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COUNCIL OF STATE, 1921



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COUNCIL OF STATE.

Monday, the 28th February, 1921.

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

DEATH OF DR. SIR RASH BEHARI GHOSE.

The HONOURABLE THE PRESIDENT: Before we proceed to the business of the day, I have to convey to the Council the sad news of the death of one of its most distinguished Members. I was greatly shocked this morning to learn that the Honourable Sir Rash Behari Ghose had passed away.

Sir Rash Behari Ghose was associated with the constitutional progress of India throughout his life, and in respect of all such matters rendered the greatest services to his countrymen. I think I am correct in saying that he was a Member of the Legislative Council as early as 1891, and thereafter he sat in many Councils. His influence on constitutional reform was very great.

When the new Reforms came, regardless of the fact that he was a man of advanced years and infirm in health, he stood for election to this Council. It was a patriotic thing for a man of his age to have done. Increasing ill-health prevented him from attending on the occasion of the Inauguration Ceremony or any of our subsequent meetings. But I, in common with all other Members of this Council, I am sure, had hoped that an improvement in his condition would have enabled him to have assisted us with his ripe wisdom and his great experience of public affairs. I myself had had the honour of knowing the late Sir Rash Behari Ghose during the greater part of my life in India and had conceived, as all who are concerned in legal matters must have conceived, a profound respect for his professional attainments. I had cherished the hope that we might have been associated together in a Committee dealing with a subject which I know was very dear to his heart, the question of Statute Law Revision; but it was not to be. In our lamented friend this Council has lost a Doctor learned in the Law, whose wide sympathies extended far beyond the scope of his professional duties; a generous friend of education; one who loved to help all good works; a counsellor trusted by all communities; and, above all, a true friend of India. It will be long before the gap which his death causes in our ranks will be filled.

The HONOURABLE SIR WILLIAM VINCENT: Sir, speaking on behalf of the official Members of this Council, I should like to associate them with everything that has fallen from you to-day. I have had the honour and privilege of knowing the late Sir Rash Behari Ghose for some years, our acquaintance beginning when I was serving in Calcutta. I had many opportunities, then, of learning to value his wonderful knowledge, his eloquence and his deep erudition, and particularly, if I may say so, his extraordinary mastery of the great principles of English law, into the spirit of which he was privileged to enter to an extent that was the envy of all who knew him. Of his generosity in the cause of education and other charitable work India is well aware, and for his gifts she has every reason to be grateful. Many of us including myself had abundant proof of his hospitality and genial kindness in private life. I venture to say that it is only right and proper that this Council

[Sir W. Vincent.]

should pay its tribute of respect to an eminent lawyer and citizen, whose services, if he had been spared, would have been of the greatest value to this Council. May I ask you, Sir, also if I may, to convey to his relatives an assurance of our very deep sympathy with them in their grievous loss.

The HONOURABLE SIR MANECKJI DADABHOY : Sir, speaking on behalf of the non-official Members of this Council, I wish to associate myself with what has fallen from you, as well as from the Honourable the Home Member. The melancholy news of the death of one of our most distinguished citizens and members will cast a great deal of gloom all over the country. I myself had had the good fortune of sitting with him in Lord Minto's Council and had learnt to appreciate his sterling merits, his great virtues and his cosmopolitan feelings. In him India, I may say, has lost one of its greatest sons and one of its truest friends. In him this Council is poorer by the loss of a personality who would not only have adorned this Council, but would have been of great and valuable help when we are on the eve of the Reforms. In him we have lost a great philanthropist, a true and faithful worker, a man who spent his well-earned fortune for the benefit of his fellow-subjects. I feel I cannot say anything more on this occasion. This Council deeply mourns his loss, and I am sure India, as a whole, mourns the loss of a great patriot, a great statesman, and a great jurist who has just passed away.

The HONOURABLE SIR ALEXANDER MURRAY : Sir, speaking also on behalf of the non-official Members, and, in particular, on behalf of the European community, not only the commercial section, but all members of the community, I desire to associate myself with what has fallen from yourself, Sir, from the Honourable the Home Member and the Honourable Sir Maneckji Dadabhoy regarding our late Colleague Sir Rash Behari Ghose.

It has been a matter of sincere regret to us that he has not been able to take his place here alongside of myself and of the other Members from Bengal, as we had all looked forward to having the benefit of his long experience and intimate knowledge of public affairs.

I need say little here regarding his great charity, in particular, his foundations for the advancement of scientific knowledge in Bengal. He realised that scientific knowledge must precede, or at least accompany, the development of the industries of this great country, and he devoted a very considerable portion of his fortune to that purpose.

I therefore desire, Sir, to associate myself with what has fallen from previous speakers.

The HONOURABLE THE PRESIDENT : With reference to what has fallen from the Honourable Sir William Vincent, it will be my duty to see that a message in the terms which he suggests is conveyed to our lamented friend's family.

QUESTIONS AND ANSWERS.

STUDY OF CROPS.

161. The HONOURABLE SARDAR JOGENDRA SINGH : (a) How many officers are employed in studying various crops in different provinces ?

(b) Are there any special officers studying special crops in each province ?

The HONOURABLE MR. B. N. SARMA : All Indian Agricultural Service officers are engaged, either directly or indirectly, in the study of crops. At present there are 13 who are specialising in the study of a particular crop : and in addition there are 38 officers whose time is wholly devoted to this work though they do not specialise in any particular crop.

