

22 February 1921

THE
LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

FIRST SESSION
OF THE

LEGISLATIVE ASSEMBLY, 1921



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LEGISLATIVE ASSEMBLY.

Tuesday, 22nd February, 1941.

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

The Honourable the President: Members desiring to take their seats, will please advance to the table and take the Oath or affirm in the manner prescribed.

MEMBERS SWORN :

Mr. Kabeerud-din Ahmed, M. L. A. ; Mr. J. C. Chatterji, M.L.A.

QUESTIONS AND ANSWERS.

INTELLIGENCE BRANCH, GOVERNMENT OF INDIA.

246. **Babu K. C. Neogy:** (a) Is it a fact that the Intelligence Branch, Home Department, was known as Central Intelligence and also as Central Criminal Intelligence Department, at different times? If so, when and for what reasons were these changes in its designation effected?

(b) What has been the total annual cost of the upkeep and maintenance of this Department during the last five years; and what is the maximum power of sanction vested in the Director for expenditure out of the Secret Service Fund?

(c) Is the Department concerned merely with internal affairs of India or with external affairs as well. Does this Department employ any officers in the Far East and elsewhere abroad? If so, for what purposes, and at what cost?

(d) Are Government aware that in the United States of America the activities of Mr. Denham of the Central Criminal Intelligence Department have prejudiced the position of Indians in United States of America and that as a result they do not get the same treatment from British Consular Officers and the Embassy as is extended to other British subjects, and which Indians enjoyed before?

Mr. S. P. O'Donnell: (a) The Department was instituted in 1904 under the title of 'Central Criminal Intelligence Department.' In 1906, this title was abbreviated (in view of its cumbrousness) to 'Criminal Intelligence Department.' In 1918, it was changed to 'Central Intelligence Department,' as it was felt that the original abbreviation gave a less accurate description of the functions actually performed by the Department than that to which it was decided to change it. In 1920, the title was altered to 'Intelligence Bureau of the Home Department,' as an indication of the fact that the Department was an integral part of the Home Department and not an independent entity.

(b) The total annual cost of the upkeep and maintenance of the Department during the last five years has been—

	Rs.
1916-1917	5,84,300
1917-1918	6,60,500
1918-1919	6,18,400
1919-1920	6,41,400
1920-1921	6,75,500

The Director is authorised to sanction expenditure out of the Secret Service allotment included in the above totals up to the maximum of that allotment.

(c) The Bureau is, as its name implies, charged with the duty of obtaining intelligence about Indian affairs. In order properly to carry out this duty, it is necessary for the Bureau to maintain liaison with the intelligence organisation of the Empire: and, for this purpose, officers are employed by the Bureau in the Far East and elsewhere abroad. The cost of the employment of these officers is included in the general total given in reply to (b) of the question.

(d) Government are not aware of the facts asserted and have every reason to believe that no such state of affairs exists.

In 1917, in consequence of offences committed by Indians resident in the United States, against the laws of the United States, certain of these Indians were prosecuted by the authorities of the United States: and, with the agreement of the Government of the United States, Mr. Denham proceeded to America 'to look after the interests of (Indian) witnesses' giving evidence at the trial: and he left the United States on conclusion of the trial. As a result of the trial, wide publicity was given to the fact that there existed in the United States a number of Indians whose avowed object was the overthrow of the British Empire: and if Indians of this class do not receive sympathetic treatment from the officials of the Empire which they are openly plotting to destroy, such disability is due to their own actions and not in any way to the 'activities' of any officers of the Indian Police.

The Honourable the President: In the absence of Mr. Kamat, does any Member of the Government wish to answer any of his questions from 247 to 260?

Mr. C. A. Innes: I should like to answer Question No. 247.

POSTAL STRIKE.

247. With reference to the Postal Strike in Bombay, will Government be pleased to state—

(a) the total costs incurred by Government up to date owing to the strike, such as wages paid to the temporary hands engaged to do the work of the strikers and any expenses incidental to the strike?

(b) What salaries and allowances they have promised to the men now engaged to replace the strikers, as against the salaries and allowances the strikers were getting?

(c) What steps the Director-General of Posts and Telegraphs took to settle the strike during his visits to Bombay while the strike was going on?

Mr. C. A. Innes: (a) About Rs. 2½ lakhs.

(b) The same salaries and allowances as the strikers were getting.

(c) Soon after the strike broke out, the Director-General visited Bombay in order that he might be on the spot to receive any deputation which the strikers might wish to send. No overtures, however, were made by the strikers and Mr. Hutchinson was met in precisely the same way when he again visited Bombay at a later date for the same purpose. It was evident that there was no hope of effecting a settlement unless Government conceded the men's demands in full which they were not prepared to do. Consequently, with the approval of Government, Mr. Hutchinson contented himself by making it as easy as possible for the men to return by keeping their places open for them at the cost of great inconvenience to the Department, and also, I am afraid, to the public. Latterly we have been compelled to fill up many of the vacancies permanently, but I am glad to say that there are still a large number of posts which have not been permanently filled. The Honourable Member is probably aware that the strike has now ended. We shall reinstate as many of the men as we possibly can and do our best to find employment for the others.

3½ PER CENT. GOVERNMENT PAPER.

248. Will the Government be pleased to state if they contemplate taking any steps to give relief to the holders of the 3½ per cent. Government paper owing to the very low price at present reached by these securities, such as exemption from the income tax or limitation of the period of repayment?

(This question was not answered.)

INDIAN TROOPS.

249. Will the Government be pleased to place on the table a statement showing in detail the number of regiments of Indian troops at present engaged outside the borders of India, the place where they are serving (such as Mesopotamia, etc.), and the costs involved to the Indian Exchequer on account of such troops?

Will the Government also be pleased to state when the respective troops are likely to be recalled to India?

Sir Godfrey Fell: The number of Indian troops stationed outside India is approximately 105,000 men. It is undesirable in the public interests to give the detailed information asked for in regard to the location of individual units. The information could not, in any case, be given without the concurrence of His Majesty's Government at whose disposal these troops are.

No expenditure is borne by the Indian Exchequer on account of the Indian troops serving overseas, except that on account of consular escorts, the garrisons at Gulf Ports, and of about 200 officers and men employed with the South Persia Rifles. Presumably the Honourable Member's question does not refer to expenditure of this nature, which is shared with His Majesty's Government under an arrangement which has been in force for many years.

The answer to the second part of the question is that considerable bodies of troops have already returned and are still returning to India. It might interest the Honourable Member to know that during the 12 months, February 1920 to January 1921, about 100,000 Indian officers and other ranks and nearly 60,000 followers returned to India from overseas. The

Government of India are not in a position to say when the remainder will return, as the matter is one which depends upon the policy of His Majesty's Government in reference to the Middle East.

MILITARY ACCOUNTS ASSOCIATION.

250. (a) Will the Government be pleased to state if the Military Accountant General had received a representation addressed to the Government of India in June last from an Association called 'the Military Accounts Association, Poona Division,' in the matter of the revision of their pay and allowances and whether that officer refused to recognise the Association or to reply to their representation on the ground that the Government Servants' Conduct Rules forbid the formation of such Associations or bodies?

(b) If the answer is in the affirmative, will the Government be pleased to say if the interpretation of the Rules by the Military Accountant General has any authority from Government, and whether the Government of India have forbidden the formation of any associations or unions of clerks in the Military Accounts Department?

(This question was not answered.)

LORD JELlicoe's REPORT ON NAVAL DEFENCE.

251. Will the Government be pleased to state if they propose to publish in India, with the sanction of the Secretary of State for India, the report of Lord Jellicoe regarding the naval defence of India?

Sir Godfrey Fell: The question of publication is under reference to the Secretary of State. The attention of the Honourable Member is invited to the reply given on the 17th instant to a similar question asked by Sir P. S. Sivaswamy Aiyer.

CREWE COMMITTEE'S REPORT.

252. Will the Government be pleased to state what action has been taken by the Secretary of State to give effect to paragraph 27 of the Crewe Committee's Report to regulate by executive orders the mode of the conduct of correspondence between the India Office and the Government of India, and also what steps he has taken to reduce the number of private telegrams between the Viceroy and the Secretary of State for India?

INDIANS IN THE INDIA COUNCIL.

253. Will the Government be pleased to state what steps have been taken to give effect to paragraph 31 of the Crewe Committee's Report with a view to appoint an Indian to one of the posts as intermediary between the Secretary of State and the Heads of Departments? Does the Secretary of State for India contemplate an increase in the number of Indians in the India Council?

PUBLIC SERVICE COMMISSION.

254. Will Government be pleased to place on the table all correspondence, if any, between the Government of India and the Secretary of State relating to the establishment in India of a Public Service Commission under section 96-C of the Government of India Act, and state the functions, composition

and recurring expenditure which are contemplated for the said Public Service Commission?

(Questions Nos. 252 to 254 were not answered.)

INDIAN STUDENTS IN LONDON.

255. Will the Government be pleased to state whether the Secretary of State has under consideration an enquiry into the working of the Indian Students Department in London?

Mr. H. Sharp: The Secretary of State has intimated that he has already been contemplating the appointment of a Committee in connection with the transfer of the Indian Students Department to the Office of the High Commissioner.

CONFERENCE OF PRIME MINISTERS.

256. Will Government be pleased to state if the Government of India has been invited to be represented at the Conference of Prime Ministers and others of the British Empire to be held next summer in London; if so, will Government also be pleased to state what steps are being taken to represent India from the Indians' point of view?

Mr. S. P. O'Donnell: The Honourable Member is presumably referring to the next session of the Imperial Cabinet which has been fixed for the middle of June 1921. The Government of India intend to recommend to the Secretary of State that India should be represented and that Indian delegation should include an Indian element.

PERSONNEL OF THE RAILWAY BOARD.

257. Will Government be pleased to state the total number of officers who are now working in the Railway Board, and also name those who are Indians?

Colonel W. D. Waghorn: There are twelve officers employed in the Railway Board excluding Superintendents, none are Indians.

COMMANDER-IN-CHIEF AND WAR OFFICE.

258. Will Government be pleased to explain the present system under which the Commander-in-Chief carries on direct correspondence, if any, with the War Office, and the nature of such correspondence; will they also be pleased to state if, under the existing system, the Imperial General Staff exercises any direct or indirect control over the Indian Army and Indian Army Headquarters?

Sir Godfrey Fell: The Commander-in-Chief in India is permitted to correspond direct, not with the War Office, but with the Chief of the Imperial General Staff in London, on questions relating to organisation, training, equipment and the selection of British officers for command and senior staff appointments, subject to the Secretary of State and the Government of India being kept fully informed of the contents of all such communications.

The General Staff at the War Office do not exercise any control, direct or indirect, over the Indian Army or Indian Army Headquarters. The Honourable Member will, however, realize that there are many matters, e.g., the rates

of pay of British soldiers serving in India, in respect to which the Government of India have to conform to the decisions which are taken by His Majesty's Government. Also in certain questions of organisation and equipment, the Government of India endeavour to conform, so far as practicable, to the regulations and standards prevailing in the Home Army.

SUPERINTENDENTS OF POST OFFICES.

259. Will Government be pleased to state what orders have been passed on the representation of the Superintendents of Post Offices submitted in July 1920?

DEPUTATION OF POSTAL OFFICERS.

260. (a) Is it a fact that a deputation of Postal Officers waited on the Honourable Member for Commerce and Industry in September last to represent their grievances on the subject of pay?

(b) If so, will Government be pleased to state what reply the Honourable Member gave to the deputation?

(Questions Nos. 259 and 260 were not answered.)

STRIKE OF POST AND TELEGRAPH PEONS.

261. **Mr. N. M. Joshi:** Will Government be pleased to state—

(a) What is the total loss of revenue sustained by the Government of India owing to the reduction in the number of telegrams and in the sale of postal stamps, and also, owing to the suspension of registered and insured letters, parcels, and money orders, due to the recent strike of Post and Telegraph peons in Bombay, from its beginning up to the end of January?

(b) What was the additional expenditure incurred by Government by way of bonus to the Post and Telegraph staff and the special remuneration paid to those who took the place of strikers during the said period?

Mr. C. A. Innes: (a) It is impossible to make any estimate as there are no means of collecting figures showing hypothetical loss of revenue.

(b) No bonus was paid to any of the Post and Telegraph staff. Overtime allowances were given in certain cases for additional and very severe work. The new hands who were employed in place of the strikers were either paid allowances or taken on on daily wages. The total cost of these overtime allowances, allowances to temporary hands and daily wages was approximately Rs. 2½ lakhs and this sum represents an additional expenditure of about a lakh compared with the pay the strikers would have drawn had they not struck. Men engaged on the permanent establishment to take the place of strikers were placed on the same rates as the strikers.

Mr. N. M. Joshi: May I ask a supplementary question? Will the Honourable Member be pleased to state the amount of the total loss on account of the strike?

Mr. C. A. Innes: I have already informed Honourable Members that we cannot make any estimate of the total loss as there are no means of collecting figures showing hypothetical loss of revenue.

MENDICANCY.

262. **Sardar Gulab Singh:** Do the Government propose to consider the question of taking some measures to discourage and to gradually prohibit mendicancy in the country by way of putting certain restrictions, such as registration, legislation, and licenses, etc.?

Mr. S. P. O'Donnell: The necessity for such measures as the Honourable Member suggests has not been brought to the notice of the Government of India, and in any case the matter is one with which Local Governments are more directly concerned than the Central Government.

CALCUTTA UNIVERSITY.

263. **Mr. J. Chaudhuri:** (a) Has the attention of Government been drawn to the complaints made with regard to the administration of the Calcutta University in the provincial vernacular press generally, and notably in the *Prabashi*, *Hindusthan*, and *Nayak* of Calcutta, and do not the Government of India propose to take up at an early date the question of University reform in consultation with the Government of Bengal?

(b) Are the Government of India aware that great dissatisfaction prevails all over Bengal both amongst students and the educated public at large with regard to the system of education and administration prevailing in the Calcutta University and public opinion demands a thorough overhauling of the present system of university education and the administration?

(c) Will Government be pleased to state when they propose to give effect to the recommendations of the University Commission in this respect in consultation with the Governments of Bengal and Assam?

(d) Do Government contemplate the assignment of sufficient revenue to the Government of Bengal to enable it to meet the initial and recurring charges in respect of such University reform?

(e) Is the Government of India aware that the University of Calcutta is at present on the verge of bankruptcy, and do Government propose to appoint a Committee to look into its financial position and come to its rescue pending its reconstitution on a sound educational and financial basis?

Mr. H. Sharp: (a) Government have seen certain complaints in the Calcutta press regarding this subject. The Government of India have for some time been giving their earnest consideration to the question of University reform in consultation with the Government of Bengal.

(b) A perusal of the evidence laid before the Calcutta University Commission and certain articles in the local press indicate that there is a certain measure of dissatisfaction among the educated public with regard to affairs in the University of Calcutta and that there exists a desire for measures of reform. The Government of India, however, are not aware whether this feeling can be regarded as general among students and the educated public at large.

(c) Government have been anxious to give effect to the Commission's recommendations, which they regard as a matter of urgency. Some of the more important of these recommendations, however, have apparently met with opposition in some quarters and no definite date can now be stated as that on which effect will be given to the recommendations.

• (d) The Government of India have from time to time given grants (which are still continued) towards the expenses of the University of Calcutta. The grant of further subsidies, however, from Central funds to this University would be contrary to the spirit of the financial arrangements under the Reforms; and should the Government in the case of this University become, as proposed by the Commission, the Local Government of Bengal, then the allocation of grants to the University would primarily be the business of the Government of Bengal.

