take service in the Regular Army. The development of the scheme must depend upon the nature of the response made to the offer now held out to them. If the Militia idea is approved means will be found to extend its provisions and to meet the desires of those interested in the measure, with a view to increasing its popularity and efficiency. The publication of the Bill which I am now about to introduce will I hope serve to elicit public opinion on the subject, and give Government the means of judging whether there is any real desire for military service on the part of classes which have hitherto not been recruited, and whether there is any reasonable prospect of creating a Territorial Force on popular lines, which, as a second-line Army, would prove a real addition to the defensive power of India, and make a new departure in the organisation of her armed forces. If the proposals now outlined meet with approval, as I hope they will, leave will be asked in due course for permission to refer the Bill to a Select Committee for report, but if it is considered that the scheme put forward requires further examination, Government will be prepared to defer action in respect of the Bill until the next session of Council.

"With these remarks I beg leave to introduce the Bill."

At this stage His Excellency the President left the chair, which was taken by the Hon'ble the Vice-President.

12-45 P.M. **The Hon'ble Mr. Surendra Nath Banerjea:**—"Sir, I think it is unfortunate that there should be two Bills in regard to practically the same matter. All the same I feel that I must extend my wholehearted support to this Bill for

the creation of an Indian Territorial Army. The creation of an Indian Territorial Army has been a long outstanding demand of the educated community in India. It has been my privilege from my place in this Council again and again to urge this matter upon the attention of the Government. On the last occasion when we had the Budget debate I ventured to plead for the creation of an Indian Territorial Army, His Excellency the Commander-in-Chief unfortunately was not present in his place in this Council when I made that appeal. Although I was quite sure of his sympathy I did not receive any expression of his personal assurance in that behalf. However that may be we feel, I am speaking on behalf of the educated community in India, we feel that self-government and self-defence must go together. We feel that self-rule connotes self-defence, that the rights of self-government involve the obligation of self defence. It cannot be that we should undertake the government of the country and that others should mount guard for us. It is this aspiration to bear arms in the defence of the Empire that lies at the root of the movement for the creation of an Indian Territorial Army. I am sure that every right-minded man, every right-minded citizen of the Empire, no matter what may be the character or the complexion of his political creed, no matter to what race he may belong, will sympathise with an aspiration so just, so righteous, so helpful to the solidarity of the great Empire to which we all belong. I therefore, Sir, welcome this Bill, but in this connection I must say that there is no use disguising the fact, and it is only right and proper that I should mention, that a profound sense of disappointment was created in Bengal, and I venture to say among all sections of the Indian community, and I may add among members of the European community who were in complete sympathy with us, at the news of the disbandment of the Bengali Battalion. When the Government wanted to recruit in Bengal, after a century and a half of utter inaction, an amount of enthusiasm was created a parallel to which I myself have never witnessed. I was present at 40 recruiting meetings and had the honour of addressing them. I appealed to my young friends, to my young countrymen to enlist, and I am sure, my Hon'ble friend Mr. De, the Commissioner of the Chittagong Division, will testify to the enthusiasm that was then created. Naturally, when the fiat went forth that the Bengali Battalion was to be disbanded there was keen disappointment. I ventured to appeal for its maintenance, I appealed to His Excellency the Commander-in-Chief and also to His Excellency the Viceroy and I must say in justice to those exalted functionaries that I did not plead in vain. I did not get all that I wanted—I am afraid in life we do not get all that we want—we have to be satisfied with compromises, satisfied often with only half of what we want in the firm conviction that if we are right and just the full measure of our expectations will be realised. It was only a partial concession, and I gratefully acknowledge it, that was made to us. The Bengali Battalion was to be disbanded but the cadre was maintained, consisting of 156 men and 6 officers who are to be absorbed in the Territorial Army that is now about to be created. Well, Sir, I am glad that this will be done and I trust that the Indian Territorial Army will grow and expand. We are told in the Statement of Objects and Reasons that the Bengali Battalion was not much of a success. The popular view is different. At the Budget Debate I read a letter from a Commanding Officer which testified to the pluck and courage and endurance of the Company while operating in Kurdistan. There may be another side of the shield, I do not dispute it, but admitting for the sake of argument that the Bengali Battalion was not much of a success, has British statesmanship ever been deterred by the failure of first experiments? Is it not through failures that we mount to success and have we not a right to demand of our rulers that they should look to the whole experiment, with sympathy and good-will? I rejoice that this Indian Territorial Army is to be formed but I desire to raise a note of warning. His Excellency the Commander-in-Chief has been pleased to ask us, the representatives of the people, to accord a cordial response to what is now being done. The measure of our response will depend upon what is done. The whole movement is one of patriotism and self-respect. I hope and trust that the conditions under which the Territorial Army is to be formed will appeal to the self-respect and patriotism of our people above all, that there will be absolute equality of status as between the recruits of the Indian Territorial Army and the soldiers of the European Auxiliary Force. Without this I cannot promise that the measure of success which we hope will attend the movement will be secured. It is necessary that there should be absolute

equality of status. If the rules and regulations are so framed as to ensure this result then the response will be warm and enthusiastic. With these observations I desire to support the Bill."

12-50 P.M. **The Hon'ble Sir D. P. Sarbadhikari:**—"Sir, I desire to associate myself whole-heartedly with the welcome that my esteemed friend opposite has accorded to this Bill. Whether this and the Bill for which leave was obtained earlier could be taken together is a highly technical matter upon which I offer no observations.

"But I am sure, however, in dealing with this Bill, as with the other, every possible care should be taken to see that racial distinctions should be done away with.

"Sir, to me it is a matter of great gratification that pointed reference has been made to the very considerable degree of success as His Excellency the Commander-in-Chief was pleased to put it, which attended the University Corps, and frequent reference has been made to it both in the Statement of Objects and Reasons and in the speeches of His Excellency. I desire to take this opportunity of conveying to His Excellency and to all who worked with him our very deep obligations for the ready and willing help they were pleased to give us for the formation of a corps that was brought into existence almost out of chaos. On behalf of my own University and of others in different parts of the country who had the great privilege of showing what their young men without Military traditions or training could do, I desire to express very grateful thanks to His Excellency and to accord welcome to a Bill which proposes to place that movement on a more satisfactory and permanent footing.

"It might not be amiss to recall the circumstances under which the University Corps came into existence. Within literally a few hours of the outbreak of the war and before definite steps for organising Medical resources could be taken, medical graduates of my University—worthy successors of the Pioneers of the British Indian Empire—offered their services through their accredited Association for forming an Ambulance Corps and a voluntary medical service if need be. The wildest of dreams could not imagine that the Bengalee could do that or that their offer could or would be accepted, and if accepted, they would be able to give a good account of themselves. Within literally a few hours of the outbreak of the war however that was an accomplished fact, and all the time that elapsed between the offer and the achievement was due to the necessary official procedure and delay. Sir, that led to the formation of the Bengalee Ambulance Corps, preceded by the unfortunate ambulance vessel the 'Bengalee,' which came to grief. A second Bengal Ambulance Corps was ready when the authorities called for it, but for reasons that I shall not attempt to enter into here, its services were dispensed with. I came up to Simla, interviewed all that I could from the Viceroy downwards and impressed upon them all the facts, that if the enthusiasm that had been roused for the Ambulance Corps was allowed to damp, the opportunity for responding to the reviving martial aspirations of Bengal, at all events, would be gone for all time. The authorities were pleased to take this into consideration and the formation of the Double Company was sanctioned, from which the Bengalee regiment grew. This is no time, Sir, to go in detail into the reasons for which the Bengalee regiment could not give as good an account of itself as was expected it should. The recruitment was restricted, the facilities for training were not all that could be expected owing to reasons some of which have been mentioned in the Statement of Objects and Reasons, and there were other difficulties with regard to educational and social status of the recruits which stood in the way of full accomplishment of objects that we had in view. That could not, however, be said of those who volunteered for the University Corps when it came into existence later. We had many more applicants than we could enlist. We have them still; many more than we could train, many more than we could provide outfits for. The result was a very small Force which, within six days of arms being given to them, afforded a splendid guard of honour to their Chancellor, in a way that exacted admiration from those who are accustomed to criticise that class of work.

"Sir, when the question of the Officers' Training Corps was first mooted by us we were told somewhat bluntly that that was not the objective with which

the University Corps was formed. Later, however, wiser counsels prevailed, and we were allowed to hope that the University Corps would in time afford the recruiting ground for officers' training, as His Excellency the Commander-in-Chief has been pleased to say to-day. We have our difficulties, as has been stated by His Excellency. The traditions are against us. For 150 years we have not been accustomed to these things, and to me it was a wonder that our men accustomed only to books, would respond so heartily and scions of noble and wealthy families readily undertook fatigue duties and even sanitary menial duty. Within a few weeks of commencement of their drill they could form themselves into companies that the military authorities had reasons to be pleased with. We offered their services in connection with the Calcutta riots and worked hard as delivery peons when postmen struck work. I believe His Excellency the Commander-in-Chief saw what they were like : the Chancellor of our University himself a military man had nothing but admiration. We had every reason to be gratified with the results, and now what we want is that the corps should be placed on a permanent footing and that it should not be confined only to students and teachers so long as they happen to be connected with the University. Sir, I can assure you that it is a great disappointment to those who have been in the corps to have to leave it as soon as their University career comes to an end. Only a limited number could be trained and in Rajshahi, Mymensingh, Dacca and other districts the enthusiasm was great but at none of these places would we afford any facilities for training. Only in Calcutta the thing was fairly well done. It is a matter of great gratification to be permitted to hope that permanence is coming.

"I am, however, disappointed to hear from His Excellency the Commander-in-Chief that this measure may stand over till the next session and that the other measure will be pushed forward. The reasons for expedition apply to both. The Bengalee regiment, or rather the remnants of it, is waiting. As His Excellency the Commander-in-Chief was pleased to inform the Hon'ble Mr. Banerjea if and when the Territorial Force came, the Bengalee regiment would find itself absorbed in that. The Bengalee Regiment stands on a somewhat different footing and it would not be the same as the University Corps. The Bengalee regiment would be a part of the Army and should be dealt with on a different basis. What can be done, should therefore be done during the present session, unless there are serious technical difficulties about which I do not know.

"I am quite in sympathy with the Hon'ble Mr. Chanda that the expenditure should be kept down as much as possible but there are things which should be excepted, and I think that this is one of those things and no considerations of finance should be allowed to stand in the way of the formation on a permanent footing of a Force promise of which in parts of the Empire, particularly Bengal, has helped to bring back martial aspirations and traditions.

"I have been comparing notes and to my regret and surprise I found that in parts of the Empire where the martial aspirations and traditions were the greatest, the University Corps were about the worst, probably because people preferred to join the regular Army. That might not however apply to the educated classes there ; the educated classes in Bengal have taken a very deep interest in the movement here and every opportunity should be given not only for the establishment of a University Corps, but also for amplification and expansion of what is to be the great Territorial Force."

The Hon'ble Mr. Srinivasa Sastri:—"Sir, this Bill, for the introduction of which leave has been asked, is, in comparison with the previous Bill, a very small measure—a measure of very restricted scope. If it had been on the same level as the other Bill my welcome would have been quite as hearty as the welcome given by my friends the Hon'ble Mr. Banerjea and the Hon'ble Sir D. P. Sarbadhikari. As it is, I am sorry that it falls very far short of the expectations that would have been roused in these spacious times by a perusal of the other Bill. 1 P.M.

"If I make any criticisms I wish to disavow as far as possible any element of bitterness, and certainly of personal imputation against him who holds the command of the Indian Army. If, in spite of myself, a tone of bitterness is occasionally discernible I wish to ask my Hon'ble colleagues to put that down to the effects of the abnormal situation.—I am considering and not merely to the

spirit in which I am considering. Let my remarks be accepted as mere suggestions leaving behind no sense of bitterness which I do not mean, but which sometimes unconsciously perhaps, is visible.

"In the first place, I wish to commend to His Excellency the Commander-in-Chief and to his advisers a very careful perusal of a pamphlet published by Sir P. S. Sivaswamy Aiyer, an ex-member of the Executive Council of Madras and President of the Committee for the promotion of recruitment among Indians to the Indian Defence Force in the Madras Presidency. He was in charge of the operations which brought into existence the Indian Defence Force movement in that Presidency. He has published a narrative complete in every detail of the way in which the work was done. That pamphlet will disclose, I think, to His Excellency the Commander-in-Chief, innumerable directions in which the vigilance of his Department has to be exercised if the new attempt made is to be more successful than its predecessor. In one place Sir Sivaswamy Aiyer goes to the length of saying that for anything the Military authorities knew or cared, young men for whom he was responsible might have perished of starvation. I think the conditions varied even more with regard to the classes of Indians likely to be recruited under this Bill than they do with respect to the classes of people who are comprised in the former Bill. I would, therefore, beseech His Excellency the Commander-in-Chief to consider whether it is not necessary to establish an Advisory Committee in reference to this Bill as well as with reference to the Auxiliary Force Bill. We are all at great disadvantage by not being in possession of the views and sentiments of the recommendations of the Army in India Committee upon which it is alleged that this Bill has been more or less cast.

"This Bill, I would ask my Hon'ble colleagues to remember, does not enable those who are recruited thereunder, by express words, to enter any branch but the infantry branch of the Army. That I think is a capital defect, it goes to the very root of the matter and would justify opposition to the Bill in the later stages if not now.

"Then you will observe at a glance when you look at clause 11 how ill-developed this Bill is in comparison to the Bill we have just had under consideration. Under clause 11 the Governor General in Council is empowered to make rules for various purposes, amongst others for the discipline of the Force, for the creation of offences and for the way in which they should be punished. At the end of the clause there is a sub-clause which reads—

> 'Rules made under this section may provide that any contravention thereof or of any order or notice issued under the authority of any such rule shall be punishable with imprisonment which may extend to two months, or with fine which may extend to Rs. 200, or with both.'

"This means that not merely the rules but orders and notices issued by subordinate officers may be such that any infraction thereof shall be visited with imprisonment. What is the corresponding provision in the other Bill? There are two of three clauses which fully develop this point. Offences are specifically created in the Bill and acts that would constitute offences are all mentioned in clause 24 and they are divided into two classes. The first class is punishable only with fine ; the second is punishable with fine or imprisonment or with both and it is not notices or orders issued by subordinate officers under these rules the infraction of which becomes an offence, but it is only the rules themselves. I will only read the relevant part—

> 'Any person committing any of the offences specified in clauses (2), (3), (8) and (11) of section 24 shall be punishable with fine which may extend to two hundred rupees and any person committing any other offence specified in section 24 shall be punishable with imprisonment which may extend to two months or with fine which may extend to two hundred rupees or with both.'

"The particular offences are themselves named in the Bill and it does not state that when orders and notices are issued by subordinate authority any infraction thereof would also be visited with imprisonment. Then under clause 27 of the former Bill we have this provision—

> 'Provided further that no summary punishment shall be inflicted in any case in which the accused claims to be tried by a criminal court.'

"But under the Bill we are now considering there is no such option allowed to the offending party.

"Then, Sir, I have only to make one further observation, having said so much by way of making good by general criticism that this Bill is much more restricted than the other Bill.

"The reception of this Bill in the country is to me a matter of the utmost consequence. The two Bills will be read together by people and compared in the most meticulous fashion, clause by clause, and provision against provision. It seems to me a great pity that there should be so many points of difference between the two Bills. In the first place, the former Bill is advanced by one stage so that, if all goes well, we shall be soon considering the final enactment of that measure before this Council expires. This Bill that we are considering is going to be deferred for further consideration in the new *regime*. That makes a great difference, the bad effect of which can only be mitigated if the public find that the two Bills run on parallel lines, that persons included in the two Bills will work under the same conditions, that they will have the same advantages and be treated in almost the same way. Differences undoubtedly will have to be made, but I implore His Excellency, I implore the Government of India, to see that no more differences are made than are absolutely necessary. The creation of a Territorial Force is in itself, I grant a very great principle conceded to the people of India and will reach the hearts of our people and commend itself to them with fulness in that complete measure which can only follow if the provisions of the Bill are clearly and obviously on all fours with the provisions of the other Bill. But, in spite of every desire to make allowances for differences, in spite of every desire to profit by the admonition which I have just received from His Excellency the Commander-in-Chief, I cannot allow that two Bills have been conceived in the same liberal spirit or that this Bill will convey to the people of India the satisfaction to which they are entitled, when, for the first time, a Bill giving them the benefits of a citizen Army is being introduced."

The Hon'ble Rai Sahib Seth Nathmal:—"Sir, I rise to accord my wholehearted support to the motion that is now before us, and rather than go into the provisions of the Bill I would like to give my assent to the principle involved, which is a most laudable one, namely,—we have in this Bill constituted a Territorial Force and provided for the enrolment therein of persons other than European British subjects. This measure, when passed into law, will satisfy a longstanding want and India will ever remain grateful to the present Commander-in-Chief for this measure. 1-14 P.M.

"With these few words I accord my full and wholehearted support to the motion before us now."

The Hon'ble Mr. Sachchidananda Sinha:—"Sir, grateful as I always am even for small mercies from the Government of India, I desire to accord my support to the measure before the Council, and I welcome it so far as it goes. But I do, Sir, feel that, as my Hon'ble friend Mr. Sastri has pointed out, it is a measure in the first place of a very limited scope and character, and, secondly, the differentiation made between the two Bills both in the matter of procedure and also in the general provisions will certainly go a long way in affecting public opinion on the matter. I was glad to hear from my venerable leader, the Hon'ble Mr. Banerjea, that he also thinks that there need not have been two Bills dealing with the same matter; I was very gratified to hear this. At the same time he is disposed to take, and so is the Hon'ble Dr. Sarbadhikari, a more enthusiastic view of the Bill than I am. Personally, I think it would have appealed to the country in a larger measure if His Excellency the Commander-in-Chief had agreed to take exactly the same course in this particular measure as he has done in the other, namely, that it should be referred to a Select Committee. What he said in effect was, that the Government will consider the matter, see what response the country makes, and if they feel that the Bill is too much advanced for the time, then they may reconsider it, modify it, and may even not bring it forward at all. It is, therefore, that not knowing what view His Excellency's successor will take, I am not so sanguine that it will necessarily be passed in the next Session of the Council. Personally, I would have welcomed the measure all the more if we could pass it in this Session and I hope the Government of India may even now see their way to reconsider the matter. It is there where I differ from the optimistic vein running through the Hon'ble Mr. Seth Nathmal's speech, in that I fear that the measure may not be passed at all. There are so many ifs and buts, that if the view of the Government of India be that the response is not sufficiently great that it will then not be enacted. Therefore, I think, on the whole, it 1-15 P.M.

would be far better if, in this last session of the Council under the old *regime*, this measure be placed upon the Statute Book during the time of His Excellency the Commander-in-Chief.

"With these words, Sir, I certainly welcome the measure before the Council."

1-17 P.M. **His Excellency the Commander-in-Chief:**—"Sir, I will endeavour to explain, before we proceed any further, the position in which we stand in bringing forward this Bill; possibly the words to which I gave utterance were not fully understood. I concluded the few observations I made with these words—

> 'If the proposals now outlined meet with approval, as I hope they will, leave will be asked in due course for permission to refer the Bill to a Select Committee for report, but if it is considered that the scheme put forward requires further examination, the Government will be prepared to defer action in respect of the Bill until the next session of Council.'

"That is the position in which we are in. So it is for the Council itself to decide as to the action which should be taken.

"Sir, perhaps you will now permit me to make a few observations in respect of the kindly reception which this Bill has had from the Hon'ble Members who have spoken. I fully appreciate the Hon'ble Mr. Banerjea's disappointment in regard to the Bengalee regiment. He has been an enthusiast over this particular regiment and perhaps he will allow me to say that I have always tried to support him in his endeavours to promote its welfare and efficiency. But the situation in which we in the Army are now placed is this. We have to work to a fixed Budget and, in determining the composition of the Army, we must endeavour to ensure that we get the most efficient units that we can secure within our limited resources. I am not going to be led into making any criticisms of the Bengalee regiment. Criticism is a very easy process; achievement is another thing. It is more difficult, much more difficult. Let me then remind the Hon'ble Member that we, as an Army, are restricted to a fixed Budget; in fact a great many people think we already spend a great deal more than we ought to. That being the case, it is obvious that we must get the best material available, and, therefore, when we consider the Bangalee regiment, I do not want to be flippant, but I would remind my Hon'ble friend Mr. Banerjea of an old saying which we used to quote when I was a child—

> 'Malaga raisins are very good raisins, but some raisins are better.'

"I will just leave it at that. Therefore, with every desire to meet him, I am afraid that I can hold out no promise that we can do more than what we are doing at present. We are confronted, at every turn, with suggestions of all sorts and kinds, and we cannot take them all into consideration. Let us hope that at some future date the Bengalee Regiment will be incorporated in a Territorial Force after they have had more training, more practice, and when the younger generation is better educated in such matters. I hope that we shall then see my Hon'ble friend still taking the same interest in the military aspirations of his fellow countrymen and perhaps leading them on to the efficiency which he so much desires.

"I thank my Hon'ble friend the Vice-Chancellor very much for what he said. We are indeed very anxious that the University Corps should flourish. Owing to the war, personnel was so short, material was so short, trained men were so short, when we first started this Corps that we were working at an infinite disadvantage. Now that we have turned the corner and times are more quiet, we hope that officers and everybody else will make it their personal interest to encourage this Corps to develop their spirit and to create gradually, as is our aim, a body of officers, well trained and ready to take their share in leading troops, whether in the Territorial Force or in the Regular Army, or wherever it suits them to take up positions.

"Before I sit down I should like to assure my friend the Hon'ble Mr. Sastri how much I appreciate the kindly spirit in which he criticised this Bill. I am not quite certain—I would suggest that Army Headquarters might be able to explain it to him—whether he appreciates the difference between a local corps of volunteers, who are men trained at odd times and for very short periods, and the proposed second-line Army which would be moulded so as to form part, eventually, of the Regular Army. For that purpose, the discipline must be stricter, and it must conform to what is required in the Regular

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Army. We could not differentiate between second-line troops and the Regular Army. If it is to be an Army which can at short notice be expanded and trained so as to take its position alongside the Regular Army, then its traditions of training will have to be the same,—the traditions, the discipline and the military doctrine must be the same. But in respect to other details, whatever is brought forward by Hon'ble Members will be sympathetically considered, not only by the Government of India and Army Headquarters, but if it is the desire of the Council that the Bill should be considered this session, then after what is the prescribed period—probably my Hon'ble friend knows better what it is than I do—I think it is a fortnight—the Select Committee, on which will be appointed representative members of this Council, will consider all the details which my Hon'ble friend advocates. I can assure him I have read the pamphlet by the gentleman of Madras to which he referred, and I regret the shortcomings it mentions very much; but I don't suppose it is quite appreciated how extremely short we were of everybody and everything during the war, especially of officers and others who are experts at bringing men together and appreciating local requirements. I am extremely sorry that there was any hardship, and certainly if this Bill comes into operation I hope we shall profit by the mistakes we have made in the past and be more successful in the future.

"In respect of the Esher Committee, the position is this: we have asked the authorities in England that the Report of that Committee should be published.

"With these few observations I will now resume my seat. Sir, I don't quite know what the situation is: I suppose my position is now to ask leave to introduce the Bill and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published."

The Hon'ble the Vice-President:—"I shall first have to put the motion for leave to introduce; after that, Your Excellency will have another opportunity to move on the introduction of the Bill."

His Excellency the Commander-in-Chief:—"Well, with the concluding observations I have just made I move for leave to introduce the Bill."

The motion was put and agreed to.

His Excellency the Commander-in-Chief:—"Sir, I beg to introduce the Bill and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

The Council adjourned till 3 P.M.

THE ALIGARH MUSLIM UNIVERSITY BILL.

The Hon'ble Mr. Shafi:— "Sir, I beg to introduce the Bill to establish and incorporate a teaching and residential Muslim University at Aligarh, and to move that the Bill be referred to a Select Committee consisting of the Hon'ble Sir George Lowndes, the Hon'ble Sir William Marris, the Hon'ble Raja of Mahmudabad, the Hon'ble Mr. Sharp, the Hon'ble Mr. Asad Ali, the Hon'ble Khan Sahib Shah Nawaz Bhutto, the Hon'ble Nawab Nawab Ali Chaudhuri, the Hon'ble Mr. Richey, the Hon'ble Mr. Hopkins, the Hon'ble Mr. Mahomed Ali and the mover, with instructions to report on or before the 9th September 1920. 3 P.M.

"Sir, having, after a careful study of the Indian political conditions, arrived at the conclusion that the backwardness of his community was due to their neglect of modern education, that self-less patriot, the late Sir Sayed Ahmad Khan, organized a committee to devise means for the educational regeneration of Indian Mussalmans. This devoted band of Muslim workers held a series of meetings, the last of which took place on 15th April 1872, in which it was decided to establish a Muhammadan College, and, on 12th

May that year, a society called 'The Muhammedan Anglo-Oriental College Fund Committee' was started for collecting subscriptions for the realization of that end. The result of their patriotic activities was the establishment of a school, the opening ceremony of which took place in 1875 on the birth-day of Her Late Majesty Queen Victoria, *i.e.*, 24th May, the school classes being actually started on the 1st June. His Excellency the Earl of Northbrook, who was then at the helm of the Indian Government, demonstrated his generous interest in the welfare of that infant institution by subscribing a sum of Rs. 10,000 from his own pocket towards the fund. In 1876, High School classes were opened and on 8th January 1877 His Excellency Lord Lytton visited Aligarh and laid the foundation-stone of the College which, in due course, was destined to become the centre of the Muslim educational movement in India. The Address, which was presented to Lord Lytton on that occasion, contained the following passage, clearly descriptive of the ultimate aim which the great founder of this institution had in view from the very beginning :—

> 'And looking at the difficulties which stood in our way ; and the success which has already been achieved we do not doubt that we shall continue to receive, even in larger measure, both from the English Government and from our own countrymen, that liberal support which has furthered our scheme, so that from the seed which we sow to-day there may spring up a mighty tree whose branches, like those of the Banyan of the soil, shall in their turn strike firm roots into the earth and themselves send forth new and vigorous saplings ; that this College may expand into a University whose sons shall go forth throughout the length and breadth of the land to preach the gospel of free enquiry, of large-hearted toleration, and of pure morality.'

"Sir, those of us who have had the privilege of sitting at the feet of that great man know full well the deep faith which Sir Sayed Ahmad Khan placed in the residential system. Being a student of ancient Muslim History, he knew that the great Universities of Baghdad and Cardova, which shed the light of culture far and wide, were founded on that very system. He had, with his own eyes, seen its benefits in Oxford and Cambridge. The residential system, therefore, was the principal feature of the Aligarh College from the very days of its birth. Indeed, it is but a truism to say that this College was the pioneer of the residential system in this country. Moreover, he was convinced that, in order to bring into existence another Oxford or Cambridge in India, it was essential that the staff of the new institution should include some of the best products of those Universities. Firm in his belief that the future destinies of his country and of his community were bound up with those of the British Empire, he had implicit faith in Indo-British co-operation. The result of these profound convictions on his part was that where he secured for the Aligarh College a number of Muhammedan Professors, he, at the same time, had a Theodore Beck at its head, a Theodore Morrison and an Arnold, a Walter Raleigh and a Harold Cox, and a Chakravarti on its staff. It is not my purpose to-day to occupy the Council with even a brief account of the development of this Institution. It is, however, interesting to note that the first graduate of this Muhammedan College was a Hindu gentleman of the name of Eshri Prashad Sahib who rose to be an Executive Engineer in the Central Provinces ; and, my friend the Hon'ble Sayed Muhammad Ali, now the elected Secretary of the Board of Trustees and of the Muslim University Association, whom I have great pleasure in welcoming to this Council, was one of its earliest graduates, having taken his Degree in 1886. Before the death of its founder on 27th March 1898, the Aligarh College had come to occupy a position of its own in the educational world of India. At the end of that year, the Muhammedan Educational Conference was held at Lahore and at that Conference the scheme for the establishment of a Muslim University was unfolded to the public and it evoked an enthusiastic response from all parts of India. The first step, however, was to make up the heavy financial loss which this Institution had had to bear owing to certain embezzlements of its funds. Meanwhile, the movement for the establishment of a Muslim University continued to gather strength. Resolutions in that behalf were carried at several meetings of the All-India Muhammedan Educational Conference ; and, finally, having ascertained informally that in additon to the then existing valuable assets of the College, a large endowment fund would be required as a guarantee of its stability before Government would agree to the establishment of a Muslim University, His Highness the Aga Khan took the lead and headed a deputation which, early in the year 1911, visited the

various Indian centres in order to collect the necessary endowment fund. Such was the generous response of the Muslim community throughout India, that within a few months the deputation secured realization or promises for the necessary fund of 30 lakhs of rupees. To carry on negotiations with the Government on behalf of the community, a Muslim University Association was organized with my friend the Hon'ble Raja Sir Muhammad Ali Muhammad Khan of Mahmoodabad as its President.

"On the 10th June 1911, the Government of India communicated to the Secretary of State the desire of the Muslim community and recommended that sanction might be given to the establishment of a Teaching University at Aligarh. The Secretary of State, on the 18th July, approved the principle of the establishment of such a University, subject to reservation of adequate control and provision of adequate funds; and, while reserving his own freedom of action, sanctioned the proposed negotiations with the Association. The Press Communiqué, announcing this decision, was issued on the 2nd August. The result of these negotiations was a despatch from the Government of India to the Right Hon'ble the Secretary of State in the month of November of that year, embodying the various provisions of the scheme which had been settled between the Government of India and the Muslim University Association. After describing the outlines of the scheme, the Government of India, in the final paragraph of that Despatch, observed as follows :—

> 'Such in outline is the scheme which we recommend to Your Lordship. It represents the result of considerable discussion and of somewhat long negotiations. The spirit that has animated both parties to the negotiations has, we are glad to be able to inform Your Lordship, been excellent and we trust that Your Lordship in sanctioning a University at Aligarh will share the hope, which we confidently entertain, that this new and interesting educational experiment supported by the confidence of the Government and the Muhammedan community will be the source of enlightenment and prosperity to that community and will fitly crown and carry on the noble work and the lofty hopes of Sir Sayed Ahmad Khan.'

"The Secretary of State for India, in his Despatch of February 1912, while expressing his cordial sympathy with the movement for the institution of a University at Aligarh, insisted on certain alterations in the draft scheme and expressed an earnest hope that the said alterations in the draft will not lead to any insuperable difficulty in arriving at a final agreement between the Government and the promoters of the movement. The decision of the Secretary of State was communicated to the Muslim University Association by the Hon'ble Sir Harcourt Butler, the then Education Member, in a demi-official letter addressed to the Hon'ble Raja of Mahmoodabad on 9th August 1912. But the scheme which had hitherto progressed smoothly, at this point encountered obstacles on which it is not now necessary for me to dwell. Meanwhile, the Hindu leaders, who too had, in their turn, approached the Government of India with a scheme for the establishment of a Hindu University at Benares, guided by that practical spirit which is one of their characteristics, accepted the conditions laid down by the Secretary of State, with the result that a Bill for the establishment of the Benares University was prepared and, after having passed through the Imperial Legislative Council, received the assent of the Governor General on the 1st October 1915. An undertaking was at that time given by Government to the Hindu leaders that the University to be granted to the Muslim community would also be on the lines of the Hindu University Act. This position was clearly explained to the Muslim leaders, and the Government of India have all along been ready and willing to act up to that undertaking. But, as the Arabic proverb says : '*Kull-o-shayan marhoonin ba auqate ha*' : (all things happen at the appointed time), the controversy in Muslim circles about certain questions connected with the scheme continued to take varying turns until the middle of last year when wiser counsels began to prevail and public opinion amongst the Indian Mussalmans took a happier turn. From August 1919 till the end of November, Muslim representatives belonging to the various Indian provinces, having pressed for speedy legislation, the Government of India, towards the beginning of December last, invited the attention of the United Provinces Government to certain points which had, till then, been left unsettled, and asked for an early communication of their views. Negotiations between certain leaders of the

Muslim University Association and His Honour Sir Harcourt Butler, and subsequently between an accredited Deputation of the Muslim University Association and the Department of Education in the Government of India on the one hand, and between the two Governments on the other, have finally resulted in the preparation of the Muslim University Bill which, with the previous sanction of the Secretary of State, was published in the Gazette of India, dated the 31st July last, and has now been introduced in this Council.

"Sir, it is unnecessary for me to take Hon'ble Members through the various provisions of this Bill. Having had ample opportunity of studying its provisions since its publication, I have no doubt, they have made themselves familiar with the scheme as embodied therein. The Bill is, in its essentials, founded on the Benares Hindu University Act. But, since the passing of that enactment, two events of the utmost importance have taken place, which have, very naturally, necessitated certain modifications in the frame-work of the present scheme. The Chelmsford-Montagu Scheme of Reforms, as embodied in the Government of India Act of 1919, has brought about material change in the functions to be hereafter discharged by the Imperial and Provincial Governments; and certain of the recommendations of the Calcutta University Commission, which have already been accepted by the Government of India as well as by this Council and embodied in the Dacca University Act, have introduced new and important features in the constitution of our Unitary Teaching and Residential Universities, such as the Aligarh Muslim University is intended to be.

"Hon'ble Members are aware that Education, including University Education, has, in the past, been a provincial subject. Legislation regarding the Benares University was framed in consonance with that state of things and all official control, in consequence, reserved to the Provicial Government. Recognizing the all-India character of the Benares and Aligarh Universities, the Rules framed under the new Government of India Act have now proposed that these two Universities should be a central subject and the responsibility in connection therewith will, henceforward, rest on the shoulders of the Government of India. At the same time, the Calcutta University Commission have commended the foundation of Universities of the unitary, teaching and residential type and have proposed that Universities generally should possess greater autonomy in the administration of their internal affairs than has been the case hitherto. As a necessary consequence of this constitutional development and of change of policy, various modified provisions have been introduced in this Bill which, I venture to think, constitute what will be recognized by Hon'ble Members as distinct improvements. In forming their own judgment regarding this claim, I would ask Hon'ble Members to bear three fundamental and, in my humble judgment, indisputable principles in mind. In the first place, no Government—be it purely British, exclusively Indian or a combination of both—can reasonably be expected to deprive itself absolutely of all control over education. The real test of the liberal character of a measure like this lies in the nature of the agency and extent of control proposed to be exercised. In the second place, in the new conditions upon which India is now entering, official control no longer means what it did in the year 1915. With the introduction of a popular Indian element in the Provincial as well as Imperial Government, official control will, in the future, have an entirely different meaning. In the third place, the substitution of control by a constitutional authority consisting of a number of persons for individual authority is, on the face of it, a step in the right direction.

"A glance at Sections 6 (2), 17 (5), 18 (5) and Statutes 8 (1), 10 (1) and 19 (1) of the Benares Hindu University Act will make it clear to Hon'ble Members that the Visitor, *i.e.*, the Lieutenant-Governor of the United Provinces, is the main agency of control in the case of the Benares University. In the present Bill, in consonance with the central nature of the subject, much of that control is transferred to the Governor General in Council—an authority which, under the Government of India Act, will, henceforward, include three Indian Members. Under the Benares Hindu University Act, all new Statutes or additions to Statutes or amendments or repeals to Statutes other than those providing for the instruction of Hindu students in Hindu religion, require the

previous approval of the Lieutenant-Governor who may sanction, disallow or remit for further consideration, except Statutes affecting the constitution of the University authorities which require the previous sanction of the Governor General in Council : in this Bill, that power is proposed to be vested in the Governor General in Council. Moreover, the Governor General in Council will, when exercising the power so vested in him, have before him the opinion of the Visiting Board which will include the Ministers, one of whom will himself be in charge of education, so that the Government of India will be in possession of the views of this popular authority when exercising their own powers in this connection. Similar arrangements are also proposed with reference to Ordinances. And, though it has been considered advisable to reproduce in the present Bill the provision contained in the Benares Act giving certain powers of supervision to the provincial authority in order to secure that the proceedings of the University shall be in conformity with law, the agency even for the exercise of this power is changed from the Lieutenant-Governor to the Visiting Body. Election of successors to the first Vice-Chancellor is subject to approval by the Lieutenant-Governor under the Benares Act ; while, in the present Bill, such election is made subject to the approval of the Governor General in Council. In the Benares Act, the Senate consists of 50 members, of whom 5 members are nominated by the Lieutenant-Governor. In the case of the Aligarh University, the corresponding body, to be called the Academic Council, will consist of 30 members, of whom 2 only shall be nominated not by the Lieutenant-Governor but by the Visiting Board constituted in the manner I have just described. Hon'ble Members will thus see that this brief comparison between the two agencies of control in the case of the two Universities constitutes sufficient indication of the liberal character of the present Bill.

" Turning now to the extent of official control provided for in the case of the two Universities. A comparison between the provisions of Section 19 of the Benares Act and Clause 13 of the present Bill will make it perfectly clear to Hon'ble Members that the law in this respect has, generally speaking, been brought into line with the provisions of the Dacca University Act and constitutes a substantial improvement upon the Benares Act.

"Apart from the provisions of the Bill relating to official control, it may be pointed out that the proposed University will, following the example of the Dacca Act, be a unitary teaching and residential University, and the stage of admission to the University will be the Intermediate Standard instead of the Matriculation,—the University, however, having the power to establish Intermediate Colleges and Schools of its own at Aligarh. Instead of Faculties as in the Benares Act, there will be Departments of Studies in the new University. The Pro-Vice-Chancellor, according to the Bill as at present drafted, will, at Aligarh be an academic and not, as at Benares, an administrative officer. In the matter of appointments to the teaching staff, the action of the Executive Council will be subject to the general control of the Court. The conditions of service will be improved by insistence on written contracts and the establishment of a Tribunal to adjudicate cases of dispute as in the Dacca Act, as well as by the institution of a Provident or a Pension Fund. Moreover, a useful provision has been added for the institution of a Tribunal to settle cases of dispute as to what is an administrative and what an academic question.

" There are other matters of more or less secondary importance in which there are differences between the Benares Act and the present Bill, but I do not propose to weary the Council by referring to them in detail. A careful consideration of those I have just described will, I venture to think, convince Hon'ble Members of the improvements which, in consonance with the new conditions and in pursuance of the policy laid down by the Calcutta University Commission, the Government of India have introduced in the constitution of the new University.

" Sir, I do not claim that the Bill placed before Hon'ble Members is a perfect measure. Following the wishes of the deputations which discussed the Bill with us, certain characteristics have been introduced calculated to reproduce features of the existing constitution of the Muhammadan Anglo-Oriental College.

It is questionable whether these features, suitable as they may be to a College, are suitable to a University. Again, certain points have arisen since the deputation of March last placed its draft Bill before us. These are new points which have arisen in the course of drafting and the Government of India are not certain of the wishes of the community upon them. These two classes of points will have to be further discussed in Select Committee. What I have mainly spoken about now is the provision for Government control—a subject which, though not the most important element in a measure of this sort, always evokes an almost undue measure of interest.

"In conclusion, I have great pleasure in announcing that, should the authorities of the Benares University so desire, the Government of India will be prepared to take steps to amend the Benares Act on the lines of the Aligarh Bill. Hon'ble Members will also be glad to hear that the Government of India hope to be able to give substantial financial assistance to the proposed Muslim University in order to mark their own good-will towards an institution which they earnestly hope will be a source of immense benefit to the India Mussalmans."

8-30 P.M. **The Hon'ble Khan Bahadur Mir Asad Ali Khan :**—"Sir, in heartily welcoming the Bill to establish and incorporate a teaching and residential Muslim University at Aligarh, I may be permitted to offer both on behalf of the Muslim community of the Southern Presidency and on my own behalf our heart-felt congratulations to the Government of India and to the Hon'ble Member in charge of Education upon the maturity of the scheme. Though we were first in the field in launching out a scheme for a teaching and residential University on denominational lines, our sister community which started much later the Benares scheme achieved their object much sooner than we ourselves. But the long delay in our case has only succeeded in giving us a better Bill to-day than what was originally anticipated. While at this stage I do not propose to enter into the details of the Bill, some of which no doubt require modification, I feel confident that the Select Committee on the Bill will render justice to legitimate Muslim claims.

"By the introduction of this Bill we are adding to-day one more University of a teaching and residential type. University education on modern lines will prove to be a great boon to the Indian Muslim community. The Aligarh University, when it is ushered into existence, will undoubtedly be an epoch-making event in the history of the progress of Indian Muslim education. With the door of universal knowledge wide open to Muslim young men in a University of their own, the intellectual progress of the Muslim community is assured. With the imparting of Muslim religious education to Muslim young men and the direct encouragement of Oriental and Islamic studies, their moral and spiritual progress is assured. In one important respect the proposed University at Aligarh will differ from the existing Universities of a teaching and residential type in that it will not, as recommended by the Calcutta University Commission, include intermediate classes. So greater concentration will be given to the development of the cultural side of higher liberal education.

"While a few years ago the Hindu University Bill was introduced by a Hindu Member, the Muslim University Bill is now introduced by a Muslim Member in charge of the same portfolio. When he lays down the reins of office, the Hon'ble Mr. Mian Muhammad Shafi may well be proud of two great achievements in his high official life, namely, the introduction of the Dacca University Bill and of the Aligarh University Bill. Notwithstanding their divided attention between the Khilafat movement and the non-co-operation scheme, Mussalmans all over India will have cause to rejoice at the introduction of this timely measure, which is fraught with incalculable good to the community. Let me hope and trust that in the proposed University at Aligarh, the East and the West will meet together, as they never did before, and that a healthy combination of the best elements in the two cultures will produce a new race of intellectual Muhammadans who will be the pride of their adopted country and the glory of Islam.

"With these words, Sir, I accord my heartiest support to the introduction of the Bill before the Council."

The Hon'ble Sir D. P. Sarbadhikari :—"Sir, I congratulate my Muslim fellow subjects upon 'the appointed time' having arrived, upon the approaching materialisation of an educational organisation of their own for which they have long been waiting. I rejoice that their old differences are finally at rest and that the cause for advancement of which Sir Syed Ahmad lived and died, is at last about to triumph. It is no use regretting now that the achievement was deferred and that it might have been earlier, and on better terms. 3-35 P.M.

"His Exalted Highness of Hyderabad has set the example in the south and Muhammadans of the north cannot be long in following. Frankly speaking I have never been wholly in favour of what has come to be called a denominational University, for I do not believe in what the well-known Bengal adage calls 'the golden stone cup.' A broader outlook of education than would be implied by a purely denominational institution may well be demanded in the university stage if it is to be really an 'University' and it was not without struggle and sacrifice that this came to be realised and recognised in Europe only in recent times. When however denominational Universities came to be deemed and conceded as necessary for communal requirements, it became the duty of everyone loyal to education to merge their differences and to co-operate for the stability and efficacy of the new class of institutions. When therefore Lord Hardinge laid the foundation-stone of the Benares University Buildings which are now going up, I was charged by my University to convey, as Vice-Chancellor, a special message of good-will and felicitation which was alike my privilege and delight to deliver ; and I have been trying ever since in my small and humble way to do what is possible for its advancement, as a member of the Court and the Council. It was my privilege also to send an equally hearty message of welcome and felicitation on behalf of my University to Patna. I mention this, Sir, to show that the parent University has never been jealous of multiplication on sound lines, and I have no doubt that my successor in office will do the same to Dacca and Aligarh as evidence of the gratification that the University feels in ramification of branches of useful work in territories which have been so long her proud privilege to administer, than which there can be no more eloquent testimony of the value of her pioneer work under great difficulties. From Peshawar to Prome, with Nagpur and Ceylon down south thrown in, it was the jurisdiction of my Alma Mater when I matriculated, and from a Matriculate to Vice-Chancellor it has been my equally proud privilege to see healthy daughters of the great mother grow up in Lahore, Allahabad, Benares, Patna and Dacca and last but not the least, at Aligarh. To Sir Harcourt Butler, late Education Member of the Government of India, and a worthy scion of a worthy family of Educationalists some of whose hearty hospitality at Cambridge and Harrow I had the honour of enjoying, will soon have the unique record of having four Universities in the Province over which he rules ; and Agra and Cawnpore may soon claim and succeed. The Aligarh University might have come into existence, as the Hon'ble Member in Charge has pointed out, earlier, and certainly at the same time as her sister at Benares ; but what has been lost in time I hope will be made up in merit and efficiency.

"The Aligarh University will come into existence at a time of great excitement and upheaval of public feeling and to it one may look for furnishing one of the enlightening agencies of the day for quietening down things. One cannot help congratulating oneself that the University will come into existence when good feeling among Hindus and Muhammadans is once more restored and we verily hope and believe is broad based for all time. At such a time one would have thought, Sir, that a broader and more Catholic outlook would be possible and that it would not be necessary to enact that no non-Muslim shall be a Member of the Court of the University, which, fortunately is prepared to admit non-Muslims as students, teachers, donors, patrons and members of the different other authorities detailed in the Bill. There may have been a precedent in favour of this needless exclusiveness ; but what may have been considered necessary in the past with regard to Hindu Benares can hardly in the spirit of the times, now be suitable for Muslim Aligarh. There are various considerations that arise on a detailed examination of these parts of the provisions of this Bill, which I shall have no time to go into ; but I should like to

urge one plea and that is that for critical methods of the study of oriental languages—particularly Arabic and Persian—we have now to go to non-Muslim Europe and America. Muslim teachers kept the torch of learning burning in the European dark ages and it is but meet and proper that grateful Europe should be yielding back with interest the riches of the past, of which they have proved worthy custodians.

"I question the desirability of excluding from the supreme authority of the University non-Muslims who, on account of their necessarily small number, can do no harm but who, as experts or persons interested in Islamic studies and advancement, can do some good. And the strangeness of the situation would be intensified by a non-Muslim Lord Rector or Visiting Board dominating the Court from which non-Muslims are excluded. Non-Muslims have however not been excluded from the Select Committee, though on the questionable Benares precedent again, and by a reverse process—somewhat on the analogy of the Hindu using one side of the plantain leaf for his plate while the Muslim uses the other—the Hindu has here been excluded. I hope the non-Muslim Members of the Select Committee will be able to see some of the points of view that I am trying to put, and set matters right.

"Not merely my general interest in education, but my keen and special interest in Muhammadan education throughout, compels me to draw attention to a few matters of seeming detail, but which really involve more or less important questions of principle. Since the work of pioneer workers like Nawab Bahadur Abdul Latif came to an end, it has been my privilege in Bengal to press and plead for the advancement of Muhammadan education on special lines. But I have never been able to persuade myself that however much special treatment may be necessary in the lower stages for the time being, at the University stage special treatment of a marked character is necessary or desirable, for the Muhammadan left to himself does as well as any other student. I believe, Sir, that rough contact with outside elements is essential and nothing can be more hurtful in the domain of education than self-contained and self-contented exclusiveness, as has been proved alike in the east and the west. Sheltered and protected existence does not spell for strength, either in the educational or any other world, nor water-tight communal compartments. The advancement of India, and not merely of any particular community or province, must be the objective, as really conductive to strength ; and anything that tends to the contrary is bound to be hurtful in the end.

"It is such an India, without whose active co-operation the world's advancement, scientific or otherwise, as Sir Jagadish Chunder Bose has been telling the convinced scientists in Paris would be impossible. And, in order that the crescograph of the future, recording growth of the kind that I indicate, with its novel shock-absorbing apparatus, may behave magnificently, as Sir Jagadish's invention did at the recent Paris Conference, the inventor must be prepared for, nay invite, as Sir Jagadish did, all the scientific and unscientific thumping and jumping on the floor of the laboratory that honest criticism or dishonest obstructiveness may be able to devise or imagine.

"I cannot therefore agree with some of my friends who have spoken to me since I came to Simla that the non-Muslim need not interest himself much in what has been practically agreed upon by representatives of Muslim interests, for it is none of the non-Muslim's affair. This is a kind of detachment not of the holy *Nishkama* order that our sacred books teach, but is more the result of pique and irritation, that is much to be deprecated. It is our duty to make submissions, the rest is in the hands of the Council to which we can but appeal.

"The first thing that strikes one is the complex nature of the machinery, though I am free to admit, as has been pointed out by the Hon'ble Member in charge of the Bill, that there is an advance on the Benares machinery. There may be safeguards in this complexity which I have probably insufficiently understood, but judging by the Benares experiences one may well apprehend whether the machinery at Aligarh, which still continues to be complex, will not interfere with quick, effective and sound work. We miss of course the familiar Senate, Faculty, Syndicate and Board of Studies which have done good work elsewhere, but the new machinery under a different name will probably answer

as well. The Committee of Appointment here is not the complex and Board of Appointment at Benares or the Dacca Committee of Selection in the United Kingdom, for the matter of that. But it has not been laid down clearly whether the Executive Council is limited to the appointments *recommended* by the Committee or whether it has independent judgment and initiative. This has led to serious questions of interpretation in Benares to my certain knowledge and should be made clear. Certain useful powers have not been taken, the lack of which has been practically felt at Calcutta and Benares. When in Calcutta we wanted to start a sort of Employment Bureau, such as there is in Universities abroad, for the benefit of their *alumni*, whom the bread and butter question must always sorely exercise. Objection was taken on the ground of legality and the objection was upheld by the Advocate-General of Bengal, Mr. Gibbons, and Mr. Langford James. Similar questions arose in regard to matters like drill, physical education, contribution to the Calcutta University Corps Fund, and so on, regarding which it was found that the University had no legal powers. In Benares again, when they wanted to contract with the Electric Corporation of the city for supply of power, which would enable them to have a more efficient and profitable workshop, doubts and difficulties were raised which, I believe, have not yet been set at rest. Though clause 19 of the draft Statutes speaks of the possibility of the addition of Departments, it will be open to doubt whether a Department of Study like Agriculture, Commerce or Indigenous Medicine, which may well be added, can be added without special power being taken. Similar objections will not apply to Technology, for it is distinctly mentioned in the Bill, though prominence, to it has not been given in clause 19 of the Statute. One should have expected that in these days of advancing industrial progress, that should have been done. It would certainly be a much more necessary and desirable addition to the present working list than Law, which may be left to existing institutions.

"While on the subject of Departments of Studies, it may well be considered whether English Language and Literature may not be bracketted together, and whether subjects like Botany and Zoology and Persian and Urdu may not be separated, and whether Islamic Theology outside the great but general *Sunni* and *Shia* schools—the *Sufi* and *Bahai*, for example—may not also receive attention.

"The time at my disposal will not permit me examining even cursorily many of the technical matters of importance that can be dealt with only in Select Committee or later on by amendments. I must content myself with drawing attention to some of the more outstanding matters such as the large and almost concurrent powers of the Lord Rector and the Visiting Board for which great merit has been claimed, I think with some justice, by the Hon'ble Member in charge of the Bill.

"I would draw attention also to the comparatively unimportant part assigned to the Court, and the large powers of the Governor General in Council in addition to those of the Lord Rector and the Visiting Board. I would also comment upon the absence of the Pro-Vice-Chancellor from the Court, although under present arrangements he will be an academic officer and not a mere administrative officer. I would also draw attention to the want of definition in the powers and functions of the Convener, absence of provision for supervision of hostels when halls become insufficient for residential purposes, as I sincerely hope they will soon be. I would also draw attention to the want of provision for supervision of schools and intermediate colleges, in addition to those maintained by the University. And here, Sir, in passing I desire to say one word about intermediate colleges. Although in a place like Aligarh, which is just growing or Dacca, which has been created, the absence of intermediate colleges may be tolerated, it will not be tolerated in places where they have grown and are an integral part of the University. A very thin partition indeed divides intermediate colleges from the University colleges at Aligarh, for they are for all practical purposes part of the same integral unit. The Vice-Chancellor here is not a whole-time officer, yet he gets an allowance ; but he has to reside at Aligarh and to get himself elected or re-elected—a somewhat strange situation and certainly a departure from what we have been accustomed to. The Court has no power of initiative about statutes, nor of amendment and the Visiting Board or any of its members may make orders without the safeguard of the

the University being represented on the enquiry, as in the case of an enquiry at the instance of the Lord Rector. It makes its orders first and practically calls upon the University to show cause afterwards. Then, Sir, the Court has no control with regard to framing or working of regulations ; the Vice-Chancellor has nothing to do with them. When there is a difference of opinion between the Executive and the Academic Council, the Visiting Board appoints the tribunal and not the Court. The Arbitration Board I think will do exceedingly good work, but the Executive Council has also been given concurrent jurisdiction with regard to the redress of ' grievances, ' and I miss the much needed Board of co-ordination which has found place in the Dacca Bill, which I think would be very useful to have here.

"Then considering the magnitude of the Court, the Executive Council consists only of 18 members, of whom only 10 really represent the various interests out of the possible 250 members who may in time constitute the Court. Not knowing the status and constitution of the Old Boys' Association, I speak with diffidence regarding its large powers of representation and I do not know to what extent and for what length of time that will be retained.

"I recognise, I repeat, that on the Benares scheme there has been considerable advancement which I appreciate. I thank the Hon'ble Member-in-charge for his announcement that the Benares Act may be amended on Aligarh, lines, but a good deal more will be needed. It is impossible to say that with all the treble safeguards that have been provided for Aligarh, local self-government in University matters will be considerably fostered by the by no means Lilliputian strings of bondage that have been piled up in the Bill. One feels hesitation of course in criticising the swaddling-clothes and leading strings, not knowing the history and not knowing to what extent Government stands committed to them, or what understanding has been arrived at. But this piling up of Government powers is certainly not in accordance with the recommendations of the Sadler Commission in their broader aspects or of the Montagu-Chelmsford scheme, both of which have been mentioned by the Hon'ble Member. I can only hope, Sir, that the Aligarh University which is about to be set on its feet will survive all this paraphernalia and will grow from more to more in spite of them. The great thing, I recognise, is to give it its long delayed start and in spite of all seeming handicap we wish it Godspeed. I am quite at one with the Hon'ble Mr. Asad Ali Khan and our hearty congratulations and felicitations must go forth to the Hon'ble Mr. Shafi that it should have been given to him to give this start to his fellow-religionists, for which they were so long waiting.

"From what one can make out about the Department of Islamic and Oriental Studies in the Punjab University, the expectations raised there have not been fulfilled. The Hyderabad University, which has Urdu for its medium of instruction, is a novel experiment which will be watched with anxiety and interest in and outside the premier Indian State. The burden and obligations on Aligarh, as it is being constituted, will be great, and Islamic studies must be one of its strong features.

"These studies on modern lines are now claiming and having large attention in all Universities, not from the merely Moslem point of view but also from the broader point of view of culture and practical politics. I claim for my University that we have taken some effective first steps and Professor Khuda Bux has been doing useful work in this direction, of which the latest instalment is just before the public. He speaks of the political and social questions which arose in, agitated and wrecked the Moslem Empire. He speaks of the strength and weakness of Islam, pays a tribute to its inherent religious force, and vitality—a hope and a prophecy. He speaks of the political history of Islam as the history of shattered ideals of the system founded by the Prophet and maintained by his successors—a system impossible of complete realisation or of long endurance in a world of imperfect conditions. He speaks of the slow and steady decline and eventual disappearance of that purely ideal system of love, brotherhood and equality, inaugurated by the genius of the Prophet and sustained by the unswerving loyalty of his two successors. And the learned Islamic Professor's one hope is 'that the outlook on questions Islamic should be enlarged', for as he truly observes 'there is no greater need of the times than mutual understanding and mutual sympathy, a larger outlook and broader toleration'. May not,

therefore, narrow minded exclusiveness give way to some of the breadth of outlook for which Professor Khuda Bux so eloquently pleads? For in Goethe's words, that he quotes—

'Delight, pleasure and sympathy alone call for reality : all else is empty and vain.'

"Sir, His Majesty the King Emperor in speaking recently of the high value he attaches to national Universities (such as the Aligarh University is going to be) refers to the strong hold that it is necessary for them to have upon the imagination of the people. 'Where there is no vision, the people perish', reminded His Majesty his Swansea audience and when he did so he did not raise the laughter that I see on the other side of the house. He reminded them that the future prosperity, nay, existence of commerce and industry would depend upon the high standard of training and intelligence in all who direct University operations, for the race now is to the highly trained and the battle to the well equipped. At the same time His Majesty deprecated the neglect of what are known as Art subjects, forming so important a part of liberal education, from a plethora of which India is supposed to suffer. And he appealed for not only throwing the doors of the University wide but also for help in bringing new opportunities for serious studies to the very doors of the people, as a safeguard against the danger of one sided and material outlook, as a preparation for life and an enlargement of human spirit,—with minds attuned to high ideals open to the rich and varied interest of modern life—and steadfastly set towards the service of one's fellows.

"Conceived and worked in this spirit, and not with a mere over-abundance of brake-power, will the latter-day reagents for human development and progress—our educational institutions—such as the new University I hope will be,—yield the solution for evolving the promised Spacious Day, for which His Excellency the Viceroy and Mr. Montagu have been so loyally, and so thoroughly, working in the past ?"

The Hon'ble Mr. Surendra Nath Banerjea:—"Sir, speaking as a representative of the Hindu community we desire to welcome the Bill which has been introduced and also to congratulate the Hon'ble Member in charge of it on the admirable speech which he has made in introducing it. That, I think, represents the attitude of the Hindu community. This University it to be a unitary and residential University, and it is to represent an advance upon the type of Universities, which has been established in Dacca and in Benares. All that is welcome, not only from the Muslim, but also from the general and the larger stand-point. Sir, having listened to the very elaborate, the careful, the exhaustive criticism of my friend behind me—Dr. Sarbadhikari, it strikes me that his name should be added to the Select Committee, and with the consent and approval of my Hon'ble friend in charge I venture to move that as an amendment subject to your approval, Sir. I know the difficulty that stands in my way. There is a precedent against it, but, Sir, may I remind this Council that we are advancing, broadening from precedent to precedent. Yes, there is that precedent which will exclude my Hon'ble friend, but who created it? We did it; and is it not open to us to alter it, to modify it, to expand it, to enlarge it, to broaden it upon the lines which we have been consistently following in this Council? We are on the eve of responsible government, of a new era. Old precedents must be modified in the light of new conditions and circumstances. I am sure my proposition meets with the assent of Muslim members of this Council, and I trust it will meet with the approval of my Hon'ble friend in charge of the Bill. We are very fortunate in having an ex-Vice-Chancellor as a member of this Council; and having him here I think we ought to take the fullest advantage of his presence. He has favoured us with an elaborate, and exhaustive criticism of the Bill. And let me here point out a danger too. Suppose you do not have him on the Select Committee, he will move endless amendments at a later stage. Sir, is it not wise to take the gas out of him in Select Committee? There he will have an opportunity of discussing the whole matter in camera; you will exercise a restraining influence which you will never be able to exercise in this Council; and therefore looking at the matter from all points of view I trust that with the assent of our Muslim colleagues and of the Hon'ble Member in charge his name will be added to the Select Committee, and I move that as an amendment." 4 P.M.

4-5 P.M. **The Hon'ble Raja of Mahmudabad**:—"Sir, on behalf of the Muslim Community I beg leave to offer our grateful thanks to His Excellency the Viceroy and the Hon'ble Member for Education for giving to the proposal for the establishment of a Muslim University at Aligarh a tangible shape.

"Sir, ever since the days of the foundation of the Aligarh College it has been the heartfelt desire of the Muhammadan community to found a University centre which should be a source of moral and material blessings to the community. Aligarh was the first residential institution which introduced into the country the life of English public schools and it is that institution which is going to be raised to the status of a University. As early as 1911 active steps were taken for the establishment of a University. There was a wave of enthusiasm in the country and funds poured in from all directions. Meetings were convened, conferences were held and local, provincial, and all-India institutions passed resolutions year after year asking the Government for the early establishment of a University at Aligarh. The movement passed through a series of stages, and draft after draft of the constitution was prepared, but there was never a complete understanding between the promoters and the Government. The scheme at one time looked like dying. Enthusiasm gave place to despair and zeal and hope to discontent.

"Sir, since then a great deal has happened. The Benares Hindu University came into existence in 1915. The fact that the sister community did get a University but the Muhammadans who were the first in the field did not, gave the people to think. The Benares experiment has to a certain extent familiarised people with the working of a denominational University under a limited popular control. Then came the Sadler Commission's Report which changed the entire outlook as far as University education is concerned and set up ideals both as regards the administration and the academic control of Universities. Simultaneously there was His Excellency the Viceroy's well-considered Reforms Scheme and it was correctly pointed out therein that the check to the hopes entertained of a great Muhammadan Universtiy had depressed the minds of many honest Moslems to a sense of their inefficiency.

"For a time, Sir, the movement lay lifeless but the visit of Sir Harcourt Butler to Aligarh last November and the steps taken by the Education Department of the Government of India revived the lagging spirit of the promoters and infused fresh life into the movement. It is a matter of much gratification to us that the proposals for the establishment of a University at Aligarh have met with the ready sympathy and support of Sir Harcourt Butler who as Educational Member of the Government of India first gave some definite shape to the various proposals launched by the Muslim University deputation.

"Sir, this will be the second denominational University in this country. Like the great founder of the Muhammadan Anglo-Oriental College at Aligarh, who compared Hindus and Muhammadans of this country to the two eyes of a fair maiden, I am convinced that the establishment of this University would, instead of perpetuating differences between them, lead to closer and more intimate contact and to friendliness and solidarity of feeling between them which will grow from day to day. Knowledge and learning bring better mutual understanding and we trust that it will be through Universities that the highest aims of mankind will be realised. The spread of knowledge will not increase any alienation of feeling between the various communities but will bring these sister communities closer together in those bonds of friendship, goodwill and amity upon which the best prospects of Indian advancement depend. And with equal emphasis it may be said that the proper working of this University will lead to closer co-operation between the Government and the Muhammadans. It is safe to predict that the expansion of education among the Moslem community and the radiation of higher ideals from a central place like Aligarh will in the fulness of time lead to greater mutual understanding appreciation.

"It is true that in certain respects the Bill is not what it ought to be and that it is capable of improvement as has been pointed out by my most learned and Hon'ble friend, the Vice-Chancellor of the Calcutta University. A University to fulfil its highest functions must, Sir, be free and autonomous; free to develop along the lines that experience demonstrates; and autonomous

in the sense that it should have the means and power to carry out what appears to its governing body the most suitable method of enlarging its utility. It is hoped that when the Bill emerges from the Select Committee it will meet with the general approval of the community."

"As regards the appointment of a Hindu member to the Select Committee as suggested by my learned friend, Dr. D. P. Sarbadhikari, the proposal has my cordial support. I should be personally delighted so have either Dr. D. P. Sarbadhikari or Hon'ble Mr. Sastri. I would appeal to the Government to consider the point."

The Hon'ble Saiyid Mahomed Ali:—I beg to congratulate 1-12 P.M. the Government on the introduction of the Bill to-day. I also offer my cordial congratulations to the Hon'ble the Education Member for the very able speech with which he has introduced the Bill and traced the history of the movement. It has already been pointed out that the illustrious founder of the Muhammadan Anglo-Oriental College, Aligarh, from the very day of inception of the scheme for the foundation of the college had hoped to see the infant institution raised to the dignity of a great University. This will be evident from the vast scale on which the buildings were planned and designed. It is nearly ten years ago that the Muhammadans were first promised their University. Ever since the middle of the last century Aligarh has been the centre of Muhammadan hopes and the delay which occurred in the scheme assuming a material shape is deplored by every well-wisher of the Muslim Community. Various events, avoidable and unavoidable, pleasant and unpleasant, have happened in the meantime and the growing impatience during the past few years has, owing to the deferred hopes, made the heart grow sick. In the meanwhile Aligarh has not been idle. It has expanded and expanded in such a way as to make the establishment of the University easier. Already it is educating no less than 1,000 students through a staff consisting of over 40 professors including a considerable number of Western-trained men.

"A good deal is being talked about the new conceptions of University education introduced by the Sadler Commission. A University, they pointed out, must be a national organisation calculated to subserve the various and varying needs of the different communities, their cultural genius and their industries and their trades which are to be served by it. The Commission, it will be remembered, laid down three requisites as being what they called the essentials of a modern university organisation. They recommended that the universities should be unitary, teaching and residential and should include Faculties of Arts, Science, Medicine, Engineering, etc. Sir, Aligarh was the first institution in this country which followed the best residential system of the public schools of England. It has always been unitary and, under the new constitution, it is to be a uni-collegiate centralised University. As for the teaching part, up to the present we have been controlled through the pernicious system of examinations by an external body but it is hoped that on the establishment of the University, we shall control the teaching as well. It is true that at present we are starting with only two faculties but as funds become available we hope to be able to add other faculties, which we consider essential for our progress. The proposed constitution of the University has been described as a cross between the Benares and Dacca Acts. Sir, it is a matter of history that the Benares constitution was modelled on the lines of the proposed constitution for Aligarh and that the Dacca model does not introduce any new ideas except slight changes in the nomenclature.

"It may be permissible to say that ever since the first definite proposals for the University were made the whole controversy has mainly centred round two points; the extent of jurisdiction of the University and the extent of the Government control. About the former the Muslim community has felt compelled to accept the latest academic opinion that there is no room in future for an affiliating type of a University and that the best interests of education will be served by a local University. Regarding the latter, the community has reluctantly accepted the limitation of the control imposed by the Government. The Sadler Commission has pronounced in favour of autonomous Universities. The principle of academic freedom, the liberty of the university authorities to manage their own affairs, to arrange their own curricula, to promote

students from stage to stage and, in fact, to govern the internal affairs of the University according to their own conditions is recognised everywhere and recommended for this country. The community naturally desires a large measure of independence so as to enable them to do the fullest justice to the great work in which they will be engaged; for, Sir, without real power, there can be no sense of responsibility and without responsibility there can be no efficiency. However, we have full trust in the good faith of the Government. No doubt the Bill permits a certain amount of autonomy but there are restrictions. It is hoped that as years pass the Government control will be withdrawn and the University allowed the full degree of freedom. It is a matter of gratification to feel that the delay has led to several improvements in the constitution. A reference to them has already been made by the Hon'ble Member and it is hoped that the community will fully appreciate these improvements.

"I should like to draw attention to another important point. The Muhammadans have always felt the need of secular education being supplemented by religious instruction. They have always felt that nothing can be more deplorable, more subversive of discipline, more detrimental to the development of true manhood and character than to train and educate the youth of the country in Godless education. It is therefore a matter of satisfaction that the promoters of the scheme have made religious and moral instruction the bed-rock of education. The Bill provides that students of all classes and creeds would be admitted to the University and it is hoped that the University will be a means of better mutual understanding between the various communities of the country.

"I do not propose to enter into a discussion of the provisions of the Bill. The time for it is not yet. It is hoped that the Select Committee would send back the Bill in an improved form and settle everything amicably.

"I do not think, Sir, that I need take up more time at present. I beg again to express the gratitude that I am sure all my countrymen feel towards His Excellency's Government and personally towards His Excellency and towards the Hon'ble Mr. Muhammad Shafi for the introduction of the Bill in the Council."

4-19 P.M. **The Hon'ble Sir Umar Hayat Khan**:—"Sir, as representing the Punjab Muhammadans, I welcome the Aligarh Muslim University Bill. As a large amount of money was subscribed by the Punjabees, they have passed many anxious years in watching the deadlock in getting the University scheme launched. Their own local institutions were badly in need of funds, while the money subscribed by them for the above institution was lying idle. They could neither use it for their own purposes nor utilise it for the purpose subscribed for. Had the University been established 8 or 9 years ago perhaps private subscriptions coupled with Government aid and that of various Native States would have amounted to many lakhs of rupees, apart from the benefit which would have been derived by the youth of the community. However now that the Bill has been introduced, we will soon have the University for which we have been longing. I hope we will soon have in the Punjab, a University of which we have long been thinking.

"Sir, if yesterday the date of the Council meeting was not changed, we would have had the Muslim University Bill on the *Id* day. So I hope you will convey to His Excellency the thanks of all of us, especially the Muhammadan Members, for his very kindly allowing us to say our prayers and to perform our sacrifices which we have to do on the *Id* day.

"Sir, when Government has been kind enough to give us a University and kind in various other ways, I was sorry to hear that some Muhammadans had murdered a British official. I hope all will join me in denouncing this dastardly crime, but I hope we will not all be alarmed at this because as somebody said in England, all these things die their natural death. Perhaps after a few hundred have been killed it *will* die its natural death, but I think the best thing will be to keep our slate clean even if it was broken for us."

4-23 P.M. **The Hon'ble Rai Sahib Seth Nathmal**:—"Sir, I am afraid there is no Muhammadan representative of the Central Provinces in this Council, and I hope I shall not be going beyond my mark in offering my cordial congratulations to the Hon'ble the Education Member and welcome whole-

heartedly the motion before the Council that the Bill be referred to a Select Committee. I think the Muslim population of India ought to feel very grateful to the Government not only for such a measure as this, but also for the promise of financial assistance which they have just received. I hope the Muhammadan population of the Central provinces also will rejoice at the establishment of this University, and more so because the special features of this University will be the imparting of Muslim religious education to Muslims and the inclusion of departments of Islamic studies. With these words I support the motion that the Bill be referred to a Select Committee.'

The Hon'ble Mr. Shafi:—"Sir, I am deeply grateful to Hon'ble Members for their cordial reception of the Bill and also for their kindly references to myself in that it has fallen to my lot to introduce the Muslim University Bill in this Council to-day. I do not propose to follow my Hon'ble friend Sir Deba Prasad Sarbadhikari into the labyrinth of criticism which he has built up to-day in connection with this Bill. I will meet him in a different manner, more than half way, by agreeing to his substitution on the select committee in the place of the Hon'ble Nawab Saiyid Nawab Ali Choudhri. The Hon'ble Nawab Saiyid Nawab Ali Choudhri is absent from this session as you are, Sir, aware, and I think the best solution of the difficulty,—perhaps I am not right in calling it a difficulty—the best solution I think is to agree to the substitution of the Hon'ble Sir Deba Prasad Sarbadhikari in his place. I hope that we will derive considerable benefit by his presence on the Select Committee." 1-23 P.M

The following motion was then put and agreed to:—

"That the Bill to establish and incorporate a teaching and residential Muslim University at Aligarh be referred to a Select Committee consisting of the Hon'ble Sir George Lowndes, the Hon'ble Mr. Shafi, the Hon'ble Sir William Marris, the Hon'ble the Raja of Mahmudabad, the Hon'ble Mr. Sharp, the Hon'ble Mir Asad Ali, the Hon'ble Khan Sahib Shah Nawaz Bhutto, the Hon'ble Sir Deba Prasad Sarbadhikari, the Hon'ble Mr. Richey, the Hon'ble Mr. Hopkins, and the Hon'ble Mr. Mahomed Ali, with instructions to report on or before the 9th September 1920."

The Council adjourned to Tuesday, the 31st August, 1920.

A. P. MUDDIMAN,

SIMLA; *Secretary to the Government of India,*

The 9th September, 1920. *Legislative Department.*

Appendix.

Statement showing the gross amount of customs duty collected in Bengal during the 6 years ending 1919-20.

Year.	Duty collected.
1914-15	2,85,51,615
1915-16	2,70,86,250
1916-17	5,00,15,130
1917-18	6,89,18,416
1918-19	7,55,74,068
1919-20	10,10,54,447

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.
(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Viceregal Lodge, Simla, on Tuesday, the 31st August, 1920.

PRESENT:

His Excellency BARON CHELMSFORD, P.C., G.C.S.I., G.M.I.E., G.C.M.G., G.C.B.E., Viceroy and Governor General, *presiding*, and 51 Members, of whom 43 were Additional Members

AFFIRMATION OF OFFICE.

The following Additional Member made the prescribed affirmation of allegiance to the Crown:— 11 A.M.

The Hon'ble Mr. P. Rama Rayaningar.

His Excellency the President:—"I feel sure that the Council will wish me to express on their behalf our horror and detestation of the dastardly murder of Mr. Willoughby and to convey to his relatives our sympathy with them in their great loss." 11-5 A.M.

[*His Excellency the President*; *Mr. S. N. Banerjea*; *Sir William Vincent*; *Mir Asad Ali.*] [31ST AUGUST, 1920.]

"Mr. Willoughby was an Officer who had won the affections of all those who had come in contact with him, whether British or Indians, and it is sad to think that his valuable life has been cut off in so deplorable a manner."

The Hon'ble Mr. Surendra Nath Banerjea:—"Your Excellency, may I be permitted on behalf of this Council as well as on my own behalf to associate ourselves with the observations which have just fallen from Your Excellency and to express our sense of horror and detestation at the dastardly outrage which has cut off a highly promising public servant in the prime of his life and in the midst of a career of great usefulness. I am sure, my Lord, this feeling will be echoed and re-echoed throughout the length and breadth of this country and among all sections of our vast community. No matter what may be our differences, no matter what political convention may distract our minds, they will be all mute in the presence of this awful crime which all India deplores and there will go forth from the hearts of our people a universal cry of sorrow for the dead, of indignation at the crime, of sympathy for the family of the dead officer. But is that enough? Is it enough for us on this occasion to indulge in unavailing regrets? Should we not go a step further and seek to co-operate with the Government in order to restrain those forces which unhappily have been let loose and which constitute a menace to law and order—the basis of all stable progress? My Lord, great may be the resources of Your Excellency's Government, they need to be supplemented by the public sentiments of our community, actively existing itself for the maintenance of public tranquility. I desire to say that Government may rely with absolute confidence upon our moral support for the preservation of law and order. It has a right to do so and it will be ungrudgingly given. But, my Lord, these are considerations which perhaps lie beyond our immediate scope. For the present we pray that Your Excellency will be graciously pleased to convey to the family of Mr. Willoughby the expression of our deep sorrow and sympathy in the terrible bereavement which they have sustained."

STATEMENT LAID ON THE TABLE.

11-6 A.M. **The Hon'ble Sir William Vincent:**—"My Lord, I beg to lay on the table a statement* showing the expenditure due to the Simla exodus and sessions of Legislative and Executive Councils, which was promised in reply to a question asked by the Hon'ble Mir Asad Ali Khan Bahadur on the 8th March, 1920."

QUESTIONS AND ANSWERS.

The Hon'ble Mir Asad Ali, Khan Bahadur asked:—

India and the League of Nations. **1.** "(*a*) Did Government make any representation to the Council of the League of Nations on the subject of India's representation on the governing bodies of the International Labour Office?

(*b*) If so, what is the result of their representation?"

* *Vide* Appendix.

[31ST AUGUST, 1920.] [*Sir Thomas Holland; Sir Umar Hayat Khan; Sir William Vincent; Mr. Srinivasa Sastri; His Excellency the Commander-in-Chief; Mr. Kamini Kumar Chanda.*]

The Hon'ble Sir Thomas Holland replied:—

"(*a*) As mentioned by His Excellency in his opening address, the Government of India have claimed that India should be included among the eight States of chief industrial importance and, as such, should be entitled to a separate seat on the Governing Body of the International Labour Office.

(*b*) We have been informed that the claim will be brought before the Council of the League of Nations at the earliest possible date."

The Hon'ble Major Malik Sir Umar Hayat Khan asked:—

2. "(*a*) Is the Government of India aware that an organization possessing a press of its own, is trying to misrepresent to the public in England the state of affairs in India by the publication of misleading statements? Publication of misleading statements in England.

(*b*) Do Government propose to take any legal steps against the persons concerned or start a counter propaganda to contradict or correct such statements?"

The Hon'ble Sir William Vincent replied:—

"(*a*) The Government of India are aware that there are certain newspapers and journals in England which publish inaccurate and misleading statements regarding events in India, but they do not know to what extent, if any, there is any organization behind them.

(*b*) The Government of India cannot take any steps against the publications in question except to counteract their influence by the supply of accurate information to the British public and when necessary by preventing their entry into India."

The Hon'ble Mr. Srinivasa Sastri asked:—

3. "Do Government intend to arrange, in consultation with the Secretary of State, for the publication in India of the report of the Army in India Committee presided over by Lord Esher before final orders are issued?" Publication of the report of the Army in India Committee.

His Excellency the Commander-in-Chief replied:—

"The Government of India are in communication with the Secretary of State in regard to the publication of the Esher Committee Report and they hope to be in a position to make a statement on the subject shortly."

The Hon'ble Mr. Kamini Kumar Chanda asked:—

4. "(*a*) Has the attention of Government been drawn to the following case wired from Hathras on April 21st and published in the Indian papers:— Case of Rai Bahadur Seth Chiranji Lal Bagla of Hathras.

'Rai Bahadur Seth Chiranji Lal Bagla's family consisting of 5 ladies and a baby were travelling in a second class ladies' compartment in the Bombay-Dehra-Dun Express, he himself being in another second class compartment. A Military Officer, believed to belong to the Jat Regiment at Dehra-Dun, entered the ladies' compartment during the night, aroused the ladies and told them to leave the compartment and kicked out their fruit basket and threatened to turn them out. The Sethji coming to the compartment

[*Mr. Kamini Kumar Chanda; His Excellency the Commander-in-Chief; Sir William Vincent; Mr. Sachchidananda Sinha.*] [31ST AUGUST, 1920.]

hearing the noise was roughly handled. The Guard and the Station Master interfered but to no purpose and the ladies had to be shifted to another compartment with the sleeping baby ?'

(*b*) Have Government made or do they intend to make any inquiry into the case ? If any inquiry has been made what is the result of such inquiry ?"

His Excellency the Commander-in-Chief replied :—

"(*a*) Yes.

(*b*) The case is under enquiry. The Officer who is alleged to have committed this assault was only in India for a few days and is now in Northern Persia with his regiment. His explanation is awaited."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Resignation of Officers due to persecution by the extremist party.

5. "(*a*) Has the attention of Government been drawn to a statement which Sir Michael O'Dwyer is alleged to have made in the columns of the *Morning Post* to the effect that numerous officials in India, both British and Indian, are preparing to resign from the public services as they are inadequately protected against persecution by the extremist party ?

(*b*) So far as Government is aware, is there any truth in the above statement ? If so, is Government aware of any case where Government has not afforded protection to any officer from what is termed as persecution by the extremist party ?

(*c*) Will Government be pleased to name the officer or officers who have expressed any desire or have applied or are preparing to resign the service as alleged to have been stated by Sir Michael O'Dwyer ?

(*d*) If there are any such officers, British or Indian, will Government be pleased to say who amongst them have not fully or nearly fully served out their full term, or earned full pension ?

(*e*) Have any applications been received during the last twelve months for extension of service from British or Indian officers ?"

The Hon'ble Sir William Vincent replied :—

"(*a*) Government have only seen a summary of Sir Michael O'Dwyer's letter in the "Pioneer" of the 31st July 1920.

(*b*) The statement represents the opinion of Sir Michael O'Dwyer for which Government are not responsible and of which they cannot discuss the accuracy. So far as Government are aware, no officer has up to the present applied for leave to resign the service on the professed ground of inadequate protection from persecution initiated by the extremist party.

(*c*) and (*d*) The question does not arise.

(*e*) The Government of India have not received any such application."

The Hon'ble Mr. Sachchidananda Sinha asked :—

Distribution of the portfolios amongst the members of the Governor General's Executive Council.

6. "(*a*) Will Government lay on the table a statement showing the distribution of portfolios amongst the members of the Governor General's Executive Council as at present constituted ?

(*b*) Have Government in contemplation a redistribution of the portfolios in the near future consequent on the provincialization of some of the Departments at present under their direct administration and complete control ? If not, why not ?

[31ST AUGUST, 1920.] [*Mr. Sachchidananda Sinha; Sir William Vincent; His Excellency the Commander-in-Chief.*]

(*c*) What will be or is likely to be the total strength of the members the Governor General's Council—exclusive of the Viceroy—after the promulgation of the Reforms ?

(*d*) What will be or is likely to be the additional expenditure to be incurred over the reconstituted and reformed Executive Council, as compared with the expenditure on the Council before the application to it of the provisions of the Government of India Act of 1919 ? "

The Hon'ble Sir William Vincent replied :—

" (*a*) A statement* is laid on the table showing the present distribution of portfolios among members of the Governor General's Executive Council.

(*b*), (*c*), and (*d*) The Government of India are considering the future distribution of portfolios in connection with the introduction of Reforms and the recommendations of the Government of India Secretariat Procedure Committee, but it is unlikely that any decision will be arrived at in the immediate future, and accordingly no information can yet be given under the heads (*c*) and (*d*) of the question."

The Hon'ble Mr. Sachchidananda Sinha asked :—

7. " (*a*) With reference to the Government's statement, regarding the use of aeroplanes, in their despatch No. 2, dated the 3rd May last, to the Secretary of State for India that Government do not consider it would be right to censure the officers concerned as their acts, where condemned, are more to be ascribed to want of clearness in their instructions than to errors of judgment, will Government state the name or names of the person or persons who issued the said instructions ? **Issue of instructions about the use of Aeroplanes during the disturbances.**

(*b*) Have Government taken or do they propose to take any action against the said person or persons ' whose want of clearness ' in issuing instructions about the use of aeroplanes led to the results mentioned in the reports of the Hunter Committee ? If not, why not ?

(*c*) What steps, if any, have Government taken in fulfilment of their promise in the said despatch, that they ' propose to take steps to give effect to the recommendations of the majority that the instructions to be issued to Air Force officers on such occasions should be carefully prescribed ' ?

(*d*) If such instructions have been already issued, will Government lay a copy of them on the table ? "

His Excellency the Commander-in-Chief replied :—

" (*a*) The Hon'ble Member is referred to paragraph 14, Chapter V of the Disorders Enquiry Committee Report.

(*b*) The answer is in the negative. The officers concerned acted in a difficult emergency which was without precedent and as observed in paragraph 25 of the same chapter gave their best consideration in the circumstances to the question of the instructions with which aeroplanes should be sent out in case necessity arose. The question of the employment of aeroplanes in aid of the civil power had never been considered before the disturbances of 1919 and no general instructions had been issued by Government.

(*c*) Instructions for the use of aircraft in aid of the civil power have been drafted and are now under consideration by the Government of India.

(*d*) The question does not arise, but in any case it is not intended to publish the instructions by laying them on the table."

*Not included in these proceedings.

[*Mr. Sachchidananda Sinha*; *Sir William Vincent*; *Rai Sahib Seth Nathmal*] [31st AUGUST, 1920.]

The Hon'ble Mr. Sachchidananda Sinha sked :—

Retirement of Sir Michael O'Dwyer.

8. "(*a*) Has the attention of Government been drawn to Sir Michael O'Dwyer's declaration, in his recent letter to the *Morning Post* of London, that he has applied for leave to resign from the service at an early date ?

(*b*) Is it a fact that Sir Michael O'Dwyer is still a member of the service and has neither resigned it, nor retired from it ?

(*c*) Has his resignation been received and has it been accepted ?

(*d*) Was Sir Michael O'Dwyer all the time since he vacated the office of Lieutenant-Governor of the Punjab on leave preparatory to retirement ? If so, when would this leave expire ? "

The Hon'ble Sir William Vincent replied :—

" (*a*) The answer is in the affirmative.

(*b*) and (*c*) The Government of India have no information beyond the statement in his letter. Any application for permission to retire would be dealt with by the Secretary of State.

(*d*) Sir Michael O'Dwyer was granted combined leave up to November 1920."

The Hon'ble Mr. Sachchidananda Sinha asked :—

Publication of Government notifications and advertisements in newspapers.

9. "(*a*) Are any rules in force in the various Departments of the Government of India, in regard to the publication of Government notifications and advertisements in the newspapers and periodicals ?

(*b*) If so, will Government be pleased to lay on the table a copy of the said rules ?

(*c*) Have the said rules been communicated by Government to the local Governments for their being followed by them, or do the latter follow their own rules, if any, on the subject ?

(*d*) Will Government be pleased to lay the local Government rules also on the table, if they have them in their possession ? "

The Hon'ble Sir William Vincent replied :—

" No such rules are in force in the Departments of the Government of India and Local Governments use their own discretion in the matter. The Government of India have in their possession no copy of any rules on the subject issued by any local Government."

The Hon'ble Rai Sahib Seth Nathmal asked :—

Exemption of magistrates from the operation of the Arms Act.

10. "(*a*) Are magistrates required in cases of emergency to suppress riots ?

(*b*) If so, do Government propose to consider the question of exempting them from the operation of the Arms Act ? "

The Hon'ble Sir William Vincent replied :—

" (*a*) Yes.

(*b*) The Hon'ble Member's attention is drawn to the reply given to a question of his on the 1st March 1920. Government adhere to the view therein expressed."

[31ST AUGUST, 1920.] [*Maharaja Sir Manindra Chandra Nandi; Sir William Marris; Colonel W. D. Waghorn; Khan Sahib Shah Nawaz Bhutto; Sir William Vincent.*]

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

11. "(*a*) Has the question of the future of the Board of Revenue, Bengal, under the Reforms, come up for consideration ? The Board of Revenue, Bengal.

(*b*) If so, what are Government's intentions in regard thereto ?"

The Hon'ble Sir William Marris replied :—

"(*a*) Yes.

(*b*) The matter is still under consideration and Government are not yet in a position to make any announcement."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

12. "(*a*) How far has the supply of wagons in the different Railways improved since the statement made by Government regarding the question of increasing traffic facilities, in connection with the Financial Statement in March last ? Improvement in supply of wagons for the development of Industries.

(*b*) Is it a fact that in a letter addressed by the Indian Mining Federation of Calcutta to the Railway Board on the 29th April, 1920, an allegation has been made that the policy followed in the allotment of wagons tends to help the development of industries in foreign lands, while seriously affecting the cause of development of industries in India ?

(*c*) Are Government aware of a general impression that the said policy unduly favours the export trade, to the detriment of internal distribution of food grains and that it has partly contributed to the rise in the price of rice, particularly in Bengal and Bihar and Orissa ?"

The Hon'ble Colonel W. D. Waghorn replied :—

"(*a*) Up-to-date figures are not yet available but it is believed that about 6,000 goods wagons have been received since March 1920 and about this number will, it is hoped, have been placed on the line by October. New wagons I may add are being placed on the line at a steadily increasing rate.

(*b*) The reply is in the affirmative.

(*c*) The reply is in the negative. I must remind the Hon'ble Member that the allegation made by the Indian Mining Federation referred to the allotment of wagons for the carriage of coal and not to that for the carriage of food grains or of any other commodity."

The Hon'ble Khan Sahib Shah Nawaz Bhutto asked :—

13. "(*a*) Is it not a fact that the maximum pay of an Indian District Superintendent of Police is less than the maximum pay of an Extra Assistant Commissioner in the Punjab ? Pay of Indian District Superintendents of Police.

(*b*) Do Government propose to consider the question of raising the pay of these Police Officers ?"

The Hon'ble Sir William Vincent replied :—

"(*a*) Yes.

(*b*) The question is under the consideration of Government."

[*Khan Sahib Shah Nawaz Bhutto*; *Mr. W. M. Hailey.*] [31ST AUGUST, 1920.]

The Hon'ble Khan Sahib Shah Nawaz Bhutto asked :—

Annual expenditure on Pensions and gratuities for the Imperial Services.

14. "(*a*) What has been the average annual expenditure, in respect of pensions and gratuities, on members and on families of members of each of the undermentioned Imperial Services :—

Indian Civil Service.

Imperial Forest Service.

Imperial Police Service.

Imperial Educational Service.

Indian Medical Service.

Public Works Department ?

(*b*) Of such expenditure, how much was borne by the State and how much was contributed by the members of each service ?

(*c*) Assuming that the services concerned elect to come under the newly announced Pension Rules, will Government be pleased to estimate for each service separately the probable annual cost of the change (*i*) to the State, and (*ii*) where the State does not meet the whole charge from its own funds, otherwise ?

(*d*) Which of the services (if any) have expressed grave dissatisfaction with the new pension rules recently announced ; and what are the reasons given for such dissatisfaction ?"

The Hon'ble Mr. W. M. Hailey replied :—

"(*a*) The average annual expenditure during the last three years on pensions to members of the Indian Civil Service was Rs. 80,93,000, and on pensions to their families Rs. 43,54,000. As retiring gratuities and annuities generally and the pensions paid to members of the other services are not separately recorded in the accounts, the average annual expenditure on them cannot be stated. No pensions are paid to the families of members of any of the services mentioned except the Indian Civil Service and the Indian Medical Service Members of the Indian Medical Service contribute to the Indian Military Widows' and Orphans' pensions and receive benefits thereunder. As no separate account of the pensions paid to the families of the members of the Indian Medical Service is maintained, the average annual expenditure on them cannot be given.

(*b*) It has been estimated that the proportion of the annuity of £1,000 admissible to an Indian Civil Servant on retirement contributed by himself is about a quarter of that sum. During the 5 years ending March 1919 the amount contributed by the members of the service to the pensions paid from the Indian Civil Service Family Pension Fund was about three-quarters. The remainder in each case is borne by the State, but Government's contribution to the Indian Civil Service Family Pensions Fund is limited to £35,000 a year. None of the other services subscribe towards their own ordinary pensions. Government make no contribution to the Indian Military Widows' and Orphans' Fund to which Indian Medical Service officers subscribe.

(*c*) An exact estimate of the extra cost of the new pension rules is not available, but it has been roughly estimated that the extra cost will be about three lakhs of rupees a year.

(*d*) The majority of the services named have expressed dissatisfaction with their new pension rules, principally on the ground that the new rates are inadequate in view of the large increase in the cost of living."

[31ST AUGUST, 1920.] [*Mr. W. M. Hailey*; *Sir William Vincent*; *Rao Sahib Seth Nathmal.*]

THE IMPERIAL BANK OF INDIA BILL.

The Hon'ble Mr. W. M. Hailey:—"My Lord, I beg to present the Report of the Select Committee appointed to consider the proposed Bill to constitute an Imperial Bank of India and for other purposes." 11-16 A.M.

THE INDIAN ELECTIONS OFFENCES AND INQUIRIES BILL.

The Hon'ble Sir William Vincent:—"My Lord, I beg to present the Report of the Select Committee on the Bill to provide for the punishment of malpractices in connection with elections and to make further provision for the conduct of inquiries in regard to disputed elections to legislative bodies constituted under the Government of India Act."

THE LEPERS (AMENDMENT) BILL.

The Hon'ble Sir William Vincent:—"My Lord, I move that the Bill further to amend the Lepers Act, 1898, be taken into consideration.

"I explained the objects of this Bill at some length when I introduced it, and it was received then with approval by all Hon'ble Members. Since then, the Bill has been published and widely circulated for opinion, and I am glad to say that there is a very general consensus of opinion in favour of it. There are no opinions indeed opposed to it, but there are certain persons who think that we have not gone far enough in the Bill. All that we propose at present is to provide for the compulsory segregation of pauper lepers, and, in my judgment, this is all that we can do at present. There are a very large number of lepers in the country, probably considerably over 200,000, and the cost of maintaining each one, irrespective of the initial cost of building asylums, is Rs. 100 per man. There is a limited amount of accommodation for these lepers at present, which is fully utilised, and until Local Governments are prepared to spend very much more money than they are spending at present, and until further accommodation is available, all our resources and indeed the resources of many charitable people who assist in this work will be fully occupied in housing the pauper lepers.