COTTON COMMITTEE'S REPORT.

• 162. The HONOURABLE SARDAR JOGENDRA SINGH : What steps have been taken to give effect to the Cotton Committee's Report ?

The HONOURABLE MR. B. N. SARMA : The attention of the Honourable Member is invited to paragraphs 3 and 4 of the Resolution of the Government of India in the Department of Revenue and Agriculture, dated the 2nd August, 1919, indicating the lines on which the Government of India proposed to proceed in dealing with the recommendations of the Indian Cotton Committee. As explained in that Resolution the recommendations in Part I of the Report of the Indian Cotton Committee (except the four recommendations mentioned in paragraph 3 of the Resolution) were considered mainly a matter for disposal by the local authorities concerned. The Government of India confined their intervention to the larger matters of general policy or principle and to questions affecting more than one province. Local Governments were asked to report the action taken or proposed to be taken by them on the recommendations appertaining to them, and from the replies received it appears that the Provincial Departments of Agriculture are taking steps to give effect to the recommendations of the Committee.

A statement explaining the action taken by the Government of India on the remaining recommendations of the Indian Cotton Committee is placed on the table.

Statement showing the action taken by the Government of India on the recommendations of the Indian Cotton Committee other than those left for disposal by Local Governments.

Serial No.	Chapter.	Recommendation No.	Subject in brief.	Action taken.
1	II	13	Investigation of supplies available in Punjab Rivers.	The Governments of Bombay and the Punjab have each been asked to place an officer on special duty to investigate the question.
2	VI	10—11	Colonisation of area affected by Sukkur Barrage Project.	The views of the Government of Bombay were asked for on the recommendations and the Local Government were of opinion that there was no necessity for the appointment of a Committee to investigate the areas of waste land to be commanded by the Project which could be made available for colonisation, and that grants of land to capitalists would be extremely desirable and action in this direction would be taken.

Serial No.	Chapter.	Recommendation No.	Subject in brief.	Action taken.
3	XV	8	Appointment of an additional mycologist at Pusa for cotton work.	In consultation with Local Governments it has been considered preferable that Local Governments should employ their own mycological staffs for dealing with fungus diseases of plants including cotton, and the appointment of an additional mycologist at Pusa has not therefore been considered necessary.
	XV	9	Imposition of a cotton cess to provide funds for the Central Cotton Committee and pay of additional staff.	The attention of the Honourable Member is drawn to the Press Communiqué, dated the 7th April 1920, issued by the Department of Revenue and Agriculture in which it was explained that the method of finance suggested by the Committee is not in consonance with the financial arrangements under the Reforms Scheme, the main feature of which is a complete separation of Imperial and Provincial finances. It was therefore decided not to take action on the Committee's proposal. The necessary funds for the Central Cotton Committee and the appointment of additional staff are, however, being provided from general revenues.
5	XV	10	Recruitment of additional staff recommended.	Since the publication of the report of the Indian Cotton Committee the Provincial Departments of Agriculture have been considerably expanded and several officers have been appointed.
6	XVI	1	Establishment of cotton markets.	The views of the Local Governments and Administration, who were addressed in the matter, have been received and the whole question is under consideration.
		8	Standardization of weights.	
		12-17	Licensing of gins and presses.	
7	XVI	2	Publication of cotton prices.	The adoption of this recommendation has been commended to Local Governments and Administrations.
8	XVI	3	Alteration of dates of payment of land revenue in cotton growing tracts of Bombay.	The recommendation was brought to the notice of the Government of Bombay who have full discretion in regard to fixing and altering dates of kiets. The Local Government did not consider any alteration in the dates of payment of land revenue in cotton growing tracts necessary.
9	XVI	4	Expansion of co-operative sale societies.	These recommendations have been accepted by the Government of India and recommendations Nos. (4) and (5) have been commended to Local Governments for favourable consideration. No action was called for on recommendations (6) and (7).
		5	Auction sales of cotton.	
		6	Formation of buying agencies.	
		7	Forward sales of cotton.	
10	XVI	9	Cleaner picking of cotton.	The attention of the Local Governments has been drawn to this recommendation, which is essentially a matter for Provincial Agricultural Departments.

Serial No.	Chapter.	Recommendation No.	Subject in brief.	Action taken.
11	XVI	10-11	Restriction of the transport of cotton waste and loose kapas.	These recommendations were taken up before the publication of the report of the Indian Cotton Committee and the transport of cotton waste and loose kapas was prohibited. The prohibition on the transport of cotton waste has recently been cancelled, and it has been decided to refer the whole question of licensing the transport of cotton and cotton waste to the Central Cotton Committee, when formed, for advice.
12	XVI	18	Possibility of using saw gins for Indian cotton.	It has been decided to bring this to the notice of the Central Cotton Committee as soon as it is formed.
13	XVII	1-10	Improvement of cotton forecasts.	These 10 recommendations are under consideration along with other proposals for the improvement of crop forecasts generally.
14	XVII	11-14	Press returns	These recommendations depend on the decision of the question which is now under consideration whether the submission of returns of cotton ginned and pressed by ginning and pressing factories should be made compulsory by legislation.
15	XVIII	1-3	Establishment of a Central Cotton Association in Bombay.	The Government of Bombay have been addressed and the question is now being considered by a Committee of the Cotton Trade.
16	XIX	1, 2 and 4	Formation of a Central Cotton Committee.	Local Governments have been consulted and the Resolution constituting the Committee and appointing its Secretary will be issued shortly.
17	XIX	3	Abolition of the post of Imperial Cotton Specialist at Pusa.	In accordance with the recommendation of the Cotton Committee it has been decided to abolish the post of Imperial Cotton Specialist at Pusa on the formation of the Central Cotton Committee.