(e) Government have been informed that the financial position of the University of Calcutta is precarious. They have no intention of appointing a Committee such as that contemplated by the Honourable Member, nor does the existing law provide for the appointment of such a Committee.

Mr. J. Chaudhuri: Are the Government of India aware that owing to the present financial stress of the Calcutta University, the University has levied a fee of Rs. 100 each on the secondary schools all over Bengal and Assam, and the *Amrita Bazar Patrika*, the *Bengali* and the vernacular press have protested against this levy?

Mr. H. Sharp: The Government of India have seen certain reports to this effect in the papers and they have seen certain expressions of annoyance about it, but nothing more.

Mr. J. Chaudhuri: They have not received any communication from the Calcutta University on this question?

Mr. H. Sharp: So far as I am aware, they have not.

Babu K. C. Neogy: May I ask a supplementary question, Sir? With reference to the answer to clause (d) of the question, is the Honourable Member aware that the devolution rule 14, clause (e) gives ample discretion to the Government of India for making special assignments for special purposes?

Mr. H. Sharp: I think that before I can answer that question, I must have an opportunity of discussing it with the Finance Department.

Mr. J. Chaudhuri: Is the Government of India aware that the Calcutta University is now levying fees on the students at every turn, and one of these is that even when they have completed their course and do not offer themselves for examination in Preliminary Law or Final Law they have to pay the examination fees all the same?

Mr. H. Sharp: I rise to a point of order as to whether this question should be disallowed.

The Honourable the President: I think that when the Honourable Member proposes to ask a question in such detail, he should give sufficient notice of it to enable both the Government and the Legislative Department to consider whether it is in order or not.

HIGH COURT VAKILS.

264. **Rai J. N. Majumdar Bahadur:** Is it a fact that no High Court Vakil has ever been appointed Advocate General in the Presidencies of Bengal and Bombay? If so, do the Government propose to take into consideration the claims of High Court Vakils in the case of future vacancies in these

Presidencies as well as in the case of filling up future vacancies in the office of Government Advocate of other High Courts ?

Mr. S. P. O'Donnell : It is not possible to appoint a High Court Vakil to the post of Advocate General in the Presidency of Bengal, in view of the restrictions imposed by the rules of the Calcutta High Court in regard to their practice before that Court, and no Vakil has been so appointed.

The Government of India are not concerned with the appointment of Advocate General, Bombay, or of Government Advocates. The former appointment is made by His Majesty on the recommendation of the Government of Bombay and the latter are made by the Local Governments on their own authority.

SUPPLY OF RASAD.

265. (a) Has the attention of the Government been drawn to the Communiqué dated 14th January 1921, issued by the Punjab Government to the effect that paid contractors be deputed on touring areas for the supply of *rasad* to touring officers, discontinuing the arrangement for the supply of the same through Tehsil peons ?

(b) Will the Government be pleased to direct all the Local Governments to adopt the same procedure in their respective Provinces ?

(This question was not answered.)

Mr. Mahmood S'Chamnad Sahib Bahadur read out Question No. 266.

The Honourable the President : I ask the Honourable Member to resume his seat. It is not necessary for Honourable Members in putting questions to read the form printed on the paper. All that is required is, that they shall announce the number opposite their name. The number is 266.

Mr. Mahmood S'Chamnad Sahib Bahadur : Sir, if the questions are not read out but only the answers, we are obliged to go to the newspapers for them. In fact, if the question is not read out, then it is useless to read the answer . . .

The Honourable the President : Order, order. The difference between the question and the answer is, that every Member of this Assembly has the question printed in front of him ; whereas only the answering Member of the Government has the printed answer in front of him, and, therefore, it is necessary for him to announce it *viva voce* to the House. Will the Honourable Member kindly ask Question No. 266 ?

LABOUR AGITATION AND STRIKES.

266. **Mr. S'Chamnad Sahib Bahadur :** Do the Government intend to appoint a Committee to enquire into the real cause of labour agitation and strikes in India at the present moment, and take such measures as are necessary to arrest the progress of the movement ?

Mr. C. A. Innes : The Government of India realise the importance of a careful study of the various problems connected with labour that have now arisen in this country as well as in other countries. With this in view they have established a Labour Bureau attached to the Central Government. Steps have been taken to collect information with regard to the existing situation,

and measures are now being considered for an enquiry into the actual conditions of labour in the matter of wages, prices, and cost of living. A committee, as suggested by the Honourable Member, will not be able to come to any decision without sufficient information on these points. If the Honourable Member would like any information about the lines along which it is proposed to collect the necessary data, Sir Thomas Holland shall be glad to show him the papers.

The Honourable Member is no doubt aware that the settlement of labour disputes is a provincial subject. Owing to the variety of conditions prevailing in different parts of India, it is not possible to put forward any uniform proposals on this subject. The Government of India, however, have addressed Local Governments with regard to the establishment of machinery in every province for the study of labour questions and for the settlement of labour disputes. The matter is already engaging the attention of Local Governments. A Commissioner of Labour has been appointed in Madras. The Bombay Government have obtained the services of a senior officer who is also Chairman of the Industrial Court, from the Ministry of Labour in London to organise a Labour Bureau. It is understood that other Local Governments are moving in the same direction.

ALI RAJAHS OF CANNANORE.

267. Mr. S'Chamnad Sahib Bahadur : (a) Is it a fact that the Ali Rajahs of Cannanore are the rightful sovereigns of the Laccadive Islands, that the said islands were sequestered by the Government for arrears of tribute on condition of annually rendering accounts to the Ruling Rajah, and restoring them after the arrears are cleared, that even after the arrears were cleared, neither the islands were restored nor even any account rendered for several years, that though after some agitation their restoration was ordered by the Government, the Madras Government delayed doing so until they got some of the members of the Rajah's family to sign a document giving up their rights in these islands in return for an annual malikana allowance of Rs. 23,000 reducing thereby the status of the Rajah from that of a Ruling Prince to that of an ordinary Jenmi, without even allowing (him) the honour of a salute or the title of His Highness, and that the present Rajah did not sign the document protesting against its injustice and illegality, and he received the allowance only under protest?

(b) If the facts are, as stated in part (a), do the Government propose to order the restoration of the islands to the Rajah who is their rightful owner and restore to him his status?

Mr. S. P. O'Donnell : I will have the records examined and hope to be in a position to reply to the Honourable Member's question later on in the session.

MAIL CONTRACT.

268. Sir Frank Carter : (a) What is the present position of the Mail Contract between the United Kingdom and India?

(b) Was the contract suspended during the war?

(c) If the contract was suspended, has it since been renewed and on what terms?

(d) If it has not been renewed, will Government be pleased to state what their intentions are regarding it?

Mr. C. A. Innes: (a) The arrangement for the conveyance of mails between the United Kingdom and India forms part of the contract between the Postmaster General, London, and the Peninsular and Oriental Steam Navigation Company for the conveyance of the East India, China and Australia mails. This contract came into operation on the 1st February 1908 and is terminable at any time after the 31st January 1915 on 24 calendar months' previous notice by either party to the contract. The Postmaster General has arranged with the Peninsular and Oriental Steam Navigation Company that notice to determine the contract shall not be given by either party before the 31st January 1922, so that the contract cannot terminate before the 31st January 1924 at the earliest.

(b) The contract was not suspended during the war.

(c) and (d). As the contract was not suspended, these questions do not arise.

QUARTERS FOR SECRETARIAT ASSISTANTS.

269. Khan Sahib M. Ikramullah Khan: (a) Is it a fact that racial distinction has been observed in the construction and allotment of quarters in Raisina for the Secretariat assistants and clerks? If so, will the Government be pleased to take early steps to remove such distinction?

(b) Is it a fact that the cost of the European quarters is much more than that of the Indian quarters?

(c) Is the Government aware that a large number of Indian assistants have adopted European style of living and that they live in houses of European type in Simla? If so, what arrangements has Government made for their accommodation in Raisina?

(d) Will the Government be pleased to state whether Sir Claude Hill ever promised that Indians living in European style will be provided with European style quarters? If so, how many Indian assistants and clerks—Muhammadans, Hindus and Sikhs—have been provided with such quarters?

(e) Is it a fact that no separate out-houses and servants' latrines have been provided with the C, D and E type of Indian quarters at Raisina? If so, how does the Government propose to meet the requirements of *purdah* observing families living in such quarters?

Mr. J. Hullah (on behalf of Colonel Sir S. D'A. Crookshank): (a) No racial discrimination is implied or intended in the construction and allotment of the clerks' quarters at Raisina. Different types of quarters have been provided for the assistants and clerks who live in the Indian and European style and, so far as possible, considering the large numbers involved, these quarters have been designed so as to suit the conveniences of the two styles taken as a whole.

(b) Taking architectural and siting, class and *purdah* considerations into account, an accurate comparison of cost cannot be drawn between the quarters in the two styles, but in certain cases the cost of the quarters in the European style is more than that of the quarters in the orthodox style.

(c) Government are well aware that some Indian assistants have adopted the European style of living but, owing to the limited number of European style quarters available and the fact that a considerable number of Europeans of the ministerial staff have still to be accommodated in tents, it is not possible

at present to cater for individual requirements. The arrangements are temporary and, on the completion of the building scheme, the allotment of the quarters will depend on the demands when the rents, which are now provisionally limited to 4 per cent. of salary for Europeans and $3\frac{1}{2}$ per cent. for Indians, are fixed according to the ordinary rules of the Public Works Department.

(d) Sir Claude Hill made no such promise. However, as time goes on and more European style quarters become available, they would, in the ordinary course, be allotted to those Indians who had adopted the European style of living, if they wanted them and if they were prepared to pay any higher charges due.

The allocation of individual quarters is made by the Departments themselves, and it has been ascertained that no Indian assistant has, this year, been provided with such quarters.

(e) No separate blocks of out-houses and servants' latrines have so far been provided for the C, D and E types of quarters, but, in these quarters, provision is made according to custom, for servants' rooms and for latrines within the *purdah* enclosure.

In due course groups of water-borne public latrines will be provided in this area and when financial considerations allow, it is hoped also to provide separate blocks of out-houses with stabling.

It may perhaps be mentioned that, when the original designs for the orthodox style quarters were being considered, Indians of every caste and creed were freely consulted and their wishes met so far as financial limitations permitted.

DAIRY FARMS AND MILCH COWS.

270. **Babu A. P. Sinha :** (a) Is it a fact that in Government and Company managed dairy farms the method of milking milch cows with special apparatus has been introduced, thus dispensing with the necessity of rearing up calves?

(b) Are the majority of calves killed, in dairies where this method is employed, for the purpose of economising the milk supply and for the culture of vaccine lymph?

(c) Do the Government propose to take measures for the preservation of calves in these cases?

Mr. J. Hullah : (a) The Government have no information that any milking apparatus is used at dairy-farms, managed by Companies. No such apparatus is used at Government dairy-farms, either Civil or Military.

(b) and (c). In consequence of what I have said, these parts of the question do not arise, but I may assure the Honourable Member that calves are not killed at Government dairy-farms.

MARTIAL LAW AND PUNJAB OFFICERS.

271. **Munshi Iswar Saran :** (a) Will Government be pleased to state the names of the officers in the Punjab, Europeans and Indians, who have been censured or otherwise punished for their conduct during the Martial Law administration in the Punjab?

(b) Will Government also state the nature of punishment and disclose the terms of censure?

Mr. S. P. O'Donnell: The Honourable Member is referred to the statement laid on the table at the meeting of the 19th February in reply to the question asked by Rai Dahadur Bakshi Sohan Lal.

INDEMNITIES.

272. Munshi Iswar Saran: Will Government be pleased to state the total amount of indemnities realised from certain towns in the Punjab up to 31st December 1920, and will it also be pleased to state the balance that is yet to be realised?

Mr. S. P. O'Donnell: The figures reported by the Punjab Government on the 23rd December 1920, show that Rs. 8,72,351 had been recovered; leaving a balance of Rs. 18,13,251 still to be collected on that date.

COMPENSATION TO SUFFERERS IN THE PUNJAB.

273. Munshi Iswar Saran: (a) Will Government be pleased to state the total amount of compensation paid to Europeans and Indians in the Punjab on account of losses sustained by them in regard to their property or on account of physical injury?

(b) What is the total number of Europeans and what is the total number of Indians who have received this compensation? What amount of compensation has each class received?

(c) How, when and by whom was this compensation assessed?

Mr. S. P. O'Donnell: (a) and (b). A statement* is laid on the table.

(c) Assessments of indemnities are made by District Magistrates at various times from April, 1914 onwards and were subjected to revision at various times.

* Statement.

Number of persons compensated and whether European or Indian.	Total amount of compensation and whether for loss of life or bodily injury.
82 Europeans	Rs. 6,49,323-12-4. Of this sum Rs. 4,94,787-2-8 is understood to represent compensation for loss of life or bodily injury and Rs. 1,54,536-9-10 for loss of property.
31 Indians	Rs. 11,61,004-11-10† It is believed that Rs. 11,60,754-11-10 represents compensation for loss of property and Rs. 250 for personal injury.

*NOTE.—In addition Rs. 13,800 were distributed amongst the relatives of those killed and injured at the Jallianwala Bagh and a further sum of Rs. 5,000 was sanctioned a short time ago for distribution amongst those who were permanently injured there. As intimated in the debate on the 15th February, the Punjab Government are being addressed on the subject of the grant of further pecuniary relief.

ROYAL AIR FORCE.

274. **Munshi Iswar Saran:** Will Government be pleased to state if it is proposed to take Indians in the Royal Air Force in India?

Sir Godfrey Fell: The administration of the Royal Air Force is in the hands of His Majesty's Government. The Government of India are not aware whether it is the intention of the Air Ministry to open recruitment for that service to Indians.

A considerable number of Indians are employed in India with the Royal Air Force as mechanics.

ESHER COMMITTEE'S RECOMMENDATIONS.

275. **Munshi Iswar Saran:** Will Government be pleased to state in what respects, if at all, it is proposed to give effect to the report of the Esher Committee and what will be the total cost of giving effect to such recommendations up to the end of the year 1921?

Sir Godfrey Fell: The only recommendations of the Esher Committee to which it has been decided as yet to give effect are those relating to:—

(i) Tightening up of the system of financial control exercised at Army Headquarters and in the Royal Indian Marine.

The new arrangements are at present on a provisional basis and their cost is estimated at 3 lakhs per annum.

(ii) Improvements in the system under which the Army and Marine Accounts are maintained. The changes are being introduced gradually and the ultimate extra cost, if any, cannot yet be gauged.

(iii) Re-arrangement of staff duties at Army Headquarters. No extra cost is involved.

(iv) Assimilation of the training system in India to that in force in the United Kingdom, including the introduction of a system of education for Indian soldiers. Full details of the scheme have not yet been settled.

(v) Creation of a Territorial Force for India. Cost in the first year as roughly estimated—Rs. 5 lakhs. The ultimate cost cannot be stated at present. It will depend on the success of the scheme. Some of these proposals had already been under the independent consideration of the Government of India before the Committee's report was issued. The reorganisation of the Army in India, in accordance with what is known as the Four-command scheme, was supported but not initiated by the Esher Committee. Effect has been given to this reorganisation on a provisional basis.

The Honourable Member will notice that the information as to cost contained in the foregoing reply relates to the annual cost, where known, of the measures referred to. It is regretted that accurate information cannot be given as to the cost up to the end of 1921. The Government of India's practice is to express the cost of new measures in terms of annual expenditure.

