

Saturday, 26th March, 1921

THE
COUNCIL OF STATE DEBATES
(Official Report)

VOLUME I

2
27.2.62.

FIRST SESSION
OF THE
COUNCIL OF STATE, 1921



DELHI
SUPERINTENDENT GOVERNMENT PRINTING, INDIA
1921

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COUNCIL OF STATE.

Saturday, 26th March, 1921.

The Council assembled at Metcalfe House at 11 A.M., with the Honourable the President in the Chair.

QUESTIONS AND ANSWERS.

TRANSFER OF ADEN TO THE COLONIAL OFFICE.

222. The HONOURABLE MR. BHURGRI: Will Government be pleased to state—

- (a) if the question of the transfer of Aden to the Colonial Office is under their consideration ;
- (b) if so, do they propose to give an opportunity to the Council of State and the Assembly to express their opinions before Government come to any decision in the matter ; if so, when ?
- (c) whether they will lay on the table the correspondence between the Secretary of State and the Government of India on the question ;
- (d) if not, will they make a statement showing on what considerations the proposed transfer is asked for ?

The HONOURABLE MR. DENYS BRAY :

(a) Yes.

(b) Government would have welcomed an expression of the opinions of the Council of State and Legislative Assembly on the proposed transfer of Aden to the Colonial Office. I would remind the Honourable Member that the proposal has long been a matter of common knowledge—it was indeed endorsed unanimously by the Aden Chamber of Commerce as far back as the 19th January, 1920—and it has been open to any Honourable Member to raise a discussion on it by means of a Resolution at any stage in the Sessions. At the same time, I hope that the statement I am about to make will fully meet the Honourable Members.

(c) The whole question, including the future incidence of expenditure, is still under discussion and the correspondence cannot be laid on the table at present.

(d) It is essential to remember that the station of Aden is only one element in the problem. Aden is not merely a town, in the development of which Indians have played a great part and to which they contribute about a fourth of the population. It is a vital strategical point that requires a large garrison, and an important political centre, which involves complex relations with the Arab tribes in the Aden Protectorate and with the Foreign Powers with interests in the Red Sea. These military and political arrangements entail heavy expenditure, and though the affairs of the Protectorate are shaped by international policy with which India has no direct concern, the administration of Aden has been a serious burden on the Indian tax-payer.

The proposal to shift the responsibility for Aden from India was first mooted in 1861 and has been often raised since. Under the stress of the Great War the old system finally broke down. The military operations were placed under the War Office ; the political control was transferred to the Foreign Office ; only the parochial administration of the station of Aden itself was left with the Government of India.

Such a division of control, justifiable as a war makeshift, involves a serious sacrifice of both efficiency and economy ; and the present proposal is to relieve India of the whole of her responsibilities in this little corner of Southern Arabia. The Government of India hope to secure under it a substantial relief for the Indian tax-payer, and to further the interests of the inhabitants of the Aden settlement itself. In their Resolution of January, 1920, the Aden Chamber of Commerce expressed ' its earnest desire that Aden should be placed under the British Colonial Office . . . which it is believed would be conducive to the expansion of Aden trade . . . and to the welfare of its inhabitants '. True, unanimous though this Resolution was, some of the Indians who then associated themselves with it are now protesting against the transfer, apprehensive apparently of some impairment of their interests under it. But the Government of India have throughout made it an absolute condition of their assent to the transfer that it shall in no way impair the interests and status of Indians, who shall receive precisely the same treatment as that accorded to the other subjects of His Majesty. This stipulation His Majesty's Government have accepted unreservedly.

MUNICIPAL BOARD OF DELHI.

223. The HONOURABLE MR. BHURGRI : Will Government be pleased to state :

- (a) when the period of the present Municipal Board of Delhi was to expire ?
- (b) has the period been extended by Government ; if so,
 - (i) to what date, and
 - (ii) for what reasons ?
- (c) whether it is a fact that the Municipal Councillors of Delhi had sent in a representation (by the Resolution of the Board) asking—
 - (i) for a non-official President for Delhi, and
 - (ii) for the reasons of delay in the preparations for new elections ?

If so, what reply has been given ?

The HONOURABLE MR. SHAFI : (a) The three years' term of office of the present Municipal Committee of Delhi expired on the 19th March, 1921.

(b) The answer is in the negative.

(c) The answer to both parts of this question is also in the negative.

Section 13 (3) of the Punjab Municipal Act provides for the continuation of outgoing members in office until the election or appointment of their successors is notified. In the present case the elections were delayed owing to the discussion of certain questions arising out of the Government of India

(Education Department) Resolution No. 41, dated the 16th May 1918. It is understood that the elections will be held within a few weeks.

The HONOURABLE MR. BHURGRI : I wish to ask a supplementary question. Do Government propose to give them the right of electing a non-official President ?

The HONOURABLE MR. SHAFI : That matter is still under consideration.

POLITICAL PRISONERS IN THE ANDAMANS.

224. The HONOURABLE MR. BHURGRI : Will the Government be pleased to state :

- (a) how many Political prisoners have been serving their sentences in the Andaman Settlement ?
- (b) their names ?
- (c) how long each has been in Andaman Settlement ?
- (d) what is the state of their health ?
- (e) how many of them are suffering from —

(i) malaria ?

(ii) tuberculosis ?

(f) whether it is proposed to remove them from that Settlement ? If so, when and to what place ?

The HONOURABLE SIR WILLIAM VINCENT : The Government are not able to give in detail the information asked for by the Honourable Member, but are collecting it and will furnish it as soon as it is obtained.

I may, however, state that it has been decided that political prisoners now serving sentences in the Andamans should be transferred to jails in India, and that instructions have been issued for their removal in direct consultation between the Local Governments concerned and the Chief Commissioner, Port Blair.

At present, no political prisoners are under treatment for malaria, and only one is under observation for tuberculosis.

EXODUS TO AND FROM SIMLA.

225. The HONOURABLE MR. BHURGRI : Will the Government be pleased to state—

- (a) what is the expenditure they do incur on the annual exodus to and from Simla ?
- (b) what will be the cost of holding the Session of the Council of State and Legislative Assembly this year at Simla over and above the expenses that may have been incurred if the Session had been held in Delhi ?

The HONOURABLE SIR WILLIAM VINCENT : The information is being collected and will be supplied to the Honourable Member later.

CANDIDATES FOR SECRETARIAT SERVICES.

226. The HONOURABLE MR. BHURGRI : With reference to the examination held of the candidates for qualifying them for permanent posts in the Imperial Secretariat and attached offices, will Government be pleased to lay on the table a statement containing the following information—

- (a) names and nationalities of the candidates ?
- (b) whether employed previously in any Government office or not ?
- (c) if employed, the departmental recommendation ?
- (d) if employed, the number of years in service with the name of the office or department where employed at the time of examination and the division in which employed ?
- (e) if employed, the departmental recommendation on the form of application forwarded to the Board ?
- (f) marks obtained at the written test ?
- (g) marks obtained at the interview ?
- (h) number of members of the Board present at the interview of each of them and whether any Indian member was present ?
- (i) percentage of Anglo-Indians who passed for the Upper and Lower Divisions and their failures ?
- (j) percentage of Indians who passed for the Upper and Lower Divisions and their failures ?

The HONOURABLE SIR WILLIAM VINCENT : The Honourable Member has probably not realised the amount of labour and expense that would be involved in the preparation of the statement asked for. The number of candidates examined whose results have so far been determined is over 1,100. The information called for could not be given without a scrutiny of the applications and other papers relating to each of these men, and a compilation of the results would form a considerable volume. The information asked for in part (e) of the question is in any case of a nature which is necessarily treated as confidential. Government do not consider that the utility of a statement giving the information asked for in parts (a) to (h) of the question would be commensurate with the labour and expense involved in its preparation.

The answers to parts (i) and (j) are as follows :

(i) Total number	74
Upper Division	54 per cent.
Lower Division	65 „
Failures	41 „
(j) Total number	1,038
Upper Division	18 per cent.
Lower Division	11 „
Failures	71 „

These calculations exclude the results of the examination held on the 26th February, 1921, at which over 500 candidates appeared, as these results have not yet been determined.

INSPECTOR OF OFFICE PROCEDURE.

227. The HONOURABLE MR. BHURGRI: (a) What is the present pay of the Inspector of Office Procedure?

(b) What was the pay of the present incumbent of the post before he was appointed to this post?

(c) When was this post created?

(d) Have the Government considered whether a suitable I.C.S. officer of the rank of Deputy Secretary to the Government of India could not be appointed to that post?

(e) What will be the difference in expenditure if the pay of the post be made at par with that of a Deputy Secretary?

(f) Will Government be pleased to lay on the table the Report of the Secretariat Procedure Committee?

The HONOURABLE SIR WILLIAM VINCENT:

(a) Rs. 2,250.

(b) Rs. 1,500.

(c) June 1920.

(d) No. The question of selecting an I.C.S. officer of the rank of Deputy Secretary for the post was not specially considered, but in any case no such officer had had the same experience in the organisation of commercial and Government offices as Mr. Watson.

(e) A Deputy Secretary to the Government of India is entitled to pay under the superior time-scale for the I.C.S., *plus* a duty allowance of Rs. 400 subject to a maximum of Rs. 2,250, exclusive of overseas allowance of Rs. 250. The total maximum pay of a Deputy Secretary is therefore Rs. 2,500 which is also the maximum pay of the post of Inspector of Office Procedure.

(f) As stated by me in reply to a question asked by Dr. Sir Debaprasad Sarbadhikari at the meeting of the Indian Legislative Council on the 16th September 1920, it is not proposed to lay on the table a copy of the Secretariat Procedure Committee's Report. The Honourable Member is also referred to the answer given by me to part (c) of his question No. 142* on the 21st February, 1921.

INSURED PARCELS CONTAINING GOLD JEWELLERY.

228. The HONOURABLE DEWAN BAHADUR RAMABHADRA NAIDU:

(a) Is it true that certain insured parcels containing gold jewellery which were declared and accepted at the Colombo Post Office for delivery at Karikal, in French India, were intercepted and seized at Dhanushkodi in Ramnad District in British India in March, 1919, and acquired by Government under the Gold Import Act, 1917?

(b) Does gold jewellery come within the purview of the Gold Import Act, 1917?

(c) Under the rules of the Postal Department applicable to such cases, should not such parcels, if deliverable in British India, have been returned to the country of origin?