"I have also a number of specific suggestions for further amendment of the Bill which really do not come within its scope at all. Some of these, I think, are based on misapprehensions regarding the character and scope of the present Act. Others contain proposals which, I think, might operate with undue severity towards these very unfortunate sufferers.

"My Lord, in the circumstances, I do not wish to detain the Council at any length, as I have every reason to hope that the Bill in respect of which I now move will receive the hearty approval of this Council."

The Hon'ble Rai Sahib Seth Nathmal:—"My Lord, this is a distinct improvement on the existing Act in as much as leprosy is contagious not only in the ulcerous stage but also in all its forms. The provision for the combination of isolation with medical treatment and for facilitating the administration of the Act by authorising any person empowered by the Local Government to exercise the powers now vested only in Police officers is highly commendable. The pauper nuisance that is noticed in big cities like Calcutta needs looking into and the present legislation is sure to mitigate the evil at least to some extent, need for which has long been felt. I therefore support the motion." 11-19 A.M.

The motion was put and agreed to.

The Hon'ble Sir William Vincent:—"My Lord, I move that the Bill be passed."

The motion was put and agreed to.

[*Sir William Vincent; Sir George Barnes; Sir William Marris.*] [31ST AUGUST, 1920.]

THE INDIAN RIFLES BILL.

The Hon'ble Sir William Vincent:—"My Lord, I move that the Bill to provide for the better discipline of Police-officers enrolled in Military Police or Rifle Battalions be taken into consideration."

"I explained the objects of this Bill a few days ago. Since then I have received no suggestions of amendment from any one."

"I can only conclude that the reasonable character of this Bill is recognised by this Council."

The motion was put and agreed to.

The Hon'ble Sir William Vincent:—"My Lord, I move that the Bill be passed."

The motion was put and agreed to.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

11-20 A.M. **The Hon'ble Sir William Vincent**:—"My Lord, I move that the Bill further to amend the Code of Civil Procedure 1908 be taken into consideration. When I introduced this Bill a few days ago I explained the objects and reasons and I have received no suggestion of amendment from any quarter."

The motion was put and agreed to.

The Hon'ble Sir William Vincent:—"My Lord, I move that the Bill be passed."

The motion was put and agreed to.

THE NEGOTIABLE INSTRUMENTS (AMENDMENT) BILL.

11-21 A.M. **The Hon'ble Sir George Barnes**:—"My Lord, I beg to move that the Bill further to amend the Negotiable Instruments Act, 1881, be taken into consideration.

"The object of this Bill, my Lord, is clearly stated in the Statement of Objects and Reasons, and I endeavoured to explain it further when I introduced the Bill. As I then said, the Bill has the unanimous support of all the Chambers of Commerce and I have received no criticism whatever of it."

The motion was put and agreed to.

The Hon'ble Sir George Barnes:—"My Lord, I beg to move that the Bill be passed."

The motion was put and agreed to.

THE DEVOLUTION BILL.

11-32 A.M. **The Hon'ble Sir William Marris**:—"My Lord, I move for leave to introduce a Bill to relax the control in certain respects of the Governor General in Council over Local Governments and to transfer to such Governments certain powers now exercisable by the Governor General in Council.

[31st AUGUST, 1920.] [*Sir William Marris ; Sir William Vincent.*]

" My Lord, I venture to congratulate [illegible]yself that the solitary piece of legislation with which I am likely to be concerned in this Council is, in spite of its somewhat repellent exterior, really of an am[illegible]le and even [illegible]

There is no need for me to remind Hon'ble [illegible]t of the Reforms Scheme, features of the scheme with which they are so familiar. bers of the leading feature of it is that Local Governments are, so far as is consistent with one prominent exercise by the Government of India of the powers necessary for the due maintenance and discharge of their own responsibilities, to be set free from the supervision and control of the Government of India. Provisions directed to this end have already been inserted in the Statute passed by Parliament, and rules that provisions are embodied in the rules, administrative and financial, which we are making under the Statute. This Bill is simply their corollary in the sphere of domestic legislation. It seeks at removing from the Indian Statute-book as many as possible of the prescriptions requiring the sanction of the Governor General in Council or maintaining the control of the Governor General in Council.

" There is no need, my Lord, I think, to ask the Council to consider the reasons which in the past were held to justify the centralisation which we are now getting rid of. It is sufficient to say that with enlarged and more responsible local Governments and Legislatures and independent sources of provincial revenue, the whole position is changed. The reasons for the concentration maintained in the past no longer exist, and this Bill is the natural result. The measure is welcome to Local Governments, and welcome, I think I may say, equally to the Departments of the Government of India ; and I shall be surprised if in principle it attracts criticism in this Council. The Bill is no more than a machinery Bill—no more than a collection of unassociated details ; and there is really no work, my Lord, for a Select Committee to do upon it. I propose therefore, after a sufficiently long interval to enable Hon'ble Members to give it their consideration, to move at a future date that the Bill be taken into consideration and passed."

The motion was put and agreed to.

The Hon'ble Sir William Marris :—" My Lord, I introduce the Bill and beg to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

THE BASEL MISSION TRADING COMPANY BILL.

The Hon'ble Sir William Vincent :—" My Lord, I move for 11-16 A.M.
leave to introduce a Bill to validate certain indentures relating to property formerly held by the Basel Mission Trading Company, and to provide for the incorporation of Trustees and for other purposes.

"The Bill in regard to which I make this motion is a very technical Bill and its provisions are fully explained in the Statement of Objects and Reasons, to which I invite the attention of Hon'ble Members. I do not think that I shall therefore serve any useful purpose by detaining the Council over these provisions at any length at present. The position is this shortly.

"The Basel Mission Trading Company, trading in Madras and on the Gold Coast, the profits of which were divided, up to a limited percentage, among the share-holders in that Company, though nominally Swiss, was in fact largely tainted with German influence. During the war action was taken under the Enemy Trading Act, 1916, and the property of this Company or Association in India was vested in the Custodian of Enemy Property in Madras and Coorg. It was subsequently arranged with His Majesty's Government that the property should be transferred to a Trust known as the Commonwealth Trust upon terms similar largely to those upon which it was held by the original Company, and that the original Company should be paid the amount of money which they had subscribed when they took over this business. Accordingly the Custodian of Enemy Property executed an indenture in favour of certain Trustees, who have since executed another indenture in favour of the Common-

[*Sir William Vincent; Mr. W. M. Hailey.*] [31ST AUGUST, 1920.]

wealth Trust. Under this indenture the Commonwealth Trust can only receive profits of this concern, and the balance of interest up to 5 per cent out of the money will be employed for religious and charitable purposes in Southern India, and the main object of the Bill is to validate these indentures.

"The clauses, to anyone reading them, may appear somewhat complicated and some of them unnecessary. They have been carefully scrutinised by the Legislative Department, and we have taken the best legal advice we can on them. Any Hon'ble Member wishes to pursue what is to my mind a somewhat difficult and uninteresting subject, I shall be glad to show him the indenture, and ask an officer in the Home Department, who simply revels in somewhat difficult and uninteresting subject, I shall be glad to show him the indenture, and who will be able to do so more efficiently than I can, to explain the details to him."

The motion was put and agreed to.

The Hon'ble Sir William Vincent:—"My Lord, I now introduce the Bill and move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

THE INDIAN COINAGE (AMENDMENT) BILL.

11-30 A.M. **The Hon'ble Mr. W. M. Hailey:**—"My Lord, I beg to move for leave to introduce a Bill further to amend the Indian Coinage Act, 1906. When Your Excellency addressed this Council at the beginning of the present session, you referred at some length to the recent financial history of this country; you narrated the steps which we, and we perhaps alone and all belligerent countries, had been able to take not only to reduce our outstanding note issue, but still more important to remove all restrictions on the movement of precious metals. You announced further that it was the intention of Government to introduce legislation for the alteration of the sovereign ratio of the rupee from Rs. 15 to Rs. 10. The legislation, my Lord, which we now propose to undertake marks our final acceptance of and determination to carry out one of the principal recommendations of the recent Committee on Indian Currency. We had accepted the general policy of the Committee in February last and this particular measure was announced as ready for legislation on the 20th of June last: lastly as I have stated, Your Lordship again announced our intention to legislate on the matter at the beginning of this session. The matter, therefore, is no novel one, and the discussions which took place in March last in this Council will have familiarised all Hon'ble Members both with the main lines of the problems which the Currency Committee had to face and with the principles on which they attempted to solve them. The matter, however, is one of primary importance to this country, and I shall make no apology for referring again at some length to those problems, explaining again the principles adopted by the Committee, and I shall take the opportunity in doing so to remark on several events which have occurred since the Report was issued and the light which in our opinion those events bear on the recommendations of the Committee. Now, my Lord, what were first of all the problems before the Committee? Let me take the most important. The rise in the price of silver had made it necessary for us to take effective steps to protect our own rupee coinage. With a price of 43*d.* to the ounce of silver our rupee at the Rs. 15 parity has an exchange value which is identical with its bullion value. Therefore, when silver rose above that price, the rupee was liable to go into the melting pot. Now, this was a position which could not be viewed with equanimity by any government. It was not merely a question of finding fresh silver for mintage; but in order to protect the great mass of currency in the hands of the people of this country, it would have been necessary to maintain a lengthy embargo on the export of silver. The United States had a similar problem in 1903 with regard to the Philippine peso; and they deliberately adopted the method of protecting their coin by reducing its fineness; it is noteworthy that in doing so they adopted a standard which would give it the

protection both of the Indian rupee and of the Japanese silver coin. But I do not propose to look for historical parallels. I proceed at once to give the Council the strongest proof that I possess of the reality of the danger which then stood before us. Mr. Dalal, the one dissentient member of the Committee, saw that danger clearly when he proposed as a solution the issue of a coin—a two-rupee coin—of reduced fineness. Now, that step would, following an economic law which is perhaps the one economic law of which the certainty has never been gainsaid, have undoubtedly had the result of driving underground or into the melting pot every rupee in the country. It has been condemned universally and without qualification by every economic thinker who has since approached the subject. I claim that the strange nature of the remedy suggested by Mr. Dalal himself proved that the danger was a real one. Now, what has been the cost of silver since the report of the Committee was issued? When the Committee wrote their report silver stood at 78 pence. We have been told by certain thinkers in this country that it was an abnormal price, that we need have been under no apprehension that the high price of silver would be a permanent menace to us, and that we were therefore taking unreasonable alarm at the danger before us. It stood then, as I said, at 78 pence. It subsequently flattered the hopes of those who have advanced this argument by coming down to about 44 pence. It now stands again at 61 pence. I would again remind the Council that at the Rs. 15 parity the melting point of silver is 43 pence. But this statement of figures does not complete the case. Since the report of the Committee issued we have lost the protection which was formerly afforded us by the French Frank and the German Mark. They have either disappeared or their fineness has been reduced, and the consequence is that they are no longer available for an increase to the supply of the world's silver when the price of silver goes above their normal parity. The conclusion to me seems obvious. If you return to-day to the old Rs. 15 parity, you must either debase your coin or you must maintain the embargo on the export of silver, or you must resort to some such destructive remedy as has been suggested by Mr. Dalal. I of course rule out at once any possibility of maintaining an inconvertible paper currency; in fact I feel that I owe an apology to the Council for even suggesting such a nightmare. That, then, was one problem. Another problem is what I may describe as economic. Now this was not a problem which the Committee took up on its own initiative. It was brought before them by the Government of India, and it was brought before them with great emphasis. I think that those who remember the course of the arguments used in the meeting of this Council last September, which discussed the question of high prices, will feel that the Government of India was justified in the emphasis which they laid on that side of the question. Let me state the facts very shortly. Money had depreciated in Europe; prices had been greatly enhanced. Suppose that by any device we could have maintained the old Rs. 15 parity, then it would have followed as a natural sequence that when India came to be paid for its exports in the depreciated currency of Europe, the increase of European prices would have been reflected in a concomitant issue of currency in this country, with the result, the inevitable result, that we should have had to face a rise in Indian prices to the same level as that which obtained in Europe. Scientifically, my Lord, there can be only two possible alternatives. If exchange remains constant, then a great disparity between internal and external price levels can only be adjusted by a great increase of the internal currency, which in itself will result in bringing up internal prices to the level of external prices. The only alternative to that is a complete breakaway in exchange with the result that the same volume of internal currency would do as much work as it did before when external prices were at a lower level. We had represented to the Committee that the course of prices in India had reached a stage which was injurious to the whole country. Have matters altered since then? If we had been making that recommendation to the Committee to-day, we should, I think, have repeated it with even greater emphasis. We have had all the later experience of what high prices mean in an undeveloped country, of the social mischief they can cause, of the misery they bring in their train to an industrial and urban population.

"I claim therefore that the problem was rightly presented to the Committee. It was one which they had to meet if they were to do their duty and protect the interests of India. I would claim that if we were again in the position to represent the case we should do it with the greater force because we should realize that the increase in prices in India would not be a normal increase; it would be an artificial increase due entirely to the fact that we were linked up with the

depreciated currency of Europe. I again emphasise this point by a reference to the minority report. Mr. Dalal recognized that danger, and proposed to meet it by imposing a series of duties on exports from India. Now the Council will observe that this would be a general process of banking down Indian exports in order to provide against the rise of prices in India. The banking down would have to apply to all exports, not only to those for which India had its own internal use but to those for which it had a restricted use for home consumption. It would, if it were to be efficacious, extend to such articles as manufactured jute or shellac or tea or manganese or hides. I have the greatest confidence in the skill and experience of the Hon'ble Member for Commerce, but I should have no trust in his capacity to frame these export duties with such meticulous accuracy, and to apply them with such delicacy month by month, that he could retain here in regard to goods consumed in India, just that quantity, neither more nor less, which we require ourselves, and would allow to go out, of goods which we do not require, that quantity, neither less nor more which India would wish to put into competition with the world's goods. Even assuming he had such skill, we are still faced with the strong and I think myself very potent arguments which the economist feels against widely extended export duties. I think that no one can quarrel with the Committee in their determination to effect their objective through the means of exchange; or can blame them because they rejected the alternative of allowing prices to increase in India, or refused to recommend that the problem should be met by such dubious expedients as that of Mr. Dalal. I go further, because I do not wish to base the strength of their case on the weakness of the alternatives presented to them. Money is only a medium of exchange; the value we give to it in the international sense is that at which we can exchange goods. It is a legitimate function of exchange to correct the divergence of internal and external prices.

"These then were the problems before the Committee, and the Council knows how they met them. They linked the rupee to gold at a rate at which they believed we should have absolute security for our rupee currency, and at a rate moreover which would prevent that catastrophic increase of prices in India to which I have alluded. I may be told that theoretically this is correct, but that I have still to justify the adoption of a Rs. 10 rate rather than a Rs. 15 ratio. If what I have said has carried any conviction to the Council, then it is quite impossible to maintain the Rs. 15 ratio. As to the Rs. 10 ratio, it will give you that protection to your currency which comes from a wider range of purchasing power for silver. As to the future price of silver, the matter is one which lies on the knees of the Gods. But there are some factors which must remain in the minds of Government. The United States Government is under an obligation to purchase silver whenever its price falls below a dollar per fine ounce, equivalent to an exchange value of 18 pence. To replace the Pitman silver would require more than the whole world's yearly production of silver at the present rate of output. The price of silver depends on the price of other commodities : it depends among other factors upon the price of other metals, and it is very problematical that the price of these metals will go down. We are told by some of our friends, particularly in Bombay, that there will be a permanent fall in the price of silver. I would remind them in the words of the poet that though fears may sometimes be liars, hopes may not less likely be dupes. We ourselves cannot certainly gamble on the expectation of such a fall. I maintain that the Committee were wise to take a level of not less than 63 pence, and that the Government have correctly followed their advice in the best interests of the country. Again, we may be told that though this level of 63 pence is correct, we have to need further objections ; firstly, that we cannot make this rate effective because we cannot issue sovereigns at the rate of Rs. 10; and, secondly, if we could make that rate effective, it would involve so high a rate of exchange that it would injure the export trade of the country. Let me take these points in order. I will admit the first point, but only as a present fact not as an argument. Gold in India stands at a premium just as it stands at a premium with the rest of the world, and we shall not be able to issue sovereigns till that premium disappears. There is nothing anomalous in this position. The world is not short of gold, but gold is locked up in the reserves of the Governments and the banks. But this cannot be a permanent lock up. Sooner or later, the banks will have to open their safes and make available for commerce the gold it requires as currency. When the

world has used up its credits, it will absorb its note issues; when it has absorbed its notes, it will release its gold. India will then get all the gold she requires in payment for her exports. She will probably ask for more if we reduce the ratio to Rs. 10, but that is not a result, I fancy, to which this Council will object. Meanwhile our position will not be any more anomalous than that of any other country which has a gold standard, but which for similar reasons is unable to issue gold. You cannot in London to-day buy large quantities of gold; you cannot obtain it for currency or export; you can only get a share of the limited supply from South Africa. What is there anomalous in the fact that when the supply of gold for general uses is restricted, the Indian price of gold should be above the Rs. 10 rate? This is another argument connected with the same subject which I should like to meet here. We are sometimes told that if we change the ratio to Rs. 10 it will set up such a demand for gold that India will import gold to the exclusion of other commodities. Well, India will have to pay for it with exports. If she chooses to import gold, rather than any other commodity, that will hardly be to her benefit; but it is not an operation that we could quarrel with. If she imports gold in excess of her exports, she will have to increase her exports, but there is a limit to that process. It cannot be a permanent process, and meanwhile it cannot be a serious danger unless the purchasing power of India is far greater than we suspect it to be.

"Now, I turn to the second point—that a high rate of exchange will injure Indian export trade. I maintain that this objection shows a confusion which is very often made between the effect of a rising exchange and a fixed high exchange. The difference has been very clearly enunciated in a memorandum by Mr. Howard which, with your permission I will read to the Council.

> 'Other things being equal, and neglecting monopoly, or quasi monopoly trade, a rising exchange admittedly tends temporarily to stimulate imports and check exports and a falling exchange to stimulate exports and check imports. These processes might be expected to continue for some time until equilibrium in the exchange rate had been established and until the various adjustments in internal prices and wages had been effected. It does not however by any means follow that under a fixed high exchange, exports would necessarily be prejudicially affected or that with a fixed low exchange the converse would be the case. It would seem to be a legitimate assumption that, other things being equal, with a high exchange internal prices will be lower and consequently as a result the cost of living and cost of production will also be lower than with a lower exchange rate. For example, take one of India's exports in respect of which the prejudicial effects of a high exchange have been advanced in the past. The cotton mills will, with a higher rate of exchange, obtain less for their yarn and piece goods; they will, on the other hand, pay less for their imported machinery, less for their cotton and less for their labour than if exchange were lower.'

"That is the economic law as stated by Mr. Howard, and I believe it to be eminently correct. I hope that nobody in this Council will urge that because for the last two months the value of imports has exceeded exports, that is due to the recent high rate of exchange, or will proceed to deduce from this false premiss, the conclusion that a high fixed exchange will be a permanent injury to the export trade. There is no commercial man, I think, that will support this suggestion as a statement of fact. Imports have for reasons peculiar to themselves been exceptionally high in value. They reflect the orders issued a considerable time ago in India for material such as machinery for which the world is demanding an exceedingly high price and which India has been obliged to obtain at any cost. Exports, on the other hand, have been restricted by the embargo on the export of food grains. They have been restricted by the inability of Japan to take the full quantity of cotton which she was expected to buy; they have been restricted by the inability of the continent to set up those credits which are necessary to establish export relations with this country; and they have been restricted further by the glut in the European markets of certain articles such as hides and skins. Lastly, they have been restricted by transport difficulties in India itself. These are abnormal causes, and I doubt if any man of business will here care to say,—and I certainly have never heard any man of business maintain so far,—that exchange has been a predominating cause in restricting exports from India during recent months.

"Now, my Lord, I have given in some detail,—I hope not in too great detail,—our reasons for proceeding with this legislation; I have tried to give the Council the reasons for the faith that is in us in respect of the proposals

of the Committee. I only wish to make one remark in conclusion. I have seen it said in the press, and I think I have heard it said in this Council that the recommendations of the Committee are to be viewed with suspicion because the Indian element was too little represented on it and because it was influenced by the interests of London and not of India. I admit that I have heard less of this statement in the press lately; but if the feeling still exists, if that baseless and unjustifiable feeling still exists anywhere, I should like to give the Council one argument which will, I think, dissipate it. The cardinal feature of this report is that India should enjoy a free import and free export of gold, with a further assumption that India will, when the former gold parity returns, be able to utilise gold for currency.

"Now we have been told not once, but a thousand times, that London grudges India its gold. Could any London merchant, could anybody interested in the London money market, have signed this report if he was actuated by that feeling? Could he have signed a report which not only admitted of the free and unrestricted movement of gold to India, but actually wrote down gold to such an extent, that it was bound to create a demand for it far exceeding any that London had so far experienced? I maintain that he could not have signed the report unless he were persuaded, on the one hand, that India had that right to that free and unrestricted movement of gold which her public men have always claimed as her due and unless on the other hand, he believed, as I believe myself, that the general recommendations of the report were generally in the interests of India."

His Excellency the President:—"I should like to point out to the Hon'ble gentleman before he moves his amendment that all legislation which is not carried through during this session lapses and therefore his amendment is in effect the direct negative to the motion of the Hon'ble the Finance Member. I do not object to his moving the amendment as it is, but when I come to put it to the vote I shall put it with the substantative motion and those who wish to support Mr. Tata in his contention will vote in the direct negative to Mr. Hailey's motion. It is purely a point of order, but it is just as well that Mr. Tata should know the position."

12 P.M. **The Hon'ble Mr. R. D. Tata**:—"My Lord, I should like to speak on this subject, all the same."

His Excellency the President:—"Oh, yes, certainly"

The Hon'ble Mr. R. D. Tata:—"I did not know when I came here that this Bill would lapse if it were postponed. I did not know that, but still as I am prepared to say something....."

His Excellency the President:—"Please let not the Hon'ble Member think that I wish to curtail his speech in any direction. I only want to point out to the Hon'ble Member that the effect of his amendment is the direct negative to Mr. Hailey's motion."

The Hon'ble Mr. R. D. Tata:—"My Lord, I rise with your permission to move an amendment for the postponement of this Bill.

"The draft Bill was made public on Saturday and we are asked to pass it in three days. It is a Bill, my Lord, fraught with very great financial danger to India, in fact it touches its very financial life. To rush a Bill of such importance, in spite of Indian protests and without giving time to commercial and other public bodies to express their opinion on the same is very impolitic.

"I beg to draw attention to the telegram from the Indian Merchants' Chamber and Bureau, a most representative body of Indian Commercial opinion on the Western side of India. They say:—

> 'The Committee of the Indian Merchants' Chamber strongly protest against continuance of sale of Reverse Bills as the net amount of about fifty-five million sterling sold to date has failed to achieve the objects desired by Government of stabilising exchange at two shillings gold and any addition to the immense loss already caused to the country would be unthinkable. My Committee strongly urge Government to publish the Indian Coinage Act Amendment Bill and the Paper Currency Amendment Bill for consideration and opinion of the Commercial Community and pray Government not to proceed with the measures until the whole Country has had an opportunity of expressing its views.
>
> 'They are further of opinion that all Currency legislation should be deferred for at least one year as conditions are still too abnormal and unsettled to justify any definite action. Any such Bills carried by Official majority will cause the greatest discontent in the country.'

[31st August, 1920.] [*Mr. R. D. Tata.*]

"What do they want? They do not ask for a withdrawal of the Bill, but only for postponement until the whole country has had an opportunity of expressing its views. Surely, this request is reasonable in a matter so vitally affecting the commercial and economic future of India. It is what the Chairman of the Bank of Bombay has also been asking in the matter of the Paper Currency Amendment Bill, which Bill will also have to deal with the new ratio of the rupee and the other recommendations of the Currency Committee.

"I therefore propose that the draft Bill be circulated to all the important bodies, and their opinion and criticism invited before proceeding with it further. Many prominent Indian members are absent from this Chamber, and will not be able to place their views before Government.

"In the Statement of Objects and Reasons it is said that it is proposed, as recommended by the Currency Committee, to make the sovereign legal tender at the rate of Rs. 10 to the sovereign instead of Rs. 15.

"I do not wish at this stage to go deep into the merits of the question and the arguments on this measure but I would be failing in my duty to this country if I let this simple and innocent-looking measure pass without warning the Government that what they are now doing may cause a very grave financial crisis, and bring the masses of this country to the verge of starvation.

"The Government is doing this at the recommendation of the Currency Committee. No other reason for this hurried and precipitate measure is advanced. What was this Committee's composition? Although the question of exchange and currency mainly affected India, the Government ignored India altogether, and appointed a Committee 5,000 miles away, composed of only one Indian the rest being Englishmen mostly connected with London financial interests which are more often than not at variance with ours. The Committee throughout appeared to be obsessed with the idea that the price of silver and the prices of commodities were going to stay for many years to come as high as they were when it drafted its report. Silver had then been fast rising and had gone as high as 89 pence sterling, but only a couple of months ago it was down to 44 pence and even to-day is about 61 pence. This price is expressed in sterling. If we correct it to gold on the basis of the latest New York-London cross rate, it works out to less than 45 pence gold even to-day.

"Now I would like to ask the Finance Member a question. Would the Currency Committee have fixed the 2 *sh.* gold rate for the rupee, if silver had gone down to 44 pence sterling (say 36 pence gold at the cross rate of the time) during their deliberations, as it did only a few months after? Surely not, however much they might have wished to recommend a very high rate.

"We now find that the only Indian on the Committee—Mr. Dadiba Dalal—was the only member who was right, and the only member who had been able to correctly foresee the trend of silver prices. Now that experience has proved that his conclusions and the remedies he proposed were far sounder than those of the majority report, I cannot help wondering why the Government should so completely ignore them, and should decide—and compel the whole of India to follow—the majority report's conclusions and recommendations that have already been so thoroughly discredited by events. If the Government really wanted to solve the Indian currency and coinage difficulties, they ought to have appointed a Commission in India, of whom at least one half should have been Indians, and not this hole-and-corner Committee which has already been discredited by Indian opinion.

"The Times of India in a leading article in its issue of the 23rd instant reverting to the present deadlock in the export trade, says—

> 'Is there not another side to the question? Is there not a corresponding obligation on the part of Government to see that their currency policy is one which does not obstruct the recovery of the export trade, nor artificially inflate imports? Since February the policy of Government has not satisfied this desiderata. There cannot be the slightest doubt that the misguided attempt to raise exchange at a bound to two shillings gold, with the tremendous fluctuations which it induced, struck a deadly blow at the export trade at a moment when it was feeling the effect of the European malaise. There cannot be the slightest doubt that the succeeding eccentricities have severely handicapped every branch of the export trade. The only remedy for these ills is to stop jerrymandering with exchange by the sale of Reverse Councils, which merely place profits in the pockets of speculators, and tinkering with the established monetary standard and leave exchange to find its natural level. The Viceroy intimated the intention of introducing legislation to alter the ratio at which the sovereign is legal tender from 15 rupees to 10 rupees although the market price of sovereigns is now between 14 and 15 rupees. We shall await the official justification for this policy, for the authority of the Currency Committee is not worth the paper it is written on.'

" My Lord, I cannot put the case more strongly than that.

" Even the gentlemen who drafted the majority report obviously felt doubtful of their grounds, because in one of their conclusions they say—

> 'If contrary to expectation, a great and rapid fall in world prices were to take place, and if the costs of production in India fail to adjust themselves with equal rapidity to the lower level of price, then it might be necessary to consider the problem afresh.'

" My Lord, world prices are already falling. What concerns us most in this country is the price we can obtain for our own income crops which have now fallen to very low if not unremunerative levels for cotton, jute, tea, hides, etc. and we cannot say that we have yet touched the lowest level. If this fall continues, serious distress may be anticipated when the ryot finds he cannot obtain a price to cover the cost of production. When such is the state of things, is it not clear that it is time ' to consider the problem afresh ' ?

" You propose to make the sovereign legal tender at 10 rupees. How do you propose to make it effective ? Will you give a sovereign in exchange for rupees 10 ? I suppose not. Gold is to-day at 23¼ rupees to the tola, while if the sovereign is to be equal to 10 rupees, gold should sell at Rs. 15-14-10 per tola. How are you going to bridge over the difference of Rs. 7½ or 33 per cent. ? In the announcement of the Secretary of State on the report of the Currency Committee he says—

> 'The lower ratio cannot be effectively introduced while a great disparity continues to exist between the commercial price of gold in India and the intended Mint par of one sovereign for Rs. 10.'

" This disparity exists even to-day. Then, where is the justification or the necessity for passing this Bill now ? Does Government intend to take any steps to reduce the price of gold by Rs. 7½ a tola other than selling gold in the open market ? All their sales of many millions of tolas have failed to have any effect. I see only one way in which they can lower the price of gold, and that is by bringing on such a serious monetary stringency that a terrible financial and economic crisis would develop all over India, and the people be compelled, instead of buying more gold, to sell their most valued possessions in the shape of ornaments.

" If that is the idea of Government, does Government calculate the results ? Does it appreciate the ruin it will entail on the commerce and industry of India ?

" I would next ask—how about the masses ? Has Government reflected on the effects of the change of ratio on the income of the vast mass of the agricultural population of India, a population extremely poor and deeply submerged in debt ? Every ten sovereign's worth of produce exported would, under the old ratio, have produced 150 rupees, and will, if the new ratio is made effective, only produce 100 rupees. His dues to the Government and to the *sowcar* will remain the same in rupees. The surplus left to him after meeting these liabilities was meagre enough even in the old days. Under the new ratio it is likely to go to a vanishing point. I know the Committee argued that world prices would remain so high that even at the new ratio the producer will not suffer. Their complacency in this respect has been entirely falsified by events within a few months of the publication of their report. Is it right to force the new ratio through in spite of these facts ?

" We are told that what the cultivator loses as producer he will gain as consumer by the cheaper cost of imported goods. I have been at some pains to look into and analyse the trade figures for the past year and I find that while the exports totalled 309 crores, the imports totalled only 208 crores, of which only some 12 crores can at most be considered to be goods more or less consumed by producing classes so that while loss on 309 crores of exports, they benefit only on some 12 crores of imports. I am firmly convinced that the result will be to rapidly further impoverish our already poor producing classes.

" Part and parcel of the unfortunate policy now being pursued is the sales of Reverse Bills. Currency is being rapidly contracted, and the defence of deflation is set up. Even to-day our metallic backing is 58 per cent. of the note issue. If you want to make the position stronger, the right way is to use the proceeds of our sterling assets in London to procure gold, and to put this gold into our paper currency reserve to stiffen the backing still further. Why do we

give it away to speculators and then claim that the note-issue is over-expanded and that deflation is necessary? Here we have contracted circulation by 25 crores in the short space of 8 months, while England that has made use of the printing press, and where the remedy of deflation is really called for, is walking much more warily. The following weighty words of Mr. Goodenough, Chairman of Barclay's Bank, while a warning to financiers in his own country, might with great profit be pondered over by our Finance Department here. He says—

'There is a stringency in the money market greater than usual at this time of year. There is a scarcity of credit which begins to threaten our manufactures and trade, and that being so, the attempt to carry the process of deflation further, and to proceed with great rapidity, would be dangerous to the money market, and prejudicial to our customers.'

"Now, my Lord, I make a personal and friendly appeal to the Hon'ble the Finance Minister not to persist in rushing the Bill through the Council in defiance of the opinion of the Indian Commercial Community, against the well-considered opinion and advice of the only Indian member of the Currency Committee whose opinion and conclusions have been so fully justified by events, and in spite of the fact that gold still stands in the open market to-day at over Rs. 23 to the tola.

"What we want is not a withdrawal of the Bill, but only a postponement to the next session, so that it may be then more suitably dealt with in the light of better knowledge of the economic factors that bear on the question, and in the light of the opinion of public bodies that may then be available to the Council.

"I submit, my Lord, that in the present state of the country, and considering the fact that when this Council reopens after the present session, India will have made the first real advance towards self-government, it is neither politic nor statesmanlike to force through legislation which is contentious and opposed to the wishes of large and important classes of the people.

"I therefore beg to move that the consideration of the motion for leave to introduce a Bill further to amend the Indian Coinage Act, 1906, be deferred till the first session of the Reformed Councils."

The Hon'ble Mr. Haroon Jaffer:—"My Lord, I rise to offer my cordial support to the amendment which has just been placed before the Council by my Hon'ble friend Mr. Tata. 12-15 P.M.

"I think there is some reasonable ground for the amendment moved by my friend. It might seem not altogether inappropriate that, in dealing with a measure of this kind, the Government should ascertain the views of experts, I mean the different Chambers of Commerce, Indian Merchants' Bureaus and other public bodies. My Lord, there is already discontent in the country over the sale of the Reverse Bills, due to its failure in stabilising exchange, and, in my opinion, the conditions are still too abnormal and unsettled to justify the introduction of any sort of currency legislation. The currency and exchange questions have of late been playing havoc in these abnormal times, and it is therefore inexpedient to proceed with such measures. The motion before the Council does not ask for postponement of the measure for any indefinite period; it only wants that the Bill be deferred till January next, and I hope the Government will have no objection to accepting the proposed amendment moved by my Hon'ble friend."

The Hon'ble Mr. A. R. Murray:—"My Lord, I am sorry that my first remarks in this Council should be against a motion tabled by my Hon'ble friend from Bombay. We agree, however on so many matters of common interests that I am sure he will excuse me for differing from him on this occasion. 12-17 P.M.

"His chief reason for asking that the Coinage Bill should be postponed appears to be that sufficient time has not been given for the consideration thereof by Chambers of Commerce and other public bodies. The Hon'ble Member has evidently overlooked the fact that in a press communiqué issued on 21st June—over two months ago—it was stated that—

'At the forthcoming session of the Legislative Council the Government of India propose to submit a bill prescribing a new ratio of one sovereign equal to Rs. 10, at which the sovereign will again be legal tender.'

"Ever since the report of the Babington Smith Committee was published at the beginning of this year, we have known that it was the intention of the Government of India to give the rupee a fixed exchange value and to make the sovereign legal tender in India at the revised ratio of Rs. 10 to one sovereign. This was expressly stated in the note issued by the Secretary of State in Council when the report was published on 2nd February 1920. That being so, I am sure Hon'ble Members will agree with me that the Hon'ble Member from Bombay is not justified in asking that the Bill be deferred solely on the ground that sufficient notice of Government's intentions has not been given to the public.

"From other points of view, however, I admit, my Lord, there is room for honest difference of opinion regarding this Bill. In the first place, in the note to which I have just referred, the Secretary of State in Council expressed the opinion that the new ratio could not be effectively introduced so long as a great disparity continued to exist between the commercial price of gold in India and the intended Indian Mint par of one sovereign for Rs. 10. As we are all aware, the Government of India have done a good deal to reduce this disparity. After giving holders of sovereigns nearly six months in which to exchange their coins on the old basis of Rs. 15 to the sovereign, they have removed all restrictions on the import of gold and have given the public every opportunity of satisfying their lust for the yellow metal by periodical sales of bullion. Even yet, however, the commercial price of gold is considerably higher than the proposed Indian Mint par of one sovereign for Rs. 10, and so it is almost everywhere in Europe. The price of gold there is much higher than the legal tender value of the standard gold coin of the country.

"Opinions differ concerning the advantages or disadvantages to India of a high rate of exchange. I take little notice of the suggestion that one of the main reasons for fixing on a ratio of Rs. 10 to the sovereign is because now-a-days we deal in big figures, and it becomes an easy calculation to convert 1,00,00,000 of rupees into 1,000,000 pounds sterling by merely dropping a cypher. I even do not lay much stress on the fact that the higher the rate of exchange the greater will be the saving under the head of 'Home charges' in Indian Budgets. But we cannot ignore the fact that from 30 to 40 per cent of the merchandise imported into India consists of textiles, chiefly cotton goods, the great bulk of which have to be paid for in sterling money, and it will be an enormous advantage to the people of India (including the starving masses to whom my Hon'ble friend has so feelingly referred) if when sterling returns to a par with gold they have to pay only Rs. 10 instead of Rs. 15 for every pound's worth of goods imported into India.

"It is true that the school to which the Hon'ble Member from Bombay belongs considers that the gain to India from cheaper imports does not make up for the loss to Indian producers that will result from their receiving fewer rupees for their exports of Indian merchandise. Personally I am not satisfied that exporters of Indian produce must receive less rupees. Many of the principal items of export are necessary commodities in the world's trade, and buyers on the other side must lay down in India our price in rupees before we part with the goods.

"I know that there are many who will not agree with this statement of the case, and that it is open to such unbelievers to point to the Indian Trade Returns for July in support of their argument that the high rate of exchange is injuring India's Export Trade. Unfortunately the usual detailed accounts of Indian Trade for June and July have not yet been printed so far as I am aware, and I am not, therefore, in a position to analyse them. But from the figures available in the accounts of preceding months it is quite evident that India's present adverse balance of Trade is due more to an increase in imports than to any material decrease in exports. And that is only what was to be expected. For India during the war made enormous profits from its exports, and it is only now that the people of India are able to secure the imports necessary to replenish their wardrobes and their stocks of iron and steel and other goods. For instance, I see that during the two months, April and May of this year, India imported Rs. 18½ crores textile goods chiefly cotton as against Rs. 8 crores only for the corresponding two months of 1919. The imports of machinery, iron and steel and other metals, too, are nearly double the value they were last year.

"It is not often that it is in the power of any Government to alter the balance of Trade of a country by a mere stroke of the pen. But in India's case, at the present time, Government have only to cancel the prohibition against exports of food stuffs, and I am pretty certain that within a month or two India's balance of Trade will swing round substantially in her favour. Take wheat alone. The exports of wheat from India in the financial year 1917-18 amounted to almost 1½ million tons. In 1918-19 there were barely half a million tons exported and last year only 8,000 tons. From an export value of Rs. 19 crores in 1917-18, the Export Trade in wheat last year dropped to only Rs. 20 lacs. Including rice and other foodstuffs the exports fell from about 4½ million tons to less than 900,000 tons, and the money value from Rs. 53½ crores to Rs. 15 crores only.

"India's present Trade Returns cannot, therefore, be taken as an index of the vitality of India's Trade on basis of a high rate of exchange. And there is nothing in the figures to suggest that in fixing on a ratio of Rs. 10 to the sovereign, Government will be giving the rupee an exchange value that will be too high, and prove a disadvantage to India. I therefore approve of the terms of the Bill and give its introduction my cordial support."

The Hon'ble Mr. H. A. Froom:—"My Lord, similar to the manner in which the Hon'ble Mr. Murray opened his speech, I have feelings of regret that I cannot support the first amendment made by the Hon'ble Mr. Tata from Bombay in this Council. My regret is further accentuated because we both come from Bombay and I may lay claim to a friendship extending over a considerable number of years. 12-25 P.M.

"I do not propose to dwell at any length on exchange. Exchange is a problem that I do not pretend to be an expert on. I do not think many people are. But in moving this amendment I do not think that the Hon'ble Mr. Tata can lay claim to any want of consideration on the part of Government in the matter of time. As the Hon'ble Mr. Murray has pointed out, we first of all heard of this Coinage Act away back in June, and it was again referred to in the first announcement of the Agenda of this Council session, which I think was in July. Also the Hon'ble Member in charge of the Finance Department has visited Bombay at least on two occasions since my return from England in February last, and that I think in itself suffices to show that Government have no wish to push this Bill through without giving the commercial community every opportunity of discussing it with the Finance Department. In the Bombay Chamber of Commerce we had many discussions. The conclusions we arrived at I do not pretend to say were altogether final, but we had an opportunity of hearing the Hon'ble Member's views, and I understand that when he visited Bombay and did the Bombay Chamber of Commerce the honour of calling upon them, at the same time he visited the Indian Chamber of Commerce; I believe I am correct in this, my Lord. Therefore it cannot be said, so far as Bombay is concerned—and I take it the same remark applies to other parts of the country,—that everybody has not had an opportunity of studying this Bill. Perhaps I am wrong in saying '*studying* this Bill.' I should be wrong in saying so were the Bill of enormous length; but the Bill before us is a very short, simple one, and it only contains what we all knew was coming. If it had been a long and abstruse Bill there might be more to say for an amendment for postponing it; but it is one of the shortest Bills I have ever seen.

"The Hon'ble Mr. Murray, in his very interesting speech, has touched on the question of exports and imports, and I do not therefore propose to deal with it at any length now. As regards imports, of course, a two-shilling exchange is greatly in favour of this country, and the masses get their piece-goods and cloth which they may purchase from England, at a very much cheaper rate than if the rupee were at 1*s.-4d.* In referring to piece-goods, the Hon'ble Mr. Murray pointed out that this article forms a large proportion of the imports into India, and I think the fact that the mass of the people of this country are able to benefit by a two-shilling rupee in buying cloth from England must have a competitive effect on the price of cloth manufactured in this country. This I suppose might therefore be regarded as a benefit.

"As regards exports, I do not think that the higher rate of the rupee, as compared with what it was for many years, will have any deteriorating effect,

"When I was at home last year I found that in buying things I had to pay three or four times as much as formerly. From an exchange point of view the advance in the price of Indian products amounts to only 50 per cent. In other words for Rs. 15 worth of products for which at home they had to pay a pound formerly, the people in England will now have to pay 30 shillings. I do not think it follows that the cultivator in India will have to take less than Rs. 15. The other point as regards the profit made by the middleman is one I do not propose to discuss here.

"I do not think I have anything further to say in regard to this Bill. The only point that has not been touched on apparently is that at the present time, I believe I am correct in saying, the sovereign is not legal tender in this country. I take it that the Government's point of view is that this should be remedied at as early a date as possible, and I think too that this is desirable. If this amendment were carried we should go on, perhaps till next February or March, with the sovereign not legal tender. If the sovereign is fixed at Rs. 10 a pound, I cannot see that any exception can be taken, having regard to the present price of silver at 61 pence. I believe I am correct in saying that with silver at 61 pence the value of the rupee is in the neighbourhood of 1*s.* 10*d.* With these remarks, my Lord, I cannot support the amendment."

12-38 P.M. **The Hon'ble Mr. W. M. Hailey:** — "My Lord, I think that the Council will not desire that I should deal at any great length with the charge, if it is a charge—though I am not quite sure that the Hon'ble Mr. Tata meant to make it distinctly as a charge against us—that we have not given the country sufficient notice of the legislation we propose. That point has been met amply by the Hon'ble Mr. Murray and the Hon'ble Mr. Froom; and on that point, therefore, I beg that Mr. Tata and Mr. Jaffer will take their answer as mine. Here you have a Bill foreshadowed on the various occasions to which those gentlemen referred; and the Bill when it is brought forward contains practically only two words. It is not a Bill which it was necessary to circulate to commercial bodies for their consideration, because their opinion would not be expressed on the details of the Bill but on the merits of the question, and we have given the country ample time to consider the merits of the question. Now, I should have been content to sit down at this point had Mr. Tata not at the same time made some criticisms on the question of policy. I do not desire to go through the whole matter again, partly because I think I met some of his criticisms by anticipation in my opening speech. But I would refer to at least one point, because I think that if I left it untouched it might convey a somewhat unfortunate impression to those who read his speech outside this Council. He suggested that if we pursued the policy indicated in this Bill we might precipitate a financial crisis, that we might bring large numbers of people in this country who are now on the verge of starvation into absolute destitution. Now, my Lord, I do not think if Mr. Tata had analysed his statement more fully he could have suggested that the mere change of ratio which we are now suggesting could by itself precipitate any financial crisis by itself. When all is said and done, we have had no financial crises for the last six or eight months, and yet we have had an exchange as high, or approximately as high as it will be under the ratio we now propose to introduce. I know there is a feeling in Bombay that money may become tight at no distant future. I have heard, I think on every occasion on which I have visited Bombay, of this expected stringency; I heard it even more strongly expressed, I think, in April, than at my last visit there. And yet, what is the Bank rate? If that is any indication at all of the money market, there is at present no stringency. I maintain further that if the crisis that he anticipates were to ensue it would not be as the result of any statutory change of the legal ratio; it would be because of steps undertaken subsequently by Government, not necessarily as part of this legislation, but steps in connection with deflation, or steps in connection with the maintenance of a particular ratio of exchange. It would be in connection with those steps and not with the change of ratio itself that a stringency might supervene. It would require, therefore, some subsequent act of commission or omission on our part to produce that stringency; and my claim to the Council is this, that it would not in any way be a necessary incident of the legislation which I have now placed before Council.

"Then he told us, repeating I think here criticisms fully expressed by the *Times of India*, that the Report of the Currency Committee had been discredited throughout India and was not worth the paper it was written on. He called upon us to support the minority report as against the majority report. Well, I tried to convey to the Council what our opinion was of the expedients that were put forward in the minority report. That report favours the famous, I may almost say the infamous expedient of a debased coin of Rs. 2 for one thing; and for another thing favours the proposal for a series of export duties arranged almost in such a manner that the Hon'ble the Commerce Member would have to deal with them like a skilled organist, pulling a stop out here, pushing it in there, at times fingering the tenor, at times the bass. I can only refer to what the *Times of India* itself, the authority of which Mr. Tata has quoted to us, has said of those particular expedients. It has unhesitatingly condemned them. What alternative have we left? Are we to maintain a fifteen rupee ratio and maintain it by the devices which I have described? It is no question at all, as the Hon'ble Mr. Froom has pointed out, of merely delaying this legislation. We have not got a legal ratio at present. If you delay this legislation or some legislation of this nature, you have no legal ratio at all as regards gold. We are at present on a silver basis. It may be that this situation is pleasing to some of my Hon'ble friends from Bombay who have always had a great hankering after a pure silver basis; it cannot be one which commends itself to Government; I cannot myself think that it is one which would commend itself to any Government which has upon it an obligation to maintain stability of exchange in the face of the world. As I say, if you defer passing this legislation, you are without any ratio at all in respect of gold, that is in respect of international exchange. Then again the Hon'ble Mr. Tata suggested to us that the Report of the Committee neglected the interests of the agricultural producer; he suggested that it was framed entirely in the interests of the consumer. If he did not actually use those words, I am sure that those views were in his mind. They have been frequently represented to us by the Indian Merchants' Bureau at Bombay, whose views on this occasion I think he represents. Well, my Lord, it is one of our misfortunes that the Hon'ble Mr. Tata has been such a short time in this Council; I regret it myself for I think the Council would have gained from the presence of a practical man of business of Mr. Tata's standing. But it is also in this respect his misfortune, because if he had been here last September he would have heard one Hon'ble Member after another demanding that food grain exports should be stopped, not only controlled but entirely stopped, and that somewhat violent steps should be taken in order to force manufacturers to reduce the prices of clothing and the like. If he had been here he would have realised that he would not have many sympathisers in Council; at all events if those sympathisers were now to join him in his anxiety for the producer as against the consumer they would be strikingly inconsistent. May I, my Lord, read a passage from a speech that was delivered last September on this particular point—

> 'When people talk of the balance of trade they ought to remember that the balance of trade would be larger if those who want to purchase grain from outside India would be able to pay higher prices and thus draw away the grain, the life-sustaining food crop from India; the balance of trade would be larger in our favour and bring in many more millions; but those millions will represent the loss of so much life, the loss of so much blood from the people of India.'

"I do not think that when views like that were expressed in this Council, the Hon'ble Mr. Tata arguing on behalf of the producer, as against the consumer would find many supporters here. I maintain indeed that in the face of all that has happened, it was essential to adopt some device even though it might be through the medium of exchange for preventing a further increase of price in this country. I have nowhere seen an exact calculation made of the proportion of producers pure and simple to consumers pure and simple. I have seen it stated that those interested in production are 56 per cent and the remainder 44 per cent; perhaps the proportion may be taken at half and half. It is clear that any increase in price affects the consumer far more injuriously than a slight fall in prices would affect the producer who has for the most part the means of subsistence in his hands. Finally, my Lord, for I do not wish to detain the Council further on this matter, I recollect that Mr. Tata warned us against undue deflation. I am sorry he did so. Your Excellency the other day congratulated the country on the effect

of the measures taken to deflate its paper currency; we have indeed taken some innocent pride on the fact that we alone of the belligerent nations have made some progress in this matter. I realize that there is some feeling on the subject in Bombay, which thinks that Japan has suffered from too rapid deflation. If our deflation had been too rapid, I think we should have seen something of this in the prevailing price of money; we should have seen it in enhanced bank rate; we certainly should not have seen a bank rate such as that which has been maintained in the late months. If there is any value whatever in the quantative theory of money, we most certainly are justified in believing in the necessity of the deflation of our paper currency. I think that even in the minority report on which Mr. Tata himself laid stress there was a suggestion that it was essential we should do so. I myself have had no scruple in supporting measures for a reasonable deflation of our note issue; and I believe that in that respect the great majority of the people in this country are on our side.

"My Lord, I am not sure whether the Council would like me to deal further with the merits of the case. The actual point before me is the proposal for delay. That case has been very fully dealt with by my two Hon'ble friends opposite. I maintain that there can be no case for a further delay in this matter and I think that I have given the Council very cogent reasons why it would be impossible to entertain any such suggestion."

2-47 P.M. **His Excellency the President:**—"I warned the Hon'ble Member who put down an amendment that I am going to treat his amendment as a direct negative. I shall not put his amendment. Those who wish to support the Hon'ble Member will vote against the substantive motion for leave to introduce."

The motion was put and agreed to.

The Hon'ble Mr. W. M. Hailey:—"I introduce the Bill and move that the Bill together with the Statement of Objects and Reasons relating thereto be published in the Gazette of India in English."

The motion was put and agreed to.

THE INDIAN TERRITORIAL FORCE BILL.

12-48 P.M. **His Excellency the Commander-in-Chief:**—"At the meeting of the Legislative Council on Friday last it appeared to be the general wish of Members that progress should be made with the Bill to constitute a Territorial Force. That being so, I beg to move that the Bill to constitute an Indian Territorial Force, and to provide for the enrolment therein of persons other than European British subjects be referred to a Select Committee consisting of the Hon'ble Sir George Lowndes, the Hon'ble Major-General Sir Alfred Bingley, the Hon'ble Mr. Sastri, the Hon'ble Mr. Banerjea, and the Hon'ble Mr. Nathmal, the Hon'ble Mr. Marjoribanks, the Hon'ble Mr. Sinha, the Hon'ble Mr. Kincaid, the Hon'ble Mr. Casson, the Hon'ble Sir D. P. Sarbadhikari and the Hon'ble Mr. Hopkins, with instructions to report on or before the 9th September, 1920."

2-49 P.M. **The Hon'ble Mr. Surendra Nath Banerjea:**—"I congratulate His Excellency the Commander-in-Chief on having accepted the views that we pressed with emphasis from this side of the House, namely, that the Bill should be passed this session. The Select Committee is now about to be appointed and it has to submit its report within a specified date which means that the Bill will be passed this session. As a representative of the Indian Community I desire to thank His Excellency the Comamnder-in-Chief for it. May I be permitted to suggest the addition of one name to that of the Select Committee, that of the Hon'ble Mir Asad Ali? I hope His Excellency the Commander-in-Chief will accept this suggestion. There is no Muhammadan gentleman on the Select Committee and I think it would be as well if the Hon'ble Mir Asad Ali were added to it."

His Excellency the Commander-in-Chief:—"I accept the suggestion of the Hon'ble Mr. Banerjea to add the Hon'ble Mir Asad Ali to the Select Committee which will deal with the Territorial Force Bill. I would add also the Hon'ble Mr. Morshead."

The Hon'ble Sir Umar Hayat Khan:—"My Lord, I have been a very old advocate of the Territorial Force and wrote a pamphlet on it for Lord Nicholson's Committee about a decade ago. I wrote another one that is 'How India can be a Bulwark to the British Empire' when in Flanders and have since written other schemes for the benefit of the Army in India Committee. 12-30 P.M.

"At the same time I have been advocating that in exchange for the public money we should procure the best possible material. Our first thought should be diverted towards the welfare of the Regular Army recruited from the best and tried martial classes. If we have got money over and above its requirements, we should only then devote it for the puposes of a Territorial Army which should be recruited from such material which would do credit to itself, and will be of good value for the money spent. I think that the money of the general tax-payer who forms the bulk of the population should not be spent to please a few. I am not against the force but am against recruiting from non-martial races, as if the force so recruited is holding a portion of the line it could become so dangerous that an enemy breaking through it at that point may bring a great disaster on the whole Army. I had to make these remarks as I think them in the interest of the country and the Army. I will not be doing my duty if at the end I did not remark that in this as in many other things the attempt is being made to reconcile the irreconcilables by launching their pet schemes of secondary importance, doubtful value, and the success of which is yet bound in the mist, so soon, while the matters of vital importance and great urgency may perhaps be lying still in abeyance."

The following motion was then put and agreed to :—

"That the Bill to constitute an Indian Territorial Force, and to provide for the enrolment therein of persons other than European British subjects be referred to a Select Committee consisting of the Hon'ble Sir George Lowndes, the Hon'ble Major-General Sir Alfred Bingley, the Hon'ble Mr. Sastri, the Hon'ble Mr. Banerjea, the Hon'ble Mr. Nathmal, the Hon'ble Mr. Marjoribanks, the Hon'ble Mr. Sinha, the Hon'ble Mr. Kincaid, the Hon'ble Mr. Casson, the Hon'ble Sir D. P. Sarbadhikari, the Hon'ble Mr. Hopkins, the Hon'ble Mir Asad Ali Khan Bahadur and the Hon'ble Mr. Morshead, with instructions to report on or before the 9th September, 1920."

The Council then adjourned till Thursday, the 2nd September, 1920, at 11 A.M.

A. P. MUDDIMAN,

Secretary to the Government of India,

Legislative Department.

SIMLA;
The 15th September 1920.

Appendix.

Expenditure due to Simla Exodus and Sessions of Legislative and Executive Coun from 1909-10 to 1918-19.

HILL JOURNEY ALLOWANCES.

[*Sub-heads (a) and (b) of question.*]

Major and Minor Heads.	1909-10.	1910-11.	1911-12.	1912-13.	1913-14.	1914-15.	1915-16.	1916-17.	1917-18.	1918-19.	Total.
18.—*General Administration.*											
Staff and House hold of Governor-General.	14,325	14,840	9,983	17,025	12,575	13,771	10,998	15,138	18,536	11,480	1,38,671
Civil Secretariats ..	5,00,613	3,10,273	3,13,157	1,40,884	1,80,852	2,06,956	2,06,717	2,19,596	2,40,758	2,44,897	25,64,703
Military Secretariat ..	81,308	40,439	30,426	23,854	29,656	31,819	33,190	38,416	41,526	38,268	3,88,902
Public Works Secretariat ..	53,446	46,995	19,768	18,863	19,531	21,705	21,708	21,874	22,100	14,957	2,60,947
Total ..	6,49,692	4,12,547	3,73,334	2,00,626	2,42,614	2,74,251	2,72,613	2,95,024	3,22,920	3,09,602	33,53,223

HILL JOURNEY CHARGES.

[*Sub-heads (c) and (e) of question.*]

Staff and Household of Governor-General.	51,628	68,974	..	..	..	..	..	..	664	—1,179	1,20,087
Civil Secretariats.. ..	43,179	47,006	45,247	26,382	20,620	26,022	24,496	30,225	25,609	37,576	3,26,362
Military Secretariat ..	7,665	3,879	4,468	3,191	3,376	4,786	5,579	9,379	6,491	5,480	54,294
Public Works Secretariat ..	2,952	2,249	4,020	166	535	798	838	1,398	865	1,490	15,311
Total ..	1,05,424	1,22,108	53,735	29,739	24,531	31,606	30,913	41,002	33,629	43,367	5,16,054

Note.—As the items of expenditure mentioned in the Hon'ble Member's question do not agree with account heads and as the vouchers and registers for certain periods have been destroyed under rules, it has not been possible to collect accurate figures. The statement above gives approximately the information required under sub-heads (*a*), (*b*), (*c*) and (*e*) of the question. As regards (*d*) no information is available, but it may be assumed that the cost of the Legislative Session at Simla does not greatly exceed the cost which would be incurred if the session were held at Delhi instead.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.
(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Viceregal Lodge, Simla, on Thursday, the 2nd September, 1920.

PRESENT :

His Excellency BARON CHELMSFORD, P.C., G.M.S.I., G.M.I.E., G.C.M.G., G.C.B.E., Viceroy and Governor General, *presiding*, and 51 Members of whom 42 were Additional Members.

QUESTIONS AND ANSWERS.

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :— 11 A.M.

Indebtedness of Government servants.

1. " (*a*) Is it a fact that indebtedness on the part of a Government servant is very much discouraged, if not looked upon as a disqualification, in certain circumstances ?

(*b*) What enquiries, if any, have the Government of India or the different local Governments made to ascertain as to whether low paid subordinate officers are able to make both ends meet under existing economic conditions,

[*Maharaja Sir Manindra Chandra Nandi ; Sir William Vincent ; Mr. Sachchidananda Sinha ; Colonel W. D. Waghorn.*] [2ND SEPTEMBER, 1920.]

or whether they are running into debt in order to maintain themselves ; and what results have such enquiries led to ?"

The Hon'ble Sir William Vincent replied :—

"(*a*) Yes. Attention is invited to rule 16 of the Government Servants' Conduct rules.

(*b*) Information is not available as to whether the question of indebtedness was specifically enquired into. The rates of pay for the establishment serving in the Imperial Secretariat under the Government of India have been revised, and most provinces also have now introduced new rates of pay for their low paid subordinate officers."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

Living wage of an Indian engaged in clerical work.

2. "(*a*) Have Government made any inquiries for the purpose of fixing the minimum living wage for an Indian engaged in clerical work with reference to the minimum human needs of an average Indian family in the different provinces ; or are Government aware of any such inquiries having been made in recent times by any of the local Governments ?

(*b*) If so, will Government be pleased to place on the table all papers embodying the results of such inquiries ?"

The Hon'ble Sir William Vincent replied :—

"(*a*) The Government of India have made enquiries of this nature for the purpose of dealing with the establishment of the Imperial Secretariat. They are not aware whether such enquiries have been made by local Governments.

(*b*) An extract* from the report of a committee appointed to consider the memorials of the Government of India establishment regarding pay and allowances is laid on the table.

The Hon'ble Mr. Sachchidananda Sinha asked :—

Enhancement of passenger traffic rates on railways.

3. "(*a*) Is it in contemplation to enhance the rates of passenger traffic on any of the railways ? If so, on which of them ?

(*b*) What are the lines which have already raised their passenger traffic rates since August, 1914 ? And to what extent have they done so ?

(*c*) When is the personnel of the Railway Committee which is to be appointed likely to be announced ?

(*d*) What are the subjects that are to be referred to the said Committee for their consideration ? Will the question of the recent increase in the passenger traffic rates be one of them ? If not, why not ?

(*e*) Do Government propose to have representatives of non-official Indian public opinion on the Committee ? If not, why not ?"

The Hon'ble Colonel W. D. Waghorn replied :—

"(*a*) Maxima and minima rates have been sanctioned by Government for all classes of passenger traffic and within these limits railway administrations have the power to vary passenger rates. No information has been received from railway administrations that they propose to enhance passenger rates further.

*Not included in these Proceedings.

[2ND SEPTEMBER, 1920.] [*Colonel W. D. Waghorn; Mr. Sachchidananda Sinha; Sardar Bahadur Sundar Singh.*]

(*b*) A statement* showing the passenger rates in force in July 1914 and in August 1920 respectively is placed on the table.

(*c*) The Government of India are in correspondence with the Secretary of State on the subject of the proposed Railway Committee, and an announcement will be made shortly.

(*d*) The terms of reference will probably include the following :—' The relative advantages of the different possible methods of management of the Indian State-owned railways, the functions, status and constitution of the Indian Railway Board and the system of control exercised by the Government of India over railway administrations, the arrangements for the financing of railways in India, the present system of control by the Government of rates and fares, and the machinery for deciding disputes between railways and traders. '

The Hon'ble Member will see from the proposed terms of reference that only general questions of policy will be submitted to the Committee.

(*e*) Representatives of non-official Indian public opinion will be asked to sit on the Committee."

The Hon'ble Mr. Sachchidananda Sinha asked :—

4. " (*a*) Has the attention of Government been drawn to an editorial note headed ' Racial Bar ' in the *Searchlight* of Patna, dated the 1st August last ? **Retiring rooms on certain railway lines in South India.**

(*b*) Is it correct, as stated in the note that on certain railway lines in South India the use of retiring rooms is not permitted to Indians and is confined to Europeans only ?

(*c*) If so, what are the railways which still perpetrate such a distinction and what is their justification, if any, for doing so ?

(*d*) Do Government contemplate taking any steps for the removal of this distinction ? If not, why not ?"

The Hon'ble Colonel W. D. Waghorn replied :—

"(*a*) The attention of Government has not previously been drawn to the note referred to.

(*b*) The reply is in the affirmative.

(*c*) On the Madras and Southern Mahratta and South Indian Railways retiring rooms at certain stations are provided for European passengers. The usual practice is to allot waiting or retiring rooms to 1st and 2nd class passengers, and Indian passengers holding tickets of these classes are entitled to the use of these rooms according to the class of ticket they hold.

(*d*) The Madras and Southern Mahratta and South Indian Administrations are not under the control of the Railway Board in regard to these matters, but I shall be very glad to point out to those Administrations that this practice is not in accordance with that prevailing elsewhere in India."

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia asked :—

5. "(*a*) Has the attention of Government been drawn to a note in the editorial columns of the *Tribune* dated 10th August last under the heading ' Profits of the Burma Oil Company '? **Sale of kerosine oil at pre-war rates.**

(*b*) Do Government intend to take any steps to induce the Burma Oil Company to sell kerosine oil at pre-war rates or at much cheaper rates than it is being sold nowadays ?"

*Not included in these Proceedings.

[*Sir Thomas Holland ; Sardar Bahadur Sundar Singh Majithia.*] [2ND SEPTEMBER, 1920.]

The Hon'ble Sir Thomas Holland replied :—

" (*a*) Yes.

(*b*) As will appear from the last Report by the Directors, the large profits made by the Burma Oil Company during the past year are largely attributable to the advance in the value of the rupee, the other principal contributing factors being reduced fuel consumption and greater yields of the more valuable products of crude petroleum as the result of improvements at the Refineries.

The attention of the Hon'ble Member is also invited to the Press Communiqué issued by the Burma Oil Company of the 30th June 1919. It is true, as there stated, that the Burma Oil Company have been selling their Victoria brand oil and oil of similar quality at the same price since 1905. The quantity available of this oil was however entirely inadequate to meet the Indian demand and in order to secure adequate supplies the Company undertook, with the approval of Government, to supplement its Burma output by supplies from outside sources. The Company, however, arranged to fix the price of their own output as well as of the imported oil at a figure which was calculated to bring to them no more profit than they would have made by continuing to sell their Burma output only at their old rates. The following quotation from the Report referred to above will be of interest in this connection :—

> ' Freer imports of foreign kerosine to India were resumed with a gradually improving tonnage situation in the year under review, but the Company's entire output of this, its largest product, was readily absorbed by the market which had been on short commons for the later years of the war. By means of the pooling of the foreign supplies of the Asiatic Petroleum Company, Limited, with the indigenous supplies of the Burma Oil Company, Limited, and of the British Burma Petroleum Company, Limited, kerosine continued to be available to the Indian consumer at prices on a considerably lower basis than those enjoyed in any other market in the world, a result possible only from the Burma Oil Company's adherence to the maximum price which it voluntarily fixed for its " Victoria " kerosine in 1905 and which it has never since exceeded. '

In view of the fact that the local output fell far short of the demand for kerosine, there was an obvious danger that increased prices would be charged by retail dealers. It was therefore considered by the Company to be fairer in the interests of the small consumer, to admit a supplementary quantity of foreign kerosine and to charge a proportionately higher rate for the mixture, as obviously the independent sale of high-priced imported oil and of low-priced local oil of roughly the same quality would result in the charge by the dealer of one price, namely, the highest, for both.

The Government of India are not aware of any recent change in the arrangements notified by the Company last year. "

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia asked :—

Pay and prospects of sub-overseers serving in Mesopotamia.

6. "(*a*) Will Government lay on the table a statement showing the pay of sub-overseers of the different provinces who volunteered their services to the Military Department for employment in Mesopotamia in the Irrigation Branch in response to the urgent call of Government during the war ?

(*b*) Are Government aware of a memorial submitted by Punjab Sub-overseers serving overseas to assimilate their pay and prospects to those of their compatriots from other provinces ?

(*c*) If there is any difference of pay and prospects, do Government propose to ask the Punjab Government to give the same emoluments to Punjab Sub-overseers and thereby remove this difference in pay ?

[2ND SEPTEMBER, 1920.] [*Sardar Bahadur Sundar Singh Majithia; His Excellency the Commander-in-Chief; Mr. Srinivasa Sastri; Sir William Vincent; Mir Asad Ali Khan Bahadur.*]

(*d*) Has any memorial been submitted by Sub-overseers from Punjab serving in Mesopotamia at the end of 1919 to the Government of India and, if so, what orders, if any, have been passed thereon ? "

His Excellency the Commander-in-Chief replied :—

(*a*) " A statement* showing the rates of pay admissible to sub-overseers of all Provinces employed in the Irrigation Directorate, Mesopotamia, is placed on the table.

(*b*) and (*d*) The answer is in the affirmative. The reply given to the memorials is contained in paragraph 1 of the Government of the Punjab, Public Works Department, Irrigation Branch letter No. 3615-E.-I., dated the 19th November 1919 to the address of the Revenue Secretary, Baghdad, of which a copy* is also placed on the table.

(*c*) The reply is in the negative in view of what has been stated in the orders passed by the Government of Punjab on the memorials. "

The Hon'ble Mr. Srinivasa Sastri asked :—

7. " (*a*) Will Government be pleased to state, as fully as may be possible, the information in their possession regarding the operation of the Indian Arms Rules, 1920, in the various provinces so as to show how far in actual practice— Operation of the India Arms Rules, 1920.

(*i*) the distinction between races has been abandoned ;

(*ii*) the facilities for the obtaining and possession of fire-arms have been increased ; and

(*iii*) the local Governments have improved their methods of inquiry into the Arms Act and Arms Rules so as to remove any causes of dissatisfaction with the orders of District Magistrates and other officers concerned with their working ?

(*b*) If Government have no information on the subject, will they be pleased to collect it and lay it on the table ? "

The Hon'ble Sir William Vincent replied :—

" (*a*) (*i*) Distinction between races has been abandoned by all local Governments.

(*ii*) The grant of licences is controlled by the rules themselves, but a statement* is laid on the table showing further facilities provided by certain local Governments.

(*iii*) Local Governments report that complaints have not been received against the orders of District Magistrates and other officers concerned with the working of the Arms Rules and that therefore there is no occasion at present to make any further alterations in the methods of enquiry. Any person feeling aggrieved has the right of appeal to the local Government and any such appeal will receive prompt and careful attention. "

The Hon'ble Mir Asad Ali Khan Bahadur asked : –

8. " (*a*) Are Government aware of the economic distress of the middle classes of the Indian population, especially those with fixed incomes, on account of the high food prices ? Food-stuffs.

(*b*) Do Government contemplate any proposal to restrict, if not altogether to prohibit, the export from India of surplus grains such as wheat and rice, until their prices in India appreciably go down ?

(*c*) Do Government propose to enact immediate measures to fix the maximum prices of foodstuffs with a view to check profiteering ? "

*Not included in these Proceedings.

[*Rao Bahadur B. N. Sarma*; *Mr. Surendra Nath Banerjea*; *Colonel W. D. Waghorn*; *Rai Sahib Seth Nathmal.*] [2ND SEPTEMBER, 1920.]

The Hon'ble Rao Bahadur B. N. Sarma replied :—

"(*a*) Government are aware that some hardship exists on account of high prices of food-stuffs, but the rise in food prices in India is far less than in many other countries and is to some extent compensated for by an increase in wages.

(*b*) The export of all foodgrains from India, including wheat and rice, is already prohibited, and only small rations are allowed to be exported to places, mostly with large Indian populations, which are dependent on India for their maintenance. The Burma Government have recently represented that there is a larger exportable surplus of rice in the Province than was originally estimated and pressed for permission to export a part thereof. The Government of India have, after consulting the Provincial Governments chiefly concerned about their requirements permitted an export of the small quantity of 50,000 tons. The question as to what modifications if any in the existing system of the trade in rice are possible, with a view to increasing the supplies thereto and reducing the prices therein, are at present under consideration.

(*c*) The reply is in the negative."

The Hon'ble Mr. Surendra Nath Banerjea asked :—

Mograhat-Kulpi-Khari Railway line.

9. "(*a*) Is it a fact that, with the permission of the Railway Board, Messrs. McLeod and Co. completed a reconnaissance survey of the Mograhat-Kulpi-Khari Railway line in the District of 24-Pergannahs?

(*b*) If so, will Government state why the Eastern Bengal Railway made another reconnaissance survey of a line from Mograhat to Kakdwip?

(*c*) What decision (if any) has been arrived at in respect of the two schemes?

(*d*) Have Government in contemplation the opening of a Railway line to serve the Sunderban area? If so, will they consider the question of expediting the matter?"

The Hon'ble Colonel W. D. Waghorn replied :—

"(*a*) The reply is in the affirmative.

(*b*) and (*c*) In 1916 the Eastern Bengal Railway were instructed to make another reconnaissance survey for an extension of the Diamond Harbour Branch of the Eastern Bengal Railway to Kakdwip owing to a petition which was received suggesting this extension. As a result of the various reconnaissance surveys made in this area two alternative alignments are now suggested; one, a broad gauge line from Mograhat passing through Joynagar, Bistopur, and near Kulpi to Kakdwip; and the alternative proposed by Messrs. McLeod and Company for a narrow gauge line from Mograhat *via* Saligurh and Belleadanga to Kulpi, with a branch from Bistopur to Khari. It is doubtful if this narrow gauge line would meet the requirements of the area. The Agent has, however, since been directed to investigate the traffic possibilities of the two lines on the supposition that they are to be constructed on the broad gauge, and the results of this investigation are awaited.

(*d*) Government would be glad to see the possibility of railway construction with a view to opening up the Sunderban area. It is feared, however, that for some time to come all money available for construction purposes is likely to be absorbed by more urgent projects."

The Hon'ble Rai Sahib Seth Nathmal asked :—

Travelling allowances for Government servants on transfer.

10. "(*a*) Are the rules for the grant of travelling allowance on transfers to Government officers being revised?

(*b*) Is it proposed to grant to gazetted officers of the 1st and 2nd class travelling expenses for their families also?

(*c*) Is it proposed to exclude from the category of family, for purposes of travelling allowance, parents, sisters and minor brothers, even though dependent on the officer concerned.

(*d*) If so, do Government propose to modify these rules so as to include in the term 'family' parents, sisters and minor brothers, dependent on the officer concerned?"

The Hon'ble Mr. W. M. Hailey replied:—

"The rules regarding the grant of travelling allowance to Government officers on transfer have recently been revised with the sanction of the Secretary of State and a copy* of the revised Article 1094 of the Civil Service Regulations is placed on the table. It gives all the information asked for by the Hon'ble Member in his questions (*a*) to (*c*), but he will notice, with regard to question (*b*), that travelling expenses for families are now admissible not to gazetted officers of the 1st and 2nd classes only, but to all officers in superior service, *i.e.*, 1st, 2nd and 3rd class officers and whether gazetted or non-gazetted.

As to question (*d*), the proposal was considered in connection with the revision of the rules and it was decided that the obligations of the State could not be extended so widely and that parents, sisters and minor brothers should not be included in the term 'family' for the purpose of these rules.

THE ALIGARH MUSLIM UNIVERSITY BILL.

The Hon'ble Mr. Shafi:—"My Lord, I beg to present the Report of the Select Committee on the Bill to establish and incorporate a teaching and residential Muslim University at Aligarh." 11-10 A.M.

THE INDIAN PASSPORT BILL.

The Hon'ble Mr. H. R. C. Dobbs:—"My Lord, I beg to present the Report of the Select Committee on the Indian Passport Bill."

THE INDIAN LIMITATION AND CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

The Hon'ble Sir William Vincent:—"My Lord, I move that the Bill further to amend the Indian Limitation Act, 1908, and the Code of Civil Procedure, 1908, be taken into consideration.

"I explained the object of this Bill and the effect of the various clauses when I introduced it and I have received no suggestions or amendments from any Member of this Council. I can only conclude that the Bill has therefore met with general acceptance."

The motion was put and agreed to.

The Hon'ble Sir William Vincent:—"My Lord, I move that the Bill be passed."

The motion was put and agreed to.

*Not included in these Proceedings.

[*Sir William Vincent*; *Sir Thomas Holland.*] [2ND SEPTEMBER, 1920.]

THE INDIAN MOTOR VEHICLES (AMENDMENT) BILL.

The Hon'ble Sir William Vincent:—"My Lord, I move that the Bill further to amend the Indian Motor Vehicles Act, 1914, be taken into consideration.

"The position in regard to this Bill is exactly similar to that with which I have just been dealing, and I will not therefore ask the Council to listen to any further discussion of it."

The motion was put and agreed to.

The Hon'ble Sir William Vincent:—"My Lord, I move that the Bill be passed."

The motion was put and agreed to.

THE INDIAN PATENTS AND DESIGNS (TEMPORARY RULES) AMENDMENT BILL.

11-13 A.M. **The Hon'ble Sir Thomas Holland:**—"My Lord, I move that the Bill to extend the operation of the Indian Patents and Designs (Temporary Rules) Act, 1915, be taken into consideration.

"In accordance with the decision of Council the Bill was published in the Gazette of India and the only comments that have been received have been favourable."

The motion was put and agreed to.

The Hon'ble Sir Thomas Holland:—"My Lord, I move that the Bill be passed."

The motion was put and agreed to.

THE INDIAN PATENTS AND DESIGNS (AMENDMENT) BILL.

The Hon'ble Sir Thomas Holland:—"My Lord, I move that the Bill further to amend the Indian Patents and Designs Act, 1911, be taken into consideration.

"This Bill was also published, in accordance with the orders of Council, in the Gazette of India and the only comment that has been received has been, in the same way, favourable."

The motion was put and agreed to.

The Hon'ble Sir Thomas Holland:—"My Lord, I move that the Bill be passed."

The motion was put and agreed to.

THE ROUBLE NOTE BILL.

The Hon'ble Sir William Vincent:—"My Lord, I move that the Bill to prohibit the possession and import of rouble notes be taken into consideration.

"In this case also I have received no criticisms or notice of any amendments."

The motion was put and agreed to.

The Hon'ble Sir William Vincent:—"My Lord, I move that the Bill be passed."

The motion was put and agreed to.

[2ND SEPTEMBER, 1920.] [*Sir George Lowndes; Mr. W. M. Hailey; His Excellency the Commander-in-Chief; Sir Umar Hayat Khan.*]

THE REPEALING AND AMENDING BILL.

The Hon'ble Sir George Lowndes:—"My Lord, I have the honour to move that the Bill to amend certain enactments and to repeal certain other enactments be taken into consideration. 11-15 A.M

"I think I need only follow the excellent precedent set in regard to the last five Bills. I have nothing further to say."

The motion was put and agreed to.

The Hon'ble Sir George Lowndes:—"I have the honour to move that the Bill be passed."

The motion was put and agreed to.

THE POST OFFICE CASH CERTIFICATES BILL.

The Hon'ble Mr. W. M. Hailey:—"My Lord, I beg to move that the Bill to amend the Post Office Cash Certificates Act, 1917, be taken into consideration.

"I also wish to follow the excellent example set me this morning. We have received no comments or criticisms on the Bill."

The motion was put and agreed to.

The Hon'ble Mr. W. M. Hailey:—"My Lord, I beg to move that the Bill be passed."

The motion was put and agreed to.

THE INDIAN ARMY (AMENDMENT) BILL.

His Excellency the Commander-in-Chief:—"My Lord, I beg to move for leave to introduce a Bill further to amend the Indian Army Act, 1911. 11-17 A.M

"The object of this Bill is very clearly stated in the Statement of Objects and Reasons and I have little to add to the explanations given therein.

"The most important of the changes proposed is the abolition of flogging. I stated, some time ago, that Government would, on the termination of the war, consider the question of abolishing flogging as a punishment on active service. The power to award a sentence of flogging, in the field, has in many cases enabled Courts Martial to inflict this punishment in circumstances which would otherwise have necessitated the infliction of the death penalty.

"Nevertheless, the time has now come, I think, to abolish a punishment which is not altogether consonant with present day ideas, and which has been done away with in other armies.

"To replace flogging, it will be necessary to introduce a new form of punishment for offences committed on active service. It is proposed to follow the English Army Act in this respect, and so bring the British and Indian Armies into line. The effect of the Bill will be to put the Indian soldier on the same footing as the British soldier as regards immunity from corporal punishment for military offences.

"The other amendments proposed are comparatively unimportant and call for no special remarks."

The Hon'ble Sir Umar Hayat Khan:—"My Lord, I heartily congratulate the Government and specially His Excellency the Commander-in-Chief for having decided to introduce this Bill, which will be the greatest monument which could be raised for the services of the Indian

[*Sir Umar Hayat Khan*; *Mr. S. N. Banerjea*; *His Excellency the Commander-in-Chief*; *Mr. W. M. Hailey.*] [2ND SEPTEMBER, 1920.]

soldiers done during the last world war by abolishing whipping as a punishment, and will always be coupled with the name of that illustrious and great soldier, the father of the Bill. The need for this reform was keenly felt by the Indian Army and knowing it, I put the matter before some of the authorities in India Office in the first year of the war, when I went with the funeral of Lord Roberts, may his soul rest in peace. Since then whenever I have had the time or opportunity, I have always pressed the necessity of the above to many a high official. Now as the change has come about it is not only a matter of great satisfaction throughout the Army but it is equally such amongst the martial classes from whom it has generally been drawn and on whose behalf I tender my heartfelt thanks. I consider the abolition of whipping as a punishment is one of the most unique and historic events in the history of the Army, for which not only those who are soldiers but the whole of India should be exceedingly grateful."

11-20 A.M. **The Hon'ble Mr. Surendra Nath Banerjea :**—" My Lord, I am not a representative of the martial classes as my Hon'ble friend, Colonel Umar Hayat Khan, is and I have no right to speak on their behalf. I come from a comparatively non-martial population in the valley of the Ganges, and on their behalf and I may say on behalf of the civil population with non-martial tendencies and peaceful instincts, I desire to congratulate the Government on the abolition of the punishment of flogging from the Indian Army. I am sure it is a step in the right direction and will be accepted by the country with great satisfaction."

The motion was put and agreed to.

His Excellency the Commander-in-Chief :—"My Lord, I beg to introduce the Bill, and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

THE INDIAN INCOME-TAX (BUSINESS PREMISES) BILL.

11-21 A.M. **The Hon'ble Mr. W. M. Hailey :**—" My Lord, I beg for leave to introduce a Bill to terminate certain doubts which have arisen in connection with the Indian Income Tax Act, 1918.

" This Bill, my Lord, is of an explanatory or declaratory nature, and I should like to remove at once any apprehensions that exist in the minds of Members of this Council by stating that it is not intended to raise fresh revenue or to increase our taxation. I will explain to the Council as briefly as possible what the nature of the difficulty which has arisen is.

" Under section 9 of the Act—a section which taxes the profits of business—a reduction to owner occupiers of business premises, equivalent to the rental of such premises. Now, I do not desire to detain the Council by explaining the steps by which this deduction has got into the Act. Although I am not aware of the practice which has been followed in all parts of India, yet it is clear that in many parts of India it has been considered by our assessing officers that the fact that a reduction is made under section 9 has warranted them and for obvious reasons in making an equivalent assessment under section 8. The Allahabad High Court, however, by a Judgment which is not entirely unanimous but which will probably be considered as binding by our revenue authorities, has ruled that assessment cannot be made under section 8 owing to the present wording of that section. If we have to follow that ruling throughout India, it is clear that we and the Provinces will lose a very considerable sum of money. We therefore desire to obtain a declaration in the form in which it is put forward in this Bill, that an assessment of this nature can be made under section 8. It is possible that later on we may have to undertake a complete revision of our Income Tax Act. We are now engaging in increasing numbers a special staff

for the assessment of income-tax, and the problems which they bring to light make it clear that a very considerable number of revisions of the Act is required. It is possible indeed that with the growing industrial development of the country and the taxation problems which arise from it, we may have to undertake those numerous revisions of our Income-tax Act which are so common in England. However that may be, we wish to avoid the present loss with which we are threatened owing to the Allahabad ruling ; and for that reason we have put forward the Bill in its present form. The wording of it is very simple, and I have not therefore proposed to refer it to a Select Committee ; but at the same time I should like to assure the Members of this Council that we shall telegraph the full details of the Bill down to all Chambers of Commerce and invite their opinion before we proceed further in the matter.

"I beg for leave, my Lord, to introduce the Bill."

The Hon'ble Mr. A. R. Murray:— At the last meeting of this Council, the Hon'ble Mr. Tata moved that leave to introduce the Indian Coinage Bill should be refused on the ground that sufficient notice had not been given, and that the opinions of public bodies had not been obtained. On that occasion I found myself out of sympathy with him for the reason that I was of the opinion that ample time had been given to all parties interested to formulate their views on the subject. Unfortunately I now find myself in the position that my Hon'ble friend was the day before yesterday, appealing to the Hon'ble Finance Member to have this Bill circulated for the purposes of eliciting opinion thereon before it is taken into consideration by the Council. The night before last I received a List of Business to be brought forward at this meeting of Your Excellency's Council, and along with that list I received copies of Bills which Hon'ble Members in charge were to move for leave to introduce—copies of all the Bills in the list with one exception and that a very notable one. Item 18 on the list reads—'The Hon'ble Mr. Hailey to move for leave to introduce a Bill further to amend the Indian Income-tax Act, 1918.' 11-25 A.M.

"Now, incometax matters have always appealed to me, and I wondered why the Hon'ble Finance Member desired to amend the Indian Income-tax Act, 1918.

"Late last night I received a copy of this Bill. As a matter of fact some of us received it only this morning. Now, as we all see it is a very short Bill and the Hon'ble Member in charge may repeat what was said to the Hon'ble Mr. Tata at our last meeting, namely, that its shortness is an excuse for not asking for an expression of opinion on it. Indeed he may be tempted to make the old excuse that because it is a very small Bill, there cannot be much harm in it.

"It certainly starts off innocently enough. It is entitled a Bill 'to terminate certain doubts which have arisen in connection with the Indian Income-tax Act, 1918' ; and the preamble reads :—

> 'Whereas doubts have arisen and may arise as to the meaning of the expression 'house property' in section 8 of the Indian Income-tax Act, 1918 ; and
>
> 'Whereas it is expedient to terminate such doubts and to prevent certain double allowances under the said Act ; It is hereby enacted as follows ;'

"Now, if I, a plain business man, were drafting this Bill, I would have entitled it 'A Bill to rope within the scope of the Indian Income-tax Act, 1918, income that has never been taxed before.' And my preamble would read something to the following effect :—

> 'Whereas we find doubts have arisen as to what may or may not be a good deduction under the Act; and whereas there is the possibility that we may lose money under this head; and whereas it is expedient that we make up for this loss by roping within the scope of the Act revenue that has not been taxed before ; Therefore be it hereby enacted that 'house property' shall be deemed to include 'business premises.'"

"Now, I have had an intimate knowledge of the working of the Indian Income-tax for over 20 years, and it is news to me to learn that Government can introduce a Bill which is to increase the scope of the Income-tax Act at any meeting of the Council without previous notice of any sort. My Lord, I see perfectly the object the Hon'ble the Finance Member has in view, but I object to the method by which he proposes to attain the desired end. If a mistake has

been made as to the deductions to be allowed, then the method of calculating the deductions should be altered,—that is to say, the debit side of the account should be properly adjusted. In my opinion, it is wrong to permit more income to be brought within the scope of the Act than was contemplated when the Act was passed. For that reason, my Lord, I would ask that this Bill be circulated before it is passed through this session."

11-30 A.M. **The Hon'ble Sir D. P. Sarbadhikari**:—"My Lord, I desire to support the Hon'ble Mr. Murray in his objection. In doing so, a Bengalee adage comes back to my mind: 'the cow-dung laughs when the dried cow-dung is being consumed as fuel.' The Hon'ble Mr. Murray will probably be more careful in future in acting in the way that he has indicated towards the Hon'ble Mr. Tata.

"My Lord, I have been more unfortunate than he, for it was only this morning that I had an opportunity of going through the Bill, and, since coming into this Council, I asked the Department for a copy of the Allahabad judgment referred to in the Statement of Objects and Reasons, but I could not obtain it.

"We should like to consider all the questions, raised in this Bill small as they may appear to be, in greater detail and with more care. I do not think, my Lord, that telegraphing the text of the Bill together with the Statement of Objects and Reasons to the Chambers of Commerce will answer the requirements of the case. Business premises are owned not only by members of the chambers of commerce but by many more business men who do not happen to be members of any chamber of commerce in existence or that may come into existence later. This will affect the small business man as well as the big Clive Street merchant prince who owns his own premises, lets out a portion and carries on his business in another. The reason why the Bill should be delayed has been furnished by the Hon'ble Member in charge himself. There are various other matters in connection with the Income-tax Act which will have to be gone into in detail in the immediate future, and the Bill before the Council to-day might well be one of the matters covered by the legislation that will have to be undertaken. Passing the Bill this session will I think make no practical difference in the working of the Act, because between now and the time when the more comprehensive Bill may come in, these matters may be considered more in detail and with care. My Lord, the Allahabad High Court has expressed a doubt with regard to one class of income; the Calcutta High Court recently has expressed a doubt with regard to another class of income—agricultural income for example. As the Hon'ble Member in charge has himself stated various matters like that will have to be gone into; and a seemingly small measure like the one we are discussing if passed now will really make no difference between now and when the other matters may be taken up. For this reason, my Lord, and having regard to the very short notice we had and the lack of opportunities of considering the matter in all its aspects, I desire to support Mr. Murray's objection."

11-38 A.M. **The Hon'ble Mr. Surendra Nath Banerjea**:—"My Lord, I think I speak the sense of this side of the House when I say that this Bill should not be hurried through in this session and that it should be postponed for consideration until the time of the budget. As my friend behind me, the Hon'ble Dr. Sir Sarbadhikari, has pointed out there is no occasion for hurrying this Bill through this session; and as my Hon'ble friend has also observed the requirements of legislation will not be met by telegraphing the contents of this Bill to the various chambers of commerce. There are other local bodies interested in the matter and my Hon'ble friend, the Finance Minister has overlooked the great position of the profession to which I have the honour to belong, namely, the newspaper press. They may have something to say about it too, and therefore it is a matter of the first importance that this Bill should be postponed, that it should be published, that the various local bodies should be addressed, that the press should have an opportunity of discussing the matter and that public opinion should be in a position to make its pronouncement; and then it will be time enough for this legislature to take it up. There is no hurry; the interests concerned will not in the slightest degree suffer by delay; and I do hope and trust that my Hon'ble friend will see his way to give us an assurance that this Bill will not be passed during the present session."

The Hon'ble Sir George Lowndes:—"My Lord, I do not 11-35 A.M. think the Council should be under any misapprehension as to this Bill. I repudiate entirely the suggestion of the Hon'ble Mr. Murray that we are now trying to catch income that we did not intend to catch before. What we are proposing to do by this Bill is to correct what I believe to have been a mistaken view of the law by two Judges of the Allahabad High Court. We think that there ought to be no doubt about such questions. If we left the matter there and waited till we got the decision of another High Court, we think our view would be upheld; but in a matter of income-tax we cannot afford to allow things to go on like that. We think the matter ought to be settled beyond doubt in the sense in which the Act was passed by the Council. The point of the Bill is this, and I cannot help thinking that the Hon'ble Members who have spoken have not really appreciated it. Under the Income-tax Act we charge different classes of income under different headings. The object of the Act as is shown by the earlier section is that all income-producing property is to be taxed. It then proceeds to divide income up under different heads for convenience of taxation. We tax professional income under one head; we tax income from securities under another head; we tax income from what is called house property under another head; we tax income from business under another head. In taxing income from business, in order to be fair to business firms, and following to a certain extent the English income-tax law, we have provided that where a business firm rents premises to carry on its business in it is to be allowed to deduct the rent it has to pay for its premises from the profits. Of course that is a sum which it has to pay in order to earn its profits. But where a firm owns its own premises, that is to say, has invested part of its capital, the capital being the thing upon which the income-tax is based—where it has chosen to invest part of its capital in its own premises, we say it has got to pay the tax on the income of that capital, whether you invest it in Government paper, in shares, or in anything else. So if you choose to invest it in your business premises you have got to pay income-tax on it; but for the convenience of business firms where they own their own business premises we have allowed them to deduct it from their business profit with the definite intention when the Act was passed that it would be roped in under the other section as house property. It was to the advantage of business firms that we should give them this allowance which is given in the same way as in the English Act—only it is there put differently owing to the special shape of the Act. Now, the effect of this decision, if it is allowed to stand, will be that if you hire business premises you deduct the rent that you pay but the owner will pay it under the house property section, but if you own the premises, *i.e.*, choose to invest part of your capital in premises, no income-tax will be payable on the income of that capital at all. Naturally, perhaps, business firms who own premises, would wish that. But what we intended was that the interest of the capital invested in the ownership of business premises should always be taxed under section 8, that is under the heading 'house property' and not under section 9 'business profits'. It is obvious that it must be so. We are only putting aside what we consider to be a wrong interpretation that has been placed by a majority, only a majority, of a High Court, on this section. And is it unreasonable to say that house property does include business premises? The Hon'ble Mr. Murray seems to suggest that it could not do so. I think one of the commonest terms of use is to talk of business 'houses'; it is surely a well-recognised commercial term, and we assumed it would be understood in that sense, that house property would include property which is used as business premises. Why it should not have been understood like that I do not know; but here a High Court have said so. We do not propose to make any change whatever in what we originally proposed to tax, but merely to tax this particular interest on capital under a particular heading and not under any other. Surely no one in Council will suggest that there is any injustice in that.

"I think my Hon'ble friend, Sir Debaprasad Sarbadhikari, said that it would not make any difference if you left it over until next year. Well, I do not know what the exact figures are; but our estimate is that it would make a difference of half a crore of rupees in the income-tax receipts. Does the Council wish to remit, to make a present to the richest firms in this country of half a crore of income-tax that they ought to pay? Will it make no difference to our revenues? I always thought that we were running our expenses rather close to our income, and that we should be very glad to have a little bit *more* material—not *less*—out of which to cut our coat during this revenue year.