REVERSE COUNCIL BILLS.

163. The HONOURABLE SARDAR JOGENDRA SINGH : Will the Government be pleased to state the amount of gold sold to meet the Reverse Council Bills and the loss it represents to Indian finance at present rates, and at the rates that then obtained ?

The HONOURABLE MR. E. M. COOK : No gold was sold to meet Reverse Councils. The gold sold in India by Government in 1920 was sold for a different purpose, and in any case the proceeds, which accrued in India, were not available for meeting Reverse Councils, which had to be paid in England.

EMBARGO ON WHEAT.

164. The HONOURABLE SARDAR JOGENDRA SINGH : (a) When does the Government expect to remove the embargo on wheat ?

(b) Was such an embargo ever formerly imposed even in Famine years ? How did the exports regulate themselves then ?

The HONOURABLE MR. B. N. SARMA: (a) Government hope to remove the embargo on export of wheat as soon as circumstances permit. They have held that up to the present it has been necessary to retain it owing to the famine conditions prevailing in some European countries. The demand in these countries for Indian wheat at high prices could only have led to a great drain on the resources of this country and a consequent increase in the internal price of wheat. There are, however, now indications that the world position of wheat is becoming more favourable, *e.g.*, the price of wheat in Europe has fallen from 123 shillings per quarter in October last; I think it is 69 shillings per quarter now.

(b) No embargo on the export of articles of food was imposed in famine years in accordance with the policy enunciated by the Honourable Mr. Miller in reply to a question by the Honourable Mr. Chitnavis at a meeting of the Legislative Council held on the 13th March, 1908. A copy of that question and reply is laid on the table. It will be seen from the reply to part (a) of the present question that the departure from the Government of India's previous policy has been mainly caused by abnormal conditions in foreign countries.

Question asked and answer given at the meeting of the Legislative Council held on the 13th March, 1908, regarding the export of food-grains from India in times of distress.

Question asked by Honourable Mr. G. Chitnavis.

In view of the pronounced desire of the people for a provisional embargo upon exports of food-grains from the country as a remedial measure in times of distress, will Government be pleased to consider if it would be desirable to temper, if only provisionally, its policy in these days of abnormal prices?

Reply given by Honourable Mr. J. O. Miller.

The question raised by the Honourable Member is one which has been considered by the Government of India on every occasion on which this country has been threatened with serious famine, with all the care which its importance demands, and with full regard to the fact that interference with trade on such occasions would be in accordance with views which are widely and earnestly held by influential classes of the people. Not only has the policy to be followed been carefully considered at the beginning of periods of distress, when popular opinion, and not infrequently official opinion, was in favour of some measure of interference, but it has been impartially examined in the light of facts and of the experience gained during successive famines by the officers or Commissions appointed to report on the lessons to be learned; and there has been no difference of opinion as to what those lessons teach. The conclusion was arrived at in 1873 that "nothing could justify recourse" to such a measure as the Honourable Member suggests "unless it were a certainty or a reasonable probability that exports of food will so exhaust the resources of India as to render them incapable of affording the supplies which may be required for affected districts," and all subsequent investigation has confirmed this view.

During the thirty years which have passed since that time there has been a remarkable development of communications and of trade, and the experience

of each successive famine has shown how greatly relief measures have been assisted and suffering has been mitigated by the freedom from restraint which has encouraged private enterprise to take advantage of the facilities offered to it. Interference would involve disorganisation of trade and discouragement of the agriculturist at the very time when it is essential to the welfare of the country that the producing and the distributing agencies alike should have every stimulus given to their activity. To mention only one result, a policy of placing an embargo on the export of food-grains would encourage that tendency to substitute non-food crops for food crops of which frequent complaint has been made in the vernacular Press, as a contributory cause of the present high prices. Interference with exports might produce at the beginning of a famine an artificial cheapness, but it is by no means certain that even this result would be attained to any material extent, and it is certain that the cheapness would not be permanent. The exports from India amount to but a small proportion of its production, and experience gives no warrant whatever for the supposition that the trade is unable to regulate them to the best advantage of the country. For example, the exports of wheat, which in a good year may be as much as fifteen or twenty million hundredweight, shrank in 1896-97 and 1897-98 to about two millions, while in 1900-01 the export trade practically ceased to exist, only 50,000 hundredweight leaving the country. In the case of rice the fluctuations are not so extraordinary, but they are very great; in a good year exports from the whole of India have been as high as forty-nine million hundredweight, in bad seasons they have fallen to less than thirty millions. The export trade encourages production and creates a reserve which can be drawn upon in time of scarcity—a reserve which, but for that encouragement, would not exist. For example, the failure of the monsoon in India creates a demand for Burma rice at prices with which foreign countries cannot compete. In 1903-04 and 1904-05 when crops were generally good, Burma exported to foreign countries 33 and 38 million hundredweight of rice respectively, while India took only four and six millions. In 1906-07 when there was a demand from India, the exports to foreign countries fell below thirty millions, and the exports from Burma to India rose to sixteen millions; in the present year, judging from ten months' statistics, this feature of the trade will probably be still more marked. The course of the wheat trade in the present year may be referred to as a further illustration. During the early part of the year the trade was brisk, and continued to be so up to October by which time it was evident that there would be severe scarcity in India. In November the exports were less than half of the average for that month in the three preceding years. In December the proportion was much lower, while in January only sixty thousand hundredweight were exported compared with a three years' average for that month of close on a million and a half.