**Vide* page 151 of Volume I, No. 5, of the Council of State Debates.

(d) Is it true that the addressees of such parcels were paid at the rates of Rs. 10 for the gold of the weight of a sovereign, when the market rate at the time the parcels were seized was about Rs. 17 per sovereign ?

(e) And is it true that petitions have been sent to the Board of Revenue and to the Government of Madras, and such petitions were dismissed ?

(f) Is it a fact that, in answer to interpellations in the Madras Legislative Council at its meeting held on 21st February, 1921, the facts were admitted and reliance was placed on the provisions of the Gold Import Act ?

(g) Is it the fact that the Gold Import Act is applicable only to articles deliverable in British India and that under the rules framed under the Sea Customs Act, 1878, parcels sent from one foreign country to another, could not even be opened during transit in British India ?

(h) Do the Government of India propose to direct the return of such parcels to the addressees who are citizens of French India, or order the payment of full compensation at the market rate prevailing at the time of the seizure of the parcels ?

The HONOURABLE SIR GEORGE BARNES : In answer to parts (a) and (b) gold jewellery does not come within the purview of the Act referred to. But the packets intercepted at Dhanushkodi contained gold bullion and not jewellery.

(c) The answer is in the negative.

(d) The gold was acquired under the provisions of the Gold Import Act, the owner being paid the acquisition value at the rates prescribed by the notification then in force. It is believed that the rate was Rupees 10 per sovereign weight, but the Government of India have no official information on the subject.

(e) An appeal to the Board of Revenue, Madras, was dismissed. Government have no information regarding an appeal to the Government of Madras.

(f) Government have no information.

(g) Government consider that the action of the Collector of Customs was legally correct.

(h) The answer is in the negative.

MAILS FROM RAWALPINDI TO SRINAGAR.

229. The HONOURABLE MR. SETHNA : (a) What was the annual amount paid to the contractor for carrying mails from Rawalpindi to Srinagar for the two years preceding the date of cancellation of his contract ?

(b) What has been the annual cost since the work is being done departmentally ?

(c) If the departmental cost is higher, will not Government reconsider having the work done again by a contractor ?

The HONOURABLE SIR GEORGE BARNES :

	Rs.
(a) In 1916-17	99,000
In 1917-18	1,19,000
(b) In 1918-19	3½ lakhs
In 1919-20	4½ lakhs.

(c) The old contract terminated on the 31st March, 1918. The Honourable Member may remember that the service was most unsatisfactory, and had indeed practically broken down altogether. Tenders were invited for a new contract, but there was no response, and we were compelled to organise a service departmentally at very short notice. The cost of this service works out at 12 annas 5 pies per mile. We are actually paying from 12 annas to Rs. 1-4 per mile for contract services in towns ; and it is unlikely that any contractor would undertake the service on this very difficult road for less than Rs. 1-4 per mile. I may tell the Honourable Member that we do not like running a departmental service. But we feel bound to continue it, because it is undoubtedly cheaper than a contract service.

PROVINCIAL CIVIL SERVICE AND SUBORDINATE CIVIL SERVICE IN BURMA.

230. The HONOURABLE MAUNG PO BYE: (a) Are Government aware that the revised scale of salaries of the Provincial Civil Service and the Subordinate Civil Service in Burma has given rise to discontent amongst the members of these services?

(b) Have Government received memorials from members of those services, and if so, what action has been taken?

The HONOURABLE SIR WILLIAM VINCENT: (a) The reply is in the affirmative.

(b) Memorials have been received by the Government of Burma from members of both the services referred to. As a result of the consideration of the memorials, proposals for the improvement of the pay of the Burma Civil Service have been made by the Local Government and are, at present under the consideration of the Government of India. It is not known what action is contemplated by the Local Government on the memorials from members of the subordinate service.

UNIVERSITY VOLUNTEERS IN BURMA.

231. The HONOURABLE MAUNG PO BYE: (a) Is it a fact that a large number of Rangoon College students volunteered for military training in the half company of University Volunteers?

(b) Have any steps been taken to develop that half company in accordance with the general recommendation of the Esher Committee in Part VI of their report? If not, will Government state their reasons?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) The Government of India have no information as to the numbers volunteering. In view, however, of the excellent response made by the Burmans to the call for recruits for the Indian section of the Indian Defence Force during the war, the Government of India have no doubt that large numbers of the Rangoon College students are anxious to join the University Training Corps under the Indian Territorial Force Act.

(b) As explained in my reply to part (b) of the question asked by the Honourable Member on the 17th March, the draft rules under the Indian Territorial Force Act, 1920, have recently been published in the *Gazette of India* for information and criticism, and as soon as these rules are passed, action will be taken for the formation of a unit in Burma, including the

University Training Corps. In the meantime, temporary arrangements have been made for the continuance of the training of those members of the Indian Defence Force who desire to serve in units of the University Training Corps.

The HONOURABLE MR. RANGASWAMY AIYANGAR: Will not the Esher Committee's Report in general be considered by the Council of State?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: No arrangements have yet been made, nor did they ask for it. I doubt if that question arises out of my answer.

The HONOURABLE THE PRESIDENT: It would have been open to the Honourable Member to have brought a Resolution if he wished to raise the question.

PROVINCIAL FOREST SERVICE IN BURMA.

232. The HONOURABLE MAUNG PO BYE: (a) Are the Government aware that the revised scale of salaries of the Provincial Forest Service in Burma has given rise to great discontent among the members of that service?

(b) Have the Government received memorials from that Service, and if so, what action has been taken?

The HONOURABLE MR. B. N. SARMA: The Government of India have received memorials from officers of the Provincial Forest Service in Burma, in which discontent with the scale of salaries fixed for that Service is expressed. The memorials are under consideration.

PUBLIC SERVICES COMMISSION IN INDIA.

233. The HONOURABLE MR. BHURGRI: Will Government be pleased to state:

- (a) if they have made any proposal to the Secretary of State for India in connection with the appointment of Public Service Commission in India under section 96-C. of the Government of India Act;
- (b) if so, what is the nature of their proposal specially with regard to the Indian element thereon, and what names, if any, have been proposed;
- (c) what is the proposed salary for the Chairman and the Members of the Committee, respectively;
- (d) whether they intend to consult the Indian Legislature before the matter is decided by the Secretary of State for India?

The HONOURABLE SIR WILLIAM VINCENT: (a), (b), (c) and (d). The questions relating to the establishment of a Public Service Commission are still under correspondence with the Secretary of State; and no announcement in the matter can therefore be made at present.

MESSAGE FROM HIS EXCELLENCY THE VICEROY.

The HONOURABLE THE PRESIDENT: I have a message for the Council from His Excellency the Governor General of India. It runs as follows:

'In pursuance of sub-section (3) of section 63A of the Government of India Act, I, Frederick John Napier, Baron Chelmsford, hereby require the attendance of the Members of the Council of State in the Assembly Chamber of the Imperial Secretariat at 9 o'clock on Tuesday, the 29th March, 1921.'

(Sd.) CHELMSFORD,
Governor General.

INDIAN ELECTRICITY (AMENDMENT) BILL.

The HONOURABLE MR. A. C. CHATTERJEE : Sir, I beg to move :

‘ That this Council do agree to the recommendation of the Legislative Assembly that the Bill further to amend the Indian Electricity Act, 1910, be referred to a Joint Committee of the Council of State and of the Legislative Assembly and that the Joint Committee do consist of 12 Members. ’

The Bill has already been circulated to the Honourable Members of this Council. I am very sorry that it could not be circulated earlier than it has been, because, owing to the legislative business, it was not possible to introduce this Bill in the other House much earlier than last week.

This is a purely business measure. The present Act was passed in 1910, and since then the number of electrical undertakings in the country have increased considerably ; not, perhaps, to the extent that we desire, but the actual working of the existing Act has disclosed certain shortcomings and defects which it is now proposed to remove. In the Bill the interests of the consumers as well as of the electrical companies and firms have been taken into consideration and the respective advantages carefully balanced. It is purely a Bill which should be looked at from the business point of view, and as such, it is a Bill which ought to be considered carefully in Select Committee. In view of these circumstances, I hope that this Honourable Council will agree to the recommendation of the Legislative Assembly.

The motion was adopted.

COMPOSITION OF JOINT COMMITTEE.

The HONOURABLE MR. A. C. CHATTERJEE : Sir, I move :

‘ That the following six Members of the Council of State be nominated to serve on the Joint Committee to consider and report on the Bill further to amend the Indian Electricity Act, 1910, namely :—

The Honourable Sir Alexander Murray.

• The Honourable Mr. Froom.

The Honourable Sir Maneckji Padabhoy.

The Honourable Sardar Jogendra Singh.

The Honourable Mr. Moncrieff Smith and myself. ’

The motion was adopted.

CALCUTTA UNIVERSITY BILL.

The HONOURABLE MR. M. M. SHAFI : Sir, I have the honour to move :

‘ That the Bill to amend the law relating to the Calcutta University, as passed by the Legislative Assembly, be taken into consideration. ’

Honourable Members are aware that while other provincial universities are at present under the control of Provincial Governments, the University of Calcutta is, by reason of the existing law, under the direct control of the Governor General in Council; the Governor General of India being the Chancellor of that University.

In paragraph 5 of Chapter 37 of their Report the Calcutta University Commission proposed that the University of Calcutta should cease to stand in a relation of special intimacy to the Government of India; that a new and more organic connection should be established between the University and

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the Government of Bengal and that the Governor of Bengal should in future be the Chancellor of this University.

The Bill, which has been passed in the Legislative Assembly and is to come under consideration now in this Council, seeks to effect these changes. It is a non-controversial measure and has been introduced with the previous approval of the Secretary of State and the full concurrence of the Local Government.

THE HONOURABLE RAJA P. N. ROY OF DIGHA PATIA : Sir, from the beginning of the university system in this country, the University of Calcutta had the unique distinction unlike the other Indian Universities of being under the direct control of the Government of India. It also had the proud privilege of having His Excellency the Viceroy to preside over its functions as Chancellor.

It is quite in the fitness of things and quite in accordance with the recommendations of the Calcutta University Commission and the principle of provincial autonomy that this University should be placed under the direct control of the Local Government, and that it should have as its Chancellor His Excellency the Governor of Bengal. I cannot, however, help feeling sorry as this severance of the tie between the University and the Government of India means severing all connections with the education in Bengal. Nor can I let this opportunity pass by without tendering to the Government of India the grateful thanks of the people of Bengal for what they have done in the past for the University of Calcutta. At the same time, Sir, while we are thankful to the Government of India for all they have done, we cannot help feeling some sense of disappointment that at the time of severing connection with the University the Government of India did not see its way to make a special grant for carrying out the recommendations of the Calcutta University Commission,—a commission which the Government of India on its own initiative appointed. Sir, it would be a matter of great regret if those recommendations are not given effect to at the earliest opportunity.