KING'S COMMISSIONS.

276. **Munshi Iswar Saran:** Are Government aware that there is a strong feeling in the country that the number of King's Commissions in the army hitherto granted to Indians is wholly inadequate? Do Government propose

to take any steps in the near future to grant King's Commissions to Indians on a large and liberal scale?

Sir Godfrey Fell: The Government of India are aware that expression has been given in certain quarters to a demand for the grant of a larger number of King's Commissions to Indians. The Honourable Member will, however, recognise that the number of such Commissions must depend partly, as I stated, on the 17th instant, in reply to a question by Rai Jadu Nath Majumdar Bahadur, on the success of the experiment, now being tried, of employing Indians as officers in the Army, and partly on the number of suitable candidates who present themselves.

Examinations for admission to the Royal Military College are held half-yearly in India and on each occasion five vacancies are allotted. Up to date, five such examinations have been held. Altogether 99 candidates have been nominated for these examinations. Of these 99, 19 have been accepted and have proceeded to the Royal Military College; 29 were rejected on the ground that they were not educationally qualified; 19 were rejected as physically unfit; five were below and eight above the age limit; five failed to pass the oral test and eight were considered to be generally unsuitable. In addition to the 19 candidates selected in India, six have been nominated by the Secretary of State from among young Indian gentlemen attending public schools in England. Altogether, therefore, 25 cadetships have been awarded to Indian gentlemen in the past two years.

Although the standard of literary examination held in India is considerably lower than that of the examination for which candidates from other parts of the Empire are required to present themselves, difficulty has hitherto been experienced in filling the number of gentlemen cadetships allotted to India.

With regard to the second part of the question, the answer is that until the experiment has been proved to be a success in actual practice, and until candidates with the requisite qualifications present themselves in larger numbers than hitherto, Government do not propose to increase the scale of cadetships at Sandhurst open to Indians.

BIHAR EXECUTIVE COUNCIL.

277. Munshi Iswar Saran: (a) Will Government be pleased to state the grounds on which two European Members and one Indian Member have been appointed to the Executive Council of Bihar?

(b) Will Government be pleased to state whether Lord Sinha was consulted before the appointment of Members to the Executive Council, and if so, whether he favoured the inequality between the European and Indian Members in Bihar?

Mr. S. P. O'Donnell: (a) I would refer the Honourable Member to the answer given to the question asked on the 15th by Khan Bahadur Sarfaraz Hussain Khan.

(b) Lord Sinha was consulted. He agreed that the existing arrangement should not be disturbed at any rate for the present.

AJMER-MERWARA AND LEGISLATIVE ASSEMBLY.

278. Munshi Iswar Saran: (a) Will Government be pleased to state whether it has received any representation from Ajmer-Merwar for the people

of that province to be given the right of representation in the Legislative Assembly?

(b) Is Government aware that there is a strong feeling in Ajmer-Merwara that the people of that province have been excluded from the operation of the Reforms Scheme?

Mr. S. P. O'Donnell: (a) Yes.

(b) Government has appointed a Committee to enquire and report as to the future administration of Ajmer-Merwara including the best means of enabling Ajmer-Merwara to share in the benefits of the Reforms. The Committee will include two non-official Indians.

INDIAN TROOPS.

279. **Munshi Iswar Saran:** (a) Will Government be pleased to state the total number of Indian troops at present employed in Mesopotamia, Persia, Palestine and Egypt, respectively?

(b) Is it proposed to meet all the cost of their employment out of Indian revenues, and, if so, what will be the total amount of such cost?

(c) When is it proposed to bring back the Indian troops to India?

Sir Godfrey Fell: (a) Approximately 74,700 Indian troops are employed in Mesopotamia and Persia. Of this number, according to the last detailed distribution return, 8,900 were employed in Persia, but it is not known exactly how many are now there.

Approximately 23,000 Indian troops are at present serving in Egypt and Palestine. The distribution of these troops, as between Egypt, and Palestine, is not known.

A large reduction in the number of these troops is anticipated in the near future.

(b) and (c). A reference is invited to the reply given to a similar question to-day asked by Mr. Balkrishna Sitaram Kamat.

'LIFE IN THE ANDAMANS.'

280. **Munshi Iswar Saran:** (a) Has the attention of Government been drawn to the article of Colonel Wedgewood, M.P., in the *Daily Herald* of London and reproduced in the *Searchlight* of Patna of February 6, 1921, on 'Life in the Andamans'?

(b) What steps is it proposed to take to remove the evils mentioned by Colonel Wedgewood?

Mr. S. P. O'Donnell: I would refer the Honourable Member to the answer given to the Question No. 161 asked by Mr. Harchandrai Vishindas.

REPORT ON THE ANDAMANS.

281. **Munshi Iswar Saran:** Will Government be pleased to state if it proposes to order the publication of the report on the Andamans?

Mr. S. P. O'Donnell: I would refer the Honourable Member to the answer given to the Question No. 161 asked by Mr. Harchandrai Vishindas.

INDEMNITY FROM GERMANY.

282. **Mr. B. Venkatapatiraju:** Will Government be pleased to state whether any colonies of the British Empire received any indemnity from Germany or were allotted any amount for realisation later on and whether the Government of India made any demand or request for a similar contribution to India for services rendered in the war?

The Honourable Dr. T. B. Saprú: The Inter-Allied Conference which met at Spa last year decided that the British Empire, which includes India, should receive 22 per cent. of the compensation payable by Germany. As far as we know at present no definite allocation of this percentage has been made between the various units of the Empire. There is no expectation of the full amount of war damage being recovered from Germany but the percentage allotted to the Empire will have to be divided in some proportion among the various units entering claims. The Government of India have furnished the Secretary of State with an estimate of the various claims, official and private, against Germany under categories 1 to 4, 6 and 8 to 10 of Annex I, section 1, Part VIII, of the German Peace Treaty. Claims under categories 5 and 7 of the annex will be preferred by the Secretary of State on behalf of India.

Treaty of Peace between the Allied and Associated Powers and Germany, signed at Versailles, June 28th, 1919.

Part VIII—Reparation.

SECTION I.

* * * * *

ANNEX I.

(Pages 105-106.)

Compensation may be claimed from Germany under Article 232 above in respect of the total damage under the following categories:—

(1) Damage to injured persons and to surviving dependents by personal injury to or death of civilians caused by acts of war, including bombardments or other attacks on land, on sea, or from the air, and all the direct consequences thereof, and of all operations of war by the two groups of belligerents wherever arising.

(2) Damage caused by Germany or her allies to civilian victims of acts of cruelty, violence or maltreatment (including injuries to life or health) as a consequence of imprisonment, deportation, internment or evacuation, of exposure at sea or of being forced to labour, wherever arising, and to the surviving dependents of such victims.

(3) Damage caused by Germany or her allies in their own territory or in occupied or invaded territory to civilian victims of all acts injurious to health or capacity to work, or to honour, as well as to the surviving dependents of such victims.

(4) Damage caused by any kind of maltreatment of prisoners of war.

(5) As damage caused to the peoples of the Allied or Associated Powers, all pensions and compensation in the nature of pensions to naval and military

victims of war (including members of the air force), whether mutilated, wounded, sick or invalided, and to the dependents of such victims, the amount due to the Allied and Associated Governments being calculated for each of them as being the capitalised cost of such pensions and compensation at the date of the coming into force of the present Treaty, on the basis of the scales in force in France at such date.

(6) The cost of assistance by the Governments of the Allied and Associated Powers to prisoners of war and to their families and dependents.

(7) Allowances by the Governments of the Allied and Associated Powers to the families and dependents of mobilised persons or persons serving with the forces, the amount due to them for each calendar year in which hostilities occurred being calculated for each Government on the basis of the average scale for such payments in force in France during that year.

(8) Damage caused to civilians by being forced by Germany or her allies to labour without just remuneration.

(9) Damage in respect of all property ^{wherever situated} belonging to any of the Allied or Associated States or their nationals, with the exception of naval and military works or materials, which has been carried off, seized, injured or destroyed by the acts of Germany or her allies on land, on sea or from the air, or damage directly in consequence of hostilities or of any operations of war.

(10) Damage in the form of levies, fines and other similar exactions imposed by Germany or her allies upon the civilian population.

INTERNAL SECURITY.

283. **Rai G. C. Nag Bahadur** : Is it a fact—

(a) that India has been divided into districts of internal security ;

(b) that the internal security force consisting of regular troops has been redistributed ?

Sir Godfrey Fell : (a) It is not the case that India has been divided into districts of internal security. As the basis of the distribution of the military forces composing the Army in India, which depends upon general military considerations of a wide nature, India is divided into Brigades, Districts and Commands. Amongst the duties imposed on these forces is included the duty of rendering assistance to the civil power, when this is found to be necessary.

(b) The answer is in the negative.

BRITISH TROOPS.

284. **Rai G. C. Nag Bahadur** : Is it a fact—

(a) that British troops have their pay fixed at two shillings to the rupee,

(b) that barracks have been built for them in all hill stations,

(c) that their families have been given free rations and free house-accommodation, and change to the hills ?

Sir Godfrey Fell : (a) The answer is in the negative.

(b) Barracks in the hills, to which some British soldiers proceed in the hot weather, existed before the war. Extra married quarters have been

erected for the accommodation of the larger proportion of married families now authorised under the Home Regulations applicable to the British Army.

(c) Families have always been given free rations and accommodation, or compensation in lieu thereof. The amounts have been raised with reference to the higher cost of living. Families of British troops have always been sent to the hills during the hot weather.

ESHER COMMITTEE AND OFFICERS.

285. **Rai G. C. Nag Bahadur**: Is it a fact that officers have had their pay increased and been given other concessions recommended by the Esher Committee?

Sir Godfrey Fell: The pay of Officers has been increased in common with that of all other services and departments. The concessions to officers recommended by the Esher Committee are still under the consideration of the Government of India and the Secretary of State.

MACHINE GUNS AND AEROPLANES.

286. **Rai G. C. Nag Bahadur**: Is it a fact—

(a) that machine guns and aeroplanes have been located in various places,

(b) that besides the regular troops, the Europeans and Anglo-Indians have been armed with machine guns, aeroplanes and other weapons?

Sir Godfrey Fell: (a) The answer is in the affirmative.

(b) Europeans and Anglo-Indians, as a class, have not been armed with machine guns, aeroplanes, etc. If the Honourable Member is referring to the Auxiliary Force, the answer is that that force *ex-hypothesi* has an organisation and equipment corresponding to that of the regular army.

INDIAN REGIMENTS.

287. **Rai G. C. Nag Bahadur**: Is it a fact—

(a) that Indian regiments have been duplicated and triplicated and their strength increased from 600 to 800 or 1,000,

(b) that Indian regiments which used to have 14 British officers now have between 30 and 40?

Sir Godfrey Fell: (a) As the Honourable Member must be aware, large numbers of additional Indian units were raised during the war. The number of active Indian units which it is proposed to maintain in future will be considerably less than the number maintained before the war. The establishment and strength of Indian units will also be smaller than they were before the war.

(b) The answer is in the negative. The sanctioned establishment of British officers with Indian units before and during the war was 14; it is proposed that in future it should not exceed an average of 12.

REGULAR TROOPS.

288. **Rai G. C. Nag Bahadur :** (a) Is it a fact—

(i) that concessions in the shape of increased pay, war *batta*, free rations, free uniform, house accommodation, increased pensions, free railway passes when going home on leave, etc., are being given to the regular troops,

(ii) that nearly 7,000 reserve officers are still being maintained in the army,

(iii) that units which were raised as a war measure are still being kept up,

(iv) that a large number of pensioners, who are re-employed as a war measure, are still being kept in service, receiving pension, and full pay of their rank ;

(b) If the answer to parts (i), (ii), (iii) and (iv) are in the affirmative, will Government furnish an explanation of the reasons for perpetuation of these war measures and the war concessions ?

Sir Godfrey Fell : (a) (i) The conditions of service of the regular Indian troops have been improved in respect of certain of the matters mentioned in the question. The grant of the concessions is only consequential upon what has been found necessary in other countries, as a result of the increase in the cost of living, in the case of both civil and military establishments.

(ii) The answer is in the negative. The total number of reserve officers now serving is approximately 900, of whom some are serving overseas and will be demobilised when their units return to India, and 250 are serving chiefly with the Supply and Transport Corps, on agreements with the Secretary of State for a fixed term.

(iii) Units are being disbanded as quickly as the situation permits. Since the armistice, 3 cavalry regiments and 16 additional squadrons of cavalry, 46½ battalions of infantry, and one field squadron, 2 field troops, 6½ field companies and one railway company of Sappers and Miners have been disbanded. Twenty-three and a half battalions of infantry and 4½ field companies of Sappers and Miners are in course of disbandment at the present time.

(iv) The answer is in the negative.

With reference to (b), the answer to (iii) and (iv) of (a) is in the negative. As regards (i) the answer is that no war measures or war concessions are being continued, except in the theatres of active operations.

WORKERS IN COAL MINES.

289. **Mr. N. M. Joshi :** Will Government be pleased to place, as early as possible, on the table a comparative statement showing therein the wages per hour, of the different classes of workmen in the coal mines of India and of England and showing also the amount of production per head per hour ?

Mr. C. A. Innes : Wages in coal mines in India do not depend on the hours of work but are regulated purely by output. In England also the wages of coal miners vary with the output of coal. No regular record of hours is at present kept in India and the miners are, in most places, at liberty to come and go as they please. It is not, therefore, possible to give the information asked for by the Honourable Member.

Figures showing the average total output in each country and the average number of persons employed are available and Sir Thomas Holland will be glad to show these to the Honourable Member if he so desires.

ACCIDENTS IN FACTORIES.

290. **Mr. N. M. Joshi:** Will Government be pleased to place, as early as possible, on the table a comparative statement showing therein the number of accidents, fatal and otherwise, in textile factories, iron and steel works, workshops and mines in India and in England, and showing, also, the total number of persons engaged in these industries in both these countries?

Mr. C. A. Innes: A statement showing the number of persons injured in fatal, serious and minor accidents in Indian factories and in fatal and serious accidents in Indian mines for the last 5 years is laid on the table. The numbers of persons employed are also shown, and the incidence per 1,000 persons employed. It is not possible to give separate statistics for the different types of factories mentioned by the Honourable Member.

Complete statistics for England are not available at present. The death rate in British mines per 1,000 persons employed is somewhat higher than in Indian mines. Figures relating to the accidents in factories and workshops in England in 1918 are given in the statement. The total number of persons employed is not available.

Factories.

Year.	Persons employed.	NUMBER OF ACCIDENTS.				NUMBER OF PERSONS INJURED PER 1,000 PERSONS EMPLOYED.			
		Fatal.	Serious.	Minor.	Total.	Fatal.	Serious.	Minor.	Total.
1915 . . .	1,004,106	115	928	4,414	5,452	0.11	0.92	4.39	5.42
1916 . . .	1,061,409	169	1,098	3,956	5,223	0.16	1.03	3.72	4.91
1917 . . .	1,076,201	144	887	3,961	4,992	0.13	0.82	3.68	4.63
1918 . . .	1,122,922	180	1,180	3,757	5,117	0.16	1.05	3.34	4.55
1919 . . .	1,171,513	145	957	4,321	5,423	0.12	0.81	3.68	4.61

There were in England in 1918, 1,579 fatal accidents in factories and workshops, and 53,491 accidents due to machinery.