The policy which the Honourable Member apparently supports does not, it is understood, stop short at interference with exports from India. It extends to placing restrictions on exports from one State or Province or even from one district to another, and recommendations to that effect have been made not only by the public, but by officers of Government impressed by the seriousness of the outlook, as for example in 1873, when the Lieutenant-Governor of Bengal suggested the prohibition of the export of rice from that province. In a year like the present when the deficiency of food supplies in the United Provinces is being met by imports from the surplus stock of Burma on the one side and the Punjab on the other—the two provinces which contribute

by far the largest share to the foreign export trade in rice and wheat, respectively—it seems scarcely conceivable that there should be any advocates of a policy that would obstruct the trade to which these beneficial results are due. But experience shows that the demand for the regulation of exports does in fact extend to demand for the enforcement of local restrictions, and to transferring from the trade to some official agency the responsibility of determining whether the circumstances of the country require the transport of grain from one local area to another. This is a responsibility which no Government would except in the last resort undertake.

The Honourable Member correctly refers to prices as being now abnormally high. Prices are excessively high, and the Government of India are fully conscious of the distress caused by dearness of food and sympathise with the sufferers. But they have no doubt that the effect of interference with trade would only be to aggravate difficulties that must be faced, and they adhere now to the policy which they have consistently adopted in the past in the presence of more serious calamities and at a time when they could not expect from the operations of trade the same measure of assistance in coping with scarcity that they now obtain.

EXPORTS FROM INDIA

165. The HONOURABLE SARDAR JOGENDRA SINGH: What are the normal exports from India, wheat, cotton, rice and oil seeds?

The HONOURABLE MR. B. N. SARMA: A statement giving the average exports for the years 1911-1914 is laid on the table. Of course we have taken the average for three years. The other figures are available in the annual statements of the sea-borne trade of British India, and the average for various years may be worked out if the Honourable Member wishes it himself.

Statement showing the average export of wheat, rice, cotton and oil seeds from India and Burma to foreign countries for the 3 years 1911-14.

	AVERAGE FOR THE 3 YEARS 1911-14.	
	India (proper).	Burma.
	Tons.	Tons.
Wheat	1,407,836	17
Rice	654,499	1,943,219
Cotton (raw)	415,844	6,361
Oil seeds	1,419,554	16,160

ESTIMATES OF PER CAPITA INCOME.

166. The HONOURABLE MR. KALE : (a) Is Government aware that various conflicting estimates of the *per capita* income of the people in British India are current in the country and that they give rise to misleading conclusions?

(b) Do Government propose to consider the desirability of framing and publishing an authoritative estimate of the average income of the population?

The HONOURABLE MR. E. M. COOK : (a) Government are aware that diverse estimates have been made of the income per head of the population, whether conclusions based on such estimates are correct or not is a matter of opinion.

(b) I would refer the Honourable Member to the answer to a question asked on this subject the other day by the Honourable Sardar Jogendra Singh.

INCOME OF BRITISH INDIA.

167. The HONOURABLE MR. KALE : Will Government be pleased to state if it will undertake to prepare and publish a comparative statement of the annual income of British India during the last four quinquennial periods?

The HONOURABLE MR. E. M. COOK : Government have not the material to undertake the preparation and publication of the comparative statement referred to. In any case the answer which I have just given to the Honourable Member's previous question covers this also.

STRIKES IN BRITISH INDIA.

168. The HONOURABLE MR. KALE : Will Government be pleased to state if it will publish a quarterly statement of workmen's strikes in British India, giving particulars regarding their number, causes, extent, results, etc.?

The HONOURABLE MR. A. C. CHATTERJEE : The Labour Bureau in the Department of Industries has commenced collecting information of the nature referred to in the Honourable Member's question, but Government have at present no legal authority to call for information on these subjects from owners or occupiers of factories, and the information collected cannot be guaranteed to be either full or accurate. An endeavour will be made to publish a statement giving the facts available in the quarterly issues of the Journal of Indian Industries and Labour which is being published by the Department of Industries.

EUROPEAN AND INDIAN CAPITAL.

169. The HONOURABLE MR. KALE : Will Government be pleased to state if it will undertake the compilation of separate statistics of—

(a) Indian and European capital invested in different trades and industries of a particular size in India ; and

(b) the profits earned by them annually ?

The HONOURABLE SIR GEORGE BARNES : Government are unable to undertake the labour involved in compiling the statistics suggested as this would require a detailed examination of the share registers of Indian Joint

Stock Companies incorporated in and outside India and a careful examination and analysis of their balance sheets.

POSTAL SAVINGS BANKS.

170. The HONOURABLE MR. KALE : Will Government be pleased to state if it proposes to raise the rate of interest on deposits in Postal Savings Banks ?

The HONOURABLE MR. E. M. COOK : As mentioned by the Finance Member in reply to a similar question asked in the Legislative Assembly the other day the Government is considering the matter.

TRADE BALANCES AND FOREIGN EXCHANGE.