[*Sir George Lowndes; Mr. A. H. Froom; Mr. W. M. Hailey.*] [2ND SEPTEMBER, 1920.]

"There is only one other point to which I wish to refer. We are not asking the Council to pass this Bill to-day; we are only asking for leave to introduce, and Hon'ble Members will have at least a fortnight for consideration before it is necessary to pass it. Does the Hon'ble Mr. Murray suggest, or any other Members of this Council suggest that in a fortnight they will not have time to consider this small point which I have propounded to-day? Surely a fortnight's time will enable my Hon'ble friends from Calcutta to make up their minds, not only whether they want to have this amendment, but whether they ought to have it."

11-40 A.M. **The Hon'ble Mr. A. H. Froom**:—"My Lord, in spite of the explanation we have heard from the Hon'ble Sir George Lowndes in connection with this Bill—in addition to the explanation we first had from the Hon'ble the Finance Member—I cannot help supporting the Hon'ble Mr. Murray especially on his first point, that this Bill should have been in our hands sometime before we actually got it. Personally I received it at a late hour last night. We do not question the statement in the Statement of Objects and Reasons that there is an ambiguity in section 8 of the Indian Income-tax Act, 1918, but what I think the public are entitled to is that they should have an opportunity of studying and possibly of criticising proposed legislation to remove the ambiguity.

"If there is sufficient time to receive replies from the various commercial communities and the replies convey no objection to the Bill, no doubt it will go through this session. In referring to the time we require the Hon'ble Sir George Lowndes remarked that surely a fortnight would be sufficient to get the opinions of the commercial communities and of the public generally. I would point out here that a longer time than a fortnight has elapsed in placing this Bill in our hands. It is not easy to get round all the commercial communities in big cities like Calcutta and Bombay in a very short period, they do not sit in one office, you have to circularise them. Still I hope we shall receive in time replies to the telegrams which the Hon'ble the Finance Member proposes to send."

11-43 A.M. **The Hon'ble Mr. W. M. Hailey**:—"My Lord, my Hon'ble Colleague has been given a specific answer to the objections taken and I feel it is unnecessary on my part to take up these points again. But there are two points to which I shall refer. I think that the charge Mr. Murray has brought against those concerned with the Bill, that there has been insufficient time allowed for consideration, is one that ought to pass unanswered. I forget the exact date of the Allahabad judgment, but I can fix it best in my mind by the fact that it coincided with my last visit to Calcutta. We did not obtain a copy for some time—it takes a considerable time to get copies of High Court judgments; and in the circumstances it has been difficult to get through the necessary drafting of this Bill. We were not therefore able to circulate it as we should have desired to do before the Council met. Nor may I say is it really necessary under our usual procedure to circulate Bills for any length of time in advance. All that we are now doing is asking for leave to introduce and nothing more. If the Hon'ble Mr. Froom would prefer as an alternative that we should, as I think both he and the Hon'ble Mr. Murray expressed it, correct the credit instead of the debit side of the account, that is not an impossible solution. We should then remove the provision for this reduction from section 9. If this is the sense of the commercial community, we should be quite prepared to do so; it would indeed be far simpler and easier from our point of view. After all, there is no great reason for diversity of opinions on the Bill. There was only one definite point before the Allahabad High Court, namely, whether business premises were included in the scope of section eight or not. That doubt would never have occurred to anybody before it was brought up before the High Court. When the matter was brought before the High Court it ruled that they could not be so included; we propose to say that they can.

"My Hon'ble friend said it would cost the country 50 lakhs of rupees if this Bill were not passed. I would like to amend that. It was an estimate which we obtained from one province only. I cannot give the Council an accurate estimate of what the amount would be, if we did not take the Bill into consideration and pass it this session; but it would obviously be very considerable."

The motion was put and agreed to.

[2ND SEPTEMBER, 1920.] [*Mr. W. M. Hailey.*]

The Hon'ble Mr. W. M. Hailey:—"My Lord, I introduce the Bill and move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

THE INDIAN PAPER CURRENCY (AMENDMENT) BILL.

The Hon'ble Mr. W. M. Hailey:—"My Lord, I move for leave to introduce a Bill further to amend the Indian Paper Currency Act, 1910. The Bill which I now beg leave to introduce is to outward appearance a somewhat complicated and technical measure. I hope that Members of this Council will not on that account view it with repulsion. It contains within it somewhat crabbed sections matter of great importance to the country, and I shall make no excuse for delaying the Council while I explain their main provisions. The Council will remember that in March last we came before it with proposals for temporary legislation for constituting the Paper Currency Reserve to meet the exceptional circumstances with which we were then faced. That temporary legislation gave us power to maintain at 120 crores the maximum amount of securities which should be held in that Reserve. The legislation comes to an end on the 1st October. After 1st October therefore we must turn to the Act of 1910 to see how our powers stand. By the Act of 1910 we have power to hold only 14 crores of securities. Our present position is that against 162 crores of notes issued we have a metallic backing of 93 crores, the backing of the balance of 69 crores being against securities. It is clear therefore unless some legislation is undertaken this session the Paper Currency Reserve will as from the 1st October not be in conformity with the law. I am sure that no Member of this Council, certainly no commercial Member, would ask us to go back to the provisions of the Act of 1910 and thereby be compelled to reduce the note circulation by 55 crores, from 69 to 14. Doubt only begins to arise when we have to decide whether we should introduce permanent legislation for the constitution of the Paper Currency Reserve or temporary legislation of the type with which the Council was familiar during the war. We have taken the bolder course, and propose to introduce a Bill for the permanent constitution of the Paper Currency Reserve, taking at the same time those transitory powers which are necessary until we can introduce the permanent constitution of the Reserve. The Bill therefore which I now propose to introduce falls into two parts, a permanent and a transitory part. The provisions which deal with the permanent constitution will be found in clauses 12, 14 and 15. There is in this portion one clause which will attract the attention of all those who are interested in the subject, I mean the clause which provides that the metallic reserve shall be at least 50 per cent of the total reserve. This is an interesting departure for India. Under the law of 1910 we had a different kind of limit, that is to say, we had a maximum limit to the amount of notes we might issue on a fiduciary basis. We could issue what we liked against metal; but if we desired to issue against securities, we were limited to 14 crores. This specific limitation of the fiduciary portion of the Reserve has created a rigidity in our Paper Currency system from which it is desirable to liberate it. The Chamberlain Commission was the first of the Committees of enquiry to deal with this particular aspect of the case. They recommended that we should depart from our previous procedure and that the maximum of the fiduciary portion should be fixed not at any specific figure, but at the amount of the notes held by Government in Reserve Treasuries plus one-third of the net circulation for the time being. This proposal was under consideration when the outbreak of the war compelled us to defer further legislation on the subject. The recent Committee on Indian Currency and Exchange made a still further advance. They laid emphasis not on the limitation of the fiduciary issue, but on the proportion of metallic reserve. Their suggestion was that a percentage of 40 per cent to the gross circulation should be adopted as the minimum for the metallic portion, leaving automatically the fiduciary portion to rise as high as 60 per cent. Now I do not think that any suggestion will seriously be made that we should return to the

11-46 A.M.

old system. Apart from the condemnation of this system which is implied in the recommendation of the two Commissions which sat and considered it, it is our own practical experience that there are many drawbacks inherent in a system so inelastic as that which prevailed up to 1914. When there was an expansion of the currency which the seasonal demands of the trade called for at the time of export, there arose a stringency in the money market which could only be cured by the acquisition on behalf of the Paper Currency Reserve of gold or silver ; indeed it was only through the expansion of the metallic reserve that we could provide the trade with the currency it desired. The case, therefore, for abandoning the previous basis on which the Paper Currency Reserve was constituted is clearly justified. In one respect—and I expect that I shall have the Council with me here—in one respect we have gone beyond the proposals of the late Currency Committee, that is to say, that whereas they recommended a metallic reserve of 40 per cent we have recommended a metallic reserve of 50 per cent. Now it is possible that opinions may differ as to the suitability of this percentage. There will be no doubt some, I fancy, who will ask that it should be increased ; but there will be many who will suggest that so high a percentage as we propose is unnecessary. I should like to enter briefly here into the principles which should guide us in determining the strength of any such Reserve. In the first place, it must be sufficiently large to secure that we are in a position to honour the demands made from time to time on us for the encashing of our notes. Well, our experience has shown that our notes now command sufficient confidence to ensure that in normal times at all events, only a considerable portion will be presented for encashment into metal. Secondly, our metallic reserve must be sufficient to provide the necessary amount of coin to move and finance the crops up-country. Here again it is quite obvious that for this function it is unnecessary to maintain in the Reserve the full amount of metal necessary to provide for the encashment of the whole or even the greater part of our notes. I think the Council will gather from the figures that I have already given that the present amount of metallic reserve is 57 per cent of the total note circulation. Now it is interesting to note the history of our metallic reserve. In the past there have been occasions when a higher percentage of metal was held in the Reserve than that which we propose should form its permanent constitution ; but it is a point not only of interest but of very direct relevance to the present Bill that this has not universally been the case. Between 1872 and 1893 the metallic backing was less than 50 per cent in 6 years ; it was between 50 and 60 per cent in 8 years in this period, and it was only towards the latter end of that period that the percentage of silver to the total reserve rose to above 60 per cent. With a note circulation expanding as it has been in recent years, to hold a high percentage in metal would involve the locking up of vast quantities of coin—an expensive and unnecessary luxury. We recognise, however, that there is a strong feeling in India that our metallic reserve should be stronger than in other countries. We also recognise that what might be sufficient in ordinary banking practice would not be a safe guide in dealing with central reserves of this nature. It is for this reason that we propose to go above the 40 per cent recommended by the Committee.

" So much for one component of our Reserve. The second portion is that consisting of securities. We propose that with the exception of rupees 20 crores securities held in India the remainder of our securities should be held in England, and they should be short-term securities only. Here again we are following the recommendations of the Committee. Our own experience confirms the view held by the Committee, that we must avoid that immobility which comes from locking up our securities in any investment of a long term nature. It is essential that such securities as are held for backing our paper currency should be easily realisable, and easily convertiable into silver or gold. Taking now the 20 crores which we propose to hold in India, we propose that 12 crores shall be securities created by us for issue to the Reserve. These therefore will stand on a different footing to the 8 crores which we already hold and which have been purchased in the open market. I know that in March last, when we had our temporary legislation under discussion, some doubts were expressed as to the propriety of our holding rupee securities. It was suggested that these have but a small potential value as assets in that that they cannot be readily converted into bullions for increasing the metallic reserve. Now I am anxious to explain fully to the Council

our reason for thinking that an investment of 20 crores constitutes no danger to our currency issue. This sum represents practically that portion of the note circulation which is in our own hands, lying in our own treasuries or at our credit at the Presidency Banks. They can suitably be regarded, therefore, as a permanent lock-up since under no circumstances it is likely that we should present these notes ourselves for encashment into metal.

"But even apart from this consideration, which is of great weight, I feel that we should be justified in holding as much as 20 crores in our own securities, that is, against the general credit of Government. As against these securities it must be remembered that the Government would hold assets in the nature of productive works constructed out of their proceeds. I will give the Council here part of a memorandum which was placed before the Currency Committee.

> 'The stability of any paper currency system as a whole must necessarily be dependent in the ultimate resort on the credit of the Government adopting it; in so far as the Government of India hold their own paper, this is tantamount to an improvement of their income and credit by the avoidance of debt, since the funds taken from the Reserve are, in fact, utilized to increase the assets of Government.'

"I go further, and would ask the Council whether, with the credit we can command, with the great material assets which we possess, with all our productive investments to back us, we could not safely rely at any time on obtaining on our note of hand alone, at least 20 crores of bullion for the purposes of supporting our currency issue.

"I come now to a provision which is a new one as far as our own legislation is concerned, although there are precedents in the legislation of other countries. We have frequently been told that our currency note system is not sufficiently elastic; that though we may introduce improvements which will allow for the ordinary growth of note issues by the increase of investments against securities, yet it is not sufficiently elastic to allow for the fluctuations in the seasonal demand for currency. When the Committee considered this problem, they also felt the force of this criticism, and suggested that the note issue should be based in part upon commercial bills of exchange. That system, I may say, has been employed on a large scale in connection with the Federal Reserve note system obtaining in the United States of America. The Committee recommended that it should be tried experimentally in India on a small scale as the basis of a special power of expansion. I would like the Council to note that the expansion thus contemplated is not and cannot be a permanent expansion of the note issue; it is based on the fact that a self-liquidating Bill has a self-retiring note as its concomitant. With the necessary safeguards, such an issue cannot lead to any permanent inflation of the issue. Our Bill provides for power to authorise the Controller of Currency to issue notes up to an amount not exceeding 5 crores of rupees against Bills of Exchange of a maturity not exceeding 90 days, the exact conditions as to the class of Bills to be accepted and the manner of holding them being laid down by the Governor General in Council.

"There is one other feature of this permanent constitution of our Paper Currency Reserve which will no doubt attract the attention of our currency critics, but I think on this occasion I can flatter myself that the notice it will attract will not be unfavourable to us. Hitherto our legislation has not laid down any limit on the amount of gold bullion that may be held as security in England. We have, in order to meet those previous criticisms on this subject, provided in the Bill that the Secretary of State shall not hold more than £5 million in gold bullion in London. That again is in accordance with the general recommendation of the Committee. In their paragraph 81 they suggested that a certain amount of gold should be held in London either because it has been purchased there and is awaiting shipment, or because it would be available for the purchase of silver. That, I think my Lord, concludes what I have to say on the permanent constitution of the Paper Currency Reserve.

"I now turn to what I before described as the transitory provisions. The Council will of course recognise that in the circumstances in which we stand at present, we cannot introduce at once, or for some little time, the permanent constitution of our Paper Currency Reserve. I will give the facts again to the Council in order that they may judge of the circumstances in which we find ourselves to-day. On the 24th of August total circulation was 162 crores of rupees. Calculated on the Rs. 15 parity our coin and bullion Reserve stood at 93 crores of rupees, or 57 per cent. Our securities held in India amounted to

47 crores and in England to 21½ crores. The proposals which I placed before the Council two days ago will involve a re-valuation of the gold portion of our Reserve, both coin and bullion, and the English portion of our securities on the Rs. 10 parity. Re-calculated on this basis, against 162 crores of rupees of notes in circulation we should have gold coin and bullion and silver coin and bullion of 79¾ crores, and securities of just over 82 crores, of which we should hold in rupee securities 67 crores. Now while our metallic reserve on this re-calculation would come nearly up to the 50 per cent which we have provided for in the permanent constitution of our Reserve, it is clear that our holding of securities as between England and India will not conform to that standard. We should have an excess of 47 crores of rupees securities. We need therefore such transitory provisions as will enable us to carry on the operations of our Paper Currency system until we can attain to the proportions given in the permanent constitution. There is, however, one feature of satisfaction in this situation. Our present statutory powers of holding Indian securities, given to us under the law which lapses on October 1st, allowed us authority to take up to 120 crores. The Council trusted us with those powers in reply to a definite guarantee that we would utilise them with the utmost caution, and that we would do as little as we possibly could to add to the rupee securities created for the special purpose of the Currency Reserve. We are now content to ask that our transitory powers should be limited to 85 crores instead of 120 crores, and this 85 crores, the Council will note, will refer not entirely to rupee securities created specially for this purpose, but will include the permanent holding of rupee securities purchased by us in the open market, and also our remaining English securities.

"Those Members of Council who have followed these figures so far, and who have the knack of rapid calculation, will see that, as a matter of fact, as against that 120 crores, we have so far only exercised our powers up to 67 crores, namely, 47 crores in excess of our permanent provision. At the same time the Council must not suppose we are merely taking now a Pisgah sight of the Promised Land and are content to await on the course of events or an act of Providence to enable us to reach the standards given in our permanent constitution. Far from that; we propose to hasten the arrival of the appointed day by setting aside every year for the purposes of our Reserve, the whole of the interest on our English and Indian securities held specially for the Reserve, and, further, in order that there will be a full guarantee that we have done so, there will be an annual attestation to this effect by the guardian of our official conscience—the Auditor General in India. Roughly this interest will amount to £2 million annually. We shall go further than this although we have not provided in the Bill for this measure; and when our Gold Standard Reserve amounts to £40 million, it is now £37½ million, we shall take all the interest from that and place it to the credit of our Currency Reserve.

"This concludes, my Lord, all the matters of real importance or moment comprised in the Bill. The remaining provisions concern purely technical matters with which I need not further detain the Council. There is one provision, however, of more or less importance and that is the section which relates to the method which we propose to deal with lost or mutilated notes. We have been advised that under the existing law full payment should be made on all lost or destroyed notes on a sufficient indemnity being given, but since we have abolished the system of registering notes below and including Rs. 10, Government can derive no security from such an indemnity against double payments.

"In order therefore to place on a legal footing the existing practice, we have provided in the Bill that no person shall as of right be entitled to recover from Government the value of any lost, mutilated, or imperfect currency note, provided that the Governor General in Council may by rule prescribe the circumstances and conditions under which the value of such notes may be refunded as of grace.

"The agenda of to-day will show that I propose subsequently to ask that this Bill be referred to a Select Committee. It is possible however—in fact after what I have heard this morning I feel it is exceedingly likely—that Members of this Council and some members of the public may feel that those interested should have fuller opportunities of considering this measure. If that is the feeling of the Council on the subject, I shall merely ask that the matter be referred to the Select Committee on the understanding that we shall not proceed further with the legislation until it has been more fully considered.

[2ND SEPTEMBER, 1920.] [*Mr. W. M. Hailey; Mr. Haroon Jaffer.*]

Of course the Council will understand that as our present powers lapse on the 1st of October we must have some legislation such, for instance, as is comprised in the transitory provisions of this Bill. That we must have; but as regards the permanent legislation, I think I may say that Government is fully prepared to leave itself in the hands of the Council and of the Select Committee as regards the course to be taken.

"I now beg, my Lord, for leave to introduce the Bill."

The motion was put and agreed to.

The Hon'ble Mr. W. M. Hailey:—"My Lord, I introduce the Bill and move that the Bill be referred to a Select Committee consisting of the Hon'ble Sir George Lowndes, the Hon'ble Mr. Muddiman, the Hon'ble Sir Dinshaw Wacha, the Hon'ble Mr. Sastri, the Hon'ble Mr. Nathmal, the Hon'ble Mr. De, the Hon'ble Mr. Innes, the Hon'ble Mr. Murray, the Hon'ble Mr. Froom, the Hon'ble Mr. Gubbay, the Hon'ble Mr. O'Donnell, the Hon'ble Mr. Tata and myself, with instructions to report on or before the 16th September 1920."

The motion was put and agreed to.

THE CUTCHI MEMONS BILL.

The Hon'ble Mr. Haroon Jaffer:—"My Lord, in moving that the Cutchi Memons Bill which I introduced at the last session of the Council, be referred to a Select Committee, I am expected to deal with the criticisms which it has evoked and with the views which have been expressed regarding it by Provincial Governments, by judicial and legal authorities, and by other persons interested in the question. As I had anticipated, my task has been rendered very easy by the favourable reception the Bill has met with at the hands of almost all those who have given thought to it, and have expressed an opinion on it and by the warm support the proposed piece of legislation has received from those who will be most deeply affected by its application. 12-15 P.M.

"There is practically a complete unanimity as to the necessity of placing the law of succession and inheritance in the case of Cutchi Memons, on a satisfactory footing. The legislature may indeed well hesitate in making a wholesale change in the customs, and in the laws which have governed the Cutchi Memon community in matters of succession and inheritance for generations together. But the test to be applied in the case of a question like that is, does the community as a whole, what the change, and is its demand, reasonable? A perusal of the opinions which have been elicited from a large body of people whose views are entitled to the greatest respect, will leave no doubt in the minds of Hon'ble Members on this crucial point. The Hon'ble the Judges of the High Court of Madras have all adopted the above line of reasoning. The Hon'ble Mr. Justice Krishnan, for instance, observes, that 'the question is entirely one for the community concerned and, if the members of it are agreed the Bill should be passed.' The Hon'ble Mr. Justice Kumaraswami Shastri says that 'if a large majority of the community desire that Mahomedan Law should be applied, I see no objection to legislation on the lines of the Bill.' Mr. Justice Coutts-Trotter agrees that 'the Cutchi Memons should be freed from the fetters of Hindu Law.' Mr. Justice Sadashiva Ayyar is 'very glad that the Cutchi Memons are anxious to see that the Law which they follow is not separated from their noble religion by a watertight compartment.' Mr. Justice Abdur Rahim is of opinion that 'the present condition of things, must be misleading to those who deal with them as it is embarrassing to the Court.'

"The principle that the community is the best judge of what laws it would have regarding inheritance and succession which are based upon its religious injunctions and sentiments, is unequivocally endorsed by the Hon'ble the Chief Justice and Judges of the Bombay High Court who observe that they do not wish to express an opinion on the question, 'this being purely a matter for the Cutchi Memon Community.' The Government of Bombay have remarked

that 'comprehensive inquiries have been made among all sections of the community, and as a result it has been ascertained that the community in general is practically unanimous in desiring that the Bill should become Law.' The Government of Bengal approve of the Bill generally and state that people who sent replies to its inquiries are generally in favour of it. The Hon'ble Justice Nawab Sir Syed Shams-ul-Huda is of opinion that 'the question of the proposed extension of the Law should depend entirely on the wishes of those affected by it.' With regard to the other Provinces, the Governments there have stated either that they have no remarks or suggestions to offer on account of the absence of any Cutchi Memons in any large numbers there or that they have no objection to take to the Bill. For example, the Government of Sir Reginald Craddock who had consulted the Hon'ble Judges of the Chief Court of Lower Burma, the Judicial Commissioner of Upper Burma, the Bar Library Association, the Burman Moslem Society and the Hon'ble Sir Abdul Karim Jamal, states that it has no observations to make on the Bill and considers that the question is one which should be decided by the Cutchi Memon Community itself.

"My Lord, judicial opinion is thus entirely in favour of the passing of the Bill and the reports of Provincial Governments make it quite clear that the Bill has behind it the strong and the enthusiastic support of the community primarily affected by it. The dissentient note has indeed been struck by the handful Cutchi Memon community of Ootacamund and by one or two individuals who do not feel the necessity of applying the Mahomedan Law of inheritance and succession to Cutchi Memons. But this solitary discordant note only throws into relief the strength of the volume of support the Bill has secured throughout the country. And it will be a misfortune my Lord, it will be a misfortune which will be deeply resented and deplored by the community if such slight opposition were to endanger the passing of the Bill. It is of the utmost importance to note that the support of the Bombay Presidency which has the largest number of Cutchi Memons, is practically unanimous and peculiarly enthusiastic. The Select Committee on the last Bill twenty-four years ago was swayed in its recommendation against proceeding with the measure by the fact that the replies sent by the Bombay Government and proceeding from what was supposed to be a large number of the Memon community, were adverse to the proposals of the Bill. But what is the position today? The Government of Bombay declare that community in general is practically unanimous in desiring that the Bill should become Law. The significance of this change of view cannot be over-rated and lends special strength to the Bill now before the Council. As regards individual difference of opinion, Mr. Abdul Rahman Moledina whose view has been forwarded by the Bombay Government, the Council will be interested to know that he has recently withdrawn his opposition to the Bill.

"I am glad to inform the Council that while coming here I received a telegram from the Cutchi Memon community of Ootacamund which runs thus :—

> 'Resolved that after reconsidering in a special general meeting convened at Ooty in the premises of Meanjee Sait on the 31st instant under the presidentship of Salay Mohamed Noorani the undermentioned members of the Cutchi Memon Jamath of Nilgiri Coonoor have solemnly supported the proposed Mahomedan Law Bill by Hon'ble Ebrahim Hajee Haroon Jaffer. Salay Mohamed Noorani, President of the Committee Noor Mahomed Hajee Ismail Moosa Haroon Siddick Moulana Abdulla Ebrahim Ismail Abdul Rahim Aharat Abdul Karim Sailay Mohamed Noor Mohamed Mohamed Hussain Hajee Oomer Salay Mohamed Fakeer Mohamed Siddjck Oosman Zakaria Oocman Joonus Aboobucker Oosman Rahim Iyoob Suliman Abdul Kader Haroon Hasham Ebrahim Kasim Hasam Ellians Joonus Moosa Haroon Casim.'

"It will thus be seen that the Cutchi Memon community of Ootacamund have withdrawn their opposition to my Bill.

"The practical unanimity of feeling in the Cutchi Memon Community with respect to the Bill before the Council is the strongest argument in its favour and I do not think it necessary to say anything more on this point.

"My Lord, there are, however, one or two matters which require consideration. It has been stated that the proposed Law will cause hardship in cases where Memons became Shias and cannot therefore be governed by the law of the Hanafi School, and it is suggested that provision should be made to the effect that 'the law of the Hanafi School should apply except where in any case it is proved that a particular member of the Cutchi Memon community belongs to any other sect

of Mahomedans in which case the law of that sect should apply to him.' It has also been stated that the proposed Act should not be retrospective and that vested interest should not be disturbed. Both these points require careful consideration and I appreciate the reasonableness of the suggestions made. These matters, however, can be best discussed by the Select Committee which will make suitable amendments in the Bill. The Hon'ble Sir William Vincent had likewise raised certain questions in connection with the Bill when it was before the Council in February last. I hope he now feels satisfied regarding the opinion of the Cutchi Memon community which by an overwhelming majority, amounting to practical unanimity, has supported the main principle underlying the Bill. With regard to the difficulties involved in the application of the proposed law which he referred to, the Select Committee will suggest methods to overcome them. The difficulties are not insuperable and the wording of the Bill can be modified to meet those he mentioned. My Lord, I now move that the Cutchi Memons Bill be referred to a Select Committee consisting of the following Members :—

"The Hon'ble Sir George Lowndes, the Hon'ble Sir William Vincent, the Hon'ble Mr. Shafi, the Hon'ble Mr. Asad Ali, the Hon'ble Sardar Sundar Singh, the Hon'ble Mr. Chanda, the Hon'ble Mr. Nathmal, the Hon'ble Colonel Sir Umar Hayat Khan, the Hon'ble Mr. Kincaid, the Hon'ble Mr. Shah Nawaz Bhutto, the Hon'ble Mr. Mahomed Ali and myself."

The Hon'ble Sir William Vincent:—"My Lord, I think the 12-27 P.
name of the Hon'ble Mover will always be associated in the minds of many Members of this Council with this Bill. Hon'ble Members, after the exhaustive examinations which we have heard of this Bill from the Hon'ble Member, are doubtless better informed than they were before of the characteristics and customs of this interesting and important community of Cutchi Memons and I do not think there is much left for me to add. The Home Department of course has voluminous notes and references on the subject, but I do not think that non-official Members of this Council have had such detailed information about the community placed before them with such authority before.

"The position of Government in regard to this Bill is however really somewhat difficult. There is a demand for a change in the law by a large majority of the community and although I do not accept the representation of the various opinions put forward by the Hon'ble Mover as entirely comprehensive, it is accurate so far as it goes. For some reason however he has only quoted the opinions which favour the Bill. The Government are naturally sympathetic towards a Bill, which is approved by so large a majority of the community affected and it seems indeed a very curious system of law under which, as has been said by an Hon'ble Colleague of mine, a live Muhammadan becomes a dead Hindu. That is, men are Muhammadans so long as they are alive, but as soon as they die, their property descends according to the Hindu law of inheritance. At the same time, there is not complete unanimity among the persons consulted as to the necessity for this legislation. For instance, in the Burma opinion which is quoted, Sir Abdul Currim Jamal—who is an important authority there, I believe—qualifies his opinion about the Bill by saying it ought to be permissive and not obligatory."

The Hon'ble Mr. Haroon Jaffer:—"He is not of the community."

The Hon'ble Sir William Vincent:—"I am sorry; even after the informative speech of the Hon'ble Member I was not aware of that fact. Then, Mr. Moledina, in the papers circulated on the Bill, says that for centuries these Cutchi Memons have been governed by the Hindu law of intestate property, and he contends that the application of this law does not at all interfere with their performing their religious ceremonies and states various objections to adopting the Muhammadan law of inheritance.

"There are other—not many—but a certain number of opinions which are equally opposed to the Bill. Mr. Moledina, the Hon'ble Mover tells me, has since changed his opinion on the measure. All I can say is that I have no official intimation of that fact; nor do I know the circumstances in which the

new opinion was expressed. But the Government's feeling about this Bill is that it is drafted in certain respects in very wide terms. In the first place, though it is a comparatively minor matter, it over-rides all family customs. Now, Members of this Council will agree that this is a very dangerous thing to do, having regard to the extent to which family customs prevail in many cases. I do not know how far these family customs in the case of Cutchi Memons deal with inheritance ; but the wording of the Bill is not limited to customs affecting inheritance. A more important point however is that this Bill makes it obligatory on all Cutchi Memons to adopt the Hanafi Muhammadan Law. Now, this is without any regard to the vested interests of persons already in existence. It is without any regard to the personal wishes of individuals, and I think that any lawyer in this Council will see that there are objections to a compulsory change in the personal law by which an individual is governed without giving him any option in the matter. It is all very well to say that A, B, C and D want this change but that is no reason why E and F should be made to accept it whether they like it or not. That is the position which I wish to make clear to this Council. There is of course also the difficulty to which I referred, on the occasion of the first debate, namely, that the Bill will not apply to Indian States; it is a matter of difficulty that Cutchi Memons may be subject to one law in British India and to another law in Indian States. That is a position that may well create very great difficulties in practice. But the main objection that I have to the Bill is its obligatory character. The Government of India are, however, prepared to allow the Bill to be referred to Select Committee on various specified and distinct understandings. The first condition is that it is found possible to avoid the dangers arising out of the obligatory character of the Bill. The second is that it is possible to secure vested interests, particularly with regard to family customs ; and the third is this, that if the Committee think fit they have every liberty to recommend that the Bill should be republished, in which case it will have to be re-introduced in the Reformed Councils and passed there. Subject to those conditions, which I think will appeal to every one who is really not prejudiced by over-zeal in favour of the Bill, the Government of India are prepared to accept the motion of the Hon'ble Mover."

12-45 P.M. **The Hon'ble Sir D. P. Sarbadhikari:**—"My Lord, some of the objections mentioned by Sir William Vincent were passing through my mind as a practical lawyer when I was listening to the speech of the Hon'ble Member who introduced the Bill. At the same time, I recall to mind what has been going on in this legislature for more than thirty years. Since Mr. Ameer Ali, then a practising barrister, now a member of the Privy Council of His Majesty, took up the case of an important section of Western India Muhammadans with regard to the question of succession law. Other questions affecting Muhammadan interests have come up to this legislature. I believe, my Lord, that by the assistance the legislature has thought fit to give to the Muhammadans, the particular communities concerned have been largely benefitted. If Muhammadans desire to go outside the pale of Hindu succession I do no think any Hindu can reasonably object to their continuing to be Muhammadans after death. Whether the restrictions to which Sir William Vincent has called attention and some others that would arise, will be needed or not will be considered in Select Committee. There is one aspect of the case however to which I desire to draw attention, having regard to what is going on all round at the present moment. We are told, my Lord, that an important section of the Muhammadan community is in favour of what has come to be known as non-co-operation. I desire to draw their attention to what the Council, if the community succeeds in securing its co-operation may be able to do to particular sections of the Muhammadan community. The benefits that the legislature has in this direction been able to confer on isolated sections of the Muhammadan community have been nothing in comparison to what the Hindus have been able to secure. From this point of view, I think, as a practical question it will be any object lesson to our Muhammadan fellow-subjects who desire to non-co-operate with the Legislative Councils, because there is a live agency yet vouchsafed to them to which they can come for remedy of their grievances, if only they are able to agree amongst themselves."

The Hon'ble Mr. Haroon Jaffer:—"My Lord, as the Bill is now to be referred to the Select Committee, all the criticisms offered will certainly be considered there, therefore I do not think it is necessary for me to add anything more to what I have said already. I thank the Hon'ble the Home Member and the Government for kindly allowing the Bill to go to a Select Committee." 12-38 P.M.

The motion was put and agreed to.

The Council then adjourned to Wednesday, the 8th September 1920, at 11 A.M.

A. P. MUDDIMAN,

SIMLA; *The 15th September, 1920.*

Secretary to the Government of India, Legislative Department.

223LD—750—6-9-20—GCPS

[2nd SEPTEMBER, 1920.] [Mr. Haroon Jaffer.]

The Hon'ble Mr. Haroon Jaffer:—"My Lord, as the Bill is now to be referred to the Select Committee, all the criticisms offered will certainly be considered there, therefore I do not think it is necessary for me to add anything more to what I have said already. I thank the Hon'ble the Home Member and the Government for kindly allowing the Bill to go to a Select Committee." [1920 p.1]

The motion was put and agreed to.

The Council then adjourned to Wednesday, the 8th September 1920, at 11 A.M.

SIMLA ;
The 10th September, 1920. }

A. P. MUDDIMAN,
Secretary to the Government of India,
Legislative Department.

S83LD—7-9—C.S.S.—GCPS

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.
(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Viceregal Lodge, Simla, on Wednesday, the 8th September, 1920.

PRESENT:

His Excellency BARON CHELMSFORD, P.C., G.M.S.I., G.M.I.E., G.C.M.G., G.C.B.E., Viceroy and Governor General, *presiding*, and 50 Members, of whom 42 were Additional Members.

STATEMENTS LAID ON THE TABLE.

The Hon'ble Sir William Vincent:—" My Lord, I beg to lay 11 A.M. on the table a statement* showing the number of cases in which findings, etc, were recorded by summary courts in the Punjab disturbances, which was promised in reply to a question asked by the Hon'ble Pandit Madan Mohan Malaviya on the 10th September, 1919."

The Hon'ble Mr. Shafi:—" My Lord, I beg to lay on the table a statement† showing the money spent by Local Governments and Administrations in connection with the influenza epidemic during 1918-19, which was promised in reply to a question asked by the Hon'ble Rai Sahib Seth Nathmal on the 24th September, 1919."

* *Vide* Appendix A.

† Not included in these Proceedings.

QUESTIONS AND ANSWERS.

11-8 A M. **The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer** asked :—

Financial Relations Committee. **1.** "Is it proposed to give effect to the recommendations of the Meston Committee on Financial Relations without any modification?"

The Hon'ble Mr. W. M. Hailey replied :—

"The Hon'ble Member's attention is invited to the recommendations of the Joint Select Committee on the scheme for allocation of revenues formulated by the Financial Relations Committee, a summary of which has appeared in the newspapers. These recommendations have still to be laid before Parliament."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer asked :—

Sale of gold. **2.** "Will Government state the total quantity of gold sold by them during the current official year?"

The Hon'ble Mr. W. M. Hailey replied :—

"The quantity of gold sold by Government from 1st April to 19th August 1920, is 12,786,725 tolas fine."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer asked :—

The co-operative movement. **3.** "Will Government consider the desirability of publishing an annual review of the progress made by the co-operative movement in the different provinces along with the statistics published each year?"

The Hon'ble Rao Bahadur B. N. Sarma replied :—

"The Government of India formerly issued an annual review of the progress of Co-operative Societies in India, the last one being for the year 1909-10, but it was discontinued in 1911 with the approval of the Secretary of State who agreed with the Government of India that the provincial reports and the proceedings of Reg strars' Conferences supplied sufficient information on the subject. The Government of India see no reason to reconsider this decision, particularly in view of the fact that under the reformed constitution Co-operation will be a Provincial transferred subject and the direction of the movement will be in the hands of local Governments.

"The subject of Co-operation is reviewed each year in the account of the moral and material progress of India which is compiled under the provisions of section 26 of the Government of India Act and is now issued in handy book form. The published statistics are also prefaced by an explanatory note."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer asked :—

Export of sugar. **4.** "Will Government state the total quantity and value of sugar exported out of India during the past seven months and the countries to which the exports went?"

The Hon'ble Sir George Barnes replied :—

"A statement* giving the exports of sugar from India (including both exports of Indian sugar and re-exports of foreign sugar) during the seven months ending July 1920 is laid on the table. I may draw the Hon'ble Member's attention to the fact that over 69 per cent of these exports represent re-exports of sugar of foreign manufacture."

* Not included in these Proceedings.

[8TH SEPTEMBER, 1920.] [*Khan Bahadur Ebrahim Haroon Jaffer*; *His Excellency the Commander-in-Chief*; *Mr. Shafi*; *Mr. W. M. Hailey*; *Rao Bahadur B. N. Sarma.*]

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer asked:—

5. "(*a*) What has been done so far regarding the appointment of a Committee to consider the amendment of the Cantonment Code? **Amendment of the Cantonment Code.**

(*b*) Has the spade work promised in the speech of His Excellency the Commander-in-Chief to the deputation of the All-India Cantonments Conference been completed?"

His Excellency the Commander-in-Chief replied:—

"(*a*) and (*b*) Army Headquarters have been working at the necessary details in respect to the revision of the Cantonment Code since the deputation made their representation to me at Simla on the 19th April last.

When the preliminary work has been completed, the representative Committee will be assembled."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer asked:—

6. "Is it proposed to make any improvements in the particulars of information to be collected at the forthcoming census? If so, what?" **The census.**

The Hon'ble Mr. Shafi replied:—

"The information asked for by the Hon'ble Member is contained in the Government of India resolution of the 14th June last, which lays down the general lines on which the census will be taken, and in the appendices to that resolution which give the specific information which it is intended to collect. These papers are laid on the table."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer asked:—

7. "What is the total value of the Reverse Councils sold during the past six months and the amount of the total loss incurred on these sales?" **Sale of Reverse Councils.**

The Hon'ble Mr. W. M. Hailey replied:—

"The total value of the Reverse Councils sold in the six months from February to July 1920 is £40,988,000. If the Hon'ble Member will explain what he means by the word "loss", I will endeavour to supply him with the information he requires."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer asked:—

8. "What action have the Government of India and the Provincial Governments taken on the Resolution moved in this Council by the Hon'ble Mr. Shukul on the question of village economic inquiries about two years ago?" **Village economic enquiries.**

The Hon'ble Rao Bahadur B. N. Sarma replied:—

"The Resolution to which the Hon'ble Member refers was moved in this Council on 24th September 1918, but in view of the undertaking given by Sir Claude Hill to draw the attention of local Governments to the subject matter of the Resolution it was withdrawn by leave of the Council. A copy of the Resolution with a copy of the discussions which took place on it, was then forwarded by the Government of India to local Governments and Administrations, with the suggestion that when an appropriate time came and suitable circumstances presented themselves the local Governments might take into consideration the question whether enquiries of the nature contemplated in the terms of the Resolution should be held in particular areas. The Government of India have no information whether any local Governments have yet taken action in the matter."

[*Rai Sahib Seth Nathmal*; *Sir William Vincent*; *Mr. S. N. Banerjea*; *Colonel W. D. Waghorn.*]

The Hon'ble Rai Sahib Seth Nathmal asked :—

9. "(*a*) What is the maximum pay sanctioned by the Secretary of State for the Provincial Civil Service :—

(*i*) for the ordinary grade ; and

(*ii*) for the selection grade, with the percentage of appointments in this grade ?

(*b*) What was the maximum pay of the officers of this service in the different provinces before the revised scale was introduced ?"

The Hon'ble Sir William Vincent replied : —

"A statement* is laid on the table giving the information asked for."

The Hon'ble Mr. Surendra Nath Banerjea asked :—

Disputes between Railways and merchants.

10. "(*a*) Is it a fact that frequent disputes arise between Indian Railways and merchants and traders ?

(*b*) Do Government propose to consider the institution of a tribunal in each important commercial centre on which persons representing trade and industries can be appointed to determine questions of facts in connection with such disputes ?"

The Hon'ble Colonel W. D. Waghorn replied : —

"(*a*) It is not clear from the question what kind of disputes the Hon'ble Member has in mind, but if he refers to cases such as differences of opinion between traders and railway administrations regarding the liability of the latter for loss of, or damage to, merchandise the answer is in the affirmative.

(*b*) The answer is in the negative. Such cases are dealt with on their merits and questions of fact in connection therewith can be ascertained without institution of a tribunal.

In the event of a trader being dissatisfied with the reply given by the railway he has the option, if he so desires, of taking the case to court."

The Hon'ble Mr. Surendra Nath Banerjea asked :—

Indian Railway reorganisation.

11. "(*a*) Has the attention of Government been drawn to the recommendations which have recently been made by the Ministry of Transports in England, regarding the grouping of British railways on the basis of economy, elimination of competition and a thorough railway reorganization ?

(*b*) Do Government intend to consider these recommendations and adapt the same so far as practicable to the Indian Railway system ?"

The Hon'ble Colonel W. D. Waghorn replied :—

"(*a*) Government have seen the reports of recommendations referred to but have no information on the subject beyond what has appeared in the public press.

(*b*) As the Hon'ble Member is aware it is proposed to hold a comprehensive enquiry into Indian Railway policy by means of a Committee this cold weather and it is impossible therefore to consider usefully at present the desirability or otherwise of the proposals as applied to India."

The Hon'ble Mr. Surendra Nath Banerjea asked :—

12. "With reference to the question on the subject put in the House of Commons by Mr. Swan in July last, have Government considered the question of the improvement of Indian Miners, and reported thereon to the Secretary of State ?"

* Not included in these Proceedings.

[8TH SEPTEMBER, 1920.] [*Sir Thomas Holland*; *Mr. S. N. Banerjea*; *Rao Bahadur B. N. Sarma*; *Sir Debaprasad Sarbadhikari*; *Mr. Shafi.*]

The Hon'ble Sir Thomas Holland replied:—

"The question in the House of Commons referred to by the Hon'ble Member has only recently reached the Government of India. The question of the regulation of labour in Indian mines is already under consideration along with the Conventions and Recommendations of the Washington meeting of the International Labour Conference."

The Hon'ble Mr. Surendra Nath Banerjea asked:—

13. "(*a*) Do Government contemplate taking into consideration the question of the formation of a Canal Committee of the character recently formed in England to investigate the capacity of the various waterways in this country and their potentialities for purposes of trade? **Formation of a Canal Committee.**

(*b*) Do Government propose inviting Mr. Neville, the great expert on canals, to make a report on Indian waterways?"

The Hon'ble Rao Bahadur B. N. Sarma replied:—

"(*a*) The question of the formation of a Waterways Board for India to deal with inland navigation was considered by the Government of India last year. It was decided and the decision was endorsed by the Secretary of State, that the formation of a central board was unnecessary and that the control of matters connected with inland navigation should be left to the local Governments concerned, who would also be responsible for the investigation of these waterways. The Government of India do not consider it necessary to appoint a central body such as suggested by the Hon'ble Member.

(*b*) The answer is in the negative."

The Hon'ble Mr. Surendra Nath Banerjea:—Has any communication been made to the local Governments to inquire whether any Committees for waterways have been appointed?"

The Hon'ble Rao Bahadur B. N. Sarma:—"The Bengal Government, I believe, is the only one that is particularly interested at the present moment. The formation of a Waterways Board will be taken into consideration by the Bengal Government, I take it, should the need for it be felt."

The Hon'ble Dr. Sir Debaprasad Sarbadhikari asked:—

14. "Referring to the Hon'ble Mr. Sharp's letter to the Calcutta University No. 958, dated 26th July, received on 3rd August, and placed before the Senate on 14th August, will Government state if it is intended to appoint a Committee as suggested by the University?" **The Calcutta University.**

The Hon'ble Mr. Shafi replied:—

"The letter from the Government of India, Department of Education, No. 958, dated 26th July 1920, to which the Hon'ble Member has alluded, was intended to convey to the University of Calcutta the intimation that the Government of India would not introduce the Bill for the re-organisation of that body during the current session of this Council. Before the Government of India consider the Resolution contained in the Registrar's letter No. G.-624, dated the 31st March 1920, to the effect that a committee should be appointed for working out the details of a financial scheme, they desire to have before them the complete body of resolutions on the Calcutta University Commission's report which, it is understood, the Senate of Calcutta have still under consideration, and of which the Government of India have hitherto received only a first instalment."

[*Sir Debaprasad Sarbadhikari*; *Mr. Shafi*; *Colonel W. D. Waghorn.*] [8TH SEPTEMBER, 1920.]

The Hon'ble Dr. Sir Debaprasad Sarbadhikari asked :—

Government aid for Calcutta University.

15. "Will Government state what financial aid, if any, is intended to be given to the Calcutta University for reconstruction according to the report of the Saddler Commission ?"

The Hon'ble Mr. Shafi replied :—

" If the Hon'ble Member is referring to financial aid from Imperial revenues, the answer to his question is as follows :—The University of Calcutta has pressed for the postponement of the legislation necessary for the re-organisation of that body, which the Government of India had hoped to be able to introduce during the current session of this Council or earlier. Apart from the present financial position, no financial arrangement can be made until the Executive Commission proposed in the Report of the Calcutta University Commission has made its recommendations. As legislation cannot now take place until the new legislatures have been formed and the Executive Commission cannot at present be brought into existence, the propriety of a grant from Imperial revenues will be regulated by the new financial relations between the Imperial and Provincial Governments which will follow as a result of the introduction of the Reforms Scheme.

If the Hon'ble Member refers to financial assistance from provincial revenues, then the answer is as follows :—The amount of assistance given to the University will depend upon the report of the Executive Commission, the funds available and the allocation of these funds on which the Minister in charge of the portfolio of education in Bengal may decide between various branches of education."

The Hon'ble Dr. Sir Debaprasad Sarbadhikari :—" By Executive Commission ' does the Hon'ble Member refer to the Committee that the University has suggested or any other body ? "

The Hon'ble Mr. Shafi :—"The Executive Commission mentioned is the Executive Commission recommended in the University Commission Report."

The Hon'ble Dr. Sir Debaprasad Sarbadhikari asked :—

Allotment of wagons for coal under "special Supply."

16. "(*a*) Has the attention of the Government been drawn to the letter of the Indian Mining Federation No. 309, dated 29th April, 1920, appearing in the *Englishman*, dated 2nd of August, 1920, and to the speech of Mr. W. C. Banerjee at the Annual General Meeting of the Indian Mining Federation held on the 30th July, 1920 ?

(*b*) Have Government any information regarding the alleged abuse in regard to allotment of wagons for coal under ' Special Supply ' referred to in the above mentioned speech of Mr. W. C. Banerjee ? If so, will Government lay such information on the table ?

(*c*) Will Government state how many wagons (if any) were wrongfully appropriated by those guilty of the alleged frauds and the circumstances under which such fraud became possible ?"

The Hon'ble Colonel W. D. Waghorn replied :—

" (*a*) The reply is in the affirmative.

(*b*) The irregularities referred to by Mr. W. C. Banerjee consisted of the alteration of Special Supply letters after issue by the Coal Transportation Office.

(*c*) Directly these irregularities came to light the matter was placed in the hands of the Criminal Intelligence Department and measures taken to prevent this form of fraud. Until enquiries are completed it is not possible to give the information for which the Hon'ble Member asks."

[8TH SEPTEMBER, 1920.] [*Sir Debaprasad Sarbadhikari; Colonel W. D. Waghorn.*]

The Hon'ble Dr. Sir Debaprasad Sarbadhikari asked :—

17. "Will Government lay on the table a statement showing the number of wagons given for coal month by month from January to the 30th June 1920, (i) to the special public by Special Supply and the conditions under and reasons for which they were so allotted, and (ii) to the ordinary public on *pro rata* basis of allotment?" **Number of wagons given for coal to the public by Special Supply.**

The Hon'ble Colonel W. D. Waghorn replied :—

"A statement* showing the number of wagons allotted for coal month by month from January to the 30th June 1920 giving the number of wagons allotted in the Special Supply Classes and the number allotted *pro rata* to collieries is placed on the table.

The reasons for which Special Supplies or X class assistance was given were that the larger industrial concerns in India were with difficulty being kept going while in many places smaller concerns were closing or about to close for want of coal."

The Hon'ble Dr. Sir Debaprasad Sarbadhikari asked :—

18. "(*a*) Is it a fact that the Indian Mining Federation in its letter No. 309, dated the 29th April, 1920, to the Railway Board suggested that the allotment of wagons for coal should be placed 'in the hands of a Board or Committee consisting of the interests vitally concerned, *viz.*, mining, railways and industrial, under the presidency preferably of a Member of the Railway Board'? **Placing the allotment of wagons for coal in the hands of a Board or Committee.**

(*b*) Is it a fact that this proposal has not been accepted?

(*c*) If so, what are the reasons for rejecting the proposal?"

The Hon'ble Colonel W. D. Waghorn replied :—

"In reply to (*a*) and (*b*). The reply is in the affirmative.

As regards (*c*). After careful consideration Government decided that it was not practicable for the allotment of wagons to be carried out by a Committee. The Coal Transportation Officer is, however, in constant communication with and consults the various interests concerned."

The Hon'ble Dr. Sir Debaprasad Sarbadhikari asked :—

19. "(*a*) When and under what circumstances did the present coal transport control system come into existence after the abolition of the 'Coal Control System'? **Coal Transport control system.**

(*b*) Will Government lay on the table a copy of the order by which the Coal Transportation Officer was authorised to give 'Special Supply'?

(*c*) What are the conditions on which wagons for coal are being allotted by the Coal Transportation Officer under 'Special Supply'?

(*d*) Is it a fact that the Coal Traffic Conference of 1912-13 decided to give Special Supply to an Industry only in cases of extreme emergency? Are the rules in this connection still in existence?

(*e*) Are the instructions given by the Coal Traffic Conference of 1912-13 for the purpose of allotting wagons by 'Special Supply' being followed by the Coal Transportation Officer in giving Special Supply? If not, why not?

(*f*) Is it a fact that the Coal Controller in his letter No. C.C.-108-3, dated the 22nd April 1919, to the Indian Mining Federation declared 'After the withdrawal of the Coal Special Indent System, application for coal supplies in cases of extreme urgency may be made to the Coal Transportation Officer while his appointment lasts, but consumers, as a rule, must look to their collieries for their supplies, and not to the Coal Transportation Officer, who will intervene only in cases of extreme difficulty'?

(*g*) Is this rule being followed? If not, why not, and to what extent is the rule relaxed and for what reasons?"

* *Vide* Appendix B.

[*Colonel W. D. Waghorn*; *Sir Debaprasad Sarbadhikari.*] [8TH SEPTEMBER, 1920.]

The Hon'ble Colonel W. D. Waghorn replied:—

"As regards (*a*), when the Coal Controller vacated his appointment, the system of control came to an end, but the Special Indent System continued up to the end of 1919. From the 1st January 1920 the majority of requests for Special Supplies received by the Coal Transportation Officer were declined and consumers informed that they must look to their supplying collieries for their coal. Unfortunately it was found that the wagon supply for the coal-fields was insufficient with the result that it was necessary to give assistance by allotting wagons in cases of urgency.

As regards (*b*) and (*c*), there is no written order, but the procedure for the allotment of wagons was agreed to at a meeting held on the 14th April 1913 at which Mr. Banerjea was present. At this meeting the granting of extra supplies to meet cases of emergency at the discretion of the railways was clearly laid down and this discretion is being exercised by the Coal Transportation Officer.

As regards (*c*), special supplies are granted by the Coal Transportation Officer in the majority of cases on recommendations from responsible authorities such as the Coal Certifying Authorities in Calcutta, Bombay, Karachi and Lahore; the Ahmedabad Millowners' Association, the Indian Tea Association, the Indian Jute Mill Association and the various Directors of Industries.

As regards (*d*), the answer to both parts of the question is 'yes.'

As regards (*f*), the reply is in the affirmative.

As regards (*g*), this rule is being followed but owing to the wagon supply in the coalfields being largely in defect during the first half of this year many cases of emergency arose."

The Hon'ble Dr. Sir Debaprasad Sarbadhikari asked:—

Land acquired by the East Indian Railway Company, at Lillooah.

20. "(*a*) What is the area of land now in the possession of the East Indian Railway Company at Lillooah and the dates and purposes of acquisition of those lands?

(*b*) Will Government lay on the table a statement showing—

(*i*) the area of the land actually built upon by the Railway Company since acquisition in about 1897;

(*ii*) the number of houses and structures since then built thereon and their different purposes;

(*iii*) the area of land lying vacant on which the Company intended erecting buildings but which has not yet been built upon;

(*iv*) the area still available for building;

(*v*) the scheme of building submitted by the Company at the time of acquisition;

(*vi*) how far the same has been carried out; and

(*vii*) what action Government took to see the scheme carried out within the contemplated time?

(*c*) Do Government intend requiring the Railway Company first to complete their scheme, for which they acquired land in Lillooah and Belur in or about 1897, before acquiring further village lands?

(*d*) Did the Government of Sir John Woodburn give the East Indian Railway Company, to understand at the time of acquiring lands at Belur, in or about 1897, that further acquisition of village lands that would encroach upon a portion of the towns of Belur and Bally (Indian villages), between the railway lines and the Grand Trunk Road, would not be allowed?

(*e*) Is it a fact that the Railway Company has stated in effect in their letter to the London Board of Directors as a reason for acquiring more lands at Belur and Lillooah that land values there were being affected owing to speculation in land and that the prices were going up which must have the effect of largely enhancing the value of the property in future and that delay would entail much higher cost and would probably render acquisition prohibitive at a later date when the necessity for acquisition would arise?"

[8TH SEPTEMBER, 1920.] [*Colonel W. D. Waghorn*; *Mir Asad Ali, Khan Bahadur*; *Mr. Shafi.*]

The Hon'ble Colonel W. D. Waghorn replied:—

"In reply to (*a*). The area is a little over 187 acres. I place on the table a statement* showing the dates and the purposes for which the various portions of this area were acquired.

As regards (*b*), I place on the table the statement* asked for.

As regards (*c*), in the circumstances this question does not arise.

As regards (*d*), the Government of India are not aware that the government of Sir John Woodburn laid down any policy with regard to acquisition of more land in the neighbourhood of Lillooah for railway purposes.

As regards (*e*); the land now being acquired is required for building sites and the reason why the Board of Directors were asked to agree to its immediate acquisition was to prevent artificial enhancing of its value by speculative buying."

The Hon'ble Mir Asad Ali, Khan Bahadur, asked:—

21. "(*a*) Have the Nizam's Government applied for sanction for the extension of the metre guage railway line from Wanapadi Road to Kurnool? **Extension of railway line from Wanapadi Road to Kurnool.**

(*b*) If the answer is in the negative, do Government contemplate drawing the attention of the Durbar to the question of its early completion?"

The Hon'ble Colonel W. D. Waghorn replied:—

"As regards (*a*), the section from Wanapadi Road to Gadwal has already been sanctioned as part of the Secunderabad-Gadwal Railway, and His Exalted Highness the Nizam's Government have applied for sanction to its extension from Gadwal to Kurnool.

In reply to (*b*), the proposed extension is under consideration."

The Hon'ble Mir Asad Ali, Khan Bahadur, asked:—

22. "(*a*) Is a broad guage railway under construction from Warangal to Balharsha? If so, will Government state when it will be opened for traffic? **Construction of railway line from Warangal to Balharsha.**

(*b*) If the answer to (*a*) is in the negative, do Government contemplate asking the Durbar concerned to take the work in hand at an early date?"

The Hon'ble Colonel W. D. Waghorn replied:—

"In reply to (*a*). The reply is in the negative.

As regards (*b*), proposals have been received from His Exalted Highness the Nizam's Government for the construction of this line of railway, and are under consideration."

The Hon'ble Mir Asad Ali, Khan Bahadur, asked:—

23. "(*a*) Is it a fact that the steam-ship companies which ordinarily convey pilgrims from India to the Hedjaz have this year charged such high passage rates as to deter many pilgrims from undertaking the Haj? **Charges by steam-ship companies who convey pilgrims to the Hedjaz.**

(*b*) If so, have Government taken any steps to meet this state of affairs and ameliorate the conditions under which the Haj is undertaken?"

The Hon'ble Mr. Shafi replied:—

"(*a*) It is a fact that steam-ship companies can now obtain such high freights for cargoes that they insist upon higher rates for pilgrim tickets to and from the Hedjaz than formerly, alleging that otherwise it would pay them better to confine their attention to cargoes which would not necessarily be conveyed from the ports whence the pilgrims are accustomed to start. It is not known whether

* Not included in these Proceedings.

[*Mr. Shafi*; *Mir Asad Ali, Khan Bahadur*; *Sir George Barnes*; *Mr. S. Sinha*; *Sir William Vincent.*] [8TH SEPTEMBER, 1920.]

this has deterred intending pilgrims from undertaking the Haj. But, to judge from the large number of pilgrims who have sailed from Indian ports to Jeddah, it appears to be improbable that any large number have been so deterred. Reports to hand show that some 22,000 pilgrims have this year sailed from Indian ports, as against some 12,000 last year. These figures include a certain number of non-Indian pilgrims, who travel to Jeddah *via* India.

(*b*) Last year, in view of the high rates which were probably in excess of what the poorer pilgrims could pay, Government defrayed a portion of the passage-money of pilgrims to the Hedjaz, so as to bring the rates to their pre-war level. This action of Government was highly appreciated in the Muhammadan press and, it is believed, afforded great relief. This year similar difficulties were not apprehended. But, in the course of the pilgrim season, the principal Steam-ship Company insisted on raising its rates, the alternative being the discontinuance of pilgrim traffic. Although Government considered this action on the part of the Company difficult to justify, the predicament was so serious for the large number of pilgrims who had already started on the journey, that they decided to give a concession somewhat similar to that given last year. It is expected that this concession will cost about 4 lakhs of rupees.

Moreover, in view of the paucity of shipping, Government obtained the release of a vessel which was being used by the Admiralty as a transport. Government has also despatched to Jeddah a large field-hospital under Captain Ahmed, for the convenience of pilgrims who are British subjects. The cost will be borne mainly by the Government of India. But the Governments of other British territories which send pilgrims are expected to contribute and one has already agreed to do so to an extent proportionate to the number of its pilgrims. Government are also prepared within reason to assist the repatriation of any Indian pilgrims stranded at Jeddah."

The Hon'ble Mir Asad Ali, Khan Bahadur, asked:—

Government purchase of sugar.

24 "Is it a fact that Government are purchasing sugar on a large scale from the refineries in India? If so, will Government state whether the object of the purchase is for exporting to other countries or for controlling the present high prices or for any other purpose?"

The Hon'ble Sir George Barnes replied:—

"The military authorities are in the ordinary course purchasing a certain amount of sugar from refineries in India to meet the requirements of troops in this country and in Mesopotamia. No purchases are being made by Government for any other purpose."

The Hon'ble Mr. Sachchidananda Sinha asked:—

Newspapers, journals and periodicals dealt with under the Press Act, 1910 and the Defence of India Act.

25. "Will Government lay on the table an up-to-date list of newspapers, journals and periodicals dealt with under the Press Act of 1910 or under the Defence of India Act or under both Acts, as the case may be, giving the name of each, the language or languages in which it appeared, the place where it was published, the name or names of the proprietor, editor or printer proceeded against, the nature of the order and its effect on the particular newspaper, journal or periodical concerned?"

The Hon'ble Sir William Vincent replied:—

"The Hon'ble Member is referred to the statement laid on the table on the 22nd March 1920, relating to newspapers, journals, periodicals and presses dealt with under the Defence of India Act since its enactment.

In accordance with the promise made in reply to a previous question of the Hon'ble Member, a statement relating to newspapers, journals and periodicals dealt with under the Indian Press Act, 1910, during the years 1917 1919 is under preparation."

[8TH SEPTEMBER, 1920.] [*Mr. S. Sinha*; *Sir George Barnes*; *Sir William Vincent.*]

The Hon'ble Mr. Sachchidananda Sinha asked:—

Location of the Dead Letter Office for Bihar and Orissa.

26. "(*a*) Is it a fact, that, in spite of Bihar and Orissa having a postal circle and a provincial postal organisation of their own, their Dead Letter Office is still located in Calcutta? If so, what is the reason of it?

(*b*) Had not Bihar till 1905 its own Dead Letter Office located at Dinapore? Was it abolished? If so, why?

(*c*) Are Government aware that the location of the Bihar Dead Letter Office in Calcutta inflicts great hardship on the Biharee clerks in service there?

(*d*) Do Government contemplate considering the desirability of removing the Bihar Dead Letter Office to Patna? If not, why not?"

The Hon'ble Sir George Barnes replied:—

"(*a*) The answer is 'yes' and the reason is that the Dead Letter Office in Calcutta is able to serve the circles of Bengal and Assam as well as that of Bihar and Orissa.

(*b*) The Dead Letter Office of Dinapore was closed on the absorption of Bihar into the Bengal circle in 1905.

(*c*) Government are not aware that the Biharee clerks employed in the Calcutta Dead Letter Office undergo any hardships greater than the clerks of other provinces employed in that Office. The total number of Biharee clerks employed in the Calcutta Dead Letter Office is 20. Of these no less than 15 were recruited in Calcutta.

(*d*) The question of establishing a separate Dead Letter Office for Bihar and Orissa has already been the subject of careful consideration. A separate Dead Letter Office at Patna is not desirable from an administrative point of view, and there would be no justification for the additional expenditure which would be involved. Further a Dead Letter Office at Patna would be of use for Bihar alone, for Orissa and Chota Nagpur are in quicker mail communication with Calcutta than with Patna."

The Hon'ble Mr. Sachchidananda Sinha asked:—

Publication of Sir Michael O'Dwyer's evidence before the Hunter Committee.

27. "(*a*) Has the attention of Government been drawn to the statement of Sir Michael O'Dwyer, in his letter published in the *Englishman* of 29th June last, that 'his evidence before the Hunter Committee has not been made public, though he asked for its publication'? Is the statement correct?

(*b*) If so, will Government state the reason for their refusal to comply with the desire of Sir Michael O'Dwyer?

(*c*) Has publication of the evidence of any other witness or witnesses been withheld? If so, whose and for what reasons?

(*d*) Do Government propose now to publish them?"

The Hon'ble Sir William Vincent replied:—

"(*a*) to (*d*) Yes. The facts are that Sir Michael O'Dwyer was asked by the Government of India whether he had any objection to the publication of his evidence. He replied that he had no objection, but the Government of India eventually decided that none of the evidence taken *in camera* should be published, partly because its publication would be a breach of confidence, as the evidence was private and privileged, and partly because its publication in full would be in their opinion prejudicial to the interests of the State and the public safety. As these reasons still obtain, Government do not propose to publish the evidence now."

The Hon'ble Mr. Sachchidananda Sinha asked :—

Sir Michael O'Dwyer's statement re the Indian members of the Hunter Committee.

28. "(*a*) Has the attention of Government been drawn to the statement of Sir Michael O'Dwyer regarding the composition of the Hunter Committee, in his letter published in the *Englishman* of 29th June last, that 'the Minority was composed of three Indian lawyers—gentlemen belonging to the very class which, as the records of the judicial proceedings establish, was largely responsible for creating the situation that led to the disorders, and which in several cases actively participated in the rebellion' ?

(*b*) Have Government in their possession findings of any judicial proceedings which support the above statement ?

(*c*) If so, will Government lay them on the table ?

(*d*) If the answer to (*b*) is in the negative have Government taken or do they propose to take any steps to contradict the above aspersion ? "

The Hon'ble Sir William Vincent replied :—

" (*a*), (*b*) and (*c*). Government have seen the letter. Government are not aware of the precise proceedings to which Sir Michael O'Dwyer refers. The records in their possession show that some of the persons convicted in connection with the disturbances belong to the lawyer class.

(*d*) Government have taken no steps to contradict the statements made by Sir Michael O'Dwyer. The statements represent his own opinion for which Government are not responsible. "

The Hon'ble Mr. Sachchidananda Sinha asked :—

Delay in the commencement of the enquiry.

29. "(*a*) Has the attention of Government been drawn to the statement of Sir Michael O'Dwyer, in his letter published in the *Englishman* of 29th June last, that 'the delay of six months between the suppression of the disorders and the commencement of the enquiry.....gave opportunities of which the extremist agitators from outside made the fullest use to pervert the real facts, intimidate witnesses, and overawe the loyal supporters of the Government'?

(*b*) Have Government in their possession any materials which support the above statement ?

(*c*) If so, will Government lay them on the table ? "

The Hon'ble Sir William Vincent replied :—

" (*a*), (*b*) and (*c*). Government have seen the letter. They decline to consider or discuss the accuracy of Sir Michael O'Dwyer's opinion in this matter."

The Hon'ble Mr. Sachchidananda Sinha asked :—

Examination of certain witnesses in connection with the Punjab disorders.

30. " (*a*) Has the attention of Government been drawn to the statement of Sir Michael O'Dwyer, in his letter published in the *Englishman* of 29th June last, that 'in Lahore.....several witnesses of high position and reputation, who had personal knowledge of the outbreaks and were ready to depose that these were the results of an organised conspiracy.....were not.....given the opportunity'?

(*b*) Have Government in their possession any materials which support the above statement ?

(*c*) If so, will Government lay them on the table, especially the names of these witnesses ? "

The Hon'ble Sir William Vincent replied :—

" The Hon'ble Member is referred to the answer given to his previous question. The decision as to what persons should be examined was a matter within the discretion of the Committee. The Government of India believe that the Committee did not consider it necessary to examine certain persons who were prepared to give evidence. "

[8TH SEPTEMBER, 1920.] [*Mr. S. Sinha*; *Sir William Vincent.*]

The Hon'ble Mr. Sachchidananda Sinha asked:—

Administration of Martial Law under the control of the civil authorities.

31. "(*a*) Has the attention of Government been drawn to the statement of Sir Michael O'Dwyer, in his letter published in the *Englishman* of 29th June last that the Government of India refused to accept his proposals, and scheme 'for keeping the administration of Martial Law under the control of the Civil authorities,' 'with the view of preventing.....irregularities by inexperienced officers,' and that Sir Michael 'had actually introduced them but had to cancel them under superior orders.' Is that statement correct?

(*b*) If so, will Government lay on the table the detailed scheme of Sir Michael O'Dwyer, the reply of Government refusing it and the grounds on which Government declined to accept Sir Michael's proposals?

(*c*) Is it a fact, as stated by Sir Michael O'Dwyer in the same letter, that 'the Government of India appear to have overlooked this correspondence' in writing their Despatch to the Secretary of State on the Punjab disturbances?

(*d*) If so, how did it come about? But if it was not so, have Government taken or do they propose to take any steps to contradict the statement?"

The Hon'ble Sir William Vincent replied:—

"(*a*) After the proclamation of martial law on the 15th April the Government of India were informed by telegram of the 16th April that pending the receipt of rules for martial law administration from the Government of India the Lieutenant-Governor of the Punjab was issuing certain instructions prescribing offences and punishments and the courts which should try such offences, and that he proposed to issue a proclamation on the subject. This view was not accepted and the local Government was informed that as martial law had been declared subject to (*a*) the maintenance of the ordinary courts for ordinary offences and (*b*) the constitution of courts-martial (including special tribunals) for other certain offences, all further powers of prescribing offences, penalties, courts and procedure for trying the same were vested in the General Officer Commanding and could only be exercised by him. In the circumstances the Lieutenant-Governor had no power to take action on the lines proposed in his telegram; his orders would be inoperative and any action already taken would have to be ratified by the General Officer Commanding. It was further intimated that the Commander-in-Chief was directing the General Officer Commanding to act in consultation with the Lieutenant-Governor. On the 18th April the Commander-in-Chief issued telegraphic orders to the General Officer Commanding the Rawalpindi Division directing him, with a view to secure uniformity in th administration of martial law in the affected districts of the Punjab, to detail a staff officer to proceed immediately to Lahore to consult with the General, Division Lahore—and the Punjab Government, who were in possession of the latest instructions of the Government of India, and further directing him to act in close communication with the civil authorities. On the same date the Commander-in-Chief issued telegraphic orders to the General Officer Commanding the 16th Indian Division at Lahore directing him to act in close communication with, and on the advice of, the Lieutenant-Governor.

On the 19th April the Lieutenant-Governor of the Punjab telegraphed that the view taken by the Government of India was now being acted on and that, if necessary, ratification by the General Officer Commanding would be obtained, but the telegram of the Government of India had arrived in time to prevent the issue of the proposed proclamation by the Lieutenant-Governor.

(*b*) No detailed scheme was submitted to the Government of India.

(*c*) The Government of India did not overlook this correspondence but did not consider it necessary specifically to refer to it.

(*d*) In view of the above statement Government do not consider any further action required."

[*Mr. Srinivasa Sastri* ; *His Excellency the Commander-in-Chief.*] [8TH SEPTEMBER, 1920.]

The Hon'ble Mr. Srinivasa Sastri asked :—

The Indian Defence Force.

32. "(*a*) What was the total strength, distributed among the provinces, of the compulsory section of the Indian Defence Force at the time of the Armistice ?

(*b*) What was the number of Commissioned Officers and their proportion to the strength of each battalion or other unit ?

(*c*) How many of the Commissioned Officers were Europeans and how many Anglo-Indians ?

(*d*) Will Government state the method or the methods of recruitment of the Commissioned Officers ? What were the qualifications required ? Was any particular social status or class distinction among the qualifications ?"

His Excellency the Commander in-Chief replied :—

" (*a*) The total enrolled strength in November 1918 was 33,706. Returns by Provinces are not available.

(*b*) The number of Commissioned officers was 1,403, but this figure, includes many officers who were serving with the Army. Consequently the proportion of officers to the strength of each unit cannot be given.

(*c*) No information is available.

(*d*) The officers holding commissions in the Indian Volunteer Force were gazetted to the Indian Defence Force if recommended by the General Officer Commanding the Division. The latter authority recommended officers required for the completion of establishment. Regulation 10 lays down that officers commanding Divisions will first satisfy themselves that a candidate is by education, social position and personal qualities likely to make a good officer."

The Hon'ble Mr. Srinivasa Sastri asked :—

Number of centres and strength of the Indian Defence Force in the various provinces.

33. " Will Government state the number of centres in the various provinces at which the compulsory units of the Indian Defence Force were trained, and the strength of each centre ? "

His Excellency the Commander-in-Chief replied :—

" Training was carried out at the headquarters of each unit and detachment as shewn in the Army List, and in camps. It is not possible to give the strength at each centre during training."

The Hon'ble Mr. Srinivasa Sastri asked :—

Training in the voluntary section of the Indian Defence Force.

34. "(*a*) Is it a fact that it was stated on authority that the object of training in the voluntary section of the Indian Defence Force was to produce only soldiers, while the object of training in the compulsory section was to produce officers as well as soldiers ?

(*b*) If so, what was the reason for the difference ?

(*c*) Do Government propose to order that attention should be had in future to the production both of officers and soldiers in the arrangements for the training of the Indian section of the Auxiliary force ?"

His Excellency the Commander-in-Chief replied :—

" In reply to (*a*). The answer is in the negative. The Army Department Communiqué of the 27th March 1917 stated clearly that soldiers would be eligible for promotion and non-commissioned officers for further advancement, if qualified.

(*b*) This question therefore does not arise.

(*c*) It is not proposed to have an Indian Section of the Auxiliary Force. But, as explained in my speech introducing the Territorial Force Bill, the constitution of the Indian Territorial Force will provide for the production of officers as well as of soldiers."

[8TH SEPTEMBER, 1920.] [*Mr. Srinivasa Sastri; His Excellency the Commander-in-Chief.*]

The Hon'ble Mr. Srinivasa Sastri asked :—

35. "(*a*) Is it a fact that in the resolution of the Government of India dated 21st May, 1917, they recognised that there were conditions of service in the Indian Defence Force which were unsuitable to men who enrolled themselves in the new force and open to criticism, that Government were aware of Indian aspirations with reference to commissioned ranks and that the matter was engaging their earnest and sympathetic attention? **Grant of commissions to Indians in the Indian Defence Force.**

(*b*) Will Government state the result, if any, of such earnest and sympathetic attention?"

His Excellency the Commander-in-Chief replied :—

"(*a*) The reply is in the affirmative.

(*b*) It is understood that this question refers to the grant of King's commissions to Indians. The number of such commissions granted up to date is 51. In addition to this 193 Honorary King's commissions have been granted, and 10 cadets are admitted annually to the Royal Military College, Sandhurst, with a view to qualifying for King's commissions. The number now under training there is 14. These results show clearly that the attention paid by Government to Indian aspirations in regard to commissions has been both earnest and sympathetic."

The Hon'ble Mr. Srinivasa Sastri asked :—

36. "Do Government propose to arrange, in respect of the Indian Defence Force, at least for the organisation of Officer's Training Corps in connection with Indian Universities on lines similar to those obtaining in England?" **Organisation of an Officer's Training Corps for Indian Universities.**

His Excellency the Commander-in-Chief replied :—

"The necessity for the adequate training of officers for the Indian Territorial Force is fully recognized and was referred to in my speech introducing the Indian Territorial Force Bill. It is hoped that the University Training Corps will in time supply a considerable number of qualified officers. Facilities will be granted to approved candidates to enable them to qualify at Schools of Instruction, for promotion, in accordance with the standards prescribed for corresponding ranks of the Regular Army."

The Hon'ble Mr. Srinivasa Sastri asked :—

37. "Is it intended to make the same or different arrangements for subsequent periodical training in respect of (1) the Indian and (2) the European and Anglo-Indian branches of the Auxiliary force?" **Training of the Indian and European branches of the Auxiliary force.**

His Excellency the Commander-in-Chief replied :—

"The arrangements will be different. Beyond providing a limited number of officers as a Reserve, the European community cannot be regarded as a reserve to the Army in India except for the requirements of purely local service, and Military training must be restricted accordingly. The Indian Territorial Force is intended to be a second line to the Indian Army and, save as regards service overseas, will exist for the same purpose as the Territorial Force in Great Britain. It must, therefore, be organised and trained with that object in view."

The Hon'ble Mr. Srinivasa Sastri asked :—

38. "(*a*) Is it a fact that frequent complaints are made by Indians holding the King's Commission that they are not saluted by British soldiers and non-commissioned officers? **Salute to Indians holding the King's Commission.**

[*Mr. Srinivasa Sastri; His Excellency the Commander-in-Chief; Mr. H. R. C. Dobbs; Sir M. C. Nandi.*] [8TH SEPTEMBER, 1920.]

(*b*) If so, will Government state whether any orders have been issued on the subject ?"

His Excellency the Commander-in-Chief replied :—

"(*a*) One complaint has been received.

(*b*) Yes. Orders have been issued on the subject. A distinction in dress which is recommended by a Clothing Committee will remove these difficulties."

The Hon'ble Mr. Srinivasa Sastri asked :—

Employment of Indians in Mesopotamia.

39. "(*a*) Is it a fact that an order was issued in the beginning of last year in connection with the Mesopotamian Expeditionary Force to the effect that no Eastern races need apply for post-war civil employment in Mesopotamia ?

(*b*) If so, is the order in force now ?

(*c*) Is it a fact that Indian officers of the Indian Medical Service who applied for civil medical posts in Mesopotamia were not given any ?"

The Hon'ble Mr. H. R. C. Dobbs replied :—

"The answer to (*a*) is in the negative and (*b*) does not therefore arise.

(*c*) It is not the fact that Indian officers of the Indian Medical Service who have applied for civil medical posts in Mesopotamia have been refused appointments. The position is that owing to shortage of Indian Medical Service officers in India frequent applications by the Mesopotamian Administration for the services of Indian Medical Service officers, both British and Indian, have had to be refused, and for this reason and as their services are subject to withdrawal at short notice, there are now only two officers of the Indian Medical Service on the books of the Civil Administration, one of whom is on leave and the other has already served his full time for pension.

The total number of Indians of all classes now employed by the Civil Administration in Mesopotamia, exclusive of railways, is 2,216. Sir Arnold Wilson, the acting Civil Commissioner whose tenure is drawing to a close has asked that, with the permission of His Excellency the Viceroy an expression may be conveyed to this Council on behalf of the Civil Administration of Mesopotamia of his whole-hearted appreciation, admiration and gratitude, for the very notable services rendered to the Mesopotamian Administration during the past six years, and particularly during the past few difficult months, by Indian officials. He states that without the skilled assistance of Indians of all grades and of all Departments the Civil Administration could never have taken shape or been maintained. Their services ungrudgingly given in circumstances of great difficulty and danger have been invaluable, and they have by their example enhanced India's good name abroad. Both in executive and in administrative work they have proved their worth not merely to their departmental superiors but to the public. Particularly during the last few months Indian railway, telegraph, postal and other civil officials in Mesopotamia have remained and often died at their posts with a steadfastness which has commanded the admiration and respect of all. They have worked whole-heartedly for the common good, and have placed alike the people of Mesopotamia and the military and civil authorities under an enduring obligation."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

Financial position of provinces under the Meston Committee's recommendations.

40. "(*a*) Are Government in a position to state the extent of the modifications effected by the Parliamentary Joint Select Committee in the draft financial rules based on the Meston Committee's recommendations ?

(*b*) If so, will Government explain the financial position of each province thereunder, showing—

(*i*) the total revenue available for expenditure;

(*ii*) the amount of contribution to be made to the Central Government; and

(*iii*) the total expenditure for provincial purposes, basing the statement on the budget figures for 1920-21?"

The Hon'ble Mr. W. M. Hailey replied:—

"The report of the Joint Select Committee has only just been received and is under examination. As soon as this examination has been completed, I will endeavour to provide the information for which the Hon'ble Member has asked."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

41. "(*a*) Are Government in a position to state how far the prevailing high prices of sugar are due to general shortage of supply, and how far to any artificial causes, such as re-exports from India, cornering or holding up? High price of sugar.

(*b*) Have Government taken any steps to prevent speculation in sugar in India or to control re-export thereof from India?

(*c*) Will Government state what steps have been taken in other countries, particularly in the United States of America and Great Britain, to ensure a proper supply of sugar for the people?"

The Hon'ble Sir George Barnes replied:—

"(*a*) The Hon'ble Member will find full information about the world's sugar supply in the Supplement to the "Indian Trade Journal" of the 12th March 1920. I shall be very glad to send the Hon'ble Member a copy if he so desires. The prevailing high prices of sugar are probably due to a largely increased demand from the United States combined with a general shortage of supplies throughout the world. The main cause of this shortage is the decrease in the beet crop. In 1913-14 beet supplied 46 per cent of the total sugar in the world; in 1919 it supplied only 27 per cent. The decrease in the beet crop is due directly and indirectly to the late war. The Government of India have no reason to think that the high prices of sugar in India are in any way due to cornering or hoarding of supplies.

(*b*) Government have not taken any steps to prevent speculation in sugar in India. The possibility of prohibiting the re-export of sugar from India has been considered, but the Government of India are of opinion that such action would have little or no effect in bringing down prices, and would very probably interfere with imports of sugar into India.

(*c*) A Royal Commission on Sugar Supplies was formed in the United Kingdom in August 1914 and is still in existence. It controls all imports of sugar into the United Kingdom and from the beginning of 1917 has also rationed the consumption of sugar. In the United States of America a Sugar Commission was appointed, which co-operated to some extent with the Royal Commission on Sugar Supplies in the United Kingdom, and in 1918 bought the whole of the Cuba crop and apportioned it between the Allied countries of Europe and the United States of America. Government have no further information on this subject."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

42. "(*a*) Will Government state the principal terms of their agreement with the Darjeeling-Himalayan Railway, and the nature of control exercised by Government over its administration, particularly in regard to tariff regulations as affecting passenger and goods traffic? Darjeeling-Himalayan Railway.

[*Sir M. C. Nandi; Colonel W. D. Waghorn; Mr. Shah Nawaz Bhutto.*] [8TH SEPTEMBER, 1920.]

(*b*) What changes (if any) have been effected by the said Railway in their tariff rates and regulations at different periods since 1914?

(*c*) Were these changes introduced with the approval of Government?

(*d*) Is it a fact that the permanent-way of the said Railway runs over a portion of a district board road?

(*e*) If so, on what conditions was permission to thus utilise the said road given to the Railway?

(*f*) Was any compensation given to the district board by the Railway for this privilege?

(*g*) What have been the net profits earned by the Darjeeling-Himalayan Railway, during each of the last ten years?

(*h*) When is the present agreement with the said Railway due to expire?

(*i*) Do Government propose to consider the desirability of taking over the Railway from the hands of its present owners on the expiry of the agreement with them?"

The Hon'ble Colonel W. D. Waghorn replied:—

"(*a*) The principal terms are given at pages 241 and 243 of the "History of Indian Railways constructed and in progress, corrected up to 31st March 1919" of which I shall be glad to lend the Hon'ble Member a copy if he so desires. Government exercise over this line through the agency of the Government Inspector, the general administrative control prescribed by the Railways Act. Government have sanctioned maxima and minima charges for passenger and goods traffic over the Darjeeling-Himalayan Railway and its extensions within which the Railway can vary rates and fares.

(*b*) and (*c*) In December 1917, sanction was given to the increase of the third class passenger fare over the Teesta Valley Extension from 4 to 9 pies per mile, the fare charged by mixed and local trains on the Darjeeling-Himalayan Railway main line.

(*d*) The reply is in the negative, and

(*e*) and (*f*) Therefore do not arise.

(*g*) A statement* showing the net Revenue earned by the Darjeeling-Himalayan Railway during each of the years 1910 to 1919-20 is laid on the table for the Hon'ble Member's information.

(*h*) May 1929 for the main line and March 1946 for the extensions.

(*i*) It is too early to consider the question."

The Hon'ble Mr. Shah Nawaz Bhutto asked:—

The Indian and Provincial Civil Services.

43. "(*a*) What steps, if any, are being taken for enlisting a larger proportion of Indians in the Indian Civil Service?

(*b*) Are Government adopting the recommendations contained in Chapter XI (*i*) of the Montagu-Chelmsford Report as the basis of their action towards this end? If so, has the attention of Government been drawn to the fact that those recommendations do not take into consideration the claims of the members of the Provincial Civil Service for more extended employment in the Indian Civil Service?

(*c*) What action do Government propose to take towards the satisfaction of the legitimate aspirations of the members of the Provincial Civil Service in the matter of more liberal and more extended employment in the higher appointments usually held by members of the Indian Civil Service?

* Not included in these Proceedings.

(*d*) Do Government propose to take into special consideration the case of those provinces where up to now even the one-sixth of the Indian Civil Service posts which the Aitchison Commission recommended should be open to members of Provincial Civil Service has never been given to the members of that Service ?

(*e*) Do Government propose to take into special consideration the claims of those officers of the Provincial Civil Service who have been directly recruited before admitting more Indians into the Indian Civil Service ?"

The Hon'ble Sir William Vincent replied:—

"The various points raised by the Hon'ble Member in (*a*), (*b*), (*c*), (*d*) and (*e*) of his question form *inter alia* the subject of a Resolution which will be issued by the Government of India on the subject. We are now in correspondence with the Secretary of State on this matter generally and hope to issue the Resolution at an early date. I am not therefore in a position to reply categorically to his questions but I can give the Hon'ble Member a general assurance that steps have been taken to increase the proportion of Indians in the Indian Civil Service, and that the percentage recommended in the Report on Indian Constitutional Reforms namely 33 *per cent* increasing by 1½ *per cent* annually, has been accepted and is being given effect to from the present year. In this percentage are included Indians recruited from all sources, and also officers promoted from the Provincial Civil Service. The prospects and status of the latter are being materially improved as under our proposals they will have equal opportunities of promotion, etc., with regular members of the

THE AUXILIARY FORCE BILL.

The Hon'ble Major-General Sir Alfred Bingley:—"My Lord, I beg to present the Report of the Select Committee on the Bill to constitute an auxiliary force for service in India." 11-35 A.M.

THE INDIAN TERRITORIAL FORCE BILL.

The Hon'ble Major-General Sir Alfred Bingley:—"My Lord, I beg to present the Report of the Select Committee on the Bill to constitute an Indian Territorial Force, and to provide for the enrolment therein of persons other than European British Subjects."

THE INDIAN COMPANIES (AMENDMENT) BILL.

The Hon'ble Sir George Barnes:—"I beg, my Lord, to move for leave to introduce a Bill further to amend the Indian Companies Act, 1913.

"Our Indian Companies Act of 1913 is based on and for the most part is a re-enactment of the British Companies Consolidation Act which has been used as a model for company legislation in every part of the Empire. Section 91 (*b*) is an amendment of the Act of 1913 introduced in 1914. This section prohibits a director of a Company from voting on any contract in which he is interested. This is a very usual provision in articles of association which, of course, can be varied by a Company at will; but it was deliberately omitted

from the British Companies Consolidation Act and finds no place there or, as a matter of that, in any company legislation in any part of the Empire so far as I am aware. It has been represented, my Lord, to the Government that the operation of this section obstructs a parent company from promoting subsidiary companies, the management of which is to be carried on by a Board of Directors composed in part of the Directors of the parent company. We have consulted the Chambers of Commerce and other important mercantile communities in Bengal and Bombay with the result that, while full support is given to the present proposal to exempt private companies from the operation of the section, there are some who wish to go further and sweep away the section altogether. We have, however, my Lord, been satisfied to propose the smaller amendment only, namely, that the section shall not apply to private companies."

The Hon'ble Dr. Sir Debaprasad Sarbadhikari:—"My Lord, I regret I am unable to agree to the principles of the amendment. I especially regret this in the face of what is said in the Statement of Objects and Reasons with regard to the difficulty that has been felt and is said to be genuine in certain quarters. But, my Lord, interest in these matters is not confined to those represented by Chambers of Commerce or organised mercantile interests. We are all glad that a large industrial development is in progress in this country and we expect that the development will be larger soon; while that development is going on, we also feel that we are handicapped to an extent and in a manner from which probably other parts of the Empire do not suffer. Therefore, the analogy regarding this restriction not obtaining in other parts of the Empire will not apply to this country. As late as 1914 the legislature deliberately enacted this healthy provision and made it applicable to both private and public companies. The enactment did not rest with the disabling clause, and merely provides, that votes of the Directors interested in the contract should not count. The clause went so far as to say that every Director who contravenes the provision of sub-section (1) shall be liable to a fine not exceeding Rs. 1,000. Therefore I submit, my Lord, the enactment was deliberate and must have been thought necessary in 1914. Cases undoubtedly have come to light where private companies would like to organise subsidiary companies and are met with difficulties of the kind mentioned in the Statement of Objects and Reasons; but I have in mind the larger class which is growing up with regard to which no ideal can be too high. My Lord, if this were not a practical question, I should not have troubled the Council with regard to what I feel it my duty to lay before it. 11-38 A.M.

"Definition 13 in the Act provides that the number of members of a private company may be as large as 50; but, my Lord, there is another section—section 147, I think—which allows the number to be reduced to 2. The possibility of abuse in this state of things is not imaginary but is very real. Then, my Lord, if we look at section 154 we have a procedure provided by which a private company, by a very easy process, may be turned into a public company. Let us consider the case where a private company which is in existence enters into a number of contracts which may not *hurt* and may even be agreed to by those that are members of the company at that particular moment and which may have been entered into on full notice to all the members. Section 154 will enable that private company, after having incurred these obligations to change its character and be a public company without adequate notice to the public of the contracts and obligations that it has thus entered into. From these points of view, my Lord, it appears to me that a safeguard that was considered healthy both for private and public companies in 1914 should not be done away with except for very strong reasons which I fail to discover either in the Statement of Objects and Reasons or in the speech of the Hon'ble Member in charge of the Bill. My Lord, I want to be as jealous as possible with regard to the industrial development of my country. I want it to develop. At the same time I want to guard against evils and abuses that unfortunately are cropping up on all sides in the course of this industrial development. Whatever the reasons may be for amendment, hurried legislation like this with regard to a matter of this description ought not to go through. The Indian Companies Act is not an ideal Act, although it is based on the model of the British Act. There are many things in

it which require amendment and I submit that these should be more deliberately taken up and after consultation with all public bodies and not only those interested in organised trade and commerce or those represented in the Chambers of Commerce."

The Hon'ble Sir George Barnes:—"I think, my Lord, there is very little to say in reply. The really important fact is that there were no private companies before 1913. Private companies were created by the Act of 1913, and it is very possible that there were no private companies at all existing when the amending Act of 1914 was passed. The distinction between public companies and private companies was not therefore a question of practical importance at the time. 11-45 A.M.

"I think it would interest this Council and the Hon'ble Member if I told them in a little more detail than I did before the amount of support we have received from Chambers of Commerce in this matter. The Government proposal is supported by the Bombay Chamber of Commerce, the Bombay Trades Association, the Karachi Chamber of Commerce, the Bengal National Chamber of Commerce, the British Indian Association, the Bombay Under-Writers Association, the Indian Merchants Chamber and Bureau of Bombay and others. I think, my Lord, that that is very strong support for this amendment. I move for leave to introduce the Bill."

The motion was put and agreed to.

The Hon'ble Sir George Barnes:—"My Lord, I beg to introduce the Bill and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

THE PRESIDENCY BANKS (AMENDMENT) BILL.

The Hon'ble Mr. W. M. Hailey:—"My Lord, I beg for leave to introduce a Bill further to amend the Presidency Banks Act, 1876. 11-46 A.M.

"I have no doubt the Council will wonder why, when we have the Imperial Bank Bill still under consideration, I should seek to introduce this measure. The explanation is a very simple one. Under the existing Presidency Banks Act, the Presidency Banks are not able to deal in securities of a Local Government. The Imperial Bank will, if the legislation is passed, be able so to deal; but meanwhile the Bombay Government is about to raise a loan. I pause, my Lord, here,—and I hope the Council, even on a busy morning like this, will pardon me for doing so,—to wish success to that loan. It is not only the first loan raised by a Local Government against its own revenues, but it is being raised for a purpose—the amelioration of the housing conditions in Bombay—which, I am sure, will command every sympathy and support here, just as, as I think I may venture to add, this Council can have nothing but admiration for the energy and courage which His Excellency the Governor has exhibited in attempting to find a solution for that difficult problem. This Bill will, to some extent, facilitate the operation of that loan, and that is my excuse for bringing it forward now. I beg, my Lord, for leave to introduce the Bill."

The motion was put and agreed to.

The Hon'ble Mr. W. M. Hailey:—"My Lord, I introduce the Bill and move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

THE IDENTIFICATION OF PRISONERS BILL.

The Hon'ble Sir William Vincent:—"My Lord, I move that the Bill to authorise the taking of measurements and photographs of convicts and others be taken into consideration. 11-49 A.M.

"I explained the object of this Bill in some detail when I introduced it, and it has now been published in the Gazette. I have received no notice of amendment from any Member of this Council."

The motion was put and agreed to.

The Hon'ble Sir William Vincent:—"My Lord, I move that the Bill be passed."

The motion was put and agreed to.

THE INDIAN PASSPORT BILL.