Mines.

Year.	Number of persons employed.	NUMBER OF PERSONS INJURED.			NUMBER OF PERSONS INJURED PER 1,000 PERSONS EMPLOYED.		
		Fatal.	Serious.	Total.	Fatal.	Serious.	Total.
1915	180,088	188	272	460	1.04	1.51	2.55
1916	197,919	306	297	603	1.04	1.50	2.54
1917	211,881	201	305	506	0.94	1.44	2.38
1918	227,788	248	322	565	1.02	1.35	2.37
1919	249,156	252	350	602	1.01	1.40	2.41

FACTORY INSPECTORS.

291. **Mr. N. M. Joshi:** Do Government propose to recommend to Local Governments to make arrangements for the special training of Factory Inspectors in their respective jurisdiction ?

Mr. C. A. Innes: Factory Inspectors in the provinces are as a rule men with technical qualifications. It is not understood what kind of special training the Honourable Member suggests. I would also remind him that the administration of factory laws is a provincial subject and the question of the qualifications and training necessary for Factory Inspectors lies within the province of Local Governments.

INDIAN WOMEN DOCTORS FOR FACTORIES.

292. **Mr. N. M. Joshi:** Will Government be pleased to state whether they propose to recommend to Local Governments to appoint qualified Indian women doctors to look after the health of women working in factories ?

Mr. C. A. Innes: In Article 427 of the Peace Treaty, it is laid down that each State should make provision for a system of inspection in which women should take part, in order to ensure the enforcement of the laws and regulations for the protection of the employed. The Government of India propose to invite the attention of Local Governments to the question of the appointment of women inspectors of factories; and they think that at present suitable persons for such appointments will often be found amongst qualified Indian women doctors. In order to obtain information for consideration of this question, the Government of India appointed Miss Broughton in July last to make a study of the present conditions of women and children labour in factories. Miss Broughton has had special experience in responsible charge

of women welfare work in English munitions factories during the war, and adds this advantage to a knowledge of India gained previously as an Inspectress of Schools.

The Honourable the President called out the name of Mr. Darcy Lindsay in whose name stood Question No. 293 on the agenda. The Member was not present.

The Honourable the President: Does the Government wish to answer the question?

The Honourable Mr. W. M. Hailey: Yes, Sir.

CURRENCY COMMISSION.

293. **Mr. Darcy Lindsay:** (a) Has the attention of the Government been drawn to the reported speech of Mr. S. R. Bomanji at the recent National Congress at Nagpur on the Currency question in which he makes it appear,

(1) that the Government appointed the Currency Commission with a view to so manipulating the currency policy that the debt England owed India and accumulated (as he says) at Rs. 15 to the sovereign could by a stroke of the pen be repaid at the reduced value of Rs. 7-8-0,

(2) that by the sale of Reverse Councils the Government of India have liquidated £5,50,00,000 of the debt at fluctuating rates from Rs. 10 to Rs. 7-8-0 or instead of paying at the rate of Rs. 15 to the sovereign and,

(3) that India has lost something like £5,50,00,000 on that one transaction?

(b) If so, will the Government be pleased to say what truth, if any, there is in these allegations?

The Honourable Mr. W. M. Hailey: (a) Yes.

(b) Mr. Bomanji was presumably referring to the British securities held by the Secretary of State in the Gold Standard and Paper Currency Reserves, which he represents as a debt owed by England. The allegation is, that England gained by the fact that when the securities were sold, the ratio of the rupee to the sovereign had been raised. There is no foundation for the allegation. The debt is entirely a sterling one, for the investments were made in sterling, and the money has been or will be repaid to India in sterling. The amount of the debt is, therefore, not affected in any way by the particular rate at which the money was originally remitted to England: there was or will be neither gain nor loss to England on this particular transaction. But the case goes further. So far from the British Government having gained by any rise in the exchange value of the rupee, it has on the whole almost certainly lost, for the effect of the rise in exchange has been that, in respect of the large amounts of war and other expenditure incurred by us in rupees on their behalf, and recoverable from them in sterling, they have had to pay us considerably more than would have been the case if the rupee had remained at 1s. 4d. If, then, His Majesty's Government had been actuated by the discreditable motives attributed to them by Mr. Bomanji, they ought in their own interests to have done their best to keep the rupee exchange as low as possible. The suggestion of a plot by the British Government is, therefore, merely ridiculous.

The Honourable the President : I have the honour to announce that I have received from His Excellency the Governor General the approval of His Excellency to the election of Mr. Sachchidananda Sinha as Deputy President of this Assembly.

I understand that Government wishes to make a statement regarding the business of the Assembly at its sitting on Tuesday, the 1st March.

The Honourable Mr. W. M. Hailey : I am afraid it is not yet ready, Sir.

THE LEGISLATIVE ASSEMBLY (DEPUTY PRESIDENT'S SALARY) BILL.

The Honourable Dr. T. B. Sapru : Sir, I move that the Bill to determine the salary of the Deputy President of the Legislative Assembly be taken into consideration. In making this motion, I do not propose to make any observations, and I am quite content to leave the matter at the stage at which it was left when I introduced this Bill.

Mr. P. P. Ginwala : May I put a question, Sir, to the Honourable the Law Member? Has the Honourable the Law Member any information as to whether the Deputy President will accept this salary or any other salary which this Assembly may fix.

The Honourable Dr. T. B. Sapru : Sir, I have no reason to believe that the Deputy President will not accept this salary if this Bill is passed. On the contrary, I have reason to believe that he will.

The motion was adopted.

The Honourable Dr. T. B. Sapru : I move, Sir, that the Bill be passed.

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

Bhai Man Singh : I have sent in an amendment, Sir, just now, and if it could be taken up . . .

The Honourable the President : An amendment has been handed in at the Secretary's table with no signature attached to it. It is not possible to attach any importance to it.

Bhai Man Singh : The amendment is mine, Sir. It was a typed copy and I forgot to sign it. I am sorry for the omission, Sir.

The Honourable the President : I have no doubt the Honourable gentleman is sorry, and still more is this Assembly. But I must point out that any notice given must be given in due form and order. Does the Honourable Member wish to move the amendment?

Bhai Man Singh : I do wish to move the amendment, Sir.

The Honourable Dr. T. B. Sapru : I rise to a point of order, Sir. I am the Member-in-charge of this Bill, and I have not been given a copy of this amendment.

The Honourable the President : The objection is upheld.

The motion that the Bill be passed was adopted.

THE INDIAN LIMITATION (AMENDMENT) BILL.

Mr. S. P. O'Donnell : Sir, I beg to move that the Bill further to amend the Indian Limitation Act, 1908, be taken into consideration.

The Honourable Dr. T. B. Sapru : Sir, I have an amendment to propose and it runs as follows :

'that the Bill further to amend the Indian Limitation Act 1908, be referred to a Select Committee consisting of Mr. Samarth, Mr. Seshagiri Ayyar, Munshi Iswar Saran, Rai J. N. Majumdar Bahadur, Mr. O'Donnell, Mr. Eardley Norton and myself, with instructions to report on or before the 17th March 1921.'

I will say only one word in support of this amendment, and it is this. The Bill relates to a highly technical matter which has been the subject of great controversy between the various High Courts, and it is highly desirable, that the matter should be referred to a strong Select Committee consisting of lawyers, and it is on that ground that I am suggesting this amendment.

Rao Bahadur T. Rangachariar : Sir, I wish to make a few remarks on the principles underlying the amendment. I am glad that
11-51 P.M. the Honourable Dr. Sapru has moved an amendment referring this matter to a Select Committee.

There are one or two points of importance which arise out of this amendment. I notice, Sir, that section 5 of the Limitation Act is proposed to be amended so as to apply to all appeals and applications except appeals and applications under special and local laws. It is not, as the Statement of Objects and Reasons indicates, merely a removal of certain defects in the drafting of section 5, but the proposed amendment goes much further than the circumstances require.

I do not know if the Honourable Law Member proposes to apply section 5 to all applications of whatever kind. I will mention cases, for instance, where perhaps it will be conceded it will be quite unnecessary to apply section 5. Let us take the cases of applications to set aside sales under the Execution Chapter of the Code where applications have to be made within thirty days under the Limitation Act. Sales can be set aside either by making a deposit of the required amount under the Rules, or for irregularity in the conduct of the sales. If the proposed amendment is to stand, as it is now proposed, I am afraid, it will have a very serious effect on execution sales. You must have some finality to sales in execution of decrees, and it should not be left open to parties to come forward afterwards with an excuse under section 5 that they had some *bond fide* cause for not making the application in time. There are several applications, if the Honourable Member will look into the schedule to the Limitation Act, of that sort which are made under the Civil Procedure Code. Surely, it cannot be intended that to such applications this exception should apply. The practice has been hitherto to apply section 5 only to appeals and applications for review, and under the amendment made in 1908 they extended the exception to

[Rao Bahadur T. Rangachariar.]

applications for leave to appeal, mainly in cases connected with leave to appeal to the Privy Council, and in order to give power to the High Court to extend the provisions of section 5 to suitable cases, provision was made under the rule-making power, giving the High Courts power to make rules to extend the provision to certain cases.

I rather think that the framer of this amendment seems to have been under the impression that the object of sections 5 and 29 of the Act was merely to make section 5 not applicable to special and local laws. I do not think it was so at all. He is making a serious departure indeed. I can enumerate a number of instances and I shall try to place my suggestions before the Select Committee which will consider this amendment. Therefore, there are very many applications both under the Civil Procedure Code and otherwise which will come within the meaning of the amended clause and to which perhaps it is not wise and not necessary that we should give such an exemption. Therefore, it is not merely a verbal alteration to section 5 as the Statement of Objects and Reasons indicates.

Again, I rather think that the object of amending section 29 of the Act is achieved in a very cumbrous sort of way by adding a proviso to section 29 (1) (b) in the way in which it is now proposed to be done. I think the wording can be better altered, and in fact, it will be very difficult to follow this proviso, and you will have to have section 29 (1) (b) before you, before you can understand the proviso which is proposed to be added. The principal object will be gained by re-wording section 29 by omitting clause (1) (b) altogether and making it clause (2) of the section and making it run as :

'Unless a special provision to the contrary is made therein, sections 4, 6 to 10, 12 to 18 shall apply to the period of limitation prescribed by any special or local law and save as provided herein nothing in this Act shall affect or alter any period of limitation prescribed by a special or local law now or hereafter to be in force'.

As it is now, the proposed amendment is rather cumbrous, and it requires a lawyer to understand what is meant by this proviso added to section 29.

Again, I do not know why section 5 should not be made applicable to special and local laws. I will instance one case where it will be highly useful to extend the operation of section 5, for instance, to the Madras Estates Land Act which deals with important civil questions, and it will be worth while considering whether section 5 should not also be included among the sections which are to be made applicable to special and local laws.

Therefore, I am glad to support the amendment moved by the Honourable Dr. Sapru. It is a very desirable amendment to make, because it is impossible to pass the amendment as it now stands.

Babu J. N. Mukherjee : Sir, I beg to support the amendment which has been proposed by the Honourable the Law Member.

The Limitation Act is of such an intricate character, that it is impossible to pass the proposed legislation (offhand, in the manner in which it was proposed to be passed. I may venture to supplement what has fallen from my Honourable friend by saying that the Statement of Objects and Reasons does not clearly specify the scope of the amendment itself or on what basis sections which enunciate general principles have been selected for purposes of the

amendment and not others ; for instance, why the amendment proposed should stop at section 18 and not comprise section 19 of the Limitation Act, which deals with the question of acknowledgment. Now, there may be some provisions in some special or local law in connection with which the question of acknowledgment may arise. There are one or two other sections in the body of the Act itself in respect of which similar observations may be made. It seems to me, Sir, that the amending legislation that is proposed is of a very important character and the greatest care should be taken in considering its general effect with reference to the existing Limitation Act. Before the matter goes into the hands of the Select Committee, my submission is that those general principles should be considered very carefully and that the Select Committee should not hesitate to enunciate the principles which in the course of their deliberations it may appear to them to be just and proper to formulate. Narrow considerations, which seem to have actuated the proposed legislation, may be given up altogether.

There may be instances, Sir, where these general principles, even in cases of special and local laws, may be found applicable and to the advantage to the people. For instance, if the last date prescribed for taking any action under a special or local law happens to expire on a Sunday, then will it be reasonable on our part to say that, in spite of that fact, we will count the period of limitation exactly as prescribed by a special or local law and drop that one day in order to be able to take action in proper time, and thereby to shorten by one day the period prescribed by the special or local law in question. On the other hand, if we say that special or local laws should not be governed by principles of that kind, rather they should come within the operation of the general principles enunciated in the Limitation Act, even then it will be the business of the Select Committee to consider whether all or any and which of these general principles should be dealt with by the amending legislation.

I do not wish to pursue the subject any further. I heartily support the amendment which has been proposed by the Honourable the Law Member.

The Honourable the President : The original question was :

‘that the Bill further to amend the Indian Limitation Act, 1908, be taken into consideration’ ;

since which an amendment has been moved :

‘that the Bill further to amend the Indian Limitation Act, 1908, be referred to a Select Committee consisting of Mr. Samarth, Mr. Seshagiri Ayyar, Munshi Iswar Saran, Rai Jadu Nath Majumdar Bahadur, Mr. O'Donnell, Mr. Eardley Norton and the Honourable Dr. T. B. Sapru, with instructions to report on or before the 17th March, 1921’.

The motion that the Bill, as amended, be taken into consideration, was adopted.

Mr. S. P. O'Donnell : I move, Sir, that the Bill, as amended, be passed.

The motion was adopted.

THE INDIGO CESS (AMENDMENT) BILL.

Mr. J. Hullah : I move, Sir, that the Bill to amend the Indigo Cess Act, 1918, be taken into consideration.

The motion was adopted.

Chaudhuri Shahab-ud-Din : Sir, I rise to move an amendment, that
12-6 P.M. this Bill may be referred to a Select Committee.

The Honourable the President : Order, order. An amendment to what motion ? At this moment there is no motion before the Assembly.

Chaudhuri Shahab-ud-Din : No motion is necessary under the rules, Sir ; kindly refer to Rule 69. It is not a motion to amend a Bill but only a motion that the Bill be referred to a Select Committee. But, even if a motion were needed, this Agenda was given to us only last evening and we could not possibly anticipate that the Bill was to be taken up to-day. If we are supplied with the agenda in time we could know. However, this is not a matter which requires a notice in writing. I want the decision of the Chair. Under the rule only an amendment to a Bill requires notice.

The Honourable the President : If the Honourable Member had moved 30 seconds earlier, he would have been in order. The House has just decided to take the Bill into consideration here and now. Therefore, a motion to refer it to a Select Committee is a little too late. I am quite aware that the Honourable Member may not have had as much notice as he might have required for the purpose of examining the Bill, but, at this moment, we are concerned with the application of the Standing Order governing the presentation of these questions from the Chair.

Chaudhuri Shahab-ud-Din : With your permission, Sir, I will refer you to Rule 69 (2) (a), which says :

‘ If the Member in charge moves that his Bill be taken into consideration, any Member may move as an amendment that the Bill be referred to a Select Committee or be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion.’

I could not do this before the motion was put from the Chair that this Bill be taken into consideration.

The Honourable the President : I must point out, especially to the Honourable Member that, when the question was duly put from the Chair that this Bill be taken into consideration, no Member then rose in his place to make any motion or any amendment, and, therefore, the substantive motion was put from the Chair and, as the House is my witness, was carried unanimously.