171. The HONOURABLE MR. KALE : Will Government be pleased to furnish a statement of India's balance of trade and rate of foreign exchange, month by month, during the current year and of corresponding figures for the previous seven years ?

The HONOURABLE SIR GEORGE BARNES : A statement of the balance of Trade as represented by exports and imports of merchandise for the period in question is laid on the table. A statement showing the rates of Sterling Exchange (T. T.) in Calcutta on London on the 1st or near date of each month from 1913 to 1920 is also placed on the table.

STATEMENT I.

Excess of exports over imports of merchandise (+) or of imports over exports (—).

(Figures are in crores of rupees.)

Month.	1913.	1914.	1915.	1916.	1917.	1918.	1919.	1920.	1921.
	(Pre-war years.)								
January . . .	+6	+4	+1	+3	+8	+8	+7	+6	—12
February . . .	+11	+12	+6	+11	+9	+9	+9	+8	
March . . .	+8	+8	+5	+8	+15	+15	+7	+8	
April . . .	+6	+6	+3	+6	+7	+4	+8	+7	
May . . .	+5	+8	+6	+7	+11	+12	+8	+4	
June . . .	+6	+9	+8	+6	+7	+6	+9	—3	
July . . .	+6	+6	+4	+4	+5	+3	+13	—8	
August . . .	+1	—3	+3	+6	+5	+13	+11	—10	
September . . .	+3	+1	+4	+9	+6	+5	+14	—7	
October . . .	+5	—2	+7	+8	+7	+9	+13	—11	
November . . .	+3	+4	+2	+9	+4	+6	+13	—13	
December . . .	+5	+3	+7	+9	+9	+4	+9	—11	
TOTAL TWELVE MONTHS	+65	+56	+56	+86	+93	+94	+121	—30	—12

STATEMENT II.

Rates of Sterling Exchange (T. Ts.) in Calcutta on London on the 1st or near date of each month from 1913 to 1920.

Month.	1913.	1914.	1915.	1916.	1917.	1918.	1919.	1920.
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
January.	1 4 $\frac{1}{2}$	1 4 $\frac{1}{2}$	1 3 $\frac{1}{2}$	1 4 $\frac{1}{2}$	1 4 $\frac{1}{2}$	1 4 $\frac{1}{2}$	1 5 $\frac{1}{2}$	2 3 $\frac{1}{2}$
February	1 4 $\frac{1}{2}$	1 4 $\frac{1}{2}$	1 3 $\frac{1}{2}$	1 4 $\frac{1}{2}$	1 4 $\frac{7}{8}$	1 4 $\frac{1}{2}$	1 5 $\frac{1}{2}$	2 8 $\frac{1}{2}$
March.	1 4	1 4	1 3 $\frac{1}{2}$	1 4 $\frac{1}{2}$	1 4 $\frac{7}{8}$	1 4 $\frac{1}{2}$	1 5 $\frac{1}{2}$	2 7
April	1 3 $\frac{1}{2}$	1 4	1 3 $\frac{1}{2}$	1 4 $\frac{1}{2}$	1 4 $\frac{1}{2}$	1 4 $\frac{1}{2}$	1 5 $\frac{1}{2}$	2 4
May	1 4 $\frac{1}{2}$	1 4	1 3 $\frac{1}{2}$	1 4 $\frac{1}{2}$	1 4 $\frac{7}{8}$	1 5 $\frac{1}{2}$	1 5 $\frac{1}{2}$	2 3 $\frac{1}{2}$
June	1 4	1 3 $\frac{1}{2}$	1 3 $\frac{1}{2}$	1 4 $\frac{1}{2}$	1 4 $\frac{3}{4}$	1 5 $\frac{1}{2}$	1 7 $\frac{1}{2}$	2 1 $\frac{1}{2}$
July	1 3 $\frac{1}{2}$	1 3 $\frac{1}{2}$	1 3 $\frac{1}{2}$	1 4 $\frac{1}{2}$	1 4 $\frac{1}{2}$	1 5 $\frac{1}{2}$	1 7 $\frac{1}{2}$	1 8 $\frac{1}{2}$
August	1 3 $\frac{1}{2}$	1 3 $\frac{1}{2}$	1 3 $\frac{1}{2}$	1 4 $\frac{1}{2}$	1 4 $\frac{7}{8}$	1 5 $\frac{1}{2}$	1 7 $\frac{1}{2}$	1 10 $\frac{1}{2}$
September	1 4 $\frac{1}{2}$	(a)	1 3 $\frac{1}{2}$	1 4 $\frac{1}{2}$	1 4 $\frac{1}{2}$	1 5 $\frac{1}{2}$	1 9 $\frac{1}{2}$	1 10 $\frac{1}{2}$
October	1 4 $\frac{1}{2}$	1 3 $\frac{1}{2}$	1 4	1 4 $\frac{1}{2}$	1 4 $\frac{1}{2}$	1 5 $\frac{1}{2}$	2 0 $\frac{1}{2}$	1 9 $\frac{1}{2}$
November	1 4 $\frac{1}{2}$	1 3 $\frac{1}{2}$	1 4 $\frac{1}{2}$	1 4 $\frac{1}{2}$	1 4 $\frac{1}{2}$	1 5 $\frac{1}{2}$	2 0 $\frac{1}{2}$	1 7 $\frac{1}{2}$
December	1 4 $\frac{1}{2}$	1 3 $\frac{1}{2}$	1 4	1 4 $\frac{1}{2}$	1 4 $\frac{1}{2}$	1 5 $\frac{1}{2}$	2 3 $\frac{1}{2}$	1 6 $\frac{1}{2}$

(a) T. T. rates not available. The demand rate was 1s. 3 $\frac{1}{2}$ d.