That is all I have to say on the subject. I concur with the view of the Honourable the Member for Education that the University should be placed under the control of the Local Government.

THE HONOURABLE MAHARAJA SIR M. C. NANDY : Sir, I am glad to give my hearty assent to the passage of the Calcutta University Bill which is intended to establish a new and more organic connection between the Government of Bengal and the University of Calcutta. In the Statement of Objects and Reasons of the Bill, I find Mr. Sharp leaving to the Government of Bengal and the Local Legislative Council fullest and unhampered opportunities to carry out all the fundamental changes recommended by the Calcutta University Commission. So far, so good : but, Sir, you are aware of the fact that neither the Government of Bengal nor the Local Legislative Council nor the University of Calcutta were in any way responsible for the appointment of this commission, as it was imposed over the heads of all these bodies by the Viceroy and the Government of India. You know, Sir, that it is absolutely impossible for any existing authority in Bengal to finance the scheme of reforms recommended by this Commission, and it seems to me unfortunate that the Government of India should wish to wash their hands clean off this matter and leave

the reforms to the local authorities of Bengal to work them out as best as they can. Unless, Sir, the Government of India can see their way to give the Government of Bengal a sufficient grant towards the carrying out of the commission's recommendations, no headway can be made at all. A Government which have given very large grants to the University of Dacca and in financing many provincial projects, such as the Calcutta Improvement Trust, should reconsider its decision in the matter, and I hope it will yet be possible for them to make very large contributions to the University of Calcutta in enabling them to give effect to some of the most essential recommendations of Sir Michael Sadler's Commission

THE HONOURABLE THE PRESIDENT: This really does not concern the Bill. I will allow the Honourable Member to continue but he must not develop the point at any length.

THE HONOURABLE MAHARAJA SIR M. C. NANDY: It seems to me to be quite fair and I am quite sure it will appeal to this House as quite equitable, that, having appointed a committee on their own initiative and authority and having flourished their recommendations all over India and England, the Government of India should come forward to shoulder the responsibility generated by their own action. Just at the present moment, the Bengal Government is not flushed with capital and the University of Calcutta is also not very far away from bankruptcy. If, under these circumstances, the Government of India will not step in to save the situation, the Sadler Committee will remain a byword of reproach and its recommendations hang fire till doomsday.

THE HONOURABLE MR. SHAFI: Sir, I fully sympathise with my Honourable friends in their feeling of regret that the Government of India is unable to make a grant to the Local Government in connection with the Calcutta University. But I am sure the Council will realise that it is impossible for the Government of India to make any such grant. In the first place, the financial stringency with which the Government of India is face to face and which has necessitated the imposition of taxation this year, makes it utterly impossible for the Government of India to make any grant to a local university. In the second place, the new financial relations which have come into existence as the result of the reforms scheme make it, not only impossible, but I venture to think, contrary to the principles underlying those relations for the Government of India to make the grant which my Honourable friends have asked for. Certain revenues and provincial contributions have been placed at the disposal of the Government of India in order to enable them to meet expenditure on Central Subjects.

Should the Government of India divert any of the funds that are placed at their disposal towards a grant to a provincial university, it is obvious that the other provinces of India would have grave cause for criticism against such action on the part of the Government of India. The province of Bengal is a very rich province. Only recently, the Provincial Legislative Council of that province has cut down expenditure proposed by the Local Government by, I believe, an amount exceeding Rs. 30 lakhs. It was, I venture to think, quite open to the advocates of educational progress in that province to propose in the Legislative Council of Bengal that the sums thus cut down be spent on the University. Be that as it may I am sure that a careful consideration of

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the situation by my Honourable friends will convince them that the position taken up by them is one which is entirely untenable.

The HONOURABLE THE PRESIDENT: The question is :

' That the Bill to amend the law relating to the Calcutta University, as passed by the Legislative Assembly, be taken into consideration.'

The motion was adopted.

The HONOURABLE MR. SHAFI: Sir, I now move that the Bill, as passed by the Legislative Assembly, be passed.

The HONOURABLE THE PRESIDENT: The question is :

' That the Bill to amend the law relating to the Calcutta University, as passed by the Legislative Assembly, be passed.'

The motion was adopted.

HINDU TRANSFERS AND BEQUESTS (CITY OF MADRAS) BILL.

The HONOURABLE SIE WILLIAM VINCENT: Sir, I move :

' That the Bill to declare the rights of Hindus to make transfers and bequests in favour of unborn persons in the City of Madras, as passed by the Legislative Assembly, be taken into consideration.'

I ought to apologise to this Council for bringing this measure before them at such very short notice, and I can only say that it is a local Bill affecting the City of Madras only to which Members from that presidency attach great importance, and that I have taken this course at the instance of the promoter of the Bill, Mr. Seshagiri Ayyar, a non-official who has pressed me to push the Bill through as soon as possible. The fact is that in 1914, a Bill was passed in Madras regulating the transfer of property *inter vivos* and abrogating certain provisions of the law which had previously been in force there. The Act was called the Hindu Transfers and Bequests Act, 1914, and it applied to all persons domiciled within the limits of the Presidency of Madras. Recently, however, the Madras High Court have indicated that this local Bill affects the jurisdiction by the Letters Patent of the High Court and is therefore not a Bill which it was within the competence of a local Council to pass. Mr. Seshagiri Ayyar therefore introduced a validating Bill into the Legislative Assembly. This is purely a Bill validating the Act passed by the Madras Council in so far as the area within the ordinary original jurisdiction of the Madras High Court is concerned. It is important that there should be no uncertainty about titles in that area, and so the measure is one of some urgency. If, however, any Honourable Member is sufficiently interested and thinks that the Council has not been treated with proper consideration in the matter, I am prepared to postpone it. I hope, however, no member will take this line, because the present state of affairs causes uncertainty about title and the matter is really one of some importance, in which, I believe, all the Members from the area affected in Madras are interested, they are, I believe, also strongly in favour of the Bill.

The HONOURABLE THE PRESIDENT : The question is :

' That the Bill to declare the rights of Hindus to make transfers and bequests in favour of unborn persons in the City of Madras, as passed by the Legislative Assembly, be taken into consideration.'

The motion was adopted.

The HONOURABLE SIR WILLIAM VINCENT : Sir, I move :

' That the Bill, as passed by the Legislative Assembly, be passed.'

The HONOURABLE THE PRESIDENT : The question is :

' That the Bill to declare the rights of Hindus to make transfers and bequests in favour of unborn persons in the City of Madras, as passed by the Legislative Assembly, be passed.'

The motion was adopted.

ENEMY MISSIONS BILL.

The HONOURABLE SIR WILLIAM VINCENT : May I have your permission, Sir, to move without notice, the next item of business that stands in my name ? It is purely a formal matter.

The HONOURABLE THE PRESIDENT : I am informed that this amendment made by the Legislative Assembly is purely a drafting amendment. I have therefore no hesitation in giving permission to the Honourable Member.

The HONOURABLE SIR WILLIAM VINCENT : Sir, I move :

' That the amendment made by the Legislative Assembly in the Bill to validate certain indentures transferring properties formerly held by certain Enemy Missions in Trustees, and for the incorporation of such Trustees and for other purposes, be taken into consideration.'

I have explained this Bill once before to this Council and I do not propose to do so again ; I have only to say that it was sent to the Legislative Assembly after being passed here where some acute lawyer has suggested that in clause 3 the words ' have been ' should be substituted for the word ' be '. I myself doubt very much whether the substitution is necessary ; but it is certainly not a matter on which this Council will quarrel with the Legislative Assembly, and I venture therefore to commend the amendment to the favourable consideration of this Council.

The HONOURABLE THE PRESIDENT : The question is :

' That this Council do agree to the amendment made by the Legislative Assembly in the fifth line of clause 3 of the Bill to validate certain indentures transferring properties formerly held by certain Enemy Missions in Trustees, and for the incorporation of such Trustees and for other purposes, namely, the substitution of the words ' have been ' for the word ' be '.'

The motion was adopted.

RESOLUTION *RE* INDEMNITIES AND REPARATIONS FROM GERMANY.

The HONOURABLE MR. KALE : Sir, the Resolution which I have to move runs as follows :

' This Council recommends to the Governor General in Council that he should move the Secretary of State for India to secure for this country, through His Majesty's Government, an adequate share of the indemnities and reparations to be obtained from Germany '.

[Mr. W. G. Kale.]

Sir, I will not take very long over this Resolution. For, the subject is one on which I do not apprehend any difference of opinion, in any part of the House. In this Resolution I request the Government of India to move the Secretary of State to press the claims of this country on the attention of His Majesty's Government with regard to the distribution of the reparations . . .

The HONOURABLE SIR WILLIAM VINCENT: Sir, may I rise to a point of explanation? May I ask if, with your permission, Sir, and with the permission of this Council, it would be possible to postpone the debate on this particular Resolution until after the other ones. The fact is that Dr. Sapru, who is in charge of it, is at this moment engaged in the other House, and we want a little time to prepare ourselves. I make this request, Sir, always subject to the permission of the Council, the Honourable Mover and yourself.

The HONOURABLE THE PRESIDENT: An application of this kind should be made before the Member rises and not after he has risen.

The HONOURABLE SIR WILLIAM VINCENT: I beg your pardon, Sir, I was not aware of the facts when the Honourable Mover began to speak.

The HONOURABLE THE PRESIDENT: Is the Honourable Mr. Kale prepared to take his Resolution third in the list?

The HONOURABLE MR. KALE: I have no objection, Sir, provided I get an opportunity to move my Resolution.

The HONOURABLE THE PRESIDENT: The question is:

'That the Resolution standing in the name of the Honourable Mr. Kale be taken last on the list.'

The motion was adopted.

RESOLUTION *RE* AMNESTY TO SAVARKAR BROTHERS.

The HONOURABLE MR. RANGASWAMY AYYANGAR: Sir, I beg to move the following Resolution:

'This Council earnestly recommends to the Governor General in Council to extend amnesty to the Savarkar Brothers.'

This question has been pressed before the Government for the last so many years. A memorial has been signed by 50,000 people and submitted to Government and now during the last year when Mr. Patel moved his Resolution *re* amnesty towards political prisoners, Mr. Khaparde and some other Members drew the attention of the Government to this point.