11-50 A.M. **The Hon'ble Mr. H. R. C. Dobbs:**—"My Lord, I have to move that the Report of the Select Committee on the Bill to take power to require passports of persons entering British India be taken into consideration.

"The amendments suggested by the Select Committee are three only. First, in the definition of 'passport' in clause 2 it is proposed to omit the words 'and having attached to it a photograph of the person to whom it was issued.'

"I must explain that the suggested omission of these words does not mean that we hope to be able to dispense in ordinary cases with the attachment of a photograph to a passport. But it is obvious that the attachment of a photograph can be prescribed by rule and need not be included in the definition and it seems best to secure elasticity by leaving this point to the rules. We shall then always be able to dispense with photographs, where that may be advisable, without having to make formal amendments in the provisions of the Bill.

"Secondly, in clause 3 (3) it is suggested that the term of imprisonment which may be provided for the contravention of any rule or order under the Bill shall be reduced from six to three months. This needs no comment.

"Lastly, in clause 4 (2) it is suggested that there shall be a definite reference to Section 61 of the Code of Criminal Procedure, so as to make it clear that a person arrested cannot, without the special order of a Magistrate, be detained by the officer arresting him for more than 24 hours, exclusive of the time necessary for the going after arrest from the place of arrest to a Magistrate's Court.

"I beg to move, my Lord, that the report be taken into consideration."

The motion was put and agreed to.

The Hon'ble Mr. H. R. C. Dobbs:—"I beg to move, my Lord, that the Bill as amended be passed."

The motion was put and agreed to.

THE BASEL MISSION TRADING COMPANY BILL.

11-56 A.M. **The Hon'ble Sir William Vincent:**—"My Lord, I beg to move that the Bill to validate certain indentures relating to property formerly held by the Basel Mission Trading Company, and to provide for the incorporation of Trustees and for other purposes be taken into consideration."

The motion was put and agreed to.

The Hon'ble Sir William Vincent:—"My Lord, I beg to move that the Bill be passed."

The motion was put and agreed to.

[8TH SEPTEMBER, 1920.] [*Mr. W. M. Hailey; His Excellency the Commander-in-Chief; Sir William Marris.*]

THE INDIAN COINAGE (AMENDMENT) BILL.

The Hon'ble Mr. W. M. Hailey:—"My Lord, I beg to move that the Bill further to amend the Indian Coinage Act, 1906, be taken into consideration. 11-54 A.M.

"I cannot pretend, my Lord, that when I brought this Bill forward the other day, it received universal approval in this Council; and I will further admit that it has been criticised in the press outside this Council. But I do not think that the tenor of the criticism has been such as to cause us to regret our decision to bring the Bill forward. Our critics have attacked us, but they have suggested to us no alternative except, I believe, of allowing things to stand as they were. I devoted so much trouble the other day in Council in attempting to prove to Council the impossibility of leaving things as they stand, that I shall not attempt now further to defend the position which I then took up. There is one point however on which I think we can congratulate ourselves. Not even the keenest of our critics can say that anything has happened which could in the least justify the gloomy prophecy with which my Hon'ble friend, Mr. Tata, endeavoured the other day to curdle the blood of this Council. He spoke to us then of an early financial crisis: he told us that a starving peasantry would soon bring home to us the evils of the policy we were pursuing. My Lord, that view has found, I think, no support at all in the outside press, and I think for a very good reason; with the best of intentions in the world our critics have not been able to find arguments to support that reasoning. That, my Lord, is how the case stands. I do not intend to refer again to the general principles of the Bill or to discuss its merits or its demerits, unless I am forced to do so. I shall content myself with asking only that the Bill be taken into consideration."

The motion was put and agreed to.

The Hon'ble Mr. W. M. Hailey:—"My Lord, I beg to move that the Bill be now passed."

The motion was put and agreed to.

THE INDIAN ARMY (AMENDMENT) BILL.

His Excellency the Commander-in-Chief:—"My Lord, I beg to move that the Bill further to amend the Indian Army Act, 1911, be taken into consideration. When I brought forward the Bill at the last meeting of Council I explained its objects fully. No criticisms have been received, and it does not seem to me that any purpose will be served by making any further observations on it." 11-55 A.M.

The motion was put and agreed to.

His Excellency the Commander-in-Chief:—"My Lord, I beg to move that the Bill be passed."

The motion was put and agreed to.

THE DEVOLUTION BILL.

The Hon'ble Sir William Marris:—"My Lord, I move that the Bill to relax the control in certain respects of the Governor General in Council over Local Governments and to transfer to such Governments certain powers now exercisable by the Governor General in Council be taken into consideration. 11-56 A.M.

"At a recent meeting of the Council, my Lord, when leave was given to introduce this Bill, I explained briefly the objects of this measure. No amendments or criticisms have been received from any quarter, and I therefore beg to move that the Bill be taken into consideration."

The motion was put and agreed to.

[*Sir William Marris; Sir William Vincent; Sir Debaprasad Sarbadhikari.*] [8TH SEPTEMBER, 1920.]

The Hon'ble Sir William Marris:—"My Lord, I beg to move that the entries in part I of Schedule I relating to the Prisons Act, 1894, be omitted. The reason for proposing this amendment in the Bill, my Lord, is as follows:—The Jail Committee who were appointed last year are even now on the eve of presenting their report, and it is hoped that from their deliberations important improvements in Indian Jail Administration will ensue. The Committee on the publication of this Bill represented to the Government of India that on the eve of the consideration of their report the time is inopportune for amending certain sections of the substantive Act, which make provision for various fundamental matters of jail administration, such as the classification and separation of prisoners and penal offences and the like. At least until such time as the recommendations of the Committee have been taken into consideration and it is clearly known what changes exactly in the law are required. That seems to the Government of India a very reasonable objection to take, and they propose therefore to omit for the present these particular changes in the law. They will be prepared after consideration of the Jail Committee's recommendations to undertake further legislation for the amendment of the Prisons Act, when it is known exactly what form these amendments should take. I beg to move, my Lord, therefore, that the entries relating to the Prisons Act of 1894 be omitted from part I of the First Schedule."

The motion was put and agreed to.

The Hon'ble Sir William Marris:—"My Lord, I beg to move that the Bill, as amended, be passed."

The motion was put and agreed to.

THE INDIAN ELECTIONS AND INQUIRIES BILL.

12 P.M. **The Hon'ble Sir William Vincent:**—"My Lord, I move that the Report of the Select Committee on the Bill to provide for the punishment of malpractices in connection with elections and to make further provision for the conduct of inquiries in regard to disputed elections to legislative bodies constituted under the Government of India Act, be taken into consideration. I do not propose to keep the Council any time over this motion as the principle of the Bill was explained when I introduced it and the changes introduced by the Select Committee are also explained in the Report which is annexed to the Bill as amended. Other points of importance are raised in the amendments which will be discussed to-day. The general principle of the Bill has been accepted by Council and as there is a great deal of business down for to-day, I am unwilling to waste the time of Hon'ble Members by a further discussion of those general principles."

The motion was put and agreed to.

12-2 P.M. **The Hon'ble Dr. Sir Debaprasad Sarbadhikari:**—"My Lord, I beg to move the first amendment that stands in my name, namely:—

> 'That in the Preamble, after the word 'elections' where it first occurs the words 'to legislative bodies constituted under the Government of India Act' be inserted, the words 'the said' be substituted for the word 'legislative' and the words 'constituted under the Government of India Act' be omitted.'

"The effect of this amendment will be to confine the operation of the proposed law to elections for the forthcoming Councils as that is the immediate occasion for this piece of legislation. I must admit that with regard to elections that have been in force so far there have been reasons for the hope that some legislation of this kind would be undertaken. There is no getting away from that position. But, my Lord, some of the safeguards

[8TH SEPTEMBER, 1920.] [*Sir Debaprasad Sarbadhikari; Mr. A. R. Murray; Sir William Vincent.*]

provided in this Bill with regard to election to the Legislative Councils would be wanting in the case of prosecutions regarding other elections. That is my principal reason for asking that we should confine ourselves for the present to the Legislative Councils alone. There will be an elaborate inquiry, an inquiry by the Election Commissioners which will afford materials to the authorities concerned for considering whether prosecutions should be allowed or not. That appears to be a very great safeguard and a necessary safeguard which will be altogether wanting in the case of other elections proposed to be covered by the Bill. That by itself would not be a reason for not providing at least the partial remedy that this Bill attempts to do. My apprehension is that we shall not have complete safeguards with regard to other elections such as we have in the case of elections to the Legislative Council—safeguards on the one hand, in the shape of providing for disqualification following malpractices and safeguards on the other, in the shape of inquiries by constituted authorities which will afford some basis of action by the prosecuting authorities.

"For this reason I desire to move this amendment. I have been looking through the opinions received; of course there is a natural variety. The Chamber of Commerce which would have the least to do with the other elections supports the Bill as a whole. We have on the other hand the Indian Association, the British Indian Association and the Marwari Association and other bodies who view it from another point of view. I shall not take up the time of the Council, by reading out these opinions at length particularly as I tried to explain my views on a former occasion, when the Bill was introduced.

"The question may arise later whether, having regard to the All-India character of some of the other elections it would be desirable to relegate future legislation to the Provincial Councils as has been suggested in some quarters. So far as I am concerned, I should be prepared, nay, I think, it is desirable to have imperial legislation with regard to a matter of this description, so far at all events as the bigger objects are concerned. We cannot, however, forget that that the Bill, if passed, will deal even with village unions, panchayats and bodies of that description and we may well pause."

The Hon'ble Mr. A. R. Murray:—"My Lord, I regret I cannot agree with my Hon'ble friend from Bengal in suggesting that this Act should be confined to 'legislative bodies constituted under the Government of India Act.' To my mind this is equivalent to moving an amendment to the effect that 'Thou shalt not sin in the case of legislative elections, but you can do as you please in regard to Municipal and other public elections.' I think it would be a great mistake to make invidious distinctions between election to legislative bodies and to Municipal and other public bodies. The Hon'ble Member suggests that such legislation might be left to Provincial Governments to deal with. In my opinion that also would be a mistake because you might have one practice in Bengal and another in Assam and yet another in Bihar and Orissa. For these reasons I cannot agree with the Hon'ble Member." 12-8 P.M.

The Hon'ble Sir William Vincent:—"I congratulate the Hon'ble mover on his versatility and vigilance. Nothing comes amiss to him from Companies to Kutchi Memons; Auxiliary Forces or Elections all come within the scope of his activities. At the same time I am a little surprised that an Hon'ble Member who advocates with such vigour the purity of commercial transactions should object to a provision in the Bill which is intended to ensure the purity of what are politically more important, namely, elections to Municipal and other representative bodies. The general principle underlying this part of the Bill is that for a country which is on the eve of a new form of Government which is about to undertake the responsibilities of representative Government the purity of all elections is essential. The question of excluding Municipal elections was carefully considered in the Select Committee and I believe I am right in saying that both official and non-official members agreed as to the necessity for the present provision. I think further, that many will accept the view that political education must begin and has begun in the past in Municipal elections if India is now to take the first step towards represent- 12-10 P.M.

[*Sir William Vincent*; *Sir Debaprasad Sarbadhikari*; *The President.*] [8TH SEPTEMBER, 1920.]

ative Government and it is essential that two main principles of election law should be recognised, namely, that bribery and undue influence shall be strictly prohibited. That is really what the first part of the present Bill provides for. It has already been said by Mr. Murray that there is really no difference in the criminality of a man who takes a bribe at a Municipal election and that of a man who takes a similar bribe at a Council election. How are you to expect persons to act differently in one election more than another? How can you expect an ignorant elector to understand that he is quite safe in taking a bribe in a Municipal election even in a large Municipal election such as that of the Calcutta election, whereas if he takes a bribe in an election for a Legislative Council or Assembly he is liable to punishment? It seems to me that this is unreasonable. I am not quite sure whether the Hon'ble Member thinks that this question of corruption in Municipal election should be dealt with by Provincial legislation. Our view is that on main principles it is essential that the legislation should be uniform throughout India. There is, however, a great deal left for supplementary legislation in the local Councils, and I have no doubt that that supplementary legislation will be undertaken; indeed in some provinces this work is already being begun. But as I have said it is from our point of view all important, as elections will play in the future a much more important part in the political life of this country than they have in the past that the two main principles to which I have already referred should be part of the law equally in the case of elections to Councils and Municipalities and other representative bodies."

12-15 P.M. **The Hon'ble Dr. Sir Debaprasad Sarbadhikari:**—"My Lord, my admiration for the versatility of Sir William Vincent at all events has been always much greater than his has been in my case. I regret, however, that his versatility has in its monopolised fullness made him overlook a very important point, that I attempted to bring out, namely the exceedingly good safeguard that the Bill provides in the case of elections to the Legislative Council. Inquiry by organized authority which would afford materials upon which either Your Excellency's Government or the Provincial Government could proceed for the purpose of giving sanction for prosecution is absolutely wanting in the other cases and it is not indicated on which basis sanction is to be accorded in the other cases. My Lord, I am exceedingly sorry that what I attempted to put forward has been interpreted to be a plea for the continuance of corrupt practices in the other elections. This I repudiate for I attempted to make it quite clear that we felt that there was necessity for such legislation, and the pity is that the Government did not think of it earlier and in a more deliberate fashion on better materials.

"With regard to the question whether the necessary safeguards should be provided later in the Imperial or Provincial Councils, I did not, versatile as my friend has been good enough to call me, attempt to indicate whether the whole of that should be in this Council or whether the Chowkidari Unions and the District Boards could not be best relegated to the Provincial Councils which are going to have very large powers. After all is said and done, my Lord, we are wholly lacking in the safeguards with regard to other elections in the shape of any enquiry, and therefore the inclusion of the other bodies is objectionable in the present Bill and in the present manner.

"My Lord, we are entering upon a new era and no one can be more anxious for the success of the Reforms and for the purity of the elections than my countrymen who want the Reforms to be a thorough success from every possible point of view. But because we are obliged to legislate on lines indicated by the Joint Committee with regard to matters like these, there is really little reason why the opportunity should not be availed of for bringing in matters that require more deliberate consideration and safeguards such as I have indicated."

The motion was put and negatived.

The Hon'ble Dr. Sir Debaprasad Sarbadhikari:—"My Lord, I am afraid the other* falls to the ground."

*That in Explanation 3 in clause 2 (1) the words "municipal or other public" be omitted.

His Excellency the President:—"Your next amendment falls through."

The Hon'ble Dr. Sir Debaprasad Sarbadhikari:—"It is consequential, and therefore I do not move it."

The Hon'ble Dr. Sir Debaprasad Sarbadhikari:—"My Lord, I beg to move that in new section 171-A(*b*) the words 'or nominating' be inserted after the word 'being' and the words 'nominating or' be inserted before the word 'voting.'

"Here at all events, my Lord, I give some earnest of my desire for purity of the elections. I want the voter to be protected just as much as one that nominates a candidate. As has happened unfortunately, a man on the eve of putting in a promised nomination may be prevailed upon to change his mind and leave the candidate in straits which this Bill desires to avoid. From that point of view I think a clause more comprehensive with regard to interference with the voter as well as the nominator ought to be provided."

The Hon'ble Sir William Vincent:—"I submit to the Council that this is really an unnecessary refinement in the law. If Hon'ble Members will look at the rules which have been already promulgated, they will see that no provision of the kind now proposed is made there, and it is desirable, I think, as far as possible that the rules and the Act should coincide. In some respects it may not be possible however to effect this. Where a man seeks to be elected to any office, I can hardly believe he would not be able to find a single voter to nominate without bribery. Similarly, if a man sought to bribe a voter with a view to preventing him from nominating a particular candidate, surely if the candidate was a popular person with any chance of election, he would have no difficulty whatever in securing some other persons to nominate him. I do not dispute the general principle underlying the amendment, but I think it is really, as I said before, an unnecessary refinement. Indeed in most cases where corruption was practised to secure a nomination it would be practised also with the object of securing a vote and the person guilty of it would come within the law." 12-18 P.M.

The motion was put and negatived.

The Hon'ble Dr. Sir Debaprasad Sarbadhikari:—"My Lord, I beg to move that in new Section 171-B (1) the words 'or not to exercise' be inserted after the word 'exercise' in both places where it occurs and the words 'or not exercising' be inserted after the word 'exercising'.

"My amendment really follows up, as I tried to explain before, the last amendment. If gratification for exercising electoral rights is objectionable, gratification for not exercising electoral rights is also objectionable. That would make for greater purity than the Bill provides."

The Hon'ble Sir William Vincent:—"My Lord, I think the Hon'ble Member has not quite realized the effect of the definition of 'electoral right', and I am sure that if he will read it again, he will not press this amendment."

"I cite the definition—

'Electoral right' means the right of a person to stand, or not to stand as, or to withdraw as a candidate or to vote or refrain from voting at an election.'

"The right of an elector to decline to exercise his right of franchise is by a drafting device already included in the Bill itself and the proposed addition would make no change of the law and indeed would, from a drafting point of view, expose us almost to ridicule."

The Hon'ble Dr. Sir Debaprasad Sarbadhikari:—"My Lord, having regard to what the Hon'ble the Home Member fears I do not wish to press for the amendment." 12-12 P.M.

The amendment was by leave withdrawn.

The Hon'ble Dr. Sir Debaprasad Sarbadhikari:—"I move, my Lord, for the omission of the Proviso to new section 171-B(1). The proviso reads as follows:—

'Provided that a declaration of public policy or a promise of public action shall not be an offence under this section.'

"I may have imperfectly understood the object of this provision in this place. I quite see that it is necessary after 171-C, although I do not follow why this provision is necessary in 171-B."

[*Sir William Vincent*; *Sir Debaprasad Sarbadhikari*; *Mr. S. Sinha.*] [8TH SEPTEMBER, 1920.]

The Hon'ble Sir William Vincent:—"My Lord, there are other Hon'ble Members who, I think, agree with the Hon'ble Member on this point. The Committee, however, thought fit to insert this proviso *ex majore cautela*, so that there might be no possible room for doubt on the matter, the intention being to protect any person from possible persecution or harassment on the plea of having offered a gratification when he was acting legally and honestly. Let me explain. Supposing a candidate for election says I will take measures to promote the making of a road across a certain line of country way or that the benefits of a canal distributary should be extended to a certain community; and that the benefits of such proposals would extend to a limited number of persons only. Such a promise might well be a declaration of public policy and yet an unjust charge might be brought against the candidate on the ground that the promise was the offer of a gratification to an individual. I cannot say that I believe that this would be likely myself but on the whole I think that the proviso which has been inserted merely for the protection of persons acting *bona fide* is sound: and in that view, I hope the Hon'ble Member will not press his amendment."

The Hon'ble Dr. Sir Debaprasad Sarbadhikari:—"I do not press it, my Lord, though the protection is illusory."

The amendment was by leave withdrawn.

12-24 P.M. **The Hon'ble Mr. Sachchidananda Sinha:**—"My Lord, I beg to move Amendment No. 6 which stands in my name and which reads:—

> That in clause 2 (2) for proposed new section 171-C, the following be *substituted*:—
>
> 'Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make use of or threaten to make use of any force, violence or restraint or inflict or threaten to inflict, by himself, or by any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who shall by abduction, duress, or any fraudulent device or contrivance impede or prevent the free exercise of the franchise of any elector, or shall thereby compel, induce, or prevail upon any elector either to give or to refrain from giving his vote at any election, shall be guilty of undue influence.'

"My Lord, the reason why I have felt justified in taking up the time of the Council to-day by asking it to accept this amendment of section 171-C is because in the section, as it at present stands in the Bill, the words are to my mind, and to those of others who have given consideration to the subject, rather too wide. I have read in the papers the opinions of the different Governments. The Bihar Government have given consideration to the subject and state their views on it in their letter at paragraph 5 which runs as follows:—

> 'I am to invite attention to the observations made by the Hon'ble Justice Mullick on the definition of 'undue influence' contained in clause 171-C. Objection has been taken to this definition by several non-officials on the ground that it is not sufficiently precise, with special reference to the fact that the word 'interfere' is not defined. His Honour in Council thinks that there is some ground for this criticism: A person who interferes or attempts to interfere with the free exercise of an electoral right, is guilty of 'undue influence'. Interference might however be held to mean some kind of moral suasion. The definition in rule 2, Part I of Schedule IV of the main rules is also materially different. Under the rule any direct or indirect interference with the free exercise of an electoral right by any of the means specified in clause (2) is undue influence; but the means alluded to are violence, injury, restraint or fraud or threats thereof. The use of threat or force, violence, restraint, temporal or spiritual injury, damage or loss, are also essential elements of the offence as defined in section 2 of the Corrupt and Illegal Practices Prevention Act, 1883. I am to suggest that the definition of undue influence should be so modified as to bring its terms into closer agreement with the definition in the rules, and that, save for special reasons, the definition of the other offences specified in the Bill should, as far as possible, be identical with those contained in the rules.'

"This is the opinion of the Bihar Government.

"I find in the papers that Sir P. S. Sivaswamy Aiyer of Madras who was Advocate General and is an ex-Member of the Madras Executive Council, also comments on this particular section and takes the same view. With reference to Clause 171-C. he says :—

> 'Here again the definition of undue influence as voluntary interference with the free exercise of an electoral right is dangerously wide. Compare the definition of undue influence in the Contract Act and the language of the English Corrupt Practices Act, 1883. The language used in the English Acts is definite and precise and quite sufficient for all purposes. The English definition practically covers all cases of undue influence against which protection is needed and under clause 171-C. it would be difficult to determine what would or would not be an interference with the free exercise of an electoral right. An important solicitation by a candidate for a vote may come within the scope of the section. It is inexpedient to encourage all sorts of psychological discussion as to the freedom of the exercise of the elector's will.'

"I will not take up the time of the Council much further but I will content myself by referring only to one more opinion and that is of the Hon'ble Mr. Allen who so worthily but silently represents on the Council the Province of Assam. He does not help us much by his observations but I am glad he has written something on this particular section, which is of assistance to me. His opinion as Commissioner is valuable. He says:—

> 'I agree with the Deputy Commissioner. The section seems very wide and of rather uncertain effect.'

"I think, my Lord, that these official opinions support my contention that the words are dangerously wide and should be replaced by the English section. I am not asking either the Council or the Hon'ble the Home Member to accept any phraseology of my own. The English section, I think, is based on a very long experience of hundreds of years and has worked well in England and I do not, therefore, see any reason why the Hon'ble the Home Member should not accept my amendment. If, however, he is not pleased to do so, I shall then move that the words be assimilated to the words used in the Rules which have already been sanctioned by Parliament and which place certain restrictions on the use of the word 'interference' by limiting its scope to restrain, fraud, violence or injury. I shall leave it at that, my Lord, for the present."

The Hon'ble Sir William Vincent :—"My Lord, I remember being in this Council on one occasion last year when one of my Hon'ble colleagues said that no argument would persuade the Hon'ble Mr. Sinha to give up a position he had once taken up but on this occasion, I hope to be able to satisfy the Council and the Hon'ble Member who has moved it that this amendment, in its present form, is one that the Council cannot possibly accept. 12-00 P.M.

"If the Members of the Council will examine the drafting for one moment, they will see that it is taken almost *verbatim* from an English Statute and it is proposed to insert it in the Indian Penal Code, the language of which is entirely different. The mover has not considered either the different Statute of interpretation which prevails in England and in India. Not only that, but he has also overlooked the definition of the term electoral right in the Bill itself. Would Hon'ble Members again refer to this definition for a moment ? It is very clear. 'electoral right' means the right of a person to stand or not to stand as, or to withdraw from being, a candidate. Yet, in spite of that definition, the Hon'ble Member has thought fit to repeat in the new section the words 'induce or compel such person to vote or refrain from voting or on account of such person having voted or refrained from voting' using the very terms which this definition is intended to avoid. Again, such words as 'duress' and 'abduction' are not commonly used in our law. 'Abduction' does of course occur in the Penal Code but not, in connection with elections. There is however a more material objection to accepting this amendment. Hon'ble Members will see that the amendment as drafted refers only to voting, whereas undue influence might well be exercised not only in relation to the right to vote but also in respect of the right to stand or not to stand as a candidate or to withdraw from candidature. I think the Hon'ble Member will see that this is a fatal objection to this particular amendment that he proposes. As to the authorities whom he has quoted I may say that, though undoubtedly they have criticised the drafting of the present Bill I cannot say they have

in any way supported the present amendment. I am quite prepared to discuss the question of drafting further with the Hon'ble Member when he moves the second amendment to which he has already referred; but I am confident the present amendment will not commend itself to anyone in this Council."

12-33 P.M. **The Hon'ble Mr. Sachchidananda Sinha:**—"My Lord, the Hon'ble Sir William Vincent began his observations by quoting as an authority the Hon'ble Sir George Lowndes who said something last year about his being unable to persuade me to accept his views. Well, I venture to say that both Hon'ble Members are wrong on this particular point. I am always open to conviction and for this once the Hon'ble Sir William Vincent *has* succeeded in persuading me to drop this amendment, My Lord ....."

His Excellency the President:—"I understand the Hon'ble Member has withdrawn his amendment. There is therefore nothing more for the Hon'ble Member to say."

The amendment was by leave withdrawn.

The Hon'ble Mr. Sachchidananda Sinha:—"May I move the second amendment that stands in my name, my Lord?"

His Excellency the President:—"Yes."

The Hon'ble Mr. Sachchidananda Sinha:—"My Lord, I did not want to make any lengthy observations on the first amendment because I was going to move a second one which runs as follows:—

'That for new section 171-C, the following be *substituted*:—

'(1) Whoever interferes or attempts to interfere by any of the means hereafter specified, with the right of any person to stand or not to stand or to withdraw from standing as a candidate, or with the free exercise of the franchise of an elector, commits the offence of undue influence at elections.

(2) The means above alluded to are:—

(*a*) any violence, injury, restraint, or fraud and any threat thereof;

(*b*) any threat to a person or inducement to a person to believe he or any person in whom he is interested will become or be rendered an object of Divine displeasure or spiritual censure,

but do not include any declaration of public policy or promise of public action.'

"My Lord, the Hon'ble the Home Member had the candour to admit that his definition has been criticised by the Bihar Government and other competent persons. I give him credit for that candid statement. Having done that, my submission now to the Council is that the words in my amendment are not mine: they are almost entirely adapted from the words used, I believe, by the author of the Regulations—the Hon'ble Sir William Marris who was responsible, I think, for them unless I am mistaken; at any rate, these are the words used in the rules framed by the Government of India and submitted to Parliament. I think there should be no objection, therefore, to accepting this amendment of mine. The only important difference is, that whereas in the section as it stands in the Bill, the word 'interfere' is not at all limited in its scope and might lead, therefore, to results which may be far from desirable, my amendment embodies words containing the limits on the word 'interference' adapted from the words in the Regulation.

"It will be granted also, as the Bihar Government point out, that it is an advantage to assimilate the section to the terms used in the Parliamentary Rules. I think, therefore, that this is a matter which requires the consideration of the Council and I hope the Hon'ble the Home Member will be able to accept this amendment of mine."

1-36 P.M. **The Hon'ble Sir William Vincent:**—"My Lord, here again I think the Hon'ble the Mover has overlooked the definition of the term 'electoral right' in the Bill. Let me read the first part of the new section which he proposes to substitute for the section in the Bill as drafted. I

find that here again he speaks of 'any person standing or not standing as a candidate.' As a matter of drafting—and it is a purely drafting point—the amendment does not fit in with the rest of the Bill.

"The Hon'ble Member went on to say that I had admitted that this portion of the Bill had been subjected to criticism. My Lord, this was not an admission that the present drafting was wrong, but the admission of a patent fact which must be clear to everyone who has read the papers. I did not wish to mislead the Council in the matter; the Bihar Government has thought fit to criticise the Bill, and I merely admitted an obvious fact.

"But the Hon'ble Member is, however, on stronger ground in this amendment, in so far as he states that it is in accordance with the Rules. But when he suggests that my Hon'ble friend Sir William Marris or any one in the Government of India was responsible for the drafting of this particular Rule, I think he is in error. It was, so far as I know, inserted by Parliament in England, and, as a matter of fact, it is one which the Government of India will have to consider very carefully. Indeed, I am not at all sure that we shall not have to send it back in the hope of securing an amendment without delay; or, if I am wrong in thinking it will have to go back to Parliament, that it may have to be amended here. In any case, whatever is the authority by which the Rule can be amended, the question of the amendment will have to be considered.

"I now wish to draw attention to the drafting of the amendment, and in particular to the words 'any violence, injury or restraint.' There are many lawyers in this Council, I know; I should like them to examine the use of the word 'injury' in between 'violence' and 'restraint,' and to say whether they are quite sure that, according to the *ejusdem generis* rule, the word 'injury' may not be interpreted as meaning injury to the body only, having regard to its juxtaposition to the two words 'violence' and 'restraint.' If it means injury generally, then it appears to me that the drafting of sub-rule (*b*) is wrong, as the threat of spiritual injury is certainly a threat of injury. But my objection to the amendment is based on much more general grounds than those which I have hitherto attempted to explain. We seek to ensure complete freedom of election, to secure to every man unfettered liberty in exercising his franchise. That is, as I understand the law, the basis of the English Common Law on the subject, and unless there is absolute freedom of election, an election is void under that law—and rightly void. There is of course no question whatever of preventing declarations of public policy or fair arguments or criticisms, however importunate the speaker may be. So long as the voter is left in the ultimate resort to vote as he pleases and to exercise his own discretion unfettered by force or by any improper influence from outside, then the law is complied with.

"But directly a man attempts either by promise of spiritual benefit or by threat of spiritual harm or by promise of any non-material advantage, which possibly might not come within the term 'gratification', to fetter the liberty of a voter in the use of his power of franchise then he commits the offence of undue influence. It would be impossible in my opinion to enunciate any comprehensive terms, which would include all the different forms of undue influence some apparently unsubstantial but in fact very real which can be brought to bear on an elector, more particularly in this country. I wanted to cite, if I might, one passage, if I may, from an English authority whom I have already quoted namely, Parker's Work on Election Agents on this point. Speaking on the question of spiritual and religious influence, the author citing authorities to support his contention says :—

> 'A priest must not pass the bounds of legitimate influence; he must exercise his influence justly and has no privilege to interfere with the rights and privileges of other subjects .....He may not appeal to the fears or terrors, or superstition, of those he addresses. He must not hold out hopes of reward here or hereafter and he must not use threats of temporal injury.....'

"I submit those principles are even more applicable in this country than they are in Ireland in which they were used, particularly at the present time when various influences of a particularly sinister character are at work in the country.

The question which the Hon'ble Member now raises was very carefully examined in the Select Committee and those who have read the report will see that all the Indian Members have accepted the Bill as it stands after amendment ; the Hon'ble Member was himself nominated a member of that Committee, and I received no intimation from the Legislative Department that he was unable to attend. It seems to me that having such strong views as he has on these points it is unfortunate and a matter for regret that he was not able to assist us in the Select Committee ; that he was not able to treat us with more consideration and put forward his amendments then, and should now at this late stage of the proceedings propose these amendments. If he had attended the Committee we should have been able to explain the position to him—and I am sure that my Hon'ble colleague, Sir George Lowndes, would have been able to explain the reasons for this clause as now drafted to him far more satisfactorily than I can. In any case for the reasons I have given, my Lord, I am afraid I cannot accept this amendment, but I have asked my Hon'ble colleague, Sir George Lowndes, to examine the drafting of the clause to see if it can be in any way improved and made clearer."

12-45 P.M. **The Hon'ble Mr. Srinivasa Sastri :**—"My Lord, I was a member of the Select Committee which not only considered this point, but agreed unanimously to add the words in italics in the second sub-clause of this clause—' without prejudice to the generality of the provisions of sub-section (1).' The Select Committee deliberately intended to include more within the word ' interferes ' than would be included in the enumeration which follows, namely, injury, restraint, fraud or any threat thereof, and inducements or attempts to induce a person to believe that he or any person, etc., etc. But after hearing Mr. Sinha it strikes me that perhaps it would be an advantage, if possible at this stage, to introduce specifically the additions we want, such, for instance, as the Hon'ble Sir William Vincent alluded to in commenting on the word ' injury.' Is it possible at this stage to make any further restriction on the generality of the words ' voluntarily interferes or attempts to interfere ' in sub-section (1) ? I am afraid that it is impossible. But it seems a pity, if we want more in this section than is actually included in sub-section (2), to leave the words as they are—' voluntarily interferes or attempts to interfere '—without giving the courts any indication whatever of what we would like to be made penal. Perhaps we made a mistake ; I am not sure, in introducing the words ' without prejudice to the generality of the provisions of sub-section (1).' The Hon'ble Sir William Vincent has thrown out a hint which may afford a solution of this difficulty. He said that the Government of India might not improbably address Parliament on the subject of amending the meaning of the word ' interferes. ' If that attempt is made and Parliament does further amplify the meaning of that word, could we amend the Act later on in accordance with the decision of Parliament on the matter, meanwhile accepting Mr. Sinha's amendment and leaving the section exactly on all fours with the purport of the rules and then when Parliament has amended the rules, bring the Act again into line with the Parliamentary amplification ? I merely throw out a hint ; I am not clear myself how to get out of the difficulty."

12-45 P.M. **The Hon'ble Sir George Lowndes :**—"My Lord, one feels that it is *possible* for Courts to interpret this clause unreasonably ; but we are setting up election Courts of a very high character to deal with election petitions, and under the Penal Code in the same way, we have very learned High Courts to revise any cases in which the lower magistracy may go wrong in their interpretation. Election law has been at all events before the English Courts for so many years now and we have so many decisions upon it which we hope to attract, that I do not think myself that there is any reasonable ground for apprehending that these words ' voluntarily interferes with the free exercise of an electoral right ' will be construed even by a Magistrate as covering mere persuasion as I understand Mr. Sinha suggests. It is extremely difficult to find any other phrase which would make the intention clearer and it appears to me that the safest thing for the Council to do is to leave the words to be interpreted in the light of the vast body of English case-law on the subject, and if I may say so to the common sense of our magistracy in this country. Supposing we do find that these words are liable to what I fully admit would be a misinterpretation, supposing the Courts do bring ordinary persuasion within them, such as asking

people to vote for you and so on, if we do find that is the effect of using these words, we shall probably have to amend. I suggest to the Council that if we attempt now to make any expansion of the clause to cover the real point which my Hon'ble friend has made, we shall be running a very great danger ; and I should certainly prefer that these words, which have been very carefully considered in the Committee,—I wish they had received the able criticism of my Hon'ble friend who moved this amendment—should be retained. I think that probably it will be safer to accept them, at all events for the present. I can, frankly, devise no other words which would modify voluntary interference with an electoral right so as to show any more clearly what is meant than the reading of the section as a whole does. It must be remembered that the offence created is *undue influence*, which is a term very well known to the Courts, and it is quite open to them to say that this is what is intended by the section ; and as I say, the case-law on the subject in England will help them to avoid the difficulty which has been suggested by Mr. Sastri. But on the other hand, my Hon'ble friend Mr. Sinha's amendment has led us to read this clause again very carefully. I confess I think it might be clarified and I have redrafted it in order to make the section a little clearer. I have not attempted to deal with it from the other point of view, from which Mr. Sastri dealt with it, namely, as to what voluntary interference means but I have modified the second part of the section. I have an amendment here which I am quite willing to move. I think myself that it is an improvement. It makes the section a little clearer, and it deals with some portion at least of what my Hon'ble friend Mr. Sinha has criticised. I suggest that the section should read as follows. I leave the first part of the section alone because, I understand, the Council to accept the principle that any interference such as can be called undue influence is to be an offence. When we come to sub-section (2) it would read as follows :—

'(2) Without prejudice to the generality 'of' the provisions of sub-section (1)'.

"Then we divide it up into two sections, (*a*) and (*b*), (*a*) runs as follows :—

'Whoever :—

(*a*) threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind, or'.

"We want to make it quite clear that it is not personal injury. Then (*b*) runs :—

'Whoever :—

(*b*) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of Divine displeasure or of spiritual censure shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter within the meaning of sub-section (1)'.

"This expanded definition makes the meaning clearer, and gives a better idea of what is in the eye of the legislature. If we also look at the English case-law on the subject and take into consideration the name that we have given to the offence, namely, undue influence, I think myself that it will be sufficiently clear to a Court what is intended. I will only say that if this amendment, which I think makes the point a little clearer would meet the views of the Council, I shall be happy, with His Excellency's permission, to move it though I have not given notice of it ; I have in fact only been able to redraft the clause very hurriedly this morning.

"I should like to say one word more on my Hon'ble friend Mr. Sinha's amendment. I think he overlooks altogether the different points of view from which the Joint Committee dealt with the question in drawing up the rules and that from which we are dealing with it. I think it will be clear that what the Committee were doing in drawing up the rules was to lay down in what cases an election was to be avoided. They say an election is to be void if induced by any of the things mentioned here. What we are considering is not

what is to avoid an election—that has been settled by the rules—but what acts Government is to penalise as offences. If I may put it shortly; what the Committee says is that if anything which is an offence under the Indian Penal Code is done in order to induce a man to vote one way or the other, the election will be void. It seems clear, with due deference to my Hon'ble friend Mr. Sinha, that that is not what we have to deal with now. Nine-tenths of these acts are already offences under the Indian Penal Code, though there are certain sides of them perhaps which are not within the Indian Penal Code. But surely it is not for us merely to adopt the definition in rules and in effect to penalise acts if committed in connection with an election, which are already offences under the Indian Penal Code. Then with reference to the amendment of the rules, the position is this; when the Council has decided what form the Act is to be in, we shall have to reconsider the form of the rules and bring them into line with it. I am glad to have this opportunity of disclaiming from my place here, any responsibility whatever for the drafting of these particular rules which have been accepted by Parliament. I strongly suspect from a careful reading of them that they were drafted hurriedly in the precincts of the House of Commons, and that they were not criticised by those who should have had an opportunity of seeing them before they were passed."

12.46 P.M. **The Hon'ble Mr. Sachchidananda Sinha:**—"My Lord, I shall try to make my submissions as brief as possible. I am sorry I could not attend the meeting of the Select Committee to which reference has been made, but that would not take away from the fact that my amendment should be considered on its merits. I am very grateful to my Hon'ble friend Sir George Lowndes for the very lucid explanation he has given. I am prepared to accept his amendment, but I shall restate the reasons why I think still, in spite of the additions and expansions now made that the words as they stand at present do certainly amount to a very comprehensive interpretation of the word 'interference.' The Government of Bihar and Orissa have very justly said in the opinion sent up by them that 'interference might, however, be held to mean some kinds of moral suasion.' That is not my view alone but that of the Lieutenant-Governor of Bihar in Council. But apart from that, I think the best thing would be to assimilate the language of the section to the Parliamentary rule on the subject. Of course I did not know till now that the Parliamentary rule was framed on the terrace of the House of Commons while the Members were having tea. If the Government of India or Your Lordship's colleagues think so lightly of the Parliamentary rules that they want an amendment of them, then that is a matter for the future; for the moment it is desirable to have the same form of language in the rule and the section. But if that is impossible then I am prepared to accept the amendment of my Hon'ble friend Sir George Lowndes as I think it will serve the purpose to some extent."

His Excellency the President:—"Do you withdraw your amendment?"

The Hon'ble Mr. Sachchidananda Sinha:—"Yes, I accept Sir George Lowndes' amendment."

The following amendment was then put and agreed to:—

'That for sub-clause (2) of new section 171-C. the following be substituted:—

(2) Without prejudice to the generality of the provisions of sub-section (1), whoever—

(*a*) threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind, or

(*b*) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of Divine displeasure or of spiritual censure,

shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter within the meaning of sub-section (1).

[8TH SEPTEMBER, 1920.] [*Sir D. P. Sarbadhikari; Sir William Vincent; Mr. Rama Rayaningar.*]

The Hon'ble Dr. Sir Debaprasad Sarbadhikari:— 12-59 P.M.
"My Lord, I beg to move that in the proviso to new section 171-C. (2) the words 'or criticism' be inserted after the word 'declaration'.

"The object of the amendment is to make the situation complete. The clause as drafted declares that a declaration of public policy or a promise of public action shall not be deemed to be interference. But after a man has made his declaration it may evoke criticism and legitimate criticism. What I want to provide for is that if that criticism is strong, as it is apt to be, that shall not amount to interference, protection is extended only to declaration of policy. I am in hopes that the Hon'ble Member in charge will be able to see my point of view and see his way to accept this small amendment."

The Hon'ble Sir William Vincent:—"My Lord, I am entirely 1-1 P.M.
at one with the Hon'ble Member in thinking that criticism of public policy should be freely allowed, but I really cannot think that any one could say for a moment that to criticise the policy of a particular candidate is to put undue influence on a voter. There is really, therefore, no necessity for an amendment of this kind. I need hardly point out also that where a man criticises one policy he must nearly always enunciate another, but in any case I put it to the Council that criticisms of public policy could not possibly amount to bringing undue influence to bear on any reasonable interpretation of the law."

The motion was put and negatived.

The Hon'ble Mr. P. Rama Rayaningar:—"My Lord, I beg to 1-4 P.M.
move the amendment that stands in my name that at the end of new section 171-C. the following be added:—

'Provided also that the exercise of any legal right or resort to legal remedy, in the usual course, shall not be deemed to be interference within the meaning of this section'.

"The amendment proposes to add a proviso to clause 171-C., to the effect that the exercise of legal rights and the resort to legal remedies in the usual course, shall not be deemed to be interference within the meaning of the section. Clause 171-C., my Lord, is rather widely worded and seems to cover a far larger ground than the corresponding English law. The clause without the proviso added to it, will place an embargo on the candidature of business men and landholders who will invariably have legal relations with electors. The moment an election is notified, candidates from propertied class have to give up exercising their legal rights against the electors or other candidates competing in the election. They have to give up the exercise of even such rights which but for their connection with the election, they should have in the ordinary course freely and promptly exercised. Otherwise they will run the risk of prosecutions for offences of undue influence. In fact they have to choose between standing for election and freedom to exercise their legal rights. My Lord, is this state of things desirable? It may be contended that before a prosecution under clause 171-C. can stand, the intention to interfere with the electoral right of the electors will have to be proved; but, my Lord, how is this intention to be proved? At best it can only be guessed. The fact that one is interested in the election naturally warrants the presumption that one would have interfered with the electoral rights of the electors or other candidates. Therefore, as it is, I am afraid clause 171-C. exposes the candidates from the propertied classes who are bound to have legal relations with electors, to the danger of being maliciously dragged to criminal courts unless they are prepared to give up exercising their legal rights.

"My Lord, I am not alone in apprehending danger from the wide definition of undue influence. Eminent lawyers and Judges have in no uncertain language expressed their fears of clause 171-C. Sir P. S. Sivaswami Iyer of Madras, and the Hon'ble Justice Mullick of the Bihar High Court, have, as my Hon'ble friend Mr. Sinha has already pointed out, pointedly recorded their opinions. They hold that the scope of the clause is dangerously wide. The Hon'ble Justice Mullick has particularly referred to the danger the landholders will be exposed to. In these circumstances, it is imperatively necessary that the proviso to clause 171-C. should be added. Without the safeguard of the proviso many of the desirable candidates from the propertied classes will

feel reluctant to stand for election and as the result reckless bodies will swamp the Councils. For these reasons, my Lord, I press the amendment. I appeal to the Hon'ble the Home Member to accept the amendment, and save the situation."

1-7 P.M. **The Hon'ble Sir William Vincent :**—" My Lord, I must repudiate the suggestion that we have proceeded beyond the English law in this clause ; as a matter of fact, there are many English decisions proving to demonstration that undue influence may be exercised by a person, although he professes only to be exercising a legal right. I cite here a passage from a leading text-book ' Parker's Election Agent ' on the subject. It is said there—

> ' A landlord is entitled to use influence with his tenants if he does so legitimately ; he has a perfect right to choose one who agrees with him in politics rather than one who does not and also to turn his tenant out ; but if he threatens to inflict, or does inflict, that turning out of his tenant for his vote, such conduct on his part is the inflicting of harm or loss within the meaning of the Act.'

" There are also numerous judgments of the English Courts dealing with this question of pressure upon tenants by a landlord to vote in a particular manner and it is a form of pressure, the Council will see, which might be very readily applied in this country in the form of a threat or a number of threats to distrain for rent, threats to bring suits for enhancement of rent against all tenants who do not vote for a certain candidate ; to allow such practices is not the way to secure purity in elections. At the same time, I appreciate the dangers which the Hon'ble Mr. Rama Rayaningar apprehends, and if an amendment in the following form would meet him, I should be very glad to accept it, namely, to substitute for the proviso a new sub-clause (3) running as follows :—

> ' A declaration of public policy or a promise of public action or the mere exercise of a legal right without intent to interfere with an electoral right shall not be deemed to be interference within the meaning of this section.'

The Hon'ble Mr. P. Rama Rayaningar :—" My Lord, I accept it."

His Excellency the President :—" Do you withdraw your amendment ? "

The Hon'ble Mr. P. Rama Rayaningar :—" Yes, my Lord.'

The motion that for the proviso to new section 171-C. (2), the following new sub-section be substituted was put and agreed to :—

> '3. A declaration of public policy or a promise of public action or the mere exercise of a legal right without intent to interfere with an electoral right shall not be deemed to be interference within the meaning of this section.'

1-10 P.M. **The Hon'ble Dr. Sir Debaprasad Sarbadhikari :**—" My Lord, I beg to move that in new section 171-D the words ' or other means of giving votes ' be substituted for the words ' or votes ' and the words ' or other means of giving votes' be inserted after the words ' voting paper ' where they occur for the second time. This amendment is more or less a drafting matter, and all I want to point out to the Council is that the expression ' or votes ' does not convey a very clear meaning to many. The expression ' whoever at an election applies for a voting paper or votes in the name of any other person,' probably in the absence of a comma is intended as some means of giving or recording a vote. A man gives his vote, but nobody can apply for votes *benami*, at least not in the sense that it is being made an offence. Therefore it may be considered....."

The Hon'ble Sir George Lowndes :—" May I intervene ? The wording is not ' applying for votes ' but for 'a voting paper *or* votes '."

The Hon'ble Sir William Vincent :—" It is a verb not a noun ! "

The Hon'ble Dr. Sir Debaprasad Sarbadhikari :—"From the point of view of this explanation, my Lord, I do not press it."

The amendment was by leave withdrawn.

The Hon'ble Dr. Sir Debaprasad Sarbadhikari :—"My next amendment, my Lord, is that in the explanation to new section 171 E. for the word 'food' the word 'alcoholic' be substituted and merely gives effect to what I tried to enunciate in this Council when the Bill was introduced. I need not do more than refer to the collection of opinions which have been circulated. In many cases which I need not read out at length serious exception has been taken to certain things. I am not prepared to carry matters as far as some of the opinions go ; but I suggest that the mere giving of food which to many is obligatory by their religion and tradition should not constitute a penal offence. We appreciate that the punishment in this case has been reduced and is now one of fine, but still the dread of conviction would be there. The rules about disqualification are very elaborate. The mere giving of that which is obligatory to the Hindu and Muhammadan householder under any circumstances, ought not to be made a penal offence. My Lord, it is just possible that a weary voter from the country might go to a candidate's house on the day or eve of the election not knowing what the situation was legally and if food is offered him it ought not to be a penal offence. That applies also to 'drink' which is not defined. It does not convey the meaning that it has in other countries to the people here and a drink of water or *sharbat* cannot be intended. Therefore to make precise what is objectionable I should like to confine the penalty to alcoholic drink on the lines mentioned in many of the opinions in our hands. These slight modifications have been suggested with reference to the general question of treating which has evoked a great deal of criticism."

The Hon'ble Sir William Vincent :—"My Lord, I hope the Council will not accept this amendment because it cuts at the root of the principle of the Bill and the rules relating to treating. Hon'ble Members may have different views with regard to the propriety of the consumption of alcoholic liquor but there is no reason in my opinion that a man should be penalised more severely for treating another to alcoholic liquor than he would be for treating him to anything else. If the Council seeks to penalise treating then let them do so in some reasonably comprehensive fashion. Do not make exceptions for what the Americans call 'soft' drinks and have a different rule for what are, I believe, called 'hard' drinks. Let us take the case of a Muhammadan. If you want to prohibit treating among Musalmans what is the point of putting in a prohibition against the practice of treating with alcoholic liquors which would never come into force at all, in the case of a man who followed the principles of his religion strictly. What would be the ordinary form of treating out here in the case of a Zemindar or any rich person who wanted to secure a large number of voters by treating ? He would probably invite them to his house and feast them, not on alcoholic liquor—that is not what we anticipate—but on *kabobs, pilau,* sweet-meats of various kinds and so on for days together. Is that to be allowed to go on, while a man who gave another a cup of *tari* is to be penalised ? I think that is not a position which Hon'ble Members will support. As I said before, it is not right to treat alcoholic liquor as if it were something necessarily pernicious at elections or more pernicious because various Members of this Council feel very strongly against the consumption of alcoholic liquor, on general principle. It is true that in the United Kingdom alcoholic liquor has been largely used in treating in the past but even there treating is by no means confined to the use of alcoholic liquor—and you will find on examination of reported cases many instances of men having been given luxurious meals in order to influence their voting." 1-15 P.M.

The Hon'ble Dr. Sir Debaprasad Sarbadhikari :—"My Lord, since I send in my amendment an inveterate smoker asked me what Sir William Vincent was going to do about costly *havanas* or for the matter of that *ganja* or *chandoo* which would throw a spell of influence on the voter which he could never resist. Unless you bring that in and include it in the Bill I am afraid the purity of election from Sir William's point of view will never be maintained." 1-30 P.M.

The motion was put and negatived.

1-49 P.M. **The Hon'ble Mr. P. Rama Rayaningar**:—"My Lord, the second amendment which I propose to move runs as follows:—

'That in clause 3 (2) in the last column of the table headed 'Chapter IX-A offences relating to elections' the words 'Chief Presidency Magistrate or District Magistrate' be substituted for the words 'Presidency Magistrate or Magistrate' of the first class.'

"The amendment, my Lord, is in regard to the adjective law. It proposes some changes in the procedure of the trials connected with election offences. These offences will be more or less associated with party politics. I think it is desirable that these offences should be tried by the Chief Presidency Magistrate or the District Magistrate because at any rate at present these officers happen to be Indian Civil Service officers and are expected to be above local prejudices and party politics. Parties will have greater confidence in them than in others. With these few words I move the amendment, my Lord; I trust the amendment will be accepted."

The Hon'ble Sir William Vincent:—"My Lord, I am very glad to hear such testimony to the merits of Indian Civil Service officers in their judicial work and I am sure the compliment will be appreciated by many Members of this Council. At the same time, I do not think that we should be justified in assuming that all First-Class Magistrates are not capable of dealing with offences of this kind.

"I am not going to suggest for one moment that the minds of any of our Magistrates would be tinged by party politics to such an extent that they would not give just decisions in cases of this character and I hope there are no grounds for the apprehension of the Hon'ble Member, certainly there are none, so far as Northern India is concerned. In Southern India, I am often told, the conditions are somewhat peculiar. May I point out also that very much more serious offences than those under examination are already triable by First-Class Magistrates. We are concerned with cases of bribing an elector, which the Hon'ble Member suggests should be tried only by the Chief Presidency Magistrate or the District Magistrate. But the offence of bribing any public servant, is an equally serious offence and is triable by a First-Class Magistrate at present. Another difficulty is that if by various special laws you multiply the duties of Chief Presidency Magistrates and District Magistrates you throw on them a burden of work which they cannot possibly carry out without injury to the public service and inconvenience to those affected. Take the case of a district in Madras where districts are very very large. It would be inconvenient to parties and unfair to the Magistrates to impose this additional burden on the latter. Similarly, Chief Presidency Magistrates have already more duties to carry out than they can do, and I suggest that the amendment is both unnecessary and inconvenient."

The Hon'ble Mr. P. Rama Rayaningar:—"My Lord, I withdraw the amendment."

The amendment was by leave withdrawn.

1-58 P.M. **The Hon'ble Dr. Sir Debaprasad Sarbadhikari**:—"My Lord, I withdraw my amendment that in clause 5 (*g*) for the words 'may summon and examine' the words 'summoning and examining' be substituted."

The amendment was by leave withdrawn.

The Hon'ble Dr. Sir Debaprasad Sarbadhikari:—"My Lord, I move that in clause 12 the words 'or business' be inserted after the word 'residence'. I desire to introduce the word 'business' in order to facilitate execution. I recognise that the words 'or cause it to be executed' in the last line but three in the draft has improved the situation to a certain extent, namely, that the Court may take steps for causing the order to be executed; but that may involve a somewhat circuitous process, whereas if the Court had authority to execute it either at the place of residence or business, where perhaps it could be better executed, there would be greater expedition."

The Hon'ble Sir William Vincent:—"My Lord, I am quite prepared to accept this amendment."

The motion was put and agreed to.

[8TH SEPTEMBER, 1920.] [*Mr. Srinivasa Sastri; Sir William Vincent.*]

The Hon'ble Mr. Srinivasa Sastri:—"My Lord, I beg to move that the following new clause be added to Part II of the Bill :— 1-34 P.M.

'14. (1) Every officer, clerk, agent or other person who performs any duties in connection with the recording or counting of votes at an election shall maintain and aid in maintaining the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who wilfully acts in contravention of the provisions of this section shall be punished with imprisonment of either description for any term not exceeding three months or with fine, or with both.'

"A section of this kind is found in the English Statutes in the Ballot Act. I am not quite sure whether we should be so rigidly logical as to exclude relevant matter upon the ground that English practice puts it into another enactment. It appears to me that voting by ballot would be rendered practically useless if the secrecy of the ballot were not provided for in our election law. There are many who think, of course, that a voter ought to be a courageous person and be able to record his vote in public within the knowledge of all. We know of a great man who said that a voter is in the nature of a judge who must sit in the judgment seat and, as between candidates, say boldly within the hearing of the public 'so-and-so is the man I elect.' But it has been found that such heroism is not to be found in the ordinary voter. I think the experience of Western countries which have tried election methods for a long time has established one fact clearly, namely, that the secret vote is really the free vote. There is less bribery than before after the Ballot Act has established the secrecy of the voting ; there is less undue influence and there is less pressure exercised on the man who comes under the influence of others. I believe it is necessary therefore that we should secure by some provision that the votes recorded at a poll will really be kept private. We have not forgotten this in other parts of our own election law. For instance, I would draw the attention of Hon'ble Members to the provision we make at the top of page 5 under clause 8 in Part II. We say there—'Provided that no person who has voted at an election shall be required to state for whom he has voted.' We recognise there that a man's vote is his own secret. Nobody else ought to be in a position to know it. It is no use saying that a man will be protected from revealing his own vote if we at the same time make it possible for others, who are in the know, to reveal that vote. In order to effect this therefore, we must enact some provision which will make it penal for those whose business it is to know to reveal how the voting has actually gone. We have a little precedent for this, although it is very recent. I find that in Madras they have recently been revising Local Self-Government Acts. In the shape that the Local Self-Government Acts have now taken in Madras there is a considerable body of sections, numbering 10 in all, in which election offences are enumerated and provided for. One of them is for the secrecy of the ballot. It is not therefore as if we were introducing something which in other places has not been thought of. A provision of this kind will soon be accepted, I believe, all over India in connection with all elections as a great necessity.

"The only other remark that I need make is that the English law makes the term of imprisonment six months; we provide only three months. In Madras, my Lord, they have adopted the English scale of punishment and introduced six months. Either way, therefore, I believe it will be accepted by the Council that our law is not more stringent, is not unnecessary and certainly is not something which it is proposed to introduce into the election law of the country for the first time. With these words I move the amendment."

The Hon'ble Sir William Vincent:—"My Lord, the Government are quite prepared to leave this amendment to an open vote, on which officials may speak or vote as they think fit. The principle of the amendment was discussed, in the Select Committee though not at great length, as it was brought up at a very late stage. The feeling among some Hon'ble Members was that it was undesirable to multiply offences under the Bill more than was 1-40 P.M.

necessary and I think that some Members thought at least, so far as Government servants were concerned, that the secrecy of the ballot might be adequately preserved by executive orders ; and further that, as a matter of fact, experience shows that in this country it is very difficult indeed to keep anything confidentail. Matters get out from some source or another and it is impossible to ascertain who is responsible for this. Some Members were also of opinion that even if this provision were inserted in the Bill any violation of the law would be impossible of detection. There were other Members of equal or possibly greater authority who thought that it was important that the principle of the secrecy of the ballot, which is a vital principle in the theory of modern election of England, should be clearly enunciated in the present Bill. That is the position of the Government; while however official Additional Members of Government may vote as they please. The Members of the Executive Council will not vote at all on this amendment."

The Hon'ble Mr. Surendra Nath Banerjea:—" My Lord, I was one of those who when this matter was broached at a meeting of the Select Committee—I hope I am entitled to communicate this fact to the Council and that it will not be regarded as a breach of confidence by my Hon'ble friend in charge of the Bill—when this matter was broached in Select Committee it formed no part of the original Bill, and great difficulties suggested themselves to my mind. In the first place, there is that great body of Indian public sentiment which views with concern and even apprehension the drastic provisions of the Bill which we are about to enact. If you look into the resumé of opinions which have been circulated I think that is the distinct note which is sounded in almost all the opinions that have been placed at our disposal. The Government of Bengal says in its letter covering the various opinions of the public bodies—'the outstanding feature of the correspondence is that it would appear that Indian sentiment in many quarters is not in favour of a very stringent Bill.' It is diffident about the creation—(this is the point to which I desire to call special attention)—of new penal offences and is averse from making the new provisions applicable to elections to local bodies other than the Legislative Council. That being the public sentiment I submit we ought to be very chary in adding to the number of penal provisions contained in this Bill. Evidently it did not occur to the framers of the Bill that there should be such a provision ; they did not provide for it and Government has not undertaken the responsibility of suggesting a provision of this kind. It seems to me, therefore, that it does not lie in us to add to the accumulated pile of penal sections which are provided in this Bill. That is the first point which I take in this connection. In the second place, my Lord, I find that there will be serious difficulties in the administration of the Reform Act, at least so far as Bengal is concerned, if a provision of this kind found a place in the Bill. It is obvious, having regard to the large number of districts that we have in our province and their area, that it would be necessary for you to employ in a large measure non-official agency for the purpose of recording the votes. Non-officials will have to be appointed for this purpose. If any secrets are betrayed they come in under this penal clause. Suppose, my Lord, an application was made to me that I should be the polling officer, and there was this provision of three months' imprisonment maximum in case of conviction, I would shake my head and say : 'No, I shall have nothing whatever to do with a thing of this kind.' It may not be through any fault of mine that a secret may be disclosed ; there may be wheels within wheels, machinations of my enemies ; party spirit is rampant ; there are village factions ; all these will come into operation for the purpose of condemning an innocent man who practically has had nothing whatever to do with the betrayal of the secret I put it to this Council, do you really want to enact a measure of this kind, a menace, a real menace to the successful operation of the Reform Act ? That is the practical difficulty which suggests itself to me and it seems to me, my Lord, having regard to the trend of public opinion in the country, having regard to the practical difficulties which I have suggested, that I should as a matter of duty oppose my friend with whom I am generally in agreement, but on this occasion we have agreed to differ.

" There is another matter to which I desire to call attention. My friend has told us that the English Act provides six months' imprisonment and he has been kind enough to reduce it to three months. That again is a difficulty

in my way. Is a person to be sent to prison at the discretion of a Magistrate for three months, because a secret of this kind has been disclosed with which perhaps he was only indirectly connected? This threat of imprisonment will operate as a bar to the creation of non-official agencies for the purpose of recording votes, and you require them in Bengal and elsewhere. Therefore, my Lord, I feel it my duty to oppose this amendment."

The Hon'ble Mr. A. H. Froom:—"My Lord, in spite of the eloquent manner in which the Hon'ble Mr. Banerjea has opposed this amendment, I cannot say I feel satisfied that if it is adopted we are going to imprison the wrong persons on many occasions, or even on any occasion at all. Since Government has not introduced a clause to provide for the secrecy of the ballot, I think it comes with stronger force from one of the non-official Members of this Council, and I should like to say that I agree entirely with the views of the Hon'ble Mr. Sastri and I support his amendment." 1-37 P.M.

The Hon'ble Mr. Srinivasa Sastri:—"My Lord, when I listened to the Hon'ble Mr. Banerjea I was wondering why he kept quiet all this time and why he did not pour forth all his eloquence when other sections creating more serious offences and involving much more drastic consequences were put before us. It seems to me he is in the position of a man who has absorbed within his system several camels and now hesitates over a tiny little gnat....."

The Hon'ble Mr. Surendra Nath Banerjea:—"I knew, my Lord, that if I were to raise my voice it would have been of no use. It is just possible that in this case my voice would be influential in determining the vote of this Council. That is the real reason."

The Hon'ble Mr. Srinivasa Sastri:—"Well, I am afraid my Hon'ble friend is entirely mistaken. If public opinion is so strong against a good election law he ought to have opposed the introduction of this Bill altogether; and he ought to have introduced amendments softening the Bill at every stage. He has done nothing of the kind. He takes advantage of a little gap, left, I believe, really by inadvertence in the Bill by its original framers; I have brought it in merely to complete the edifice. I ask my Hon'ble friend whether really the ballot system is worth anything unless you provide that the secrecy of the ballot should also be maintained. It seems to me to ask, may I say, that there should be a wedding but that there need not be a bride. The secrecy of the ballot is the very essence of the electoral system as we understand it; and if we do not provide for it a man might as well be asked in open Court for whom he voted. If it is relevant to the inquiry at all, I do not see why we should prevent a judge who wants to award judgment on any particular matter from seeking to know the truth; why we should preserve the right of a man to keep his vote to himself and let everybody else tell the world how he has voted. It seems to me besides there is a very good answer which I might make to the charge which Mr. Banerjea brought forward, that we are now running counter to public opinion. If we are running counter to public opinion, will a Province like Madras, where public opinion is certainly strong, not less strong than in Bengal, have seriously allowed the enactment of a large number of election offences in both the District Municipalities Act and the City Municipal Act? I believe, Your Excellency, that the country is ripe for an enlightened system of election, and therefore also for an enlightened system of election law. 1-39 P.M.

"I believe the case for my clause is complete."

The motion was put and agreed to.

The Hon'ble Sir William Vincent:—"My Lord, I now move that the Bill as amended be passed."

1-42 P.M.

The motion was put and agreed to

The Council then adjourned for lunch.

THE IMPERIAL BANK OF INDIA BILL.

The Council re-assembled after lunch at 3-30 P.M. The Hon'ble the Vice-President in the Chair.

3-30 P.M. **The Hon'ble Mr. W. M. Hailey:**—"Sir, I beg to move that the Report of the Select Committee on the Bill to constitute an Imperial Bank of India and for other purposes be taken into consideration.

"The principles and objects of the Bill were discussed very fully in this Council in March last. It received some criticism both in this Council and in the press, but I think the criticisms were directed rather to its details than to its principles. I do not, therefore, propose at this stage to enter into a general discussion on the Bill. The details have been considered, and very fully considered in the Select Committee. Indeed I may say that they have been considered by two Select Committees, for the changes which were made, unavoidably made, in the constitution of the original Select Committee at all events had this advantage, in that the Committee as reconstituted was able to look at the Bill from an entirely different point of view to that from which it was considered by the first Committee. They have come to a unanimous conclusion on all the details of the Bill. Those conclusions are set forth at considerable length in the report which is now in the hands of this Council, and I assume that the Council will desire to act on the advice of its Select Committee and accept its suggestions. I therefore merely ask, Sir, that the Bill be now taken into consideration."

The motion was put and agreed to.

The Hon'ble Mr. W. M. Hailey:—"Sir, I beg to move the first amendment on the list, namely :—

'That in clause 6 (2), after the words 'appointed day' the words 'has been granted or' be inserted ; after the word 'superannuation' the words 'or compassionate' be inserted ; and for the words 'shall continue' the words 'shall be entitled to be paid by and' be substituted.'

"This is an amendment of no great substance. We simply desire to provide by the addition of the words 'has been granted' for the cases in which by a resolution of the Bank pensions may have been sanctioned but have not yet been drawn. We also desire to provide for compassionate as well as superannuation pensions ; the remainder of the amendment merely refers to consequential change of wording."

The motion was put and agreed to.

The Hon'ble Mr. W. M. Hailey:—"Sir, the second amendment, that stands in my name is this :—

'That to clause 6 the following sub-clause be added, namely :—

'(3) For the Directors and officers of the Banks of Bombay and Madras who are at the commencement of this Act the respective trustees of the following funds, that is to say,—

(*a*) the Bank of Bombay Officers' Pension and Guarantee Fund, and

(*b*) the Bank of Madras Pension and Gratuity Fund, and the Bank of Madras Officers' Provident and Mutual Guarantee Fund,

there shall be substituted as trustees of those funds respectively, the members for the time being and the corresponding officers of the Local Boards of the Bank at Bombay and Madras ; and if any doubt arises as to who are the corresponding officers to the officers who are trustees at the commencement of this Act, the decision of the Central Board shall be final.'

"There are at present in the Banks of Bombay and Madras certain funds, officers' pension and guarantee funds and also provident funds, which are now in the hands of trustees. Several of those trustees are *ex-officio* directors of the existing Banks. It is proposed to provide by this amendment that the corresponding officers of the Local Boards of the new Imperial Bank at Bombay and Madras shall take their places. It is therefore merely a provision for retaining the same personnel with a change of nomenclature."

The motion was put and agreed to.

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The Hon'ble Rai Sahib Seth Nathmal:—"Sir, I beg to move the amendment which stands in my name and which runs as follows :— 3-40 P.M.

'That to sub-clause (2) (*b*) of clause 10 the following proviso be added :—

'Provided always that regard will be had in such selection for those centres of business where there are yet no banking facilities.'

"As pointed out by the Hon'ble Mr. Tata when the Bill was under discussion in the Select Committee, there are hundreds of towns where no banking facilities are yet provided. Our country has an area of 18 lakhs of square miles and it contains 2,253 towns with nearly 3 crores of inhabitants and 720,342 villages with a population of 28 crores. On the 31st December 1917 the total number of banking offices in India was only 402, and many of them overlapped in the larger towns. In fact, on that date there were in the whole of India only 165 towns which had bank offices. The United Kingdom with a population of 4 crores, had 9,138 banking offices. Canada with a population of 84 lakhs, has about 4,000 branches of banks. Further there are 29 crores of illiterate people in India, and out of the 2 crores of literates there are only 16 lakhs of literates in English.

"The vast and scattered population of India has thus modern banking facilities at 165 stations only, and consequently the financial power of India is insufficiently mobilised. Money lies dormant in endless small hoards.

"This fact was brought to the notice of the Committee and it was suggested that the new branches which had to be opened in various places within five years should be located not in those places where we have got banking facilities already, but in those centres where there is none at present. This suggestion was made not because the Central Board would like always to start branches only in those places where we have already got some sort of banking facility in existence, so as to bring profits soon and have their task easy, but because the interests of the share-holders are likely to be served better by having their branches in those places where the soil is already tilled. It is why this proviso is suggested for the consideration of the Council. The Hon'ble Mr. Hailey might object to this proviso on the ground that Government has discretion to open 25 branches wherever they choose and this might safe-guard public interests as against share-holder's interests. I am afraid I am not personally content with this provision in as much as Government has discretion only for 25 places while share-holders have discretion for 75 and this is not what we call a State Bank where the influence of the share-holders is chiefly consultation and advisory. Government will surely take into consideration the claims of various centres where we have already got some form of banking institutions in existence and where we still need more facilities to further their rapid expansion and progress as in the case of Rangoon and I do not see why further discretion should be given to share-holders for such selection. This Bank is what they call banker's bank and surely has to finance internal trade of India to a large extent. Even now most of the Banks rely on Presidency Banks in a season of active trade when their whole capital is fully employed. I am therefore not against starting the new branches in those places also where we have already some banking facilities, and where we will soon have business, but what I mean to suggest is that this discretion should be given not to share holders but to the Government. Government in their discretion can have 25 branches wherever they think necessary from the taxpayer's point of view as well as from the share-holder's point of view, but the remaining 75 branches must if possible be located only in such places where banking spirit has not yet been awakened and where we might have less profits to begin with, but where we might be able to do greater good to the public at large. In my amendment however I have not suggested that we should have all the new branches in places where there is no banking facility of any kind. What I suggest is that, regard should be had for such places where such selection is to be made. This is a moderate request and a useful hint for future organisers. With these few words I commend the amendment to the favourable consideration of this Council."

The Hon'ble Mr. W. M. Hailey:—"The Council will notice, Sir, that this amendment is in the nature of an instruction rather than of a precise regulation. That is to say that it will be either for the Government (as regards 3-45 P.M.

the 25 per cent of the new Branches) or for the Central Board (as regards the remaining 75 per cent) to decide whether the requisition laid down is complied with. There is, therefore, no compulsion ; there is nothing what, I think, the lawyers call a sanction behind this amendment. Now I have some objection in placing on the Statute Book what can only be a pious hope ; but my objection does not end there. There really is very little to be said for this amendment on its merits. The Hon'ble Mr. Nathmal said—and I agree with every word he said on this point—that India needs a large extension of her banking facilities. One of our reasons for promoting this Bill was that we felt that extension of banking facilities in India was urgently required. But we do not look forward merely to the multiplication of banking branches. If the Imperial Bank is to be successful, that success has to be achieved by a consolidation of resources. The Bank will not achieve its full purpose unless it can come to the assistance of private banks in times of stringency, and, more than that—and perhaps this is one of its most important functions—unless it is able to effect that organisation of Clearing Houses which is necessary if private banks are to achieve their full utility. That is one of its primary objects, and if it attains that object then the following consequences will ensue. In the first place there will be a far less use of metallic currency or of notes for remittance. In the second place the population of India at large will become more habituated to the use of cheques. That will be a gain to Banking as a whole throughout the country, and the private banks no less than the Imperial Bank will partake in that gain. If we were to accept this amendment, Sir, and if it could be enforced, I maintain that one of the results that would follow would be that instead of consolidating, and thereby economising our financial resources, we should be dissipating them in places where they were not required. We should be locking them up in places where the Imperial Bank could not, in a time of need, be relied upon to come to the assistance of private banks. It is for that reason that I oppose this amendment. There is in India, in this great and undeveloped country, an indefinite field for the extension of banking, and I do not myself believe, and none of us here on the side of Government ever have believed, that the advent of the Imperial Bank will prove a source of danger to private banks."

3-40 P.M. **The Hon'ble Rai Sahib Seth Nathmal:**—"Sir, I cannot insist upon the amendment being accepted by the Council and I think what I have said on the subject is quite enough. Having regard to what the Hon'ble the Finance Member has told us, I will withdraw my amendment."

The amendment was by leave withdrawn.

The Hon'ble Mr. A. P. Muddiman:—"Sir, I beg to move that in clause 31 (1) the words 'as soon as may be after the appointed day' be omitted.

"This is purely a drafting amendment. The Bill as drawn up states that bye-laws may be made 'after the appointed day' and if these words were not in the Bill it would be possible, under section 22 of the General Clauses Act, to make bye-laws before the Bill actually came into operation. I understand it is desired so to make bye-laws but these words might be construed as limiting the general powers conferred by the General Clauses Act. Therefore I have the honour to move that they be omitted."

The motion was put and agreed to.

The Hon'ble Mr. W. M. Hailey:—"Sir, I beg to move that in sub-clause 1 (*a*) of clause 31 for the words 'and on the said security' the words 'the conditions under which advances may be made on the said security' may be substituted.

"The object of this amendment, Sir, is this. As the Bill stands at present it might be necessary for the Central Board to lay down the maximum amount up to which Local Boards could give advances on the securities mentioned, *viz.*, trustees securities and the like. Now there is one class of such securities—I mean Government paper—on which it might be incumbent for a Local Board to lend practically without restriction in times of stringency. If it were bound down to a prescribed maximum of these advances by the Central

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Board, it might find that the restriction made it impossible for it to come adequately to the assistance of the money market in times of stringency. It is for that reason we propose that the Central Board should, instead of laying down a maximum, merely lay down the conditions on which such advances should be made, and I think the Council will agree that that is perhaps the safer line of the two."

The motion was put and agreed to.

The Hon'ble Rai Sahib Seth Nathmal:—"Sir, I beg to move amendment No. 6 which stands in my name. It consists practically of two parts, and I will take the first part first, namely :— 3-51 P.M.

'That in clause 1 sub-clause (*a*) (*vi*) of part 1 of Schedule 1 of the Bill after the words 'accepted Bills of exchange and Promissory Notes' and before the words 'Endorsed by the payees' the words 'and Hundis' be inserted.'

"The Council is fully aware that the present Presidency Banks already do a lot of Hundi business though this term has, I think, no where been properly defined yet. Big Shroffs, mahajans, chettis and others who either directly or by their relations with smaller banks of the same kind largely finance the movement of produce and of important articles of commerce such as piece goods in the up-country markets do rely on Hundi business for help. The Hon'ble Mr. Howard pointed out on the 23rd of September last that, on some occasions, the amount of Hundis held by the Banks of Bengal and Bombay alone had exceeded a third of their total advances and during the busy season the proportion is rarely less than a quarter. If I mistake not Hon'ble Mr. Gubbay also pointed out once that the Hundi transaction of the three banks sometimes went up to 9 crores in a day. It may however be said that Hundis might come under bills of exchange and hence there is no need of adding the word Hundi after it. Every bill of exchange is not a Hundi though some might say that it is a form of internal bill of exchange. Anyhow the term needs clear definition and as it finds no place in the clause of definitions and as large business is already done by Hundis, Mudatti as well as on demand, I think it would be better if we gave it a statutory recognition and no longer kept it vague. I may for the information of the Council here allude to section 26 of the Indian Paper Currency Act, 1910, where this word does find a place. With these few words, I commend the first part of my amendment to the acceptance of the Council."

The Hon'ble Mr. A. H. Froom:—"Sir, dealing with the first part of the Hon'ble Mr. Nathmal's amendment, I understand that the word 'Hundi' is a description in the vernacular of a bill of exchange. Its inclusion, therefore, in clause (*a*) (*v*) of Part I of Schedule I would thus be tautological and unnecessary. I therefore oppose this part of the Hon'ble Member's amendment.

"I did not quite hear whether the Hon'ble Member moved the second part of his amendment."

The Hon'ble the Vice-President:—"I did not gather whether the Hon'ble Member did or not. I propose to put the two parts separately and I shall give the Hon'ble Member an opportunity of moving the second part after the first part has been disposed of."

The Hon'ble Rai Sahib Seth Nathmal:—"May I move the second part of my amendment?"

The Hon'ble the Vice-President:—"I will give you an opportunity of doing that when we have done with the first part."

The Hon'ble Mr. A. H Froom:—"Well, I have nothing more to say on the first part of the Hon'ble Member's amendment."

The Hon'ble Mr A. R. Murray:—"Sir, this question was discussed in Select Committee. If I remember aright, what influenced the Committee to decide not to insert the word 'Hundi' in this clause was the fact that this particular sub-clause (*a*) (*v*) of the Part I of Schedule I is in identical terms with section 36 (*a*) (*vi*) of the Presidency Banks Act, 1876. That section refers only to accepted bills of exchange and promissory notes

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endorsed by the payees. Now, the Presidency Banks Act has been in force for nearly 50 years and during all that time there has been no question of the Presidency Banks' right to deal in Hundis. That being so, I see no reason why the amendment should be accepted. The absence of the word from the Presidency Banks Act did not limit the activities of the Presidency Banks, and the insertion of the word now will not, in my opinion, widen the scope of the Imperial Bank's operations. I therefore beg to oppose this amendment."

The Hon'ble Mr. W. M. Hailey:—"As the Hon'ble Mr. Murray has pointed out, Sir, the absence of the word 'Hundi' from the corresponding section of the Presidency Banks Act has never been felt as a loss before. If I understand the legal position correctly in regard to Hundis, it is this. Under the Negotiable Instruments Act, a Hundi is a bill of exchange unless it bears on its face some indication that it is not intended to be treated as such. If *Hundis* therefore were included in this section, the result would be that we should, by implication, include a certain number of documents drawn in the vernacular which were not proper bills of exchange. I have no very strong feeling on the subject. It is a matter on which we shall be glad to follow the opinion of those intimately acquainted with the actual working of the section. But though I have no strong feeling on the matter, I think that I would follow both the Hon'ble Mr. Froom and the Hon'ble Mr. Murray in advising the Council, merely as a matter of prudence, not to insert this word. It is always a mistake to make to a section of an Act which has worked well for a great number of years, an addition which may subsequently give rise to doubts and legal discussion. It is therefore simply as a matter of prudence that I would advise the Council not to include this word in the section."

The Hon'ble Rai Sahib Seth Nathmal:—"Sir, the chief argument put forward is that the absence of this term was never felt before; but I must point out, that if there is an omission already, I do not see why it should not be supplied in future. Section 26 of the Indian Paper Currency Act, 1910, already enacts that 'no person in British India shall draw, accept, make or issue any bill of exchange, promissory note *Hundi*, etc.'

"In reading this section I wish to bring out before the Council the fact that the necessity for the separate insertion of this word 'Hundi' has been recognised in the Statute Book, and I do not see why, when we are doing crores of rupees of business in Hundis, we should not find the word in the present Act.

"With these few words, I trust the Council will accept this part of my amendment."

The Hon'ble the Vice-President:—"I will put the first part of the Hon'ble Mr. Nathmal's amendment separately."

The motion was put and negatived.

The Hon'ble Rai Sahib Seth Nathmal:—"Sir, the second part of my amendment No. 6 runs thus:—

'And that in the same clause before the words 'and joint and several' the words 'and approved bankers' be inserted.'

"My object in moving this amendment is to encourage private enterprise and also to safeguard share-holder's interests. What I suggest is that the Bank should not content itself only with the endorsement of the payees of accepted bills of exchange but, as is the practice now, should, before they accept such bills, secure the endorsement of approved bankers also. This might mean some profit to the approved banker and so much less to the Bank but in view of the additional security that this course implies and direct encouragement which it offers to the existing banks, I think, we should safeguard the interests of tax-payers if not of the share-holders by accepting the amendment that I have proposed.

"As the practice is, the Bank for some time to come at least might have a list of approved bankers and unless they get their endorsement on bills of exchange which have been accepted by the Bank and endorsed by the payees they should not, to keep them on the safe side, accept the same. In so doing we will be able to ensure the public that the Bank's business is not conducted in such a way as to be injurious to the public interests and this will also ensure an immediate progress also in the matter of increasing banking facilities. To

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this it might however be said that this course gives undue advantage to certain bankers and shuts the door against many which goes directly against the fundamental principles of the Bill. This is what the Hon'ble Mr. Hailey might also say and the only reply that I can give is that we have to satisfy both shareholders as well as tax-payers. Less profits and greater security should always be the goal in such pioneer institutions and by following similar practice I hope, the existing Presidency banks have not shut the door against any sound business-man. A central institution of the character that we are proposing in the Bill which is to be entrusted with very great responsibilities in the matter of acting as Government's Banker should not in the interests of the tax-payer be allowed to engage in business which may be quite right and proper for an ordinary joint stock bank but which is not desirable for an institution which is meant to be pre-eminently a banker's bank. With these words I recommend this to the consideration of the Council."

The Hon'ble Mr. A. H. Froom:—"Sir, in moving the second part of this amendment I cannot think that the Hon'ble Member can have realised fully the extent to which his proposal would operate, were the words 'and approved bankers' inserted in the clause under discussion. The Imperial Bank would be placed in the position of being unable to discount bills of exchange or promissory notes unless the documents bore the signature of another bank. Now, it is well known that the Presidency Banks do a large business in discounting bills and notes accepted by firms of standing or by approved persons, both European and Indian; and by this amendment we are asked to deprive the Imperial Bank of a large portion of what will be its legitimate business. This business has been carried on by the Presidency banks for many years,—most successfully, I should say, from the results we have seen of the three Presidency Banks, and I see no reason why it should not be carried on equally successfully by the Imperial Bank. The Imperial Bank is being constituted to fill a long felt want by supplying banking facilities throughout India, and the suggestion to curtail these facilities at the outset of its career, to say the least of it, appears to me to be paradoxical in the extreme. Sir, I cannot support the Hon'ble Member's amendment." 4 P.M.

The Hon'ble Mr. A. R. Murray:—"Sir, this amendment also was discussed in Select Committee, and considered to be undesirable. As it is, the names of two or more persons or firms unconnected with each other in general partnership are already required before the Imperial Bank is entitled to advance or lend money on bills of exchange or promissory notes. The insertion of the words 'and approved bankers' means the addition of yet another name. The ordinary bank is at liberty to advance money, if it wishes, on one signature only. It seems to me a sufficient handicap on the Imperial Bank that it should require two signatures; and if you are to make it necessary for the new Bank to have three signatures, I think you are putting very great obstacles in the way of the Bank doing business. 4-3 P.M.

"As the Hon'ble Mr. Nathmal stated when speaking to the first amendment to this sub-clause, the Hon'ble Finance Member pointed out in a meeting of this Legislative Council on 23rd September of last year that on some occasions the amount of Hundis held by the Banks of Bengal and Bombay has exceeded one-third of their total advances, and during the busy season, the proportion is rarely less than one quarter. The addition of the words 'and approved bankers' as suggested by the Hon'ble Member, would have the effect of retarding the trade of India, instead of encouraging it, in so far that the addition of this extra name must mean additional expense to traders generally, for it may safely be taken for granted that no bank will attach its name to a bill of exchange except for a consideration. Even assuming that it was considered advisable to make the desired amendment, I would ask the Hon'ble Member how he would define 'approved Bankers.' I have seen 'an approved acceptance' described as 'an acceptance to which no reasonable exception can be raised.' And I assume an approved banker might be described as a banker to whom no reasonable exception could be taken. I shall be glad to know, however, who is to decide when a reasonable exception can be taken to any banker, and who is to be the authority to decide it. Under the head of bankers in India, we have, besides the Presidency Banks, which are to be replaced by the new Imperial Bank, Exchange Banks,

Indian Joint Stock Banks, including industrial banks and mortgage banks, and we have savings banks and co-operative banks. Over and above these banks, we have the banias, mahajans and shroffs, some of whom would certainly consider themselves entitled to come under the head of 'approved bankers.' I think I have said enough, Sir, to show that the proposed amendment is not a feasible one, and should not be accepted by the Council."

The Hon'ble Mr. W. M. Hailey:—"My Hon'ble friends, Mr. Froom and Mr. Murray, Sir, have explained to the Council the exact effect of this portion of the amendment proposed by the Hon'ble Mr. Seth Nathmal. I would give the Council purely as information a figure from which they can conclude the extent to which this amendment if accepted might injure trade. I take it for granted, as Mr. Murray says, that if you are obliged to obtain the acceptance of a bank, that bank will not do it for nothing, and that your money must therefore cost you more. On the 30th of December of 1917 the amount of outstanding bills discounted by the three banks was 8 crores 15 lakhs; and it is to that amount of advances that this restriction would apply. Now, Mr. Nathmal said that this step was necessary in the interests of the tax-payer because if the acceptance of another bank were required it would obviate some potential risk of loss to the Imperial Bank. Since 1876 the Presidency Banks have been taking this risk. It is a complaint of some of my friends here that these banks have made too much money, not that they have not made enough; the risk—if it is a risk, cannot have involved them in any considerable loss. I think that they may be left to take that risk safely in the future; and that we need have no fears for the interests of the tax-payer. Again I say that risk is so small that we, as representing the tax-payer—and as tax-payers ourselves, might be very glad indeed to run it rather than place on Indian trade generally the great additional burden which Mr. Nathmal's amendment would involve."

The Hon'ble Rai Sahib Seth Nathmal:—"Sir, having regard to what the Hon'ble Mr. Froom and the Hon'ble Mr. Murray as well as what the Hon'ble the Finance Member have said I do not think I shall insist on the amendment being moved."

The motion was by leave withdrawn.

4-10 P.M. **The Hon'ble Mr. W. M. Hailey**:—"Sir, I beg to move that in Schedule I, Part I, clause (*d*), for the words 'the discounting and buying' the words 'discounting, buying and selling' be substituted; and after the words 'and from' the words 'or to' be inserted. This is simply required, Sir, in order to allow the Bank to sell as well as buy bills."

The motion was put and agreed to.

The Hon'ble Mr. W. M. Hailey:—"I beg to move, Sir, that in Schedule I, Part I, clause (1) after the word 'administrator' the word 'executor' be inserted; and for the word 'or' where it occurs for second time the word 'and' be substituted. This amendment is required in order to allow the Imperial Bank to act as executor as well as administrator. The articles of several banks lately have, I understand, been amended in order to allow them to take up the work of an executor to wind up estates, and it is well that this power should be equally given to the Imperial Bank."

The motion was put and agreed to.

The Hon'ble Mr. A. P. Muddiman:—"Sir, I beg to move that in Schedule II, clauses 10, 11 and 12, for the words 'Central Board' wherever they occur the word 'bank' be substituted. This again is merely a drafting amendment. Those clauses in the Schedule which are mentioned in the amendment refer to the transfer and transmission of shares. It has been suggested to us, and we think rightly, that as the clauses stand they may be discrepant with the provision which enables local boards to recognise transfers and transmissions, and which is contained in clause 26 of the Bill."

The motion was put and agreed to.

[8TH SEPTEMBER, 1920.] [*Mr. R. D. Tata; Mr. W. M. Hailey; Mr. A. P. Muddiman; Rai Sahib Seth Nathmal.*]

The Hon'ble Mr. R. D. Tata:—"Sir, I beg to move that in Schedule II, clause 23 (1) for the word 'place' the words 'at such town where there is a local head office of the bank' be substituted.

"I do not think I need say anything on this amendment as I am led to believe by my Hon'ble friend the Finance Minister that he will accept this amendment."

The Hon'ble Mr. W. M. Hailey:—"I am quite prepared to accept this amendment."

The motion was put and agreed to.

The Hon'ble Mr. W. M. Hailey:—"Sir, I move that in Schedule II, clause 24, for the words 'thirty days' the words 'sixty days' be substituted.

"We consider the period of thirty days too short a time for a previous notice of a special meeting—since the share-holders are scattered all over India and are not always resident in India itself. We therefore propose to substitute sixty for thirty days."

The motion was put and agreed to.

The Hon'ble Mr. A. P. Muddiman:—"This again is a purely drafting amendment*. It seems very complicated but really is very simple. Clause 38, to which the amendment is being made, applies *mutatis mutandis* all the procedure of general meetings to local meetings. When we examined this clause again we found that the corresponding authority in the Local Board, the Secretary, who corresponds to the Managing Governor on the Central Board had not been provided for. The first part of the amendment makes the necessary substitution, to apply the procedure to the Local Board. The second part of the amendment is to correct a drafting error; the reference made to a 'Local Board' is incorrect. The reference should be to special local meetings as defined in the relevant sections of the Bill." 4-12 P.M.

The motion was put and agreed to.

The Hon'ble Rai Sahib Seth Nathmal:—"The fourth amendment which stands in my name runs as follows:—

'That in clause 39 sub-clause (2) of Schedule II of the Bill the paragraph beginning with the words 'if he holds the office of the director, etc.' and ending with the words 'in British India: or' in the seventh line be entirely expunged.'

"My object in moving this amendment is to enlist the co-operation of all experienced hands and those who are directors, etc.: in one bank do sit in other banks also and I don't see why we shut them out entirely by the introduction of this proviso in the Second Schedule dealing with qualifications and disqualifications of Governors. This Bank will offer to India an excellent opportunity for the extention of banking facilities by the amalgamation of the three Presidency Banks and as the number of trained bankers so far available is very limited in modern methods of banking, I think that the present proviso should be done away with. The progressive policy which we are going to initiate by establishing a hundred new branches in addition to those which we have already got is likely to be continued until at least in every district and eventually at every town of importance a branch of the Imperial Bank would be established. If this is so I do not see why share-holders should be prohibited from selecting the best man available. Of course Government has discretion to nominate four instead of two as provided in the original Bill and in their selection Government can do away with this unnecessary bar but personally I do not see why as a tax-payer one should be disqualified if one honestly means to do the work. I do not however insist on this and might withdraw the amendment if the Finance Member convinces the Council of the urgent necessity of this proviso as it finds a place in this Bill which is of course taken from the Presidency Banks Act."

* That in Schedule II, clause 38 in the first proviso after the word "Governors" the words "Managing Governors," and after the words "local board" the word "secretaries" be inserted and in the second proviso the words "of a local board" whenever they occur be omitted and after the word "special" the word "local" and after the words "in the case of a" the word "local" be inserted.

[*Mr. A. R. Murray; Mr. W. M. Hailey; Rai Sahib Seth Nathmal; Mr. R.D. Tata.*] [8TH SEPTEMBER, 1920.]

4-17 P.M. **The Hon'ble Mr. A. R. Murray:**—"Sir, under the existing Presidency Banks Act of 1876, no person is qualified to serve as a Director, who is already a director or officer in another bank. The Presidency Banks wished this disqualification to be continued in the new Act, and the Bill was drafted to give effect to their wishes in this respect. The Government, however, have thought it desirable that this disqualification should not apply to their nominees as Governors of the Central Board, and provision therefore has been made for the Government nominating persons who may be directors of Joint Stock Banks. To this I take no exception for the reason that I consider Government should be unfettered in their selection of a Governor. It is different, however, as regards the other Governors, and I think the shareholders of the Presidency Banks and of the new Imperial Bank are quite justified in asking that no change should be made so far as they are concerned in the qualification for a Directorship in the new Bank. Sir, I do not quite see in whose interests the Hon'ble Member is putting forward this amendment. It cannot be on behalf of the general tax-payer, whose interests it is our primary duty to protect, for their interests are already safeguarded by the Government nominees. And if he is not moving in the interests of the tax-payer, he, presumably, must be moving in the interests of the share-holders. So far as I am aware, the share-holders of the Presidency Banks have indicated no desire to throw open their Directorship to Directors in other Banks. My information is all to the opposite effect, *viz.*, that the existing banks object strongly to any amendment on the lines suggested by the Hon'ble Member. That being so, Sir, I do not think this Council has any justification for forcing the shareholders to dispense with a disqualification, which has served the Presidency Banks well. I, therefore, oppose the amendment."

The Hon'ble Mr. W. M. Hailey:—"The Hon'ble Mr. Murray, Sir, has explained the effect of the Hon'ble Mr. Nathmal's amendment; I wish to make it quite clear to the Council how Government regards this amendment. If it were carried we should remove the bar which at present exists to election as Director of a local board, not only of a gentleman who holds the office of Director in another bank, but of a gentleman who holds the office of provisional director, promoter, agent or manager of any joint stock bank. The amendment must I think be accepted as a whole, and if we accepted it as a whole it would mean that there would be, as I said, no bar to the election as a member of a local board of a gentleman who is manager of another joint stock bank. I maintain that this on the whole would be disadvantageous to the new bank. For what would be the consequence? We want to create a banker's bank; would it be possible that other banks would continue to keep their balances with the Imperial Bank if they knew that every detail of their reserves, was in the possession of a gentleman who was manager of a rival bank?