PORT TRUSTS IN INDIA.

*172. The HONOURABLE MR. SETHNA: Will Government be pleased to give in the form of a tabular statement—

(1) the number of officers in the employ of the Bombay, Calcutta, Karachi, Madras and Rangoon Port Trusts, respectively, whose maximum scheduled salaries per mensem are—

- (a) from Rs. 500 to Rs. 1,000 ;
- (b) over Rs. 1,000 and up to Rs. 1,500 ; and
- (c) over Rs. 1,500 ; and

(2) the number of Indian officers in each of the above divisions in the different Port Trusts ?

N.B.—This question was not put as the Member was not present.

The HONOURABLE SIR GEORGE BARNES: The Government are not in possession of the information asked for. They are endeavouring to obtain it and will supply it to the Honourable Member on receipt.

SLAUGHTER OF ANIMALS AT MUKTESAR.

*173. The HONOURABLE LALA SUKHBIR SINHA: (a) Will the Revenue Member be pleased to state the age of the animals that are killed at Muktesar ?

(b) Is he aware that notices are issued from the officers in charge of the laboratory to contractors that they should bring cattle below the age of 5 and that no cattle will be accepted over the age of 5 years ?

N.B.—This question was not put as the Member was not present.

The HONOURABLE MR. B. N. SARMA: (a) The majority of the animals killed are old and worn out. Any young animals killed are undersized and of no agricultural value.

(b) A circular to this effect was issued, as too many old and worn out animals were being received. It is not, however, strictly adhered to. In this connection I would refer the Honourable Member to the reply which I gave to a question by him on a similar subject on the 14th February in which I pointed out that only 17 per cent. of the animals purchased for these operations died in the process of serum making.

TRAFFIC INSPECTORS, NORTH WESTERN RAILWAY.

174. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will the Honourable Member for Commerce and Industry state—

- (a) how many posts there are in each of the grades of Traffic Inspectors on the North Western Railway ?
- (b) how many of such posts in each grade are held by (i) Europeans, (ii) Anglo-Indians, and (iii) Indians, respectively ?
- (c) what proportion of these posts in each of the grades are now proposed to be thrown open by Government to Indians ?

* The Honourable Member was absent, when the question was answered.

The HONOURABLE SIR GEORGE BARNES : (a) There are 54 posts.

(b) (i) 27 posts are held by Europeans.

(ii) 20 by Anglo-Indians.

(iii) 7 by Indians.

(c) As recruitment for the higher grades of Traffic Inspectors is made from among men most competent to fill the posts irrespective of nationality, Government do not propose to alter the present practice.

STATION MASTERS, ETC., NORTH WESTERN RAILWAY.

175. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will the Honourable Member for Commerce and Industry state—

(a) how many posts there are in higher special grades of Station Masters and Platform Inspectors on the North Western Railway?

(b) how many of such posts are held by (i) Europeans, (ii) Anglo-Indians, and (iii) Indians, respectively?

(c) what proportion of these posts in the higher special grades are proposed to be thrown open by Government to Indians?

The HONOURABLE SIR GEORGE BARNES : (a) There are 218 appointments in higher grades of Station Masters and Platform Inspectors.

(b) 115 posts are held by Europeans, 64 by Anglo-Indians, 39 by Indians.

(c) The practice in the case of recruitment for the higher grades of these classes is the same as that for Traffic Inspectors and no change is proposed.

ENGINE DRIVERS, NORTH WESTERN RAILWAY.

176. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will the Honourable Member for Commerce and Industry state—

(a) how many posts there are in each of the grades of Engine Drivers on the North Western Railway?

(b) how many of such posts in higher grades are held by (i) Europeans, (ii) Anglo-Indians, and (iii) Indians, respectively?

(c) what proportion of these posts in higher grades are now proposed to be thrown open by Government to Indians?

The HONOURABLE SIR GEORGE BARNES : (a) and (b) There is no fixed number of posts for each of the grades of Engine drivers, promotion being given from grade to grade according to length of service and qualifications in a particular grade, and fitness for promotion.

There are 230 Drivers on the European and Anglo-Indian and Parsee scales and 587 on the Indian scales. A fixed allotment of Drivers on the European scale of pay exists for men recruited specially for ultimate employment on mail and high speed passenger train services. A statement showing numbers and scales of pay is laid on the table.

(c) It is not proposed to alter the present system of recruiting engine-men.

Statement showing the number of posts for each of the grades of engine drivers on the North Western Railway.

Rate per mensem.	EUROPEANS AND ANGLO-INDIANS.		PARSEES.		INDIANS.		REMARKS.
	Old Rule and New Rule.	Number actually employed.	Rate per mensem.	Number actually employed.	Rate per day.	Number actually employed.	
Rs.	Old Rule.		Rs.		Rs. A. P.		
280		9	155	1	2 2 0	47	
270		3*	135	2	Special rate. 2 0 0	60	*Includes 1 Parsee who is on European scale.
260		2	125	1	Special rate. 1 14 0	109	
	New Rule.		115	2	1 12 0	37	
280		86			1 10 0	84	
220	(Special Rate).	37†			1 8 0	23	†Includes 1 Parsee who is on European scale.
210		11			1 6 0	37	
200		10			1 4 0	31	
180		15			1 3 0	45	
180		21			1 2 0	27	
170		16.			1 1 0	...	
160		9			1 0 0	34	
150		3					
140		7					

Fixed Allotment

224

231 (1)

No fixed allotment 6

Fixed allotment 367

584

(c) Includes Drivers on leave, those working as Foremen or L. I. O's and permanent Shedman who are unfit for footplate.