Now, Sir, when the angle of vision has been completely changed, when the goal of the British Raj has been set forth, and when amnesty has been granted to almost all the political offenders, I think it is proper that I should press this point before the attention of the Government now. We expected His Royal Highness the Duke of Connaught during his august visit to open the Indian Parliament would announce pardon to all the political prisoners. But perhaps it may be a Member of the Assembly who moved the Resolutions on the Punjab happenings has divined out why His Royal Highness has not bestowed on us any boons or announced amnesty to men to whom it is the desire of the people to extend it. He has said there . . .

The HONOURABLE THE PRESIDENT : Order, order. The Honourable Member must not read from the speech of a Member of the Legislative Assembly delivered in the same Session. That is a well-known rule and must be followed.

The HONOURABLE MR. RANGASWAMY AYYANGAR : He has said there that His Royal Highness the Duke of Connaught has not announced any boons or conferred amnesty on political prisoners, because the Government is averse and we can achieve our object by moving Resolutions in the Councils and not through the back door of conferring boons on the people.

I take my stand on that point and beg to move the Council to recommend clemency to the Savarkar Brothers. It is perceptible to me that the angle of vision has completely changed because the Resolutions which were not even admitted during last year are not only admitted but accepted now. Even last year when I expressed myself on the Resolution of the Honourable Mr. Patel *re* amnesty to political offenders, I am glad to say that the Honourable Sir William Vincent came to me from the opposite benches and appreciated the tone and the attitude I took up on that question. I have to read that once more, as the point of view I take in moving this Resolution is entirely the same.

Sir, there is no doubt that there has been a great change in the angle of vision even among the worst of sinners after the advent of the Reforms and after the recent Royal Proclamation. We have seen lately, I think in yesterday's papers, a summary of the book by one Hardy, as has been wired to us by Reuter, which shows how thoroughly changed he is. We have also heard through private sources that Savarkar has been writing to his friends and relations that he has changed his views, and he too is prepared to co-operate with the Government. When the process of reclamation of criminals connected even with heinous offences is to be tried, these methods should be first applied to these selfless political offenders. The Government should not be 'logical to the narrowness' in interpreting the Royal Proclamation also. Let it be royal and let the Government excuse all offenders and make a trial of them. England has withstood the tremendous forces let loose by the war, and she need not fear these small forces, even if it be that these forces do not show signs of being diverted in the right direction. I want that the quality of mercy should not be strained. We are thankful to the Government for the clemency shown to so many people and we press for their sympathetic consideration that the other people who are not yet set free may be given pardon.'

This is the main point on which I stand to-day.

Although the Honourable Mr. Khaparde has very lucidly explained to the Council last year the nature of the crime committed by both the brothers, I shall be permitted to say a few words about that. I shall deal with the case of Vinayak Savarkar, the younger of the two brothers. He was in England before 1910 and took his Barrister's course. In England it was alleged he was under the influence of the *Bande-Mataram* party and was responsible for the propaganda of sedition both in England and in India. He was brought for this offence from England to India after the law has been put to a great deal of strain by the best of barristers there, as extradition from England to India was not so easy. We could not understand why he was not tried by the English Courts but brought back to India. During the voyage he slipped down through the porthole when the ship was in French waters and swam to the French shores. Legally he should not be brought back from the French territory. The French Government protested, and his case was referred to the Hague Tribunal. I do not enter into the details of the awards of the Hague Tribunal. When the case was going on before the Hague Tribunal, the Bombay High Court began its

[Mr. Rangaswamy Ayyangar.]

trial. Vinayak Savarkar would take no part in the proceedings as he wanted the decision of the Hague Tribunal first before the Bombay High Court should have anything to do with the case. But as the Judge would not wait, Vinayak Savarkar took no part in the proceedings and the case was decided as if *ex parte* ; and the result was that he was given double transportation for life with forfeiture of property. Even then the whole of India was astir. They really thought, Sir, that the judgment was too severe for one who had so much of capacity and brains. When I pleaded for amnesty last year when Mr. Patel was moving his Resolution, I was referring to some private letters which had been received from him to show that he is a completely changed man and that amnesty should be extended to him. I should now read before the Council extracts of a few portions of his letters which will speak for themselves. One is dated 4th August 1918. He says :

‘ If I say a substantial majority of the elected be granted in the Viceregal Council and such a grant be accompanied with a graceful and a general amnesty of the political prisoners including the exiles in other lands, such as America and Europe, and then I for one and many whom I know, would conscientiously accept such a constitution as that and would if thought fit by our people and given a chance to do so by Government, work under it and try to effect the mission of our life through the Council Chambers which have up to this time been bearing nothing but ill-will towards us and have spared nothing to embitter our hearts against them and their policy. Where is the man who would run the ordeals of fire or would tread the paths of furies with bleeding feet—for sheer amusement. That is rare ; and rarer it is to find a true patriot and humanitarian who would indulge in reckless and bloody and necessarily outrageous revolutions if but and when, a safer, nobler, more certainly moral, because entirely effective and implying least resistance if but such a path, the Path of Constitutional Progress, be open and accessible to him? It is mockery to talk of constitutional agitation where there is no constitution at all ; but it is worse than a mockery, a crime to talk of revolutions, as if it was a work of rose water even when there is as elastic and progressive a constitution as, say, in England or in America ’.

Here is another extract from a letter, dated 21st September 1919 :

‘ I believe that as soon as the Reforms are effected and if they be soon effected and at least the Viceregal Councils are made to represent the voice of the people then there would be no hesitation on my part—ininitely humble though it be—to make the beginning of such a constitutional development a success, to stand by law and order which is the very foundation and basis of society in general, and the Hindu polity in particular. Do not the Scotch try to maintain a partnership in the Empire when that Empire opens better facilities for their respective developments than otherwise? India too and for the matter of that any other people ought to and naturally will join in forming a Commonwealth and an Empire? Why should they be against it? When such a common life promises to be more fruitful than a divided petty and lonely individuality? As man is a social animal, so is also a state, and Empires had been and would be a natural development of the inherent tendencies of the social nature of man as nations of families had been ’.

We can charge Savarkar with anything, but he is not the man who is a liar who will tell anything against his convictions even to buy life.

Such is the present mentality of the man for whom I am pleading for the grant of amnesty.

Then the elder of the brothers, Ganesh Savarkar, was sentenced for transportation of life with forfeiture of property for simply writing a poem, and when the case was brought up before the Sessions Court, the Judge had no option to give a less severe sentence than transportation for life and forfeiture of property ; and he expressed his helplessness at the severity of it. The Judge had to leave the accused at the mercy of the Executive. I should also give

the Council a short extract from one of the letters he has written to his brother :

'It is as far back as 8th August 1911 I wish to know about the coming Delhi Darbar which I hope shall be the culminating point in the present Indian History. The Emperor George V through generosity and justice loving heart, shall, I hope comply with the just demands of the Indian nation. I pray God to give the credit of removing all the complaints of Indian nation to the present Emperor. May God make the English and Indian nations stand as friends to each other on the world platform in 'Hand-in-hand' policy.'

This letter was written in 1911 a decade ago, and his views are still more clearly and emphatically expressed in a letter, dated 8th February 1920, which also I should be permitted to read :

'Although we firmly believed that there could be no honest objection to our release after the clear and definite statements that we have been making in our letter, ever since the reforms were proposed, still we again explain emphatically that far from being repugnant to us is the ideal of a common Empire that it actually had been and is still the cherished goal of our national ambitions. We believe in one universal state embracing all mankind and wherein all men and women would be citizens working for and enjoying equally the fruits of this earth and this sun, this land and this light, which constitute the real motherland and the real fatherland of man. All else is artificial though indispensable. Therefore we would honestly work as to strengthen the links that bind India and England in one Empire common to both which would tend not to the subjection of one of them but to the elevation of both of them. Such an Empire can exist if every one of its members is a responsible and a self-determining part. And we do find that the Reforms which now have become a law do open the path of constitutional progress to our national aspirations. There is so much work possible under them and so much training of the people in the art of self-government is bound to be had. That coupled with the fact that further instalments could be won from time to time, we unhesitatingly declare that constitutional and constructive epoch has set in in India, and through no action of ours shall that be marred. We shall leave no stone unturned to make it a success. Add to this the development of affairs on our frontier and the menace of invasion of those hordes who had been the hereditary curse of Hindustan. Both of us do honestly believe that not only in the interest of England should Englishmen trust and ally themselves with Hindustan, but even Hindus must and therefore ought to trust and heartily co-operate with England—not as mute and impelled slaves, but as allies and partners in a firm as the Prime Minister had said to repel the new and growing danger. *As circumstances change, do also change the ways and means of men. So let none—neither our friends nor our critics—disbelieve us when we declare that we pledge our word to make the new constitutional and constructive epoch a success, by all means in our power and to the best of our ability.*'

Here is an interview with his brother when he returned from the Andamans after seeing his two brothers there in the month of November 1919, which was published in the *Bengalee* and other papers :

'I have asked him about his attitude towards the boycott of the Council. He said to me at once : 'Well, I must frankly tell you that I am of opinion that we ought not to have boycotted the New Reforms Councils. With all reverence which I owe to Mahatma Gandhi, whom I had the honour to know and understand intimately while we were in London, I must confess that I disagree with him in boycotting these Councils.'

No, in my opinion, it is a great mistake to forego the partial hold on the administration by securing which we can secure the full hold in a not far-off future. I am therefore sorry to see that the Congress too, have passed a Resolution to boycott the Councils'.

Really, I am not quoting this to justify my entrance to this Council, but I do it to show how reformed they are.

We have seen how people who were connected with direct conspiracies having been extended amnesty. We have seen how people who were transported for life with forfeiture of property are entrusted with ministerial portfolios and

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we have seen how people like De Wet who was a direct rebel to the British Raj was placed in highest confidence during the war, but it is very unfortunate that the Savarkar brothers who have expressed themselves in so many words that they would not resort to any unconstitutional means henceforth and who have promised even to work out the reforms, should not be given amnesty. I want the Council to remember that he was extradited from England abrogating the principle of ordinary law, and for a second time he was extradited from France, here too against the principles of the ordinary law of the land. In my last year's speech I said that the reclamation process that had been tried to the worst of criminals has not been tried in the case of political prisoners. Some crimes are committed by accident and Victor Hugo will bear testimony to my statement. There are stages in life when people are idealistic. But as they grow wisdom's teeth they realise the unreasonableness of idealism and begin to bestow thought on practical life. Such is the case of the Savarkars, and could not the Government consider their case? We pressed for the release of Mrs. Besant and you are not sorry for her release. She was applauded only lately by our Home Member and I hope he will also not repent for the action he takes if he should release the Savarkars. Alexander released Porus only out of magnanimity, and I appeal to that sense of chivalry for which the British are noted, in considering this case. Government is answerable to History, and when the time comes for an impartial critic to judge the Government of India historians should be able to say that the Government have not acted in a spirit of vengeance, but they have used just enough of force to prevent crime.