"The inevitable consequence would be that they would withdraw their balances at once. Now that is not to the interest of the Imperial Bank, nor is it to the interest of the tax-payer, nor is it, I think, to the interest of anybody at all. I maintain, therefore, that it is advisable that this restriction, which has been in force since 1876, which we have never been asked to remove before, should continue to remain in force."

The Hon'ble Rai Sahib Seth Nathmal:—"Sir, I do not wish to insist on the amendment* being pressed, and in view of the following amendment* which stands in the name of the Hon'ble Mr. Tata, I may be permitted to withdraw it."

The amendment was by leave withdrawn.

The Hon'ble Mr. R. D. Tata:—"Sir, with your permission, I beg to withdraw this amendment*."

The amendment was by leave withdrawn.

*That in Schedule II, clause 39 (2), the word "Director" where it appears for the first time be omitted, and in the same sub-clause the proviso be omitted.

[8TH SEPTEMBER, 1920.] [*Mr. W. M. Hailey; Rai Sahib Seth Nathmal; The Vice-President; Mr. A. H. Froom.*]

The Hon'ble Mr. W. M. Hailey:—"Sir, I beg to move 4-22 P.M.
that in Schedule II, clause 39 (3), after the words 'local board' the words 'or of the Central Board and a local board' be inserted.

"The Bill as drafted contains a salutory provision that no two persons who are partners of the same mercantile firm or private company shall be eligible or qualified to serve as members of the Central Board or of a local board at the same time. We wish to add a provision, and the Council will, I think, agree as an equally salutory provision, that no such firm or company shall be represented by two members at the same time on the Central Board and on the local board."

The motion was put and agreed to.

The Hon'ble Rai Sahib Seth Nathmal:—"Sir, the only amendment which now remains and which stands in my name is this, *viz.*—'that in clause 42 (3) of Schedule II for the word 'three' the word 'four' be substituted'.

"My object in moving this amendment is to safeguard the interests of the Bank by fixing the quorum for the transaction of business of the Central Board at four instead of at three. The Central Board or the Controlling body of the Bank, *i.e.*, the Governors will consist of 3 Presidents, 3 Vice-Presidents and 3 Secretaries of the Presidency Banks, 2 managing Governors to be appointed by the Governing body, one official, *i.e.*, the Controller of Currency (he will represent Government interests and will have some defined powers in this respect) and four Government nominees who will be non-officials and who will represent tax-payer's interests as they are to contribute a considerable portion of the Bank's resources in the shape of Government balances. Thus the total comes to 16 instead of 14 as was contemplated in the original Bill. The usual place of the meeting would be either Bombay, Calcutta or Madras where we are bound to have the presence of one managing Governor necessarily, one President and one Vice-President, and unless we have at least one Government nominee in the meeting who represents tax-payer's interests, transactions cannot be said to be fair. In order to safeguard their interests I have put forward this amendment and I hope the Council will see their way to accept in as much as it is quite possible, to have this number in every meeting of the Board and business is not likely to suffer for want of a quorum in any case."

The Hon'ble the Vice-President:—"I should like to hear Mr. Hailey on this question."

The Hon'ble Mr. W. M. Hailey:—"The exact number, Sir, who will 4-25 P.M.
be entitled to vote will be 12 or 11 in the event of the number of managing Governors being reduced to one. We took in drafting the Bill a proportion of one quarter roughly of the number. I have myself no very great feeling on the subject; it is a matter very largely for gentlemen who are acquainted personally with the working of institutions of this nature. If there is a feeling on the part of such gentlemen that there would be no obstruction to business by the substitution of four for three, I, for my part, should be very happy to accept the amendment put forward by Mr. Seth Nathmal."

The Hon'ble Mr. A. H. Froom:—"Sir, I think we have now arrived at an amendment by the Hon'ble Mr. Seth Nathmal which the Hon'ble the Finance Member might well accept. When this Bill was introduced, the number of Governors on the Central Board was 10, and I take it that the quorum was then three. The number has now been increased to 12, and I do not see any objection to the number of the quorum being advanced to four. When a local board requires a managing Governor to convene a meeting of the Central Board at any time, say in Calcutta or in Bombay, there will be at hand presumably one of the managing Governors,—if not quite close at hand, very near at hand,—the President and the Vice-President, that is three, and of the remaining 9 Governors, and I do not think it is too much to expect that at least one of them should be present at the meeting."

The motion was put and agreed to.

The Hon'ble Mr. W. M. Hailey :—"Sir, I beg to move that in Schedule II, clause 43(5), after the word 'President' the words 'Vice-President or in their absence the senior member of the board' be inserted.

"The Bill as drafted provides that a meeting of the local board shall be convened by the President whenever he thinks fit. We are advised that it is frequently necessary to call a meeting at short notice when the President may be absent, and we therefore propose that a meeting may be called by the Vice-President or, in the absence of the President and the Vice-President, the senior member of the board."

The motion was put and agreed to.

The Hon'ble Mr. W. M. Hailey :—"Sir, I beg to move that in Schedule II, clause 45 (2), for the words 'or appointed' the words 'or when such member was appointed under this clause, from the date on which his mediate or immediate predecessor was elected be substituted.

"Sir, as drafted, the Bill provides that on the occurrence of a vacancy the vacant place shall be filled up by the remaining members of the board who shall co-opt a duly qualified person for that purpose, and that in that case the member so co-opted shall be considered to have held office from the date on which the member in whose place he is appointed was elected or appointed as the case may be. This amendment is simply designed to provide for the case in which a member co-opted in this manner himself becomes disqualified or resigns, in which case the date of appointment the member chosen to take his place would be considered to be that on which the original member was appointed."

The motion was put and agreed to.

The Hon'ble Mr. W. M. Hailey :—"Sir, I beg to move that in Schedule II, clause 49 (5), after the words 'local board' the words 'and the secretary' be inserted.

"The object of this amendment is simply to carry on the present practice by which the signature of the secretary is obtained as well as the signature of two members of the Bank to all documents which require such signature."

The motion was put and agreed to.

4-30 P.M. **The Hon'ble Mr. W. M. Hailey :**—"Sir, I beg to move that in Schedule II, clause 62, the words 'in British India and has not supplied to the Bank an address within British India for the giving of notice to him' be omitted.

"The Bill as drafted provides that if a share-holder has no registered address in British India, and has not supplied to the Bank an address within British India, then the notice shall be sent by post and also advertised in the Gazette of India. It will be seen that this applies only to the cases in which a share-holder has no registered address in British India. We propose to extend the practice of sending a notice by post and by advertisement in the Gazette of India to all cases in which a share-holder has not a registered address deposited with the Bank whether in British India or elsewhere."

The motion was put and agreed to.

The Hon'ble Mr. W. M. Hailey :—"Sir, I beg to move that the Bill as amended be now passed.

"We have come to the end of a somewhat long list of amendments, not important amendments in themselves, but mainly designed to make provision for some small points in procedure to which our attention was directed after the meetings of the Select Committee had concluded and its Report had been presented.

"In asking that the Bill be passed, Sir, I do so in the profound conviction that it will be of substantial advantage to India. I say here nothing of the

need—the acknowledged need—for improved banking facilities. By that, I do not necessarily mean the mere multiplication of banking branches. Even more urgent is the need for the creation of a central banking institution which will provide for the consolidation and the more scientific distribution of our resources; the need of some such institution has long been admitted by all those interested in Indian Finance. The three Presidency Banks have had a long and honourable career, a career not less honourable because it has not been unprofitable to them. Some years ago when our thoughts were directed to an amalgamation of the three Banks in order to provide a central banking institution for India, we found that we were likely to be thwarted by the difficulties arising among the banks themselves. The hard lessons of the war did something to smoothe over those difficulties, but even more, I think, has been effected by the improved personal relations between the banks themselves and between the banks and Government, which is due to the good-will of the present directorate and management of the banks, a good-will which I heartily recognise. When those difficulties were surmounted and the project appeared to be ripe for legislation, it was criticised on two grounds. It was criticised on the ground that it made insufficient provision for the Indian element, and it was also criticised on the ground that the new Bank would prove so strong a competitor to private banks that it would be a danger to them. Well, Sir, I hope that the recommendations of the Select Committee will have met the first objection; and I am sure that time and experience will dissipate the apprehension that the new Bank will prove a danger to the private banks of this country. For my own part I have never been able to envisage the position that the new Imperial Bank is likely to serve the needs of one class of the community or of one section of bankers. We ourselves have regarded it purely as a measure to extend banking facilities, and to render the money resources of India more accessible to the trade and industry of this country; thereby promoting that financial progress which is an indisputable condition of the social and economic advancement of India. It was in this belief, Sir, that we first set our hands to this measure; it was in this belief that, in spite of some opposition and misunderstanding of our motives, we continued to press it on the Council; and it is in the belief that the measure will give to us a great national institution having ample resources for the assistance of trade, constituting itself an example of sound banking to other banks, an institution which will assist not only the State, but the public, and all sections of the public—it is in the firm assurance in this belief that I now ask the Council to pass the Bill.

"I have referred to the honourable career of the Presidency Banks in the past. That chapter of their career is now about to be closed, but if our hopes are realized there will spring from their ashes, phœnix-like, a bank which while not unmindful of the honourable financial traditions of the past, will partake of a wider outlook, and a larger, a more beneficial sphere as a national Bank for India."

The motion was put and agreed to.

The Council adjourned till the 9th September, 1920, at 11 A.M.

A. P. MUDDIMAN,

Secretary to the Government of India,
Legislative Department.

SIMLA;
22nd September 1920.

Appendix " A ".

Statement showing the number of cases in which findings, etc, were recorded by Summary Courts in the Punjab disturbances.

(*b*) The courts in question were not bound to record any reasons for their findings, though in a large number of the cases such reasons were recorded. The total number of cases was 552. In 469 of these cases a summary of the evidence often running to many pages was recorded by the trying officer.

(*c*) In 67 of the cases the trying officer confined himself to recording reasons for his finding, and made no record of the evidence.

(*d*) There were only 16 cases in which no summary of the evidence was recorded and no reasons for the findings given.

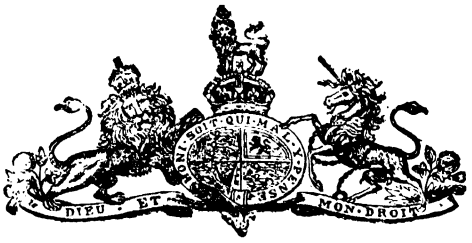
NOTE.—During the winter session the information was not available, as most of the records of the cases decided by the Summary Courts which had been sent to the Disorders Enquiry Committee for perusal, were not returned by them till after the session was over.

Appendix "B".

Statement of wagon allotment for coal from January 1920 to June 1920.

Period.	R. I. M. (Bombay-Karachi, K. P. Docks). Shipment—K. P. Docks. Bunker Coal—Howrah, Garden Reach, Shalimar, K. P. Docks.			Loco (including Light Railways and Inland Steam Navigation Companies).			Special Public. (X Class).				Ordinary Public. (Pro Rata).			Total.		
								Other Supplies.								
	East Indian Railway.	Bengal-Nagpur Railway.	Total.	East Indian Railway.	Bengal-Nagpur Railway.	Total.	Tatal Iron and Steel Company, Limited.	East Indian Railway.	Bengal-Nagpur Railway.	Total.	East Indian Railway.	Bengal-Nagpur Railway.	Total.	East Indian Railway.	Bengal-Nagpur Railway.	Total.
January 1920 ..	8,065	1,672	9,737	20,519	5,836	26,355	2,625	11,977	4,283	16,260	8,130	..	8,130	48,691	14,416	63,107
February ..	15,043	1,641	16,684	25,072	6,924	31,996	3,156	15,644	3,396	19,040	2,899	602	3,501	58,658	15,719	74,377
March	9,634	1,533	11,167	27,482	7,271	34,753	1,254	18,389	4,499	22,888	7,191	2,332	9,523	62,696	16,889	79,585
April	10,399	4,170	14,569	27,121	8,642	35,763	3,782	15,907	2,578	18,485	2,864	325	3,129	56,231	19,497	75,728
May	9,948	4,346	14,294	25,287	8,528	33,815	3,789	18,658	2,171	20,829	3,429	906	4,335	57,322	19,740	77,062
June	10,609	4,366	14,975	26,706	8,049	34,755	3,488	19,946	1,796	21,732	1,517	283	1,800	58,778	17,972	76,750

38 ILD—750—11-10-20—GCPS



GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.
(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Viceregal Lodge, Simla, on Thursday, the 9th September, 1920.

PRESENT:

His Excellency BARON CHELMSFORD, P.C., G.M.S.I., G.M.I.E., G.C.M.G., G.C.F.E., Viceroy and Governor General, *presiding* and 49 Members of whom 41 were Additional Members.

THE ALIGARH MUSLIM UNIVERSITY BILL.

The Hon'ble Mr. Shafi:—"My Lord, I have the honour to move that the Report of the Select Committee on the Bill to establish and incorporate a teaching and residential Muslim University at Aligarh be taken into consideration. 11 A.M.

"My Lord, this Report has been in the hands of Hon'ble Members for several days. It summarises with sufficient clearness the various changes and the reasons for those changes which the Bill has undergone in the Select Committee. It is, in consequence, entirely unnecessary for me to enter into a discussion of the various modifications at this stage. With Your Excellency's permission, however, I desire to avail myself of this opportunity to express my grateful acknowledgment of the spirit of helpful co-operation displayed by all its Members, which has resulted in the emergence of our Bill from the crucible of the Select Committee in an improved form, and I commend the Bill for the acceptance of this Council."

The motion was put and agreed to.

11-2 A.M. **The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:**—"My Lord, I must express my apology for unavoidable absence from the meeting of the 27th of August when the Aligarh University Bill was laid before the Council. The Muslims of the Bombay Presidency, whom I have the honour to represent, have always taken a keen interest in the Aligarh College and have identified themselves with the movement and have supported the Muslim University financially and otherwise. My silence on this occasion may give rise to the impression that the Bombay Presidency does not take the same lively interest as the Muslims of the other Provinces do.

"My Lord, I take this opportunity of congratulating Your Excellency upon the introduction of the Aligarh University Bill in a form that is likely to give satisfaction to the Muslim community. The problem has been before the Government and the public for a long time and no University with the possible exception of Dacca has accumulated such an amount of literature as the Muslim University did. My Lord, it is a well known fact that Your Excellency has always taken a very great interest in the education of the country and I feel sure that it will be highly valued by the Muslim community that the Aligarh University which had been the subject matter of discussion for a long time is coming after all into existence under the aegis of Your Excellency.

"My Lord, it is also a matter of great satisfaction to the Mussulmans....."

His Excellency the President:—"I must draw the Hon'ble Member's attention to the fact that he has got an amendment on the paper and that he must speak to the amendment which he is to propose."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—"In that case I will do that. Shall I move the amendments?"

His Excellency the President:—"Yes, please."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—"My Lord, the first amendment* is more or less a verbal alteration and I have no desire to take up the time of the Council with it. I shall withdraw it."

The amendment was by leave withdrawn.

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—"My Lord, I beg to move—

'That in clause 2 (*g*) delete the words from 'and assistant professors' to 'demonstrators' and add at the end after the word 'lecturers' the words 'and such other persons appointed for imparting instruction in the University or in a Hall.'

"My Lord, this clause provides entirely new categories of teachers not provided in any other University. We shall have professors, assistant professors, readers, assistant readers, lecturers and assistant lecturers. It will be very difficult to lay down the ranks between the different categories of teachers. For example, between an assistant professor and a reader, between an assistant reader and a lecturer. Besides, my Lord, such classifications are likely to create unpleasantness among the teachers of the University.

"With these words, my Lord, I beg to move the amendment."

The Hon'ble Mr. Shafi:—"My Lord, the suggestion embodied in the amendment moved by my Hon'ble friend is one which we are prepared to accept, but the form of the amendment will not suit. If my Hon'ble friend is prepared to accept the form which I am now going to read, I shall have great pleasure in accepting the amendment:—

"'Teachers' means professors, readers, lecturers, demonstrators and such other persons as may be appointed for imparting instruction in the University or a Hall.'

* That to clause 2 (*d*) the following be added:—'In which tutorial and other supplementary instruction may be given under the direction of the University in accordance with the Ordinances.'

[*Khan Bahadur Ebrahim Haroon Jaffer; Mr. S. Mahomed Ali; Mr. Shafi.*] [9TH SEPTEMBER, 1920.]

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—"I accept the suggested amendment, my Lord."

The revised motion was put and agreed to.

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—"My Lord, I move my third amendment:—

'That clause 3 be renumbered 3 (1) and to the clause the following sub-clause be added, namely:—'(2) The first Chancellor, Pro-Chancellor and Vice-Chancellor appointed under clause 3, sub-clause (*a*) above shall hold office for such period as the Court may determine'.'

"If the first appointments, my Lord, are made for longer periods, I apprehend that they may not be conducive to the best interests of the University. There is a strong desire among my community that the first appointments should be made after consulting the Muslim University Association. My Lord, the prosperity of the University depends very largely upon its first officers. They will give shape to the University; the Ordinances will be prepared under their guidance; they will establish the Intermediate colleges; and above all, they will arrange for the foundation of the University. It is very desirable that these officers should be persons who command general confidence, who may be able to collect subscriptions for the University and who may be able to carry on the work during the transitional period, which, my Lord, as every body knows, is always very trying. The Calcutta University Commission laid down the duties of the first Vice-Chancellor in eloquent words both in Chapter XXXIII and XXXVII, and it is highly desirable that the officer appointed to this place should be a man competent to discharge those duties. The amendment that I am making before the Council is a very important one and I trust it will be accepted by the Council."

The Hon'ble Mr. S. Mahomed Ali:—"My Lord, the amendment, if carried, would result in creating an anomalous position, both as regards the highest officers of the University, and as regards the Governor General in Council. It would be ridiculous if the Court, immediately after the appointment by the Governor General in Council of the first Chancellor, the Pro-Chancellor and Vice-Chancellor, sets aside these appointments and makes fresh appointments. It is hardly conceivable that any person would consent to accept any of these honorary offices under the University under those conditions." 11-10 A.M.

The Hon'ble Mr. Shafi:—"My Lord, I am afraid I am unable to accept this amendment. If my Hon'ble friend will turn to clause 17, sub-clause (2), of the Bill, he will find that according to the law as we propose it, the Chancellor shall hold office for three years. Similarly, the other office-bearers are also to hold office for three years. My Hon'ble friend wishes that while His Excellency the Governor General may have the power to appoint these officers in the first instance, they are to hold office at the will and pleasure of the Court. I am afraid such a position is one which the Government of India are unable to accept; but I may, with Your Excellency's permission, assure my Hon'ble friend that in making those first appointments the Governor General in Council will keep the wishes of the community in veiw."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—"My Lord, the powers of the Courts as defined in clause 29 of the Bill are so wide that it is very necessary that it should be given the power of determining the period of these officers; and I submit, my Lord, that if this power is not given it will find it very difficult to discharge its functions satisfactorily."

The motion was put and negatived.

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—"My Lord, I beg to move my fourth amendment which runs:—

'That in clause 5 after sub-clause (6) insert the following sub-clause—

'(7) to recognise the examinations and periods of study passed by students of the University at other Universities or places of learning as equivalent to such examinations and periods of study in the University as the University may determine.'

And renumber sub-clauses (7) to (12) accordingly.

"My Lord, this power of the University, which I propose to add, is taken from the Charter of Sheffield University. It is clause (*d*) of section 18 of the Charter. My object in moving this amendment is to allow the students of other Universities to come and attend special courses of lectures in the Aligarh University and *vice versa*. It is a common practice in Continental Universities that students migrate from one seat of learning to another in order to get a brighter outlook of a subject. The students of Islamic studies in the Dacca University may like to attend the courses of lectures of a specialist in the Aligarh University and the students of the Islamic studies at Aligarh may similarly like to spend a few terms at Dacca. The students of ancient history and learning may like to go to Benares or other places of learning where a special professor for this subject exists. Now this power has not been provided for in any of the sub-clauses of clause 5. The object of my amendment is to empower the University to recognise the examinations and periods of study passed by students of the Aligarh University at other Universities or places of learning, and I hope the Members of this council will not mind giving this additional power to the University."

11-14 A.M. **The Hon'ble Mr. S. Mahomed Ali:**—"My Lord, there are certain powers in connection with admissions and examinations which are reserved by the Governor General in Council for all Universities created by Indian legislature. The acceptance of this amendment would override the provision of clause 32(4) of the Bill. The determination of the equivalence of examinations will require the sanction of the Governor General in Council and this provision applies to private Universities to the same extent as it does to the Government Universities. As the Government will be responsible for the recognition of the degrees granted by the University it will be in the interests of the University if this amendment is not accepted."

The Hon'ble Mr. Shafi:—"My Lord, I am unable to accept this amendment on two grounds. The first of these grounds has already been stated by my friend the Hon'ble Mr. Mahomed Ali, and it is unnecessary for me to recapitulate it.

"The second ground is this, that the amendment is entirely opposed to the recommendations of the Calcutta University Commission—recommendations which have already been accepted by the Government of India in the Dacca University Act."

The motion was put and negatived.

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—"My Lord, I beg Your Excellency's permission to withdraw my amendment No. 5, that sub-clause (2) of clause 12 be deleted."

The amendment was by leave withdrawn.

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—"My Lord, I now move my amendment No. 6:—

That to sub-clause (*d*) of clause 29 add the following words:—
'and their examination'.'

"My Lord, the words of this sub-clause have been taken from sub-clause 6 of section 18 of the Benares University Act. The words appear to be innocent, but they open a wide question on which the Muslim community lays very great importance and it is the question of the

conduct of admission examinations. The Government of India have pledged themselves to the Muslim community and the Muslim University Foundation Committee accepted the Muslim University on the distinct understanding that they would enjoy the privileges and have powers in no way less than those enjoyed by the Benares University. The Benares University is authorised to frame regulations for the conduct of Matriculation examination, and for the purpose of such an examination it has power to recognise schools all over India. Such powers to frame regulations, are given under this sub-clause of section 18 of the Benares University Act, and the Muslim community would be very grateful that the privileges of conducting examinations and recognition of the schools now enjoyed by the Benares University, will not be held back from the Aligarh University."

The Hon'ble Mr. S. Mahomed Ali:—"My Lord, this amendment is superfluous as it is already covered by sub-clause (*c*) of clause 29. The Aligarh University will not be primarily an examining institution but a teaching University, and there is no need of emphasising this point, I therefore oppose it."

The Hon'ble Mr. Shafi:—"My Lord, I have nothing to add to what my friend the Hon'ble Mr. Mahomed Ali has said. I cannot accept the amendment."

The motion was put and negatived.

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—"I now, my Lord, move my amendment No. 7:—

> 'That for sub-clause (2) of clause 30 substitute the following:—'The Executive Council or, in academic matters, the Academic Council, may from time to time make new or additional Ordinances. But all such Ordinances, or additions to the Ordinances or amendments or repeals to Ordinances, shall be made subject to the sanction of the Court, which may sanction, disallow or refer them back to the Executive or Academic Council, as the case may be, for further consideration. The Ordinances shall be subject to the vote of the Governor General in Council or Visiting Board'.'

"My Lord, it was decided, during the last discussion, with the Department of Education at Delhi, that the Ordinances, shall be subject to the veto of the Governor General in Council. The procedure now provided for, in clause 30 (2), is very cumbrous. The Ordinances shall prescribe, for instance, whether there will be two or three papers on the particular subject, but according to the procedure now adopted the number of the papers cannot be altered without the sanction of (1) the Department of Studies, (2) the Academic Council, (3) the Executive Council, (4) the Court, (5) the Local Government and (6) the Government of India. Surely, the time of both the Local and Imperial Governments is too precious for such a trifling detail, and the veto of the Visiting Board or the Governor General in Council should be enough. The Ordinances, will also prescribe, temporary courses of studies for those students, who failed in a particular year, and I fear, my Lord, that the sanction of such Ordinances, while going through this lengthy process, may not be obtained in time, and before the examination of students. The Court is likely to meet once a year, and the Local and Imperial Executive Councils, are not likely to hold their meetings, to suit the conveniences of the University."

The Hon'ble Mr. Shafi:—"My Lord, a careful examination of clause 30 as it stands in the Bill will show to Hon'ble Members that the acceptance of my Hon'ble friend's amendment will result, firstly, in the deletion of sub-clause (2) which has been added in the Select Committee at the express request of the representatives of the Muslim Association, and secondly, in very material modifications of sub-clause (3) which I am afraid I am unable to accept. My Hon'ble friend has in the speech which he has just delivered referred to the complicated nature of the machinery proposed in the Bill. I thought I had made it clear in my opening address that this so-called complicated machinery really is in the nature of a measure which liberalises the present enactment as compared with the Benares Act; and I do not, at this 11 20 A.M.

stage, intend to repeat what I said in my opening address. In the third place, my Hon'ble friend would like the word 'veto' being substituted for what in effect is previous approval of the Governor General in Council. Here again the Government of India are unable to accept the change proposed by my Hon'ble friend. It will be noticed that previous sanction is the expression used in the Benares Act, and we have, in fulfilment of the pledge given to Hindu leaders at the time, in this respect adhered to the phraseology adopted in the case of the Benares Act. The Government of India are not prepared to depart from the decision then arrived at."

The motion was put and negatived.

The Hon'ble Mr. Shafi:—"My Lord, I beg to propose that to clause 32, sub-clause (5) the following words be added:—

'during a period not exceeding four years from the commencement of this Act.'

"It will be seen from the clause as it now stands that students of the Muhammadan Anglo-Oriental College at present preparing for the examinations of the Allahabad University are enabled to continue the study of the Allahabad courses for the purpose of appearing for the Allahabad examinations; but no time limit has been proposed in the clause as it now stands. The idea of imposing a time limit which is embodied also in the amendment of which my friend the Hon'ble Mr. Jaffer has given notice is one which we are prepared to accept, and the amendment which I have now moved is intended to carry that idea into effect."

The motion was put and agreed to.

11-26 A.M. **The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer**:—"Well, my Lord, I do not think it is necessary for me to move the amendment* which stands in my name as the one moved by my friend Mr. Shafi meets mine to some degree."

The amendment was by leave withdrawn.

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—"My Lord, I move amendment No. 10—that clause 40 of the Bill be deleted. My Lord, this clause did not exist in the Benares University Act. This power and the power to remove the difficulties are vested in the Vice-Chancellor in section 51 of the Dacca University Act. This clause is likely to give rise to misunderstanding in the Muslim University. This clause will be interpreted to mean, that it empowers the Government, to establish a University of the type, which the Government likes, and it cannot be of the type, which the Muslim community may desire. I would therefore suggest, that this clause, should be deleted altogether. If, for the purpose of drafting, it may be considered necessary, to vest these powers in a certain authority, then, my Lord, I submit it should be the Executive Council of the University, and not the Governor General in Council."

The Hon'ble Mr. Shafi:—"My Lord, clause 40 which my learned friend would like to delete is really only a drafting clause, and as I am afraid there is a great deal of misapprehension as to its nature and scope, it is necessary for me to make the position clear. Hon'ble Members will see that sub-clause (1) of this clause begins with these words—

'If any difficulty arises with respect to the establishment of the University or any authority of the University or in connection with the first meeting of any authority of the University, the Governor General in Council may by order make any appointment or do anything which appears to him necessary or expedient for the proper establishment of the University or any authority thereof or for the first meeting of any authority of the University.'

"A careful consideration of the conditions which occur in the first part of this sub-section and of the purpose enunciated in the latter part of this

*That for sub-clause (5) of clause 32 the following be substituted:—'Notwithstanding anything contained in this Act or the Ordinances the students of the Muslim University after the commencemt of this Act may continue to read the courses of studies prescribed by the Allahabad University and may appear in the respective examinations of that University until the Academic Council, with the approval of the Visiting Board, may otherwise decide and for the purpose aforesaid such students shall be deemed to be students of an affiliated college of the Allahabad University within the meaning of section 19 of the Indian Universities Act 1904.

sub-clause makes it perfectly clear that this provision has been embodied in the Bill merely to enable the Governor General in Council, should it be necessary, to take certain steps in order to start the University. I cannot understand the reason for the misapprehension which exists in the minds of some people or for the nervousness which seems to exist in certain quarters with regard to this particular clause. I should have thought that the promoters of the University would welcome such a clause as this, for it enables the Governor General in Council to step in at any stage before the completion of the University should it be necessary for him to do so in order to start this institution. As soon as the institution is started this section will have exhausted itself, and after the starting of the University there will be no power in the Governor General to interfere under this Act at all. After this explanation I hope that my Hon'ble friend will think fit to withdraw his amendment."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:— 11-31 A.M.
"I think I will press for the vote of the Council on this amendment but I would ask my Hon'ble friend, Mr. Shafi, when I move the second part kindly to accept it and then it will satisfy me."

The motion was put and negatived.

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—
"My Lord, I beg to move that to clause 40 of the Aligarh Muslim University Bill the following be added :—

'Provided that no action shall be taken by the Governor General in Council under this clause after the University is fully established.'

"I hope my Hon'ble friend will have no objection to accepting this amendment now."

The Hon'ble Mr. Shafi:—"I should have thought after the explanation I have already given, my Hon'ble friend would see that the addition which he suggests to this clause would be absolutely redundant. I am afraid that even if I were willing to accept it the Legislative Department would come down on me and say 'what business had you to accept an amendment which is not required in the circumstances of the case and would be redundant if accepted'?"

The motion was put and negatived.

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—
"My Lord, I beg to move the following amendment :—

'That for class III in clause 8 of the Schedule the following be substituted :—

'(*a*) Every person who has contributed to the Muhammadan Anglo-Oriental College, Aligarh, the Muslim University Association or the Muslim University Foundation Committee a donation of Rs. 50,000 or upwards shall be a Life Member.

(*b*) Every person contributing to the University a donation of Rs. 10,000 or upwards or transferring property of like value at any time after 1st January 1911 shall be a member for a period of 5 years from the date of receipt of donation or transfer of property or from the commencement of the University if the donation is paid before the commencement of the Act.'

"My Lord, the Calcutta University Commission in Chapter XXXIII has recommended, that the donation of Rs. 50,000 should be fixed for the life membership. In the Benares University Act a sum of one lakh is fixed for the life membership. My Lord, the number of liberal donors, in the Muslim community, is comparatively small, and I therefore suggest, that Rs. 50,000 should be fixed for the life membership, in place of one lakh."

The Honb'le Mr. S. Mahomed Ali:—"One of the chief criticisms made against the existing board of trustees of the Muhammadan Anglo-Oriental College has been that the trusteeship is a life tenure. The overwhelming consensus of opinion against life tenure resulted, as early

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as 1911, in the institution of a limited tenure for membership of the Court and the community does not want life members, and class III of the life members of the Court by making the conditions of life membership very stringent reduces that membership to a very small number. Their number would not be more than eight or ten. The donation of Rs. 50,000 is a very small amount and would throw open the door to many who will swell the number of the members of the Court."

His Excellency the President:—" I am taking both parts (*a*) and (*b*) Mr. Jaffer. Do you wish that ? "

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—" I should like the parts of the amendment taken separately."

His Excellency the President:—" Very well."

The Hon'ble Mr. Shafi:—"The limitation of one lakh as embodied in this sub-clause has been fixed after consultation with the Muslim University Association. The Government are unable to depart from the understanding arrived at with a representative body. "

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—" The Muslim community will not be able to find sufficient numbers to give this donation of one lakh. I would, therefore, ask Your Excellency to place the amendment before the Council."

The first part of the motion was put and negatived.

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—" My Lord, I now move part (*b*)—

'(*b*) Every person contributing to the University a donation of Rs. 10,000 or upwards or transferring property of like value at any time after 1st January 1911 shall be a member for a period of 5 years from the date of receipt of donation or transfer of property or from the commencement of the University if the donation is paid before the commencement of the Act.'

" My Lord, this provision has been borrowed from the Benares University Act and it is in agreement with the recommendations of the Calcutta University Commission. My Lord, in this Bill representation has been provided for the donors of one lakh and the donors of Rs. 500. The gap, I submit, is very great and it is highly desirable, in order to encourage private munificence, that some provision should be made for donors of Rs. 10,000 or upwards."

The Hon'ble Mr. Shafi:—" My Lord, for the reasons already stated in connection with the first sub-clause, I am unable to accept this amendment."

The motion was put and negatived.

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—" My Lord, I beg to withdraw the amendment* which stands in my name."

The amendment was by leave withdrawn.

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—I move the following amendment :—

'That in clause 16 (2) insert the following sub-clause after (*c*):—'(*d*) It shall constitute a Finance Committee with such powers and duties as the Ordinances may prescribe' and re-number clauses (*d*) to (*h*) accordingly.'

" My Lord, I do not like to detain the Council any longer, as I have already had a good deal of their time, but it appears to me to be a necessary provision, in order to safeguard the finances of the University. A large Executive Council is not expected to scrutinise all the details of expenditure, and it is very desirable that the items should be thoroughly checked by a small expert committee before they are presented to the Executive Council."

* That in clause 8 for sub-clause (7) of class IV the following be substituted :—

'Fifteen persons to be elected by the Academic Council of whom not less than ten shall be members of the Academic Council.'

The Hon'ble Mr. S. Mahomed Ali :—"This amendment is obviously superfluous. Clause 23 gives general power to any authority of the University to appoint such and so many standing or special committees as may be deemed necessary. The Finance committee will no doubt be one of the several equally necessary committees which will be appointed under that clause. The Executive Council which is responsible for the administration of the revenue and property of the University and regulation of the finance, accounts and investments, etc., will no doubt create a standing finance committee in due course of time." 11-30 A.M.

The Hon'ble Mr. Shafi :—"I have only one word to add to what the Hon'ble Mr. Mahomed Ali has said in connection with this matter. My Hon'ble friend the mover of the amendment would apparently rob the University of its autonomous character at any rate as regards this particular matter. Clause 23 gives the University every power to appoint sub-committees and the Government of India see no reason why that power should be limited by definite instructions in respect to the question now before the Council."

The motion was put and negatived.

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer :—"My Lord, I beg to move the following :—

> 'That to clause 19 the following sub-clause be added:—'(5) The Pro-Vice-Chancellor shall be *ex-officio* member of each department and each Board of Studies and in the absence of the Chairman may convene the meeting of the Board or Department of Studies'.'

"My Lord, I move this amendment for two reasons; no provision has been made in this Bill about the first meeting of the departments of studies, to elect conveners. The Academic Council, according to the Bill, will consist of the conveners of the departments of studies, and the conveners will be elected by the departments themselves. It is not provided, who will convene the first meeting of the departments to elect the conveners. My amendment, I submit, will overcome this difficulty.

"My next point is that the Pro-Vice-Chancellor who is responsible for the academic side of the University, and who is supposed to speak, on academic matters on behalf of the University, must be in touch, with the requirements, of each department. This clause does not go so far as the provision made in the Lucknow University Bill, where it is provided, that the Vice-Chancellor shall have a right to be present at every Board, and at every committee, of the University."

The Hon'ble Mr. S. Mahomed Ali .—"My Lord, the amendment is wrong in making a reference to the Board of Studies as no such Boards exist in the present Bill. The departments are to be self-contained and their principal function would be to recommend to the Academic Council courses and syllabuses of studies and text-books and to consider similar matters referring to the teaching of the particular subject. For all executive orders a department of study shall have to receive instructions from the Academic Council. The amendment as it stands by making the Pro-Vice-Chancellor an *ex-officio* member of each department militates against the autonomy of that department. The Pro-Vice-Chancellor is to be the chief academic officer but he cannot be regarded a specialist in seventeen different subjects of study and his presence on a body consisting of specialists only will serve no useful purpose. The provision to allow the Pro-Vice-Chancellor to convene a meeting of the Board or the Department of Studies in the absence of the chairman is equally undesirable. Certainly the Departments of Studies should be allowed under clause 24 of the Statutes to elect its own chairman. It is not desirable that the Pro-Vice-Chancellor should interfere in every place and thus try, to stifle the freedom of the specialists. Moreover his chief business lies in the Academic Council in maintaining a balance between the various Departments of Studies."

The Hon'ble Mr. Shafi:—"My Lord, for the reasons already given by my friend the Hon'ble Mr. Mahomed Ali, I am not prepared to accept the second part of this amendment. But as regards the first part, we do recognise that it is desirable to have the Pro-Vice-Chancellor as an *ex-officio* member of the various departments of Studies. I am, therefore, prepared to accept the amendment in so far as the proposal embodied in the first part is concerned. At the same time, it will, I think, be appropriate if this proposal were to come in as a proviso to clause 19, sub-clause (3) (*a*) that is to say—

'Each department of studies shall (*a*) consist of the teachers in the subject with which the department is concerned, provided that the Pro-Vice-Chancellor shall be an *ex-officio* member of each department.'

"If my Hon'ble friend is willing to accept the proposal which I have put forward in this form, I am prepared to accept this part of his amendment."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—"I shall accept it, my Lord."

The following motion was then put and agreed to—

That in sub-clause (3) (*a*) of clause 19 of the First Statutes the following proviso shall be added, *viz.* :—

'Provided that the Pro-Vice-Chancellor shall be an *ex-officio* member of each department.'

The Hon'ble Mr. Shafi:—"My Lord, I have now the honour to move that the Bill as amended be passed.

11-45 A.M. "In a somewhat long experience of Legislative Councils, both Provincial and Imperial, I have seldom seen a Bill of the first importance such as the Muslim University Bill pass through the various stages with such little opposition and so smoothly as the measure which we are now about to place on our Statute Book. When the Bill was first published in the Gazette of India, it was cordially received by the entire Muslim press. On its introduction into this Council, Hon'ble Members representing every shade of opinion gave it a warm welcome and in the Select Committee there has been, as I have already said, nothing but helpful co-operation on the part of the various representatives of Indian public opinion. And to-day in its final stage, I feel sure, that the Bill as now modified will be welcomed by all Hon'ble Members who intend to take part in the debate on this motion.

"My Lord, to-day Your Excellency's Government is committing to the custody of the Muslim community a priceless trust, the incalculable benefits of which will be enjoyed not only by themselves but also by their children and children's children. Indeed, upon the manner in which they discharge this sacred trust will depend the future welfare not only of the present generation of the Indian Mussalmans but also of the generations to come. Those of us who believe in the immortality of the human soul, know that the soul of Sir Sayed Ahmed Khan who, because of his boundless love for his community, planted this Tree of Knowledge, is rejoicing to-day at the realization of the wonderful dream which formed the goal of his devoted work in the service of the Muslim cause. That great soul will, henceforward, watch with the deepest anxiety the manner in which the Indian Mussalmans discharge the great trust which is now being placed in their hands. With all the earnestness I can command, I appeal to them to concentrate their attention on the nurturing of this Tree of Knowledge lest, in frittering away their energies in ill-advised pursuits, they lose the substance for the sake of the shadow. They are still far behind their countrymen in the various spheres of national life. It is through a wide expansion of education alone that they can expect to take their proper place in the India of the future. For the Indian Mussalmans in particular, the adoption of dubious principles and methods ending in political suicide would spell utter ruin. To all who have eyes to see, it is self-evident that upon the fullest participation by them in the educational and administrative opportunities brought by the British Government within the reach of all, depends their national regeneration. Indeed, it is no exaggeration to say that the future of Islam itself depends on the future of the

71 millions of His Majesty's Mussalman subjects in India. In the name of all we hold sacred, I appeal to them to beware of the dangers ahead, to turn their attention to those sober tasks which contribute towards the making of nations and to guard jealously the future of this great institution which, if properly cared for, will, some day, in the words of Sir Antony (now Lord) MacDonnell, become 'the Cardova of the East' in whose 'cloisters Muhammadan genius will discover, and under the protection of the British Crown, work out that social, religious and political regeneration' which was the life-dream of Sir Sayed Ahmed Khan."

The Hon'ble Mr. Chaudhri Ismail Khan :—"My Lord, may I be allowed to voice the gratitude of my community for the fulfilment of their long deferred hopes in regard to the Muslim University which were conceived during Lord Minto's Viceroyalty or even earlier and were destined to be realised during Your Excellency's regime? 11-50 A.M.

"It is no doubt a remarkable coincidence that all the great political and educational concessions which have set a new land mark in the history of India have come during Your Excellency's term of Viceroyalty and so many as five temples of learning have been set up or projected within Your Excellency's tenure of office. Our community is very backward in education and the sincerest form of friendly help which any one can afford, is the development of educational institutions. The great communal patriot Sir Sayed Ahmed devoted all his energies to the development of the Muslim educational programme and so did all the true well-wishers of the community. I may also say that my friend, the Hon'ble Mian Mohamed Shafi even before his appointment as Education Member devoted much of his time to further the cause of education among the Mussalmans and was not only one of the pioneers of the Muslim University movement but presided at the 'All-India Mohamadan Educational Conference' and was for twelve years President of the Islamia College Committee. Our elders recognised the fact that unless the Mohamadans took full advantage of the opportunities offered them by an enlightened Government of making up their shortcomings in education and of equipping themselves with the intellectual training they would not be able to keep pace with the onward march of nations and had the community followed that wise course we would not have had to wait so long for our University.

"While thanking the Government especially the Member-in-charge for this gracious measure, which is no doubt a distinct advance on the Benares University Act, I would however remark that it does not answer to the needs of the day and satisfy the aspirations of the Muslim community. I hope this is the first step towards our progress, as I firmly believe that our salvation lies within and not without and that is through knowledge and education. With these remarks I support the Bill before the Council."

The Hon'ble Mr. S. Mahomed Ali :—"My Lord, I consider it a privilege to rise to support the motion which has now been put before the Council. In doing so, I propose to say a few words on my behalf as well as on behalf of the promoters of the scheme, and of the Muslim University Association and also on behalf of the Trustees of the Muhammadan Anglo-Oriental College. 11-53 A.M.

"I consider myself particularly fortunate in representing the Muhammadan Anglo-Oriental College and the Muslim University Association to-day as my connection with the College dates back to its very foundation in 1875. When I joined the institution as a student on the 20th June 1875, there were altogether not more than 20 or 21 boys and I never for a moment thought that I would be representing the institution on the day on which it was to be raised to the status of a University. This day will always be remembered as a red letter day in the history of Muslim education.

"The history of this movement was ably traced by the Hon'ble the Education Member at the time of the introduction of the Bill. It was pointed out that from the very date of the inception of the Muhammadan Anglo-Oriental College the founder had hoped ultimately to see the infant institution raised to the status of a University. We owe a good deal to the generosity and sympathy of Lord Hardinge who for the first time in the history of British

rule in India agreed to the establishment of a private non-official University in this country. The scheme is further indebted for a part of its success to His Highness the Agha Khan for having given practical shape to the question by enlisting universal sympathy and support for it and to the Raja of Mahmudabad for having carried on the first correspondence with the Government which elicited the Secretary of State's approval to the idea of a denominational University in this country. My Lord, it is a matter of great satisfaction that this is the fifth University sanctioned by Your Excellency's Government and it is a matter of gratification to the Muslims of this country, who are proverbially backward in education, that it is one of their co-religionists who has initiated within a period of a year four Universities, that is, those of Dacca, Rangoon, Lucknow and Aligarh. Our thanks are specially due to the Hon'ble Member-in-charge of Education for the great skill and tact with which he has piloted the Bill, for the keen and sympathetic support he has always given to the scheme both in his official and non-official capacity and for the valuable advice and help received from the Department of Education on all occasions.

"My Lord, in my speech at the introduction of the Bill, I made a reference to the general desire of the community for a free and autonomous University. The emergency and other powers reserved by Government are still the subject of public discussion, but we are glad to find that the Government control has been considerably relaxed and that the real object of Government is to rely more upon the moral effect of such provisions than upon their actual enforcement for the attainment of the end in view.

"My Lord, we are indebted to the members of the Select Committee who have helped in sending out the Bill with certain improvements. It is thought in some quarters that the franchise granted to the Old Boys' Association has been taken away from them. This is not correct. The Bill clearly makes provision by which the former students of the Muhammadan Anglo-Oriental College, whether belonging to a particular Association or not, are entitled to a vote, and there is nothing in the provisions of the Bill to prevent the Court from recognising the Old Boys' Association in this behalf. Being one of the oldest graduates of the Muhammadan Anglo-Oriental College and having been a member of the Old Boys' Association since its birth, I am of opinion that there need be no difficulty whatever on this point.

"My Lord, the passing of this Bill means that Government is ready to co-operate with the Muslim community for the purpose of preserving and promoting their special culture and for providing the necessary means required for their special needs. The object of Government and the University is to create, in other words, a great centre for education where education imparted should be the soundest and the best. We realise that our highest aspirations can be best realised under the aegis of the British rule and it is hoped that within the portals of the University, East and West will meet and all that is best in them will become the inheritance of the students of the University.

"I do not think that I should be justified in taking up the time of the Council any further. I once more beg to offer our heartfelt thanks to Your Excellency, to Sir Harcourt Butler and to the Government of India and to the Education Member and to the Hon'ble Mr. Sharp and his Assistant Secretary for helping the Government to bring the University into existence."

11-58 A.M. **The Hon'ble Dr. Sir Debaprasad Sarbadhikari:**—"My Lord, I should like to make my small but very hearty contribution to the chorus of congratulations and good wishes that the occasion has naturally evoked. I repeat my congratulations to Your Excellency and to Your Excellency's Government and to the Hon'ble Member in charge of the Bill and also to the Muhammadan community that the Bill is about to be passed into law.

"My Lord, it is little use regretting that the University did not come into existence earlier as it might have and to a greater advantage.

"This University and the Benares University mark a great departure in the educational enterprise of the people of Upper India of which we may well be proud and we hope there will soon be further, larger and more profitable expansion in other directions.

"It has taught us that when necessary and desirable people can and do combine their resources, limited as they are and help in the enlargement of that enlightened policy of education which was inaugurated quite early in the beginning of British administration in this country.

"The Sanscrit College in Bengal and the Madrassch were established about the same time and if Muhammadans fail to take advantage of the opportunities thus afforded by Government, it is to be hoped that what has been lost in time will be made up in good work and efficiency now that they have a University of their own in Northern India.

"My Lord, the name of Sir Syed Ahmad in the United Provinces and leaders like Nawab Abdul Latif in Bengal, must be gratefully remembered; they realised quite early that without education on sound lines the Muhammadan community, in fact any community, would have no chance in the onward and upward progress of life. I am glad that their work which was somewhat in abeyance in the interval is now to be taken up again in right earnest.

"My Lord, the Hon'ble Member in charge has referred to the work done in the Select Committee and, as most of the amendments from the point of view of educational efficiency were accepted there I did not think fit to move any amendments of my own even on the lines of the dissent which I thought it my duty to record. A word of explanation may be necessary as to why, after recording that dissent, I had not sent in any notices of amendments. I think I have an excellent precedent in the case of my friend opposite (the Hon'ble Mr. Surendra Nath Banerjea) who, having done the same in the case of the Benares University, out of deference to Hindu public opinion, did not bring in any amendments and take up the time of the Council. After my say was said in the Council and in the Select Committee, and after my note of dissent was recorded, my Muhammadan friends were good enough to explain matters to me from their point of view, which after all is what matters here. I thought I should be doing no useful work by pressing matters which must be left to them and to time to rectify. No Bill is ideal; the abandoned Calcutta Bill was not; nor is this one. It must however be left to time to make those corrections which members of the Hindu community, and I am sure members of the Muhammadan community also, feel will be necessary in connection with Benares and Aligarh. Discussion in this Council and elsewhere makes it clear that the Muhammadan community is not quite of one mind with regard to the details, even with regard to the principles, of the Bill. Whatever room for difference of opinion there may be—and there must always be some—I would appeal to my Muhammadan friends, who think the other way, to bury their hatchet for the time being. Trusting God, they should wholeheartedly attempt to make good all that remains to be remedied, and work the measure in a way that in spite of handicap, may make the Muhammadan University of Aligarh an entire success."

The Hon'ble Mr. Shafi:—"My Lord, I am deeply grateful to Hon'ble Members for the kind references that they have made to me in connection with this Bill. My Lord, I desire to avail myself of this opportunity to assure the Muslim community that whatever measure of success I have been able to achieve in this connection has been due to Your Lordship's genuine sympathy with the legitimate feelings and aspirations of the Indian Mussalmans. The Government of India will watch over the future of this institution with great anxiety and deep interest, and I have only to add that, as a token of their interest, they will make a grant amounting to one lakh of rupees a year, as in the case of the Benares University, for the upkeep of the Muslim University at Aligarh." 12-2 P.M.

His Excellency the President:—"Before putting the question, I should like to add my congratulations to the Muslim community on the passage of this Bill. I have come here specially this morning to preside in order that I might add my good wishes and congratulations to those which have already been uttered in this Council." 12-3 P.M.

The motion was put and agreed to.

THE INDIAN PAPER CURRENCY (AMENDMENT) BILL.

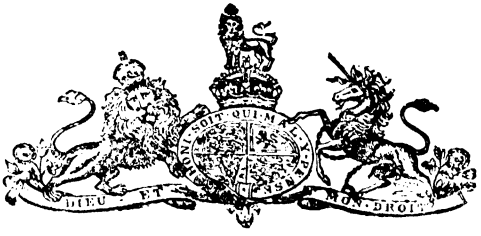
12-4 P.M. **The Hon'ble Mr. W. M. Hailey :**—"My Lord, I beg to present the Report of the Select Committee in regard to the Bill further to amend the Indian Paper Currency Act, 1910."

The Council adjourned till Tuesday, the 14th September, 1920, at 11 A.M.

SIMLA ; *The 23rd September, 1920.*

A. P. MUDDIMAN,
Secretary to the Government of India.

841LD—000—13-10-20—GCPS



GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.
(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Viceregal Lodge, Simla, on Tuesday, the 14th September, 1920.

PRESENT:

The Hon'ble Sir GEORGE LOWNDES, K.C.S.I., K.C., *vice*-President *presiding* and 49 Members of whom 41 were Additional Members.

STATEMENT LAID ON THE TABLE.

The Hon'ble Sir William Vincent: —"Sir, I lay on the table a statement* regarding Publicity Boards which was promised in reply to a question asked by the Hon'ble Mr. Sachchidananda Sinha on the 25th February 1920." 11 A.M.

QUESTIONS AND ANSWERS.

The Hon'ble Mr. Surendra Nath Banerjea asked:—

1. "Have Government under consideration any definite and constructive policy with regard to (*a*) the wider extension of cattle farms for purposes of breeding and storage of fodder at important centres, and (*b*) the effective measures which are necessary for the adequate production of milk and milk products?" Cattle farms

* *Vide* Appendix A.

[*Rao Bahadur B. N. Sarma; Mr. Surendra Nath Banerjea; Sir George Barnes.*] [14TH SEPTEMBER, 1920.]

The Hon'ble Rao Bahadur B. N. Sarma replied :—

"For information regarding cattle-breeding farms and milk supply the attention of the Hon'ble Member is invited to the answer which was given to a similar question put by the Hon'ble Mr. Khaparde on the 27th August last.

As regards fodder storage, the question was discussed last month at a Conference held at Simla and the recommendations made are now under consideration."

The Hon'ble Mr. Surendra Nath Banerjea :—"Sir, may I ask a supplementary question? Will the Hon'ble Member please give us an idea as to the time when these recommendations are likely to be given effect to?"

The Hon'ble Rao Bahadur B. N. Sarma :—"I may assure the Hon'ble Member that the matter will receive the earliest possible attention and we hope to be able to issue a Resolution on the subject before the end of next month."

The Hon'ble Mr. Surendra Nath Banerjea asked :—

Increase of pay of Superintendents of Post Offices.

2. "(*a*) Was any petition submitted by the Superintendents of Post Offices in February last for an increase of their pay? If so, what action was taken on it?

(*b*) Have the Superintendents memorialised Government again for an increase on the ground that the scale of pay recently sanctioned by the Secretary of State is inadequate in view of the present high cost of living, and incommensurate with their duties and responsibilities?

(*c*) Is it a fact that the scales of pay recently sanctioned for Deputy Collectors and Extra Assistant Commissioners in all the provinces and for Telegraph officers, both Imperial and Provincial, are higher than those recommended by the Public Services Commission, while in the case of Superintendents of Post Offices the maximum and minimum are the same as those recommended by that Commission?

(*d*) Is it a fact that the minimum pay now sanctioned for Postal Superintendents does not in effect represent any increase over the minimum fixed in 1871 and that all Superintendents of the last grade were drawing in pay and acting allowance Rs. 250 before the introduction of the time-scale?

(*e*) Is it a fact that the maximum pay, *viz.*, Rs. 700 recently sanctioned by the Secretary of State is the same as that proposed by Sir Charles Stewart Wilson as Director-General of Post Offices many years ago?

(*f*) Do Government propose to consider the present application of the Superintendents of Post Offices favourably?"

The Hon'ble Sir George Barnes replied :—

"(*a*) The memorials submitted by the Superintendents of Post Offices were withheld on the ground that the Secretary of State had sanctioned a revised scale of pay for these officials.

(*b*) Yes.

(*c*) Yes.

(*d*) In 1871 the minimum pay of Superintendents of Post Offices was Rs. 200. It is now Rs. 250. When the time-scale was introduced, practically all Superintendents in the lowest grade were drawing salary at the rate of Rs. 250 a month.

(*e*) Yes.

(*f*) The memorials will receive the careful consideration of Government."

[14TH SEPTEMBER, 1920.] [*Mr. Surendra Nath Banerjea; Sir George Barnes; Sir Manindra Chandra Nandi; Rao Bahadur B. N. Sarma.*]

The Hon'ble Mr. Surendra Nath Banerjea:—"Sir, may I ask when final orders are likely to be passed on this memorial?"

The Hon'ble Sir George Barnes:—"I cannot give the Hon'ble Member an exact date, but I may inform him that I am receiving a deputation of these Superintendents next week."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

Settlement operations in the District of Mymensingh.

3. "(*a*) Has the attention of Government been drawn to an unstarred question asked by the Hon'ble Babu Brojendra Kishore Roy Choudhury at a meeting of the Bengal Legislative Council held on the 4th August last, regarding the amount of costs of settlement operations in the district of Mymensingh, and the reply of the Local Government thereto, particularly the statement that the alleged excess collection has been automatically credited to the Government of India?

(*b*) Will Government lay on the table a copy of their 'general orders' referred to in the said reply?

(*c*) Is contribution by the State of ¼ (one fourth) or any proportion of the costs of settlement and record-of-rights operations entirely discretionary, or is there any rule or well-established practice in that behalf?"

The Hon'ble Rao Bahadur B. N. Sarma replied:—

"(*a*) and (*b*) The Government of India have not seen the question and answer referred to, which, so far as they are aware, have not yet been published.

(*c*) The arrangement under which one-quarter of the cost of settlement operations is debited to Imperial revenues was sanctioned by the Secretary of State in 1894. In 1918 with his approval the liability of Imperial Revenues for the cost of original survey and settlement operations in districts for which estimates have not been sanctioned was fixed at Rs. 200 per square mile until such time as the Financial Settlement with the Government of Bengal is revised. Under the reformed constitution no part of the cost of Survey and Settlement operations will fall on Imperial revenues."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

Export of Rice.

4. "(*a*) Has the attention of Government been drawn to two cables of Reuter, dated London, August 5, reporting the reply given by the Secretary of State to a question in the House of Commons by Mr. A. M. Samuel, regarding export of rice from India to Europe?

(*b*) If so, are Government in a position to lay on the table a copy of the official Report and the statement of the Government of India referred to by the Secretary of State in his reply?

(*c*) What is the exact nature of India's present commitments to the other countries in regard to food grains and the understanding with the Royal Commission on Wheat Supplies in that behalf?

(*d*) Has the attention of Government been drawn to the report that a Japanese firm has recently acquired a large interest in the rice trade of Burma and has been acquiring a large stock of rice?

(*e*) If so, is there any truth in the report?

(*f*) In what manner has the steamer freight for carrying rice from Burma to the different parts in India varied since 1914?"

The Hon'ble Rao Bahadur B. N. Sarma replied:—

"(*a*) Government have seen the cables referred to.

[*Rao Bahadur B. N. Sarma; Sir Manindra Chandra Nandi.*] [14TH SEPTEMBER, 1920.]

(*b*) Copies* of Mr. A. M. Samuel's question and of the Secretary of State's reply thereto which contains the Government of India's statement on the subject are laid on the table.

(*c*) Statements* are also laid on the table showing the allotments of rice (Burma and Indian), wheat and other minor food-grains sanctioned for export to foreign countries during the year 1920. The exportable surplus of Burma rice is being dealt with in the manner explained in the press communiqué of the 24th December 1919, a copy* of which is laid on the table. Allotments of Burma rice, after providing for the estimated and stated demands of India, are being made to foreign countries according to their requirements. There is no understanding with the Royal Commission on Wheat Supplies in regard to any exports either from India or Burma.

(*d*) and(*e*) Government have seen the report in the press. A Japanese firm has bought a mill at Dawbong at a price of Rs. 9 lakhs, and has purchased paddy equivalent in amount to 4,000 tons of cargo rice.

(*f*) Government have not the material from which the required information can be obtained but a statement* is laid on the table showing pre-war rates and rates in force since the institution of the Burma rice control."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

Exportation of bovine cattle from India.

5. "(*a*) Will Government be pleased to make a statement of their policy in regard to the export of bovine cattle from India? Is it a fact that they regard such export as an incentive towards improvement in the breed and quality of cattle?

(*b*) What is the number of such cattle exported since January, 1920, month by month, from the different provinces?

(*c*) Are Government aware of a strong feeling among the Indian public against such export?

(*d*) Have Government any approximate idea as to the total number of bovine cattle in each province?

(*e*) Is it a fact that the said number has been on the decline for some time, and the type is deteriorating, in some provinces at least?

(*f*) What steps have been taken by Government in the different provinces for improving and increasing the supply of bovine cattle?"

The Hon'ble Rao Bahadur B. N. Sarma replied:—

"(*a*) The question received the attention of the Government of India in 1907 and 1908 when the view was taken that a foreign demand for cattle of good quality would probably tend to encourage sustained efforts on the part of Indian cattle owners to improve the breed. In 1914 the Government of India caused the Board of Agriculture to consider at its meeting in 1916 the policy which should be adopted in regard to the export of cattle to foreign countries. A committee was appointed by the Board to examine the question and arrived at the conclusion that the most suitable action to meet the situation would be, not to restrict the export of cattle that are in demand abroad, but to maintain pure herds of such cattle in the middle of the breeding tracts and to assist such breeders in every suitable way to extend and improve their present operations. The Board of Agriculture accepted the report and recommended that, as the export of cattle stimulates breeding, it should not be discouraged. The Government of India informed Local Governments that they were inclined to accept this recommendation, but added that at the same time the possibility of the depletion of the best breeds was a matter that deserved attention. In cases where particular Indian breeds were in demand abroad they were asked to consider how far the depletion of indigenous breeds could and should be checked by the maintenance by Government of pure herds as suggested by the Committee of the Board of Agriculture. The question whether steps should be taken to restrict export was referred once more to the Board of Agriculture last year. A sub-committee was appointed last December to consider the question and it reported that the evidence before the Committee did not prove that deterioration was taking place to any marked

* Not included in these Proceedings.

degree, or that any such possible deterioration was due to the export of cattle. It found that in any case the export abroad at present forms a negligible fraction of the total export trade from breeding areas and considered that control was not called for immediately. The committee expressed the opinion that the inherent instinct for gain and consequent incentive to breed good animals would be developed by encouraging trade. After careful consideration of the question from all points of view the Government of India generally accepted these conclusions, but they have addressed local Governments and Administrations impressing on them the desirability of keeping a careful watch on the nature of the export trade, particularly with a view to observing the class of animals exported. Local Governments are also being asked for statistical information regarding the extent to which good breeding cattle are being exported, and when this information is available the whole question will be reconsidered.

(*b*) It is not possible to obtain figures of export from each province. A statement* showing the number of bovine cattle which have left India from the maritime provinces since January 1920 is placed on the table.

(*c*) The Government of India have received a large number of representations urging the prohibition or restriction of exports.

(*d*) Yes. A statement* giving the figures of the recent cattle census which was taken during the period December 1919 to April 1920, so far as they have been received, is laid on the table.

(*e*) As regards the first part of the question, the figures contained in the Agricultural Statistics of India for 1917-18 show that there was a steady increase in the number of bovine cattle from 1908 to 1917. In 1917-18 there was a slight decrease. A statement* showing the total number of bovine cattle for the years 1908-09 to 1917-18, which are the latest available in the Agricultural Statistics, is laid on the table. The figures of the recent census are still incomplete owing to the absence of figures for Ajmer-Merwara, but if the figures for that area be also excluded from the returns of 1917-18 the census figures for the rest of India show a fall of about 3 per cent, doubtless due to the wide-spread fodder famine of 1918-19. For the reasons stated on page *vii* of the report submitting the Agricultural statistics for 1917-18, no useful comparison can be made between the total figures for any years, as these totals do not actually represent the number of stock in the year against which the figures are shown owing to the fact that the stock had not been enumerated simultaneously all over India prior to the recent census.

As regards the second part of the question there is, as stated in the reply to Part (a) no evidence of deterioration of type.

(*f*) The Hon'ble Member is referred to Chapter VI of the Report on the progress of Agriculture in India for 1918-19 which contains a brief account of the measures taken in the several provinces, and also to the Annual Reports on the working of the provincial Agricultural and Veterinary departments.

The Imperial cattle breeding and dairying scheme has now been initiated."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

6. "(*a*) How far has the Indian Tariff (Amendment) Act, 1919, affected the export of hides and skins from India? The Indian Tariff Amendment Act, 1919.

(*b*) To what extent has it benefited the Indian tanning and leather industry?

(*c*) Is it a fact that the Indian traders in hides and skins have been very hard hit by its operation?

(*d*) Will Government be pleased to make a statement showing the quantities and values of hides and skins exported to the different parts of the British Empire, as also to other countries, since the aforesaid legislation, as compared with the pre-war average thereof?

(*e*) Has the tariff system introduced under the said legislation been objected to by any of the importing countries?"

* *Vide* Appendix B.

[*Sir George Barnes; Sir Manindra Chandra Nandi; Colonel W. D. Waghorn; Rao Bahadur B. N. Sarma.*] [14TH SEPTEMBER, 1920.]

The Hon'ble Sir George Barnes replied:—

"(*a*), (*b*) and (*c*) The attention of the Hon'ble Member is drawn to my reply to the Hon'ble Rao Bahadur B. N. Sarma's question at the meeting of the Imperial Legislative Council held at Delhi on the 25th February last. I then informed the Hon'ble Member that it was too early to judge of the effect of the duty. Government are not yet in a position to add to this reply. The world-wide depression in the leather and raw hide trades, which has developed since the beginning of this year, has so re-acted upon the Indian market that the effect of the export duty, whether on shipments of raw hides or on the development of the tanning industry in India, cannot be determined. The position of Indian traders in raw hides is not satisfactory. But this condition is practically universal, and compared with other more general causes, the Government of India believe that the export duty has had little to do with the present depressed state of the raw hide trade.

(*d*) A statement* giving, so far as is available, the information required by the Hon'ble Member is laid on the table.

(*e*) From replies given to interpellations in Parliament it appears that of the Allied and Associated Governments, France, Italy and the United States of America have made representations against the differential duty on raw hides and skins. These dwelt mainly on the harm likely to result from duties to their industries and consumers of leather."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

Extension of railway line between Rajshahi and Ishurdi.

7. "(*a*) Is any proposal for linking up Rajshahi with Nator or Ishurdi by railway now under consideration?

(*b*) If so, will Government indicate the alignment of such proposed railway and the time when it may be expected to be carried into effect?"

The Hon'ble Colonel W. D. Waghorn replied:—

"(*a*) The reply is in the affirmative.

(*b*) The alignment at present under consideration is Ishurdi-Rampur Boalia-Nachoul. Government are not in a position to say when the project is likely to materialise."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

Profiteering in rice by traders in Bengal.

8. "(*a*) Are the Government of India aware that reports received by the Government of Bengal from some District Magistrates and Sub-Divisional Officers refer to the prevalence of profiteering in rice by traders and to the fact that most of the cultivators are not benefited to any considerable extent by the prevailing high price of rice?

(*b*) Are Government also aware of allegations as to the purchase of standing crops by traders and speculators in Bengal much in advance of the harvesting seasons?

(*c*) Are Government aware of similar reports in respect of any other provinces?"

The Hon'ble Rao Bahadur B. N. Sarma replied:—

"(*a*) and (*b*) The Government of India have no information of any reports and allegations of the kind referred to by the Hon'ble Member.

(*c*) No."

*Not included in these Proceedings.

[14TH SEPTEMBER, 1920.] [*Sir Manindra Chandra Nandi; Sir George Barnes; Mr. Shafi; Mr. G. S. Khaparde.*]

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

9. " (*a*) Has a memorial recently been submitted by the Superintendents of Post Offices regarding the inadequacy of their pay as lately sanctioned by the Secretary of State ? Pay of Superintendents of Post Offices.

(*b*) Is it a fact that no action was taken on a memorial submitted by the Superintendents in February last, on the ground that a revised scale of pay had been sanctioned by the Secretary of State ?

(*c*) Is it a fact that the minimum pay now sanctioned for the Superintendents does not really indicate any increase over the pay sanctioned in the year 1871, and that a last grade Superintendent of Post Offices was already getting as his pay and acting allowances Rs. 250 ?

(*d*) Is it a fact that the maximum pay recently sanctioned by the Secretary of State, namely, Rs. 700, is the same as that recommended by Sir Charles Stuart Wilson as Director-General of Post Offices many years ago, and by the last Public Services Commission ?

(*e*) Is it a fact that the scales of pay recently sanctioned by the Secretary of State for the members of Provincial Executive Services and the Provincial Officers of the Telegraph Department, are substantially more than those recommended by the Public Services Commission for those services ?

(*f*) If so, will Government state the reasons for this differential treatment of the case of the Postal Superintendents ? "

The Hon'ble Sir George Barnes replied :—

" (*a*) to (*e*) I would refer the Hon'ble Member to the answers given to the questions asked by the Hon'ble Mr. Surendra Nath Banerjea on the same subject.

(*f*) The case of each service must be considered on its merits. "

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

10. " (*a*) What is the approximate date on which it is proposed to bring the Dacca University Act into operation ? The Dacca University.

(*b*) What arrangements are proposed to be made for the control and supervision of Intermediate Colleges within the territorial limits of the Dacca University ?

(*c*) Is it contemplated to make provision for a Department of Sanskritic Studies ? "

The Hon'ble Mr. Shafi replied :—

" (*a*) It is hoped that the Dacca University Act will be brought into operation next year.

(*b*) and (*c*) The Government of India have no information. The questions could be more conveniently put in the local Legislative Council. "

The Hon'ble Mr. G. S. Khaparde asked :—

11. " (*a*) Have Government received any memorials dated the 29th May, 1919, and 26th June, 1920, regarding the protection and preservation of Indian cattle from the Mahishyas of Bengal, Bihar and Orissa, Chota Nagpur and Assam ? Memorials from the Mahishyas community re. the preservation of Indian cattle.

(*b*) If the answer to (*a*) be in the affirmative what action has been taken or is contemplated with regard to the prayers contained in the said two memorials ? "

[*Rao Bahadur B. N. Sarma; Mr. G. S. Khaparde; Sir George Barnes; His Excellency the Commander-in-Chief; Sir William Marris.*]

The Hon'ble Rao Bahadur B. N. Sarma replied:—

"(*a*) Petitions dated 5th August 1919 and 15th June 1920 were received from a Mr. P. C. Sarkar, Assistant Secretary of the Bengal Mahishyas Association, praying for certain steps to be taken to deal with a decrease in the number of cattle in India. The Government of India are unable to refer to these petitions which were returned to the sender under the rules as they had not been submitted through the local Government.

(*b*) Mr. Sarkar was informed by letter of the policy which the Government of India are pursuing in the matter. For a statement of this policy the Hon'ble Member is referred to my reply to the question on this subject put by the Hon'ble Maharaja Sir Manindra Chandra Nandi."

The Hon'ble Mr. G. S. Khaparde asked:—

Contract with the Peninsula and Oriental Company.

12. "(*a*) Will Government lay on the table a copy of the existing mail contract with the Peninsula and Oriental Company, and state—

(*i*) the amount borne by the Indian Exchequer of the mail subsidy, and

(*ii*) the date on which the existing contract with the Company will expire?

(*b*) Will Government state approximately the ratio of the Indian passengers carried by the Peninsula and Oriental Company by their mail steamers to the total number of non-Indian passengers carried by them during the last two years?"

The Hon'ble Sir George Barnes replied:—

"(*a*) A copy* of the existing mail contract with the P. & O. Company is placed on the table.

(*a*) (*i*) The share of the mail subsidy borne by the Indian Exchequer is Rs. 6,86,820 a year.

(*a*) (*ii*) The existing contract will expire on July 31st, 1922.

(*b*) It is regretted that no information on the point is available."

The Hon'ble Mr. G. S. Khaparde asked:—

Total strength of Indian troops employed abroad.

13. "(*a*) What is the total strength of Indian troops employed in Egypt, Palestine, Mesopotamia, Turkey and Persia, and when are they likely to return to India?

(*b*) Is India in any way responsible for the pay, pensions, allowances, etc., of Indian troops employed as mentioned above?"

His Excellency the Commander-in-Chief replied:—

"(*a*) It would be contrary to public policy to publish the number of Indian troops now serving in the countries named. Large reductions will have been effected by March 1921.

(*b*) The reply is in the negative."

The Hon'ble Mr. C. S. Khaparde asked:—

Representation of Coorg on the new Legislative bodies.

14. "Has the question of the representation of Coorg either by election or nomination in the Indian Legislative Assembly and the Council of State been considered, and if so, with what result?"

The Hon'ble Sir William Marris replied:—

"It has been decided to provide, when necessary by nomination, for the representation in the Indian legislature of all the minor provinces except Delhi, to which an elected seat in the Legislative Assembly has been assigned."

*Not included in these Proceedings.

[14TH SEPTEMBER, 1920] [*Mr. G. S. Khaparde; Sir George Barnes; Rao Bahadur B. N. Sarma.*]

The Hon'ble Mr. G. S. Khaparde asked:—

15. "(*a*) Is it proposed to appoint a Committee to consider and report on the extent to which the existing excise regulations in the different provinces require amendment in view of the possibility of the manufacture of industrial alcohol on a large scale being taken up in the near future? Excise Regulations.

(*b*) If the answer to (*a*) be in the affirmative, how many Indians, official and non-official, are to be placed on the said Committee?"

The Hon'ble Sir George Barnes replied:—

"(*a*) The reply is in the affirmative.

(*b*) The personnel of the Committee is given in the Press Communiqué issued on the 20th of August, a copy* of which is laid on the table. It will be seen that no Indian official or non-official has been placed on the Committee in question. I may remark that in constituting this Committee the sole guiding principle was that it should be composed entirely of experts, *i.e.*, of men selected by reason of their knowledge of a particular branch of the subject, and entitled to speak with authority on that branch."

The Hon'ble Mr. G. S. Khaparde asked:—

16. "(*a*) What action, if any, has been taken on the petition addressed to the Secretary of State by the Superintendents of Post Offices in February, 1920? Memorial from Superintendents and Deputy Postmasters General for increase of pay.

(*b*) What action, if any, has been taken on the petition submitted in May last by the Deputy Postmasters-General for an increase of their pay?

(*c*) Has the attention of Government been drawn to a memorial addressed to His Excellency the Viceroy by the Superintendents of Post Offices expressing disappointment with the scale of pay recently sanctioned for them?"

The Hon'ble Sir George Barnes replied:—

"(*a*) These memorials were withheld on the ground that the Secretary of State had sanctioned a revised rate of pay for the officers in question.

(*b*) These memorials are at present under examination.

(*c*) Yes."

The Hon'ble Mr. G. S. Khaparde asked:—

17. "Is it a fact that the Postal Officers' Association has prayed for a reference of the question of pay of the Deputy Postmasters-General and Superintendents of Post Offices to the Postal Enquiry Committee now sitting? If so, is any enquiry into the conditions of pay of these officers by that or any other Committee contemplated?" Pay of Postal officials.

The Hon'ble Sir George Barnes replied:—

"The request was made, but it is not proposed to refer the question of the pay of these officers to the Postal Enquiry or any other Committee."

The Hon'ble Mr. G. S. Khaparde asked:—

18. "With reference to the answer given on the 20th August last to my question on the subject will Government be pleased to state their policy with regard to the slaughter of milch cows and agricultural cattle generally in British India?" Slaughter of milch cows and Agricultural Cattle.

The Hon'ble Rao Bahadur B. N. Sarma replied:—

"The Hon'ble Member will see from a reply which I gave to the Hon'ble Maharaja of Kassimbazar that the Government of India have taken active measures for the preservation of cattle by encouraging and initiating schemes of

*Not included in these Proceedings.

[*Rao Bahadur B. N. Sarma; Mr. G. S. Khaparde; Mr. W. M. Hailey; Khan Sahib Shah Nawaz Bhutto.*] [14TH SEPTEMBER, 1920.]

cattle-breeding. They directed a census of cattle to be taken throughout British India during the cold weather of 1919-20 and the figures from nearly all the Provinces which have just arrived are being scrutinized. A conference of representatives from the British Provinces and Indian States principally concerned has been convened to consider the question of fodder storage. The conference met at Simla in August and submitted its report, which is being considered by the Government. It will thus be seen that the Government of India have been taking active steps to ascertain facts with a view to remedial measures being taken and increase the cattle wealth of the country. They have no intention of associating themselves with any measures that may be deemed to encourage the slaughter of useful cattle or are likely unnecessarily to wound the religious feelings of the people. The Government propose to address the local Governments to consider what further steps, if any, may be taken to secure an increase of the cattle wealth of the country."

The Hon'ble Mr. G. S. Khaparde asked:—

Scale of pay recommended by the Public Services Commission for the Provincial Service.

19. "Are the scales of pay recently sanctioned for the Provincial Executive Service, the Provincial Telegraph Service, and the Enrolled Officers of the Finance Department and several other similarly recruited services, substantially in excess of those recommended by the Public Services Commission?

(*b*) If so, will Government lay on the table a comparative statement showing the scales recommended by the Commission in regard to the said services and those ultimately sanctioned for them?"

The Hon'ble Mr. W. M. Hailey replied:—

"(*a*) and (*b*) I lay on the table a statement* showing the rates proposed by the Public Services Commission and those actually sanctioned for the various services in question."

The Hon'ble Khan Sahib Shah Nawaz Bhutto asked:—

Export of rice from Karachi.

20. "(*a*) Is it a fact that permits for the export of rice are auctioned by Government at Karachi?

(*b*) If so, what profit has Government made by such auctioning?

(*c*) Are Government aware that the method of auctioning such permits is regarded by the landed classes as imposing on them an additional and heavy taxation?"

The Hon'ble Rao Bahadur B. N. Sarma replied:—

"(*a*) Yes. In accordance with an announcement made in a Press Communiqué of the Government of India dated the 18th March 1920, licenses for the export of rice from Karachi to foreign destinations have since April last been sold by public auction. This system was discussed and approved at the 2nd meeting of the Select Committee on High Prices held on the 17th February 1920 at which the Hon'ble Member was present.

(*b*) A sum of Rs. 35,14,645-6-5 has been realised by Government from the auctions so far held on export allotments of 47,979 tons of rice from April to September inclusive.

(*c*) The Government of India have received complaints that the auction system in force at Karachi has adversely affected the zamindars in Sind, but I have nothing to add to the reply which was sent to the Hon'ble Member himself in answer to a letter which he addressed to my predecessor, Sir Thomas Holland, on the subject on the 8th May last, namely, that the Government of India are inclined to the view that this system, in so far as it tends to reduce prices, is to be welcomed."

* *Vide* Appendix C.

[14TH SEPTEMBER, 1920.] [*Khan Sahib Shah Nawaz Bhutto*; *Rao Bahadur B. N. Sarma.*]

The Hon'ble Khan Sahib Shah Nawaz Bhutto asked :—

21. "(*a*) Is it a fact that out of one lakh tons of Sind rice assigned by Government for export outside India from last year's produce only 30,000 tons have been exported and the remaining quantity of 70,000 tons is still held up and has considerably deteriorated ? Export of rice from Sind.

(*b*) Is it a fact that owing to the system of auctioning permits the license-holders enjoy a monopoly and that the local rates of rice have been brought down from Rs. 75 a kandy to Rs. 55, 50 and Rs. 48 ?

(*c*) Do Government propose to consider the desirability of removing the restrictions as soon as possible ? "

The Hon'ble Rao Bahadur B. N. Sarma replied :—

"(*a*) No specific quantity of Sind rice has been assigned by Government for export outside India. The total allotment of rice sanctioned from Karachi to foreign destinations from 1st January to end of September 1920 amounts to 56,395 tons.

The Government of India are aware that surplus stocks of Sind rice, alleged to amount to 70,000 tons, are said to be available in Sind for export. The question of finding an outlet for these stocks was recently discussed by me with a deputation of rice millers and merchants from Sind and the result of their enquiries in foreign markets is awaited. They were also informed that their representations on this subject would be taken into account when allotments are fixed for export during the quarter October to December 1920.

(*b*) It is a fact that the system in force at Karachi for the sale of export licenses by public auction does tend to confer a monopoly upon license-holders, and that the price of 'joshi' rice has thereby been reduced, from about Rs. 70 to about Rs. 48 per kandy. The views of the Government of India in regard to the reduction of the local prices of rice have already been explained to the Hon'ble Member in my replies to his previous questions on this subject.

(*c*) The Government of India cannot agree to the removal of the restrictions during next quarter but it is their policy to remove restrictions as soon as circumstances permit."

The Hon'ble Khan Sahib Shah Nawaz Bhutto asked :—

22. "(*a*) Are Government aware that there is a strong feeling among the landed classes that while all articles of foodstuffs, cloth and labour, have gone up three or four times the pre-war rates, the only produce they cultivate is subjected to control ? Control system of foodstuffs.

(*b*) Are Government aware that the control system is keenly resented by the agricultural and merchant classes owing to the belief that it is adopted by Government merely in their own interest as well as in the interest of Government employees ?

(*c*) Do Government propose to consider the desirability of removing the control system immediately ? "

The Hon'ble Rao Bahadur B. N. Sarma replied :—

"(*a*) Government are aware that control over export of foodstuffs is not to the interests of the landed classes, but they consider that it is justified in the interests of the consumers and of the country as a whole. They have reason to believe that public opinion, including that of some of the leaders amongst the landed classes, is in favour for the present of the continuance of this control.

(*b*) The belief that the system was adopted by Government merely in their own interests and those of its employees is entirely unfounded.

(*c*) In reply to (*c*) I would refer the Hon'ble Member to the reply which I gave to a similar question put by him in regard to rice." ....

[*Mr. K. V. Rangaswami Aiyangar*; *Colonel W. D. Waghorn*; *Mr. Muhammad Ismail Khan*; *Sir William Vincent*] [14TH SEPTEMBER, 1920.]

The Hon'ble Mr. K. V. Rangaswami Aiyangar asked:—

Articles left by passengers in the Railway trains or stations.

23. "(*a*) Is it the present practice of railways to appropriate articles left behind by passengers in trains or stations?

(*b*) If so, do Government propose to issue orders to all Railways and to the Police to take all possible steps to trace the owners of such articles?"

The Hon'ble Colonel W. D. Waghorn replied:—

"(*a*) and (*b*) The practice of railways is as follows:—

Endeavour is made by railway administrations to trace the owners of articles left behind by passengers in trains or at stations, but the success of these endeavours is in many cases dependent on the information given by those who have lost their property. It is plainly the duty of those who have lost property to claim it and to help the railway administration to trace it for them. Lost property for which no owner is found is kept for six months and then sold by public auction, of which previous notice is given by advertisement in the newspapers."

The Hon'ble Mr. Muhammad Ismail Khan asked:—

Release of the accused in the Krishnagar Da oity case.

24. "(*a*) Will Government state whether the accused in the Krishnagar dacoity case will be released? Is it a fact that they have been brought to India from the Andamans, and are kept in Hyderabad (Sind) Jail? If so, why?

(*b*) Is it a fact that they are not allowed to communicate with their families in Bengali and are much inconvenienced thereby?"

The Hon'ble Sir William Vincent replied:—

"(*a*) Presumably the Hon'ble Member refers to the accused convicted in the Pragpur-Khalipur dacoity case who were tried at Krishnagar. Of the four persons convicted in that case, one, namely Gopendra Lal Roy is being interviewed by a representative of the Bengal Government, and if his attitude is found to be satisfactory his sentence will be remitted. The other three persons are not being released as Government are not satisfied that this step would be compatible with the public safety. These prisoners have not been brought to India from the Andamans and kept in Hyderabad (Sind). Two of them, *viz.*, Phani Bhusan Ray and Ashutosh Lahiri, are it is understood still in the Andamans, the third, Kshitish Chandra Sanyal, is in the Central Jail, Sabarmati, Bombay Presidency, and the fourth, Gopendra Lal Roy, has recently been transferred from the Coimbatore Jail to the Alipore Central Jail.

(*b*) They are permitted to correspond with their relatives in Bengali."

The Hon'ble Mr. Muhammad Ismail Khan asked:—

The Provincial Executive Service.

25. "(*a*) Will Government place on the table a comparative statement showing the improvement in the pay and prospects of the Provincial Executive Service in the various provinces in India?

(*b*) Why have different scales of pay been sanctioned for different provinces?

(*c*) Is it a fact that in Bengal and Bihar the scale of pay is lower than in the Punjab and even in minor administrations like Assam and the Central Provinces? If so, why?

(*d*) Do Government propose to consider the desirability of having a uniform scale of pay for the various provinces?"

[14TH SEPTEMBER, 1920.] [*Sir William Vincent; Mr. Muhammad Ismail Khan; Mr. Srinivasa Sastri.*]

The Hon'ble Sir William Vincent replied:—

"(*a*) A comparative statement* is laid on the table.

(*b*) The pay of provincial services is principally a question for the provinces themselves. They have accordingly been authorised to frame scales of pay subject to certain general limits and restrictions laid down by the Secretary of State.

(*c*) The Hon'ble Member is referred to the comparative statement* laid on the table. The reason for provincial differences is explained in the answer to (*b*) above.

(*d*) Government do not propose a uniform scale of pay for the various provinces for the reason stated already."

The Hon'ble Mr. Muhammad Ismail Khan asked:—

26. "(*a*) Will Government state how many detenus in Bengal are not yet released? **Release of detenus in Bengal.**

(*b*) Is it a fact that Probodh Chandra Das Gupta has not been released? If so, why?"

The Hon'ble Sir William Vincent replied:—

"(*a*) There are at present 15 persons detained in Bengal under Regulation III of 1818.

(*b*) Probodh Chandra Das Gupta has not been released as Government are not yet satisfied that his release would be compatible with the public safety."

The Hon'ble Mr. Muhammad Ismail Khan asked:—

27. "(*a*) Has the attention of Government been drawn to a report of the Peshawar Khilafat Committee in connection with the death of two Mahajarins (Habibulla Khan and another) at Kacha Gari Railway Station as published in the *Tribune* of the 18th July last? **Death of two Mahajarins at Kacha Gari Railway Station.**

(*b*) Are Government aware that the said event has created a strong feeling in the minds of people?

(*c*) Have Government ordered any enquiry into the matter? If not, do Government propose to order an enquiry into the matter by a committee of officials and non-officials and publish the result of the enquiry at the earliest possible opportunity?"

The Hon'ble Sir William Vincent replied:—

"(*a*) Yes. One Muhajir only was killed.

(*b*) Yes.

(*c*) The District Magistrate has already held an inquest and the matter has also been the subject of a military court of enquiry. Orders have issued for the trial of Private Chilcott by court martial. No further enquiry is necessary."

The Hon'ble Mr. Srinivasa Sastri asked:—

28. "(*a*) Are temporary I. M. S. officers, who might be disabled by injury or disease when on field service, entitled to compensation? **Compensation to disabled temporary I. M. S. officers**

(*b*) If so, in how many cases has it been awarded?"

* Not included in these Proceedings.

[*His Excellency the Commander-in-Chief; Mr. Srinivasa Sastri; Sir George Barnes; Mr. Rayaningar; Sir William Marris.*] [14TH SEPTEMBER, 1920.]

His Excellency the Commander-in-Chief replied :—

"(*a*) The reply is in the affirmative.

(*b*) Three cases."

The Hon'ble Mr. Srinivasa Sastri asked :—

The Indian Telegraph service.

29. "(*a*) Is it a fact that the general scale of the Indian Telegraph service is now thrown open to Indians as well as non-Indians ?

(*b*) If so, when was the change made ?

(*c*) How many Indians have been admitted to the general scale, first by promotion from the lower ranks, and secondly, by direct recruitment ?"

The Hon'ble Sir George Barnes replied :—

"(*a*) and (*b*) It has always been the practice in exceptional cases to transfer Indians from the Local Service to the General Service. In April 1918, it was decided that 25 per cent. of future vacancies in the General Service should be filled by the promotion of Indians from the Local Service, this proportion to be raised subsequently when conditions permit.

(*c*) The number of Indians in the General Service on the 1st August 1920, was 193, all of whom were transferred from the Local Service. No direct recruitment of Indians to the General Service has yet been made, but 12 Indian probationers are now under training, and they will be appointed to the General Service as soon as they are qualified."

The Hon'ble Mr. Rama Rayaningar asked :—

Estimated annual expenditure under the reformed constitution.

30. "(*a*) What is the estimated annual extra cost on the whole of the Central and Provincial administrations under the reformed constitution ?

(*b*) Do Government propose to consider the desirability of appointing Central and Provincial Committees of officials and non-officials to offer suggestions to the Central and Provincial Governments in what respects retrenchment of the cost of administration can be effected ?"

The Hon'ble Sir William Marris replied :—

"(*a*) As regards the extra cost of the reformed provincial administrations the Hon'ble Member is referred to the last sentence of the reply given to question No. 42, asked by the Hon'ble Maharaja Sir Manindra Chandra Nandi on March 17, 1920, which was as follows :—

> 'If, however, the reference is to the cost of the reformed provincial Governments as compared with that of the existing Provincial Governments, then the answer is that the amount of the additional expenditure which will be involved depends in part upon factors, some of which, *e.g.*, the number of Ministers to be appointed, the salaries which may be voted for them by the Legislative Councils, and the consequential changes in headquarters offices and the cost of Council chambers, are not yet known, and cannot therefore be estimated at the present moment.'

Government are not yet in a position to add to this statement, nor can they furnish at present any detailed estimate of the extra expenditure to be incurred in connection with the administration of the central Government, since this too will depend on factors some of which *e.g.*, the salaries of the President and Deputy President of the Legislative Assembly, the cost of travelling allowances for members of both chambers, and the cost of council chambers are not yet known.

(*b*) The appointment of provincial committees for the purpose suggested by the Hon'ble Member is a matter entirely within the discretion of the Provincial Governments. The appointment of a central committee would not in the

[14TH SEPTEMBER, 1920.] [*Sir William Marris; Mr Rayaningar; Mr. W. M. Hailey; Sardar Bahadur Sunder Singh Majithia; Sir William Vincent.*]

opinion of the Government be productive of any advantage, since the extra expenditure to be incurred is a direct consequence of the provisions of the Act, and can only be varied within very narrow limits. The Hon'ble Member may rest assured, however, that the Government are fully alive to the need for exercising economy not only in regard to expenditure in connection with the Reforms scheme, but also in regard to expenditure not directly affected thereby."

The Hon'ble Mr. Rama Rayaningar asked :—

Submission of accounts of certain merchants in Madras to the Income-tax Authorities.

31. "(*a*) Is it a fact that Guzerati, Marwari, Scindhi, Bhora, Khoja and Memon merchants, resident in Madras, carrying on business there, are required to submit to the Income-tax authorities their accounts in vernaculars other than their own or in English ?

(*b*) Have these merchants memorialised Government pointing out the hardship they are put to by the notification requiring them to submit accounts in languages they do not know ? If so, what steps have been taken to revoke the notification complained against ?"

The Hon'ble Mr. W. M. Hailey replied :—

" (*a*) The Government of Madras in exercise of the powers delegated to them under the Act, have ordered that when the production of accounts is required under section 18 (2) of the Act, and those accounts are not maintained either in English, Tamil, Telegu, Malayalam, Kanarese or Oriya, they shall be accompanied with a true translation in one or other of the named languages.

(*b*) Yes. The telegraphic memorial was referred for disposal to the Madras Government through whom it should have been submitted."

The Hon'ble Sardar Bahadur Sunder Singh Majithia asked :—

Pay and prospects of the Civil Assistant Surgeons in the Punjab.

32. "(*a*) Will Government make a statement showing the salaries drawn by Civil Assistant Surgeons on their first appointment in the different provinces of India ?

(*b*) Are Government aware of the dissatisfaction prevailing amongst the Civil Assistant Surgeons owing to the smallness of their pay as compared with other services and to the fact that the high prices have equally hit this class of public servants ?

(*c*) Have the recommendations of the Royal Commission on Public Services been given effect to so far as Civil Assistant Surgeons are concerned ?

(*d*) Will Government state what steps, if any, they have taken to improve the pay and prospects of Civil Assistant Surgeons ?"

The Hon'ble Sir William Vincent replied :—

" (*a*), (*b*), (*c*) and (*d*) The pay of civil assistant surgeons on appointment is Rs. 100 a month in all Provinces, excepting the United Provinces and Burma, where it is Rs. 130 and Rs. 200 a month, respectively. Government believes that there is some dissatisfaction amongst this class of public servants and doubtless they are affected by the prevailing high prices like everybody else. The Government of India recognised this and accordingly telegraphed their proposals for the revision of the pay of these officers to the Secretary of State on the 16th July 1920. In making their recommendations the Government of India took into consideration the proposals of the Public Services Commission. The Secretary of State in a telegram of the 1st September 1920 has accepted the recommendations of the Government of India and orders have accordingly been issued to Local Governments. The pay of these officers is mainly a matter of provincial concern and therefore the exact rates of pay which will be sanctioned will be determined by the Local Governments concerned. I am glad to say, however, they will, however, be able to fix rates which will allow of a very substantial improvement in the pay of these officers."

[*The Vice-President; Mr. G. S. Khaparde; Mr. K. V. Rangaswamy Ayyangar; Mr. A. P. Muddiman.*] [14TH SEPTEMBER, 1920.]