N.B. — Up to 25 per cent. of total number of Indian Drivers are admitted to the special rates.

RELAYING OF DISMANTLED LINES.

177. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Will the Honourable Member for Commerce and Industry state as to when and by what date the Railway lines dismantled during the war by the North Western Railway are going to be relaid ?

The HONOURABLE SIR GEORGE BARNES : As regards the Hyderabad Badin and Jacobabad Kashmore lines, I would refer the Honourable Member to the answers given to similar questions* (Nos. 106 and 107) in the Legislative Assembly by Colonel Waghorn on 17th February, 1921.

As regards the Sutlej Valley Railway, this will be taken in hand as soon as the necessary material becomes available.

CONSTRUCTION OF BRANCH LINES, NORTH WESTERN RAILWAY.

178. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS ? Will the Honourable Member for Commerce and Industry state—

- (a) what are the Railway lines, military, strategic, as well as commercial, whose construction Government proposes to continue or commence in the Punjab, North-West Frontier Province, Sindh and Baluchistan ?
- (b) what would be the total mileage of each of these construction lines ?
- (c) the total estimated capital outlay on each of them ?
- (d) what proportion of the sanctioned capital outlay has been or is to be raised in India, Great Britain, and in other foreign countries, respectively ?
- (e) on what rate of interest has the capital been raised or proposed to be raised in each of such countries ?
- (f) whether the Government will consider the desirability of raising capital for Railway construction in the cheapest money-market in the world ?

The HONOURABLE SIR GEORGE BARNES : (a), (b) and (c). The following strategic lines are already under construction and work on these will continue :—

	Length (miles).	Estimated cost. Rs.
(i) Khyber Railway	26	175 lakhs.
(ii) Kaur Khirgi	15	16 lakhs.

The only new commercial line at present in progress is the Larkana Dodapur on the 2' 6" gauge which will be 54 miles long and cost Rs. 28 lakhs. It is being financed by a Branch Line Company.

(d) and (e) It is presumed that the Honourable Member's inquiry refers to the Capital of the lines above referred to and if so, the capital of the Larkana Dodapur Railway has been raised in India on the ordinary Branch line guarantee (rebate) in respect of interest.

(f) The question of raising money for Railways in India is under consideration, and Government certainly desire to raise it in the cheapest market.

* Vide pages 128 and 129 of Legislative Assembly Debates, Volume I, No. 4.

CONGESTION OF TRAFFIC AT JAGADHRI.

179. The HONOURABLE RAI BAHADUR LALA RAM SARAN DASS : Will the Honourable Member for Commerce and Industry state whether Government is aware that for some few months past the North Western Railway has not been able to remove congestion of outward traffic in timber at Jagadhri station? If so, do Government propose to take steps in this matter at an early date?

The HONOURABLE SIR GEORGE BARNES : It is not possible for the North Western Railway to clear all timber traffic from Jagadhri directly it is tendered for despatch, as the timber arrives at irregular intervals. Moreover, merchants form depôts to suit market fluctuations. The Honourable Member will be interested to know that during the 3 months ending 31st December, 1920, 1,000 wagon loads were registered and 1,107 wagon loads were actually despatched. Since, however, the recent restrictions on traffic owing to the coal position, there has been a considerable falling off in despatches.

PASSENGER AND GOODS VEHICLES, NORTH WESTERN RAILWAY.

180. The HONOURABLE RAI BAHADUR LALA RAM SARAN DASS : Will the Honourable Member for Commerce and Industry state—

- (a) the number of passenger and goods vehicles which use to be a reserve for military purposes on the North Western Railway in the pre-war days, as compared with the number at the present time?
- (b) to what extent, if at all, has the number of passenger and goods vehicles been increased on the North Western Railway since the outbreak of war?

The HONOURABLE SIR GEORGE BARNES : (a) No North Western Railway coaching or goods stock was reserved for military purposes in pre-war days and none is reserved now except a limited number of specially fitted military cars, ambulance carriages and armoured train trucks. There are at present 16 military cars, 63 ambulance carriages, 2 kitchen cars and 15 temporary ambulance vehicles on the North Western Railway. They have until recently been in frequent use and are constantly required. The few trucks on armoured trains are generally old condemned vehicles.

(b) The increase in the number of coaching and goods vehicles on the North Western Railway from March, 1914, to March, 1920, was approximately 1 per cent. and 18 per cent., respectively.

SHORTAGE OF COAL.

181. The HONOURABLE RAI BAHADUR LALA RAM SARAN DASS : Will the Honourable Member for Commerce and Industry state what steps Government have taken or propose to take to remove the coal shortage in the country?