Especially the considerations of his health now should compel us to release him immediately from the Andamans. Doctors have said that he has got symptoms of tuberculosis and that he is in cellular gaol yet, and his youngest brother who has just now returned from the place testifies that he is much reduced, and the climatic condition of the Andamans will surely tell upon his health if he should be there any longer. To a question put by the Honourable Mr. Bhurgri there was a reply that only one person in the Andamans had lost weight and I suppose that referred to Savarkar.

At one time capital sentence was awarded even to people guilty of forgery. As civilisation has advanced this kind of treatment is being looked upon as barbarous. I say that in the present time the punishment that was meted out to political prisoners is looked upon as really barbarous. What I now ask is only clemency worthy of a magnanimous Government. As I have said before the Government is all-powerful, and no harm will be done by giving the prisoners a chance of proving themselves worthy of the clemency.

With these words, I beseech the Government to accept this Resolution. If it should be necessary, in addition to the guarantees that they themselves have given, there should be some security to be furnished, I am authorised to say there are people to furnish the same as the Government desires. I appeal to your sense of generosity, to your sense of humanity and mercy, and to your chivalry and magnanimity when you consider this question.

THE HONOURABLE MR. C. N. SEDDON : Sir, Vinayak Savarkar was tried by a special tribunal of the Bombay High Court under Sections 121 and 121A of the Indian Penal Code, and he was convicted and sentenced to transportation for life and forfeiture of property. He was also tried at another session of the same tribunal, and charged with abetment of murder and sentenced to

transportation for life. Ganesh Savarkar was tried by the Sessions Judge of Nasik under sections 121 and 121 A of the Indian Penal Code and sentenced to transportation for life.

I mention this in order to make it clear to the Council that there is no question of Martial Law here or 'repressive' laws. It was the ordinary criminal law of the country, and the ordinary criminal courts of the country that sentenced these men. Perhaps I should do well to read one or two short extracts from the judgment of the Court to show what manner of man Vinayak Savarkar was.

The Court says :

'The evidence shows that prior to 1906 there existed in Nasik under the leadership of Ganesh and Vinayak Savarkar, an association of young men known first as the Mitra Mela and subsequently as the Abhinav Bharat (or New India) whose objects were revolutionary

Again

'About the middle of 1906 Vinayak Savarkar left for England being the recipient of a scholarship given by Shamji Krishna Varma the founder of the India House at Highgate.'

'Early in 1909 he (Savarkar) took advantage of the departure of Chaturbhuj Amin for India to conceal in a false bottomed box and despatch with Chaturbhuj a parcel of 20 Browning pistols with ammunition for the same, to be delivered to one or other of two addresses in Bombay . . .

One of these pistols, or one of a second consignment of pistols to be more accurate, was found later on, and with it were several copies of a pamphlet styled 'Bande Mataram' in praise of Dhingra, the murderer of Sir Curzon Wylie. Amongst other passages in that pamphlet are the following :

'Our policy of laying them (the tools of British Government) low with the bomb, the revolver or the dagger.'

'Terrorise the officials, English and Indian, and the collapse of the whole machinery of oppression is not far. The initial stage of the revolution is marked by the policy of separate assassinations.'

Sir, the Court goes on to say with regard to the consignment of Browning pistols which were meant by Vinayak Savarkar to reach his brother Ganesh Savarkar :

'He sent out the pistols with ammunition with the intention that they should be used for assassination. The result of his action was precisely what he intended and what was naturally to be expected.'

'Mr. Jackson, the Collector of Nasik, was murdered.'

Sir, Mr. Jackson was a friend of mine ; but years have passed and I hope I can look at the matter in a dispassionate way. But it is necessary, perhaps, in order that this Council may understand the kind of crime which resulted from the activities of Vinayak Savarkar, that I should say something about Mr. Jackson. He was, of course, an efficient officer of Government and public servant. He was also an eminent Sanskrit scholar, and the world of Sanskrit scholarship was the poorer for his loss. I remember now the letter in which Sir Ramkrishna Bhandarkar deplored his dreadful death. Besides that, Mr. Jackson was a man of extraordinary kindness of heart and generosity. He was a man with no private means of his own, nothing but his pay as a married man and a man with someone to support besides ; yet it is well

[Mr. C. N. Seddon.]

known that he used to pay the costs of Brahman boys who were studying Sanskrit and other poor persons. The crime, Sir, was a black stain upon the fair name of India. Now, bearing in mind what resulted from the activities of Vinayak Savarkar and what is likely to result from any such activities, the Bombay Government has always resisted any idea of giving amnesty. The Bombay Government and the Government of India are responsible for the peace of the country, and I submit, Sir, that it is no part of the duty of this Council to press them to release people who, they honestly feel (and they are in a position to know) cannot be released with safety, and with due regard to the peace of the country. We have it from the Honourable the Home Member, and I do not think that we even need have had it from him because we know it well enough ourselves, that the country is in a very disturbed state and that the period ahead of us is one of anxiety. We know that in the Bombay Presidency, where the Savarkars come from, there is a good deal of non-co-operation, and that people are in a state of suppressed excitement which might easily result, if there were any stimulant applied, in dreadful occurrences. Further, the Government of India have been asked to remove the 'repressive' laws from the Statute-book and, I understand, they are considering how this can be done. Is this the time for this Council to put pressure on the Government of India or the Government of Bombay, not by way of removing repressive laws from the Statute-book, but in order to force them to lose the effect, as it were, of the ordinary laws of the country. Sir, I submit that in a matter like this it is the Government who are responsible and who understand whether a man can be released with safety to the people or not; we should not put pressure on them to do that which they are in the best position to know and feel would not be safe to the public.

Now, Sir, it has been suggested that however dangerous Vinayak Savarkar might have been, Ganesh Savarkar was a different sort of man. Well that may be so, but I can say that it has never been the view of the Bombay Government that any discrimination could safely be made between the two brothers. And they have some reason, I think, for feeling that Ganesh Savarkar is no more safe than his brother. He was one of the originators of the Abhinav Society and he was in correspondence with his brother the whole of the time and worked in collaboration with him. The High Court said - I think I have said it before - that the pistols were intended to reach the hands of Ganesh. They also referred to the founding of the Mitra Mela and the Abhinav Bharat Society. The fact is, there is no reason to think that Ganesh Savarkar was any the less engaged in these activities than his brother. He was not actually prosecuted for murder because he was under arrest at the time the murder was committed. Even supposing the Government of India came to the conclusion that there was some possibility of making a distinction between the two brothers, I submit that this Council should leave it to the Government of India and the Bombay Government and that they should not be pressed by people who are without full information; that the Bombay Government should be left to do what it feels would be consistent with the public safety.

THE HONOURABLE SIR WILLIAM VINCENT: Sir, the facts have already been put before the Council fully by the Honourable Mr. Seddon. These two brothers, Vinayak Savarkar and Ganesh Savarkar, were convicted under sections 121 and 121-A of the Indian Penal Code of the offences of

waging war or conspiring to wage war. Ganesh was convicted on the 9th June, 1909, under one of those sections and sentenced to transportation for life. Vinayak was prosecuted later on and he was prosecuted on two separate charges in two separate trials. Firstly for waging war and secondly for the abetment of murder.

Now we have heard it said that these brothers have high ideals ; that they are willing to co-operate with the Government and that they deprecate the non-co-operation movement. No one has more admiration than I have for high ideals, but I certainly do not think that the highest idealism condones murder. More especially does it not condone the murder of an absolutely innocent and inoffensive man like Mr. Jackson who, I believe, was much respected and loved. Those who know him here—and I myself had the honour of knowing him—will bear me out when I say that he was a person held in the highest regard by Indians in this country. The pistol with which this man was murdered was supplied by Vinayak Savarkar. I cite that from the judgment and if there is any question about it I will read the judgment again. It has been suggested that this man was not guilty of the offence of which he was convicted. Anyone who examines the papers, who reads the records, anyone who knows anything of the facts, many Members of this Council—and I should not be surprised if the Honourable the Mover himself, might not be included among them—know probably well that this is not so. There is no question whatever of the man's guilt. None the less, when the amnesty was proclaimed we consulted the Bombay Government about these two men and they decided then that it was impossible to release them, and on a representation being made to me—I think by Mr. Khaparde—I again referred the question to the Bombay Government and they gave very good reasons for not proceeding with any question of their release at that juncture. I myself took a somewhat different view from that of the Honourable Mr. Seddon in regard to one of the brothers Ganesh Savarkar. I thought that his case might be differentiated from that of his brother Vinayak. Vinayak was definitely convicted of abetment of murder, and I shall always oppose the suggestion that a man is to be allowed to commit murder and then escape the punishment on the ground that the murder was purely a political one. Moreover, the country in the assassination of Mr. Jackson at Nasik, lost a man who was a friend of everybody. He had done nothing to hurt anyone. A crime of that kind is unpardonable, and I submit that a man who abets the commission of an offence of that kind is not entitled to clemency. If an exception is to be made for crimes of that nature, why not extend it to every other kind of murder ? Why not extend it to those who commit murder in defence of the honour of their wives or as a result of oppression ? Are they not more deserving of sympathy than a man who deliberately sends 20 pistols out for the murder of 20 individuals ? If we are to condone offences of this kind on the score of idealism and the like, then there is no point in having any criminal law in the country at all. I can therefore hold out no hope myself that the Government will release this man.

With regard to the other man, Ganesh, I am prepared to go this far as to say that I will consult the Bombay Government as to whether they think any action can be taken in the direction proposed by the Honourable Mover ; although he was mixed up with a conspiracy to murder, the offence of which he was convicted was of a different character. He was convicted for promoting sedition. That is a political offence, and at any rate stands in a

[Sir William Vincent.]

different category from the offence of murder. Whether it is possible, having regard to the conditions of the country, to grant this man any remission or not is a matter I cannot say. It is a matter obviously in which the opinion of the Bombay Government will have to be given the greatest weight, and one which I myself should like to consider, in the light of their opinion.