THE CUTCHI MEMONS BILL.

The Hon'ble the Vice-President:—"In the absence of the Hon'ble Mr. Jaffer, I propose to hold over his presentation of the Report of the Select Committee on the Cutchi Memons Bill.

"The Council will now proceed with Resolutions."

RESOLUTIONS.

The Hon'ble the Vice-President:—"In the absence of the Hon'ble Mr. Chanda, I call on the Hon'ble Mr. Khaparde to move his Resolution No 4."

The Hon'ble Mr. G. S. Khaparde:—"I ask for permission to withdraw the Resolutions* Nos. 4 and 5."

The Hon'ble the Vice-President:—"No permission is required. The Hon'ble Member does not move the Resolutions."

The Hon'ble Mr. K. V. Rangaswamy Ayyangar:—"I want to withdraw....."

The Hon'ble the Vice-President:—"I cannot hear the Hon'ble Member."

The Hon'ble Mr. K. V. Rangaswamy Ayyangar:—"There are grave reasons which I have explained in my letter....."

The Hon'ble Mr. A. P. Muddiman:—"Do you withdraw your Resolutions?"

The Hon'ble the Vice-President:—"The Hon'ble Member must either move his Resolutions or withdraw them. No other course is open to him."

The Hon'ble Mr. K. V. Rangaswamy Ayyangar:—"I am not going to move them."

Resolutions† Nos. 6 and 7 were withdrawn.

The Hon'ble the Vice-President:—"In the absence of the Hon'ble Mr. Jaffer, I call on the Hon'ble Mr. Khaparde to move his Resolution No. 10."

11-30 A.M. **The Hon'ble Mr. G. S. Khaparde:**—"I withdraw that Resolution."‡

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*4. 'This Council recommends to the Governor General in Council that in view of the fact that India is now an original member of the League of Nations a Committee composed of the elected members of this Council be appointed to advise the Government of India on points that are or may hereafter be raised, and references that are or may hereafter be made, by the said League.'

5. 'This Council recommends to the Governor General in Council that the Indian Delegates to the International Labour Conference to be held next year be elected either by this Council or by the Legislative Assembly, according as the one or the other is in existence at the time of the nomination and appointment of the said delegates.'

†6. 'This Council recommends to the Governor General in Council that an Indian Member be nominated to the Railway Board.'

7. 'This Council recommends to the Governor General in Council the preparation and introduction into this Council of a Bill as an enabling measure whereby, subject to suitable conditions, a proprietor of a landed estate in full and exclusive ownership thereof will be enabled to constitute it into an impartible estate descendible according to the essential principles of the law of primogeniture.'

‡10. 'This Council recommends to the Governor General in Council that he may be pleased to submit for the consideration of the Secretary of State for India the opinion of this Council that the Indian Members of the Imperial and Provincial Executive Councils should be selected from the class of non-officials who have taken part in the public life of the country and are in touch with public feeling and sentiment, and that Indians in the service of Indian States should in no case be so appointed.'

[14TH SEPTEMBER, 1920.] [*Mr. Sachchidananda Sinha; Mr. Srinivasa Sastri; Dr. Sir Debaprasad Sarbadhikari; Sir Umar Hayat Khan.*]

The Hon'ble Mr. Sachchidananda Sinha:—"Sir, I withdraw the Resolutions* standing in my name.'

The Hon'ble Mr. Srinivasa Sastri:—"Sir, I also withdraw my Resolutions†."

The Hon'ble Dr. Sir Debaprasad Sarbadhikari:—"Sir, I had an opportunity of discussing matters with Colonel Waghorn and Sir George Barnes. I do not move the Resolution‡ in view of the explanation they have been good enough to give."

RESOLUTION *RE* FRANCHISE FOR DISCHARGED SOLDIERS.

The Hon'ble Sir Umar Hayat Khan:—"Sir, to comply with the rules I formally move the Resolution standing in my name." 11-35 A.M.

'This Council recommends to the Governor General in Council that he may be pleased to recommend to His Majesty's Government that all the discharged soldiers who have fought during the world war should be given the franchise for the period of ten years irrespective of the revenue and taxes they may be paying to the Government; and that the representatives they elect should be from amongst those who have taken part in the war.'

"While I was in England I came to know that the soldiers who had fought during the war and whose services were rewarded to a great extent by the introduction of the Reforms were not to get a vote. There was misunderstanding in various quarters that soldiers would be paying that amount of money as land revenue for which the standard has been fixed for franchise. I repudiated the idea and pointed out that most of those who pay the standard of revenue fixed for franchise will be those who had not taken part in the war while nearly all the soldiers would not be paying that amount and thus would not get franchise. This would have created a novel situation in the villages

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*11. 'This Council recommends to the Governor General in Council that early steps be taken to transfer to the Government of the Punjab, the administration of the Districts of Peshawar, Hazara, Kohat, Bannu and Dehra Ismail Khan from the North-West Frontier Province.'

*12. 'This Council recommends to the Governor General in Council that he may be pleased to transmit to the Secretary of State for India the following expression of opinion of this Council:—That in making appointments of Indians as members of the Executive Council of the Governor General and also of that of the Governors of the various provinces, the Secretary of State should advise His Majesty the King-Emperor to confer these offices on non-official Indians who, while qualified by their 'education, ability and integrity duly to discharge, the duties appertaining thereto, may also be fully conversant with Indian public affairs and in intimate touch with the public life of the country or the province, as the case may be.'

*13. 'This Council recommends to the Governor General in Council that a mixed committee of officials and non-officials be appointed to formulate a scheme for the early introduction of the separation of Judicial from Executive functions in the administration of criminal justice in the provinces known as Regulation provinces and in such non Regulation provinces or tracts as may be considered sufficiently advanced for the purpose.'

*14. 'This Council recommends to the Governor General in Council that a mixed committee of non-officials and officials be appointed to formulate proposals for the early amendment of the Code of Criminal Procedure and any other adjective or substantive law which still sanctions any qualifications or disqualifications, in practice or procedure, founded merely upon race or nationality, and for the removal from the Indian Statute Book at once and completely every judicial qualification or disqualification which is based merely on race distinction.'

†15. 'This Council recommends to the Governor General in Council that steps be taken without delay for the removal of all distinctions that exists in the Code of Criminal Procedure between classes of His Majesty's subjects on the ground of race or nationality.'

†16. 'This Council recommends to the Governor General in Council that legislation be undertaken for extending to the whole of British India the remedy of *Habeas-Corpus*, which is at present confined to the ordinary original civil jurisdiction of High Courts.'

†17. 'This Council recommends to the Governor General in Council that Local Governments may be empowered to grant loans on easy terms and money subsidies to societies formed on the lines of the English Public Utility Societies with a view to enable them to erect suitable dwelling houses for the poor in cities and towns.'

‡18. 'This Council recommends to the Governor General in Council that if control in the matter of allotment of wagons for coal be still considered necessary and desirable such control be entrusted to a Board or Committee consisting of representatives of the interests vitally concerned, *viz.*, mining, industry and railways.'

as there would be people side by side with those having franchise who had taken no part in the war while the soldiers would not have possessed the privilege. I strongly represented the matter at the *India Office* and presented my written evidence to the *Joint Parliamentary Committee* in which I said :—

'I urge that those classes from which the Army is recruited ought to have something more as a proof that regard is due to them for their services during the war. This would also give them an impetus to render further good service when required. As the Army expects a special voice after rendering such faithful service to the Crown it should be given the franchise on a large scale, and should be allowed to elect their own representatives. The franchise was extended to soldiers of the other dominions, and also to the British. Similarly, the Indian Army should not be deprived of its well-earned right'.

"I also saw many Members of Parliament and asked their help in the matter. When I was coming back to India I had a mind to pursue the same course here and it was in the steamer that I wrote my questions and this Resolution. As Government very kindly gave satisfactory answers to my questions that the soldiers have got the franchise, one portion of my Resolution is met, and I heartily thank the authorities on behalf of the soldiers for their generous decision.

"As regards the other portion, I had in my mind that only those people could represent the soldiers better who had actually seen the work in the field and knew what a rough time they had had during the War. As it will be in the hands of the soldiers to choose their own men, I do not press this point.

"At the end I want to point out that as the authorities in England did not examine any representative of the martial classes and the masses and had examined only those representing a small fraction no wonder that such a representation was never properly advocated to them before.

"Now that the matter has been put right I again thank the Government and ask leave to withdraw the Resolution, but not in the manner that my other friends have done. I withdraw my Resolution because my points have been met."

The Hon'ble the Vice-President :—"I understand the Hon'ble Member desires to withdraw his Resolution."

The resolution was by leave of the Council withdrawn.

The Hon'ble Mr. G. S. Khaparde :—"I withdraw my Resolution* No. 20."

The Hon'ble Mr. G. S. Khaparde :—"I withdraw Resolution† No. 21."

The Hon'ble the Vice-President :—"In the absence of the Hon'ble Mr. Chanda, I call on the Hon'ble Mr. Khaparde to move his Resolution‡ No. 23."

The Hon'ble Mr. G. S. Khaparde :—"I withdraw that Resolution. I withdraw my Resolution§ No. 24 also."

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*20. 'This Council recommends to the Governor General in Council that steps be taken by legislation and otherwise to discourage and wherever practicable prevent, the slaughter of milch cows and agricultural cattle and their export out of British India.'

†21. 'This Council recommends to the Governor General in Council, that he be pleased to move the Secretary of State for India to appoint a mixed Committee of Indians and Europeans to consider the reorganization of the Students Department in London and the Advisory Committees in India.'

‡23. 'This Council recommends to the Governor General in Council the appointment of a Committee to examine and report on the creation of additional war and post-war establishments in the Secretariat and Subordinate Offices in the Government of India with a view to economy.'

§24. 'This Council recommends to the Governor General in Council that it is advisable to incorporate the Province of Coorg with the Presidency of Madras.'

[14TH SEPTEMBER, 1920.] [*Mr. G. S. Khaparde.*]

RESOLUTION *RE* TROUBLES IN GOVERNMENT PRESSES.

The Hon'ble Mr. G. S. Khaparde:—"Sir, the Resolution which I beg to move reads as follows:— 11-40 A.M.

'This Council recommends to the Governor General in Council the appointment of a mixed Committee of officials and non-officials to investigate and report on the causes of the troubles in the Government presses in Simla, Delhi and Calcutta, and propose remedial measures.'

"In moving this Resolution I should like to preface it with the remarks made by His Excellency the Viceroy when he opened the first meeting of this session of the Legislative Council. He said—

'The recent rise in the cost of living coupled with the growing consciousness of the workers has led to considerable industrial unrest. Among working men there is no little dissatisfaction with the conditions under which they live. So far, the chief manifestation of this unrest has been an epidemic of strikes in several parts of the country. I need hardly impress upon you the necessity of reducing strikes and lock-outs to a minimum.'

"After a few sentences the next paragraph says—

'I would earnestly impress upon employers the necessity for sympathetic consideration of the claims of Labour. It has too often proved the case that employers, after a long and ruinous struggle, have been forced to concede claims that they might have allowed with honour and with profit as soon as they were presented. It too frequently happens that employers are in imperfect contact with those they employ, and are consequently unable to redress grievances that finally result in very serious disputes. Workers are beginning to demand not merely the right to live in comfort but a living interest in their work. This is a claim that must be taken seriously.'

"These are the words which led me to frame my Resolution and to phrase it in the form in which I did.

"There is no doubt about the fact that there has been a rise in prices, and wages to-day are found to be inadequate. I believe that a month or two ago some sort of an allowance was given to the Press workers but that allowance has proved to be very inadequate.

"The last portion of His Excellency's speech referring to employers being in imperfect contact with those they employ is very important. It shows that employers must recognise the just claims of those whom they employ and they should combine and work together and organise Indian industry. It might be called a system somewhat on the lines of the system which obtains in England at the present time. Not exactly arbitration committees but what are called foremen of the steel works. The steel workers form themselves into a kind of a committee or union to look after and protect the interest of the employees. In view of certain circumstances into which I shall go later, I need not apologise to this honourable Council for bringing this matter before them, especially in view of the fact that something like 8,000 people in Calcutta alone are concerned and their representatives came to see me. There are about 1,000 more in Simla and an equal number in Delhi so there are over 10,000 people concerned in this matter.

"Now I should like to explain to the Council in some detail the nature of the work of the people who work in the Presses. Those in question are called piece-workers; that is to say that work is given to them in the morning by a person called the section-holder. He calls the piece-workers together and distributes the work among them for that particular day. The piece-workers are really contractors. They are paid according to a certain scale and according to the work they produce. That scale of pay was fixed a long time ago and I will deal with it hereafter. They are really not contractors because at the end of their service, if they work long enough, they get a pension and that pension is based on their average earnings for the last six years of their service. So that they are not contractors nor yet servants but something between the two. They are neither fish, nor flesh nor fowl but they are practically something in the nature of each. From this it will be seen that their position is somewhat anomalous—they do not know exactly where they are.

"There is another position which is anomalous and that is as to whether the recent trouble was a strike or a lock-out. It appears that something was

given to them in July which, for various reasons, did not fully satisfy them, but I do not think it is necessary for me to enter into that question now. They served a notice saying that they would not work from a certain day.

"On that day, before lunch time an order was issued. I have the original with me. It runs—

> 'Mr. Chatterjee authorises me to inform the compositors that Sir Thomas Holland will return to Simla on Sunday when their representations will be put before him. Mr. Chatterjee says that he will consider certain modifications of the resolutions which have been submitted by the Calcutta men.'

"This was given to them on Saturday morning. They went out for their lunch to think over the answer and to await the return of Sir Thomas Holland to Simla. By the time they returned from their lunch they found policemen there who prevented them from going in. It is interesting to note that their time had not expired and they had not given notice. They had not struck; they intended returning to work until the return of Sir Thomas Holland to Simla but they were turned out by the policemen. Do you call this a strike or a lock-out? It is a difficult question to answer, I think. They were willing to go back but were not permitted to do so.

"Now what is the system, I may say the peculiar system under which these compositors work? They assemble in the morning and the section-holder, as I believe I said before, distributes the work for the day. They have generally to compose papers or documents of some kind, which they send to the printers in order to get a proof which is given to the section-holder. The section-holder passes the proofs to readers who see if there are any mistakes and correct them if there are any. If there are any mistakes then another proof has to be made in order to correct those mistakes. When the corrected proof is ready it is sent to the section-holder and a copy sent to the computor, who is sitting somewhere and wishes to see exactly what spaces are left.

"Of course the man who does the work has got an idea that he will earn so much and the other gentleman deducts this and that, and he computes it. All right, that computation business is done. Then it comes back to the section-holder again. Then the computor is supposed to make out a bill and he says 'this man will be paid so much.' That finishes what is called fresh work or what we should call original work, that is new paper coming in to be printed. But there is another kind of paper that comes in, which is called author's work. That is a good name. It does not mean that the man has composed anything at all. It is only when a piece of paper has gone in, has been printed and is returned to be recorrected, sometimes a line to be taken out or some words to be put in, that is supposed to be the work of the author. After correction it has again to be distributed. This time it is not distributed so easily. The gentleman who distributes it sits down and says 'I divide you into twenty classes from 19 to 29. This is the number of the classes. In the first class, in the 19 class, a man gets four annas an hour; in the second class he gets 3 annas and it goes on reducing by infinitesimally small amounts, by fractions of pies until it reaches class No. 29. To the first class he says 'you will get four annas,' to the next class 'you will have three annas,' to another man 'you will have two annas' and so on, distributing work as he thinks best. Then again he goes through the same form of proofs being prepared and at last the work goes again to the computor and he again looks at it and he says 'I will make this change.' The man says the work took one hour. The computor says 'you may have taken one hour, but half an hour was necessary,' and he cuts down the bill. Ultimately the bill is made out, and after a great deal of talking some result is arrived at. It is not so easy to reach, for, in order to carry out his printing, the compositor has got to run continually to the storekeeper and say 'the types of T are wanting, and he gets the types of T. Then he runs and says 'give me types of U.' The compositor has to go backwards and forwards between the storekeeper and his own work, and in that way the work gets done. At the end of the day each man submits the amount of work he has done. These are

put together at the end of each month and the pay of each man is made out and he gets this amount.

"This is really a cumbrous kind of system. First of all it leaves too much in the hands of the computor, the compositor and impositor. There is an impositor, though I do not know what the word really means. After going through all this trouble, some result is reached, and that something this man gets. The inconvenience of this system is that younger and more active people get a great deal more work and they earn more. As a man gets older he gets more efficient, I suppose, but his body is not so active as it was before. So a man begins to lose on the pay side, when he becomes very old he earns so little, that, ultimately, when he has got to retire and his six years' earnings are put together, they come to be much less than they were in his younger days, and in the evening of his life he gets very little indeed and is very sorry he took up service and got mixed up in this compositor's job. In old age a man expects to have a more comfortable life, but here things are entirely the other way round.

"Then, how is he paid? I see he is paid according to a book which is called a hand-book. I tried to get hold of a copy of it, but, I suppose, being a hand-book, it is rather rare. That hand-book is supposed to have fixed the rates as to how much a man is to get if he composes a whole page of the smaller type called 'pica' or some other type; each type has got a different scale for it. This book was prepared—the date cannot be exactly ascertained—but I am told it was some time in 1881 or thereabouts, and the scale has never been revised. It has been going on these 40 years, and one can easily understand that the rates of payments made in those days, in 1881, are not suitable now, and they cause a great deal of difficulty and heartburning. It is true that in July an attempt was made to give them a little more. They used to get sometimes Rs. 50 and that was increased by 25 or 20 or something of that kind. But these people complain that what was increased under this head has been taken away continually by these computors and impositors.

"As I have endeavoured to show, this was not originally the system. Originally, they were all servants and, as in other private presses, these people served for so much money, and there the matter ended. I suppose that occasionally they got a little rise or promotion, or something of that kind. This was originally so. In 1881 this new system of piece-work, as it is called, was introduced. Originally they were Government servants and they got what they usually get. In 1881 this new system of piece-work was introduced and this piece-work system has been working since, during the last 40 years. I enquired if there were any strikes and I am glad to hear there were none except one which was an incipient kind of thing and soon ended. That was about 17 years ago, in 1905 or thereabouts. These press people then felt dissatisfied and they were thinking of striking. Then the Superintendent or gentleman in charge came to hear of it, he spoke to them, and the matter ended there. This is practically the first time such a situation has arisen. As I said, it is not a strike, but a lock-out because they were turned out without previous notice and without being told that they would be turned out. A lock-out means 'either you conform to these conditions or I shall not employ you hereafter.' None of these conditions were complied with and something happened. In place of this complicated system which is rather unworkable, I propose that these people should be all converted into Government servants and like all other Government servants they should get their pay, their promotions, their allowances and whatever else they may be entitled to. This proposal appears to have been put forward by my friend Mr. Chakravarti for the people in Bengal. To that the answer made by the Hon'ble Sir Thomas Holland was that there were no data on which their pays could be fixed, and until such data were ascertained, no pays could be fixed. My reply to that is that the data are supplied by what they get every month. You ultimately calculate their pensions on their six years' last earnings. Why cannot you calculate their pays upon what they have been earning up to this time? Give them that pay *plus* whatever allowances you ought to give them for dearness of food, money troubles and so forth. You can start them on that to-day as much as at any other time.

"The argument that there are no data on which you can fix their pay does not sound to me in the least convincing. It appears to me that there are data in the office and you can fix their pay accordingly. The advantages of giving them this would be that their pays would be regularised and they would not be liable to the Irish promotion that they get now. When a man is played out and begins to get old and feeble he gets less and less, his pay gradually tapering off until he is told to go home with nothing at all! This kind of Irish promotion is neither reasonable nor desirable. Then, if these men get into service, I suppose they will get some kind of leave, sick leave or other kind of leave, such as other Government servants are entitled to.

"Then there is another thing. We know that within the last 10 years and more the pays of many establishments have been revised because of the dearness of grain and so on. Now the scale which was fixed in 1881 for these unfortunate people has never been revised at all; while the fines and clippings to which I have referred are perhaps going on faster. A system of such intricacy, some portion of the men being paid according to time others according to piece-work and a third portion according to a third way, will be done away with under my proposals.

"There is further at present a great deal of heartburning that necessarily arises from the present system under which a section-holder, who has to distribute the work, may give one man work of an easy kind while he gives another man more difficult work, such as a manuscript that is illegible. No human being could carry out the section-holder's duties without laying himself open to some such charge. As human nature is human nature, I suppose we all like some people better than others. Similarly, the work of computation, deductions and other things which it involves, also give rise to a large number of complaints. I do not like to mention all these complaints, but there is at present a tremendous amount of heartburning and complaints of favouritism and all that.

"Now all this will be taken away if you convert them into regular establishments, paying them on the basis of their average earnings. I have tried to do this on paper—of course in a rough way because I have not got all the figures and papers with me—and I have found that you could make a saving of Rs. 2,304-2-8, or roughly speaking Rs. 2,400 a month on the existing system. You would effect that saving if you put them on pay and all these superfluous people, assistants and sub-assistants, were taken away. In my own rough way, again I found that something like Rs. 6,000 or Rs. 7,000 are spent upon these compositors. If you put them on pay, that figure will be increased by about Rs. 1,000 or Rs. 1,500 or liberally speaking, even Rs. 2,000. But you will save another Rs. 2,000, as I have shown, on the other side; so Government stands to lose nothing and to have a more efficient and contented service. The establishment would also be considerably reduced. Where you now have 15 section-holders you could do with 7, because each man would have his work cut out for him; and similarly all the other establishment would be reduced by half. That is where the saving comes in. There are other directions too in which you could save, of which the men spoke to me but I have not put them down. They seemed to think that some of the superior staff, who get large pays, could be dispensed with. If those people go, there will be still greater saving. So taken altogether, I think that if we introduce the pay system, engaging the men as servants and paying them so much a month, it will be easier and cheaper, and I believe the work turned out also will be better; whereas the present system is too complicated and troublesome. We see in the Government itself here that all presses are not managed on this piece-work system. For instance, the Private Secretary's Press and the Foreign Office Press are on the pay system and are fully paid, getting leave and other allowances like all ordinary servants of Government. Free quarters are given to them in Simla, whereas these piece-workers in the Central Government Press, get no quarters. Why is that? Why these people, the Private Secretary's Press and the Foreign Office Press, get quarters I understand is because their work is not regular at all. They have to wait a long time and then they get a little work to do, then they wait again for some more work, and so on. There is not enough, it seems, to occupy them the whole day, though they have to attend all day, and therefore they are kept on pay and quarters are provided for them, their

[14TH SEPTEMBER, 1920.] [*Mr. G. S. Khaparde*; *Sir Thomas Holland.*]

work being so irregular. But these unfortunate men of the Central Press have to suffer because their work is more regular. They have to do a great deal more, yet they get no free quarters, no fixed pay, and what little they do get is liable to be cut and clipped in the way I have explained. This seems to me rather hard. What do people who have private printing presses do? They keep their men on by the month, giving them so much a month. It is this Government alone, and only in the Central Press, that all these complications are allowed to come in. I could get no explanation of this state of things and I have not been able to imagine one; but probably there is some good explanation forthcoming. But there the thing stands. There is a complicated system, a system under which a man is not sure what he will get; somebody interferes to reduce it; he complains and he finds it difficult to have his complaint attended to because nobody likes to be bothered. My Hon'ble friend on my right, the Hon'ble Babu Surendra Nath Banerjea, keeps a large press and is at the head of a large newspaper. He probably knows more than I do; but these private people have always kept paid servants and carried on their work in that way. Government also does the same thing. I have enquired and found that the Punjab Government does the same. When they go to the hills, the Punjab Government give their men pay *plus* allowances. I have also found out that the United Provinces Government, when it moves up to the hills, converts all its pressmen into so many servants and pays them so much a month. So it is only these unfortunate people of the Central Press that have to be in the hills and yet are paid on this peculiar piece-work system. I hope I have made it clear that there is this trouble and this difficulty to be met. That is the reason I have moved this Resolution. It is a modest Resolution. I only say kindly appoint a small committee to go into all these matters. I am not qualified to judge of it, but those two or three gentlemen whom this honourable House appoints will be able to go into the whole matter, into all these complaints. There are also other complaints of which I have said nothing here because they will take time and are probably difficult to substantiate. But there are other complaints, and all these complaints will be looked into by the committee who will devise remedial measures. If they decide to convert the pressmen into so many Government servants, paying them what on an average they have been earning up to this time, *plus* allowances for the hills, the thing can be done in no time at all. There will be no difficulty on that head. So my proposal is that a mixed committee of officials and non-officials be appointed to investigate and report on the causes of the troubles—I call it 'troubles,' I do not call it a 'strike' because it is not a lock-out and therefore I describe it by the non-committal name of 'troubles' in the Government presses in Simla, Delhi and Calcutta, and propose remedial measures.

"With these words I submit this Resolution for the acceptance of this honourable Council."

The Hon'ble Sir Thomas Holland:—"Sir, my Hon'ble friend, Mr. Khaparde, has described a strike that he says is not exactly a strike and he has described a lock-out that is not exactly a lock-out. I congratulate him on also demonstrating a form of non-co-operation in this Council that is not entirely non-co-operation. I am perfectly sure that Hon'ble Members will now be quite clear about the operations of a large Government Press. I am very much obliged to Mr. Khaparde for explaining the details in such picturesque language. The only fault that I have to find with the picture is that it does not exactly agree with the photograph I have brought away myself. Now, Mr. Khaparde has given his impressions as to the cause of the troubles in the press and it might assist the Council if they were provided at the same time with some other relevant facts. Some of the figures which Mr. Khaparde gave are not exactly those that we have at our disposal. I am correct, I think, in remembering that he spoke of 12,000 piece-workers as on strike. Our numbers in the Government of India Presses amount to about 2,000, many of whom are already back. Now, I am afraid, Sir, that the Hon'ble Mr. Khaparde in dealing with some of the facts and figures he has been provided with has been what one might say in the vernacular talking through his head-dress! It was the intention of Sir George Barnes to institute, as soon as possible a 12-10 P.M.

systematic revision of the pay of the piece-workers, for it is the piece-workers we are considering—it is not the salaried men who are out on strike except a very few sympathisers—but the piece-workers ; and when I became responsible for the administration of this department this was one of the first questions that was taken up. It was soon evident that many of the men had been working unduly long hours, presumably because they could not otherwise earn sufficient wages. It was obvious also that the burden of work was unequally and unfairly distributed, as Mr. Khaparde has so graphically described, in such a way that some of the men were suffering possible damage to their health and consequent harm to their dependent families. Every grievance brought to our notice was most minutely examined ; we have not been content with the reports of the press Superintendents and of the Controller, but we have deliberately encouraged the men to bring their grievances direct during our visits to the presses as well as out of office hours. I have myself seen the men at work and discussed their grievances at numbers of interviews. In fact, many of my Sundays during the past three months have been devoted to this work. My colleague, Mr. Chatterjee, has been equally accessible, whilst a considerable portion of the office staff have devoted more time to this question than would be practicable in ordinary cases. We have analysed every petition closely ; we have examined the conditions of each class in consultation with the Financial Adviser ; and we have been freely accessible to the men's legal representatives as well as to the men themselves. Altogether this question has deliberately been made an object lesson of intensive study, not only out of sympathy for the men immediately concerned, but because of the new spirit regarding labour, which the most enlightened employers in India now recognise to be both fair and commercially wise.

" Further ' chewing of the cud ' by a new committee will not benefit the men ; what we want is an actual practical test of the revised rates of pay and of the new conditions of work. Some of the men, however, have imbibed the spirit of other visionaries and have adopted the gospel of non-co-operation. We tried to explain to the men verbally and by circular that whilst going on strike against a private firm might sometimes secure immediate commercial advantages, striking against Government would only prevent our helping them. The loss of wages would be entirely their own ; for Government printing is a luxury intended for the convenience of the general public ; it brings no revenue. No further discussion of the piece rates can get beyond our own calculations, which show clearly the number of hours actually worked by the men last year and the increased wages they will receive if they work at the same rate (though for fewer hours) in the future. I have told the men repeatedly that if the terms sanctioned in the Government Resolution of the 15th of July do not demonstrate that they would get higher wages for shorter hours of work I would tear up the Government Resolution, and that I would revise the rates and again revise them until the men could demonstrate that they are able with these terms to earn a decent living by working during decent hours. I have told the men also that I will review their pay-sheets month by month in order that we may have an exact idea of the effect of the new piece-rates.

" As an example of the many misleading statements supplied by some of the politicians who have done the talking at meetings of the strikers, one speaker told the Calcutta strikers that Sir Thomas Holland had persuaded the Simla press-workers to give the new system a trial for a month, and accordingly these men worked for a month, but now they had found out that under the present system their earnings would be less than what they were before. The Simla piece-workers did work for the best of a month, and any Hon'ble Member here is at liberty to satisfy himself by reference to the pay sheets that this statement supplied to the strikers at Calcutta is nothing less than an unqualified lie—a lie disseminated by an irresponsible politician who loses nothing by the strike whilst the poor men who were deluded by it have lost their wages and will continue to do so as long as they are out on strike. Now, although we have a certain number of discontented individuals among the Simla workers, the men as a whole stuck fairly to work for nearly a month, when the agitators, assisted by delegates from Calcutta and Delhi (realising that if the men completed a full month at the new rates they would merely demonstrate their advantages and so destroy the possibility of being

put on fixed salaries) persuaded the men to come out on strike. Mr. Khaparde has described the incidents of the strike in Simla, but the order of events as told by him is not exactly the order of events as they are according to our records. The men gave their first notice on the 10th of August, returning the Resolution, and as they said, refusing it with thanks. They were asked on the 11th of August to wait until my return from tour ; they answered that on the 12th of August by demanding the result within 24 hours ; (the period counting from the 12th August) and ' if unfortunately we are disappointed, again, we will be forced to stop our work just after the expiry of the period of our notice mentioned above,' that is, the 13th morning. Now, no man has been prohibited from coming to work. What we do not want in the press are men who will not only stand idle themselves but will interfere with other people's work. The men who came back to the press were the men who promised to work ; and every man who promised to work here or at Delhi or at Calcutta has been allowed to come in.

" Let us now take the results obtained during that month. Let us see whether this statement made in Calcutta is true or not. There are a few days missing, but the men worked until nearly the end of the month. The month began on the 15th July and would have ended on the 15th of August. The men struck on the 12th, or gave notice on the 12th and stopped work on the 13th. There were thus two definite days missing and there were one or two other days missing because of a certain amount of time wasted in meetings and agitation in the press.

" The compositors affected in Simla number 160. During July-August, that is under the new rates, these men put in a total of 34,445 hours and they earned at the new rates Rs. 9,948. During the preceding full month of June-July the same men worked a total of 32,217 hours, and earned under the old rates Rs. 7,517 including the war allowance of approximately 35 per cent. of their original wages.

" The average wages earned per man in June-July was, thus, Rs. 47 ; whilst the average earned in the partially completed month following at the new rates was Rs. 62. This is an immediate rise of 32 per cent. on the *actual* earnings ; but the comparison would not be fair to the men unless we compared also the number of hours actually worked. It will be noticed that in the second month the total hours of work recorded are more than in the month before. This is partly due—and this is a point to which Mr. Khaparde has referred very briefly—to an important reform introduced by the Government Resolution, namely, that the piece-workers are to be paid at their standard time rates if, for any accident in the flow of work, they are not kept in full employment during factory hours. These idle hours are now included in each man's total.

" If, now, we compare the average earnings, hour by hour, we find that under the old system the men earned 3.73 annas an hour, whilst at the new rates their earnings have amounted to 4.62 annas an hour, or an average rise of 24 per cent. for all classes—good and bad.

" One of the objectionable features of the old system was the fact that some of the men worked excessively long hours—often 11 and 12, sometimes even over 13, hours a day for long periods. Obviously, this could not be good for a man's health, physical or mental ; and one object of the Government Resolution was to make this both impossible and unnecessary. The Washington Labour Conference laid down for India a standard 60-hour week, or 10-hour day. If, then, we give a man five or six days' holiday during the month, he would put in 250 hours in 25 days. Our object in drawing up the new rates was to enable any man to earn in 250 hours an income suitable to his class of life.

" If, again, we take these two consecutive months (one under the old rates and the nearly completed month under the new rates) we find that, according to the hourly rate actually earned, a compositor working 250 hours at the old rate would obtain an average monthly pay of Rs. 58.3 and at the new rates Rs. 72.2.

" But the average increase of earnings which has now been definitely proved in actual practice, by no means expresses the full advantages that have been obtained by the new scale of rates. The figures which I have quoted for the Simla compositors apply to all classes—good and bad, experienced men and learners.

"One advantage of the piece-rate system is that we obtain, automatically, an annual classification of the workers for the purpose of establishing their hour-rates, the rates at which they are paid when correcting proof, or when, for any chance, under the new system they are accidentally kept idle during factory hours. This system of checking a man's piece-work every year puts him in his place automatically, not by favouritism.

"Our compositors range from beginners in Class 29 to the best workers in Class 19. Now, out of 160 compositors here, 33 of them are in Class 19, and it is especially in this class that individuals worked excessive hours under the old system. In June-July 13 of these 33 men exceeded the 250-hour standard limit by a total of 318 hours : one man worked as much as 308 hours. Under the new system only five of these men passed this standard limit, and by a total between them of only 15 hours, due to their remaining on occasionally to complete partially finished jobs.

"These 33 men put in 7,785 hours in June-July, and earned a total pay, including war allowance of Rs. 2,483. In July-August under the new system, exactly the same men put in 7,603 hours for a pay of Rs. 3,266. I have taken care to remove all men who did not work both months, so as to have an exact comparison. In other words, they worked 182 hours less for an increased income of Rs. 783, and, at the same time, no individual man was over-worked. Thus, on the 250-hour basis these men earned an average of Rs. 80 under the old system and Rs. 107 under the new system—an average rise of 34 per cent. It will be seen, therefore, that, although every class of compositor, without exception, obtained an increase, the best workers obtained the best results, and by the piece-rate system every worker can hope to attain to the best class without promotion by favouritism, which we are told is the characteristic of Government service. There is therefore no doubt that this system is an advantage to the real worker.

"It is important to note (1) that these percentage increases are on the war rates, not pre-war rates ; (2) that exactly the same men have been compared in two successive months, for I have cut out the few who did not work in both months ; and (3) that these are not mere calculations but are actual wages earned, and, in spite of statements to the contrary, wages actually paid to the men.

"But, whilst the men as a whole have obtained an increase of 24 per cent. and the best class has obtained an increase of 34 per cent, it is important to be sure that no individual is required to work over long hours for the sake of an increased income : this, obviously would not pay any man in the long run. I referred to one man, for instance, who put in 308 hours in June-July, and, so, must have worked over 12 hours a day on 25 working days; for this he received Rs. 94.

"In July-August, the same man put in only 255 hours *i.e.*, slightly over 10 hours a day, and he then earned Rs. 112. He thus received Rs. 18 more for 53 hours less work. Another man put in 280 hours, or over 11 hours a day, and received Rs. 110 in June-July, whilst the same man put in 251 hours in July-August, when his income jumped up to Rs. 135. Almost exactly the same result was obtained by another man who put in 280 hours for Rs. 118 in June-July, whilst in July-August he worked 249 hours for Rs. 135. Only one man out of the whole lot earned less under the new system ; but, as he happens to be more of a politician than a compositor, he has now the compensating satisfaction of seeing his fellow-workers wasting their savings whilst out on strike.

"It will be stated, of course, that the experiment has been tried only in Simla, where the sanctioned rise in rates has been 50 per cent, whilst the sanctioned rise for Calcutta and Delhi is only 40 per cent. This difference was adopted because of the estimated differences in the cost of living at Simla, and we hope in the near future, by the construction of quarters for the men, to remove them from the clutches of profiteering landlords.

"As to whether the new rates (which have now been proved in actual practice to be so advantageous in Simla) will be advantageous also to the men in Calcutta and Delhi, we have worked out the average monthly earnings per head for the men in each press during the full year 1919-1920 and have calculated the men's average incomes from the hour-rates so obtained. We know exactly the number of hours worked by each man, the amount of money paid to each man, and we can work out the new rate for exactly the same number of hours of work in

the next year. But we have gone further than that. We have reduced the number of hours, so that the men will work within decent limits and we have estimated his future income for 250 hours per month. Last year, in Calcutta, the men actually put in on average as much as 275 hours a month, and for that they earned an average of Rs. 53-9-0 a month. Under the new rates they will obtain just a little over Rs. 60, not for 280 hours but for 250 hours a month. I have said that the men will earn *at least* Rs. 60 ; almost exactly the same results were obtained in Delhi, and I say *at least* advisedly and for good reason, for this calculation does not include the amount that the men will be paid for hours during which they remain idle for lack of piece work. These idle hours were never paid for before. The rise in the average pay at Calcutta will also be greater than is shown by these actual calculations. But we want especially the men to realise that they can earn this income (which I think is fair and which compares very favourably indeed with the rates paid to compositors elsewhere) during decent hours work and that they need not work overtime in order to get higher wages.

"Now let us take the Hon'ble Mr. Khaparde's suggested salary system. What salaries would be fair for each class ? Let us try to work it out. Take Class 19 at Simla. They earned under the improved rates an average of Rs. 107 in the month. They earned that by piece work ; that was not their salary, and they earned it in 250 hours in the month. Now suppose we assumed Rs. 107 a month to be a fair salary for a man of that class. That salary would be nearly double that earned by good compositors anywhere else in India. Out of the 33 men who earned this average of Rs. 107, there were 15 whose wages in July-August ranged from 110 to Rs. 135. Now naturally these 15 men would have a grievance if their incomes were cut down to Rs. 107, which is the average salary of their class, and it is not unnatural to expect that they would feel justified in slacking off to some extent. If, then, Rs. 107 is now the average value of these men to the tax-payers, and nearly a half of them slacked off to Rs. 107 level, the average of the whole must be something less than Rs. 107 ; and, if then the salary be placed below Rs. 107, there will still be a larger number of men who will regard it as fair to slack off. In other words, the average value of the class will soon tend to depreciate to the value of the least efficient in the whole lot. That will be the result of the salary system. It is quite obvious that, if we place the majority of these men on a salary less than their average earnings, there will always be a majority who will be discontented and who will presumably go on strike again. What guarantee have we got that they will not go on strike again ?

"The lesson which we have learnt from the Simla piece-workers is not that they should be put on fixed salaries, but that the system of piece-working ought rather to be extended. I agree entirely with one of the political speakers at a Calcutta strike meeting, when he said that he would like to see the result of paying all Government officials—from Governors down—at piece rates. In the interests of the tax-payers this reform would be desirable if practicable ; and, for selfish reasons, I should like to see it extended to Members of the Executive Council.

"Now I should like to know from those Hon'ble Members who use the press for political warfare, whether they pay their average, or even their best compositors, Rs. 72 a month ; for that is the average pay actually earned last month by the Simla men who are now out on strike, and these men, if their breach of service be condoned, will be eligible also for a pension calculated on their average earnings for the last three years of their service, and this is a privilege which men in private presses do not enjoy. Our information shows that in Calcutta the principal private firms pay their compositors from Rs. 20 to Rs. 65. That is about the average range. If, therefore, we placed these men on fixed salaries, and, with due regard to the tax-payers, at current market rates, these men would lose seriously. But are we justified in paying the men at higher rates than the average market rates ? It does not require very much imagination, I think, to realise the difference between the speed of a compositor's hand at piece rates and on fixed salary. This is one way of handling a type and that is the other. The difference is about 100 per cent. We should have to double our compositors, we should have to increase the supervising staff, double our building accommodation and double our capital outlay on type-metal, while you will get less work done and the tax-payer's money would be wasted.

"Now the rates for piece work require constant revision. That is really the whole point. The rate, not the system, is the point to watch and to revise.

We want to know whether a man can earn a decent wage without over-working himself? That we have proved to be the case by the experiment in Simla, but to abandon a system which encourages every man to be industrious and efficient, and secures for every efficient man a corresponding reward, would be a backward step which will not be favoured so long as I am responsible to the Indian tax-payers. The piece-rate for compositors has been maintained in Government presses, not since 1881, but since 1875.

"It is also the custom in large presses elsewhere except in what are known as jobbing presses and in form printing, where the nature of the work is too variable, to permit of a fair average rate. In small presses like some of the private presses in this country they have the salary system, as Mr. Khaparde has told us, but so long as I can show, by actual work that the men can earn better salaries and still return value to the tax-payer on the piece-work system, that system will not be altered.

"I have dealt at some length with the piece-work rates, but it is only fair to mention that there are other improvements introduced by Government and I will pass over these very briefly.

"Men on the temporary list who have put in continuous service will, under the new system, be allowed to count all their service towards pension.

"Then, as I said before, we have also allowed meal hours to be counted and to be paid for at time-scale rates.

"We propose to introduce a provident fund for new employees that will replace the pension system, thus enabling the men to obtain this form of deferred pay whenever they leave the service, enabling them also to leave something for their families, because naturally a pension dies with the pensioner.

"Then, to meet the individual grievances that may occur—and there must be many particulars we cannot get hold of, for instance, their hours of attendance, whether it be from 7 to 5 or from a later hour to a later hour; their treatment by supervisors; and the many troubles of that kind when the new shoe pinches unequally. To meet these troubles we have established a system of Works Committees which will be composed of representatives of all classes. The complaints that are heard by these Committees and their proceedings will be reviewed by my Department methodically. We are sure that these Committees will not only reveal and rectify grievances if they occur but, what is much more important, their institution will prevent grievances that would otherwise occur.

"Now I want to say one final word about the strikers. We quite recognised that before the terms were revised the men had real grievances and had developed a strike habit of mind. They failed to realise that their grievances would be repaired. They had been waiting a long time and they thought that the strike was a fashionable instrument. This mental attitude, one can quite understand, might become fixed in men who are not sufficiently educated to realise what it really means. It doubtless has been fostered by irresponsible agitators who have shown that same callous disregard of the men's interests, as those agitators who, taking care to save their own skins, sent many thousands of honest Moslems to their ruin by encouraging them to sell their lands and goods at knock-down prices in order that they might emigrate to 'a land flowing with milk and honey,' where officials cease from troubling and where at least the dead may rest.

"My sympathies are still with the strikers and with their families. Nothing has been done so far to prevent or to discourage their return. The wages of the strikers have been paid in full. Those who have returned to work have been admitted and no penalties of any sort have been inflicted. I have so far definitely refused to issue any orders of dismissal, in order that no man shall lose his chance of being restored to the pension list, and at Delhi, where the men occupy Government quarters, not a single striker has been evicted. But I really cannot help men who are impressed by those agitators who find a genetic relationship between Jallianwala Bagh and the new piece-rates, or those who see a similarity between my promises and those attributed to Mr. Lloyd George regarding Turkey.

"We have, however, obtained some very useful lessons by the strike; Government Departments have learnt to economise; they have learnt to reduce their demands for printing; they have found that they can get many odd jobs

done by private presses and we have pushed on our scheme for machine printing which will reduce our necessity for the ordinary compositor, and therefore for the piece-worker.

"I see no chance of any committee of this Council devoting to the press questions either a half or a quarter of the time that my colleagues and I have given to the subject. I have no desire to feed the men any longer with false hopes and I have no intention whatever of giving up the healthy and inspiring piece-rate system for the sleepy security of fixed salaries ; only actual work will prove whether these new rates are fair. If the men will come back and work under the new rates, we shall be able to help them, but we can help no man who remains out on strike.

"There is one more point I should like to mention and that is that our office records are available to the Hon'ble mover of this Resolution, as he well knows and to any other Hon'ble Member who wishes to advise the press-workers in their real interests. The only work for a committee that I can suggest is an enquiry into the motives of those who have fed a body of honest workers with false insinuations and misleading statements. Nevertheless, I welcome this opportunity of explaining to the Council the exact facts as we know them with regard to the strikers and I shall be only too glad to welcome the intervention of the Hon'ble Member for the purpose of getting the men to return to work for their own sakes."

The Hon'ble Mr. A. R. Murray:—"Sir, I rise to oppose this Resolution. 12-49 PM.

"There may be differences of opinion as to the causes of the prolongation of the troubles in the Government presses, but after listening to the explanation of the Hon'ble Sir Thomas Holland I am of the opinion they are not such, as to justify the appointment of a committee to investigate them.

"The Resolution of the Government of India to which Sir Thomas has referred, gives a very full and detailed account of what the position was when the strikes commenced. I do not think the appointment of a committee will throw any more light on that stage of the proceedings. Different causes of the troubles and of the continuation of the troubles have been freely given in the newspapers. One thing is quite clear, namely, that the men went on strike after revised emoluments had been notified by the Government of India. And that, too, in spite of the fact that considerable improvements had been effected in the wages, as well as in prospects, pensions, etc., of the men both salaried and piece workers. I understand it is practically the piece workers alone who have struck work because they object to the continuation of the piece system. The Hon'ble Sir Thomas Holland has already dealt with the details and I need not follow him into these details, but I would like to refer in general terms to the subject matter of this Resolution as it appears to me. So far as I understand it, the whole crux of the position is—should the Government of India give way on the question of the piece work system? This seems to me an unprecedented demand for workers in India to make, specially in view of the fact that the piece work system is in vogue in all organised industries in most parts of the world, as well as in India. Payment by piece work is recognised, and in my opinion, rightly recognised, as the best method of paying skilled workers that has yet been devised. When rates are framed on a fair basis, they form an incentive to workers to do their best. A keen and steady worker reaps the reward of his industry, and the system of bonuses, that is usually included in this method of payment, offers an additional inducement to everybody to give of their best.

"The chief objection, indeed, the only real objection, in other countries to the system of piece work, is the fact that when good workers have earned wages above the average, masters have been known to reduce the piece work rates in order to bring back the skilled and industrious worker to the level of his less skilled and usually lazier companions. This was, and is, a very wrong thing to do; and if I were a skilled worker, I certainly would object to being paid by piece work if my piece work rates were to be reduced because I was producing more work and earning more wages than my neighbours.

"Speaking from a long experience of Indian industries, I have never heard of any employers in India reducing the piece work wages because any worker was earning too much. I know that all the skilled workers, for instance, in the

Jute Mills in Calcutta where about 300,000 workers are employed, are paid by piece work. As they have become more skilled, they have gone on drawing larger earnings, but I have never heard of a single instance in which wages have been reduced.

"Perhaps, my Indian friends will excuse me if I tell them that the average Indian worker is not yet as skilled as his Western competitor in certain industries. It is only by giving the Indian worker an incentive to earn higher wages for himself that he will be induced to increase his output and raise the Indian standard of production nearer the Western level. This is where payment by piece work comes in, and I fear nobody would be better pleased to hear of the end of the piece work system in India than would workers in other countries. These foreign workers know that so long as our Indian workers are paid by piece work, there is every likelihood of their exerting themselves to become more skilled in order to earn higher wages. Immediately you stop the piece work system and put all Indian workers on a common level, the foreign competitors will then know that there is no longer anything to be feared from Indian competition.

"Now as to the appointment of a committee of enquiry, I do not see what object is to be served by this. It is true that the English Industrial Courts Act of 1919 makes provision for courts of enquiry being established to investigate strikes and labour troubles at home, but I would point out that these courts of enquiry are constituted in the United Kingdom mainly for the purpose of ascertaining and publishing the facts, and thereby influencing the parties to settle their differences in accordance with public opinion as expressed in the newspapers and in the street. India is not yet ripe for courts of enquiry of this description, and even if it were, I personally would strongly object to the introduction of courts of enquiry or committees of this description in this country.

"I am one of those who consider that workers are quite entitled to ask for increases of pay if they think they are underpaid. I go further and say that if they don't get what they want and think they can get it by means of a strike, then they should be at liberty and strike unless perhaps in special services such as certain works of public utility. Similarly I maintain that employers are at liberty to refuse increases of pay when they consider the demands of the workers are not justified and unreasonable.

"I believe that it is in the best interests of all concerned that the settlement of disputes of this description should be left to the employers and the workers themselves. There are few independent persons in India with sufficient knowledge of industrial conditions to justify their appointment as a committee to enquire into the causes of industrial troubles and to propose remedial measures. But even assuming that such a committee were formed what guarantee is there that the result of their enquiries will be acceptable to either workers or employers. There is no means of enforcing their award or of giving effect to whatever remedial measures the committee may propose. In other countries workers are highly organized, they pay contributions to their Trade Unions and the office bearers in these Unions can exercise a considerable amount of control over the rank and file by withholding strike pay, without which workers nowadays cannot stay long out of work, at home at least. Here there are no recognized leaders and there is no power by which, or no authority, through which, the workers can be compelled to accept the result of any enquiry. That being so, I maintain no advantage is to be gained by the appointment of a committee such as is suggested in this Resolution. I therefore oppose this Resolution."

12-57 P.M. **The Hon'ble Sardar Sunder Singh Majithia:**—"Sir, there are two sides of the picture as have been presented to this Council, one by my Hon'ble friend Mr. Khaparde, who seems to have spent a good deal of time and labour in studying the subject of the press management, and the other side presented by the Hon'ble Sir Thomas Holland, who has done so in his official position and as it appeared to him. If what has been placed before this Council by the Hon'ble Sir Thomas Holland is correct, no reasonable man, I should say, would object to getting more wages out of Government if he is able to get them; but, if what the Hon'ble Mr. Khaparde says is true, that the wages they get are not sufficient, then, I think, the case for an enquiry has been made out. At any rate there are two sides to the picture, and I would certainly suggest that an enquiry on the subject might be conceded by the acceptance of this Resolution."

[14TH SEPTEMBER, 1920.] [*Mr. Surendra Nath Banerjea*; *Mr. G. S. Khaparde.*]

The Hon'ble Mr. Surendra Nath Banerjea:—"Sir, I interested myself in this matter in a personal way and I tried, so far as the Calcutta strike was concerned, to settle the differences and bring about a reasonable compromise. I had nearly succeeded and the leaders of the strike—I hope my friend will permit me to use that term—came to the Bengalee office and promised, after certain suggestions and certain offers had been made by Mr. Chatterji, that they would return to their work on a specified day. The specified day came, but the men did not return to their work. The truth is that there was an extreme section among the strikers and they prevented the men from rejoining their work. 12-59 P.M.

"I have listened with great interest to the lucid statement of the Hon'ble Sir Thomas Holland and in justice to him and the Department which he represents I am bound to say that their attitude throughout has been most conciliatory and they did their level best to bring about a reasonable settlement of this very unfortunate dispute.

"There are one or two points, however, in regard to which further action seems to me to be necessary. It is obvious that the remuneration has decidedly increased under the new scale and that with less work the men get more pay. But what about holidays, what about sick leave?

"These men cannot work for 12 months without a holiday. There are seasons and occasions when they fall sick and when they cannot work. These were the points which I ventured to press upon the attention of Mr. Chatterji when we met in conference to consider this matter, and he was good enough to tell me that they would receive attention. Upon one point, and one only, the Government seems to be inexorable, namely, that they will on no account give up the piece-work system and introduce the salaried scale. That, I think, represents the attitude of the Government in this connection. But as my Hon'ble friend, Sirdar Sundar Singh Majithia, has just pointed out, there is this difference of standpoint between the employers and the employed, between the Government and the pressmen. There being these two sides to the question, would it not be desirable in the interests of the Government itself to appoint a small committee for the purpose of considering the *pros* and *cons* of the case? I am sure my Hon'ble friend in moving this Resolution has echoed the sentiment and the opinion of the strikers themselves. The appointment of a committee would strengthen the hands of the Government if the committee decide in favour of the present system. On the other hand, if the verdict of that committee went against Government, I am perfectly certain the Government would accept it and adopt such modifications in the present system as may be required. It does seem to me that this is not altogether an unreasonable position. The adoption of it would satisfy strikers and their friends; and the Government would lose nothing by it. On the other hand, if the committee support the position of the Government, that would enormously strengthen their hands. It therefore seems to me that on this occasion the Hon'ble Sir Thomas Holland might see his way to accept the Resolution of my Hon'ble friend."

The Hon'ble Mr. G. S. Khaparde:—"Sir, in listening to this debate I was reminded of a story I used to read in my schooldays. It was about a French General who argued that according to a certain rule he surely had won the battle; while the English General said—'Whatever the arguments, the fact stands that I have taken the positions which you held.' The French General depended on the rule and the English General depended on taking over the position held by the French General. 1-2 P.M.

"The Hon'ble Sir Thomas Holland has given us a long table regarding the new system and the old system, all of which makes me wonder if this world has changed suddenly and human nature is no longer what it was. Has it come to this, that people who are getting more do not want to work? The Hon'ble Sir Thomas Holland demonstrates that these people not only get more but that they are kindly treated, that every complaint is very carefully looked into and everything done for them. And yet they run away! Why? Because they have been got at by irresponsible politicians. The Hon'ble Sir Thomas Holland has got it into his head that everybody who complains has been approached by irresponsible politicians. I have not made the acquaintance of this sort of irresponsible politician here and I do not know whether he really exists. If

the Hon'ble Sir Thomas Holland knows of such, he can no doubt find them out. But in questions which affect the pay and comfort of a man—whatever, in short, touches his stomach, he is more likely to listen to the pangs inside than to the arguments outside. These outside arguments appear to me to be very skilfully framed and forcibly urged, but unfortunately they are altogether unconvincing. For if these men were so well looked after and everything done for them, as the Hon'ble Sir Thomas Holland says, then I ask has this world become so topsy-turvy that they will not accept such good treatment ?

" Then with regard to another argument which I put forward, it has been clearly said by the Hon'ble Sir Thomas Holland that so long as he is responsible for the Department this pay system will not be introduced ; that it will always be the piece-work system and these people had better come in : if they do not so much the worse for them. Now that kind of attitude is unreasonable. The Hon'ble Sir Thomas Holland recognises that they do not understand the new system. They have been trying it. I should like to know how many have been working under it. As far as I know, most of them have been out and the few who are inside will probably only stay on a little longer. But that would not demonstrate any system to be good.

" A further point is that these people wanted arbitration and suggested various names. Unfortunately under the Department rules those men will not be able to do anything for them and the matter has to be dropped. Still, the fact remains that if these people are so carefully looked after, why are they out of work ? That is the plain question which I wish to ask and which has got to be answered, I suppose, some day or other.

" The other question which I wish to ask is this. The Hon'ble Sir Thomas Holland, in giving an example, said that people working in class 19 get so much. I say that is exactly what I complain about—I mean this arbitrary division into classes from 19 to 29, and two more classes, I understand, have recently been added, making the number 31. How is this classification effected ? By one man sitting there who is called a section holder or whatever it is, and another man sitting in another place called something else. Why is this system so very good and if it is, why not dispense with all establishments ? You say to a man ' I give you this paper to copy ; you take so much ', and on this principle let us do away with the whole of the ministerial establishment of Government. If the scheme is so good, it should be introduced all over the world ; why confine it to the Central Press and to these unfortunate pressmen ?

" I submit that nothing will be lost by an enquiry if the system is really good. On the contrary, the enquiry will bring out all its good points and the people who will carry out the enquiry will be satisfied. I have not named these people, but I have no doubt they will be selected with care and I am sure only responsible people will be appointed and not irresponsible politicians. Well, let those responsible people go there and let them say what they think of it : otherwise the position is inexplicable. The Hon'ble Sir Thomas Holland has failed to find the irresponsible human being known as the irresponsible agitator on whose head all the blame has been put ; and the Hon'ble Member's attitude explains what His Excellency the Viceroy said in his opening speech the other day about the imperfect contact between employers and employed. This is just a case of imperfect contact between employers and employed. Obviously somebody whom the Hon'ble Sir Thomas Holland suspects has brought about all this trouble, and people who have served in the Press for 35 years leave their work and sit at home for the mere pleasure of doing so. That seems to me an impossible argument to accept, and I still urge that this committee may be appointed. As I have said before, it can do no harm and it may do good. If the Hon'ble Sir Thomas Holland's system is really so excellent, the enquiry will bring out its good points. If there are any faults and I am afraid there are many—I myself suspect there are many more than we can speak of on the surface here ; if one-tenth of what I was told be true, it makes out a case for overhauling the entire system from top to bottom. I therefore submit that the honourable Council may accept this Resolution and appoint the committee for which I ask. I have given no names ; I am not partial to any, and I hope there are no irresponsible people here—at least, on my side of the bench. When that committee is appointed, the whole matter can be gone into."

[14TH SEPTEMBER, 1920.] [*Sir Thomas Holland.*]

The Hon'ble Sir Thomas Holland:—"Sir, I hope that my Hon'ble friend does not consider that I regard him as an irresponsible politician. I never even said that he is a politician at all. As I said in my reply to him, I welcome his intervention. I should have welcomed the good advice of any Member of this Council given to these workers. My Hon'ble friend is anxious to know why it is if these conditions are so extremely favourable the men do not go back to work. Well, I have given what I think is the explanation of it. One reason is that there is a certain attitude of mind which it is difficult to get over: The men have got into the strike habit; they think that they can only get what they want by striking. They think it would be disloyal to their own caste if they did not strike. It has become quite fashionable to strike. That is one explanation. Another is the explanation given by the men that they do not like piece work; they do not like having to be kept up to the collar, because a majority of them, like a majority of many other workers, want a little easier time. They want to be sure of their income without having to work for it. Now, that does not satisfy some of the best men; the men who have come forward and talked with me have not been the slackers and have not been the men who were so earnest in getting a fixed salary. Those were the men who were willing to work at piece rates, but they were under the impression from calculations put before them that the piece rates were not fair. I have got this from several sources, from Calcutta, from Delhi, from Simla from their lawyer leaders—I will not speak any longer of irresponsible politicians; the calculations, they say, put before them have shown that the men on an average lose by the new rates instead of gaining; that is because they have not been interpreted correctly. Now, we have worked out our own estimate of what the men did last year and what the men will get by the new rates this year; what we have done is to reduce the period from 274 hours in Calcutta and 284 in Delhi to a standard 250 hours, and we find that the men still gain according to our calculations. They do not believe our calculations; they prefer the calculations of their leaders, and all I have got to put before them—that has not been done until to-day—is the result of the actual test of the new rates in Simla. What we want now is no more talking and no more playing with calculations; we have finished that and you cannot improve on it; what we want is to see the rates tested by actual practice. I promise the men that I will tear up the Government Resolution if they do not get a better income for shorter hours of work. Now, if the Hon'ble Mr. Khaparde wants to extract a promise I will give him one. Next year after these men are back at work, I am quite willing to lay the whole result before a committee of this Council, to allow that committee to judge whether I have been fair to the workers or fair to the tax-payers. I am almost tempted to suspect, from the results of one month's working, that we are not being fair to the tax-payer? We are being generous right enough to the workers, but what about the tax-payer? Supposing this committee came to the conclusion that we were paying the men too much, what will happen to the men then? Will they accept the decision? As my Hon'ble friend said, the Government will accept it, but will the men accept the decision? More likely they will go on strike. That is the kind of thing that Mr. Murray referred to. You must leave these matters to be settled between the two parties concerned if you are sure that both the parties are trying to get together. There is not the slightest doubt of the sympathy with the workers that my colleague, Mr. Chatterjee has shown, and I am not sure whether Mr. Chatterjee does not think that I am leaning a little bit too much towards the workers myself. At any rate we are anxious that these men shall get an honest day's wage for an honest day's work, and I will leave this Council to judge next year as to whether we have been fair or not; but I do not want any further discussion of the matter now; the men are holding out, according to the reports from Calcutta, to hear the result of Mr. Khaparde's Resolution to-day. They say 'hold out for another week and we shall see what Mr. Khaparde does.' I do not want the men to hold again for a committee; and how long will the committee take to do its work? It has taken us three months to go into these calculations, examine the men individually and find out their views. Are the men going to stay out another three months? Let the men come back to work and let the committee sit next year to test the results." 1-10 P.M.

The Resolution was put and declared rejected.

A division was asked for, and the Council divided as follows :—

Ayes.—12.	*Noes.—36.*
The Hon'ble Maharaja Sir M. C. Nandi of Kasimbazar.	His Honour the Lieutenant-Governor.
„ Mr. S. N. Banerjea.	The Hon'ble Sir George Lowndes.
„ Mr. G. S. Khaparde.	„ Sir George Barnes.
„ Sir Umar Hyat Khan.	„ Sir William Vincent
„ Sardar Bahadur Sardar Sundar Singh, Majithia.	„ Mr. M. M. Shafi.
„ Haji Chaudhuri Muhammad Ismail Khan.	„ Mr. W. M. Hailey.
„ Mr. S. Sinha.	„ Sir Thomas Holland.
„ Sir D. P. Sarbadhikari.	„ Rao Bahadur B. N. Sarma.
„ Khan Sahib Sha Nawaz Bhutto.	„ Sir William Marris.
„ Mr. Rayaningar.	„ Col. W. D. Waghorn.
„ Mr. V. S. Sastri.	„ Mr. R. D. Tata.
„ Mr. R. Ayyangar.	„ Mr. H. M. R. Hopkins.
	„ Mr. J. Mackenna.
	„ Saiyid Muhammad Ali.
	„ Mr. B. N. Mitra.
	„ Mr. H. N. Hutchinson.
	„ Major General W. R. Edwards.
	„ Mr. S. P. O'Donnell.
	„ Mr. J. Hullah.
	„ Mr. J. A. Richey.
	„ Mr. M. M. S. Gubbay.
	„ Mr. H. Sharp.
	„ Mr. H. Macpherson.
	„ Mr. C. A. Innes.
	„ Sir Sydney Crookshank.
	„ Major General Sir Alfred Bingley.
	„ Mr. A. P. Muddiman.
	„ Mr. N. E. Marjoribanks.
	„ Mr. A. H. Froom.
	„ Mr. C. A. Kincaid.
	„ Mr. A. R. Murray.
	„ Mr. K. C. De.
	„ Mr. L. F. Morshead.
	„ Mr. H. A. Casson.
	„ Mr. B. C. Allen.
	„ Mr. E. R. Blenkinson.

The Resolution was therefore rejected.

The Council here adjourned for lunch.

The Council re assembled at 3 P.M.

THE CUTCHI MEMONS BILL.

2-2 P.M. **The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:**— "Sir, I beg to present the report of the Select Committee on the Bill to declare that the members of the Cutchi Memon community are subject to Muhammadan Law."

RESOLUTION *re* REFRESHMENTS FOR VOTERS.

3-1 P.M. **The Hon'ble Mr. Rama Rayaningar:**— "Sir, I have great pleasure to move the Resolution which stands in my name: the Resolution reads :—

'This Council recommends to the Governor General in Council that provision be made by Government to provide light refreshments for voters who have to travel any distance exceeding 5 miles to attend at polling stations for the purpose of recording their votes at elections to the Reformed Legislative Councils.'

"Sir, I was rather late in giving notice of this Resolution. I really feared the Resolution might not be reached. Thanks however for the courtesy of the Council, I have been given the chance to move the Resolution. Surely I am not going to abuse this courtesy and detain the Council long. Nor does the Resolution require any lengthy statement. I shall briefly state the reason why

provision has to be made by Government for supplying light refreshments to voters who have to travel long distances in order to record their votes.

"Sir, only the other day, last week, we passed the Indian Election Offences Act. According to this Act treating of the electors by the candidates is an offence punishable under the Indian Penal Code. Any candidate offering even a cup of coffee will be regarded as having committed the offence. In enacting this law we have followed the English law. I need hardly mention that what may be good election law in England may not be so in India. So far as electioneering is concerned, the conditions that prevail in England are altogether different from the conditions in India. In England voters as a class are well-to-do and can afford to spare a shilling or two for buying refreshments. They are politically enlightened; they realize the value of the franchise. But in India the voters are too poor to spare even a few annas for the purchase of refreshments. They do not know the value of their vote. In these circumstances it is almost impossible to expect the rural voters in India to undertake travelling long distances to record their votes.

"Sir, question may be asked as to why Government should undertake this expenditure of providing the electors with light refreshments. My reply is that because Government arranges polling stations for some voters far away from their villages and accordingly those voters have to travel long distances. To such voters Government must supply refreshments. Sir, so much of the tax-payer's money is spent on the travelling allowance bills of the Legislative Council Members and in various other ways. It is not fair that considerations of economy should come in when the poorest of the tax-payers have to be provided with light refreshments and that when they have to leave their place and travel long distances for the purpose of recording their votes. If in spite of what is stated above Government considers that the cost cannot be incurred by them, Government may insist on contending candidates in the election to contribute the required funds. With these observations I place my Resolution before the Council."

The Hon'ble Sir Umar Hayat Khan:—"Sir, I cordially 3-8 P.M. support my friend who has stuck to his guns and has not been taken away by the gusts of the ideas of the coming elections or make the rotten cause a sacred one. There are many considerations. I think that if people were allowed not light but even heavy refreshments that would not make any difference one way or the other, because the whole thing which had to be done is already done. Before the Corrupt Practices Bill was passed, many people for months past have been going about the country and taking thumb impressions from various people and have got them in their possession. Some have taken a sort of oath which according to Mahommedan law is equal to saying 'if I don't be on your side, the divorce of the wife will take place', and nobody is going to face that unless he is particularly tired of his wife. In the same way there are shrines in many places to which men come from a long distance. They cannot possibly break that time-honoured reverence to the shrines and their custodians. If any of the custodians stands he will always have their votes. After all, I do not think any amount of refreshments will make some people who have already taken strong oaths change their minds. In the same way, if a man has got a shrine, it will be something like the House of Lords as long as that shrine is there, because people for the sake of light or heavy refreshments would not desert the man. I think under these circumstances it will be much better if Government were to provide light refreshments to voters who will be travelling long distances for the purpose of recording their votes, otherwise Government will be indirectly making people do wrong things. If a man comes from a long distance, I would rather like to give him a dinner or refreshments, because it is the custom in this country that if a man comes from a long distance we cannot possibly shirk our hospitality to him. But if under the law, treating of such people is made an offence,

[*Sir Umar Hayat Khan; Sardar Sunder Singh Majithia; Sir William Marris.*] [14TH SEPTEMBER, 1920.]

then what people will do is, only to fulfil the obligations entailed by the law, will tell a friend 'to do the needful' or they will give a *bania* or somebody a lump sum and ask him to entertain such people who come from a long distance for the purpose of recording their votes. Anyhow the thing would be done, so I think it would be much better if Government were to make some provision for supplying light refreshments only for those voters who have to travel a long distance. If Government undertakes to defray the expenses out of their own revenues, well and good; otherwise the cost may be debited, as my Hon'ble friend has suggested, to the contending candidates. If this cannot be done, then I think one should be allowed to entertain one's friends. With these remarks, Sir, I strongly support the Resolution."

3-11 P.M. **The Hon'ble Sardar Bahadur Sardar Sunder Singh Majithia:**—"Sir, I happened to be on the Advisory Committee when the rules were being framed, and at that time I pressed that something should be done to provide for the refreshment of voters not of the sort that some people do by making voters drink and get their votes, but light refreshments in the ordinary way that we generally from a religious point of view provide for guests who come to our house from a long distance. But there may be some objection in certain quarters that if this Resolution were carried, Government will be accused of influencing elections. I think personally Government will not be blamed for influencing the elections if some provision of the kind as suggested in the Resolution were made for supplying light refreshments only for those people who come from a long distance. With these words I support the motion."

3-18 P.M. **The Hon'ble Sir William Marris:**—"Sir, as my Hon'ble friend Sardar Sunder Singh has just told the Council, this question was very carefully examined in the Advisory Committee and the difficulties which the Hon'ble mover brought out as likely to attend the conduct of elections in rural areas were anxiously considered. We reminded ourselves that the Indian voter was likely to be poor, that communications were bad, that there was a lack of accommodation in villages for voters coming from long distances and that the ordinary rural voter could not be expected to realise the value of his vote in the same way as the value of a vote is realised in countries more advanced. All these difficulties, I venture to say, were fully discussed, and we considered also various expedients for meeting them. One idea to which we devoted some time was the suggestion that joint funds should be provided by both candidates for the entertainment of voters coming from a long distance, but after some discussion that proposal really found no serious advocates. Although much attention was given to the subject, I do not remember that anyone went quite as far as the Hon'ble mover in suggesting that the State itself should defray the expenses of the entertainment of these distant voters.

"I think there are great practical difficulties in the way of accepting his suggestion. But at the outset I admit that it has one conspicuous advantage, namely, that the provision of so many free meals, say for a million or two million voters, would afford an excellent test of the strength of the principle of non-co-operation; but apart from that consideration I think the arguments are against the Hon'ble mover. He suggested in the first place that light refreshments should be provided. A certain doubt attaches to the meaning of the term 'light refreshment' and it is indeed somewhat more in keeping with the amenities of the boudoir or buffet than with those of the polling booth. It is a suggestion put forward from Madras, but the two Hon'ble Members from the Punjab who have just spoken might conceivably want to know, whether considering the conditions of a cold winter's morning in the Punjab, what the Hon'ble mover might regard as light refreshments in Madras would adequately satisfy the requirements of a sturdy Punjabi voter. One practical difficulty certainly is as to how the provision of light refreshments is to be made. You may say that the

registers would give you the number of voters residing at long distances, and I suppose that to prevent misappropriation in connexion with the provision of meals it would be necessary to issue vouchers to each voter, which might be further distinguished by conspicuous colours according to the requirements of the particular voter. But imagine the feelings of a man who comes, not from a distance of five miles, but from a village which is four miles and seven furlongs distant, and is then refused his light refreshment. Imagine with what vehemence he would impugn the accuracy of the District Surveyor's measurement of the distance. These are only some of the difficulties. What you cannot do is to anticipate the number of voters who would turn up from those outlying areas. You could not calculate on what scale to provide meals. You would have to avoid, on the one hand, the difficulty of providing too few meals and on the other hand the difficulty of preparing too many. It would be worse, if I may say so, than the anxiety on a similar score which attends a Collector's garden party.

"Apart altogether from difficulties of this sort I think there is a weightier reason why it is difficult for Government to accept the Hon'ble Member's proposal, and it is this. We are starting out on this new scheme of reforms from the root principle that the existing franchise is far too narrow; that the electorate should be enormously enlarged; and that there are scattered over the length and breadth of India in villages—for after all the greater part of the people of India live in villages—something like 5 million voters, who, illiterate and unpracticed as they may be in the exercise of their civic rights, still may be expected to come forward now and exercise their personal choice of the representatives they wish to sit in the Councils. That is the root basis of the whole scheme; and it seems to me that simultaneously with it, we cannot put up our names to a proposition which surely implies that a large proportion of the Indian voters will not come forward and exercise his power to vote, at the cost of a little difficulty and inconvenience, unless he is actually encouraged to do so by the stimulus of a free meal from Government. That would be too much like a stultification of our main position, and, indeed, I think it would be a proposition that would not reflect creditably upon the repute of the country.

"Finally, Sir, this Council is an expiring body; its time has come, so to speak and its '*nunc dimittis*' is about to be pronounced. It meets to-day almost with one foot in the grave. At the same time it is welcoming its own demise, knowing that it will be replaced by something more representative of the population as a whole. It does not seem to me that this Council at such a time as this—actually in *articulo mortis*—should be invited, as its expiring pronouncement on matters of public policy to put its name to a proposition, which, as I have said, implies that the average Indian elector is unready to exercise and likely to be backward in exercising the privileges and opportunities which are being offered to him.

"For these reasons, Sir, the Government, although they appreciate the difficulty and entirely agree that it is a real one, can only conclude that the difficulty is one which must be faced; and they are thus unable to accept the Hon'ble Member's Resolution."

The Hon'ble Mr. Rama Rayaningar:— "Sir, I am sorry the Hon'ble Sir William Marris could not see his way to accept the Resolution. Two of the objections he raised, are no objections at all. I think they can be easily answered. The first objection is that according to the Resolution there is a limit of 5 miles to be travelled to entitle one for refreshments and that if a voter came from a distance of 4 miles and 7 furlongs he would not be entitled to have refreshments and that would cause unnecessary heart-burning. I think the arrangement will work all right. In all these matters a limit is necessary. 3-20 P.M.

"The second objection is that it is not worth while to consider the question of providing electors with refreshments, if refreshments are to be provided as an inducement to voters to go to the polling booth. I did not mean refreshments should be given as an inducement. I only wished to convey that voters would not take the trouble of going to the polling stations if they had to go a long distance and return with empty stomachs, or had to lay out extra money for that purpose.

"However in view of the other reasons which Sir William Marris has advanced I do not wish to press the Resolution."

The Resolution was by leave of the Council withdrawn.

The Council then adjourned till Thursday, the 16th instant, at 11 a.m.

A. P. MUDDIMAN,

Secretary to the Government of India,
Legislative Department.

SIMLA;
The 30th September, 1920.

APPENDIX A.

Statement.

Objects and Methods of Publicity Work.

The main object of appointing publicity officers is to provide a regular medium of communication between Government and the Public. The work of the publicity officer consists in making available to the public in a suitable form information likely to be of general interest and in supplying facts on public questions, the activities of Government and the reasons for their policy. The main channel of communication with the public is through the press, by lectures and by leaflets.

Estimated expenditure incurred on Provincial Publicity work.

Province.	Name of Officer-in-charge of publicity work and salary drawn by him.	Total estimated annual expenditure details.	Amount.	Remarks.
			Rs.	
Madras ...	Mr. J. T. Gwynn, I.C.S. ... *Salary.* Salary in regular grade, *i.e.*, Rs. 1,700 per mensem *plus* Rs. 250 overseas allowance *plus* Rs. 250 deputation allowance *plus* Rs. 100 conveyance allowance.	Salary of Officer-in-charge	27,600	
		Pay of clerical establishment, including monials.	8,352	
		Contingencies (approximately)	30,200	
		Total ...	66,152	
Bombay ...	Major A. J. Dawson ... Salary Rs. 2,000 per month.	Salary of Officer-in-charge ...	24,000	
		Cost of establishment ...	8,412	
		Expenses in connection with Karachi un-official publicity committee (approximately).	10,000	
		Total ...	42,412	
Bengal ...	Mr. R. Douglas Story ... Salary Rs. 2,000 per month.	Salary of Officer-in-charge ...	24,000	
		Annual expenditure on Department (excluding above)	1,348	
		Total ...	25,348	
United Provinces.	No Publicity Board ...	...	...	Details of the approximate expenditure in connection with the United Provinces Journal were laid on the table at the Council Meeting of the 25th February 1920.
Punjab ...	Mr. E. Candler (Secretary) ... Salary Rs. 1,500 per mensem.	Salary of Officers-in-charge ...	24,000	Against this expenditure the receipts of the sale of the "Haq bulletin" published by the Publicity Board are estimated at Rs. 50,000 per annum.
	Khan Sahib Abdul Aziz (Joint Secretary). Salary Rs 500 per mensem.	Annual expenditure on Department (excluding above).	1,50,200	
		Total ...	1,74,200	
Burma ...	Mr. J. J. Nolan ... ... Salary Rs. 1,500 per mensem *plus* Rs. 100 house allowance.	Salary of Officer-in-charge and other expenses.	*22,000	* (or Rs. 40,320 when a newspaper is started).
Bihar and Orissa.	A part-time officer of the Indian Educational Service Mr. C. J. Hamilton assisted by a full-time Assistant Publicity Officer Mr. Bejoy Kumar Sen, two translators and a small office staff.	Duty allowance of Publicity Officer at Rs. 200 per mensem.	2,400	
		Salary of Assistant Publicity Officer at Rs. 200 per mensem.	2,400	
		Annual expenditure on Department (excluding above).	5,200	
		Total ...	10,000	

APPENDIX B.

Statement showing the number of bovine cattle which have left India from the Maritime provinces since January 1920.

	January.	February.	March.	April.	May.	June.	July.
Bengal ...	102	161	7	*Nil*	28	641	17
Madras ...	1,162	1,033	968	1,283	1,262	1,481	1,688
Bombay excluding Sind	205	115	147	*Nil*	275	*Nil*	*Nil*
Burma { Foreign countries	*Nil*	*Nil*	*Nil*	7	5	*Nil*	4
Burma { India ...	*Nil*	*Nil*	*Nil*	3	8	3	*Nil*
Karachi	*Nil*	*Nil*	*Nil*	80	*Nil*	*Nil*	*Nil*
Ceylon							

Statement giving the figures of bovine cattle in the several provinces of India (except Ajmer-Merwara) as ascertained by the cattle census held during December 1919 to April 1920.

Provinces.	Oxen.				Buffaloes.		
	Bulls.	Bullocks.	Cows.	Young stock (Calves).	Male buffaloes.	Cow buffaloes.	Young stock (Buffalo calves).
Bengal	11,25,738	82,29,750	81,18,235	62,25,814	6,39,143	2,60,084	1,26,574
Madras	27,14,558	44,60,621	57,00,110	36,61,007	14,18,818	25,61,199	17,78,021
Bombay { Presy.	4,45,692	26,20,000	16,36,708	15,97,728	2,21,303	9,87,845	6,74,461
Bombay { Sind	28,767	5,17,736	6,16,972	3,02,454	7,476	2,17,822	87,657
U. P. ... { Agra	17,960	66,72,222	41,26,170	42,53,235	5,36,297	25,45,601	21,72,055
U. P. ... { Oudh	9,663	32,01,652	20,84,798	19,30,202	2,97,812	10,50,625	8,65,383
Bihar and Orissa	1,41,426	62,59,760	56,23,943	47,12,625	8,02,418	15,60,976	10,78,842
Punjab	12,077	39,45,706	27,38,544	30,85,897	4,30,427	24,31,497	17,48,591
Burma	5,94,443	17,80,877	13,93,125	10,31,041	3,71,564	3,92,705	3,07,969
Central Provinces	1,68,298	29,18,558	26,16,837	22,57,548	4,88,397	6,27,262	4,70,151
Berar	1,02,902	7,27,856	5,48,660	3,27,191	26,707	2,16,031	1,22,858
Assam	3,00,144	15,29,522	15,75,953	14,79,886	1,92,078	2,46,867	1,47,392
N. W. F. Province	1,650	3,95,694	2,86,044	2,02,004	13,402	1,59,385	73,702
Ajmer-Merwara	Not yet received.						
Delhi	312	34,847	27,169	34,897	742	21,424	16,639
Coorg	4,823	44,054	39,551	33,425	11,845	6,700	4,380
Manpur Pargana	347	1,817	1,515	1,162	111	664	239
Total ...	56,68,800	4,33,40,732	3,70,34,329	31,35,73 6	54,56,040	1,32,86,681	96,74,913
			14,56,00,231				

Statement showing total numbers of bovine cattle in British India for the years 1908-09 to 1917-18.

1908-09	114,634,887
1909-10	119,379,293
1910-11	120,658,081
1911-12	120,908,889
1912-13	138,128,453
1913-14	143,179,088
1914-15	147,238,384
1915-16	148,871,749
1916-17	149,852,696
1917-18	149,111,087
Census of 1920	*145,600,231

* Excludes Ajmer-Merwara.

APPENDIX C.

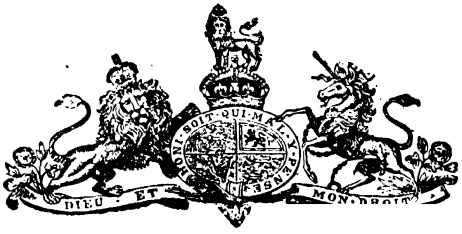
Service.	Pay proposed by the Public Service Commission.	Pay sanctioned.
Agricultural Department.	Probationary Grade—Rs. 150 during first 3 years. Ordinary Scale—Rs. 250—40/3—450—50/3—500. Selection posts—As need is felt.	Left to the local Government subject to following limits :— *India—* Probationary Grade—Rs. 200. Minimum Rs. 250—Efficiency bar Rs. 550—Maximum Rs. 750. *Burma—* Probationary Grade—Rs. 250. Minimum Rs. 300—Efficiency bar 600—Maximum Rs. 800.
Civil Veterinary Department.	*India—* Probationary Grade—Rs. 150. Ordinary Scale—Rs. 250—40/3—450—50/3—500. *Burma—* Probationary Grade—Rs. 200. Ordinary Scale—Rs. 300—40/3—500—50/3—550.	Left to local Governments subject to following limits :— *India—* Probationary Grade—Rs. 200. Minimum Rs. 250—Efficiency bar Rs. 550—Maximum Rs. 750. *Burma—* Probationary Grade—Rs. 250. Minimum Rs. 300—Efficiency bar Rs. 600—Maximum Rs. 800.
Provincial Education Service.	*India—* Ordinary Scale—Rs. 250—40/3—450—50/3—500. Selection posts—Rs. 500—40—700. *Burma—* Ordinary Scale—Rs. 300—40/3—500—50/3—550. Selection posts—Rs. 550—40—750.	Left to local Governments subject to following limits :— Minimum—Rs. 250. Maximum—Rs. 800.
Factory Inspection Department.	*Inspectors, Madras, United Provinces, Punjab and Burma.* India recruited—Rs. 300—25—800—Europe recruited—Rs. 400—30—1,000. *Junior Inspectors, Bombay, Bengal, Bihar and Orissa and Assam.* India recruited—Rs. 200—25—700—Europe recruited—Rs. 400—30—900. *Central Provinces and Berar—* India recruited { Senior Inspector—Rs. 550—25—800. / Junior Inspector—Rs. 300—25—550. Europe recruited { Senior Inspector—Rs. 700—30—1,000. / Junior Inspector—Rs. 400—30—700. General Scale for Chief Inspectors—Rs. 1,000—50—1,250.	*Bengal—* Chief Inspectors—Rs. 1,200—100—1,500. Inspectors—Rs. 300—50—800. *Other Provinces—* Left to local Governments subject to observance of ordinary financial rules.

Service.	Pay proposed by the Public Services Commission.	Pay sanctioned.
Boiler Inspection Department.	Chief Inspector: Bombay—Rs. 1,000—50—1,250 - appointment made pensionable. Chief Inspector: Bengal, Bihar and Orissa and Assam—Rs. 1,000—50—1,250. First Inspector: Madras and Burma—Rs. 700. Salary for certain other posts left to authorities in India. *Central Provinces and Berar.*—Inspectors are also Inspectors of Factories.	*Bengal, Bihar and Orissa and Assam.* Chief Inspectors—Rs. 1,200—100—1,500. Pay of staff left to local Governments subject to observance of ordinary financial rules.
Indian Finance Department.	(1) Class II—{Probationary Grade—Rs. 200. Ordinary Scale—Rs. 300—50/2—50/2—50—1,050. (2) Class I—Rs. 1,200—60—1,500. (3) Class I—(I.C.S.)—1,500—60—1,800. (4) Accountants General—Rs. 2,000—125—2,750.	(1) Rs. 350—50—1,400. (2) and (3)—Rs. 1,500—60—1,800. (4) Rs. 2,250—100—2,750—3,000.
Forest Department ..	*India*— Probationary Grade—Rs. 150. Ordinary Scale—Rs. 250—20—550—600—20—700. *Burma*— Probationary Grade—Rs. 200. Ordinary Scale Rs. 300—20—600.	*India*— Probationary Grade—Rs. 200. Ordinary Scale—Rs. 250—20—550—Efficiency bar—Rs. 570—20—750. *Burma*— Probationary Grade—Rs. 250. Ordinary Scale—Rs. 300—20—600—Efficiency bar—Rs. 620—20—800.
Provincial Civil Service	*Executive Branch*— *India*— Probationary Grade—Rs. 150. Ordinary Scale—Rs. 250—40/3—450—50/3—500. *Burma*— Probationary Grade—Rs. 200. Ordinary Scale—Rs. 300—40/3—500—50/3—550. Selection posts—600—40—Rs. 800 and 1,000. *Judicial Branch*— *India*— Probationary Grade—Rs. 200. Ordinary Scale—Rs. 300—40/3—500. *Burma*— Probationary Grade—Rs. 230. Ordinary Scale—Rs. 300—40/3—500—50/3—550. Selection posts—Rs. 600—40—800 and 1,000.	Left to local Governments within the limits:— Minimum—Rs. 250 or 300—2 efficiency bars—Maximum—Rs. 850. Selection grades from—Rs. 850 to 1,200. Left to local Governments within the limits:— Minimum—Rs. 300 or 350. Maximum—Rs. 850. Selection posts—Rs. 850 to 1,200.

Service.	Pay proposed by the Public Service Commission.	Pay sanctioned.
Land Records (Burma)	Probationary Grade—Rs. 200 Assistant Superintendents—Rs. 250. *Superintendents—* Ordinary Scale—Rs. 300—20—500. Selection posts—Rs. 600, 700, 800. Assistant Director—Rs. 1,000—50—1,250.	Probationary Grade—Rs. 150 for 20 months. Rs. 175 for further 18 months. Rs. 200 until occurrence of vacancy. Assistant Superintendent—Rs. 250. Superintendents—Rs. 700—20—800. Assistant Director—Rs. 1,000—50—1,250.
Provincial Police ...	*India—* Probationary Grade—Rs. 150. Ordinary Scale—Rs. 250—40/3—450—50/3—500. *Burma—* Probationary Grade—Rs. 200. Ordinary Scale—Rs. 300—40/3—500—50/3—550. Selection posts—Rs. 600, 700.	Probationary Grade—Rs. 200 for two years. Ordinary Scale—Rs. 250—25—300—20—500—20/2—580—20—600. Selection posts—Rs. 700.
Post Office ...	Probationary Grade—Rs. 150. Ordinary Scale—Rs. 250—40/3—450—50/3—500. Selection posts—Rs. 500—40—700.	Probationary Grade—Rs. 200. Ordinary Scale—Rs. 250—25—300—20—700.
Northern India Salt Revenue.	*Commissioner—Grade pay + allowance of Rs. 250, upto maximum Rs. 2,400. †Deputy Commissioner—Rs. 1,200—40—1,400 Assistant Commissioner—Rs. 1,000. " " —Rs. 900. " " —Rs. 700—25—800. Superintendents—Rs. 600. " —Rs. 300—50/3—500. Assistant Superintendents—Rs. 250. Probationers—Rs. 150.	* Still under consideration. †Present pay continued. Assistant Commissioner—Rs. 1,000. " " —Rs. 700—25—900. *Superintendents—* Probationary Grade—Rs. 200. Ordinary Scale—Rs. 250—50/3—600.
Salt and Excise Department.	Deputy Commissioners (Madras)—Rs. 1,200—40—1,400. Distillery Experts (Madras)—Rs. 800—25—1,000—50—1,300. Distillery Experts (Bombay)—Rs. 650—50—1,300 Distillery Experts (Bengal)—Rs. 650—50—1,300. Distillery Experts (Bihar and Orissa)—Rs. 750—50—1,000. Distillery Experts (United Provinces)—Rs. 800—50—1,300. Chief Superintendent, Burma—Rs. 1,000—50—1,250. Assistant Commissioners, Madras and Bombay—Rs. 1,000. Assistant Commissioners, Madras and Bombay—Rs. 900.	Left to local Governments to regulate subject to observance of ordinary financial rules.

Service.	Pay proposed by the Public Service Commission.	Pay sanctioned.
Salt and Excise Department—*contd.*	Assistant Commissioners, Madras and Bombay—Rs. 600—25—800.	Left to local Governments to regulate subject to observance of ordinary financial rules.
	Assistant Commissioners, Bengal and Bihar and Orissa—Rs. 850—50—1,000.	
	Assistant Commissioner, Sind—Rs. 500—30—800.	
	Superintendent, Burma—Rs. 800.	
	Superintendents, Bengal, Bihar and Orissa, Assam and Burma—Rs. 700.	
	Superintendent, United Provinces—Rs. 600—25—700.	
	Superintendents, Bengal, Bihar and Orissa, Assam and Burma—Rs. 600.	
	Superintendents, Madras, Bombay, Bengal, Bihar and Orissa, Assam, United Provinces—250—40/3—450—50/3—500. (Probationers Rs. 150.)	
	Superintendent, Burma—Rs. 300—20—500.	
	Assistant Superintendent, Burma—Rs. 250 (200 during probation).	

847LD—750—21-10-20—GCPS



GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.
(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Viceregal Lodge, Simla, on Thursday, the 16th September, 1920.

PRESENT :

His Excellency BARON CHELMSFORD, P.C., G.M.S.I., G.M.I.E., G.C.M.G., G.C.B.E., Viceroy and Governor General, President, *presiding*, and 50 Members, of whom 41 were Additional Members.

QUESTIONS AND ANSWERS.

The Hon'ble Mr. Sachchidananda Sinha asked :— 11 A.M.

1. "(*a*) Have all the services whose claims for higher pay and pension had been recommended by the Public Services Commission now received the benefit of those recommendations or do some still remain to be dealt with ? If so, which are they ? **Revised scale of pay and pension recommended by the Public Services Commission.**

(*b*) Will Government lay on the table an up-to-date statement giving the list of the services dealt with so far, and showing against each the total additional expenditure to be now incurred owing to the revised scale of pay and pension ?

(*c*) Have higher pay and pension been also sanctioned for the military services ? If so, what will be the total additional cost in future incurred on them ?

(*d*) What will be the total additional cost for both the civil and the military services owing to the revised scale of pay and pension ?"

The Hon'ble Sir William Vincent replied :—

"(*a*) With the exception of the services of officers noted below whose cases have been partially dealt with or are still under consideration, orders relating to pay and pensions have been passed in respect of all the services with which the Public Services Commission dealt :—

The exceptions are :—

Pay.

Postmasters-General.

Future non-Indian Medical Service entrants to the Bacteriological and Sanitary Departments.

Survey of India Department.

Pension.

Bengal Pilot Service.

(*b*) As regards the increased expenditure on pensions the Hon'ble Member is referred to paragraph (*b*) of the reply given by the Hon'ble Mr. Hailey to a similar question by the Hon'ble Rao Bahadur B. N. Sarma on the 1st March 1920. The information required by the Hon'ble Member in regard to pay is contained in the statement* laid on the table.

(*c*) Yes. The total additional cost of measures sanctioned up to date, including officers of the Indian Medical Service, is about Rs. 525 lakhs a year.

(*d*) The total additional cost for both the civil and the military services [excluding the cost of the services mentioned in (*b*) above for which figures are not available] will be approximately Rs. 60,68,60,000 a year."

The Hon'ble Mr. Sachchidananda Sinha asked :—

Ill-treatment of prisoners and witnesses by subordinate officers of the Police.

2. "(*a*) With reference to the Government's statement in their despatch No. 2, dated the 3rd May last, to the Secretary of State for India that, as regards the allegations of corruption and ill-treatment of prisoners and witnesses on the part of subordinate officers of the police and other services, Government will direct the local Governments to undertake enquiries and take appropriate action, will Government state whether they have already directed the Government of the Punjab to undertake the said enquiry ? If not, when do they propose to do so ?

(*b*) If the said enquiry has been already directed, will Government lay on the table a copy of the directions sent to the Punjab Government ?"