Mr. J. Hullah : May I also point out, Sir, that the Honourable the Leader of the House announced some days ago that on this date the Bill would be taken into consideration.

The Honourable the President : The Assembly is well aware that the Honourable the Leader of the House made that announcement. I referred solely to the official circulation of notices from the Legislative Department. I think the Honourable Member, Chaudhuri Shahab-ud-Din, had sufficient notice to enable him to consider whether or not an amendment should be moved to the motion that the Bill be taken into consideration.

Mr. J. Hullah : I move, Sir, that the Bill be passed.

Chaudhuri Shahab-ud-Din : Sir, I beg now to move that the Bill be not passed. I wish to oppose it.

My reasons why this Bill should not be passed by the Assembly, are :

In the first place, we are told that the maund standard is not the standard which is applied by the trade in India. This is not a fact. The maund is the ruling standard in India for weighing almost all commodities or merchandise. Not only this, Sir, but the *seer* is the statutory standard or unit of weight in India. Act XXXI of 1871 provides that the unit of weight in India is the

saer. Now, the unit of hundredweight or pound is going to be introduced, and, I am afraid, instead of removing complications it will cause complications, if this Bill is passed into law.

The principle underlying the Indigo Cess Act was, that a certain amount was to be collected for advancing research in respect of the indigo trade and production of indigo. A cess or customs duty was to be levied by customs officers when indigo was exported out of India and not before. The mere production of indigo was not liable to the payment of the cess. Now, the customs officers as well as the exporting firms are, as a rule, literate and presumably know the difference between a maund and a hundredweight. Therefore, the introduction of the hundredweight will not in any way facilitate the task or help the convenience of either the customs officers or of the exporting firms. On the other hand, the danger is that as between the producer and the buyer of indigo there may be a misuse of this new provision if it is passed into law. The ordinary peasant or the grower of indigo does not understand what a hundredweight is, because the hundredweight is not one of the recognised standard weights of India. Even in England, a hundredweight means a hundredweight of 100 lbs. or a hundredweight of 112 lbs. or a hundredweight of 120 lbs. The legal standard in England is the hundredweight of 112 lbs., but, in theory, there is also recognised a hundredweight of 120 lbs. There are strong reasons why the peasantry in India should not be allowed to be over-reached by the clever *bepari* in his dealings with them. They will be told of the existence of a hundredweight, but they will not know that a hundredweight of 112 lbs. had been passed by the Legislature. They will be told that hundredweight is the measure of weight but they will not, of course, be able to appreciate fully whether a hundredweight of 112 lbs. or a hundredweight of 120 lbs. is the legal standard.

If it is thought that this Bill, if passed into law, will help the peasant, I may say without fear of contradiction that it will have just the opposite effect. If it is meant that only the customs officers and the exporting firms are to be benefited by it, that is, if it is only for facilitating their work that this Act is introduced, I think they do not require any facilities.

I know, that in Calcutta the 'factory maund' is the standard maund, but it is only in Calcutta, and not in the whole of Northern India, which includes not only Bengal but also Assam, the United Provinces and the Punjab. Speaking for the Punjab, I can confidently say that in that Province the maund is the standard weight and every tiller knows this. I admit, that the units of shipment and sale vary with the various commodities in the various provinces; but that is not the question now. The shipment unit of indigo is different from the shipment units of other commodities, like wheat, rice, etc. But that has nothing to do with us at present. Even in the case of indigo, for instance, what Egypt requires is a case of 80 to 90 lbs. nett, England, nay the whole of Europe, requires cases weighing from 250 to 300 lbs. nett; while Japan requires cases of 150 lbs. gross. Thus, it is clear, that the unit of shipment, as it is technically called, varies according to the requirements of the country of destination. In Calcutta, in the local bazaar, there is a maund of 74·66 lbs., but that is only a local weight-standard confined to the Calcutta bazaar. It has absolutely no operation in the whole of Northern India. May be, a few firms have made representations to the Government, but we are not told why, or on what data they are based. What we are told, is this, that a maund of 82½ lbs. is not the standard in Northern India. I maintain, however,

[Chaudhuri Shahab-ud-Din.]

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

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

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

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

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

THE IMPORT AND EXPORT OF GOODS (AMENDMENT) BILL.

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

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

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

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

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

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

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

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

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

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

[Chaudhuri Shahab-ud-Din.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[The President.]

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

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

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

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

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

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

The original question was—

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

since which an amendment has been moved—

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

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

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

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

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

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

With these remarks, Sir, I support the amendment.

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

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

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

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

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

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

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

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

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

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

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

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

RULING IN REGARD TO SELECT COMMITTEES.

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

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

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

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

GOVERNMENT BUSINESS FOR 1ST MARCH 1921.

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

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

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

The Assembly re-assembled at Two of the Clock. The Honourable the President in the Chair.

COMMITTEE ON PUBLIC ACCOUNTS.

The Honourable Mr. W. M. Hailey: I beg to move, Sir,
2 P.M. that :

‘With a view to the constitution, in pursuance of Rule 51 of the Indian Legislative Rules, of a Committee on Public Accounts, consisting of not more than 12 Members, this Assembly do proceed to elect 8 Members to be Members of the said Committee.’

As the form of the motion shows, Sir, I make it in pursuance of a rule made under section 67 of the Government of India Act of 1919. The rule provides that as soon as may be, after the commencement of each financial year, a Committee on Public Accounts shall be constituted for the purpose of dealing with the Audit and Appropriation Accounts of the Governor General in Council. It shall consist of not more than 12 Members, including the Chairman, of whom not less than 2-3rds shall be elected by the non-official Members of the Assembly.

So much for its constitution ; next, as to its functions. The Committee, in scrutinising the Audit and Appropriation Accounts of the Governor General in Council, shall satisfy itself that the money voted by the Assembly has been spent within the scope of the demand granted by the Assembly ; its further duties are to bring to the notice of the Assembly every reappropriation from one grant to another grant, every reappropriation out of the grant which is not made in accordance with rule, and all expenditure which the Finance Department has requested should be brought to the notice of the Assembly. That, Sir, is the formal matter which will have to be dealt with by the Committee when constituted. The House will note that by rule it can only be constituted from the beginning of the financial year. We have taken advice on this subject and have been advised that, although the Committee may be elected by the House at once, it cannot begin its functions until after the 1st of April. But I have sought an opportunity of putting the matter before the House as early as possible because, I think, it would be an advantage that we should know the names of the gentlemen whom the House wishes to elect for this purpose in order that we may provide them with the necessary material and also that we may have the opportunity of drawing up rules of procedure in consultation with them. Thus, when they come to discharge the responsible functions which will be laid upon them, they will be fully equipped for the purpose. The House perhaps will bear with me if I add one or two general remarks in explanation of the work of the Committee. There are probably many here who have not read those somewhat technical though highly important publications, our Audit and Appropriation Reports. We have now an Auditor General who is an independent authority. His position is recognised by the Government of India Act, and Members of the House interested in the subject will find rules drawn up under that Act and duly published in the Gazette which describe his functions. He is, I say, independent of the Executive Government. He is the official interpreter to us of the orders of the Secretary of State ; he is an authority whose verdicts we never venture to call in question. But while hitherto he has reported to the Executive Government and to the Secretary of State, for the future his functions will take a more important turn, because he will be the constitutional means by which this House will be able to decide whether money voted by it for any particular purpose has been duly spent within the scope of that purpose. It is clear, however, that the

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opportunities for criticism and for action that are given to the House by the constitution of this Committee go much further than the immediate point to which I have just referred. The whole of our financial system, as far as expenditure is concerned, is built upon sanctions. No Department may incur expenditure for which it has not received sanction, either general or special; no administrative officer of Government may employ establishment for which he has not received similar sanction. No Public Works officer may undertake works which have not been duly sanctioned and for which provision of funds has not been made. Now, it is the first function of the Audit Department to scrutinise those sanctions,—to see not only whether they are within the rules or within the power of the sanctioning authority, but to see also whether they fall within the proper canons of finance. A sanction may frequently appear to fall within the rules but it may contain elements which are open to objection outside those rules; that is to say, the expenditure may be of an unusual type; it may be expenditure which Government ought not, in the opinion of the Auditor, to undertake; or it may involve ultimately an expenditure far in excess of that, which the authority sanctioning it has power to deal with. That, then, is the first function of the Audit authority, it has to pass our sanctions. Then comes the second process; the function of criticising expenditure undertaken under sanctions. Here there is a wide range of errors of omission and commission with which the Audit Officer has to deal. An officer may undertake expenditure against a sanction, but he may find that the estimate in itself was incomplete and will involve further expenditure, and he is at fault if he does not immediately point that out and apply for a revised sanction. Or, again, an officer may draw money against a sanction with the intention of spending it, but may withhold it improperly from the public treasury. I have only quoted these two cases as typical of the different offences against our financial rules with which our Auditors have to deal. It is the duty of the Auditor on discovering any such case to refer it to the responsible authority. That authority may frequently be able to cure it by giving revised sanction or the like. But there are many cases in which that authority is called upon to take either disciplinary action or even to recover money from the officer at fault.

If the Auditor is satisfied that satisfactory action has been taken by responsible authority, he can let the matter rest. If he is not satisfied, it is his duty to bring the matter to notice in his annual report, and it is, on these reports, that the Public Accounts Committee will take action. They will call the attention of the Assembly to any case in which there is proved to be either an offence against financial rules or a waste of public money, and it will be for the Assembly, either by Resolution or by the other constitutional means within their power, to put pressure on Government to take proper action in the matter. Let me add, that there is a still wider field for the Committee when it gets, if I may so express myself, thoroughly into its stride. It may be able to compare the scale of expenditure of one Department with another and to point out economies as a result. It may be able to point out where larger financial recoveries can be made on the public account. It may be able to reveal cases where expenditure has been incurred on hasty or unbusinesslike lines. Those who are acquainted with the reports of the Public Accounts Committee in England will be aware of the enormous influence

exercised by that body in bringing pressure to bear upon Government to enforce economy in the expenditure of public moneys.

Sir, in view of the important functions which I have outlined above, I am confident that this Assembly will give us of its best for the purpose; and, I assure the House, that we, in our Department, shall heartily welcome their co-operation in a task, which is seldom easy and can never be popular.

The motion was adopted.

The Honourable the President: Members are aware that under Rule 51 of the Indian Legislative Rules, the election of Members to the Committee on Public Accounts is to be conducted in accordance with the principle of proportionate representation by means of the single transferable vote. Members have already received copies of the Regulations which I have made under Standing Order 56 for the conduct of the election of Members to Select Committees on proposed amendments to the Standing Orders. I have decided that these Regulations shall apply also to the election of Members to the Committee on Public Accounts, and I have, therefore, to appoint a period under clause (1) of Regulation II, within which notice must be given by Members desirous of proposing a Member or Members for election. I accordingly appoint for this purpose the period which will expire at 12 noon on Friday, the 25th instant, and I invite the attention of Members to the terms of clause (2) of Regulation II, which require the proposer of any Member for election to satisfy himself that the Member in question will be willing to serve, if elected. It will also be observed that Standing Order 11 applies to these notices, which should therefore be addressed to the Secretary and left at the Notice Office between the hours of 11 A.M. and 3 P.M., on any working day. I have also to announce that in the event of sufficient notices being received before the expiration of the period I have fixed, the date to be appointed under clause (5) of Regulation II for the holding of the election will be Saturday, the 26th instant, that is to say, next Saturday, and the election will be held at 11 A.M. in this Chamber.

STANDING FINANCE COMMITTEE.

The Honourable Mr. W. M. Hailey : I beg, Sir, to move :

'That this Assembly do proceed to the election, in such method as may be approved by the Honourable the President, of a Standing Finance Committee of the Assembly not exceeding ten in number to which shall be added one Member of the Assembly to be nominated by the Governor General. The Member so nominated shall be Chairman of the Committee.'

The motion, which I put forward a few minutes ago, was in pursuance of a Rule. The proposal which I now put forward is not in pursuance of a Rule, but is in pursuance of a decision at which we ourselves have arrived, and which we believe will be of advantage to us and to the Assembly. If I were to try to express, in the shortest words, the difference between the Committee on Public Accounts, with which I have just dealt, and the Standing Finance Committee which I am now proposing to the House, I should say that the former will have operations which are of a *post mortem* nature, that is to say, it will only deal with expenditure after it has been incurred. The Standing Finance Committee, on the other hand, will have to deal with proposals for expenditure before they are sanctioned or come on to the Budget. What the exact value of the Standing Finance Committee will be to the

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Assembly, will, I think, be most apparent to the House when on March the 1st next, or on the following day, as the case may be, I present to it a voluminous mass of papers relating to our own civil estimates. Those papers are required in order that the House may have the full information necessary to examine our demands for grants. They will, however, not only be voluminous, but they will contain an extraordinary variety of material. The House will have to scrutinise details which vary from the field establishment of the Geological Department to the traffic staff of the State Railways; and it will have to deal with matters which are as far different as the metal which we buy for the use of our Mints and— shall we say—the paper with which we feed the maw of our Secretariat. Now, the Members of the House will at once recognise that in this vast mass of detail, there will be many on which they themselves will desire further information, and which, unexplained, may invite criticism. But I may say the House will equally recognise that to supply information at short notice about these varied figures, many of which of course are prepared by subordinate authorities, and with which we ourselves are not conversant, save, as regards the major items, will be exceedingly difficult for us, nor can such details be very profitably discussed across the floor of the House. I propose, therefore, that for the future, the Standing Finance Committee, if it is accepted by the House, should have that material placed in their hands, some short time before the Budget, and should deal with it on behalf of the House. It is not impossible for us to do so for the present year. All our Account Forms have been revised, all our heads of accounts have been altered, much of our expenditure has been reclassified; and it has consequently been a work of extraordinary difficulty to get through these accounts and to have them printed in time even for presentation to the House at the beginning of March. I must say this, in justice to the subordinates of that hard-worked Department over which I have the honour to preside, that they have on this occasion had a task which was of a far more onerous nature than I think has ever fallen to their lot in previous years. If Members of this House wish proof of this, they can get it, if they happen to be passing the Secretariat about 10 o'clock at night. There they may see the devoted staff of the Finance Department still at their labours; see them, I say, but please do not interrupt them, for we like to think that they can get home by 12 o'clock in the night.

Well, Sir, the result of the labours of that Department on the Civil Estimates will be placed before you, in future, I hope, shortly before we place the main Budget on the table, and the Committee will be able to scrutinise, more or less at its leisure and in advance, the details of the several estimates. That is one function.

A second function will be this, that in the course of the year we shall probably have to place before the House demands in excess of the Budget for the purpose of a supplementary vote. I hope it will not be of the terrifying nature of those supplementary estimates of which we have heard so much of late in England. But, however carefully we may budget, the unforeseen may arise. You may have strikes which will compel sudden revision of salaries; you may have other untoward events which may compel you to undertake expenditure for which you had not been able to provide and for which indeed it would have been wrong to make any provision in the Budget. The Reserves for which we are able to budget and which, I think, the House will be prepared to leave in our hands, will probably be so small that any unforeseen

expenditure of this kind must be met by an excess vote, and we propose that the Committee should deal with the proposals for such excess or supplementary rates on behalf of the House before they are laid before it.

There remains a third function. I should like it to be arranged that the Committee should, in the course of the year, deal with any schemes for fresh expenditure which are put forward by the Departments. I would limit this to the major schemes, schemes which will be sufficiently large to have any influence on the Budget.