The Honourable Member suggested that these two Savarkar brothers were suffering in health in the Andamans. As a matter of fact, one of them did suffer in health there for some time, but my last reports say that he is not in bad health. In any case, orders have been issued for the transfer of the brothers to British India. The Honourable Member finally took his stand on the right of this Council to influence the Executive Government. At first he rather led us to believe he was a little disappointed in his expectation of an announcement from His Royal Highness the Duke of Connaught releasing all murderers, but later he went on to the principle of constitutional rights. I doubt very much whether it is a fair exercise of the rights of this Council to recommend to the Government of India the release of prisoners when such a course is opposed by the Local Government as incompatible with the safety of the Realm. I doubt particularly whether such a course is justified, as the Honourable Mr. Seddon pointed out, at a period like the present, when we are threatened with the possibility of grave disorder, when indeed we have had disorders in various parts of the country already, and for this reason, I must ask this Council, and I hope I shall have their support, to reject this Resolution.

THE HONOURABLE COLONEL SIR UMAR HAYAT KHAN: Sir, I stand up to strongly oppose this Resolution. We have now become part and parcel of the Government and we should share with them all the burdens of State. If we are going to release all the murderers I do not think we are doing our part of the business at all. The Honourable Member simply says, release the Savarkar brothers, the murderers. There are some brothers at the present moment who have been released. What have they done? They have set fire from one end of the country to the other. What my friend wants now to do is, not being satisfied with this fire, a little petrol to be added to it. Well, if it was near his house, and that was only to be burnt, I would not have minded. But all the houses in this country are connected as all those thatched stalls were connected the other day in the Motor Show, and we are afraid that our houses will all be burnt down. It is for this reason that we should be on our guard, a deaf person has to laugh twice, once when he sees people laughing and once when the subject matter is related to him. My friend of course reads a lot but I wish he could also hear. If he went to the Punjab or the North-West Frontier Province and heard what happened after the preaching of some persons resulting in so many men having suffered during the Hijrat movement, their wives being snatched away and boys dying of thirst, if he had heard what they had got to say I think he would not only have withdrawn the Resolution but would not have brought it forward at all. That is the difficulty we have here. It is for this reason that I ask you whether the Mover cannot withdraw the Resolution. Now, there were lots of people released in the Punjab. What have they done? Some of those who were released have now been taking a leading part in the present troubles and are, again being arrested. The Honourable Mover wants these people to be released. You

cannot make friends with a man who has got a bad trend of mind and if on the top of it he is put into jail, could you make friends with him? It is just like getting hold of a boar, wounding him not seriously so as to bring him to bay, and then letting him loose among a crowd. I hope that my countrymen who have the good of their country at heart will never listen to such a thing as this Resolution proposes.

The HONOURABLE NAWAB SIR BAHRAM KHAN : * Sir, I rise to strongly oppose this Resolution. Experience has shown us now that the release of the political prisoners has not been the success anticipated. The amnesty which was extended as the graceful act of a benevolent Government has not been taken as such and some of those released instead of desisting from their wrongful acts have participated in conspiracies and disturbances and they are further increasing their efforts in that direction. I think the amnesty or liberation of such mischief-mongers should be entrusted to their respective Local Governments, and I strongly urge that such a Resolution should not be adopted by the House.

The HONOURABLE MR. BHURGRI : Sir, I rise to ask one question from the Honourable Mover. Is he in a position to tell us if these brothers are prepared to give a guarantee and bind themselves to any conditions that may be laid down? Is he in a position to tell us that?

The HONOURABLE MR. K. V. RANGASWAMY AYYANGAR : I am in a position to say that guarantees will be given and that securities also will be furnished if required. I am thankful, Sir, for promising to consider the case of the eldest brother, Ganesh Savarkar, and I should again remind the Council of the fact that His Royal Highness the Duke of Connaught has said

The HONOURABLE THE PRESIDENT : Order, order. The Honourable Member in replying must deal with those points which have been raised in the debate and which require in his opinion to be dealt with. He must not repeat the speech that he has previously delivered.

The HONOURABLE MR. K. V. RANGASWAMY AYYANGAR : I do not repeat my speech, Sir. His Royal Highness the Duke of Connaught has said 'Forget and forgive'. If forget and forgive means anything, we should forget the past crimes however serious they may be and we should take into consideration only the future.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN : I rise to a point of order, Sir. This is not a reply, Sir. This is a speech.

The HONOURABLE MR. K. V. RANGASWAMY AYYANGAR : It was said that the revolver that was supplied by Vinayak Savarkar was used in the murder of Mr. Jackson. Sir, we have seen that the people in Bengal whose bombs killed those two innocent ladies at Muzzafarpur have been released. All guilty officials and others were excused. But that these men, who were thousands of miles away from the scene of accident, should not be forgiven is really strange to us. I cannot understand why some people who were directly connected with the bomb cases should be released and why these men who were in their idealistic visionary age and who were under the influence of some people like Shymji Krishna Varma should not be released. I simply once more plead for clemency.

* Translation of a speech delivered in vernacular.

THE HONOURABLE SIR WILLIAM VINCENT : Sir, the Honourable Member has just said that 'Forget and forgive' should be our watchwords. But I ask the Council — is this man entitled to any more consideration than any other murderer? If we follow the suggestion of forget and forgive to its logical conclusion, we shall have to empty our jails and let every criminal out. The Honourable Member went on to say that the Muzzaffarpur murderers have been released, the men who were guilty of the murder of Mrs. Kennedy and that therefore the Savarkar brothers should be similarly treated. To the best of my belief, the Muzzaffarpur murderers were hanged! That is my recollection. In their case, there was no question of release from jail: Finally, may I say that I hope that this Council will take the same attitude in regard to this Resolution that it did in regard to the Punjab cases the other day where as in this case, the men on whose behalf an appeal was made had been convicted of dangerous crimes, and that they will not ask the Government of India to release these two brothers at a time when we at least in regard to one and the Government of Bombay in regard to both of these men, believe that their release would be highly incompatible with public safety. I ask the Council with confidence not to recommend such a course at this juncture.

THE HONOURABLE THE PRESIDENT : The question is :

'That this Council earnestly recommends to the Governor General in Council to extend amnesty to the Savarkar brothers.'

The Resolution was negatived.

RESOLUTION *RE* EXEMPTION OF MEMBERS OF THE PROVINCIAL AND INDIAN LEGISLATURES FROM THE OPERATIONS OF THE ARMS ACT.

THE HONOURABLE LALA SUKHBIR SINHA : Sir, I have the honour to move that :

'This Council recommends to the Governor General in Council that all Magistrates and Members of the Provincial Legislative Councils, Assembly and the Council of State also should be exempted from the operation of the prohibitions and restrictions contained in the Indian Arms Act, 1878.'

This Resolution consists of two classes of people, first magistrates, whether they are paid or honorary, and secondly, members of this Council, the Legislative Assembly as well as the Provincial Councils. The United Provinces Government have recently passed a resolution on this subject and the resolution is much wider. They have included in it vice-chancellors of universities, members of the senate, fellows, principals and professors of colleges, headmasters of high schools and all gazetted officers. Sir, this Resolution is restricted only to magistrates and members of the three Councils I have mentioned. As regards magistrates, I think every one of us knows that they have to perform duties in court as well as outside the court. They have to do much out-door work. They have to decide criminal cases, and therefore it is necessary for their personal safety as well as in the interests of public work that they should be exempted from the Arms Act. In the old Arms Act they were exempt and there is no reason why they should not be exempted under the present Arms Act. Perhaps Honourable Members are aware that the Arms Act was amended at the repeated request of our countrymen. The Act has been modified and has removed racial distinction to a great extent, but still it has been much restricted in its operation and it is only in the fitness of things

that all magistrates, whether paid or honorary, should be exempted from the Arms Act. As regards members of the Councils, I submit, that even such title-holders as Rai Sahib and Khan Sahib, who include, sub-inspectors, school masters and jailors are exempt from the Arms Act. Therefore is it not appropriate, is it not in keeping with the position of the members of the Councils that they should be exempt from the Arms Act? These members are in the confidence of Government by reason of taking the oath of allegiance to the Crown and is it not derogatory for them not to be exempted from the Arms Act? It may be said that the members of the Provincial Councils can look after themselves. I quite admit that, but it is the Government of India alone who can make an exemption. The Local Governments can make recommendations, but it is for the Government of India to make the exemption and therefore I have included them in this list. With these few words I commend my Resolution for the acceptance of this Honourable Council.

THE HONOURABLE SIR MANECKJI DADABHOY : I think this Resolution is very reasonable and the Government ought to accept it, particularly because members of the old Imperial Legislative Council and ex-members of the provincial legislative councils are exempt now from the operation of the Arms Act. I think the present councillors, who are the chosen representatives of the people of this country, should have a similar concession. I think it would be in the fitness of things that at least all the members of the Council of State, the members of the Legislative Assembly and members of the provincial councils should be placed on the exemption list.

THE HONOURABLE COLONEL SIR UMAR HAYAT KHAN : Sir, as the Resolution stands at present, I am sorry I cannot give my support to it. As to this Honourable Council, I quite agree that the members should be exempt from the operations of the 'Arms Act' and I think there will be no harm even if the members of the Assembly are exempted because they have a connection with the Government of India and the Government of India can pass orders or give instructions that they should be exempt in future. But as to the members of the provincial councils, I think the Local Government or the Governor or whoever he may be should be the proper person first to write to the Government of India for sanction on the matter. In these days Rao Bahadurs and Khan Bahadurs have been attacked, but they are those whom the Government officials have seen and known for years and years working for the good of the people and the Government of India know they are good men. But in this case that is of local councils, it is not only the Government which is the authority. But they are the ordinary voters. There are places where the ordinary voters are so frightened by cattle lifters and thieves, etc., that they can persuade them to vote for them and they will get into the councils that way. Now is it right that such persons should be given arms to facilitate the work which they are carrying on. It is for this purpose that I say that such men ought to be weighed first by the Government of the province. As regards honorary magistrates and paid magistrates I agree with the Mover that they should be exempt, because they were exempt before. Therefore I support the Resolution except as regards that one point about the provincial council members, that is that they should be left to the provincial Governments to decide about them. I think there is some law about it under which they could do so. The Honourable the Home Member will know better if this is so. What I say is, 'Let the provinces exempt those under them and let us not dictate to them.'