The Hon'ble Sir William Vincent replied :—

"The answer to the Hon'ble Member's question is very long, and I propose to lay a statement† on the table giving the information required. If, however, he wishes me to read it out, I am prepared to do so, but it will take considerable time."

The Hon'ble Mr. Sachchidananda Sinha asked :—

Action taken against officers whose conduct was disapproved of by His Majesty's Government.

3. "(*a*) With reference to the order of the Secretary of State for India conveyed to the Government of India in his despatch No. 108-Public, dated the 26th May last, that His Majesty's Government leaves to the Governor General the duty of seeing that the disapproval of certain orders and punishments shall be unmistakably marked by censure or other action which seems to him necessary upon those officers who were responsible for those orders and punishments, will Government state, or lay on the table a statement showing the names of the officers and the action taken against them, in obedience to the Secretary of State's order ? If not, why not ?

(*b*) If no action has been taken so far, when do Government propose to carry out the Secretary of State's order ?"

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* *Vide* Appendix A.

† *Vide* Appendix B.

The Hon'ble Sir William Vincent replied :—

"(*a*) A statement* is laid on the table showing what action has been taken up to date. Before passing orders, the Government considered it desirable to await the discussion of the Report in the House of Commons. They had meanwhile communicated with local Governments who were asked to submit their proposals with regard to officers who were commended or blamed in the Report and despatches. The consideration of their replies, which in some cases included representations from the officers concerned, was not completed till a few days ago. Government have not replied before because they desired to make the statement as complete as possible before laying it on the table.

(*b*) The question does not arise."

The Hon'ble Mr. Sachchidananda Sinha :—"Am I to understand that, in spite of the distinct orders of the Secretary of State in the despatch, these officers were given occasion to make a further representation about themselves ? Is that so ?"

The Hon'ble Sir William Vincent :—"Some of the officers concerned have put in representations to the Government of India, and I believe that to be in accordance with the correct practice."

The Hon'ble Mr. Sachchidananda Sinha asked :—

4. "(*a*) With reference to the Government's statement in their despatch No. 2, dated the 3rd May last, to the Secretary of State for India that 'the .....officers whose actions have been rightly criticised or condemned.....local Governments will be requested to take such action as may be necessary to mark in these cases the disapprobation of the Government of India' will Government state what instructions, if any, they have already issued on the subject to the local Governments, and what action, if any, the latter have taken 'to mark.....the disapprobation of the Government of India' ? **Punishment of officers whose actions were condemned during the Punjab disturbances.**

(*b*) Will Government lay on the table a list of the officers dealt with or to be dealt with by the local Governments, showing their names, the office they held at the time of the disturbances last year, and the nature of the punishment meted out to them since the execution of the orders of the Government of India ?"

The Hon'ble Sir William Vincent replied :—

"(*a*) and (*b*) The information is contained in the statement already laid on the table."

The Hon'ble Mr. Sachchidananda Sinha asked :—

5. "(*a*) Will Government lay on the table an up-to-date list of newspapers, journals, and periodicals subscribed for by the various Departments of the Government of India, showing the total number of copies of each of them ? **Newspapers, journals, and periodicals subscribed to by the Government of India.**

(*b*) Do any rules obtain on the subject or is the total number of copies subscribed for purely fortuitous ?

(*c*) If the former, will Government lay on the table a copy of the said rules ?"

The Hon'ble Sir William Vincent replied :—

"(*a*) A list† of newspapers and periodicals subscribed for by the Departments of the Government of India is laid on the table.

(*b*) and (*c*) There are no rules governing the matter, but each Department subscribes for the number of copies it needs."

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* *Vide* Appendix C.

† Not included in these Proceedings.

[*Mr. Sachchidnanda Sinha; Mr. A. P. Muddiman; Sir William Vincent.*] [16TH SEPTEMBER, 1920.]

The Hon'ble Mr. Sachchidananda Sinha asked :—

Application of the Seditious Meetings Act to the Hazara District.

6. "With reference to the Government notification (Home Department Political, No. 4104, dated Simla, the 29th August 1920) will Government state the reasons for the promulgation of the Prevention of Seditious Meetings Act in the Hazara district of the North-West Frontier Province? If not, why not?"

The Hon'ble Mr. A. P. Muddiman replied :—

"Hazara was declared a proclaimed area under the Prevention of Seditious Meetings Act, 1911 (Act No. X of 1911) in the following circumstances :—

A large meeting, headed by Muhammad Ishaq, was held, on the 19th August, at Shinkiari at which the audience, drawn from the neighbouring villages and valleys and the adjoining frontier tract, numbered over 2,000 including several hundred trans-border men.

Another assembly of nearly 4,000, mostly armed with swords, spears and other lethal weapons, met at Baffa on the 20th when pressure was brought to bear upon a number of Government servants to resign their appointments.

On the same day another meeting, attended by some 1,500 men, was held at the Mansehra Mosque after prayers.

In addition to the above, numerous smaller meetings were being held daily in the villages of the Mansehra Tehsil.

At all these meetings, extremely violent and inflammatory speeches were made, which worked the hearers into a state of great excitement, and it became necessary, to prevent open disorder, to proclaim the Hazara District under the Seditious Meetings Act."

The Hon'ble Mr. Sachchidananda Sinha asked :—

Person responsible for the complete abdication of civil authority during the disturbances

7. "(*a*) With reference to the Government's statement in their despatch No. 2, dated the 3rd May last, to the Secretary of State for India, that 'It is not clear who was actually responsible for the complete abdication of Civil authority but the Government of India propose to make further enquiry into this matter and to pass such orders as may be necessary', will Government state the stage at which the said enquiry is at present?

(*b*) Is it still going on or is it complete?

(*c*) If the latter, will Government lay on the table a copy of their conclusions and orders, if any, on the subject?"

The Hon'ble Sir William Vincent replied :—

"The local Government were asked to submit a report on the subject. This report has now been received and considered. The Government of India, adhering to the views contained in their despatch, have expressed their regret that the Commissioner, Mr. Kitchin, failed to retain control in the first instance, and that after his surrender of control the Deputy Commissioner, Mr. Miles Irving, failed to keep in closer touch with the Military Commander. They draw a distinction, however, between these errors of judgment, even though they may have contributed to lamentable results, and the improper and injudicious acts for which other officers have been censured. They regard the prevention of a recurrence of the mistakes made as more important than to the censure of the officers concerned. They consider that the chief lesson to be learnt from the incident is that Civil Officers must retain control as long as possible, and must continue to afford to military officers the assistance of their presence and advice. The Government of India have requested the local Government to convey to the two officers concerned the conclusions at which they have now arrived.

Government do not propose to lay a copy of the correspondence on the table."

[16TH SEPTEMBER, 1920.] [*Mr. Sachchidananda Sinha; Sir William Vincent; His Excellency the Commander-in Chief.*]

The Hon'ble Mr. Sachchidananda Sinha asked :—

Arrest and detention of certain persons during the disturbances.

8. "(*a*) With reference to the Government's statement in their despatch No. 2, dated the 3rd May last, to the Secretary of State for India that 'the Government of India consider that the arrest and detention for long periods..... particularly of Dr. Kedar Nath, Mr. Gurdial Singh, Dr. Manohar Lal..... were a serious error and.....they are constrained to express their disapproval of the action taken in these cases', will Government be pleased to state what action, if any, they have either taken or propose to take to mark their sense of 'disapproval' of the conduct of the officers who were responsible for the said arrests and detentions?

(*b*) Will Government lay on the table a list of the officers who were responsible for the said arrests and detentions?"

The Hon'ble Sir William Vincent replied :—

"A statement* is laid on the table."

The Hon'ble Mr. Sachchidananda Sinha asked :—

Lala Narain Das of Jullundur.

9. "(*a*) Are Government aware that on the 9th May 1919, a notice was served by Lieutenant Colonel Smith, Officer Commanding, Jullundur Cantonment, on Lala Narayan Das, B.A., LL.B., for his expulsion from the said Cantonment under section 216 of the Cantonment Code?

(*b*) Is it not a fact that on the 27th March 1911, in reply to an interpellation in this Council the then Commander-in-Chief declared that the said section was intended for the expulsion from Cantonments of criminals or disorderly persons and not of respectable members of the civil population?

(*c*) Are Government aware that Lala Narayan Das is one of the most respected members in the Indian community in the Jullundur Cantonment, owning in it considerable house property yielding an annual rental of over six thousand rupees, that he is a lawyer of nearly thirty years' standing and is the founder and manager of the Victor High School (opened in honour of the visit to the Punjab of His Royal Highness the late Prince Albert Victor in 1889) and also of a Girls' school opened twenty-one years back, that he has been Honorary Secretary of the House Proprietors' Association since 1905, has been twice the President of the District Bar Association and also the Honorary Secretary of the second War Loan Sub-Committee and an additional member of the Cantonment Committee?

(*d*) If so, will Government be pleased to state whether any open enquiry was made against the said Lala Narayan Das or any opportunity given to him to offer an explanation before the order of expulsion was passed upon him?

(*e*) Are Government aware that at the instance of the Cantonment Magistrate a Judicial enquiry was started under the Legal Practitioners' Act against the said Lala Narayan Das and that the Lahore High Court completely exonerated him, holding that 'nothing reflecting on the character of Lala Narayan Das has been proved and that he must be regarded as fully and completely cleared of the charges made against him'?

(*f*) If so, have Government cancelled or proposed to cancel the said order of expulsion against Lala Narayan Das? If not, will Government be pleased to state the reasons for their not doing so?"

His Excellency the Commander-in-Chief replied :—

"(*a*) No. Expulsion orders made under section 216 of the Cantonment Code are not communicated to the Government of India.

(*b*) The answer is in the affirmative.

(*c*) Government has no information as they do not maintain records of the private career of individuals.

Vide Appendix D.

[*His Excellency the Commander-in-Chief; Mr. Sachchidananda Sinha; Rao Bahadur B. N Sarma; Colonel W. D. Waghorn.*] [16TH SEPTEMBER, 1920.]

(*d*) The provisions of section 216 of the Cantonment Code do not provide for an open enquiry.

(*e*) Any judicial enquiry under the Legal Practitioners Act has no bearing on any action taken under section 216.

(*f*) No. Appeals against expulsion are provided for in Schedule V of the Cantonment Code. The decision of the Appellate Authority is final. I may tell the Hon'ble Member, in conclusion, that a full enquiry into this case is being undertaken."

The Hon'ble Mr. Sachchidananda Sinha asked : —

Dera Ismail Khan.

10. " (*a*) Is it a fact that the Indus has been eroding the town of Dera Ismail Khan for some years past ?

(*b*) If so, what steps, if any, have the Government taken or proposed to take to stop the erosion ? "

The Hon'ble Rao Bahadur B. N. Sarma replied :—

" (*a*) The answer is in the negative. The river has for some years been eroding its right bank in the vicinity of Dera Ismail Khan. This erosion is not at present considered to endanger the safety of the town, though it is a direct menace to the rifle ranges and the Lockhart lines in the cantonment.

(*b*) It is not considered necessary to take any special measures to safeguard the rifle ranges or cantonments. Only a small garrison will be maintained there and ample accommodation exists for them. The question of the protection of the town is primarily one for the consideration of the local Government who are keeping a close watch on the situation, and no action is considered necessary at present."

The Hon'ble Mr. Sachchidananda Sinha asked :—

Connection of Dera Ismail Khan by Railway.

11. "(*a*) Are Government aware that the people of Dera Ismail Khan are put to great hardships for want of railway connection with the headquarters of the district ?

(*b*) If so, do Government propose to take steps to connect the town of Dera Ismail Khan with Pezu or any other railway station ?

(*c*) Is it a fact that a light railway for goods traffic purposes has been recently built connecting Dera Ismail Khan with Tonk ?

(*d*) If so, do Government contemplate to convert the said light railway into an ordinary permanent railway for passenger traffic also ? If not, why not ?"

The Hon'ble Colonel W. D. Waghorn replied :—

" (*a*) and (*b*) Government have no information that the people of Dera Ismail Khan are put to great hardships as suggested in the Hon'ble Member's question. They recognise of course the importance of new railway communications in India, but there are many which must take precedence of the one suggested by the Hon'ble Member.

(*c*) and (*d*) A tramway between Dera Ismail Khan and Tonk has recently been built for military purposes but not for public traffic. The question of its employment for ordinary public traffic has not yet been considered."

The Hon'ble Mr. Sachchidananda Sinha asked :—

Irrigation system in Dera Ismail Khan.

12. "(*a*) Is it a fact that in the District of Dera Ismail Khan the Paharpur inundation canal can be utilised for irrigation for only a few months in the year and that there is no other permanent system of irrigation in the district ?

(*b*) If so, do Government propose to consider the question of constructing canals in the district which may be able to supply water for irrigation purposes either all the year round or for the greater part of the year ? If not, why not ? "

[16TH SEPTEMBER, 1920.] [*Rao Bahadur B. N. Sarma; Mr. Sachchidananda Sinha; Mr. Shafi; Sir William Vincent.*]

The Hon'ble Rao Bahadur B. N. Sarma replied :—

"(*a*) The answer to the first part of the question is in the affirmative. The Paharpur Canal is an inundation canal and can be utilized only when the Indus is in flood. As regards the second part, by permanent irrigation is presumably meant perennial irrigation ; such irrigation is effected in the district from wells and on a small scale from the perennial flow in border streams the use of which is confined to the immediate neighbourhood of the cantonment and city of Dera Ismail Khan.

(*b*) The question of the extension of irrigation in the district has for several years been engaging the attention of the local irrigation officers. Proposals for the extension of the Paharpur canal and its conversion into a perennial canal, and for the utilization of the waters of the Gumal river were formulated by the local authorities but it has not been possible to proceed further with the investigation of these schemes owing to the political conditions prevailing on the North-West Frontier."

The Hon'ble Mr. Sachchidananda Sinha asked :—

13. "(*a*) Is it a fact that no Municipal Board or Committee in the North-West Frontier Province enjoys even partially the right of election and that all the members are nominated by the local administration ? System of election to Municipal Boards or Committees in the North-West Frontier Province.

(*b*) If so, do Government propose to confer the right of election of even a proportion of the total number of members on Peshawar and other advanced urban areas in the province ? If not, why not ?

(*c*) Is it a fact that some of the Municipal areas in the province did enjoy the privilege of partial election when they formed part of the Government of the Punjab ?

(*d*) If so, when and why was the privilege taken away ?"

The Hon'ble Mr. Shafi replied :—

"(*a*) The reply is in affirmative.

(*b*) The question was considered before but it was not found possible to take any action in the matter. The Chief Commissioner will be asked to reconsider the position and copies of this question and the reply will be forwarded to him.

(*c*) The reply is in the negative.

(*d*) The question does not arise."

The Hon'ble Mr. Sachchidananda Sinha asked :—

14. " Will Government state whether the recommendations of the Public Services Commission regarding the Provincial Medical Service have been carried out ? If not, when do the Government propose to do so ?" Provincial Medical Service.

The Hon'ble Sir William Vincent replied :—

" There are at present no properly-constituted Provincial Medical Services of the character which, it is understood, the Hon'ble Member has in mind, and the recommendations of the Public Services Commission regarding them have not been carried out.

The constitution of such Services has, however, been under the consideration of the Government of India for some time, and it is hoped that a despatch to the Secretary of State, which will contain the recommendations of the Government of India on this subject as well as on other connected subjects, will issue during the course of the next week or two."

[*Mr. G. S. Khaparde; Sir William Vincent; His Excellency the Commander-in-Chief.*] [16TH SEPTEMBER, 1920.]

The Hon'ble Mr. G. S. Khaparde asked :—

Action taken against persons whose conduct was disapproved of by His Majesty's Government.

15. " With reference to paragraph 6 of the despatch from the Secretary of State for India, No. 108 Public, dated London, the 26th May, 1920, generally, and the following passage —

'But His Majesty's Government must express strong disapproval of these orders and punishments and ask me to leave to you the duty of seeing that this disapproval shall be unmistakably marked by censure, or other action which seems to you necessary upon those who were responsible for them' will Government state the steps taken or intended to be taken to perform the duty laid on the Government by the said paragraph ?"

The Hon'ble Sir William Vincent replied :—

" The Hon'ble Member is referred to the statement laid on the table in reply to a question put by the Hon'ble Mr. Sinha."

The Hon'ble Mr. G. S. Khaparde asked :—

Provision for widows and orphans of those killed and wounded at Jallianwala Bagh.

16. "What provision, if any, has been made for the widows and orphans of those who were killed as well as for those who were themselves wounded in the Jallianwala Bagh affair at Amritsar on 13th April, 1919 ?"

The Hon'ble Sir William Vincent replied :—

" It is understood that the case of the inhabitants of the city has been adequately met by private generosity. That of persons resident outside Amritsar has been dealt with by the local Government which has distributed a sum exceeding Rs. 12,000, placed at its disposal by His Excellency the Viceroy, among the dependents of villagers killed at the Jallianwala Bagh."

The Hon'ble Mr. G. S. Khaparde asked :—

The Lord Esher Committee Report.

17. "(*a*) Have Government received a copy of the Esher Committee's Report on the Army Reorganization in India ?

(*b*) If the reply be in the affirmative, will a summary of the said report be published with due regard to such portions of it being withheld as may be necessary in the interests of secrecy in matters Military ?

(*c*) Has the said committee recommended the creation and establishment of an Army Council or a body similar to it in India ?

(*d*) If the reply to (*c*) be in the affirmative, will the proposed Army Council or similar body in India be created and established by a Legislative enactment ?

(*e*) Have the said committee recommended the creation of an Army Supply Member of the Governor General's Executive Council, and if so, would it affect the ratio of the Indian Members on that Council to the total number of the members composing it ?

(*f*) What would approximately be the financial effect of the reorganization proposals of the Esher Committee ?"

His Excellency the Commander-in-Chief replied :—

" (*a*) The answer is in the affirmative.

(*b*) It is proposed to publish the Report *in extenso* in due course.

(*c*) The recommendations of the Committee will be apparent on their publication.

(*d*) No. Legislative action would not be required.

(*e*) The first portion of this question is dealt with under (*c*). The latter portion does not arise until a final decision is made on this question.

(*f*) The financial effect of the Committee's recommendations has not yet been worked out."

[16TH SEPTEMBER, 1920.] [*Mr. G. S. Khaparde ; Sir George Barnes ; Mr. Shafi ; Maharaja Sir Manindra Chandra Nandi.*]

The Hon'ble Mr. G. S. Khaparde asked :—

18. "Is it a fact that from two mission schools students who have not passed the Matriculation Examination are recruited in the Telegraph Department on a salary of Rs. 80 rising to Rs. 250 in preference to competent postal signallers ? If so, why ?" **Recruitment from Mission Schools for the Telegraph Department.**

The Hon'ble Sir George Barnes replied : –

"Postal signallers have never been eligible for recruitment to the General Service. The policy now is to recruit telegraphists for this service as far as possible direct from schools. With this object efforts are being made to get training classes established in schools. Special classes have already been instituted at the following schools :—

St. Andrews Home, Kalimpong ;

St. Joseph's School, Calcutta ;

Lawrence Memorial School, Lovedale ;

St. Joseph's College, Coonoor ; and

St. Francis's School, Lucknow.

But it is hoped that other schools, Indian as well as European and Anglo-Indian, will also co-operate with the Department by opening such classes."

The Hon'ble Mr. G. S. Khaparde asked :—

19. "(*a*) With reference to the answer given to a question put by the late Rai Sita Nath Ray Bahadur on the 10th September, 1919, regarding the pay and prospects of officers in the Sanitary Department who do not belong to the I.M.S. will Government be pleased to state (*i*) what action has been taken since the date of the said answer and (*ii*) when the decision of the matter may be expected ? **Pay and prospects of officers in the Sanitary Department.**

(*b*) Will Government state whether the Sanitary Officers who do not belong to the I.M.S. will get their increase of pay from the date from which the I.M.S. Officers got theirs ?"

The Hon'ble Mr. Shafi replied :—

" (*a*) The replies of local Governments have been received and the Secretary of State will shortly be addressed regarding the Sanitary Services. As regards non-service officers at present employed in the Sanitary Department, the Secretary of State has recently sanctioned a proposal made by the Government of India that local Governments should, as a measure of temporary alleviation, be permitted, if they desire, to grant to such officers increases of pay not exceeding 33 ⅓ per cent of their present pay.

(*b*) This question cannot be answered until the Secretary of State's orders are received regarding the permanent revision of the terms of service."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

20. "(*a*) With reference to the replies given by Government to my questions in March last, regarding the grievances of Indian guards in the Traffic Department of the Eastern Bengal Railway, particularly in regard to quarters, scales of pay and uniform, will Government be pleased to make a statement showing :— **Grievances of Indian guards in the Traffic Department of the Eastern Bengal Railway.**

(*i*) for each of the eight Districts in the Eastern Bengal Railway, the total number of Indian guards and what proportion of them are provided with quarters as compared with the corresponding number and proportion of European and Anglo-Indian guards ;

(*ii*) the average cost of construction, floor area and cubic air space of a building of the 'G' type of quarters sanctioned for European and Anglo-Indian guards as compared with those of the 'W'

type stated in the said reply to be sanctioned for the Indian guards; and

(*iii*) the number of Indian guards in each District that are actually in occupation of 'W' type quarters?

(*b*) With reference to the Railway Board's Circular letters No. 203-W.-17, dated the 12th May 1918 and No. 113-W.-20, will Government state if it is a fact that the 'W' type quarters are intended for the Indian clerical staff and drivers and not for Indian guards?"

The Hon'ble Colonel W. D. Waghorn replied:—

"(*a*) (*i*) (*ii*) (*iii*) and (*b*) The details asked for in regard to the quarters provided for Indian guards in the Traffic Department of the Eastern Bengal Railway are given in the statement* laid on the table."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

Scales of pay lately sanctioned for guards in the Eastern Bengal Railway.

21. "(*a*) Will the Government be pleased to explain the scales of pay lately sanctioned for guards in the Eastern Bengal Railway particularly stating—

(*i*) how promotion from class A to class B will be regulated;

(*ii*) whether any proportion of the total number of appointments in class B is reserved for officers to be promoted from class A; and

(*iii*) the approximate period of service after, and the age at, which a guard in class A can fairly expect to be so promoted and the maximum pay which he can possibly attain on such promotion and before retirement?

(*b*) Is it a fact that, so far as direct recruitment is concerned, class A is meant for Europeans and Anglo-Indians only?

(*c*) What is the number of Indian Guards eligible for promotion to the present class B or nominated by the District Officers for such promotion, and the total number of vacancies in the said class (or class C, now abolished) filled up since 1919 by direct recruitment of Europeans and Anglo-Indians, and by the promotion of Indian Guards, respectively?

(*d*) Is it a fact that outsiders are appointed to this higher class to the exclusion of Indian Guards eligible for promotion? If so, why?

(*e*) What is the number of Indian and European and Anglo-Indian Guards, respectively, promoted during the last 5 years to the posts of Claims Inspector, Train Controller, Platform Inspector and Traffic Inspector?

(*f*) With reference to the police descriptive rolls of guards in the Eastern Bengal Railway, are Government satisfied that no Indian or Goanese Christians with European names have been recruited directly in the higher class meant for Europeans and Anglo-Indians?"

The Hon'ble Colonel W. D. Waghorn replied:—

"(*a*) A statement† giving the scales of pay recently sanctioned for guards on the Eastern Bengal Railway is laid on the table.

(*i*) Promotion from class A to B depends on vacancies occurring in class B, and is regulated by direct appointment as well as by promotion of suitable men from class A.

(*ii*) The reply is in the negative. Promotion from class A to class B depends on vacancies occurring in the latter class.

(*iii*) When a Guard has had two years' service in the Rs. 100 grade he is specially reported on by his District Officer, and, if necessary, interviewed by the Traffic Manager, and if he is considered suitable for promotion to class B he is pronounced to be eligible for promotion to class B on the occurrence of a

* *Vide* Appendix E.
† *Vide* Appendix F.

vacancy. Accordingly he would stand a chance of being promoted after his 13th year of service since confirmation. It would thereafter take him about 10 years to rise from Rs. 110 to Rs. 210 (the maximum pay obtainable).

(*b*) So far as direct recruitment is concerned European and Anglo-Indian Guards are appointed in class B and not in class A as mentioned in the question. In this connection attention is invited to the second portion of paragraph (*e*) of the reply given to the Hon'ble Member by my predecessor on the 22nd March last.

(*c*) At present 12 Indian guards are eligible for promotion to the present class B. Since 1919, 11 European and Anglo-Indian guards (of which 1 has been appointed to fill a temporary vacancy) and 6 Indian guards have been appointed and promoted respectively to Class B (new classification).

(*d*) Reference is invited to the replies given to questions (*a*) (*i*), (*a*) (*ii*) and (*a*) (*iii*) above.

(*e*) During the last five years 4 European and Anglo-Indian guards have been appointed to work in the posts mentioned. No Indian guard has been considered suitable for selection to fill any of these posts during this period.

(*f*) So far as I am aware, no cases have occurred in which Indians or Goanese Christians with European names of the type apparently referred to have been recruited direct to class B."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

22. " With reference to the Profiteering Bill that was sought to be introduced into the Bengal Legislative Council on the 4th August last by a non-official member, will Government state if the said Bill was previously submitted for their consideration and if so, what views were expressed by them in regard to the general principles, extent and scope of the said Bill in their correspondence with the local Government on the subject ?" Profiteering Bill.

The Hon'ble Rao Bahadur B. N. Sarma replied :—

" A draft of the proposed Bill was submitted to the Government of India by the Bengal Government in accordance with the standing instructions regarding legislation in local Councils together with an explanation of their views as to the policy of the Bill and the attitude which they proposed to adopt towards it. The Government of India concurred in the views of the Local Government, which have already been explained in their opposition to the Bill at the meeting of the Local Legislative Council which was held at Dacca on the 4th August last."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

23. " Will Government make a statement showing the total quantities of rice exported from, and imported into, the various provinces since the abolition of control over inter-provincial movements thereof, and how much of the same represents Burma rice in each case ?" Export and import of rice.

The Hon'ble Rao Bahadur B. N. Sarma replied :—

"Information regarding the inter-provincial movements of rice since the removal of the control over such movements is not available. A statement* showing the quantities of rice shipped from Burma to various ports in India from 1st April to 31st August 1920 is, however, placed on the table."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

24. " With reference to my question on the subject put on the 23rd September, 1919, will Government state what progress has been made in regard to the question of construction of a railway line between Dacca and Aricha ? " Construction of a railway line between Dacca and Aricha.

* Not included in these Proceedings.

[*Colonel W. D. Waghorn*; *Maharaja Sir Manindra Chandra Nandi*; *Mr. W. M. Hailey.*] [16TH SEPTEMBER, 1920.]

The Hon'ble Colonel W. D. Waghorn replied :—

"In the course of correspondence which has since taken place, the Government of Bengal proposed that an examination of the question of the improvement of railway communication between Dacca and Calcutta, consistent with the protection of the natural drainage and the sanitary conditions of the area, should be undertaken by a committee consisting of railway, drainage and sanitary expert officers with the co-operation of a representative of the inland steamer companies. The Railway Board have accepted the proposal and undertaken to nominate a suitable railway officer to conduct the enquiry during the ensuing cold weather.

The question of construction of the Dacca-Aricha Railway will await the results of this enquiry."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

Reorganization of non-Gazetted establishment.

25. "(*a*) Will Government make a statement explaining, province by province, all schemes that are either contemplated or have been recently sanctioned for the reorganization of the non-Gazetted establishment in—

(*i*) The Secretariat and attached offices ;

(*ii*) the District and muffassal, Judicial and Revenue Courts ;

(*iii*) the Registration Department and other similar Departments ; and

(*iv*) the increase in expenditure to be entailed thereby ?

(*b*) Will Government make a statement showing, province by province, the scale and amount of temporary allowances at present enjoyed by, or proposed to be granted to, the non-Gazetted establishments in these various departments in view of the prevailing economic stress ?

(*c*) Will Government make a similar statement for the non-Gazetted establishments under the Government of India, in the various departments ?

(*d*) Are the Government aware that public feeling exists to the effect that the necessity for re-organization and more liberal salaries is much greater in the case of these non-Gazetted establishments than in the case of the Imperial and Provincial services ?"

The Hon'ble Mr. W. M. Hailey replied :—

"(*a*) It is understood that the Hon'ble Member desires details as far as available of the increased cost involved in the almost universal revisions of pay of ministerial, subordinate and menial establishments at present being sanctioned. The task of dealing with these revisions of pay has imposed and is still imposing a very heavy burden on the Finance Department and the Hon'ble Member will doubtless agree with me that its energies should not be diverted from the pressing necessity of dealing promptly with these revisions of pay in order to work out figures in the exact form asked for by him. I therefore give only such figures as are readily available and I hope they will provide substantially the information for which the Hon'ble Member asks.

(*b*) Some provinces have introduced new rates of pay for these establishments. Others have preferred to postpone actual revisions of pay until they have had time to make a more thorough examination of permanent requirements, but have given as an *ad interim* measure a liberal scale of temporary allowances. In some cases the figures quoted may be regarded as complete. In others certain important establishments still remain to be dealt with. The figures of approximate additional annual cost for the various provinces so far as available at

present are as follows :—

	Rs.	
Madras	92,00,000	(Tempo ·ry allowances).
Bombay (excluding Police and menials)	78,00,000	
Bengal (ministe·ial establishments only) .	15,00,000	(Temporary allowances).
Bihar and Orissa non-gazetted officers ..	13,00,000	(Ditto.)
United Provinces	1,05,00,000	
Punjab	60,00,000	(Approximate figure. All not yet sanctioned.)
Burma	43,00,000	(Approximate figure. All not yet sanctioned.)
Central Provinces	40,50,000	
Assam	9,50,000	
North-West Frontier Province ..	16,50,000	
Baluchistan (Police only)	3,00,000	
Total ...	4,75,50,000	

(*c*) Corresponding figures for the principal establishments under the Government of India are as follows :—

	Rs.	
Imperial Secretariat	4,40,000	
Attached Offices (Simla and Delhi) ...	1,00,000	
Telegraph Establishments	34,00,000	
Postal Establishments	1,07,00,000	(Probable figure not yet all sanctioned.)
Survey of India	1,15,000	
Civil Accounts Offices	7,00,000	
Railway Accounts Offices	7,27,000	
Postal Accounts Offices	5,00,000	
Currency Offices	2,75,000	
Press Establishments	3,00,000	
Subordinate Establishments in Rajputana and Ajmer-Merwara	64,000	
Imperial Establishments in—		
Madras	3,00,000	
Bombay	8,75,000	
United Provinces	1,50,000	
Delhi Police.	1,22,000	
State Railway Establishment ...	2,50,00,000	(Increase over cost in 1914-15).
Total ...	4,37,78,000	

(*d*) It will thus be seen that the extremely laborious task of revising the pay of all ministerial, subordinate and menial establishments throughout India or granting substantial temporary relief is nearing completion and that the total additional annual cost of the measures already sanctioned or agreed to in

[*Mr. W. M. Hailey*; *Maharaja Sir Manindra Chandra Nandi*; *Colonel W. D. Waghorn*; *Rao Bahadur B. N. Sarma.*] [16TH SEPTEMBER, 1920.]

principle amounts to at least 9 crores. These figures do not indicate that either the Government of India or provincial Governments on the whole have failed to recognise the importance of giving relief to non-gazetted establishments as well as to the imperial and provincial services or that they have dealt with the problem in a spirit of illiberality. As against the figure of 9 crores which the revision of pay of the ministerial and subordinate establishments has already reached, the revision of pay of the imperial and provincial services will have been completed for about 1½ crores."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

Uniforms of Indian, European and Anglo-Indian guards.

26. "(*a*) Is it not a fact that the pattern of the uniform of Indian railway guards varies from that of European and Anglo-Indian guards, and that the quality of cloth used in the uniform of Indian guards is inferior to that of European and Anglo-Indian guards?

(*b*) What is the average cost of the uniforms of Indian and European or Anglo-Indian guards, respectively, for the hot and the cold weather?

(*c*) Is there any difference in the general nature of work and responsibility entrusted to Indian guards and European and Anglo-Indian guards in the Eastern Bengal Railway?"

The Hon'ble Colonel W. D. Waghorn replied :—

"(*a*) The pattern of uniform of European and Anglo-Indian guards and the quality of cloth differ slightly from the pattern and quality supplied to Indian guards.

(*b*) The difference in average cost between the uniforms for European and Anglo-Indian guards and Indian guards for the hot and cold weather amount respectively to 10 annas and Rs. 3-2-9.

(*c*) European and Anglo-Indian guards usually run in charge of the more important trains as for example those carrying passengers and troops whilst Indian guards usually work goods and mixed trains."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

Removal of control over inter-provincial movements of rice.

27. "(*a*) With reference to Appendix (A) to the minutes of the meeting of the Committee on High Prices held on the 13th March last, in which reference is made to the objections of the Government of Bengal and some other local Governments to the removal of control over inter-provincial movements of rice, will Government state what precautionary measures were taken, before removal of the said control was decided upon, for the purpose of ensuring a building up of stocks against a possible shortage in the future, on which the Government of Bengal laid stress?

(*b*) Have Government any idea as to how far such precautionary measures have produced their desired result?

(*c*) Will Government lay on the table their correspondence with the Government of Bengal on this question?"

The Hon'ble Rao Bahadur B. N. Sarma replied :—

"(*a*) The statement at Appendix (A) referred to by the Hon'ble Member explained the attitude of Local Governments towards a proposal to remove inter-provincial control over rice from the end of January last. In deference to the opinions expressed by Local Governments the Government of India postponed the removal of this control till the 1st April, when it was considered, after again consulting Local Governments, that its abolition would conduce to the interests of India as a whole. At the same time in order to prevent drainage of stocks it was decided that export of rice from India overseas should be altogether prohibited except from Karachi where there were large quantities of 'joshi' rice which is manufactured only for export and is not consumed locally,

[16TH SEPTEMBER, 1920.] [*Rao Bahadur B. N. Sarma*; *Maharaja Sir Manindra Chandra Nandi*; *Mr. W. M. Hailey.*]

(*b*) It is impossible to say how far the precautionary measure of restricting exports has operated to prevent a rise in prices or to build up stocks, but it is a fact that Indian prices of rice have been much below world prices throughout the year.

(*c*) A copy* of the correspondence asked for is laid on the table."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :-

Growth of civil expenditure in various services since 1901.

28. "(*a*) Will Government make statements showing, province by province—

(*i*) the growth of civil expenditure on salary and pension of officers belonging to the different Imperial services, Provincial services and the subordinate services of all grades, respectively, since 1901;

(*ii*) how much of the aforesaid growth of expenditure is due to re-organisation schemes sanctioned since 1911, in the case of the said services;

(*iii*) the average annual cost in pay and pension, entailed per head of the establishment in the different Imperial and Provincial services at the time when the last Public Services Commission came out to India; and the variations actually brought about therein by the re-organisation schemes recently sanctioned; and

(*iv*) the sums that will have to be paid in a lump to the officers of the different services as a result of giving retrospective effect to the recent reorganisation schemes?

(*b*) Will Government make statements, on similar lines, in regard to establishments directly under the Government of India?"

The Hon'ble Mr. W. M. Hailey replied :—

"(*a*) I lay on the table statements† showing the growth of expenditure on (1) principal civil departments, including salaries but excluding pensions and (2) service pensions in the several provinces, during the period in question. Separate statistics for salaries alone are not available.

(*ii*) The latest figures at present available are those for 1918-19. The striking rise in expenditure on salaries has taken place since that year and is mainly concentrated in the current financial year. My reply to the Hon'ble Member's previous question gives in a form as complete as possible information about the additional expenditure involved in the recent revisions of pay of ministerial, subordinate and menial establishments, while the reply by the Hon'ble Sir William Vincent to paragraph (*b*) of the question by the Hon'ble Mr. Sachchidananda Sinha gives full details of the expenditure involved in the revision of pay of the Imperial and Provincial services.

(*iii*) and (*iv*) The collection of this information would involve a great deal of time and labour and in view of the considerations which I have stated in my answer to the Hon'ble Member's question No. 25 on to-day's list I trust that he will not press for its collection at the present time.

(*b*) Figures† similar to those under (*a*) above, for the principal Departments directly under the Government of India other than Public Works, Railways and the Army, are also laid on the table."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :-

Expenditure from State funds on Education, etc., in each province.

29. "Will Government be pleased to make a statement showing year by year since 1912-13, the incidence of expenditure (per head of population) from State funds on education, sanitation, medical relief, police, and agriculture in each province?"

*Not included in these Proceedings.

† *Vide* Appendix G.

[*Mr. Shafi*; *Sir Manindra Chandra Nandi*; *Rao Bahadur B. N. Sarma*; *Dr. Sir Debaprasad Sarbadhikari*; *Sir William Vincent.*]

The Hon'ble Mr. Shafi replied:—

"The statement* is laid on the table. In some cases the expenditure shown is below that actually incurred, since the accounts do not always indicate, for Education, Sanitation and Medical Relief, the contributions made from provincial revenues to local bodies for these purposes."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

Foodstuffs.

30. "With reference to the statement made in this Council in reply to a question put by the Hon'ble Mr. Chanda on 27th August last, that the recommendations made by the Committee on High Prices have been given effect to, will Government state—

(*a*) What steps have been taken in the different provinces towards utilization of Co-operative Societies for the purchase and distribution of grain; and

(*b*) What the result has been of the recommendation to the Railway Board to consider the possibility of introducing on other Railways the system of priority applications in force on the Great Indian Peninsula Railway?"

The Hon'ble Rao Bahadur B. N. Sarma replied:—

"(*a*) As the organization of co-operative societies is a purely provincial matter, the recommendation in question was brought to the notice of Local Governments and Administrations in April last for such action as they considered necessary. The Government of India have no knowledge of what has been done in the various provinces.

(*b*) It was ascertained that suitable systems of priority registration were used by other railways when required and Government did not consider it necessary to advise them to adopt the Great Indian Peninsula Railway system in detail."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

Professorships and Readerships at the Dacca University.

31. "(*a*) Has the attention of Government been drawn to an advertisement appearing in the *Bengalee*, dated the 22nd August (Town Edition), in which applications are invited for Professorships and Readerships of the Dacca University?

(*b*) If so, will Government state the reason why no applications are invited for any Professorships or Readerships in Botany and Zoology?

(*c*) Is it a fact that the Calcutta University Commission in Chapter XXXIII of their Report recommended the establishment of these two departments and regarded them as 'essential to establish at the inception of the University'?

(*d*) Do Government propose to consider the desirability of establishing these two departments at the inauguration of Dacca University?"

The Hon'ble Mr. Shafi replied:—

"The answer to (*a*) and (*c*) are in the affirmative. Questions (*b*) and (*d*) could be more conveniently put in the local Legislative Council, as the creation of such appointments is one for consideration by the Government of Bengal."

The Hon'ble Dr Sir Debaprasad Sarbadhikari asked:—

Amendment of the Press Act.

32. "Will Government lay on the table the correspondence (if any is available) between the Government of India and Provincial Governments relating to the amendment of the Press Act?"

The Hon'ble Sir William Vincent replied:—

"Local Governments and Administrations were addressed on the subject in July last and the question is under consideration. Government do not propose to lay the correspondence on the table at present."

* Not included in these Proceedings.

[13TH SEPTEMBER, 1920.] [*Dr. Sir Debaprasad Sarbadhikari; Sir George Barnes; Sir William Vincent; Sir William Marris; H. E. the Commander-in-Chief.*]

The Hon'ble Dr. Sir Debaprasad Sarbadhikari asked :—

33 "(*a*) Will Government lay on the table a copy of the correspondence between the Secretary of State and the Government of India relating to the appointment of the High Commissioner for India ? **High Commissioner for India.**

(*b*) Have the recommendations of the moderate delegation for creation of an Advisory Board to help the said High Commissioner been considered ? If so, with what results ? "

The Hon'ble Sir George Barnes replied :—

"(*a*) The Government of India are unable to lay on the table a copy of the correspondence referred to, but they hope very shortly to publish a Press Communiqué on the subject.

(*b*) The question whether a Committee should be formed to advise the High Commissioner in respect of certain branches of his work is under consideration."

The Hon'ble Dr. Sir Debaprasad Sarbadhikari asked :—

34. "Will Government lay on the table a copy of the report of the Secretariat Procedure Committee together with details of orders (if any) passed by Government on their recommendations ?" **Report of the Secretariat Procedure Committee.**

The Hon'ble Sir William Vincent replied :—

"A Resolution on the subject will be published in the Gazette of India shortly.

The Resolution will give a complete statement of the recommendations contained in the Report and of the orders passed thereon up-to-date.

It is not proposed to lay on the table a copy of the Report itself."

The Hon'ble Dr. Sir Debaprasad Sarbadhikari asked :—

35. "Will Government state whether they had any communication from the Secretary of State relating to the appointment of an Indian to the Secretariat establishment of the India Office as recommended by the Crewe Committee ?" **Appointment of an Indian to the Secretariat establishment of the India Office.**

The Hon'ble Sir William Marris replied :—

"The Government of India were consulted generally on the Crewe Committee's report but they have received no communication with reference to the special point mentioned in the question."

The Hon'ble Dr. Sir Debaprasad Sarbadhikari asked :—

36. "Will Government lay on the table a statement showing the names of Indian regiments now employed beyond the Indian territorial borders ?" **Indian regiments.**

His Excellency the Commander-in-Chief replied :—

"A list* of the Indian Regiments and Battalions serving beyond Indian Territorial Borders on the 13th September 1920 is placed on the table."

The Hon'ble Dr. Sir Debaprasad Sarbadhikari asked :—

37. "(*a*) Is it not a fact that in the last two years of competitive examination for the Indian Medical Service the successful Indian candidates averaged over 40 per cent, and that the number of such candidates has been steadily increasing since 1911 ? **Recruitment of Indians to the Indian Medical Service.**

(*b*) If so, do Government propose to consider the desirability of altering the proportion of 33⅓ per cent which is now allowed for recruitment of Indians in that service ?"

* *Vide* Appendix H.

[*H. E. the Commander-in-Chief; Dr. Sir Debaprasad Sarbadhikari.*] [16TH SEPTEMBER, 1920.]

His Excellency the Commander-in-Chief replied :—

"The answer to the first part of the Hon'ble Member's question is in the affirmative.

It is not proposed at present to consider the question of altering the proportion."

The Hon'ble Dr. Sir Debaprasad Sarbadhikari asked :—

Pay of Indian officers of the Indian Medical service.

38. "Are Government aware of the great discontent that prevails among the Indian officers of the Indian Medical Service (temporary and permanent) on account of the difference of pay between the Indian and European officers of the service? What action, if any, do Government propose to take in order to remove such difference?"

His Excellency the Commander-in-Chief replied :—

"Government is not aware of any great discontent. Only one representation on the subject has been received. The second part does not therefore arise."

The Hon'ble Dr. Sir Debaprasad Sarbadhikari asked :—

Revised Scale of pay of Indian officers of the Indian Medical Service.

39. "(*a*) Is it a fact that the remuneration of the Indian officer of the Indian Medical Service who was permanently appointed after 1st December 1918 was regulated by Army Instruction (India) No. 1343 of 1918, Appendix 248, and that it is not an improvement on the original rates of pay and allowances and is considerably less than the increased rates of pay offered to European officers of the Service and to such Indian officers as were admitted to the Service before December 1918?

(*b*) If so, what action, if any, do Government propose to take in order to remove this state of things?"

His Excellency the Commander-in-Chief replied :—

"The reply to the first part of the question is in the affirmative.

As regards the second part action has already been taken and increased rates of pay for all officers both European and Indian of the Indian Medical Service have already been notified in A. I. Order No. 613 of 1920."

The Hon'ble Dr. Sir Debaprasad Sarbadhikari asked :—

Employment of Indians in Mesopotamia.

40. "(*a*) Is it a fact that under 'Routine Order of the Lines of Communication, Mesopotamia Expeditionary Force,' Asiatic races have been debarred from applying for any post-war civil employment in Mesopotamia, and that Indian Medical Service officers or any Indian cannot get any higher civil employment there?

(*b*) If the answer be in the affirmative, what steps, if any, do Government propose to take in the matter?"

His Excellency the Commander-in-Chief replied :—

"The Hon'ble Member's attention is invited to the reply given to the Hon'ble Mr. Sastri's question regarding employment of Indians in Mesopotamia at the meeting of this Council held on 8th September 1920."

The Hon'ble Dr. Sir Debaprasad Sarbadhikari asked :—

The Special Bureau of Information.

41. "Will Government state the functions of the Special Bureau of Information and the annual recurring cost of its maintenance, including the salary of the officer-in-charge?"

[16TH SEPTEMBER, 1920.] [*Mr. A. P. Muddiman ; Mr. Surendra Nath Banerjea ; Mr. Shafi ; Mr. W. M. Hailey.*]

The Hon'ble Mr. A. P. Muddiman replied :—

"The functions of the Special Bureau of Information are to collect and collate information regarding Bolshevik activities both from sources outside as well as in India itself, to counteract the spread of Bolshevism in India, and to combat the activities of Bolshevik agents directed against India.

The annual cost of the Bureau, including the salary of the officer in charge, is estimated at Rs. 91,710."

The Hon'ble Mr. Surendra Nath Banerjea asked :—

Housing of the working classes.

42. "(*a*) What is the definite policy Government contemplate pursuing in the near future in regard to the sanitary housing of the working classes and the nature of the co-operation they expect from all large employers of labour including the State ?

(*b*) Have any Provincial Governments been temporarily subsidised with the view to enable them to stimulate the erection of sanitary dwelling houses for the working classes ?

(*c*) If so, which are the Provincial Governments that have been so subsidised and what are the amounts respectively allotted to them ?"

The Hon'ble Mr. Shafi replied :—

"(*a*) The subject of housing of the working classes will, according to the rules proposed under the amended Government of India Act, be a provincial subject. The Government of India, however, have recently made suggestions regarding this subject to the local Governments and I shall be glad to show the Hon'ble Member a copy of the papers.

(*b*) and (*c*) The Government of India have had no occasion to consider any applications from local Governments for subsidies for this purpose and, as already stated, the subject is likely to be classed as provincial. The Hon'ble Member, however, is no doubt aware of the large scheme which is being initiated in Bombay. The Government of India are advancing Rs. 50 lakhs during the current year and will advance a further Rs. 50 lakhs in 1921 towards this scheme. They also last year placed at the disposal of the Government of Bombay a sum of Rs. 5 lakhs to meet demands for assistance from Co-operative Housing Societies ready to carry out approved schemes of construction and have permitted advances to be made at a lower rate of interest than 5½ per cent in cases where that local Government considered that strong grounds existed for such a concession."

The Hon'ble Mr. Surendra Nath Banerjea asked :—

War stocks

43. "(*a*) What is the magnitude and dead weight of war stocks of all descriptions lying unrealised on the hands of the Government at present and what is their market value ?

(*b*) Have Government estimated the amount of national capital that would be unlocked for employment by the State and by the trade generally if the market value of these stocks is speedily realised ?"

The Hon'ble Mr. W. M. Hailey replied :—

"(*a*) The following explanation will, I think, make the matter clear to the Hon'ble Member. During the course of the war we purchased for His Majesty's Government a very large amount of stores making of course equivalent recoveries from the Home Government on that account. At the end of 1918-19 the amount of stores purchased on behalf of the Home Government for which adjustments had still to be made was £25 million. A considerable portion of this would ordinarily represent surplus stores payable to the Home Government. Owing, however, to the present conditions in Mesopotamia a considerable portion of these stores will still be required and it is not therefore possible definitely to classify them as a surplus and provide for their disposal. The Home Government has sent out a special Commissioner to India to advise us on their

[*Mr. W. M. Hailey; Sardar Bahadur Sardar Sunder Singh Majithia; H. E. the Commander-in-Chief; Sir William Vincent.*] [11TH SEPTEMBER, 1920.]

behalf, and where it is possible definitely to classify stores as surplus, these are being disposed of as rapidly as possible. For the most part the actual machinery of disposal is the Board of Industries and Munitions of the Government of India, but some small portion is being disposed of by the military authorities. All sums realized by such disposals are of course placed to the credit of the Home Government, as under our existing system of accounts we obtain in advance credits for them against purchases made by us. As will be seen, it would not be possible to supply more precise figures until we are aware of what the final requirements of Mesopotamia are as against the remaining stores; and in this connection it must be remembered that troops held by us in India at the expense of the Home Government also consume a certain portion of these stores. As regards surplus stores, the property of the Indian Government, these are comparatively of minor amount and merely represent stores purchased during the Afghan and North West Frontier Province operations in advance of actual requirements. These are being utilized to meet demands during the present year, an equivalent debit, of course, being made to the military budget. To this extent they simply take the place of purchases which we should in any case have had to make against that budget. I could not give a definite figure of their amount until we finally close the accounts of 1919-20.

(*b*) As explained above, recoveries on account of the stores purchased for His Majesty's Government will form a credit to that Government and not to the Government of India."

The Hon'ble Sardar Bahadur Sardar Sunder Singh Majithia asked:—

Wearing of "Kirpan" on uniform by Sikh soldiers.

44. "Will Government state what decision has been arrived at on the representation of the Chief Khalsa Diwan regarding the wearing of the 'Kirpan,' a religious emblem of the Sikhs, by His Majesty's Sikh soldiers in uniform?"

His Excellency the Commander-in-Chief replied:—

"In recognition of the loyal and distinguished services rendered by Sikh soldiers in the Great War, Government has been pleased to sanction the wearing of the 'Kirpan' by Sikh soldiers both in uniform and plain clothes while serving on the active list.

Executive orders on the subject will be issued when certain details such as the pattern to be adopted and the method of wearing the 'Kirpan,' which are now under consideration, have been settled."

The Hon'ble Sardar Bahadur Sardar Sunder Singh Majithia asked:—

New scale of pay of the Provincial Police Service.

45. "(*a*) Are Government aware that there is very great discontent amongst the gazetted officers of the Provincial Police Service throughout India and that this discontent is due to the terms of the time-scale of pay which has been sanctioned with effect from October, 1919?

(*b*) Is it not a fact that the practical effect of the new scale of pay will be to penalise instead of to benefit, approximately 90 per cent. of the officers to the extent of a stoppage of incremental pay ranging over periods of from 2 to 8 years?

(*c*) Is it not a fact that the balance of 10 per cent of the officers who benefit by the new scale do so only to the extent of 8 per cent of their salaries?"

The Hon'ble Sir William Vincent replied:—

"(*a*) Government are aware that there is discontent on this point and the matter is receiving attention.

(*b*) and (*c*) Government have no information on these points."

[16TH SEPTEMBER, 1920.] [*Sardar Bahadur Sardar Sunder Singh Majithia; Sir William Vincent.*]

The Hon'ble Sardar Bahadur Sardar Sunder Singh Majithia asked :—

46. "(*a*) Are Government aware that one of the causes of discontent in the gazetted grades of the Provincial Police Services is the new method of local recruitment to the Imperial Police Service? The Provincial and the Imperial Police Service.

(*b*) Is it a fact that the claims of the Provincial officers to promotion to the Imperial Service are overlooked in favour of young men appointed directly to that service?

(*c*) Is it a fact that in making appointments to the Imperial service—

(*i*) preference is given to men with Military service in the late war;

(*ii*) the services rendered to the Empire during the war by the members of the Provincial Police Services in their capacity as police officers is not taken into account; and

(*iii*) the fact that many Provincial Police Officers have served in a military capacity in previous campaigns does not receive the same consideration as is given to military service in the late war?

(*d*) Do Government propose to reconsider the question of appointing Indians to the Imperial Police Service to the same extent and proportion as in the case of the Indian Civil Service?

(*e*) Do Government propose to consider the question of reserving at least half of the vacancies in the Imperial Police Service for the members of the existing Provincial Police Services?"

The Hon'ble Sir William Vincent replied :—

"(*a*) Government have received no representations to this effect.

(*b*) The answer is in the negative. A certain number of appointments, 11 per cent. of the total number, are recruited by promotion from the provincial service.

(*c*) (*i*) War service in the Great War is a recommendation, but selection has not been confined to those who have rendered such service.

(*ii*) This is a factor which has doubtless been taken into consideration by local Governments but the Government of India can give no exact information.

(*iii*) Government have no information.

(*d*) Under recent orders appointments in England will generally be confined to European British subjects, though Indians may be so appointed in exceptional cases. Appointments in India will be filled by persons domiciled in British India of parents habitually resident in India and not established there for temporary purposes only. The proportion of appointments to be recruited from Indians will be 33 per cent. ($\frac{2}{3}$ of this figure being by direct recruitment and $\frac{1}{3}$ by promotion from the provincial service) except in the case of Burma and North-West Frontier Province. There is at present no intention of reconsidering this percentage.

(*e*) The answer is in the negative."

The Hon'ble Sardar Bahadur Sardar Sunder Singh Majithia asked :—

47. "(*a*) Have recent announcements been made by some Provincial Governments raising the pay of non-gazetted subordinate Police Officers whereby these officers are now admitted to the rank of second class officers for the purposes of drawing travelling allowance? Travelling allowance of Police Officers.

(*b*) Do Government propose to treat Deputy Superintendents of Police (hitherto treated as second class officers) as first class officers?"

The Hon'ble Sir William Vincent replied :—

" (*a*) The pay of non-gazetted subordinate police officers has been raised in most provinces and the revision may have had the effect suggested by the Hon'ble Member.

(*b*) This is a question with which Provincial Governments are competent to deal under their increased financial powers, and the Government of India do not propose to issue any instructions. "

The Hon'ble Mr. Srinivasa Sastri asked :—

Relief to the dependents of those killed or injured at Jallianwala Bagh.

48. " (*a*) Is it a fact that the Punjab Government has been enjoined ' to consider the cases of persons who have been left in want through the death or permanent injury of their supporters at Jallianwala Bagh, and to supplement, if necessary, any assistance that may have been rendered to such persons by local charity organisations '?

(*b*) Will Government state (*i*) the number of cases in which the Punjab Government have rendered such assistance, (*ii*) the greatest amount, the least amount and the average amount of such assistance ?

(*c*) Will Government state in the case of Europeans who were murdered or injured (*i*) the total amount that has been paid as relief to their dependents or compensation to themselves, (*ii*) the greatest amount, the least amount, and the average amount of such payment ?

(*d*) Will Government state the amount that was offered to Miss Sherwood as compensation ?

(*e*) Will Government state (*i*) the number of cases in which relief or assistance has been afforded by local charity organisations, (*ii*) the extent of such relief or assistance ? "

The Hon'ble Sir William Vincent replied :—

" (*a*) Yes.

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

(*d*) Rs. 50,000 were awarded as compensation to Miss Sherwood, but a sum of Rs. 1,500 only, representing the value of property lost, has been paid to her.

(*e*) Government have no information. An office of the Sewa Samiti was open for several months in the city for the distribution of relief. "

The Hon'ble Mr. Srinivasa Sastri asked :—

Arrest and detention of certain persons in connection with the Punjab disturbances.

49. " (*a*) Does the following sentence occur in paragraph 40 of the Government of India's Despatch to the Secretary of State on the Report of the Disorders Enquiry Committee, dated Simla, the 3rd May, 1920—

'Nevertheless, the Government of India consider that the arrest and detention for long periods of so many persons, and particularly of Dr. Kedar Nath, Mr. Gurdial Singh, Dr. Monohar Lal and six lawyers of Gurdaspur, were a serious error, and while they do not overlook the difficulties of the situation, they are constrained to express their disapproval of the action taken in these cases'

(*b*) Will Government state whether the Punjab Government or the officials responsible have communicated or propose to communicate to the gentlemen named above their regret for the annoyance and injury caused to them and their relatives ? "

The Hon'ble Sir William Vincent replied :—

" (*a*) Yes.

(*b*) As far as the Government of India are aware, the answer is in the negative, but they are in communication with local Government on the subject of these arrests and detentions, and final orders have not yet been passed."

* *Vide* Appendix I.

[16TH SEPTEMBER, 1920.] [*Mr. Srinivasa Sastri*; *Rao Bahadur B. N. Sarma*; *Khan Bahadur Ebrahim Haroon Jaffer.*]

The Hon'ble Mr. Srinivasa Sastri asked :—

Difference in allowance to Engineers recruited in England and India.

50. "(*a*) In the recent reorganisation of higher services was it recognised as a fundamental principle that officers recruited in India and those recruited in England, doing the same class of work, should get the same salary, and that those recruited in Europe should get an overseas allowance in addition ?

(*b*) If so, will Government state whether an exception is made in the case of the Indian service of Engineers by the grant to Europe-recruited Engineers of a special technical allowance of Rs. 75 a month besides the overseas allowance ? If so, why ?

(*c*) Are Government aware of the fact that this has caused great discontent among India-recruited Engineers ?

(*d*) Is it a fact that, the last Public Services Commission expressed themselves as satisfied that the training given in Indian Colleges of Engineering is adequate to the needs of the higher branch of the service, and that India-recruited Engineers have acquitted themselves with credit in all branches of the service and have risen to high administrative rank ?

(*e*) Have Government considered the question as to whether this recognition, by means of a special technical allowance, of superior professional qualification in Europe-recruited Engineers will not place the India-recruited Engineers at a disadvantage, first, when the latter have to exercise official authority over the former, and secondly, when the claims of the two classes of officers come into competition for selection posts ? "

The Hon'ble Rao Bahadur B. N. Sarma replied :—

"I take the Hon'ble Member's questions in order :—

(*a*) This principle has been adopted generally in the case of Imperial Services.

(*b*) It is the case that a technical allowance of Rs. 75 a month has been granted to Europe-recruited Engineers, European or Indian. This allowance is granted in recognition of the superior professional qualifications obtainable in England, and it must also be recognised that the Europe-trained Engineer has generally a higher market value than the Engineer trained in India.

(*c*) The Government of India have received a copy of a telegram addressed to the Secretary of State by the Indian College Engineers Association protesting against both the overseas and the technical allowances. A similar protest has also appeared in the Press. They are not, however, aware, that the institution of the technical allowance has caused serious discontent among India-recruited Engineers.

(*d*) The answer is in the affirmative. At the same time the Public Services Commission advocated the continuance of a considerable recruitment from Europe.

(*e*) The Government of India do not apprehend that the authority or prospects of promotion to administrative rank of India-recruited Engineers will be in any way prejudiced by the introduction of the technical allowance. "

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer asked :—

Grain Merchants of Jubbulpore Cantonment.

51. "(*a*) Are Government aware that over sixty grain merchants of Jubbulpore Cantonment have been ordered to comply with certain instructions and shift to a particular street and that their appeal to the Cantonment Committee was declined to be read ?

(*b*) If not, will Government make enquiries ?

(*c*) What steps do Government intend taking in the matter ? "

[*H. E. the Commander-in-Chief ; Khan Bahadur Ebrahim Haroon Jaffer ; Sir William Vincent.*] [16TH SEPTEMBER, 1920.]

His Excellency the Commander-in-Chief replied :—

" (*a*) Government are not aware of the allegations made.

(*b*) and (*c*) Enquiries will be made. The steps which will be taken must depend on the results of the enquiry. "

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer asked :—

Memorial from cultivators of Saugor Cantonment.

52. " (*a*) Have the cultivators of lands situated in the Cantonment of Saugor sent a memorial to the General Officer Commanding, 5th Mhow Division in June last ?

(*b*) If so, will Government place a copy on the table ?

(*c*) What action has been taken to give effect to the prayers in the memorial ? '

His Excellency the Commander-in-Chief replied :—

" (*a*) The Government of India have no information on the subject. If the memorial was addressed to the General Officer Commanding it would be disposed of by him ; if addressed to the Government of India through the General Officer Commanding it might be withheld by the latter under the rules for the submission of petitions. The Government of India do not propose to interfere with the discretion of the General Officer Commanding.

(*b*) and (*c*) do not therefore call for a reply. "

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer asked :—

Occupation by military Officers of bungalows in certain Cantonments.

53. "(*a*) Is it a fact that in certain cantonments an unqualified undertaking in writing is taken that no bungalow, if sold, will be occupied by the owner, but that it will always be available for occupation by a Military Officer on duty ?

(*b*) Has this procedure been approved by Government ?

(*c*) If so, why ? "

His Excellency the Commander-in-Chief replied :—

" (*a*) The question does not contain sufficient specific information to enable either an answer to be given or enquiries to be made.

(*b*) This procedure has not been approved by Government.

(*c*) does not therefore arise. "

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer asked :—

Return of honours, titles, medals, etc.

54. "Will Government lay on the table a statement showing the number of people in the different provinces who have renounced honours and titles and returned medals conferred on them by Government, and who have resigned their honorary and stipendiary posts, as a mark of dissatisfaction at Government's policy in connection with the Khilafat and the Punjab questions ? "

The Hon'ble Sir William Vincent replied :—

" The information, as far as it is available, is contained in the statement*, laid on the table."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer asked :—

Sanitary improvement of Lahore Cantonment Civil Area.

55. " (*a*) Has the Lahore Cantonment Civil Area been inspected by the Medical Authorities from time to time, with a view to making suggestions for sanitary improvements ?

(*b*) If so, will Government lay on the table the reports (if any) of the Medical Authorities regarding such inspection ?

(*c*) What steps have been taken so far for the sanitary improvement of the Lahore Cantonment Civil Area ? "

* *Vide* Appendix J.

[16TH SEPTEMBER, 1920.] [*His Excellency the Commander-in-Chief*; *Khan Bahadur Ebrahim Haroon Jaffer*; *Sir George Barnes*; *Rai Sahib Seth Nathmal.*]

His Excellency the Commander-in-Chief replied :—

"(*a*) All cantonments are regularly inspected by the medical authorities, and suggestions put forward, from time to time, for sanitary improvements. Lahore Cantonment is no exception in this respect.

(*b*) It would not be in the public interest to make public such reports.

(*c*) Steps have been taken to carry out such improvements in the sanitary condition of the Lahore Cantonment, both Civil and Military areas as are considered urgent, and funds have been provided for the work during the current financial year."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer asked :—

56. "(*a*) Is any expulsion order against Lala Narainda s, B.A., LL.B., of Jullundur Cantonment still in force ? If so, how long is it to continue ? Case of Lala Narainda s o Jullundur.

(*b*) Do Government intend now to reconsider the case and cancel the order ?"

His Excellency the Commander-in Chief replied :—

"The Government of India receive no official information of what individuals are expelled from Cantonments. The Appellate Authority is provided for in Schedule V of the Cantonment Code."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer asked :—

57. "What is the amount (if any) of the interest for gone during the last official year by Muhammadan investors on Government securities and on Postal Savings Banks deposits ?" Interest forgone by Muhammadan investors on Government securities, etc.

The Hon'ble Sir George Barnes replied :—

"In so far as the question concerns Government Securities, it is not possible to furnish the information asked for. The amount of interest forgone by Muhammadan investors in respect of deposits in the Post Office Savings Banks in the year 1919-20 was Rs. 4,253-10-4."

The Hon'ble Rai Sahib Seth Nathmal asked :—

58. "(*a*) Is it a fact that the recently sanctioned scales of revised pay for members of the Provincial Civil Service, are not uniform in all provinces, and that in some provinces the scale fixed for the Executive officers is lower than that for the Judicial officers ? The Provincial Executive and Judicial Services.

(*b*) Will Government state the different scales fixed in different provinces for these two branches of the Service ?

(*c*) Is it a fact that the main ground on which the scale has been revised is the increased cost of living and not purely considerations of supply and demand ?

(*d*) Is it a fact that before the recent reorganization, officers of the Executive branch of the Provincial Civil Service were placed on an equal footing with those in the Judicial branch ?

(*e*) What is the reason, then, that the scale now fixed for the Executive officers is lower than that for the Judicial officers ?

(*f*) Do the Government of India propose to consider the question of issuing instructions to Local Governments to adopt a uniform scale of pay for both branches of the service ?"

[*Sir William Vincent*; *Rai Sahib Seth Nathmal.*]

The Hon'ble Sir William Vincent replied :—

"(*a*) Yes.

(*b*) A statement* is laid on the table giving all the information available.

(*c*) The increased cost of living was of course an important factor but the Hon'ble Member's attention is invited to paragraphs 63 and 64 of Chapter XII in Annexure X of the Public Services Commission report.

(*d*) No. Judicial officers in most provinces had the prospect of reaching a higher maximum. The Hon'ble Member's attention is invited to a statement already laid on the table in reply to another question.

(*e*) The Hon'ble Member's attention is invited to the paragraphs of the Public Services Commission Report referred to in the answer to (*c*) above.

(*f*) The answer is in the negative."

The Hon'ble Rai Sahib Seth Nathmal asked : —

Touring expenses of the Executive Branch.

59. "(*a*) Is it a fact that members of the Provincial Executive Service are required to tour about in the country, and it is necessary for them to maintain horse and a camp establishment at their own cost ?

(*b*) If so, has this fact been taken into consideration in fixing the revised scale for this branch of the service ?"

The Hon'ble Sir William Vincent replied :—

"(*a*) and (*b*) Members of the provincial executive service are as a class touring officers. The expenses incidental to such touring are entirely distinct from rates of pay and separate provision is made for them."

The Hon'ble Rai Sahib Seth Nathmal asked :—

Pay of Executive Officers possessing law degrees.

60. "(*a*) Are Government aware that in some provinces, *e.g.*, Central Provinces, some of the members of the Executive branch of the Provincial Service who are admitted before the recent reorganization possess Law Degrees similar to those possessed by Judicial officers ?

(*b*) Has this fact been taken into consideration in fixing the revised salary of such Executive officers in the new scale ?

(*c*) If not, do Government propose to issue instructions to local Governments to fix, for such officers, the same scale of pay as that fixed for the Judicial officers ?"

The Hon'ble Sir William Vincent replied :—

"(*a*) Yes.

(*b*) Special qualifications of individual officers cannot be taken into consideration in fixing general rates of pay.

(*c*) The answer is in the negative. The pay of provincial service officers is mainly a matter of provincial concern and Government have no intention of laying down uniform instructions for all provinces."

The Hon'ble Rai Sahib Seth Nathmal asked : —

Formation of two cadres.

61. "(*a*) Is it a fact that in many of the provinces, *e.g.*, Central Provinces, the two branches of the Provincial Service once formed the same cadre, and that when different cadres were formed for the different branches appointments to the two branches were mostly made without consulting the wishes of the officers concerned ?

(*b*) If so, was this fact taken into consideration in fixing the salaries of these officers of the Executive branch in the revised scale ?

(*c*) Do the Government of India propose to consider the question of issuing instructions to Local Governments to give to these Executive officers the option to apply for transfer to the Judicial branch of the service ? "

* *Vide* Appendix K.

[16TH SEPTEMBER, 1920.] [*Sir William Vincent; Mr. Rama Rayaningar; Mr. W. M. Hailey; Sir William Marris; Mr. Shafi.*]

The Hon'ble Sir William Vincent replied:—

"(*a*), (*b*) and (*c*) These are matters entirely within the competence of local Governments to deal with, and it is not proposed to issue any instructions to them."

The Hon'ble Mr. Rama Rayaningar asked:—

62. "(*a*) What is the estimated extra annual expenditure which the Government of India and the Provincial Governments have to incur in giving effect to the recent recommendations for the increase of salaries to the Indian and Provincial Civil Services? Increase of salaries to the Indian and Provincial Civil Services.

(*b*) How much does the increase in the case of salaries below Rs. 200 per mensem amount to annually and how much in the case of salaries of Rs. 200 and upwards per mensem?"

The Hon'ble Mr. W. M. Hailey replied:—

(*a*) The Hon'ble Member is referred to para. (*b*) of the answer by the Hon'ble Sir William Vincent to a question by the Hon'ble Mr. Sachchidananda Sinha.

(*b*) No Member of a Provincial or Imperial Service now draws less than Rs. 200 per mensem, the minimum being Rs. 250.

The question therefore does not arise."

The Hon'ble Mr. Rama Rayaningar asked:—

63. "(*a*) Will Government state how much on the whole are elections to the Reformed Councils estimated to cost to the State? Estimated cost of elections to the Reformed Councils.

(*b*) Has each Province and administration to pay for the election of its representatives in the Legislative Assembly and Council of State? Or will the Government of India bear the cost of election to the Chambers of the Indian Legislature?"

The Hon'ble Sir William Marris replied:—

"The cost of all elections is debited at present to provincial revenues, and, as elections for the Indian and provincial legislatures will be a provincial subject, will continue to be so debited under the Reforms Scheme. I would suggest therefore that the Hon'ble Member should apply to the local Governments for the information which he requires. The Governme. t of India are not themselves in a position to supply this information."

The Hon'ble Mr. Rama Rayaningar asked:—

64. "(*a*) Is it a fact that in the Senates of some Indian Universities the elected fellowships have been monopolised by certain classes of people to the exclusion of other classes? Fellowships of Universities.

(*b*) How many of the elected fellows of the Senate of the Calcutta University are Muhammadans, how many of those of the Punjab University are Sikhs, and how many of those again of the Madras University are non-Brahmins?"

The Hon'ble Mr. Shafi replied:—

"(*a*) So far as can be ascertained judging from the names shown in the latest available calendar, there are, out of a total of 86 elected Fellows in the Universities of Calcutta, Bombay, Madras, the Punjab and Allahabad, 41 Brahmans, 26 non-Brahman Hindus, one Muhammadan, 13 Europeans and 5 Parsis. There appear to be four vacancies, as the full number of elected Fellows should be 90. The information is not available regarding the Senates of the other Universities.

(*b*) The number of elected Fellows of the denominations and in the Senates named is in each case nil. This information also is derived from the same source as that given in the reply to (*a*)."

[*Mr. Rama Rayaningar*; *Mr. Shafi*; *Mr. K. V. Rangaswami Aiyangar*; *Colonel W. D. Waghorn.*] [13TH SEPTEMBER, 192[illegible].]

The Hon'ble Mr. Rama Rayaningar asked :—

Scholarships to students of the depressed classes.

65. "Will Government state what amounts are spent in the different provinces on scholarships and fee exemptions, the special hostel system, instruction in industries, special training facilities, and special inspection which are referred to in the Seventh Quinquennial Review of the Progress of Education as the special measures adopted for bringing aboriginals and depressed classes to school?

(*b*) Do Government propose to consider the desirability of constituting a few special Government of India scholarships to enable promising students from the depressed classes to prosecute their studies in English Universities?"

The Hon'ble Mr. Shafi replied :—

"(*a*) Local Governments will be asked to supply the information. But it is anticipated that its collection will be difficult.

(*b*) As education will be a transferred provincial subject, after the initiation of reforms, it will be open to local Governments to institute such scholarships."

The Hon'ble Mr. Rama Rayaningar asked :—

Rest houses for travellers.

66 "(*a*) Is it a fact that in some provinces, rooms in choultries (*i.e.*, rest-houses) for travellers, built and maintained by Local Boards are reserved for higher caste Hindus only to the exclusion of the *bona fide* travellers belonging to the so-called lower castes whatever their station in life may be?

(*b*) If, the answer be in the affirmative, do Government propose to consider the feasibility of putting a stop to this differential treatment and making provision for the adequate accommodation of *bona fide* travellers of all classes of people?"

The Hon'ble Mr. Shafi replied :—

"(*a*) The Government of India have no information on the subject.

(*b*) The question does not arise."

The Hon'ble Mr. K. V. Rangaswami Aiyangar asked :—

Increase of fares in the South Indian Railway.

67. "(*a*) Have the South Indian Railway Company increased their 1st, 2nd and 3rd class passenger fares by Mail and even by ordinary trains by 50 per cent. in many cases, while other Railways have not done so?

(*b*) Have the Company also increased the price of their coaching guide from 2 annas to 8 annas, while other Railways still sell them at 2 annas?"

The Hon'ble Colonel W. D. Waghorn replied :—

"(*a*) The South Indian Railway have increased fares within the maximum of their rates as suggested in the Hon'ble Member's question, but the Hon'ble Member is mistaken in thinking that it is alone in this respect.

(*b*) The price of the South Indian Railway Coaching Tariff is four annas, but it is the same as that charged by the North Western Railway for their similar publication. Some of the Railways sell copies of their Coaching Tariffs at two annas each."

The Hon'ble Mr. K. V. Rangaswami Aiyangar asked :—

Accommodation in the South Indian Railway.

68. "(*a*) Is it a fact that 1st, 2nd and 3rd class passengers are put to the greatest difficulty for want of sufficient accommodation in the South Indian Railway, and that on many days a notice Board stating 'No room in the 1st and 2nd classes to-day and to-morrow' is hung up in the Enquiry Office at Egmore and other stations? If so, do Government propose to issue orders to remedy this state of things?

[16TH SEPTEMBER, 1920.] [*Mr. K. V. Rangaswami Aiyangar; Colonel W. D. Waghorn*]

(*b*) Is it a fact that while other Railways provide sufficient and separate accommodation for ladies in the 1st and 2nd classes, no such accommodation is provided in the South Indian Railway? If so, do Government propose to direct the Railway to provide the necessary accommodation?"

The Hon'ble Colonel W. D. Waghorn replied :—

"(*a*) The notice board refers solely to the Ceylon Boat mail in which accommodation is strictly limited. The South Indian Railway are unable to run additional trains to relieve the situation until the engines already indented for from England have been received.

(*b*) The South Indian Railway provides separate accommodation for ladies in the first and second classes on all trains advertised to carry first and second class passengers, provided that 24 hours' notice is given to the Station Master of the station from which the train starts."

The Hon'ble Mr. K. V. Rangaswami Aiyangar asked :—

69. "Are Government aware that the South Indian Railway Company and the Great Indian Peninsula Railway are levying a special fee for the registration of berths? If so, will Government refer to the sections of the Railway Act under which such a fee can legally be levied?" Special fee for the registration of berths.

The Hon'ble Colonel W. D. Waghorn replied :—

"The answer to the first part of the question is 'yes.' It has been laid down in the courts that a Railway Company is entitled to reserve accommodation for passengers and there is no provision in the Railways Act, 1890, which prohibits the Railway Company from making payment of a fee a condition of such reservation."

The Hon'ble Mr. K. V. Rangaswami Aiyangar asked :—

70. "(*a*) Is it a fact that the Booking Offices of the South Indian Railway in the town have either been closed or ordered not to issue tickets to passengers? If so, do Government propose to direct the Company to re-open them? Booking Offices on the South Indian Railway.

(*b*) Is it a fact that restriction on booking of goods still continues in the South Indian Railway and that people are asked to apply to the Company when any articles are intended to be booked and allotments are made long after applications are made? If so, do Government propose to call on the Company to remove such restrictions?"

The Hon'ble Colonel W. D. Waghorn replied :—

"(*a*) The South Indian Railway has no passenger booking office at present in the town of Madras. Two existed some years ago, but were closed and it is not proposed to reopen them.

(*b*) The facts are as stated in the question. The restriction is due to the shortage of engines and wagons and steps have been taken to remedy this."

[*Mr. Mohammad Ismail Khan; Mr. W. M. Hailey; Mr. R. D. Tata*] [16TH SEPTEMBER, 1920.

The Hon'ble Mr. Mohammad Ismail Khan asked :—

Allowances for non-gazetted officers.

71. "(*a*) Is it a fact that to meet the increased cost of living, allowances have been sanctioned for non-gazetted officers and men in almost all the provinces of India?

(*b*) If so, will Government lay on the table a statement showing the scale at which such allowances have been sanctioned in each province?

(*c*) Is it a fact that the Government of Bengal have approached the Government of India for a similar allowance for non-gazetted employees under the Government of Bengal?

(*d*) If so, is the scale similar to that given in other provinces or lower? If lower, do Government propose to consider the question of sanctioning a scale equal to that sanctioned for other provinces?

(*e*) Are Government aware that much dissatisfaction is being felt among the non-gazetted officers of Bengal owing to the delay in sanctioning the allowance?

(*f*) Is it intended to give retrospective effect to the scheme when sanctioned?"

The Hon'ble Mr. W. M. Hailey replied :—

"(*a*) I would refer the Hon'ble Member to part (*b*) of my answer to the question by the Hon'ble Maharaja Sir Manindra Chandra Nandi.

(*b*) A statement* is laid on the table showing the scale of allowances sanctioned in the three provinces which are for the present postponing actual revisions of pay.

(*c*) and (*e*) The Governmnet of Bengal submitted proposals on the 29th July 1920 for the grant of allowances to all ministerial officers, and these were sanctioned by the Government of India on the 21st August 1920.

(*d*) As the Hon'ble Member will see from the statement the scales vary in the different provinces and an exact comparison is not easy. In any case the Government of India would not be justified in going beyond the rates which the local Government consider to be sufficient.

(*f*) The scheme has effect from 1st April 1920."

The Hon'ble Mr. R. D. Tata asked :—

Sale of Reverse Bills.

72. "What is the total amount of Reverse Bills including Post Office money orders sold since the issue of the Report of the Indian Currency and Exchange Committee?

(*b*) What were the resources in England from which the payment of these Bills was met?

(*c*) What is the total amount of sterling resources used up up to date in meeting such Bills?

(*d*) What was the book value in rupees as on the 1st January 1920, of the sterling resources so used up?

(*e*) What were the nett proceeds in rupees of such sales in India?

(*f*) What was the deficit shown by such proceeds as against the book-value?"

The Hon'ble Mr. W. M. Hailey replied :—

"It will be convenient if I were to take the Hon'ble Member's questions in two parts, namely, (1) those which refer to Reverse Bills and (2) those which

Vide Appendix L.

refer to money orders :—

(1) The total amount of Reverse Bills sold from the 1st February till the end of August 1920 is £45 million, of which £40½ million was found by the sale of British Treasury Bills held in the Paper Currency Reserve, and the balance from the Secretary of State's treasury balances. The book value on the 1st January 1920 of the British Treasury Bills in the Paper Currency Reserve so sold, converted at Rs. 15 to the pound, was Rs. 60¾ crores. The proceeds realised in India in respect of these Reverse Bills amounted to Rs. 37½ crores. The difference between the book value and this last named sum is Rs. 23¼ crores.

(2) The total amount of money orders issued from the 1st February to the end of June was £3 million. The payments on this account in England were made from the Secretary of State's treasury balances for which there is no book value, but for the purpose of conversion in the Government accounts from sterling into rupees the rate adopted in the budget was Rs. 15 to the pound. I am unable to give without calling for special information the rupee proceeds in respect of these money orders."

The Hon'ble Mr. R. D. Tata asked :—

73. "Is it a fact that there continues to be a very considerable discrepancy between the rate at which at the present time Government is selling Reverse Bills and the open market rate? **Discrepancy between the rate of Reverse Bills and the open market rate.**

(*b*) Is it a fact that the country has already suffered heavy losses by the sales of these Reverse Bills?

(*c*) Do Government propose to continue such sales?"

The Hon'ble Mr. W. M. Hailey replied :—

"(*a*) The rate at which Government are selling Reverse Bills is 1*s.* 11$\frac{19}{32}$ *d.* for immediates and 1*s.* 11$\frac{1}{2}$ *d.* for deferreds. The market rate has, as the Hon'ble Member's question suggests, not corresponded to this rate and has been fluctuating round about 1*s.* 10*d.*

(*b*) I would refer the Hon'ble Member to the answer that I gave to the similar question by the Hon'ble Khan Bahadur Ebrahim Haroon Jaffer.

(*c*) Government regret that they are unable to make any announcement at the present moment on the question of the continuance of such sales."

The Hon'ble Mr. R. D. Tata asked :—

74. "Are Government aware that there is a strong feeling among the commercial community that the present demand for these bills is mainly, if not entirely, speculative and engendered by the profits to be secured by the difference between the Government rate and the market rate?" **Reverse Bills.**

The Hon'ble Mr. W. M. Hailey replied :—

"The Government of India have received representations from two Indian commercial bodies suggesting that this is the case."

His Excellency the President:—"The Hon'ble Pundit Malaviya is not present, but the Hon'ble the Finance Member wishes to lay on the table the papers* asked for in 91 (*a*)."†

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* Not included in these Proceedings.

† Question by the Hon'ble Pandit Madan Mohan Malaviya—

'91. Will Government be pleased to lay on the table the following :—

(*a*) A statement showing (*i*) the total amount of reverse councils applied for and (*ii*) allotted since 1st February 1920.....'

[*Sir George Barnes; Mr. A. H. Froom; Mr. W. M. Hailey.*] [16TH SEPTEMBER, 1920.]

THE INDIAN WIRELESS TELEGRAPHY (SHIPPING) BILL.

11-50 A.M. **The Hon'ble Sir George Barnes:**—"My Lord, I beg to move that the Bill to provide for the installation of wireless telegraphy on ships registered in British India and for other purposes be taken into consideration. My Lord, when the Bill was introduced, the Hon'ble Mr. Froom asked for further time in order to consider its provisions. I think the particular point to which his attention was directed was section 5 which provides that—

> 'The provisions of this Act shall, as from a date three months after the commencement of this Act apply to ships other than British ships registered in British India while they are within any port in British India in like manner as they apply to British ships registered in British India.'

"The point which the Hon'ble Mr. Froom overlooked was the fact that the Act did not come into force on the date of passing but it will only come into force on such date as the Governor General in Council may, by notification in the Gazette, direct.

"Of course three months would be too short a time to equip ships with wireless telegraphy and I am quite ready to give an assurance that reasonable time will be given for foreign ships to instal wireless telegraphy."

11-53 A.M. **The Hon'ble Mr. A. H. Froom:**—"My Lord, the interval considerately allowed by the Hon'ble Member since the introduction of this Bill has enabled us to make representations to the various ports in India, and I should like to say now that I have received no criticisms at all and I look upon the Bill as being an entirely necessary measure.

"As regards the time to which the Hon'ble Member referred, I would merely like to ask that not less than six months should be allowed to enable vessels registered in British India, which have not wireless installations already, to complete their equipment."

11-54 A.M. **The Hon'ble Sir George Barnes:**—"My Lord, in reply to the Hon'ble Member, I can give him an assurance that the time he asks for will be allowed to enable vessels to comply with the provisions of the Act.

"I now beg to move that the Bill be taken into consideration."

The motion was put and agreed to.

The Hon'ble Sir George Barnes:—"My Lord, I beg to move that the Bill be now passed."

The motion was put and agreed to.

THE INDIAN COMPANIES (AMENDMENT) BILL.

The Hon'ble Sir George Barnes:—"My Lord, I beg to move that the Bill further to amend the Indian Companies Act, 1913, be taken into consideration. No criticisms have been received and no objection has been taken."

The motion was put and agreed to.

The Hon'ble Sir George Barnes:—"I move, my Lord that the Bill be now passed."

The motion was put and agreed to.

THE PRESIDENCY BANKS (AMENDMENT) BILL.

The Hon'ble Mr. W. M. Hailey:—"My Lord, I beg to move that the Bill further to amend the Presidency Banks Act, 1876, be taken into consideration.

"Neither criticism nor comment on this Bill has been received."

The motion was put and agreed to.

[16TH SEPTEMBER, 1920.] [*Mr. W. M. Hailey.*]

The Hon'ble Mr. W. M. Hailey:—"My Lord, I beg to move that the Bill be passed."

The motion was put and agreed to.

THE INDIAN INCOME-TAX (BUSINESS PREMISES) BILL.

The Hon'ble Mr. W. M. Hailey:—"My Lord, I beg to move for leave to withdraw the Bill to terminate certain doubts which have arisen in connection with the Indian Income-tax Act, 1918, which was introduced on the 2nd September 1920. 11-55 A.M.

"The circumstances, my Lord, under which I propose to ask leave to withdraw this Bill and shall subsequently propose the substitution of another Bill to effect the same purpose, but in a slightly different way, requires some explanation. The Council will remember that when I put forward this Bill on 2nd September the Hon'ble Mr. Murray and the Hon'ble Mr. Froom suggested that we might effect our purpose more suitably and more conveniently by withdrawing the deduction under section 9 instead of providing that the definition 'house property' in section 8 should be held to include business premises. Let me briefly remind the Council what the facts of the case are. Section 8 of the Act specifically provides for taxation of income derived from house property. Section 9 of the Act deals with income derived from business and it allows the deduction from such income of any rent paid for the premises in which such business is carried on or, where the premises are owned by the assessee, the *bona fide* annual value thereof. Now, as the Hon'ble the Law Member explained the other day, we have always held that if the latter deduction were made, we ought to be able to make an equivalent assessment under some other section of the Act. The reason is obvious. If the occupier of business premises has to pay rent to somebody else, he deducts that sum when calculating the income derived from his business. Now take the case of the occupier who is also the owner. Suppose that he has erected his business premises from borrowed capital, then naturally he would deduct the interest on that capital when detailing his 'income from business.' Take again the case in which the 'owner-occupier' is a company which has erected its business premises from capital raised in the open market. Here there would of course be no preliminary deduction from the income derived from business and therefore no allowance is necessary; the expenditure stands in fact in exactly the same basis as expenditure on plant and machinery. Now take the final case of an owner-occupier who has inherited his business premises or built them with his own capital. He makes no payment on account of rent in respect of his business premises, and therefore no deduction is really justified. The case seems perfectly clear. If any deduction is actually made under section 9 we ought to be allowed to make an equivalent assessment under some other section of the Act, as otherwise the advantage derived from the owning of business premises by the occupier would escape taxation.

"Now our friends here pointed out that it would be more in accordance with the practice of assessees if we simply recognised that they do not usually apply for any deduction under section 9; they presumably do not so apply because it would be inconvenient to have to face an assessment under section 8 or elsewhere. Our apprehension of course was that assessees, finding that no assessment could, under the Allahabad judgment, be made under any other section of the Act, would make a claim for deduction under section 9 thus leaving us without remedy. It was for this reason that we asked for the amendment of section 8. Our friends however pointed out that this would put the assessee to the trouble of calculating his deduction under section 9 (no easy matter), and would further put the assessing authority to the trouble of making an assessment under section 8, an equally difficult matter. That would be a doubly cumbrous process and they suggested that we should simply withdraw the privilege of deduction under section 9.

"Now as I explained in introducing the Bill, our desire in presenting this Bill was not to raise taxation or in any way increase the burden of the tax-payer. If we can meet the wishes of assessees and of the commercial community as to the exact shape the measure should take we shall be only too glad to do so.

[*Mr. W. M. Hailey*; *Mr. A. R. Murray*; *H E. the President*] [16TH SEPTEMBER, 1920.]

"We have received from the Chambers of Commerce at Calcutta, Bombay and Madras telegrams which inform us that they prefer the alternative put forward by my Hon'ble friend, Mr. Murray. We have also received from the Indian Merchants' Chamber and Bureau at Bombay, a body which does not always see eye to eye with us in other matters, a telegram stating that they also approve of the principles of the Bill. Consequently I think I am justified, in spite of the slight inconvenience which this step might cause to the Council, in asking for leave to withdraw this Bill and in subsequently asking for permission to introduce another Bill which will effect the same purpose in the way desired by my Hon'ble friends. I therefore ask for leave to withdraw the Bill."

12 P M. **The Hon'ble Mr. A. R. Murray**:—"My Lord, I have no objection to the Bill being withdrawn."

The motion was put and agreed to.

THE INDIAN INCOME-TAX (AMENDMENT No. 2) BILL.

The Hon'ble Mr. W. M. Hailey:—"My Lord, now I move for leave to introduce a Bill further to amend the Indian Income-tax Act, 1918.

"This is the alternative Bill to which I have just referred."

The Hon'ble Mr. A. R. Murray:—"My Lord, when the Bill that has just been withdrawn was introduced, I objected to it for what seemed to me good and sufficient reasons. I am very pleased to see that the Hon'ble Member in charge has accepted my point of view, the point of view of the ordinary business man. This action of his is only on a par with the consideration which he and his Department have at all times shown to representations from the commercial community.

"I have had an opportunity of discussing the terms of the new Bill with the Hon'ble Member. I am satisfied with his assurances. I beg to thank him for them and I hope that the new Bill will be passed into law."

The motion was put and agreed to.

The Hon'ble Mr. W. M. Hailey:—"My Lord, I now introduce the Bill and move Your Excellency to suspend the Rules of Business to admit of the Bill being taken into consideration."

His Excellency the President:—"I suspend the Rules of Business."

The Hon'ble Mr. W. M. Hailey:—"My Lord, I now move that the Bill be taken into consideration.

"I should like, my Lord, in this connection, to say that I should like to offer my apologies, apologies which perhaps I might have offered at an earlier stage, to those who are interested in the Income-tax question for the somewhat hasty manner, in which we were obliged to introduce this legislation. I should like also to say that it is a matter of great gratification to us to be able to meet the wishes of my Hon'ble friends opposite in regard to the exact form of this amendment. And I should like to say to the Council that, if my Hon'ble friend Mr. Murray is satisfied with the new Bill, I think they can be satisfied too, for I have never known a more competent critic of Income-tax procedure, or one more thoroughly conversant with its principles and practice, both here and at home than my Hon'ble friend."

The motion was put and agreed to.

The Hon'ble Mr. W. M. Hailey:—"My Lord, I now move that the Bill be passed."

The motion was put and agreed to.

THE INDIAN TERRITORIAL FORCE BILL.

His Excellency the Commander-in-Chief:—"My Lord, I beg to move that the Report of the Select Committee on the Bill to constitute an Indian Territorial Force, and to provide for the enrolment therein of persons other than European British subjects be taken into consideration. 12-5 P.M.

"My Lord, the Bill has been examined by a Select Committee, on which the non-official Members were strongly represented. The Committee has put forward a number of very useful amendments in their Report which will, I hope, add to the practical value of the Bill and at the same time satisfy Indian sentiment.

"The various amendments proposed have been printed in italics in the copy of the revised Bill which has been issued to Members of this Council.

"I do not propose to discuss these amendments in detail. It will suffice if I refer to some of the more important. Of these, the most note-worthy is the amendment made to clause 11, which provides for the modification of the Indian Army Act by Rules, the effect of which will be to give the Indian Territorial Force, while under training, a disciplinary code of its own, suited to the special needs of the University Corps, as well as of the Provincial Corps which will be constituted under the provisions of clause 4.

"The next amendment calling for remarks is that contained in clause 12, which provides for the creation of Provincial Advisory Committees similar to those to be created under the Auxiliary Force Bill. These Advisory Committees, which will include a majority of Indian members, will provide a recognized channel for the expression of non-official opinions on questions affecting the welfare of the Force as well as of individual members.

"A third amendment, which I may mention, is that included in clauses 9 and 10 which, as in the case of the Auxiliary Force, provides for the employment of the Territorial Force in aid of the Civil Power.

"In proposing these amendments, the Select Committee has endeavoured to assimilate the provisions of the Territorial Force Bill with those of the Auxiliary Force Bill to the fullest extent possible having regard to essential differences in organization. The results achieved are, I think, very satisfactory. They furnish a good example of co-operation and of that principle of give and take which is the basis of all successful business.