Those, then, are the functions which I propose for the Committee. I must at the same time indicate to the House that there must be some limitations. Their functions will be, to use our own technical term, purely expenditure functions. They will have to deal with schemes on their merits. It will not be possible to apply the test of whether they are likely to lead to an excess of expenditure over revenue or to involve a deficit, nor should we be able to place in the hands of the Committee any information as to how, should any deficit occur, we would propose to supplement it. Then, again, the Committee will of course recognise that in certain cases of expenditure the sanction of the Secretary of State is necessary and that we are not able ourselves to give the last word on the subject. Further, I fear, there may be some difficulties owing to the fact that we should ask this Committee to meet once or twice at least during the summer; it is clear at all events, that it would not be able to do its work purely during the legislative sessions. That is an inconvenience which can only be overcome by the good will and the public spirit of the Committee if the House should see proper to appoint it.

I have attempted to outline the functions of the Committee, but I do not intend that anything that I say now should be taken as a final definition of them. I think, as time goes on, it will be found that the Committee can take up a very much wider scope of work on behalf of the Assembly than I have laid down to-day. But tentative as my proposal is, I hope that the Assembly will accept it. The fact is, Sir, that we want, if we can, to utilise for our own advantage the brains of those Members of the Assembly who have had knowledge of finance or administration. We want to use their experience on our own behalf. If the Assembly will give us the advantage of that assistance, nothing but good, I think, will result from it. This brings me to the final remark not altogether unconnected with what I have just said. I am afraid this morning I must have said something which my Honourable friends opposite took in a sense derogatory to the opinion which we on our side have formed of the good sense and the business capacity of this House. I should like to say here that if inadvertently I said anything which could be interpreted in that sense, I am sorry for it, but the intention was certainly not mine. Far from it. What I wanted to point out to the Assembly this morning, was this. I have sat in this room during Council sessions, for, I think, about eight years, and may claim to have some experience of previous Councils. I and many of my friends here have in the brief time that we have been in this Assembly formed the highest opinion of its business qualities and its good sense, and my appeal to the House this morning was simply this, not to do anything that would in any way diminish the high opinion we had formed of its capacity.

The motion was adopted.

The Honourable the President: I announce for the information of the Members of this Assembly that the procedure laid down for the election of the Public Accounts Committee will also be adopted in the case of the election of the Standing Finance Committee whose appointment has just been approved by the Assembly. That is to say, the Notice Office will be open for the receipt of nominations in due form on any working day up till next Friday at noon, and thereafter at 11 a.m. on Saturday, the 26th, the election of Members to serve on this Committee will be held in this Chamber.

RESOLUTION *RE* PRESS AND REGISTRATION OF BOOKS ACT AND THE INDIAN PRESS ACT.

Mr. S. P. O'Donnell: Sir, I rise to move the following Resolution :

'This Assembly recommends to the Governor General in Council that a Committee of officials and non-officials be appointed to examine the Press and Registration of Books Act, 1867, and the Indian Press Act, 1910, and report what modifications are required in the existing law.'

Sir, important problems connected with the Press Act have been engaging the attention of the Honourable Home Member, and I shall, therefore, avoid referring to matters which will be touched on by him later. I shall not accordingly attempt to review the reasons which led to the passing of the Press Act, nor the manner in which it has been enforced. I shall confine myself to indicating briefly the main reason which has led Government to bring forward this proposal.

As Honourable Members are aware, the principle of the responsibility of the Executive Government to the Legislature has not been extended to the Central Government. Though it has received statutory recognition in the sphere of the Provinces, it has not been extended to the Government of India. The responsibility of the Government of India is still to the Secretary of State and the Parliament. Nevertheless, the Act of 1910 has brought into existence the Indian Legislature in which there is a large non-official majority, and it follows as an inevitable corollary of that change that the policy of the Government should be very largely influenced and guided by non-official Indian opinion as expressed through the Legislature. Now, undoubtedly, there is a fairly general feeling amongst non-official Indians against the retention by the Executive of the very wide powers which the Press Act confers. How far that feeling is justified is a matter into which it is quite unnecessary to enter. The fact remains that a very large body of Indian non-official opinion does consider that the Press Act imposes undesirable restrictions on the liberty of speech, and that, even if the enactment and enforcement of the Press Act may have been justifiable in the past, its retention, at any rate in its present form, is inconsistent with the spirit of the new era that we are now entering. The Government recognise the existence of that feeling. They are anxious, in everything that is possible, to meet the legitimate demands of Indian opinion, and, accordingly, they have come to the conclusion that the occasion is opportune for the examination of these measures by a competent Committee whose conclusions may be expected to carry weight with the Assembly.

The Honourable the President: The question is that the following Resolution be accepted :

'This Assembly recommends to the Governor General in Council that a Committee of officials and non-officials be appointed to examine the Press and Registration of Books Act, 1867, and the Indian Press Act, 1910, and report what modifications are required in the existing law.'

The Honourable Sir William Vincent: Sir, I make no apology for intervening in this debate at the earliest possible moment. The subject is one of very great importance and it is one with which I have been so intimately connected for the last few years, that I should be failing in my duty to this Assembly if I did not attempt an explanation of the policy and of the attitude of the Government of India on this matter. I shall have, however, to curtail my remarks to the lowest possible limit because of the time limit which the rules place upon me. Indeed I am, at this present moment, a little unsure about my position on this point, but I will endeavour to detain this Assembly for as short a time as possible. I must, however, deal briefly with the antecedent legislation, because, unless some examination of this is made, it is impossible, I think, to understand the policy of Government.

The position is this, that prior to 1835, all printing of books and papers was subject to licence by the Governor General in Council, and these licences were issued or refused entirely at the discretion of Government. In that year an Act was passed, Act XI of 1835, which repealed the old Regulations and merely required registration of the printer. There were one or two minor requirements in addition. That Act was replaced in 1867 by the present Press and Registration of Books Act and, save for an Act which was in force for one year during the year of the Mutiny in 1857, I think, that there was no further legislation directly affecting the Press until 1878, when, as many Members are aware, the Vernacular Press Act was passed. This was repealed by Lord Ripon's Government in 1881 or 1882, I have forgotten which. From that date till 1907, the Government made no attempt to interfere with the liberty of the Press; there was, at any rate, no direct interference. In the later part of this period, however, a good deal of sedition was disseminated through the Press and on the platform, but the Government attempted other means of suppressing it. I need not refer in detail to the various measures. The most important probably was the passing in 1898 of section 124A of the Penal Code in its present form—it had originally been enacted in 1870; in the same year, 1898, section 153A of the Penal Code and section 108 of the Criminal Procedure Code were introduced into these laws. There were a certain number of prosecutions under these sections up to 1907 and, I believe, they were generally successful, but nevertheless the dissemination of sedition through the Press continued unchecked. I ought to say, however, that this was strictly confined to certain organs of the Press and I do not wish in any way here to be construed as making a general attack on the Press, because the conduct of the majority of the papers was proper and indeed, in most cases, unimpeachable. But there were a certain number of papers that did advocate and disseminate the most violent sedition. I have made a collection of some of the proposals that used commonly to be advocated and statements, that were made. It was said Government violated the law, that it broke its promises, and in the more violent papers the weakness of the English was remarked upon and their inability to maintain their present position in the world. It was said that there would be no difficulty in driving out the usurper, if all men jointly made an effort to do so; that the time was

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nigh when this foul race would have nothing left to do but to abandon India to the victorious Russians; that the Nana Sahib was about to invade India with a Russian Army, and the English in India were compared to a deer holding in its power a lion and a tiger. The doctrine against the violent usurper was bitterly and sedulously preached and the use of force openly advocated.

In view of this the Government undertook a more vigorous campaign against these papers and prosecuted much more freely, and it was about the same time that the Government passed the Newspaper (Incitement to Offences) Act in 1908. I have here again some statements taken out of the letter of the Bengal Government in which they discussed the necessity for this legislation. I will cite only one 'the demand of a hundred heads for one head to avenge the murder of the Motherland.' I think also some Honourable Members will remember that when one of the criminals in the bomb case at Muzzuffarpur was prosecuted, he admitted that he had been incited to this course by the encouragement that he had received from particular newspapers. It was in these circumstances that the Incitement to Offences Act was passed. At that time we, or rather the Government of Bengal, had prosecuted a number of people. I was in Bengal at the time though I had nothing to do with the prosecutions. What was the result? As soon as an editor was prosecuted—the editor of a paper like the *Yugantar*, as some gentlemen here may remember, or the *Sandhya*—the proceedings were protracted for an indefinite time, the paper sold like hot cakes while the case was pending—on some occasions many thousand copies being sold at a rupee a copy—the editor became a martyr and, finally, when he was convicted, he usually got some short sentence, an appeal being made for mercy on account of his youth. On one occasion, no less than five editors were put up, one after another, and convicted for disseminating sedition throughout the whole of Bengal. They were convicted and fresh dummy editors took their places. It was in those circumstances that the Government thought it was necessary to take measures to prevent this dissemination of sedition. Nevertheless the evil continued. More subtle methods were adopted of disseminating sedition and the Bengal Government again, I think, approached the Government of India on the necessity of a Press Law. I hope I am doing the Bengal Government no injustice in saying, they advocated this. At any rate, there are many letters from that Government where they suggested this action and in which they supported this course, the reasons being, as I said, that the trials under the law were protracted for an enormous time, that the sales of the papers were increased by any cases against the editors, that the prosecutions gave the papers which we sought to punish an advertisement, and that really by the prosecutions the Government were assisting in disseminating the very poison that they sought to get rid of. Ultimately, after prolonged deliberation, the Press Act X was passed, and I need not enter now into the discussion of the debates on that Bill. They have been discussed on public platforms and in the press almost *ad nauseam*. Nor need I enter into any discussion of the merits and demerits of the Act. We believe, of course, that it has been administered with a reasonable tolerance and forbearance, and that on the whole it has had a very beneficial effect. At the same time, we are quite aware, that it has evoked severe public criticism. It is felt by some that particularly in the hands of overzealous officers the Act may be used unfairly, that is, officers may be so anxious for the good name of

the areas under their administration, that they may be induced to employ the law, to an extent that the circumstances do not justify. There is an idea also that Government officers not acquainted with the difficulties of journalists, do not realise what a serious matter the threat of proceedings under the Press Act is. We know too that there is, rightly or wrongly, a general impression that European papers—papers owned by Europeans—have not suffered to the same extent under the Act as Indian-owned papers. Generally, indeed, there is an idea that the Act is administered highhandedly and that its scope is unduly wide. We are quite alive to these criticisms of the Act. At the same time, during the war it was quite impossible for us to undertake any revision of it, and many Members of this Assembly will remember, that in 1917, a deputation visited His Excellency, and he declined at that juncture to make any alteration in the Act. In the same year, however, in August of that very year,—I had just come into office at the time,—we consulted Local Governments as to the possibility of amending the Act, with particular reference to the wide scope of section 4. We had in our minds, at the time, I may say, the case of the 'Comrade' a very well known case in which the wording of the Act was criticised. We received various opinions from Local Governments, but owing to the dangerous situation created at the time by the war, we thought it was inopportune to take action; nor indeed, with the pre-occupations which filled our time at that moment, was it possible for us to do so. Later, however, I received another informal deputation from the Press, and discussed the whole question with them. The main points urged at that time were, that no deposit of security should be demanded unless it had first been shown to the Court that and that forfeiture should be made only upon an order of the Court. The deputation wanted of course the total repeal of the Act. But failing that, they asked for the repeal of section 4 and the modification of certain other sections and a provision for appeals; and I engaged to give the whole matter further careful consideration. Shortly afterwards, with the concurrence of the Secretary of State, we again addressed Local Governments, putting before them all the arguments which had, been used, and suggesting various courses of action. In that letter, I ought to say, we also pointed out that with the termination of the War and with the inauguration of the Reforms, it was obviously necessary that Government should review the position and their attitude, from a new aspect. When we received replies from Local Governments, the question arose as to whether we should take action on the recommendations or not. We thought, that as the Reforms were just coming into operation, it would be wrong for us to initiate any action without consulting the new Legislatures and this is the genesis of this present Resolution. The constitution of the Committee, which will be appointed if this Assembly approves, will be entirely in accord with one of the amendments which I see down on the list,—that is, it will consist of at least two-thirds of non-officials—men whom, I am quite sure, that this Assembly will approve. We are very anxious that the views of the administration in this matter should be examined by the Committee, that our difficulties should be appreciated and that any steps that are necessary to prevent misuse of the Act should be taken.

There is an idea, of course, that this Act is used purely for political purposes; I hope I am not liable to be misunderstood in this matter, but I mean to repress extremist or seditious agitation. It is certainly not used at present to suppress legitimate political work, and I defy anybody to read what is published at this moment in many papers to say so. I think

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that Members will also admit that certainly some—I don't want to name them, but some extremist papers are allowed not only full liberty but almost license to preach open sedition and disloyalty. I do not think anybody can suggest that we are employing this Act harshly at present. At the same time the question for the Assembly to consider is, whether it is capable of being improved and whether we should not set our house in order and be in a position to meet the criticisms of the public. I may add that the Act is often needed and effectively used in times of religious excitement when no question of politics comes in question at all. Honourable Members are aware that when feelings are running high between different sects in this country, between Muhammadans and Hindus, Muhammadans and Christians, or Arya Samajists and Sikhs, violent effusions in the public Press are a very grave and serious danger to the public tranquillity and the Press Act has been used with such benefit in connection with such quarrels, to prevent publication of matters likely to lead to a breach of the public peace. Another purpose, for which it is used—and I think very justifiably used—is to prevent the libelling and of attempts to blackmail Indian Princes. I do not know whether Members of this Assembly are aware—I think some of them are, as I heard a note of applause just now—that a certain section of the Press sometimes does publish such articles and we cannot prosecute any paper for such conduct under the ordinary law. At the same time, the Government of India and the people of India have received such loyal help from the Princes during the War and indeed at all times in all good work—charitable and other work—that it is our duty to do what we can to protect them and to secure them immunity from such nefarious practices.

All these points I will, however, place before the Committee in order that they may fairly and impartially investigate them, that the difficulties of the Press may be seen and also that our administrative difficulties and the danger from unbridled licence to preach sedition may be appreciated before they make their recommendations on the laws which are the subject of this Resolution.

Mr. Eardley Norton: Sir, I wish, in the first instance, to associate myself entirely with that strong expression of Indian opinion which for many years past has resented the existence of this particular class of legislative repression. It is not only the Indian who has felt that the time has come when this legislation should be withdrawn. Many Englishmen, I am too glad to think of whom I am the unacknowledged spokesman, share this view with their Indian brethren. Reference has been made to the *Yugantar*. I remember, when I was prosecuting for the Government of Bengal in the Alipur case, in which the pick and flower of the young, impassioned and misled Bengal youth were convicted—and justly convicted—for crimes into which they had been misled by their own Bengali Press—I well remember how youth after youth had eventually to confess that he had been practically debauched by the printed vernacular press of his own countrymen. And it was a pitiful spectacle to see those young men, who, if they were guilty, as they unquestionably were guilty, were at any rate actuated by honest motives of mistaken patriotism and succumbed to the teaching of Barindra Kumar Ghose, himself a victim to the misplaced energies of his own vernacular press. I am glad to think that they have all been returned since then to their homes safely, an act of clemency which I should like to see extended to others who are still in prison elsewhere and for other reasons. They have returned

saner men to my knowledge, and it is a curious comment upon their temporary exclusion from society that even Barindra Kumar Ghose, the fountain-head of the conspiracy, has abandoned all his former political opinions and is to-day 'the rising hope of stern unbending Tories.'