The HONOURABLE LIEUT.-COLONEL A. C. ELLIOTT : Sir, as regards the question of Magistrates, it is one which has been more than once moved in the Punjab Government though no definite conclusion on the point has yet been come to ; but the strong feeling among District Officers and officers of Divisions is very much in favour of it, and I gladly support this portion of the Resolution, as my personal experience has shown to me on more than one occasion that an Honorary Magistrate without a revolver is practically useless for the purpose of upholding the dignity of his office and carrying out the duties for which he is on the spot.

As regards the provincial councils, I quite agree with the remarks of my Honourable friend Sir Umar Hayat Khan, that it is not for this Council to suggest to the provincial councils what action they should take in the matter. And as regards the Members of the Council of State and the Legislative Assembly, I think that the proper attitude for us to take up is that, by our acquiescence in the provisions of this Act which have been so much cavilled at and which have, as far as possible, been evaded by certain persons, that we should, by acquiescing in, and supporting them, set an example by taking out all the licences that are necessary to encourage every one else to comply also with the provisions of the Act.

The HONOURABLE LALA RAM SARAN DAS : Sir, I rise to support this Resolution, and I understand that the words ' Members of the Legislative Bodies ' include members as well as ex-members. If not, I think it will be beneath the dignity of a councillor if, on the termination of his office, he is required to apply for a licence. As far as the provincial councils are concerned, I understand from the Honourable Mover that it is in the gift of the Government of India to exempt members of those councils from the provisions of the Indian Arms Act. So I should include them in the concession proposed by the Honourable Mover. With these few words, I support the Resolution.

The HONOURABLE SIR WILLIAM VINCENT : Sir, I should like in the first place to explain our policy in regard to this matter of the administration of the Arms Act, and at the outset may I say that the Honourable Mover is in error in supposing that we have recently amended the Indian Arms Act. This has not been done for many years. We did however amend the Indian Arms rules. Our policy in regard to these rules has been based on the following principles, firstly, to remove racial distinctions. That was the first *sine qua non*. The second was to facilitate, as far as we could, the acquisition of licences by any member of the public who was entitled to possess arms without danger to the public ; and thirdly, to prevent arms from falling into the hands of undesirable persons who were likely to misuse them. In pursuance of this principle we originally wanted to abolish all exemptions and to make everybody, from the highest to the lowest, take out licences, just as they have to do in England. We found, however, that it was impossible to do away with exemptions altogether because the proposal caused a great deal of heart-burning ; and so we decided not to do away with them altogether but to restrict them as much as possible.

We consulted Local Governments, and finally we had a committee of officials and non-officials which again advised us not to attempt to abolish all exemptions, but to confine them within the lowest limit possible, and we followed that advice.

We are now asked to extend them again, but once you begin to extend these exemptions, the more anomalies you create and the more complaints you get from different people and the more demands for further exemptions. 'If so and so is exempted, why should I not be exempted?' 'If Magistrates are to be exempted, why not somebody else?' and so on. And then the list of exemptions gets into such a state that it is impossible for any executive authority to know whether a man is exempted or not. As it is, our Schedule has extended very much further than I should have liked it. I should have preferred to restrict it to much narrower limits, and I do not think the present exemptions are in any way needed. I do not believe, for instance, that an Honorary Magistrate needs a revolver for the performance of his duties. I have never heard of such a suggestion myself, outside the Punjab. Certainly in my Province I can assure the Council an Honorary Magistrate would be able to carry on his duties without carrying arms. Some Honourable Members here will be able to confirm what I say. And few officers do even possess revolvers in the calmer and quieter parts.

Now let me say what will be the result if we accept the Resolution as it stands. Honorary Magistrates are appointed for a time. Members of Council hold office for a few years and then vacate their office. Is the exemption of Magistrates to continue after they have ceased to hold the appointment? If so, why? And as regards Members of Council too, are they to continue to be exempted after their term of office has ceased? Once you accept these proposals to extend the list of persons exempted, you introduce all sorts of complications of this kind, and you also give rise to a very large number of additional claims for the privilege.

The Honourable Sir Maneckji Dadabhoy told us that ex-members of the old Legislative Councils are exempted. I am not sure if that is correct; I have not been able to verify it. But if that is so, the only reason that can be given for it is that we did not want to take away an existing privilege and vested interest. Some exemptions now enjoyed have been continued temporarily but only because they were privileges which individuals had possessed for some time and we did not like to cancel them summarily. We did not want to cause resentment and heart-burning by such a course.

The Council has really two alternatives to this: either adopt a general system of licenses issued or refused for administrative reasons, or put the administration of the Act on a purely fiscal basis—that is, let any one get a license who wants to, as they do in England. No sensible man would recommend that course in India at present. I am quite sure landlords in many parts of the country would be very sorry to see the number of fire-arms owned by disorderly peasants increased and they will not support a system under which every *badmash* could go down and get a licence whenever he wanted to. That would not suit some Honourable Members at all. Nor would it suit the employers of labour in places where there is labour trouble. As a matter of fact, whenever we have increased the number of licenses, as we did in one district in the United Provinces, there always is a material increase in violent crime. I do not suggest of course, that that result would follow were we to extend the privilege of exemptions to Members of Council; I am not speaking of the objection to issuing licenses to every one on payment of a fee, but what I say in connection with this Resolution is that once you increase your list of exemptions, more and more licences will have to be granted till the position becomes one of great complication, and I hope in these circumstances

[Sir William Vincent.]

that we shall not be pressed to extend the exemptions in the manner described, because I feel myself that it is an unreasonable method of procedure and that our proper line is to facilitate the grant of licenses, and not grant exemptions. Let the fee be reduced as much as you like, so that the price shall not deter any one from getting a license, but let all people be placed as far as possible, without injury to vested interests, on the same footing and let no person be exempted unless he needs arms for the performance of his duties. That is the position I should like to take up. Now I do not think it can be said that the Honourable Members of this Council, or, outside the Punjab, Honorary Magistrates need fire-arms for the execution of their duties.

The HONOURABLE LALA SUKHBIR SINHA : Sir, my Honourable friend, Nawab Sir Umar Hayat Khan, has opposed only one part of the Resolution, that relates to Members of the Provincial Councils. Well, as I said in my speech before, I should not have included them, but I had to include them because they cannot be exempted from the provisions of the Arms Act without the sanction of the Government of India, and therefore I included them also in my Resolution.

The Honourable Sir William Vincent has raised some questions in opposing this Resolution. He asks what will happen about *ex*-members of Council and *ex*-honorary magistrates. Well, I beg to submit that when a person has been brought into the confidence of Government, whether for a term of years or not does not matter much, if he is a member of council or an honorary magistrate, he should be exempted. If he is no longer a member of council or an honorary magistrate, he must keep up his position, and there is no reason why he should not continue to have the privilege. Therefore, I think, that members and honorary magistrates, present as well as those out of office, should be exempted from the operation of the Arms Act.

Sir, the fee at present for a rifle is Rs. 5 and for a pistol is Rs. 10. These fees are very high, and very few licenses, so far as I know, have been taken up to this time. Of course it would have been much better if the Arms Act were amended on a fiscal basis, as is the case in England; but that has not been done and there is no time to move that. But if exemptions are made by the Government of India more freely I think the people will be much more contented and the Arms Act will be taken as amended on proper lines. If more restrictions are put, and those members and those honorary magistrates who were exempted under the old Act are brought under the operation of the present rules, I do not think we shall take the present rules as more liberal and therefore I press this Resolution on the attention of this Honourable Council.

The HONOURABLE SIR WILLIAM VINCENT : Sir, if the Council of State pass this Resolution, Government will invite the opinion of Local Governments on it; but I hope that they will not pass it for the reasons that I have given, for I think this system of exemptions is bad.

May I however draw the attention of Honourable Members to one argument. The Honourable Lala Sukhbir Sinha says that members of council are persons who enjoy the confidence of Government and are serving Government. I always understood that they enjoyed the confidence of their electors

more than of Government and that they were not in any way connected with Government. I do not want to be personal, but I have heard of individuals who have been elected to the various provincial councils for the purpose of making the councils a laughing-stock. I do not know if that is true; but one does hear of some persons of no position or education being elected. Is it reasonable to suggest that these persons—they may be very good men—have necessarily the confidence of Government or are persons who are entitled to secure from Government the additional privilege of exemption from the operation of the Arms Act? It seems to me that this is going a little too far.

As to the fees for these licenses I may say that the reason for putting the fees for revolvers high was simply that we knew from experience that this was the weapon most used by revolutionary criminals and for that reason we were anxious not to increase the facilities for the possession of these arms. At the same time we are quite open to consider the question of fees. Further, indeed I am not at all sure that we shall not have to consider the question of a general revision of these rules as a whole again, for we have been so driven from pillar to post by increasing these exemptions that the position at present is not a very logical one.

I hope however in the circumstances that the Council of State will not pass this Resolution. Nevertheless if they do, I shall accept it with a good grace and will obtain the opinion of Local Governments on the proposal.

The HONOURABLE SIR MANECKJI DADABHOY : May I request you, Sir, to put the question in parts, first about magistrates and then about members of council ?

The HONOURABLE THE PRESIDENT : Certainly. The question is :

That the following Resolution be adopted :

‘ That this Council recommends to the Governor General in Council that all Magistrates be exempted from the operation of the prohibitions and restrictions contained in the Indian Arms Act, 1878 ’

I think the ‘ Noes ’ have it.

The HONOURABLE LALA SUKHBIR SINHA : I ask for a division. Sir.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN : May I ask, Sir, whether this question applies to those who are not magistrates at the time.

The HONOURABLE THE PRESIDENT : Order, order. During a division the only question that can be raised is on a matter arising out of the division.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN : This arises out of the division, because we have to vote now and we cannot vote for those who are not magistrates, that is who have ceased to be magistrates.

The HONOURABLE THE PRESIDENT : If the Honourable Member means to ask for an interpretation of the terms of the question I will give him one. Magistrates means magistrates, not men who have been or will be magistrates.

[The President.]

I shall now put the question for a second time.

'The question is that this Council recommends to the Governor-General in Council that all magistrates shall be exempted from the operation of the prohibitions and restrictions contained in the Indian Arms Act, 1878.'

The Council divided as follows :—

AYES—16.

Abdul Majid, Nawab.
Bhurgri, Mr. G. M. K.
Bahram Khan, Nawab, Sir.
Barron, Mr. C. A.
Darbhanga, Maharaja of.
Elliott, Lieutenant-Colonel A. C.
Hammond, Mr. E. L. L.
Jogendra Singh, Sardar.