"On behalf of Government I am prepared to accept all the amendments suggested in the amended Bill. But, before moving that the latter be taken into consideration, I should like to make a few remarks in regard to two suggestions which have been made in the Select Committee's Report.

"In the first of these suggestions, reference is made to the desirability of assimilating the designations of officers of the Force to those in use in the British Army. In the case of units such as the University Corps, in which the majority of the members speak English, this proposal is not altogether unreasonable and the suggestion will receive sympathetic consideration. I must explain, however, that to the soldier, this proposal does not appear quite so simple as it does to the civilian. As the Indian Territorial Army is to be the second line of the Indian Regular Army, it is obvious that the designations of its various ranks should be the same as those which obtain in the latter. It is possible, however, that some of the designations in use in the Regular Army are capable of improvement and this matter is at present under consideration. It must be understood, however, that matters of this kind affect the Army as a whole. They must, therefore, be regarded from the point of view of general military policy, rather than from that of local sentiment. I am, for these reasons, unable to make any definite pronouncement on the subject at present. All I can say is that every endeavour is being made and will be made to discover a solution which will prove generally acceptable.

[*H. E. the Commander-in-Chief*; *Mr. S. Sastri.*] [16TH SEPTEMBER, 1920.]

"As regards the other suggestion made, namely that the new Force should comprise all arms or branches of the Army, I may say, as the responsible Military Adviser to the Government of India, that I am not prepared to recommend such developments at present. The basic portion of every Army is its Infantry; and until the Indian Territorial Force can produce the full number of Infantry battalions we require, and until these battalions are reported to be efficient and up to strength, the creation of technical and ancillary services must be reserved for a later stage.

"To put it quite frankly, we cannot afford to waste money on costly experiments. If the Indian Territorial Force comes up to expectation as regards its Infantry, the other arms will no doubt materialise in due course. But before we incur any additional liabilities on this account, we must be quite sure that we shall secure an adequate return for our expenditure. Hon'ble Members probably do not realise how enormous is the difference between the cost of equipping Infantry and that of equipping the other arms. To make this point quite clear, I will make a few comparisons which will, I think, prove interesting. The cost of a rifle and bayonet is about Rs. 100 and that of a round of ammunition is one and a half annas. The cost of an eighteen pounder gun and its limber complete with horses and saddlery is about Rs. 13,000 while the cost of its shell is Rs. 10. Consequently, you can provide 130 rifles for the cost of one eighteen pounder, and 107 rounds of rifle ammunition for the cost of a single shell.

"The initial cost of the equipment of a field battery is about 7 lakhs or say Rs. 3,650 per man. On the other hand, the initial cost of the equipment of an Infantry battalion is about 4½ lakhs, which works out to Rs. 430 per man.

"In the same way, the annual cost of the upkeep of the equipment of a battery is about a lakh or say Rs. 600 per man, while in the Infantry the same charge is only half a lakh or approximately Rs. 50 per man.

"It will be seen from these figures that the equipment of the technical arms costs anything from twice to eight times as much as that of the Infantry.

"In these circumstances, it will be realised that it is out of the question for Government to make any pledges in the matter, though they fully realise that a Territorial Force cannot claim to be an efficient second line Army unless it is complete in all respects. Perfection is not, however, to be attained at once, and having regard to the disappointments experienced in connection with the Indian Branch of the Indian Defence Force during the war, we must be satisfied with gradual developments.

"With these remarks, my Lord, I beg to move that the Bill be taken into consideration."

The motion was put and agreed to.

12-12 P.M. **The Hon'ble Mr. Srinivasa Sastri:** —"My Lord, I move the following amendment to the Bill:—

'That in clause (3) the following proviso be added:—

'Provided that the Governor General in Council shall establish all or any of the branches of the Force as circumstances may permit from time to time'.

"This amendment, my Lord, is meant to give effect to the recommendation contained in paragraph 16 of the Select Committee's Report. His Excellency the Commander-in-Chief has already referred to this recommendation. He has enforced on us the great lesson that the development of this Territorial Force can only be gradual and that the establishment of other branches than the Infantry must depend on the success of the experiment which the Government are prepared to make with respect to that branch.

"I am perfectly willing, on behalf of my non-official colleagues, to accept that limitation. There never was any serious danger of our overlooking that limitation. The time and circumstances under which further branches of the Territorial Force could be opened must certainly be left to the judgment of

the military authorities, subject to the control, of course, of the Governor General in Council. Nevertheless, there is, my Lord, as I need not remind Hon'ble Members of this Council, such a thing as policy, such a thing as a fixed policy, such a thing as the enormous difficulty felt in changing a fixed policy. Let us take, as an example, the Local Self-Government Act of Lord Ripon in the early eighties of the last century. That Bill, when it first emerged from the legislature, contained no provisions of a mandatory character on Local Governments to develop local self-Government from time to time. Lord Ripon at the time was content to leave his wishes enshrined in a Resolution which we all know by heart. We know, however, that, in giving effect to His Lordship's wishes, local Governments were not altogether so enthusiastic as we could have wished. Time after time we made attempts to stimulate the zeal of local Governments in this direction. Our efforts, however, were attended with only very partial success, until now even the authors of our Reform Despatch realise and lay down in clear terms their disappointment—if I may use the word—their disappointment that progress in this direction has been so very slow, with the result that the inauguration of this generous piece of political and constitutional reform is rendered somewhat difficult by reason of that circumstance. I have an idea that, if in the various Local Self-Government Acts a provision had been inserted like the one I am moving, the progressive politicians of the country could have used it as a lever by means of which to put pressure on Government from time to time. The question whether circumstances are ripe for a further step of progress could then be discussed in the Legislative Council. Interested Members might come up with a statement calculated to prove that the time had come for another step in advance and Government, if they were unwilling to change their constitutional policy, would have had some difficulty in making good their position.

"The object of this particular amendment, my Lord, is to enact in the Bill a provision which might be used in future by non-official Members of the Council for the purpose of coming here with definite proposals, of course always attempting to prove that circumstances permit an advance. Now, circumstances may permit an advance, the experiment may have been successful, but there is such a thing as military policy. Military policy, my Lord, changes very slowly. I do not quarrel with the military authorities. They are in charge of an extraordinarily powerful machine which cannot be revised from time to time according to the wish of go-ahead reformers. It is necessary to be slow and to be cautious. But I have known complaints from all quarters, not excepting the civil side of the Government itself—I have known complaints from all quarters that military policy is particularly hard to change, unnecessarily hard to change. I remember a wag saying that nothing changes with respect to the Military Department except its expenditure, which rushes forward with giant strides year after year. It is, my Lord, in order that we may be able to come forward with proposals for the opening of new branches from time to time, it is in order that we may be able to exert constitutional pressure to overcome this extraordinary inertia on the part of the Military Department that we seek to make this provision in the Bill. There is no particular danger in it. As I said before, the final discretion will vest in the Governor General in Council. That ought to be a complete safeguard, while, at the same time, we, on our part, may feel that, if we thought the time was ripe for advance, we could come to you with something like moral authority.

"My Lord, I move the amendment."

The Hon'ble Mr. Sachchidananda Sinha:—"My Lord, I rise to second the amendment which my friend, the Hon'ble Mr. Sastri, has moved just now. I submit that the amendment is a very modest one; it embodies the wishes of all the non-official Members on the Select Committee, and I, therefore, earnestly hope that His Excellency the Commander-in-Chief will see his way to accept it. My Lord, Mr. Sastri has given very convincing reasons why the Government should be pleased to accept the amendment. He has shown by analogy to the omission of certain mandatory words in the Local Self-Government Bills that the delay which has occurred in the progress of reform in local self-Government has been due 12-20 P.M.

more or less, perhaps more than less, to the omission of some such words in those Bills. When Mr. Sastri said that the memorable words of Lord Ripon's Resolution were known to us by heart, I noticed Sir George Lowndes and Sir William Vincent shook their heads very hard, implying, no doubt, that they did not know a word of it. I am not surprised at that. I would not be surprised if they have forgotten the words of Queen Victoria's Proclamation or even of the King-Emperor's Proclamation of last December. It only shows that it is all the more necessary to put in some mandatory words specifically in this Bill, so that they may not be forgotten hereafter. I think it is a very modest submission of ours, because we do not propose to compel the Government of India to take action immediately or at a time when it is not desirable in their view. The discretion is left to the Government of India, and I think, therefore, the Government should meet us half way on this particular point, about which there is so much strength of feeling among us non-officials. I do not want to raise here questions of military policy in this country; I do not feel sure that it would be germane to this Bill. But there is a deal of truth in what Mr. Sastri said in regard to the policy of the Government of India in military matters, specially that affecting His Majesty's Indian subjects. Whereas in the last 150 years there has been a steady, although slow, progress and reform on the civil side of the administration, leading us from autocracy and bureaucracy to the doors of responsible government, I fear there has been very little progress and reform on the military side (not in technical matters or details of military administration) in regard to a generous policy towards Indians. It will be considered perhaps improper for a layman like myself, and that too a representative of the so-called non-martial races to which Sir Umar Hayat Khan has referred so often, to have the courage to get up and speak in this Council on the military policy of the Government of India. May I, however, recall that Sir George Chesney, a very distinguished military Member of this Council, in his classical and standard book 'Indian Polity' passed a most scathing condemnation on the military policy of the Government of India towards the Indians. After comparing the British military policy in this country with that of the Russians in Central Asia, he said in effect: 'We must confess, say what we will, that the people are justified in believing that our military policy in regard to the Indians is one of hypocrisy.' I do not want to say whether these words are a just charge against the Government of India; but there the matter stands. It is, therefore, all the more welcome to me as a non-official Member that on this the last day of the meeting of this Council under the old regime, Your Lordship's Government is going to enact a measure which will give immense satisfaction to the people of my country, and I, therefore, hope that His Excellency the Commander-in-Chief will meet us half way, accept the amendment and make the Bill even more acceptable."

12-35 P.M. **His Excellency the Commander-in-Chief:**—"My Lord, the Hon'ble Mr. Sastri's amendment appears to me to be redundant as what he asks for seems to me to be provided for already. However, as the Hon'ble Member attaches great importance to his amendment, I am prepared on behalf of Government to accept it, subject of course to the remarks made in my previous speech as to the necessity of deferring expenditure on costly technical services until the new Force can demonstrate to the satisfaction to the military authorities that the Infantry has in numbers and general efficiency attained to the standard required of a second line Army.

"Before sitting down I desire to make just one brief observation in regard to the strictures which Mr. Sastri has made in his speech in regard to what he calls 'this inertia in the military policy of the Government.' In the first place, the question which arises to my mind is what does Mr. Sastri know about it? I would like to put that question. He knows so little and is so entirely ignorant of any military matters that, so far as I am concerned, I pass it by. He is entitled to his opinion; I am equally entitled to disregard it. But, so far as the Army is concerned, I desire to say, as its representative, that the work it has achieved during the past four years furnishes the best possible refutation of his charge. And if Mr. Sastri rises to higher positions, as I presume he will, and if his eloquence carries him into wider fields of activity, then I say, I do hope that he will in his own work display no such inertia as he alleges has been displayed by the Army during the period in which I have had the honour of commanding it."

[16TH SEPTEMBER, 1920.] [*Mr. Srinivasa Sastri*; *H. E. the Commander-in-Chief.*]

The Hon'ble Mr. Srinivasa Sastri:—"I am thankful, my Lord, that His Excellency the Commander-in-Chief has been pleased on behalf of the Government of India to accept this amendment. My pleasure is by no means qualified by His Excellency's somewhat spirited reply to my charge of inertia. I know His Excellency is never angry even when he appears to be so. I have known him more than once in this Council speak as though he were angry and adding 'who says I am angry?' That is His Excellency's way and we all understand it. I accept his criticism of my speech in good part and I shall profit by it. But at the same time I wish to add for the information of His Excellency the Commander-in-Chief that, if he has never heard before of the inertia of the Military Department, he has not heard of something which everybody else has heard of and knows." 12-17 P.M.

The motion was put and agreed to.

His Excellency the Commander-in-Chief:—"My Lord, I beg to move that the Bill, as amended, be passed." 12-20 P.M.

The Hon'ble Mr. Srinivasa Sastri:—"My Lord, it is with the greatest pleasure that I support the motion now made by His Excellency the Commander-in-Chief. When the first motion regarding this Bill was brought forward before this Council, I made some rather strong remarks, and for that reason I feel it my duty at the concluding stage of this Bill to say that it is a source of satisfaction to me to commend this Bill, as it is now finally shaping, to the country. This is a great measure; it is intended to satisfy the demand made by the educated classes in this country for a long time. It is by no means perfect, but as the Select Committee have said, serious attempts have been made to bring it, so far as its nature as a Territorial Force will allow, into line with its sister Bill, the Auxiliary Force Bill, with which, as I said at the outset, there is a great danger of its being minutely compared by critics in the country. Our attempts in Select Committee, I think, have borne excellent fruit. There are, however, some particular points which have been left over to be determined by rules to be framed under the Act. To certain of these I will ask the leave of the Council to refer. There is a provision now inserted for the appointment of Advisory Committees in localities on the lines laid down in the Auxiliary Force Bill. But the precise functions are still to be regulated under rules. I hope, my Lord, one of the rules will make it clear that the advice of these Advisory Committees, as in the case of the Advisory Committees on the Auxiliary Force Bill, will generally be accepted, unless the Local Government for specific reasons sees fit to reject the advice. I hope also that the rules will speedily be made and I beg leave to press on the Government the advisability of choosing members of this Rules Board from every province in the country, from people who have had some little experience of the way in which the Indian section of the Indian Defence Force was worked last year. I would also specially urge on the attention of His Excellency the Commander-in-Chief the necessity of appointing as officers of this Territorial Force men specially qualified for the task. Great mistakes are likely to arise, and we have known them arise, from the injudicious selection of officers for such a purpose. I make no doubt that the matter will receive the personal attention of His Excellency the Commander-in-Chief and we shall find our first Territorial units placed under officers who sympathise with them and whom they will learn, in course of time, to love and cherish. My Lord, as I said before, this Bill is not perfect, but it would be a poor world this if everything was perfect. We believe that the Bill can be made more and more perfect. This particular observation I press specially on those critics in the country who might say that in helping the Bill through the Council we were anticipating the judgment of the country and that we have done wrong. To those critics I answer that it is possible for our successors in future to see that this Bill is improved all round. We lay special emphasis on the point which is often overlooked that in future the Governor General's Council will include three Indian Members. I hope my young friends to whom this Territorial Force is going to appeal will remember that their interests will be properly safeguarded by the Indian section of the Government of India; and when we have two large Assemblies in the Government of India, one of which will contain an overwhelming majority of elected Members and the other a fairly decisive majority of elected Members, it is practically certain that these Acts will be so improved in course of time that they will become of really great service and benefit to the nation. I 12-30 P.M.

wish, therefore, on this occasion to commend this Act to the favourable notice of all young men in the country between 18 and 30 years of age. My Lord, although I make this appeal, I would beg the Government of India not to be too quick in judging the results. The times are not ripe. I am exceedingly sorry that there are conditions at this time when the attention of our eager youth is being devoted to other aims and purposes. In particular, I am afraid that our young men are embarking on the perilous sea of what is called 'non-co-operation.' My Lord, we see nothing but dangers all round. The sky from horizon to horizon is covered with dark clouds. As the poet says 'The prospect is one vast inky blot.' I wish it were possible to wean our youths from these dangerous enterprises. I wish someone with the prophet's fire and the prophet's eloquence would dissuade them from having anything further to do with this non-co-operations become normal—just now they are most abnormal—when conditions become normal, I am sure that the legislation that the Council is now enacting under the auspices of His Excellency the Commander-in-Chief will be recognised to be a most fruitful and beneficent measure."

12-30 P.M. **The Hon'ble Mr. Surendra Nath Banerjea :**—"My Lord, I desire on behalf, if I may say so, of the non-official Members of this Council, and on behalf of the educated community of India to thank His Excellency the Commander-in-Chief and Your Excellency's Government for the Bill which is now about to be enacted into law. The Bill which is now before us, as amended by the Select Committee, is a very different Bill from that which was introduced into this Council some time ago. My Lord, there was visible in the deliberations of the Select Committee, manifest on all sides, a spirit of co-operation between the official and non-official Members. We made suggestions with a view to improve the Bill from the non-official, the popular point of view. These suggestions were treated in the most conciliatory spirit and many of them have been accepted, and the last one, in regard to which there was a difference of opinion, that too has now been adopted, for which we are thankful to His Excellency the Commander-in-Chief. My Lord, I am justified in saying that this Bill goes forth to the country with the *imprimatur* and the united support of the non-official, the popular Members of this Council. My Hon'ble friend, Mr. Sastri, has sounded a note of co-operation ; he has warned the country against the dangers of non-co-operation. My Lord, I have no fears, no misgivings on this subject ; this is a transient fit—I was going to use very strong language—a transient fit of insanity which has seized a particular section of the community and I have sufficient confidence in the sobriety and the good sense of my countrymen to believe that the fit will soon pass away, in the light of accomplished facts, in the light of the situation which will slowly reveal itself.

"My Lord, here you have a conspicuous instance of co-operation between the Government and the Indian community. My Lord, this Bill is a fitting corollary to the Reform Act. The Reform Act gives us self-Government to be attained by progressive stages of realization. As I said on one occasion, self-defence is but a part of self-Government. This Bill provides self-defence to be gradually developed and to be steadily attained. These two combined constitute a powerful instrument for the up-building of the majestic fabric of Indian nationality. And, my Lord, when the heat and the dust of the present controversy has been allayed and when things are seen in their true perspective, these two measures will be an enduring monument of Your Excellency's administration. I think I anticipate the verdict of history on this matter, and I am confident that my anticipations will be justified.

"I feel that I ought to appeal to my countrymen—and I am sure of a sympathetic response in this matter—that they should come forward and join the Territorial Army. I feel that Bengal will cheerfully respond to this appeal, because I am convinced of a strong body of feeling in my province in favour of the Territorial Army. My Lord, I trust that no time will be lost in giving effect to this measure which will remain a standing memorial of Your Excellency's administration, long after you have left these shores."

The Hon'ble Dr. Sir Debaprasad Sarbadhikari:—"My Lord, in the light of facts that have reached me, I refuse to associate myself with the pessimistic misgivings which Mr. Sastri has thought fit to voice, at least in this concern. Within a mile of our drill ground in Calcutta, non-co-operation of the loudest fashion was being preached, and everything was being done to wean away our boys from the Calcutta University Corps. It did not, however, answer. We wanted 150 to take the place of those that had to go out of the corps, within the last few days under the rules, their connection with the University having ceased. We had not the least difficulty in getting them and many more in spite of our continuing, nay increasing handicap. 12 45. M.

"My Lord, that will be the spirit in which, I am sure, this piece of legislation will be received in the country by those whom it will concern, if the rules are suitable and satisfactory. If the rules be promptly made on sound lines, enthusiasm will be evoked and maintained. We shall have absolute co-operation, at all events, so far as the educated community is concerned. For a long time in Bengal—I shall not answer for other provinces—it will be the educated people to whom we must look for stiffening of the Territorial Army. Co-operation will not be merely in words if circumstances are propitious, and it is my duty to press this phase of things before the Council. Everything has been left—and unavoidably left—to rules, for we must recognise that many interests have to be consulted. Early and favourable framing of the rules will, however, determine as to how enthusiasm will be evoked and maintained, which no skeleton Act can be expected to do.

"I have authority to announce that, if the rules be suitable and satisfactory, our distinguished and ever generous countryman, Sir Rash Behari Ghosh, will subscribe a lac of rupees to be placed in the hands of the Advisory Committee for such supplementary expenses as may have to be met for the comforts and efficiency of the University Corps. And I have authority from Bengal to inform this Council that it will not take very long to get another lac, and yet another lac, following Sir Rash Behari's munificent donation, as a nucleus for a permanent fund. Sir Rash Behari Ghosh voluntarily came to the rescue of the expiring corps with his donation of Rs. 10,000 in its sore need and many more thousands were raised as a result and are still being raised. The great thing is to handle the situation wisely, firmly and sympathetically.

"My Lord, I shall not take up the time of the Council with detailed suggestions about the rules or on the general question of policy when there is so much important work yet to be done on the last day of the session, in fact the last day of the life of the Council under the existing regime. The rules will be framed, as we understand, after full and free consultation with representatives of those deeply interested in the issues and they should be taken up without delay.

"We should be wanting in our duty if we did not give expression to the deep debt of gratitude that we owe to His Excellency the Commander-in-Chief and to Your Excellency for having taken up and pushed this measure during the present session and tried to do away with some of the inequalities that we started with so far as the Auxiliary Force Bill and the Territorial Bill were concerned. There is much yet that could and must be done, but we must leave that to time for the fresh start has at once to be made, as otherwise the Indian Defence Corps would come to an automatic end at the end of the month. We are obliged to work against time and have to put up with many imperfections that might be soon remedied.

"We are thankful to His Excellency the Commander-in-Chief that as regards the University Corps, which have been differentiated, he is going to leave to the University itself some important questions of discipline so far as the training period and the non-service period is concerned. While thanking him, we desire to make it clear that we do not want that the centre of gravity in essential matters of discipline should not be in the hands of the military. A man in uniform must pay all possible deference always to his officer and be amenable to their discipline. In civil clothes alone should the non-military authority come in and the powers of the University and the

officers should be well defined. Our object in pressing this aspect of things before His Excellency the Commander-in-Chief was not to do anything that would interfere with or jeopardise discipline, because we fully believe that with regard to discipline and training the corps, that will come into existence, should not only aim at mere physical efficiency but also at a high moral standard, which restraint and discipline alone can ensure. One of the proudest moments in my life, my Lord, was to take part in the first *khaki* convocation in my University over which Your Excellency presided. With some disappointment I found when I came to this Council that we could not get the Calcutta University Bill through. That sense of disappointment is to a certain extent lessened because, with the help of the legislation we are undertaking, we shall have the makings of greater and stronger Universities than ever we dreamt of before, helpful alike to the advancement of the country and the stability of the Government—assured by national awaking of the martial spirit of its people on sound and proper lines."

12-49 P.M. **The Hon'ble Mr. Sachchidananda Sinha:**—"My Lord, I do not think I shall be justified in giving my vote to this motion without saying a word as to the reasons which justify my doing so. When some days back His Excellency the Commander-in-Chief introduced this Bill, he said that he wanted it to be published in the Gazette for eliciting response from the country and, if he found that the respone was sufficiently encouraging, he would then take, or rather his successor may take, some action in the matter. This did not appeal to the Indian Members, and some of us here pointed out to His Excellency that we were anxious that the Bill should be passed, preferably in this session, that its provisions should, so far as possible, be assimilated to those of the Auxiliary Force Bill and that it should be improved in other directions. Our sense of gratitude is, therefore, due to His Excellency the Commander-in-Chief for having accepted our suggestions and announced at a later meeting that the Bill would be passed in this very session. The Bill as it is now going to be enacted is undoubtedly a very great improvement on the Bill as introduced, and I join my venerable leader, Mr. Banerjea, in testifying to the fact that almost all the amendments that were moved or the changes that we suggested, in the Select Committee, were accepted by Major-General Sir Alfred Bingley on behalf of His Excellency the Commander-in-Chief. I certainly believe that the result of our co-operation in the Committee has resulted in the improvement of this measure which would be of immense benefit to the people of this country.

"My Lord, I think that my esteemed friend Mr. Sastri has been slightly misunderstood by the Hon'ble Sir Debaprasad Sarbadhikari, who said that Mr. Sastri had assumed rather a pessimistic tone in respect of the operation of this Bill. What I feel is that Mr. Sastri was justified in pointing out that the situation at the present moment is obviously so critical that it should not be hastily presumed that the Bill, when enacted, has been a failure in its results, if people do not respond immediately to the provisions for recruitment which are embodied in the Bill. We all feel, my Lord, that at the present moment, for reasons which need not be discussed, the situation in the country is so unsatisfactory that a number of people have been preaching what is called the gospel of non-co-operation. Your Lordship surely does not need any assurance from us in this Council that we do not believe in this doctrine, for if we did, we would not be here. At the same time, as the question of non-co-operation with reference to this Bill has been raised, I should like to say a word about it. I have not been able to understand what non-co-operation can possibly mean to any patriotic Indian, in regard to his relations with the Government of this country. The reason why co-operation is necessary is because the stupendous fabric of our Indian Empire has been built up by the joint labours and co-operation of the British and the Indians in this country. If any one were to tell me that the British alone have made the Indian Empire what it is, then I would say to him that it is absolutely wrong; and if any one were to tell me that the Indians alone have done so, then I would say to him that it is equally wrong. History testifies to the fact that the Indian Empire has been established by the mingling of the blood and the brains of both the British and the Indians. It is, therefore, that as a

[16TH SEPTEMBER, 1920.] [*Mr. Sachchidananda Sinha; Chaudhri Mohammad Ismail Khan; Sardar Bahadur Sardar Sunder Singh Majithia; H. E. the Commander-in-Chief.*]

patriotic Indian I am totally against the gospel of non-co-operation ; I believe in a larger and larger measure of co-operation resulting in the Indianisation of our civil and military services and also leading us, in course of time, to a full measure of responsible Government. At the present time, though, the situation is certainly not satisfactory, I have no reason to fear that in due course conditions in this country will become normal, when we have obtained our right perspective. This day will go down in the history of this country as a memorable one, for the passing of this great measure, and I accord my hearty support to the motion before the Council."

The Hon'ble Chaudhri Mohammad Ismail Khan:—"My Lord, as a representative of the race which has been regarded as one of the most martial of the martial races of the world, I beg to accord my whole-hearted support to the measure and to express my gratitude, because it will mark a new era in the military history of India. It is a remarkable, but an agreeable, coincidence that we got the first instalment of home rule or self-Government during Your Excellency's term of office and we are entrusted with the noble task of self-defence—rather a part of it. 12-54 P.M.

"It denotes the new policy of trust and confidence in the people which has characterised Your Excellency's work in India.

"Your Excellency's opinions may differ in regard to the trend of events and I leave them to the judgment of history. But I do say that most of the momentous reforms have been carried out during Your Excellency's tenure of office. I earnestly hope that my community will co-operate with the Government in this matter and give a proof of their martial spirit."

The Hon'ble Sardar Bahadur Sardar Sunder Singh Majithia:—"My Lord, I had no intention of speaking on this Bill when I came to the Council to-day but after hearing the Hon'ble Mr. Sastri and other Hon'ble Members I considered it my duty to say a few words. Another reason why I wish to speak is that I wish to make a suggestion or two to His Excellency the Commander-in-Chief.

"The Hon'ble Mr. Sastri said in his speech just now that the men whom he thought should officer this new Territorial Force should be specially qualified for the task. In this connection I would suggest to His Excellency the Commander-in-Chief to utilise the services of old and retired military officers who are in the country and I think if this suggestion is taken up they will prove very useful for this purpose.

"There is another suggestion, my Lord, which I would like to put before the Council and that is that as there is a large proportion of the population of this country who are uneducated and who will, I think, probably serve under this Bill in the Territorial Fore, I suggest, that the Bill when passed into law be printed in the different vernaculars of this country so that it might reach and be read in the homes of the people who might take part and serve in this Force.

"The Hon'ble Mr. Sastri, referring to non-co-operation, said that there were dark clouds in the horizon. My Lord, the time has come when the saner public opinion in the country must rise to the occasion and see that these dark clouds are not only dispersed but that a golden gleam is given to that darkness on the horizon. If they rise to the occasion I see no reason why this danger of non-co-operation should not die a natural death. With these few words I welcome this measure and give my hearty support to the Bill."

His Excellency the Commander-in-Chief:—"My Lord, in replying to the observations of the many Members who have spoken on this measure, I thank them for the cordial terms in which they have referred to this Bill. 12-56 P.M.

"The Bill has had most distinguished sponsors and custodians and I shall certainly urge my successor, when handing over, that he should regard it as one to which all non-official Members attach great importance. I shall also remind him of the remarks that have been made by my Hon'ble friend Mr. Sastri, namely, that the Bill is not a perfect measure and that we must not be in too great a hurry to condemn the results attained.

"I feel grateful to the Hon'ble Member and my friends here for the way in which they have received the Bill and, my Lord, I think my duty now is to ask that the Bill, as amended, be passed."

The motion was put and agreed to.

THE AUXILIARY FORCE BILL.

His Excellency the Commander-in-Chief:—"My Lord, I beg to move that the Report of the Select Committee on the Bill to constitute an Auxiliary Force for service in India be taken into consideration.

"The Bill, as amended by the Select Committee, is much improved and I have every reason to believe that it will prove acceptable to all classes whom it concerns.

"Speaking as Commander-in-Chief, I may say that an enormous amount of trouble has been taken to ascertain public opinion in the matter, to explain the objects of the Bill and to adjust its provisions so as to meet the needs of various communities. Two officers of the staff at Army Headquarters were detailed last cold weather to interview the Chambers of Commerce, Trades Associations, Planters Associations and other representative bodies, so that there might be no misunderstanding as to what was required or what was intended.

"It was evident that the Indian Defence Force, which had been called into existence as a temporary measure during the war, would have to be replaced by some permanent organization which would secure a higher standard of efficiency than was provided for by the Volunteer Act of 1869, and which would assign to its members a *role* in the general scheme of defence compatible with the civil avocations of busy men."

"The amended Bill may not be flawless, but, thanks to the labours of the Select Committee, it will now be regarded, I hope, with general satisfaction. Its provisions are sufficiently elastic to meet the needs of a Force which includes business men, planters, officials, professional men engaged in industries, and men employed on railways. It provides for men of all ages from 18 to 45, and graduates the calls upon a man's time according to his age and the amount of previous training he has received. The details of training have been carefully thought out and represent the minimum necessary to produce a force of any military value. It would, indeed, have been necessary to demand a higher standard, but for the fact that the last five years have given, to almost every man eligible to join the Force, a considerable degree of military training, either in the Army itself or in the various Auxiliary Forces which were called into existence during the war.

"The provisions as regards discharge have been simplified to suit varied conditions and provision has been made for the creation of Advisory Committees which will be able to dispose of individual cases with special knowledge of business and professional requirements.

"The local character of the Force has been emphasized and its disciplinary code has been simplified to suit the needs of a citizen force. The Rule-making powers of the Bill are subject to the proviso that such Rules shall, except on the first occasion, be subject to the condition of previous publication. This will ensure that no important changes will be made without giving ample time and opportunity for their consideration.

"I do not think, my Lord, that I need add any further remarks. The communiqués issued on the subject of the Bill and in regard to its various provisions have kept the Council fully informed as to the object of Government and I believe that the amended Bill now put forward meets the wishes of the public, both official and non-official, as well as of local Governments.

"I therefore move that the Bill as amended be taken into consideration."

The motion was put and agreed to.

The Hon'ble Mr. Sastri's amendment* was by leave withdrawn.

* "That in clause 4 after sub-clause (*d*), the following new sub-clause be inserted :—

'(*e*) being a British subject not falling within any of the classes defined in clause (*a*), (*b*) or (*c*), satisfied the conditions prescribed for enrolment of persons of that class.'

[16TH SEPTEMBER, 1920.] [*Mr. A. R. Murray ; Mr A. H. Froom.*]

The Hon'ble Mr. A. R. Murray :—"My Lord, I rise to move the amendment standing in my name— 1-1 P.M.

'That in clause 17 (1), for the words 'six years' the words 'four years' be substituted.'

"I regret having to take up the time of the Council over what appears to be a small matter, but advices have been received from different parts of India to the effect that the alteration of the period of six years to four years in the Bill will tend to encourage enrolment. In the Statement of Objects and Reasons attached to the draft Bill, and in the speech of His Excellency the Commander-in-Chief, when introducing the Bill, it was pointed out that no term of service is specified for the Auxiliary Force, just as was the case under the old Volunteer Act of 1869. The military authorities, however, in drawing up a provisional programme for the training of the new Auxiliary Force had indicated six years as the likely period over which this training might extend in order to make members really efficient. Therefore, although it remained, and still remains, optional to any person to offer himself for enrolment in the Force, a provision was inserted in the Bill to the effect that, once he had offered himself for enrolment and had been accepted, he should stay on and complete six years' service before being entitled to his discharge.

"When the Bill was under discussion in the Select Committee, it was pointed out that practically everybody eligible for enrolment in the Auxiliary Force had already had a good deal of training either in the Indian Defence Force or in His Majesty's Regular Forces during the Great War. That being so, many persons held the view that it was not necessary to have a programme of training extending over six years. The Committee, however, agreed to allow the period of six years to remain unaltered, although they made provision for persons who had attained the age of 45 years being allowed to resign on application without the necessity of satisfying the local Advisory Committee as to the validity of their reasons for deciding to leave the Force. Since the Select Committee's Report was signed, the Hon'ble Mr. Froom and myself have received communications from Bombay, Calcutta and elsewhere to the effect that the retention in the Bill of this period of six years might prejudice volunteering, and it has been suggested that four years should be substituted for six.

"Another consideration which has been brought to our notice is the fact that many of the men who will be eligible for enrolment in the Force are men who come out from home under agreement to serve for periods of four or five years only. That being so, they may demur to undertaking an obligation which, on the face of it, prevents them claiming discharge before the expiry of six years, although, in point of fact, they would be certain to get their discharge on the recommendation of the Advisory Committee, in the event of their wishing to leave the country

"We have discussed these points afresh with the military authorities, and I understand that His Excellency the Commander-in-Chief does not take any exception to the proposed alteration.

"I, therefore, now move, my Lord, that in clause 17 (1) for the words 'six years' the words 'four years' be substituted, and I commend this amendment to the favourable consideration of the Council."

The Hon'ble Mr. A. H. Froom:—"My Lord, I rise to support this amendment. Like my Hon'ble friend, Mr. Murray, who has moved it, I was on the Select Committee appointed to consider the Auxiliary Force Bill, and, during our deliberations, the period of compulsory training was discussed very fully, but it was agreed to leave it undisturbed. Since the sittings of the Committee, I have received a telegram from the Bombay Chamber of Commerce in connection with this Bill, and in it they press the consideration that six years is too long. It might be pointed out, my Lord, that Bombay has had sufficient time to have come to this conclusion before, but opinions grow and often grow slowly ; and I feel sure that my deputy in Bombay, the Hon'ble Mr. MacNaughten, would not have telegraphed to me had he not felt assured that a slight reduction in the period of service would assist in rendering the measure before us more attractive. 1-5 P.M.

[*Mr. A. H. Froom; H. E. the Commander-in-Chief; Mr. A. R. Murray; Mr. Srinivasa Sastri; Mr. Sachchidananda Sinha.*] [16TH SEPTEMBER, 1920.]

"My Lord, I strongly support the amendment, which I much hope His Excellency the Commander-in-Chief will see his way to accept."

1-7 P.M. **His Excellency the Commander-in-Chief:**—"My Lord, I am prepared, on behalf of the Government of India, to accept the amendment that has been proposed by my Hon'ble friend, Mr. Murray."

The motion was put and agreed to.

His Excellency the Commander-in-Chief:—"My Lord, I beg to move that the Bill, as amended, be now passed."

The Hon'ble Mr. A. R. Murray:—"My Lord, I beg to support the motion of His Excellency the Commander-in-Chief, and I trust that this Bill, as now amended, will forthwith be passed into law.

"Perhaps you will permit me now to say how much I appreciate the readiness with which His Excellency the Commander-in-Chief has at all times met the wishes of our community regarding the terms of this Bill, and, with your permission, my Lord, I would like to take this opportunity of conveying our sincere thanks to His Excellency and to the Hon'ble Major-General Sir Alfred Bingley, who, both in Select Committee and out of it, has done his utmost to make the Bill acceptable to all parties concerned. May I go one step further, my Lord, and say that I also appreciate the consideration shown to us by our Indian friends while this Bill has been under discussion. The Hon'ble Sardar Sunder Singh gave us great assistance as a Member of the Select Committee, and I hope I am not betraying secrets when I say that it was a valuable suggestion of his that brought the European Members of the Committee to unanimity when they were divided and looked like remaining of different opinions regarding the constitution of Advisory Committees on whom substantial powers are conferred in the Bill. I likewise appreciate the feelings that have prompted the Hon'ble Mr. Sastri to withdraw the amendment which stood in his name. I hope I am putting the correct interpretation on his action when I say that I believe it betokens a desire on his part 'to live and let live.' I have lived in India long enough and I have mixed sufficiently with Indians to realise that some of them feel strongly on this vexed question of racial discrimination. But we cannot alter facts—actual stern facts—by a stroke of the pen or by hasty and ill-considered legislative action. Just as the facts complained of are the growth of years, hundreds of years, it will, in my opinion, take many years yet of close and intimate co-operation for the common good of the country before we Europeans as well as Indians can sink all differences. I am one of those, my Lord—and I am not ashamed or afraid to say it—I am one of those who believe that it only requires time, more time, before all distinctions based on racial differences will disappear from the laws of this great Indian Empire. That time, in my opinion, is not yet, though it will come, and I therefore accept the Hon'ble Mr. Sastri's withdrawal of his amendment as an earnest that he, like myself, feels that, though these distinctions must ultimately disappear, the time is not yet.

"With these few remarks and thanking Your Excellency for permitting me to express them, I again voice the hope that the Auxiliary Force Bill, as now amended, will forthwith be passed into law."

1-11 P.M. **The Hon'ble Mr. Srinivasa Sastri:**—"My Lord, I must say that I cordially reciprocate the kindly spirit in which the Hon'ble Mr. Murray has referred to me. I do believe that racial discrimination is a thing to be avoided, if possible. I am convinced that at present the amendment that I sought to introduce into this Bill might provoke, without reaching any kind of success, that very kind of comment which it is the common purpose of us all to avoid. I have, therefore, thought it proper to withdraw my amendment, and I will not say a word on that subject except to say that I acquiesce in the passing of this Bill."

1-18 P.M. **The Hon'ble Mr. Sachchidananda Sinha:**—"My Lord, when this Bill was introduced, I felt it to be my duty to point out that it maintained certain distinctions based on racial considerations among His Majesty's subjects in this country. I find that the Bill, as sent up by the Select Committee, still maintains those unfortunate distinctions. The Hon'ble Mr. Sastri having withdrawn his amendment, I have no desire now to say any-

[16TH SEPTEMBER, 1920.] [*Mr. Sachchidananda Sinha; H. E. the Commander-in-Chief; Mr. W. M. Hailey.*]

thing on this subject, which might have the effect in any way of marring the harmony that should prevail at this last session of this Council. But, my Lord, I would be wanting in my duty if I did not make it quite clear that, although some Hon'ble Members of this Council talk of the 'saner' opinion and of the 'saner' section of the public, I frankly confess that I am on this one particular point absolutely insane, and that is, on that of the assertion of the absolute equality of all His Majesty's subjects in this country, without regard to considerations of race or nationality. In that view of the matter I cannot but think it is highly regrettable that those distinctions should have been maintained in this Bill. My Lord, I should have felt very much happier in giving my vote to the motion for enactment, if I found that this new Auxiliary Force had been thrown open to Indians also, who might be thought to be duly qualified by the authorities concerned, as I believe was the case under the old Volunteer Act. But I quite realize that we cannot always have all things to our own satisfaction, and as practical men we must take things as they come. Things are moving very fast in this country, and as one of those who believe that in due course we shall all advance I hope that this Bill will be recast and amended later in such a way as to admit His Majesty's Indian subjects also to the Auxiliary Force. I give my assent to the Bill, with this one reservation of racial distinction."

His Excellency the Commander-in-Chief:—"My Lord I beg to thank the Hon'ble Mr. Murray for the kindly way in which he has received this Bill. Our aim is the same and our hopes and aspirations are the same. We cannot attain them in the course of a day, and I only hope I am right in foreseeing a period when all the military forces of this great country will be animated by the same military spirit and trained for a common purpose namely to keep India inviolate from hostile invasion. We are making a very solid beginning now and I hope we shall proceed on the lines which, it seems, have the concurrence of all Hon'ble Members of this Council. 1-15 P.M.

"I beg now to move that the Bill be passed."

The motion was put and agreed to.

THE INDIAN PAPER CURRENCY (AMENDMENT) BILL.

The Hon'ble Mr. W. M. Hailey:—"My Lord, I beg to move that the Report of the Select Committee on the Bill further to amend the Indian Paper Currency Act, 1910, be taken into consideration.

"The Select Committee's Report is in the hands of the Council; and I think its brevity is the best warrant of the general approval which the main provisions of the Bill have met with. When I introduced the Bill I made it clear to the Council that if it were felt by the Select Committee, or if it were felt by the public generally, that further time should be given to consider the permanent provisions which we have placed in the Bill, we should have no desire to press these sections; that we should in fact merely ask that the transitional provisions be brought into effect. We have received no such expression of opinion either from the Select Committee, or from the press, or any section of the public. In fact, I think I may say, and say with some gratification, that the intentions of our Bill, both in regard to its principles and its details, have been fully comprehended by those who have dealt with the matter in the Press, and that the Bill itself has met with a very general appreciation. For this reason, my Lord, now I propose to ask the Council to take the Bill into consideration as a whole.

"Now, I think it possible that the general attitude of the public towards this measure has been assisted by their realisation of the great improvement that has taken place in the last few months in the position of our metallic reserves. I will give the Council details up to the latest date available. On the 8th of this month our metallic reserves, calculated on the old parity, amounted to 58 per cent of the total note issue; calculated on the new parity of 10 rupees to the sovereign, they amounted to just over 50 per cent; and I think this warrants our confidence in believing that even during the transitional period we shall be able to maintain a metallic reserve of 50 per cent or more. In the meanwhile, I should like to assure the commercial community that they need be under no

apprehension that we have tied our hands unduly in regard to expansion of the note issue ; for on our estimate of the amount required on revaluation we shall still have a reserve of 5 crores of fiduciary issue, and possibly more.

" My Lord, I am aware that this measure may seem to many Members of this Council a somewhat dry and tame affair after the more striking legislation which they have had before them this morning ; but if it is necessary that there should be men to fight for the country, it is also necessary that the finances of the country should be in a sound condition, and I maintain that a sound note issue is one of the most essential features of good finance. I shall therefore, even at this late stage, make no apology for referring to two or three matters in which I know that the commercial community at large is interested in connection with this Bill.

" The first refers to a question that arose in the Select Committee. There was some apprehension felt with regard to the provisions of section 9 of the Bill, under which there will be no statutory obligation on us to exchange for notes the eight-anna nickel coins which we have lately issued. That is no modification of the present position. Under our present law, the whole of our subsidiary coinage—and I include in that not only our nickel but our four-anna and two-anna silver pieces—has a legal tender only up to one rupee. But that does not prevent larger holders of this subsidiary coinage from obtaining from our Currency Offices such silver or notes as they may require in exchange for their nickel or for their subsidiary silver. There will be no change in our practice in this respect. Though the obligation is not one which rests on a statutory basis, it is one which we fully accept ; we regard it as essential to give every facility for the exchange of our subsidiary coinage. In fact, it is one of the functions of our Currency Department to provide exchange for our subsidiary coinage just as much as it is to provide silver for notes or notes for silver ; and we shall impose no limitation whatever in that respect.

" The second point is this. There has been a question addressed to us with regard to the manner in which we shall meet the depreciation in the capital value of the rupee securities held in our currency reserve. I need perhaps hardly remind the Council that in the past we held a considerable amount of consols in our paper currency reserve. Like all securities bearing a fixed rate of interest these have fallen considerably below their original purchase price. Well like all prudent people we realised some time ago that it was necessary to write down their value accordingly, and in 1916 and 1917 we placed aside a sum of £850,000 for that purpose. More recently we have, in consultation with the Secretary of State, transferred our holding of consols into the gold standard reserve, obtaining from that reserve short term securities in their stead. Therefore there is no further question of loss in capital value in regard to our consols. With regard to sterling investments in England the Bill provides that in future they should be in short term securities ; we are therefore fully protected against a fall in value in that respect. Coming however, to India the question is somewhat different. The Bill provides for our holding Rs. 20 crores of rupee securities. We already hold Rs. 8 crores in our own long term securities, Rs. 2 crores of which are of the three per cent loan of 1896-97 and the remainder in the 3½ per cent issue. Both these securities have depreciated ; and speaking for myself—I cannot of course bind my successors—I may say that it will be fully recognised by the Government of India that when we have written off the depreciation in our gold and securities which is caused by the recent change in the rating of the sovereign, we shall do our best, we shall indeed make it an obligation, to proceed to apply, preferably from the interest on paper currency investments the sums necessary to bring these securities up to the value at which our 3 and 3½ per cents will stand at that time in the market. That disposes of the Rs. 8 crores we already hold in long term securities. With regard to the remaining Rs. 12 crores of securities which we shall be allowed to create under the provisions of our Bill, it is our intention to create them in short term securities, preferably in our own treasury bills. The consummation of the permanent character of the reserve will take some time, but I am anxious that all those interested in this aspect of our financial arrangements should realize that it is our policy to avoid in future any holding in long term securities ; we realise that to hold such securities inevitably gives rise to a demand for revaluing them

according to the market price at which they stand, and it will be our fixed policy for the future to invest only in short term maturities.

"Now for a third point. On introducing this Bill I explained that it was the intention of ourselves and of the Secretary of State, to apply towards extinguishing the rupee securities which during the transitory period we shall need to create the interest on our gold standard reserve when once that reserve has amounted to £40 millions. I should have added then that we shall also apply to the same purpose the profits on our rupee coinage when such again arise. That will be an additional assistance tending to hasten the day when we can ask the Governor General in Council to notify that the permanent character of the paper currency reserve has been reached. There is one criticism—perhaps the only criticism of substance that has been directed against our Bill—with reference to the announcement of our intention to apply to this purpose the interest of the gold standard reserve when it amounts to £40 million. Our critic required that I should justify that proposal to the Council. The justification is this, that we no longer stand in the same position as we did in 1907, because we shall have created in our sterling investments in England a new buffer on which we can throw the effect of any weakening in exchange; and it is for this reason that we feel that we can with safety limit for the present at all events the investment in the gold standard reserve to £40 millions. I would add that there is yet a third method which we shall apply for hastening the appointed day. We shall apply to the extinction of the rupee securities specially created during the transitional period the interest (or to be more correct the difference between the discounted and the maturing value) of the commercial bills of exchange which we shall be able to hold as security for the special seasonal and expansional issue which it is proposed in the Bill to introduce as a new feature in our currency issue.

"There is one final remark which I feel I ought to make to the Council, in reference to a question also raised in the Select Committee. It was suggested that this scheme for a special expansion to meet seasonal demands has been subjected in the Bill to too narrow a limit, *viz.*, Rs. 5 crores. Now, my Lord, this is an experimental measure. We have had no experience of its working here or in England; and we are unwilling to take enhanced powers at present. But we shall take the following course. We shall in the first place consult the commercial community at large on the whole question, particularly in regard to the particular type of bill of exchange which we shall take as security. We shall also watch the operation of this issue, and if we find that the system proves successful, if it seems unlikely to cause danger to our reserves, if it can be so worked that it does not lead to any such undue expansion of credit as will tend to maintain high prices, shall have no hesitation whatever in coming to the legislature for enhanced powers.

"I now commend the Bill for consideration of the Council, and I commend it with confidence as a sound and conservative measure, a measure which in these times I think many countries might well envy India, for the regulation of our paper currency issues."

The Hon'ble Rai Sahib Seth Nathmal:—"My Lord, the measure before the Council is purely technical and is based mostly on the present and immediate future requirements of the financial situation of the Government of India and is also based mostly on the recommendations of the various financial experts and ministers. The Select Committee has gone through the various provisions of the Bill both provisional as well as permanent and there is nothing to which we can take any objection. The only point which needs further comment if any is that notes which have not been presented for the last 40 years in the case of notes up to Rs. 100 and for the last 100 years for notes over Rs. 100 will be paid for, not from the reserve, which is meant and provided for in clause 12 of the Bill, but from the revenues of India apart from the reserve. We have, however, to remember that Government will have to keep all sorts of unnecessary accounts if this were not so inasmuch as the notes held by various states and individuals who have kept them back from circulation will also have to be dealt with in accounts if this were not so. Then again there is one matter from my point of view which deserves notice and for which the Finance Department deserves our thanks also. If we were to look to section 14 of the Bill we find therein a reference made to section 19-A of the new Act which provides for the issue of notes to the extent of 50 millions of rupees in addition 1-29 P.M.

to those provided for against the reserve. This goes a long way towards increasing our banking facilities and the only remark against this is that the maximum that has been fixed is too small. However, I heartily thank the Hon'ble the Finance Member for the promise that he has just given regarding the increase of the limit that has been fixed. It is also hoped that the Reformed Councils will have power to proceed further in this direction if there is a necessity. One word more, my Lord, and then I conclude. The Hon'ble the Finance Member who had to deal with the various Bills relating to finance which have been put on the legislative anvil and carried through this session deserves our cordial thanks and this country will ever remain grateful to my Hon'ble friend, Mr. Hailey, who during the tenure of his present office had to deal with so very complicated and technical questions of finance.

"The part played by the Hon'ble Mr. Hailey in the financial history of India specially at this turning point will be a record, a noble and glorious record of one who has done ample justice to this important Department of Finance and a record also of one who has fully justified his selection as a successor to all his noble and able predecessors in every Department of the Government of India. With these few words I beg to support the motion that is now before the Council."

The motion was put and agreed to.

1-32 P.M. **The Hon'ble Mr. W. M. Hailey**:—"I beg to move that the Bill, as amended, be passed."

The motion was put and agreed to.

THE CUTCHI MEMONS BILL.

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—"My Lord, I beg to move that the Report of the Select Committee on the Bill to declare that the members of the Cutchi Memon community are subject to Muhammadan Law, be taken into consideration.

"My Lord, in moving that the said Report of the Select Committee on the Cutchi Memons Bill be taken into consideration, it is necessary that I should briefly explain the change it has undergone in its passage through the Committee. I must admit at once that the change in the Bill is a radical one. As it originally stood, the Bill sought to apply the Muhammadan Law of succession and inheritance to all Cutchi Memons who are to-day governed by Hindu Law in that connection, thanks to the unfortunate rulings of the Bombay High Court. The Bill as it has emerged from the Select Committee requires a Cutchi Memon who desires that the Muhammadan Law of succession and inheritance should be applied to him, his children and their descendants, to make a declaration that he wants to avail himself of the new law in order to satisfy his desire. To be frank, I wish the basis of the Bill had remained unaltered and in view of the unanimity of feeling among the members of the Cutchi Memon community, and of the fact of their being orthodox Muhammadans, Muhammadan Law had been made applicable to them in the matter of inheritance and succession. Failing this, I should have preferred to see the responsibility of making a declaration in favour of Hindu Law thrown upon the shoulders of those who desire to be governed by that law instead of the Muhammadan Law. But perceiving that only two alternative courses were open to me, namely to accept the principle now embodied in the altered Bill or to have no Bill at all and postpone the whole thing indefinitely. After going to Bombay and consulting the leaders of the Cutchi Memon community I preferred the former alternative and the result is before the Council. The Bill emancipates Cutchi Memons who do not wish to be tied down to Hindu customs which are repugnant to Muhammadan Law and gives them an opportunity to secure what they want. It is needless for me to make further remarks and I move that the Report of the Select Committee be taken into consideration."

1-35 P.M. **The Hon'ble Mr. C. A. Kincaid**:—"My Lord, at this stage of the proceedings I do not propose to keep the Council for more than a minute or two. Having taken an interest in the Bill I wish on behalf of the Presidency of Bombay and on my own humble behalf to thank the Hon'ble mover and to congratulate him on the skill and success with which he has piloted this Bill to this advanced stage. The Bill is not exactly what the Hon'ble mover wished, or what the community wished or frankly what I should

[16TH SEPTEMBER, 1920.] [*Mr. C. A. Kincaid*; *Sir William Vincent*; *Mr. Chaudhari Ismail Khan*; *Sir Umar Hayat Khan*; *Khan Bahadur Ebrahim Haroon Jaffer.*]

have myself wished. In fact, the Bill differs so largely from the original draft that the Hon'ble Member went at considerable trouble to himself to Bombay to consult his community on the subject. I think it speaks volumes for the tact and patience of the Hon'ble Member that he should have convinced his community as to the wisdom of accepting the Bill as it now stands. Indeed, in accepting it I think I may say that they showed good sense, good will, a reasonableness and a readiness to co-operate with Government which other persons in other parts of India would do well to take as a model for their own conduct."

The Hon'ble Sir William Vincent:—"My Lord, I congratulate the Hon'ble Member on the successful termination of his efforts to secure this change in the law. I think it only fair to say that had it not been for his perseverance the Bill would not have been passed into law this session; indeed, when he introduced it I thought it would be impossible to enact it before the reformed Council came into operation. It was so easy for Government to postpone it until unofficial opinion was better represented. The Hon'ble Member was however very insistent; indeed there were times when I was so much occupied with other business that I have listened to his eloquent advocacy of his Bill almost with a sinking of the heart.

"Nevertheless I am glad that he has been able in Select Committee to get over the objections to this Bill which I placed before the Council in previous debates and I should like to say also that the Government are particularly grateful to the Hon'ble Mr. Kincaid, for his assistance in this connection; his knowledge and experience of the law and his patient courtesy in explaining the various difficulties that I felt and which the Government felt, in regard to this measure have been of the greatest value both to the Hon'ble mover and to myself. I think it only right that I should express my gratitude for his assistance."

"The main objection to the Bill was its obligatory character; that has now been removed, I am afraid in a manner not entirely to the satisfaction of the mover, but I think that Members of this Council will agree that it is fair to those members of the community who did not wish to change their personal law that they should be allowed that option. The question of vested interests has also been provided for by a change in the drafting of the Bill."

The Hon'ble Chaudhari Mohammed Ismail Khan:— 1-30 P.M.
"My Lord, I rise to thank Your Excellency and the Member in charge upon the acceptance and passing of this small Bill in a form that is likely to give satisfaction to the Cutchi Memon community. The question of the law of inheritance and succession has been agitated very greatly in the past and this permissive measure will go a long way to remove the long-standing anomaly in the law affecting the Cutchi Memons. I have no doubt that the name of my friend, the Hon'ble Mr. Jaffer, will for ever be remembered by the Cutchi Memon community to whom this measure will do immense good. With these remarks I am going to support the Bill."

The Hon'ble Sir Umar Hayat Khan:—"My Lord, having been on the Select Committee I will just offer a remark or two. This Bill relating to Cutchi Memons reminds me of a story I have heard of a weaver who had a sheep and put it in amongst a flock, but as he did not pay any money for it he was told to take the sheep away from the flock. He replied 'I will not take away the sheep, you take away the flock.' The majority of the Cutchi Memons would have to declare while the minority will stay quiet, if there is a minority, but I doubt if there will be any. This Bill has been brought up a good many times and has been thrown out. I am very glad that the Member in charge has seen it through and I congratulate him on his success especially on his having taken the trouble to travel to Bombay and back in the heat, where he remained four or five days in the train which he must have felt a great deal."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—"My Lord, I beg to move that the Bill to enable Cutchi Memons to be governed in matters of succession and inheritance by Muhammadan Law be

[*His Excellency the President; Khan Bahadur Ebrahim Haroon Jaffer.*] [16TH SEPTEMBER, 1920.]

His Excellency the President :—" You have not got to that stage yet."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer :—" Oh, I beg Your Excellency's pardon."

The motion that the Report of the Select Committee on the Bill to declare that the members of the Cutchi Memon community are subject to Muhammadan Law, be taken into consideration, was put and agreed to.

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer :—" My Lord, I beg to move that the Bill to enable Cutchi Memons to be governed in matters of succession and inheritance by Muhammadan law, be passed.

"My Lord, I must accord my cordial thanks to Your Excellency's Government and particularly to the Hon'ble the Home Member and also the Hon'ble the Law Member for the assistance they have rendered me in carrying this measure through the Council. It had long been the ardent wish of my heart to secure for the Cutchi Memons an enactment by which the anomaly of their being governed by Hindu law of succession and inheritance would be removed. From the history of this question with which the Members of this Council have now become familiar, it will have been seen how the path of the reform of the law had been beset with difficulties and how the efforts made in the past had been frustrated by peculiar obstacles. Even now the position created by the Bill to be passed by this Council is not wholly satisfactory and I do not regard it as the last word in legislation on the question. But what has reconciled me to the enactment is that my attitude and the attitude of my community has come to be generally appreciated and the importance of the measure has now been widely recognised. I am in hopes that the prevailing complete unanimity among Cutchi Memons and a better understanding of their desire, will render possible, in the near future, the completion of the work, the beginnings of which are represented by the Bill now to be passed. I am deeply indebted to my Hon'ble friend Mr. C. A. Kincaid for the willing and valuable help I received from him in the elucidation of the complex judicial pronouncements on the questions involved and I am equally thankful to Haji Abdul Razak, Haji Haroon Nakhooda and other friends of Bombay for the support given to me. The task on which I had set my heart of giving to Cutchi Memons Muhammadan law by which alone they ought really to be governed in such matters as succession and inheritance would have been rendered ten times more difficult if not impossible if it had not been facilitated by the co-operation I received from all sides and it is my pleasant duty to express my sense of gratitude for the help which has been extended to me."

The motion was put and agreed to.

His Excellency the President :—" Before adjourning, I should like to address the Council a few words on this occasion of the ending of the old regime under the Morley-Minto Reforms. I think we shall all congratulate His Excellency the Commander-in-Chief on the passage of the two Bills which he has presented to Council. Since we met together on August 20th the news has come that His Excellency is about to relinquish his post. I am sure Hon'ble Members will wish me to offer to him a respectful and affectionate farewell.

" When Sir Charles Monro arrived in this country we were in the throes of the Great War, and it was of paramount importance that India should put forward her best effort and throw all her available forces into the struggle. We all know what India did and while we are not forgetful of the services of others, we cannot forget the pre-eminent services of the Commander-in-Chief. Always cheerful, never cast down, nor overwhelmed by the magnitude of his task, he heartened everybody to the great endeavour. The two great Boards which contributed so much to the accomplishment of India's contribution always had from him unwavering support and encouragement, indeed the Munitions Board was established on his initiative. He has had a hard row to hoe. While his energies were being concentrated on the war effort, he had to face schemes of reconstruction, and when it looked as if we could settle down to demobilisation and reconstruction he was faced with the Afghan operations with an Army weary of war and depleted of experienced officers and trained men by reason of the great expansion which had taken place. And now for the past year he has

been labouring at reconstruction handicapped by the fact that large forces from India were overseas and we were unable to get them back. When I survey all this, and I know it from inside, I can only wonder at what he has been able to accomplish.

"But there is the personal side of his departure. We shall miss his contributions to our debates. The soldierly directness of his utterances, the unexpectedness of his replies have always added a flavour to our discussions, which we shall miss. But above all we shall miss that genial personality which has always been such a delight to us. I offer him and Lady Monro on behalf of us all our sincere regret at their departure and our good wishes for their future.

"The last session of the Council established under the Morley-Minto Constitution is now about to close, and I must congratulate Hon'ble Members on the legislative work which they have accomplished. In my opening speech I commended the Bills which had been prepared by Government to your earnest consideration. That consideration has been given in full measure, and as a result we have put through some highly important legislation. In particular I must mention the Aligarh University Act skilfully piloted through the Council by my Hon'ble colleague Mr. Shafi. It is a matter for congratulation that the Government in close co-operation with the Moslem community have been able to pass an Act, ardently desired by all educated and thinking Muhammadans and calculated to be of inestimable advantage to the community concerned. Another piece of legislation of importance to Muhammadans is the Cutchi Memons Act which has been passed to-day. I see that our Hon'ble friend has been so overcome by his success in passing that Bill that he has left his seat. Then again we have been able to put through the Imperial Bank Bill and other important Financial Legislation.

"Before I conclude I wish to refer briefly to the fact that I have in this session found it necessary to disallow a Resolution dealing with the question of the Punjab disturbances, and I do so with a view to remove any misapprehension that may exist as regards the motives which prompted me.

" The Resolution in itself was a legitimate one and when I say that it was Mr. Sastri who wished to move it, you will understand that it was prompted by genuine feeling and sincerity of purpose. I felt, however, that if peace and good-will are at any time to be restored to the Punjab, these public discussions of the happenings of last year must so far as possible be brought to an end. We have been discussing these matters in the Press and on the platform, in this Council and in Parliament for nearly a year and a half. I feel as keenly as any in this Council the need for holding Indian life and honour sacred in times of crisis like that of last year, and my Government is providing means for ensuring that if similar occasions should unfortunately recur, the errors and excesses pointed out by the Hunter Commission shall not again take place. But we know from unhappy experience that with each fresh discussion of these topics the chances of reconciliation and good feeling between the communities become more remote. I felt therefore that it was contrary to the public interests that we should gratuitously prolong the unhappy dissensions of the past. We have had enough of hatred and passion, and what we want now is good-will and peace. It is with this object and this object alone that I have excluded the subject from discussion in this Council.

"And now it only remains for me to wish Hon'ble Members farewell. It would be unseemly, I presume, for me to wish those of you who are about to offer yourselves for election, good luck. But this at least I may do, express the hope that those services, which you have rendered so conspicuously this session, may not be lost to the country and that the spirit of co-operation may mark all your endeavours. And so the last session of this Council comes to an end, only however to give place to a larger and more representative assembly. Institutions under our British tradition do not die. They find a new birth in reincarnation. ' The King is dead, long live the King '."

The Council adjourned *sine die*.

SIMLA;
The 6th October, 1920.

A. P. MUDDIMAN,
Secretary to the Government of India,
Legislative Department.

APPENDIX A.

The list of services whose pay has so far been revised, and the approximate additional expenditure involved per annum is as follows :—

	Rs.
Indian Agricultural Service	3,30,000
Provincial Agricultural Service	1,63,000
Imperial Civil Veterinary Service	1,04,000
Provincial Civil Veterinary Service	1,04,000
Imperial Customs Service	90,000
Indian Educational Service	10,00,000
Provincial Educational Service	6,00,000
Women's Educational Service	Figures not available.
Factory and Boiler Inspection Departments	Ditto.
Indian Finance Department	72,000
Military Finance Department	50,000
Imperial Forest Service	4,50,000
Provincial Forest Service	1,04,000
Geological Survey of India Department	1,00,000
Provincial Medical Service	Figures not available.
Indian Civil Service	36,00,000
Provincial Civil Service	25,00,000
Burma Land Records Department	46,000
Indian Mines Department	15,000
Mint and Assay Departments	Nil
Bengal Pilot Service	20,000
Indian Police Service	18,00,000
Provincial Police Service	1,00,000
Superintendents of Post Offices	2,95,000
Superior Engineering Branch of the Indian Telegraph Department ...	1,50,000
Public Works Department Provincial and Imperial Services	25,58,000
Engineer establishments of State Railways	2,23,000
Registration Department	Figures not available.
Salt and Excise Department	Ditto.
Northern India Salt Revenue Department	50,000
Madras Survey Department	36,000

Total (excluding Women's Educational Service, Factory and Boiler Inspection Departments, Provincial Medical Service, Registration and Salt and Excise Departments) Rs. 1,40,60,000.

APPENDIX B.

Statement.

In accordance with paragraph 40 of the Government of India Despatch, the Government of the Punjab were asked to make enquiries wherever specific allegation of corruption or ill-treatment against the authorities had been made and their attention was invited in this connection to the allegations contained in the report of the Congress Committee. The local Government took up one case of alleged police torture, that of Ghulam Jhilani, as a test case but it was not possible to pursue it as the person who made the allegations went off to the Frontier on Hijrat.

2. The alleged indecent treatment of women is based on the statements of low class prostitutes belonging to wandering criminal tribes of Pernas and Safadahs which have settled in Amritsar for purposes of prostitution. Many of them have been convicted under the Criminal Tribes Act. Incriminating information had been received against some of them in consequence of which the police raided the house of Mussamat Rani and arrested certain Pernas and Mirasis in the act of dividing property looted from the National Bank. Many Perni prostitutes were guarding the house. All the men present were arrested and a large amount of bank property recovered. Four accused were convicted in the National Bank Murder case and sentenced to death and five others were sentenced to seven years' rigorous imprisonment for being in possession of stolen bank property. The Perni women guarding the house were taken to the Kotwali but permitted to go home in the evening on the understanding that they would appear the next day when it was decided that women should not be prosecuted. On both days these women stayed in a public lane adjoining the Kotwali where it is impossible that any public officer would dare to treat them indecently. It is common knowledge that women of this low class often embroider criminal complaints with allegations of indecency. The charges are believed to be absolutely false and groundless and have only been made out of revenge against those police officers who took a leading part in the arrest of the women's relatives and the recovery of the stolen property, and gave evidence before the Martial Law Tribunal against the accused.

3. As regards the allegations against soldiers which are made at pages 166, 174, 179 and 180 of the Congress Report, Evidence Volume, it is to be remembered that no complaints whatever were made at the time, and if there had been any truth in the stories they would certainly have been brought to notice by the Members of the Bar who were enrolled as special constables at Amritsar. The particular allegation that innocent persons were deprived of water is without foundation. The soldiers were placed on duty—up till 8 P.M. daily— over a space of 100 yards only and persons living in the patrolled area either had access to wells or pipe-water supply in adjoining houses or a Municipal water stand-post within a few yards of the area. Strict orders were issued by the General in Command that women were in no way to be molested and were to be allowed to move about freely.

4. The allegations about the abuse and ill-treatment of women made against Mr. Bosworth-Smith, Deputy Commissioner, have been categorically denied by that officer who has made the following statement on the subject :—

"I do not know who this Mr. Labh Singh, a barrister is, who was apparently sent by the Commissioners to make enquiries ; nor do I know any of the witnesses who are said to have given him statements. No one was beaten by me or by my orders. No women were abused by me nor had I any cause to do so, nor were any veils raised, nor were there veils to raise.

The statements of Teia Singh and of the woman Gur Devi, pages 128, 129, are a tissue of falsehood. The facts, as far as I remember them, are briefly these :—

There had been held at Manianwala a very large public seditious meeting attended by Sikhs from four or five neighbouring villages at which Mool Singh, a Zaildar, had stated openly that the Government had turned *be-iman* ; and that it was time for the people to make common cause with the soldiers of the Indian Army against Government. The information I received left no doubt in my mind that it was true. Accordingly on two mornings before breakfast I rode out alone to Manianwala to make enquiries. On the way on one occasion I met some old women and children coming from

the village with milk and food for their relations under trial. As I thought it a good occasion to read a moral, I pointed out to them how foolish the men of their village had been in thinking that the days of Sirkar had ended and in consequence of that thought, how foolish they had been in actually looting Dhaban Singh station in broad daylight. They thoroughly agreed and said '*Tobah*,' '*Tobah*.' The conversation possibly lasted five minutes. I used none of the expressions alleged.

Similarly on another occasion in Manianwala village I addressed a few persons that were hurriedly gathered together on the folly of their ways."

According to information received from the local Government the barrister, Mr. Labh Singh, who collected the statements in question was one of the persons convicted by Mr. Justice Broadway's tribunal in the Gujranwala Leaders' Case. He was sentenced to transportation for life, which was afterwards reduced to six months' rigorous imprisonment. The local Government considers that the allegations against Mr. Bosworth-Smith except in respect of some of the language used [*e.g.*, he admits having called some pleaders '*Makkhis*' (flies)] are devoid of foundation but they have been repeated so often amongst an ignorant population, that they have come to be regarded by many as facts. They have not, however, been made the subject of complaint either at the time or since to Government or to any civil or criminal court, in which case their truth or falsity might have been properly investigated, and their authors, if the allegations proved to be false, would have taken the consequential risks.

APPENDIX C.

Statement showing officers who have been adversely criticised.

Name of officer.	Action criticised.	Appointment held.	Action proposed.
1. Khan Sahib Ahmed Jan.	Failure of police reserve in Amritsar, City Police Station.	Deputy Superintendent of Police, Amritsar.	1. The Khan Sahib who was a temporary Deputy Superintendent of Police, has been reverted to his substantive rank of Inspector, 3rd grade, and retired from the service as such on a reduced pension of Rs. 75 per mensem, from the 27th June 1919.
2. Inspector, Ashraf Khan.	.....	Inspector, Amritsar	2. This officer has been reduced from the grade of Inspector, 2nd grade, to the rank of Sub-Inspector, with effect from the 1st April 1920.
3. South Indian Railway Police, Kasur.	In action on 12th April.	.....	3. No action is proposed as it does not appear that any censure was suggested by the Hunter Committee.
4. 20 Police constables of Patti.	In action on 12th April.	.....	4. The Hunter Committee have not indicated in what particular respects these officers failed in their duty. Their conduct was in some respects commended, and no action is therefore contemplated.
5. Khan Bahadur M. Sultan Ahmed.	Refusal of permission to fire at Gujranwala.	Acting Deputy Commissioner, Gujranwala.	5. This officer has since retired after a long period of distinguished service. The remarks contained in paragraph 25 of the Government of India despatch No. 2, dated the 3rd May 1920, have been communicated to him.
6. Lt.-Col., O'Brien	Approval of Martial Law order regarding salaaming. Reprisals on property of absentees and their relations.	Deputy Commissioner, Gujranwala.	6. The Government of India have asked the local Government to communicate to this officer their strong disapproval of these particular actions which were injudicious and improper. In deciding what action should be taken in this case the Government of India have taken into account Colonel O'Brien's excellent previous record and the valuable services rendered by him in suppressing the disturbances.
7. Mr. Marsden ...	Whipping of school boys in Kasur.	Sub-Divisional Officer, Kasur.	7. The Government of India have asked the local Government to inform this officer that this action was improper and that the Government of India disapprove of it.
8. Mr S. M. Jacob .	Whipping and fining of Lambardar and taking of hostages when on duty with mobile column.	Director of Agriculture, Punjab.	8. The Government of India have asked the local Government to communicate to this officer their strong disapproval of these actions which were injudicious and improper.
9. Mr. Penhearow ...	Whipping of wedding party in Lahore.	Extra Assistant Commissioner.	9. This officer was at once deprived of his power to try such cases and the local Government communicated to him their disapproval of his action. The Government of India have asked the local Government to consider whether further disciplinary action should not be taken.

Name of officer.	Action criticised.	Appointment held.	Action proposed.
10. Mr. Kitchin ...	Abdication of civil authority in Amritsar.	Commissioner, Lahore	10 and 11. The local Government has been requested to communicate to these officers the view expressed in the Government of India's despatch, to which they adhere. They consider it regrettable that the Commissioner failed to retain control over the Military Commander and that the Deputy Commissioner failed to remain in close touch with him throughout the subsequent events.
11. Mr. Miles Irving	Ditto ...	Deputy Commissioner, Amritsar.	
12. Mr. Bosworth-Smith.	Reprisals on property of absentees and their relations. Proposed erection of a Repentance House. Arrest and detention of Rallia Ram.	Joint Deputy Commissioner, Sheikhpura, Gujranwala.	12. This officer proceeded on leave preparatory to retirement after a request to remain on active duty till the spring of 1921 had been refused. The Government of India have asked the local Government to communicate to him their strong disapproval of the actions in question which were injudicious and improper.
13. General Dyer ...	Firing at Jallianwala Bagh and issue of certain martial law orders at Amritsar.	Officer Commanding, 45th Brigade, Amritsar.	13. Retired. The case of this officer has been considered by the Army Council and by His Majesty's Government who have confirmed the orders passed by His Excellency the Commander-in-Chief. No further action is proposed or can be taken.
14. General Beynon...	Issue of defective instructions to Royal Air Force Officers sent to Gujranwala.	General Officer Commanding, 16th Indian Division, Lahore.	14. The Air Force had never been employed on such duties before and the situation arising could not be foreseen. In these circumstances it is not considered by the military authorities that more precise instructions could have been issued to the Air Force officers. Action is being taken to prescribe rules for future guidance.
15. Lieutenant Dodkin	Conduct in connection with the use of bombs from airoplanes at Gujranwala.	Observer, Royal Air Force.	15 and 16. In view of the extreme difficulty of the position of these officers, their conduct cannot, in the opinion of the military authorities be held to be blameworthy.
16. Major Carbery ...	Ditto.	Flight Commander No. 31 Squadron, Royal Air Force.	
17. Lieutenant-Colonel Frank Johnson.	Issue of certain martial law orders relating to schoolboys etc., in Lahore.	Administrator of martial law, Lahore civil area.	17. This officer held a commission in the territorial force and has since been demobilised. The military authorities do not therefore propose to take any action.
18. Brigadier-General Campbell.	Issue of martial orders relating to salutes.	Brigadier-General Commanding Sialkot Brigade.	18. His Excellency the Commander-in-Chief proposes to convey to this officer his strong disapproval of the salaaming order which was injudicious and improper.
19. Captain Doveton	Fancy punishments in Kasur.	Area Officer, Kasur...	19. His Excellency the Commander-in-Chief proposes to inform this officer that these punishments were injudicious and irregular and served no useful purpose.
20. Colonel Macrae ...	Whipping of schoolboys in Kasur.	Officer Commanding Kasur area.	20. His Excellency the Commander-in-Chief proposes to inform this officer that he disapproves of his action in this matter, which was improper.

APPENDIX D.

Statement showing the action taken in the case of the arrest and detention of Dr. Kidar Nath, Mr. Gurdayal Singh and Mr. Manohar Lal.

Dr. Kidar Nath.—The circumstances of his arrest are set forth in the evidence of Sardar Bahadur Sukha Singh—*Vide* pages 146-151 of Volume III of the evidence attached to the Hunter Committee Report. The arrest was apparently ordered by the District Magistrate (Mr. Miles Irving) whose reasons were not ascertained by the Committee. This officer is now on leave and the enquiry is at present pending his return to duty.

Mr. Gurdayal Singh.—It is reported that the arrest was made by the District Magistrate (Mr. Miles Irving). The case against Mr. Gurdayal Singh was carefully examined by the Legal Remembrancer to the Government of the Punjab who advised that there were sufficient ground for his prosecution.

The case was also considered in detail by the Lieutenant-Governor before the accused was put before the Court. The Martial Law Commission which tried the case held that the accused was present at the meeting of the 6th April, but they were not satisfied that he had joined the conspiracy. They went on to say that his actions on the 10th April, as deposed to by the Deputy Commissioner, indicate that he was supporting the authorities to the best of his power and at some risk to himself. No acts of violence were attributed to him by the approver and the Public Prosecutor did not press the case against him. The Commission accordingly acquitted him. The Government of India have informed the local Government that they consider that it was unfortunate that Mr. Gurdayal Singh was arrested and detained so long in custody.

Mr. Manohar Lal.—Was arrested under the orders of the Lieutenant-Governor Sir Michael O'Dwyer, whose intention was to examine his position in connection with the "Tribune" the Editor of which was about to be prosecuted; but it was ultimately decided that he should not be prosecuted and he was accordingly released. The Government of India have already recorded in their Despatch of the 3rd May 1920, their opinion that the arrest of this person was a mistake. They consider that no further action is now required.

APPENDIX E.

Statement giving particulars in regard to quarters provided for Indian Guards on the Eastern Bengal Railway.

Districts.	Total number of Indian Guards.	Percentage of Indian Guards provided with quarters.	Total number of European Guards.	Percentage of European Guards provided with quarters.	QUARTERS.						Number of Indian Guards actually in occupation of 'W' type quarters.	
					'G' TYPE FOR EUROPEANS.			'W' TYPE FOR INDIANS.				
					Cost of construction.	Floor area including kitchen.	Cubic air space.	Cost of construction.	Floor area including kitchen.	Cubic area space.		
Eastern	52	16⅔%	30	50%							(c)	'W' Type quarters are also intended for Indian Guards.
Centra	20	20%	30	50%							(c)	
Chitpore	2	50%	...	...	Rs.			Rs.			(c)	
Paksey	23	50%	2	100%	6,000			2,000			(c)	
Saidpur	30	26⅔%	29	100%		1,046 square feet.	13,600 cubic feet.		438 square feet (a)	4,312 cubic feet (b)	11	
Katihar	20	15%	23	100%							2	
Lamonirhat	21	63 7/11%	12	91⅔%							(c)	
Dacca	18	27⅔%	11	72 7/11%							(c)	

(a) Excluding court yard area of which is 276 square feet.
(b) Excluding court yard.
(c) Indian Guards on the other districts are provided with other types of quarters having same accommodation more or less as 'W' type quarters.

APPENDIX F.

The Scale of pay sanctioned for Guards on the Eastern Bengal Railway with effect from the 1st April 1920, is as follows.

Class.	On appointment on 3 months' probation.	On confirmation.	After 1 year.	After 2 years.	After 3 years.	After 4 years.	After 5 years.	After 6 years.	After 7 years.	After 8 years.	After 9 years.	After 10 years.	After 11 years.
* A	40	45	50	55	60	65	70	75	80	85	90	95	100
† B	100	110	120	130	140	150	160	170	180	190	200	210	...

* In place of old A and B.
† In place of old C.

APPENDIX G.

(1) *Civil expenditure.*

Year.	Central Provinces.	Burma.	Assam.	Bengal.	United Provinces.	Bihar and Orissa.	Panjab.	Madras.	Bombay.
1900-01	46	1,61	35	2,62	1,56	...	1,20	1,57	1,93
1901-02	43	1,68	36	2,70	1,58	...	1,15	1,59	1,80
1902-03	45	1,73	37	2,75	1,61	...	1,15	1,68	1,86
1903-04	49	1,78	36	2,82	1,58	...	1,14	1,66	1,80
1904-05	51	1,88	37	2,96	1,61	...	1,17	1,70	1,86
1905-06	54	2,03	Eastern Bengal and Assam. 70	2,84	1,80	...	1,34	1,75	1,96
1906-07	76	2,18	1,23	2,71	2,21	...	1,40	1,83	2,04
1907-08	82	2,37	1,38	2,86	2,29	...	1,46	1,97	2,10
1908-09	100	2,51	1,57	3,25	2,62	...	1,58	2,28	2,46
1909-10	100	2,51	1,57	3,12	2,54	...	1,56	2,28	2,54
1910-11	1,02	2,55	1,66	3,19	2,67	...	1,63	2,40	2,62
1911-12	1,08	2,71	1,91	2,43	3,00	...	1,79	3,58	2,85
1912-13	1,13	2,81	Assam 65	3,55	3,04	1,35	1,95	2,89	2,89
1913-14	1,30	2,96	80	3,81	3,42	1,60	1,96	3,15	3,07
1914-15	1,29	3,19	76	4,07	3,49	1,63	2,20	3,46	3,25
1915-16	1,30	3,10	74	4,03	3,42	1,64	2,19	3,75	3,16
1916-17	1,32	3,12	74	4,00	3,36	1,68	2,12	3,75	3,16
1917-18	1,45	3,20	76	4,28	3,52	1,79	2,21	3,95	3,32
1918-19	1,57	3,41	98	4,78	3,84	1,98	2,45	4,37	3,95

(2) *Service pensions.*

Year.	Central Provinces.	Burma.	Assam.	Bengal.	Bihar and Orissa.	United Provinces.	Punjab.	Madras.	Bombay.
1900-01	3	4	1	23	...	23	13	17	20
1901-02	4	4	1	24	...	23	13	18	21
1902-03	4	4	1	25	...	23	12	18	21
1903-04	4	5	1	26	...	24	13	18	22
1904-05	4	5	1	27	...	25	14	19	23
1905-06	4	5	Eastern Bengal and Assam. 4	26	...	25	14	21	24
1906-07	6	6	6	25	...	26	15	21	25
1907-08	6	7	7	26	...	27	15	22	26
1908-09	6	7	7	26	...	28	16	23	27
1909-10	6	7	7	27	...	29	17	24	29
1910-11	7	8	8	28	...	29	17	26	30
1911-12	7	8	9	29	...	30	19	26	31
1912-13	8	8	Assam. 2	29	8	32	19	28	33
1913-14	9	9	3	31	9	34	22	31	36
1914-15	9	11	3	32	9	36	23	34	38
1915-16	10	11	3	31	10	36	23	33	38
1916-17	10	11	3	33	10	37	24	33	39
1917-18	11	12	3	34	10	38	25	35	41
1918-19	11	14	5	35	10	39	26	36	43

Year.	(1) Civil expenditure.	(2) Pensions.
1900-01	9,60	8
1901-02	6,15	6
1902-03	6,61	11
1903-04	10,49	11
1904-05	6,75	12
1905-06	7,31	13
1906-07	7,41	11
1907-08	7,37	11
1908-09	8,14	11
1909-10	7,90	12
1910-11	8,28	12
1911-12	9,05	12
1912-13	8,67	13
1913-14	8,93	17
1914-15	9,04	17
1915-16	9,03	17
1916-17	9,56	18
1917-18	11,13	18
1918-19	13,11	26

APPENDIX H.

List of Indian Regiments and Battalions serving beyond Indian Territorial Borders on 13th September 1920.

Cavalry. 17 Regiments.	2nd Lancers	... 5th Cavalry	...	... 6th Cavalry.
	9th Horse ..	... 10th Lancers	...	... 11th Lancers.
	17th Lancers (1 Sqdn.)	... 18th Lancers	...	... 19th Lancers.
	26th Cavalry (1 Sqdn.)	... 29th Lancers	. .	... 32nd Lancers.
	35th Horse ...	... 36th Horse	...	... 37th Lancers.
	38th Horse ...	... 41st Cavalry (2 Sqdns.) Guides Cava'ry.	...	42nd Cavalry.
Infantry. 89½ Battalions.	1-1st Brahmans	... 1-2nd Rajputs	...	... 2-6th Jats.
	1-7th Rajputs	... 2-7th Rajputs	...	... 1-8th Rajputs.
	2-9th Infantry	... 3-9th Infantry	...	... 1-10th Jats.
	2-10th Jats	... 1-11th Rajputs	...	... 13th Rajputs.
	1-15th Sikhs	... 1-21st Punjabis	...	... 2-22nd Punjabis.
	3-23rd Infantry	... 24th Punjabis	...	... 1-25th Punjabis.
	2-26th Punjabis	... 2-27th Punjabis	...	... 1-30th Punjabis.
	31st Punjabis	... 1-35th Sikhs	...	... 38th Dogras.
	1-39th Garhwalis	... 2-39th Garhwalis		... 1-41st Dogras.
	1-42nd Kedis	... 45th Sikhs	...	... 46th Punjabis.
	1-50th Kumaon Rifles	... 52nd Sikhs	...	... 1-54th Sikhs.
	2-55th Rifles	... 2-56th Rifles	...	... 1-62nd Infantry.
	1-66th Punjabis	... 1-67th Punjabis	...	... 1-70th Burma Rifles.
	2-70th Burma Rifles	... 3-70th Burma Rifles		... 71st Punjabis.
	1-72nd Punjabis	... 2-72nd Punjabis	...	... 74th Punjabis (6 Coys.)
	1-75th Infantry	... 1-76th Punjabis	...	... 79th Infantry.
	1-80th Infantry	... 83rd Infantry	...	... 84th Punjabis.
	86th Infantry	... 87th Punjabis	...	... 1-89th Punjabis.
	2-89th Punjabis	... 2-91st Punjabis	...	.. 1-94th Infantry.
	1-95th Infantry	... 2-96th Infantry	..	... 2-97th Infantry.
	1-98th Infantry	... 2-98th Infantry (6 Coys.)		... 1-99th Infantry.
	108th Infantry	... 2-109th Infantry		... 1-113th Infantry.
	114th Maharattas	... 1-116th Maharattas		... 2-116th Maharattas.
	1-117th Maharattas (2 Coys.)	2-117th Maharattas		... 2-119th Infantry.
	120th Infantry	... 122nd Infantry	...	... 1-123rd Rifles.
	2-123rd Rifles	... 1-124th Baluchis		... 3-124th Baluchis.
	2-125th Rifles	... 2-129th Baluchis		... 1-151st Infantry.
	3-153rd Rifles	... 1-2nd Gurkhas ..		... 1-3rd Gurkhas.
	2-4th Gurkhas	... 1-7th Gurkhas	...	... 1-10th Gurkhas.
	1st Guides Infantry	... 2nd Guides Infantry.		
Pioneers. 8 Battalions.	1-22th Pioneers	... 1-32nd Pioneers	...	... 2-32nd Pioneers.
	64th Pioneers	... 106th Pioneers	...	... 1-107th Pioneers.
	2 107th Pioneers	... 2-128th Pioneers.		

APPENDIX I.

Statement.

	Rs.
(A) Number of cases in which assistance has so far been rendered by Government to dependents of needy persons killed at the Jallianwala Bagh is	40
(*i*) The greatest amount paid to an individual is	500
(*ii*) The least amount paid to an individual is	200
(*iii*) The average amount paid is	346
(B) The total amount paid as relief in the case of Europeans who were injured is ...	43,250
(*i*) The greatest amount paid is	20,000
(*ii*) The least amount paid is	750
(*iii*) The average amount paid is	7,208
(C) The total amount paid as relief in the case of Europeans who lost their lives is ...	4,80,321
(*i*) The greatest amount paid is	20,000
(*ii*) The least amount paid is	321
(*iii*) The average amount paid is	68,617

* This has been taken at Rs. 10 to the pound.

APPENDIX J.

Statement showing the number of persons in the different provinces who have renounced titles, honours and returned medals conferred on them by Government and those who have resigned their honorary and stipendiary posts, as a mark of dissatisfaction as Government's policy in connection with the Khilafat and the Punjab questions.

Provinces.	Titles.	Honours.	Medals.	Honorary posts.	tipendiary posts.*	Remarks.
Madras	1	...	...	15†	1	† 12 honorary magistrates and 3 Municipal Councillors.
Bombay	...	...	1	9	32‡	‡ 8 police constables, 1 excise inspector, 1 Assistant Surgeon, 1 Municipal school teacher, and 21 other subordinate Government servants.
Bengal	1	2	...	2	...	
United Provinces	1	...	...	5	...	
Punjab	2	2	...	...	47§	§ Comprised mainly of peons, head constables, constables, patwaris, clerks and lambardars.
Burma	...	...	...	...	...	
Bihar and Orissa	1	1	...	1	1	
Central Provinces	...	...	...	...	1	
Assam	...	...	...	...	...	
North-West Frontier Province	1	1	2	...	162‖	‖ 59 Police constables, 31 Mohmand Militia, 3 Municipal and District Board servants and others, 59 of whom majority are petty Government servants and menials. Most of above are asking that their resignations be cancelled.
Coorg	...	...	...	...	...	
Delhi	2	...	1	...	3	
Total ...	10	6	4	32	248	

* The stipendiary posts resigned are all subordinate, ministerial or menial, as explained in remarks column against each entry.

APPENDIX K.

Statement showing the rates of pay sanctioned for the executive branch of the Provincial Civil Service in the various provinces.

Years of service.	Madras.	Bombay.	Bengal.	United Provinces.	Punjab.	Burma.	Bihar and Orissa.	Assam.	Central Provinces.	
1st	250	...	250	250	250	250	250	250	250	Probationer.
2nd	275	..	275	275	275	275	275	275	275	Probationer.
3rd	300	300	300	300	300	300	300	300	300	
4th	340	300	3 0	330	340	325	300	300	325	
5th	380	350	350	360	380	350	350	350	350	
6th	420	350	350	390	420	375	350	350	375	
7th	460	400	400	420	460	400	400	400	460	
8th	500	400	400	450	500	425	400	400	425	
9th	e. b.	...	...	e. b.	e. b.	...	...	...	...	
9th	550	450	450	480	540	450	450	450	450	
10th	600	450	450	510	580	475	450	450	475	
11th	650	500	500	540	620	500	500	500	500	
12th	700	500	500	570	660	525	500	500	530	
	...	e. b.	e. b.	...	...	...	e. b.	e. b.	...	
13th	750	550	550	600	700	550	550	550	560	
	...	...	...	...	e. b.	...	...	...	...	
14th	800	550	550	630	740	575	550	550	590	
15th	850	600	600	660	780	600	600	600	620	
	...	...	...	e. b.	...	...	...	...	...	
16th	...	600	600	690	820	625	600	600	650	
	...	...	...	...	...	...	...	...	e. b.	
17th	...	650	650	720	850	650	650	650	690	
18th	...	650	650	750	...	675	650	650	730	
	...	e. b.	...	...	...	...	...	...	...	
19th	...	700	700	775	...	700	700	700	770	
	...	...	...	...	...	e. b.	...	...	...	
20th	...	750	700	800	...	725	700	700	810	
	...	...	e. b.	...	...	...	e. b.	e. b.	...	
21st	...	800	750	825	...	750	750	750	850	
22nd	...	850	750	850	...	775	750	750	...	
23rd	...	..	800	...	..	800	800	800	...	
24th	...	...	800	...	...	825	800	800	...	
25th	...	...	850	...	...	850	850	850	...	

Selection Grades.

Madras	1,000—100—1,200	United Provinces	... 1,000—50—1,200
	900	Punjab ...	... 900—50—1,200
Bombay	1,000	Burma ...	... 900—40—1,100
	1,100		1,200
Bengal	1,000	Bihar and Orissa ...	... 1,000
		Assam ...	... 900—50—1,200
		Central Provinces...	... 900—100—1,100

APPENDIX L.

Statement showing the scales of temporary allowances introduced in the Provinces in which a general revision of the pay of subordinate establishments has not yet been undertaken.

Madras.

To subordinates drawing Rs. 20 and under, 50 per cent. of salary.

Between Rs. 21 and Rs. 60, 30 per cent. of salary subject to a minimum of Rs. 10.

Between Rs. 61 and Rs. 100, 25 per cent. of salary.

Between Rs. 101 and Rs. 200, 20 per cent. of salary.

Over Rs. 200, 15 per cent. of salary.

Bengal.—(Ministerial officers).

For officers on salary not exceeding Rs. 50 per mensem—30 per cent.

For officers on salary exceeding Rs. 50 but not exceeding Rs. 100 per mensem—20 per cent. with a minimum of Rs. 15 a month.

For officers on salary exceeding Rs. 100 per mensem—15 per cent. with a minimum of Rs. 20 and a maximum of Rs. 50 a month.

Bihar and Orissa.

(1) For all non-gazetted officers other than menials whose pay exceeds Rs. 16 but does not exceed Rs. 30 a month, Rs. 5 a month, provided that no whole-time clerk shall draw less than Rs. 30 a month.

(2) For all non-gazetted officers whose pay exceeds Rs. 30 but does not exceed Rs. 50 a month, Rs. 7-8-0 a month.

(3) For all non-gazetted officers whose pay exceeds Rs. 50, but does not exceed Rs. 75 a month, Rs. 10 a month.

(4) For all non-gazetted officers whose pay exceeds Rs. 75, but does not exceed Rs. 100 a month, Rs. 15 a month.

(5) For all non-gazetted officers whose pay exceeds Rs. 100 a month, 15 per cent. of their pay subject to a maximum of Rs. 50 a month.

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