I have little more to say on this point than this: that I wish to thank the Government for the attitude they have taken up on this occasion. I foresee in this another happy augury of those more intimate relations which will exist between the two sides of this House, because I take it as being an indication that in future the Government will not stand, like modern Simon Stylites, as heretofore, upon remote pillars in inaccessible altitudes, that they will take us into their confidence, that they will tell us what they think and what they do and so enable us to join hands in that progress which, I am sure, is the common ambition of all the Members on both sides of this House.

That is all that I need say with regard to this measure. But, above all, I wish clearly to dissipate any lingering misconstruction in the minds of any of my associates here that Englishmen have stood by callous to the legislation we are about to investigate and I trust to repeal, my assurance will, I think, bring both sides of this House, Indian and Englishman, into a closer union for the progress and prosperity of both.

Mr. T. V. Seshagiri Ayyar: Sir, Honourable Members are aware that I have tabled a motion for the introduction of a Bill relating to the Press Act, that will come on the 24th, according to the Agenda. Sir William Vincent has taken an earlier opportunity to introduce his motion, and that, to a certain extent, may make it unnecessary for me to press for the introduction of my Bill. But, Sir, it is necessary that I should make a few remarks to show that the Act should be altogether repealed, and not be modified merely, as suggested by Mr. O'Donnell and by Sir William Vincent. I have given notice of an amendment to this Resolution on which I shall have to speak later on. At present, Sir, I wish to point out that what Mr. O'Donnell said regarding the attitude of Indians towards this Act is somewhat coloured by the official point of view. What he said was this: that non-officials rightly feel that the Press Act is an infringement of the liberty of speech and writing. I think he would be justified in saying—though he would not say it—I think this House would be justified in saying—that the Act is not only an infringement of liberty of speech and writing, but it is derogatory to the educated people of this country. It is humiliating to think that we have a law which requires a security to be deposited before a person can take up journalism. Sir William Vincent referred to the fact that previous to 1835 there was licence for printing and publishing; and I think, even under the Press Act, the idea, that the Press has to be licensed, has not altogether disappeared from the minds of the Government. I remember, Sir, a case which was argued in Madras by the then Advocate General, and he said that the Press Act is really a licensing Act. He said that this Act has been copied from the legislation of the third Republic in France, and Act I of 1910 was really intended to make the owning of a Press a licensed profession. Now, Sir, it is desirable that this House should emphatically say that there should be no Act on the Statute Book of this country which makes the profession of journalism one for which a licence must be taken. Notwithstanding what Sir William Vincent has said, I venture to say, that in the majority of cases the persons who own Presses and who conduct newspapers, do so with a view to serve their country, to serve the public, and to serve the Government. It may be that they are mistaken, it may be that they

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are wrong, it may be that they are even perverse; but there can be no manner of doubt that the object of a person who edits a paper is to guide, to instruct and, if possible, to interpret the thoughts of his countrymen to the Government. In the majority of cases, that is absolutely true; there may be one or two cases where, for sinister motives, this object is not kept in view; but, to say, that generally speaking, the Press is not doing its duty, is not true of journalism in this country. Therefore, Sir, where we have got a law which, according to the Advocate General of Madras, makes it necessary for the profession of journalism to take out licenses, just in the same way as an arrack or toddy shopkeeper has to do—where we have got an Act which makes the profession of journalism so degrading, I think the consensus of opinion in this House will be that that Act should be repealed, if the Reforms Scheme is to have effect and is to be worked cordially by Indians and Europeans together as suggested by Mr. Norton. I shall have to take the House, Sir, very shortly and briefly through the antecedent legislation which was referred to by Sir William Vincent. Sir William Vincent pointed out, that in 1835 the earlier Acts were repealed. The earlier Regulations of 1799, 1823 and 1827 were repealed no doubt in 1835; and I may here remark, that Mr. Norton may feel pride in this, for those Acts were repealed because of the agitation very successfully and very persistently carried on by non-official Europeans in this country then. Those Regulations were aimed at non-official Europeans who were conducting newspapers; and the war, which the non-official Europeans waged then, led to the repeal of those licensing Regulations. I am glad that the descendants of those people who fought for the liberty of speech in 1835 are still with us to help us in carrying on our work and are trying to help us to benefit by the example which was set to us by their predecessors.

Now, after 1835, there was the Registration Act of 1867. That Act was only intended to facilitate the proof of publication; the real object of that Act was to place newspapers in this country in the same position as newspapers in England. Then, Sir, we come to the Act of 1878. It was the first attempt to gag the Press. It was known as the Gag Pressing Act, and fortunately for this country, Lord Ripon came with a mandate to repeal that Act, and, I think, it was the rarest act of political sagacity which led to its repeal because, Sir, Members of this Assembly know, that the awakening, which we witness in this country among the masses, is largely due to the work and the immense influence which the vernacular newspapers possess. They have made it possible for the people to think that their political rights should be enlarged; they have made it possible for the people to think that their social condition should be considerably improved; and they have made it possible for them to think about industries. It is because of the work which the vernacular press has done, that there is this great change and the people of this country can never be sufficiently grateful to the memory of Lord Ripon for having put an end to the Press Act of 1878. From 1878, for about a period of 30 years, there were no repressive laws in this country. Then we come to the Act of 1908 to which Sir William Vincent made reference. He has cited instances which led the Government to embark upon that legislation. I was reading yesterday the speech of Sir Harvey Adamson when introducing the Bill, and I came to the conclusion that there was justification in those days for the measure; those were the days of the Partition of Bengal and, apparently, it was thought necessary that the Government should be armed with special powers.

But, Sir, as I shall point out later on when the House realises that the Act has ceased to be in operation, it will agree with me in saying it is no longer necessary to continue it. The Home Department has been good enough to furnish me with some information regarding the working of that Act. Mr. O'Donnell says that under Act VII of 1908, nine prosecutions in all were instituted. Seven resulted in the confiscation of the respective Presses at which the offending newspapers were published. Of these, four were in Bengal, two in the Punjab and one in Bombay. In one instance, the Bengal Government ordered the restoration of the Press on the owner tendering an apology and giving an undertaking that the Press shall never be misused in future; in another, that Government's order was set aside on appeal to the High Court. Now this is not the only thing. The most important thing to be noticed is that since 1909, there has not been a single prosecution under this Act. Now, Sir, if for eleven years the Act has been a dead letter, is it right to continue it as a Statute of the Realm? Its continuance is a menace to peace and good-will between the Government and the people. I would respectfully say that it should no longer disfigure the Statute-book. That is so far as Act VII of 1908 is concerned.

Then, Sir, we come to the Act of 1910, which is known as the Press Act. As I said before, it is the general opinion that it is calculated to make journalism a licensed calling. Now if that is the interpretation of the Press Act, it is absolutely necessary that it should go. There is one thing in favour of it, and that is, it had the sanction of Lord Morley for its introduction. That is the only thing that can be said in its favour. But Lord Morley in his Recollections has pointed out that he was very unwilling to allow the Act to be introduced, but that his hands were really forced. Apparently he was afraid that there would be *hartal* and non-co-operation if he did not consent to the introduction of Act I of 1910. He was anxious that the Reforms Scheme which he had prepared should be pushed through, and he was afraid that if he did not give his sanction to the introduction of this Act, officials in India would make it impossible for him to introduce the Reforms Scheme. It was under those circumstances he gave his sanction to it, as Mr. Montagu gave his sanction for putting the Rowlatt Act on the Statute-book because he wanted his reforms to be introduced. And I believe Mr. Gladstone before him had done the same thing in regard to Ireland and Lloyd George is doing the same thing now. But the point is that these Acts were never intended to be permanent. They were intended to serve a particular purpose. It may be that these political expedients should not have been resorted to, but if they are to be resorted to, it is not desirable that the measures should be continued for any length of time. Therefore, Sir, I say that, notwithstanding the fact that Lord Morley gave his consent to the introduction of the Bill, it is clear he did not wish that it should be allowed to continue as a permanent Statute. Now, Sir, the distinguishing features of the Act are about seven in number. I had only intended to refer to six of them, but Sir William Vincent's speech has brought to my notice another of the obnoxious features of that Act. I think it will be recognised that that Act did not create a new offence. The amendments of sections 124 and 153 of the Indian Penal Code had so enlarged the definition of 'sedition' that every possible attempt to promote disloyalty to Government, every possible attempt to spread disaffection could be punished under the Code. The object of the Press Act was, if I may say so, to take into the hands of the Executive the power which was previously being exercised by the Judiciary. If there is a prosecution under the Indian Penal Code, there would be a fair trial; witnesses would be examined, counsel

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would be heard and there would be an appeal from the judgment; whereas under the Press Act what would happen is this. The Government would consider that a particular article is offensive, and then they will instruct the Government Solicitor to go before the Presidency Magistrate to demand security. Therefore, for publicity, for right of audience and for right of appeal, the Press Act has substituted the discretion of the Executive. That is its first feature.

The second feature of the Press Act is this. It has for the first time—I do not know whether it is for the first time—explicitly violated the first principle of jurisprudence by directing the accused to prove that he is innocent.

In every civilised country and under every civilised system of law the accused is considered innocent until he is proved to be guilty. But under section 17 (if I remember rightly) of this Act, the moment that a prosecution is launched the accused will have come into Court to show that he is not guilty. That is an aspect of law which should not disfigure the Statute-book of any civilised country.

Another feature of this Act is, that there is no right of appeal. No doubt, Sir, an appeal is provided for, but as was pointed out by Sir Lawrence Jenkins in a famous Calcutta case, and by the Madras High Court, the High Court has no power to question the discretion of the Executive.

Another feature is this, that this Act gives room for the suspicion that certain newspapers are treated differently from others. I remember one notable instance of this during the period when Mr. Montagu was in India. At that time a certain newspaper wrote some very offensive articles against the Secretary of State and against the Viceroy. No action was taken against that paper, and it was said everywhere, in the clubs and by the public, that because it was a paper owned, published and edited by an Englishman, no action was taken. Sir William Vincent has very properly drawn attention to the fact that the Act has given room to such suspicion. When you have to depend on Executive discretion, it will give room to the suspicion that one paper is being favoured and another paper is not being treated in the same way.

Now, Sir, I must also point out that it is very difficult to interpret this Act. I tried my hand at interpreting it when I was a Judge, and I must say that I found it to be one of the most difficult Acts to construe. It may be said that the drafting was in the hands of a very capable lawyer. I think it was. But, Sir, where one has to deal with an Act which violates the first principles of law, then one is placed at a disadvantage. Where you have to draft an Act which does not satisfy you to be necessary for the country, the most skilled draftsman would not be able to put it in proper form. A cogent and well-reasoned Act is impossible where you have to fight against your conscience and where you have a suspicion it is uncalled for and that it is likely to subject a large number of people to vexation and humiliation.

That is the reason why, notwithstanding that we had an eminent lawyer to draft this Act, Sir Lawrence Jenkins and the Madras High Court pointed out the impossibility of interpreting the Act properly.

And lastly, there can be no doubt that this Act humiliates the *Intelligentia*. People are asked to furnish security before they publish a newspaper. It is a humiliation which no intelligent man would like to be subjected to. And

I must say that this Act has been the parent of considerable disaffection in this country. It may be said, Sir, that the discontent and disaffection that we at present see in this country are largely due to the Punjab affair. But had it not been for these Acts, the Punjab affair would not have assumed the proportion it really assumed. It is because the inflammable material had been collected by the Press Act, the Rowlatt Act and the Newspaper (Incitement to Offences) Act of 1908, that Jallianwalla easily set fire to it and produced a conflagration all over the country.

Now you must do something to extinguish this fire, and if you cannot extinguish this fire, you must try to control it and for this purpose you must have a number of machines. You must not depend on one machine alone, but a large number of machines operating from different angles should be employed. One of those machines should be labelled 'The Press Act Killer'—and I would gladly offer my services in that machine—and another machine you must call 'The Reforms Scheme,' and so on. By using these machines it will be easy to get the fire under control, and you will be able to do something towards advancing the contentment and prosperity of this country.

I have practically nothing more to say.

The Honourable the President: I allowed the Honourable member an extra minute when he uttered the word 'lastly'.

Rai J. N. Majumdar Bahadur: Sir, we are extremely grateful to

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Government for having taken this question into their consideration, I mean, the modification of the existing Press Acts. I shall not be true to myself or to the country if I do not bring to the notice of the Government that there is grave dissatisfaction, and the sooner the Acts are taken off the Statute-book, the better for the prosperity of the country.

The repressive laws are no doubt to be used at times, and they may be useful, but they really never help us. In these times when the feeling of non-co-operation is so strong in the country, we must have the Press with all its strength to enable us to co-operate with the Reforms which have been introduced; but, if the Press is against us, it will be very difficult to do full justice to those Reforms. Having for the greater part of my life been connected with journalistic matters, I know the tremendous difficulties which confront those who run newspapers in this country. They do not receive all the privileges and all the encouragement which people in other countries in the same branch of life get. I do not remember a single journalist in this country receiving from Government any help or encouragement, even those who have devoted the whole of their lives to that profession. We know that in this country newspapers have been started by very poor people in some cases and they labour under a disadvantage. I should like to know what would happen in this country if all the newspaper concerns said that they would not co-operate. As it is, if all the newspapers from Cape Comorin to the Himalayas, from Peshawar to Chittagong, were to say that they would not co-operate, and were to cease to appear the next morning, I think the Government would be absolutely in the dark as to what was passing in the country. We should therefore make every endeavour to enlist their co-operation on behalf of the Government and this country. Newspapers have in their inner workings all manner of difficulties. They are always afraid of

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being caught for having printed something contrary to the Press Act and of their deposits being forfeited.

They may now and then misrepresent matters and intentionally preach anarchy and sedition ; but anarchy and sedition cannot flourish if there is no discontent in the country. No seed will germinate when the soil is not moist. If there is real cause of dissatisfaction, then only the newspapers get an opportunity of inciting the people, and the best thing to do is to go to the root and remove the cause of the discontent, instead of repressing the newspapers. Why not do that?—remove the discontent. If you suppress all the newspapers you will be quite in the dark.

Mr. O'Donnell has said that the Government is still responsible to the Secretary of State and not to the people of this country. There is therefore the greater need of our present rulers knowing the feeling of the country. As it is they do not know the feeling in the country. They do not know what is running in the minds of the people, and it is the newspapers only which give them some taste of what the people really think. And if you suppress all the newspapers, I think you will create more dangers in the way of the good government of the country than you will take away. Nothing is more appreciated in this country than the boon of a free press. Free discussion is held in high esteem all over India. And I do not see that there is any reason why, after enjoying for so many years the advantages of a civilised and good government and of education, we should not be able to arrive at a period of free discussion and wipe out all repressive laws from the Statute-book and revert to the position of a free press from which we started years ago. I know that some of the newspapers criticise officials, and officials get very angry with them and try to suppress them. But officials in this country must have a little of that thing called patience. Public men must always be ready to bear with unjust criticism, and the remedy lies not in suppressing those newspapers, but in sending for their editors, explaining the situation to them or in issuing Communiqués removing misunderstandings. The remedy does not lie in making arbitrary laws, nor in not giving them an opportunity of explanation nor in leaving everything to the Executive without giving them an opportunity of having their cases tried by regular Courts of law. Therefore, I beg to state that, instead of reporting what modifications are required in the existing law, I think there ought to be an amendment—the amendment of my Honourable friend Mr. Seshagiri Ayyar—incorporated into it. I understand, Sir, that Mr. Seshagiri Ayyar has given notice of a Bill for the repeal of allrepressive laws. I do not know, Sir, whether this Resolution of Mr. O'Donnell is meant to be what is called a blocking of that Bill, or whether this Resolution wants to move along with that Bill, because when that Bill is introduced, I think there will be a Select Committee and that Select Committee may consider this matter, so I do not know what this Resolution really means, whether they want to shelve it by saying that a Resolution has already been passed or whether my Honourable friend wishes to help that Bill and to make the same committee the Select Committee of that Bill. Anyhow, I must thank the Government for having brought in this Resolution, but I would like that both these things—I mean the Bill that is to be brought in in this House and this Resolution—should be considered together by a Select Committee.