Kale, Mr. V. G.
Ram Saran Das Lala.
Nandy, Maharaja Sir M. O.
Pramada Nath Roy of Dighapatia
Baja.
Sukhbir Sinha, Lala.
Umar Hayat Khan, Colonel Sir.
Zulifqar Ali Khan, Sir.
Zahir-ud-din, Saiyid K. B.

NOES—14.

Amin-ul-Islam, K. B.
Barnes, Sir G.
Chatterjee, Mr. A. C.
Dadabhoy, Sir W.
Froom, Mr. A. H.
Ganganath Jha, Dr.
Harnam Singh, Raja Sir.

Lloyd, Mr. E. S.
Richey, Mr. J. A.
Seddon, Mr. C. N.
Shafi, Mr. M.
Smith, Mr. H. Moncrieff.
Soshi Kanta Acharyya Chaudhri,
Maharaja.
Vincent, Sir William.

The motion was adopted.

The HONOURABLE THE PRESIDENT: I will now put the second part of the Resolution :

'This Council recommends to the Governor-General in Council that all Members of the Provincial Legislative Councils should be exempted from the operation of the prohibitions and restrictions contained in the Indian Arms Act, 1878.'

The motion was negatived.

The HONOURABLE the PRESIDENT: I will now put the remainder of the question together :

'This Council recommends to the Governor General in Council that all members of the Assembly and the Council of State should be exempted from the operation of the prohibitions and restrictions contained in the Indian Arms Act, 1878.'

The motion was adopted.

RESOLUTION *RE* INDEMNITIES AND REPARATIONS FROM GERMANY.

The HONOURABLE MR. KALE: Sir, I beg to move the Resolution standing in my name which runs as follows :—

'This Council recommends to the Governor General in Council that he should move the Secretary of State for India to secure for this country, through His Majesty's Government an adequate share of the indemnities and reparations to be obtained from Germany.'

'I do not think there will be any difference of opinion in this Council with regard to the substance of my Resolution. We are not here to consider the

principle underlying reparations or the general policy of the recommendations of the Reparation Committee. The question has been decided in the Conferences that have been held in Spa, in Paris, and recently in London and the Allies have fixed what amount of reparation shall be demanded from Germany. If there is any controversy at all, that controversy centres around the question as to how Germany should be made to pay. The amount has been fixed, but the question is, in what manner should it be collected? While the War was going on, it was stated by the then Prime Minister, Mr. Asquith, that the object of carrying on the war with Germany was to exact reparation, restitution and guarantees for the future. Restitution, reparation and guarantees, these were the demands he would make of Germany. We need not, therefore, go into the controversy about reparations. The amounts have been fixed and the question of general policy need not now be discussed.

India, as a member of the League of Nations and as a part of the British Empire, wants to know what her share will be. We have been told that the share of the British Empire will be 22 per cent. of the total amount. In reply to a question put in the other House it was stated that the basis on which the distribution will be made between England and other parts of the British Empire has not yet been settled; and I hope there will be no difficulty on the part of the Government of India in making representations to the Secretary of State and drawing his attention and the attention of His Majesty's Government to the desirability of fixing India's share on an adequate scale. I need not here dwell upon the great part which India played in the late war, because everyone knows it. The whole thing has been published. The contribution made by India to the success of the war in men, in munitions and in money is known all the world over. I, therefore, need not repeat the story of her sacrifices especially because her services have already been handsomely acknowledged in England and by His Majesty's Government itself.

Therefore, the only question for me to ask the Government of India to consider is that they should press upon the Secretary of State the desirability of securing for India an adequate share of the reparations. How that adequate share should be determined must be left to the Government of India, the Secretary of State and to His Majesty's Government to settle. I do not, however, think there will be any dispute with regard to the reasonableness of the claim that India's share should be based upon the sacrifices she has made—sacrifices as I said before—of men, munitions and money. The contributions which have been made by India under all these three heads have been large enough, and whatever basis may be taken for the distribution I have referred to India must receive her just share. I do not think I need speak any more on the reasonableness of the proposals I have made to-day.

I will not take up the time of the Council any more and I have every hope that my Resolution will be accepted.

The HONOURABLE RAJA P. N. ROY OF DIGHPATIA: Sir, I beg to support this Resolution, and in doing so, I beg to say that as India, like the other parts of the British Empire, had contributed men and money at the time of the war, there is no reason why India, like the other parts of the Empire, should not have a legitimate share in the indemnities payable by Germany. If the representatives of India could be allowed to sign the

[Raja P. N. Roy of Dighapatia.]

treaties, and if she could be admitted into the League of Nations, it is, I think, quite fair that India should also take a share of the indemnities. Sir, it would indeed be a matter of great surprise if in this connection a non-official Member of this Council has to remind the Government of India about it. But I daresay the Government of India is also taking steps in the matter, and I feel we can safely depend upon it that the interests of India in this matter will not be overlooked and that her claims are sure to be considered when the time comes for distributing the indemnities.

With these words, Sir, I beg to support the Resolution.

The HONOURABLE MR. H. MONCRIEFF SMITH : Sir, may I begin by thanking the Honourable Mr. Kale for his courtesy in allowing this Resolution to stand over for a short time? As the Council is aware, the Resolution was in charge of the Honourable Dr. Sapru who is detained in another place.

I think I may, at the outset, give the assurance desired by the Honourable Raja Pramada Nath Roy, that the Government of India welcomes the principle and the object of this Resolution and will do all in its power to have India's claims to an adequate share of the indemnities and reparations to be obtained from Germany carefully laid before the proper authorities. No one will quarrel with the Honourable Mr. Kale's statement of what India has done in the war from its very inception. Perhaps I might explain to the Council the position with regard to this matter of reparations beginning with the Peace Treaty. In the Peace Treaty, the Allied and Associated powers insisted on, and Germany accepted, her responsibility for causing all the loss and damage to which they had been subjected as a consequence of the war. But in Article 232 which followed, it was realised that Germany's financial position at the end of the war and for a long time to come would be such as to render that country utterly incapable of meeting the whole bill. Then, as the Honourable Mr. Kale said, we had various conferences and meetings, and a sum was laid down which was to be demanded from Germany in instalments. I will not give detailed figures. As the Council knows, the whole matter is again in the melting pot and no one knows how it will emerge. The total sum is something like £11,300,000,000. Germany has expressed her inability to pay anything like that sum, and the matter, as I have said, is now in the melting pot. Out of this sum, France gets the lion's share—rather more than 50 per cent—the obvious reason being that France was the main battle ground during the war and there it was that most damage was done. Britain's share in that £11,300,000,000 is 22 per cent. No definite allocation of Britain's share between the various units of the Empire has yet been made. This is the matter to which the Honourable Mr. Kale's Resolution now draws attention. We have during the last few months been sending Home to the Secretary of State all the claims against Germany on account of reparation which have been received through the Local Governments. We have given a total estimate of the claims at something like Rs. 80 lakhs. This was made up in various ways. I may mention here that under the Peace Treaty Germany has assumed responsibility for certain acts of her allies and in respect of certain classes of damage that were caused. Thus Germany becomes responsible for much loss and damage caused to British subjects by Turkey's action in the war. I believe that the treaty does not saddle Germany with claims arising out of the maltreatment of prisoners of war in Turkish hands : that is not to be added to Germany's bill. The

claims against enemy Governments in respect of property requisitioned, sequestrated or destroyed by those Governments, which were registered with the Foreign Claims Office—these claims were started as long ago as 1916—amounted to Rs. 9 lakhs. They are against various enemy Governments. The claim against Germany is nearly Rs. 5 lakhs; against Turkey nearly Rs. 3 lakhs; against Austria half a lakh and against other Governments not specified about three-quarters of a lakh. Then there were further claims received far more recently after the Government of India had notified that they were prepared to receive them. The total amount of the claim against Germany is about Rs. 24½ lakhs; against Austria Rs. 1½ lakhs, and against Turkey nearly Rs. 50 lakhs. These claims arise chiefly out of the depredations of the 'Emden'—the German battleship that got astray in the Indian Ocean—the loss of lives and damage to health and property occasioned by Germany's illicit submarine campaign, and the pecuniary exactions and other sufferings inflicted by Turkey on British Indian subjects in Mesopotamia and Arabia and by Germany in what was German East Africa. The House is probably aware that Indian Merchants in Arabia were compelled to give up a great deal of their property. Their camels, their money, and other property were taken away and they were given worthless Turkish notes in exchange. The traders in German East Africa in some cases never got their goods because the ships carrying them did not reach their destination. All these claims have been forwarded to the India Office and as the House knows, they will be dealt with by the Reparations Commission. But the Commission is not concerned in the very slightest with the cost of the actual fighting. It only deals with the amount of the damage caused to individuals. An officer of this Department has been at Home on leave during the winter. He has been going to the India Office and keeping us informed of what is going on. We have not heard very much lately. All that we can say is that there is likely to be some considerable delay. The Reparations Commission is expected to begin work very shortly. There will be a representative of the British Empire on it. He will have a staff and a secretariat which I have no doubt will include a representative of India. As the House is aware, a Member of this Council, the Honourable Mr. Sastri, is being deputed to London as India's representative at the Imperial conference. This question of reparations is among the matters which he will deal with, and I think that the Council may rest assured that the matter could not have been left in better hands. The Government of India have no hesitation in accepting the Resolution.

The HONOURABLE MR. KALE: Sir, I am very thankful to the Honourable Mr. Moncrieff Smith for his kindness in accepting the Resolution which I have moved. I had always thought that there would be no opposition on the side of Government, and I hope that when the time comes for determining what the share of India is to be Government will see to it that India secures a proper share in the reparations along with the Dominions and other parts of the Empire.

The HONOURABLE THE PRESIDENT: The question is:

That the following Resolution be adopted:

"This Council recommends to the Governor General in Council that he should move the Secretary of State for India to secure for this country, through His Majesty's Government, an adequate share of the indemnities and reparations to be obtained from Germany".

The motion was adopted.

The HONOURABLE THE PRESIDENT: As Honourable Members are aware a meeting was originally notified for Monday the 28th. The purpose of that meeting has, I am happy to say, already been disposed of. It was of course intended to be held, in the event of a difference of opinion between the two Chambers, in regard to the Finance Bill. That has gone and therefore it will not be necessary for this Chamber to meet on Monday. Honourable Members have heard His Excellency's summons for the 29th, on which date I have reason to believe it is His Excellency's intention to prorogue this Council. Before I adjourn the Council after this, our first Session, I should like to thank Honourable Members very sincerely for their great courtesy, and consistent assistance and support to the Chair throughout the Session.

The Council stands adjourned till Tuesday, the 29th, and thereafter *sine die*.