Lala Girdhari Lal Agarwala: Sir, I am very thankful to the Government Member for bringing this Resolution forward, as it shows the good intentions of the Government. But I submit that this is a time when all repressive laws should be repealed, and, if necessary, to strengthen the hands of the Executive, some amendments may be made to the Indian Penal Code, so that ordinary procedure may be followed when cases come up under those sections of the Code.

Rao Bahadur T. Rangachariar: Sir, in accepting this Resolution proposed by Government I wish to make it clear that I do so in a spirit of compromise and not in a wholehearted manner. The Government have asked us to co-operate with them and to see their point of view. It is in that spirit that I accept this proposed Committee.

I am rather apprehensive of these Committees. One Committee has led the country into a turmoil. I will not name that Committee, nor will I envy the non-official members who are going to sit on this Committee. They have a serious duty to perform. We know the Government will place before them materials which were placed before that other Committee. We know the danger of acting upon such representations, representations which were not subjected to those judicial tests which ought to have been applied. And therefore I would warn those gentlemen—happy or unhappy gentlemen—who are going to sit on this Committee that there lies before them a very heavy responsibility indeed. They are to come forth with a report which will be acceptable to the people; they are to come forth with a report which will be acceptable to the Government. And there is this satisfactory feature to-day in the appointment of a Committee which did not exist when the other Committee was appointed. The Government of to-day are in a changed mood, and therefore, I would ask the Government not to place before the Committee all the materials, but to examine the materials themselves beforehand whether they are worth being placed before the Committee or not. Because, after all, we are human, and we are likely to be misled by all these alarmist reports by the new Department—I forget its name; it used to be known as the C. I. D.; it has got a very enhanced name now; I forget what it is. I hope, Sir, that the Government will examine the materials themselves before placing them before this Committee, and I hope also that some latitude will be allowed to this Committee, not only to examine the Press and Registration of Books Act, but also to take such opinion or evidence of qualified men on the subject as may be available. Let not the duty of the Committee be merely to examine all the papers which are placed before them by Government. I hope the Committee will have the opportunity of taking opinion or evidence also before they frame their report.

With these words of warning, I accept this Resolution.

The Honourable Sir William Vincent: May I know whether Mr. Sheshagiri Ayyar has moved his amendment or not? I want to be clear on the point.

The Honourable the President: The Honourable Member was speaking on the main Resolution.

Mr. T. V. Seshagiri Ayyar: I have not moved my amendment yet.

The Honourable the President: I propose to call upon Chaudhri Shahab-ud-Din to move his amendment. But whether he will wish to have a debate after what has fallen from the Honourable Sir William Vincent is a matter of his own choice. Do I understand the Government to accept his amendment?

The Honourable Sir William Vincent: Government are prepared to guarantee that not less than two-thirds of the Members of this Committee shall be non-officials.

Chaudhri Shahab-ud-Din: There is another part, Sir, of my amendment, which by an oversight has not been put on the Agenda and which has been allowed by the President subsequently. I had three amendments only. One is incorporated in the* Agenda and I am glad to say that it has been accepted by the Government. The second amendment was that the Newspapers Incitement to Offences Act No. VII of 1908 be included in the Resolution . . .

The Honourable Sir William Vincent: May I rise to a point of order, Sir? I understood that the Honourable Member was speaking on the particular amendment mentioned on the Agenda and that he was called upon to move that amendment alone.

The Honourable the President: Do I understand that the Honourable Member accepts the assurance of the Government? If so, he will not require to call for a debate on the subject of the amendment standing on the paper in his name. Thereafter, I will allow him to move the other amendment of which he gave notice, but which, as he says, has been omitted by accident, *viz.*, that the last eight words of the Resolution be substituted by 'which of these should be repealed, etc.' But before we pass on, does the Honourable Member wish to move the amendment the substance of which has been accepted by the Honourable Sir William Vincent?

Chaudhri Shahab-ud-Din: I will simply move that amendment which was not in the Agenda, namely, "That the last eight words of the Resolution of the Mover be substituted by the following words 'which of these should be repealed or modified and in the latter case what modifications are required'."

The Honourable Dr. T. B. Saprú: Sir, I rise to a point of order. Before the Honourable Member proceeds, the Government would like to know, and the House also would, I suppose, like to know, as to whether the Honourable Member intends to go on with the amendment after what Sir William Vincent has said that we are prepared to accept it. We want a definite Yes or No with regard to this amendment.

Chaudhri Shahab-ud-Din: I do not propose to discuss now my* first amendment; it is the second amendment that I want to deal with.

The Honourable the President: Will the Honourable Member kindly read the amendment which he proposes to move now?

Chaudhri Shahab-ud-Din: Sir, the amendment, is, "That in place of the last eight words of the original Resolution the following be substituted 'which of these should be repealed or modified, and in the latter case, what modifications are required' ". This in substance is the same as that proposed by the Honourable Mr. Seshagiri Ayyar in the second part of his amendment,

*In Mr. O'Donnell's Resolution for the words 'of officials and' the following be substituted:—

'of whom not less than two-thirds shall be'.

that is, 'whether all or any of them should be repealed totally or in part and if not.' In substance his amendment and my amendment are identical.

Sir, the Resolution as it stands, if accepted by the House, is liable to be construed to imply that the Select Committee which will be appointed to consider the question of modification will be restricted to only recommending modifications and not repeal, if necessary . . .

The Honourable Sir William Vincent: May I explain that we intended this by the Resolution as originally worded? The words used are to report what modifications are required, not in these Acts, but in the existing law. I have no objection however to this amendment of the Honourable Member, though I do not believe that it makes any difference in the terms of the motion which was originally proposed.

Chaudhri Shahab-ud-Din: I am thankful to the Government for accepting my amendment in its spirit.

Now, I will say only one or two words on the original motion which is still under discussion and then I will sit down. The repressive laws, of which these two Acts, Act 7 of 1908 and Act 1 of 1910, form the subject-matter of the Resolution to-day, are an insult to the loyalty of India and a blot on the constitution of the British Government. These newspapers, to my mind, are so many mouthpieces of three hundred millions of Indians, and Government should always be prepared to hear what they have to say. They should have the patience, they should have the tolerance of hearing the grievances and the feelings of Indians ventilated through their mouthpieces. If you repress the Press of the country, you muzzle the mouthpieces of Indians, and this must naturally excite public feeling. I, therefore, strongly endorse the Resolution with this further remark that I endorse every word which has been uttered in this House by Mr. Seshagiri Ayyar.

The Honourable Dr. T. B. Sapru: I move that the question be put to the House.

The Honourable the President: The original question was :

'That this Assembly recommends to the Governor General in Council that a Committee of officials and non-officials be appointed to examine the Press and Registration of Books Act, 1867, and the Indian Press Act, 1910, and report what modifications are required in the existing law.'

since which an amendment has been moved :

'That for the words "officials and" the following be substituted "of whom not less than two-thirds shall be".'

The Amendment was adopted.

The second amendment is to substitute for the last eight words of the Resolution the following :

'Which of these should be repealed or modified, and in the latter case what modifications are required.'

Mr. Jamnadas Dwarkadas: On a point of order may I inquire if Mr. Seshagiri Ayyar will have a right to move his amendment if this amendment is accepted?

The Honourable the President: If the Honourable Member wishes to move it after the course of the debate, he will be in order. He still has the right to move the amendment if he so desires.

Mr. T. V. Seshagiri Ayyar: Sir, I wish to move the first amendment which stands in my name :

'That after the words 'and the Indian Press Act, 1910' the words 'and the Newspaper Incitement Act, VII of 1908,' be inserted.'

I have already explained why that Act should be included in this Resolution. The Incitement to Rebellion Act is really a part of the Act which aims at the liberty of the Press. I have pointed out already that since 1909 no action has been taken under it.

There is one more reason why this Act should go out and that is that it does not create a new offence, for the offences of incitement to rebellion and incitement to murder are punishable under the common law. What is peculiar to this Act is this, that there is a special procedure prescribed in the Act. The procedure is to enable, after launching the prosecution, the police under the instructions of the Local Government to enter upon the premises where the Press is kept to seize and to confiscate it. It is for that procedure really that this Act exists. Now, as I said, there is really no justification for the Act, but, even if the Act should be on the Statute-book, the procedure portion should be in the Criminal Procedure Code and not in this Act. If you want to have a procedure enabling action to be taken while a prosecution is pending, the proper way to provide for it is in the Criminal Procedure Code. I understand that the Government is about to revise the Criminal Procedure Code. They have provided in the Civil Procedure Code rules for attachment of property, for injunction and arrest, and so on. Similar provisions might be included in the Criminal Procedure Code, namely, that in cases of particular offences for which, when a prosecution is pending, it is desirable in the view of Government that there should be a seizure and confiscation. If you do it in that way it will be alright. On the other hand, to tinker with the procedure will be most drastic, and, as one who has had experience of administering justice, I say this method of tinkering with procedure will lead to serious difficulties. The Act contains one or two sections about procedure and then refers to the Code of Criminal Procedure for the rest of the procedure. The result is that one is not in a position to know whether all the incidents attaching to the general procedure can be grafted on to this Act. We had a curious example of that with regard to the Limitation Act. The question has arisen whether the rules of limitation in special Acts are exhaustive of all principles of limitation, or whether they were supplementary to the general Limitation Act. This led to a conflict of opinion, and an amending Bill had to be introduced. Similarly, where you have one portion of the criminal procedure in one Act and have to refer for another portion to the Criminal Procedure Code, there will be great difficulty and Judges will not easily know what the intention of the Legislature was.

For these reasons in the first place, because the Act is unnecessary and has been a dead letter since 1909; in the second place, because if you want to have procedure the proper place for it is the Criminal Procedure Code. I ask that this Act be repealed altogether.

The Honourable Sir William Vincent: Sir, the Government is quite prepared to include this Act within the scope of the inquiry of the Committee. Indeed, I hope I am not guilty of a breach of confidence if I say that I said so to the Honourable Member before he moved his amendment further as he has such talent for criticising the draft of others, I hope.

we may have the advantage of his assistance on this Committee to see if he can do any better himself. I think he will find that destructive criticism is very much easier than constructive criticism—*experto crede*—Believe one who has tried.

There were one or two arguments or comments, however, to which I shall allude briefly. The Honourable Member began by admitting that when this Act was passed it was necessary. I hope I am not misinterpreting what he said. He then went on to say. 'But you have never used it since 1909.' Well, I want to put it to this Assembly. What is the Government to do in this matter? If we use an Act, we are told we are oppressive; if we do not use it, we are told it is not needed. That is not a reasonable attitude. As a matter of fact, Government did use the Act when it found it suitable; and merely because we have abstained, as far as possible, from using it recently, surely we are not to be exposed to the censure of this Assembly. The Assembly cannot have it both ways in these matters. As my Honourable Colleague (Dr. Sapru) puts it, we cannot be charged with errors of commission and omission in the same breath. At least it seems a little unfair.

On the main point, however, I have no objection to including this Act within the scope of the inquiry. Indeed I think the proposal is a distinct improvement on the original one.

The motion was adopted.

Mr. T. V. Seshagiri Ayyar: Sir, will you allow me to say one word? I do not want, after the acceptance by the Government of my amendment, to press the matter; but I must ask the Government to let me know whether they will allow my motion to introduce a Bill to go before this Committee. My Bill is before the Government. The Committee will be in a position to examine the whole situation with regard to that Bill when they are examining the various enactments, and decide whether it should be repealed or not. That would be more satisfactory: otherwise I will have to press my motion to introduce the Bill before this House.

The Honourable Sir William Vincent: Sir, the amendment has been accepted in substance; but I think the Honourable Member has now put forward a proposal which it is much more difficult to accept. I understood that the Honourable Member was going to approach this question, if he served on the Committee, with something like a judicial frame of mind; that he was going to approach the question impartially and after inquiry to see whether it was necessary to repeal or whether it was necessary to modify the whole or portions of the Act. His present proposal suggests, on the other hand, that he is going to approach it with a mind entirely prejudiced in favour of his own Bill; he wants his own Bill to be put before the Committee before it has completed its inquiry, and I have some difficulty in accepting his proposal. I hope that he will approach the matter more impartially. Once the report of the Committee has been submitted, he can press his Bill as much as he pleases, if he finds it necessary, but I hope that he will wait until the present inquiry is completed.

Mr. T. V. Seshagiri Ayyar: I do not press my amendment, Sir.

The Honourable the President: The amendment has been accepted. The decision has been taken by the House.

Mr. Jamnadas Dwarkadas: Are we not entitled to speak, Sir?

The Honourable the President: Yes, certainly.

Mr. Jamnadas Dwarkadas: Sir, I do not want to detain this House at this late hour and inflict on them a speech, especially in view of the fact that we had very lucid speeches from Sir William Vincent and my Honourable friend Mr. Seshagiri Ayyar. But I do believe that some remarks of my Honourable friend Sir William Vincent call for an answer. Sir William Vincent in the course of his statement said that the Press Act had been more or less fairly used during all these years. I take strong exception, Sir, to that remark, with due deference to my Honourable friend, Sir William Vincent. The Press Act, when it was passed by the Legislative Council in 1910, it was stated clearly, would be used against persons who were—and it is laid down in the Act itself that it would be used against persons who were—definitely known to be entertaining enmity against the British Government or creating disaffection amongst the people. Now, I submit without the slightest hesitation that the Press Act has been used in many instances not against persons who have been known to be inimical to the British connection or who have created a feeling of disaffection among the people, but it has been used very often for the purpose of putting down the legitimate aspirations of the people of this country. I submit that editors who could never be dreamt to have entertained the slightest idea of enmity towards the British connection but who have carried on in their papers agitation for the purpose of securing for the people of this country their legitimate right of political freedom. I submit that these editors have been dealt with under the Press Act. I only thought it necessary to correct this remark of my Honourable friend, Sir William Vincent, because I think we have conclusively proved long before this that the Press Act is unnecessary and is such as the people most emphatically resent the existence of. I have certainly thanks to offer to the Government for the attitude that they have now taken up, and I am sure that when the Committee is appointed and it meets, it will see its way not merely to modify, but to repeal, this obnoxious Act.

The Honourable the President: The question is that the Resolution, as amended, which runs as follows, be accepted :

‘ This Assembly recommends to the Governor General in Council that a Committee of whom not less than two-thirds shall be non-officials be appointed to examine the Press and Registration of Books Act, 1867, the Indian Press Act, 1910, and the Newspaper Incitement Act, VII of 1908, and report which of these should be repealed or modified, and in the latter case what modifications are required.’

The motion was adopted.

The Assembly adjourned to Thursday, the 24th February 1921.