The HONOURABLE SIR GEORGE BARNES : It is not easy to answer the Honourable Member's question shortly. To begin with, the actual raisings in the coalfields have been poor during the last few months owing to the shortage of labour accentuated by strikes. Here Government can do little to assist. Apart, however, from poor raisings, there is reason to believe that the demand for coal in the country has increased more rapidly than the capacity of the

railways to convey coal from the coalfields. The whole question of improving the railway facilities is under consideration, but the Honourable Member will realise that it will be some time before the position can be fully rectified. For the moment the Government have endeavoured to apply temporary remedies by restricting exports and restricting the bunkering of steamers, thus increasing the amount of coal available for consumption in the country.

STOPPAGE OF GOODS BOOKING.

182. The HONOURABLE RAI BAHADUR LALA RAM SARAN DASS : Will the Honourable Member for Commerce and Industry state whether Government is aware of the great hardship that is caused to traders and merchants by sudden stoppage of goods booking at short notice? Do Government propose to consider the desirability of giving to the public at least two weeks' previous notice before stopping such booking?

The HONOURABLE SIR GEORGE BARNES : Government is aware of the hardship occasioned to traders and merchants by sudden stoppages of goods booking. Such restrictions have become necessary at times in consequence of congestion of traffic, but they are only imposed when all other measures have proved unavailing. It is not possible for Railway Administrations to give the public the notice suggested.

GOODS TRAFFIC, NORTH WESTERN RAILWAY.

183. The HONOURABLE RAI BAHADUR LALA RAM SARAN DASS : Will the Honourable Member for Commerce and Industry state as to how long it will take to put the North Western Railway in a position to cope with the goods traffic as regularly as used to be the case in pre-war days?

The HONOURABLE SIR GEORGE BARNES : I regret it is not possible at present to specify a date by which the North Western Railway will be in a position to cope with traffic as in pre-war days. Railways have not yet recovered from the effects of the war period, and their difficulties are accentuated at present by shortage of coal.

COAL AND FUEL RATES.

184. The HONOURABLE RAI BAHADUR LALA RAM SARAN DASS : Will the Honourable Member for Commerce and Industry state—

- (a) whether Government will consider the desirability of not increasing freight on coal and fuel?
- (b) if Government have considered whether the higher cost of working the Railway lines cannot be met by increasing freight on such goods as are not important for industrial development of the country?

The HONOURABLE SIR GEORGE BARNES : The increased rates for the carriage of coal which have been notified by railways were approved by Government after careful consideration. The rates for many other commodities have also been increased, and Government is of opinion that the increase which is being made in the existing very low rates for coal is not sufficient to affect industries adversely.

RICE CONTROL PROFITS.

185. The HONOURABLE MAUNG PO BYE: Have the Government of India issued orders directing the Comptroller and Auditor General to transfer the total amount of Rs. 9·26 lakhs of rice control profits from Imperial to the Burma Provincial balances?

The HONOURABLE MR. E. M. COOK: The whole of the profits of rice control have been credited to the Burma Government in the current year.

MILITARY POLICE, BURMA.

186. The HONOURABLE MAUNG PO BYE: (a) Is it a fact that in accordance with the recommendation of Lord Meston's Committee it was recognised that the fair charge on the Imperial Fund for the cost of the frontier Battalions of Military Police in Burma is to be 68 per cent.?

(b) If so, has the full charge of that percentage on the total cost of the current year been allowed to Burma as a debit to the Central Revenue? If not, why not?

The HONOURABLE MR. E. M. COOK: (a) Lord Meston's Committee did not recommend that any particular figure should be adopted in this matter. They provisionally took the figure of 45½ lakhs (68 per cent. of the existing cost of the force) as being the amount that would, under the Reforms scheme, be transferred from the Provincial to the all-India budget on account of the portion of the force utilised for frontier defence. The Government of India have also provisionally accepted this figure, but the actual distribution of the charges is still being discussed with the Local Government.

(b) As no final decision has yet been arrived at, the provisional assignment in the budget to the Burma Government has been retained at the figure of 45½ lakhs pending a final settlement with the province.

INCOME-TAX RECEIPTS.

187. The HONOURABLE MAUNG PO BYE: Does the Government of India realise that the allocation of income-tax receipts between the Provincial Government of Burma and the Government of India may result in a net payment due from Burma to the Central Government? If so, do they intend to remedy this? If not, why not?

The HONOURABLE MR. E. M. COOK: I may refer the Honourable Member to sub-rule (4) which has been added to Rule 15 of the Devolution Rules and which runs as follows:—

'If in any financial year the total amount payable by a Local Government under sub-rules (2) and (3) in respect of the fixed assignment and the cost of special income-tax establishments exceeds the amount of the share of income-tax allocated to it under sub-rule (1), the fixed assignment for that year shall be deemed to have been reduced by the amount of such excess.'

LOSS OF LIFE AT NANKANA SAHIB.

188. The HONOURABLE SARDAR JOGENDRA SINGH: (a) Has the attention of the Government been drawn to the serious loss of life at Nankana Sahib?

(b) What special steps, if any, is the Government taking to bring the culprits to book and to allay Sikh feeling?

The HONOURABLE SIR WILLIAM VINCENT: (a) Yes.

(b) The attention of the Honourable Member is invited to the Press Communiqués issued by the Punjab Government, and to the statement made by me in the Legislative Assembly on the 24th instant.

The HONOURABLE SARDAR JOGENDRA SINGH: May I ask a supplementary question?

It is said that the trouble at Nankana Sahib was anticipated. If the Government was aware of it, what steps did the local authorities take to prevent it?

The HONOURABLE SIR WILLIAM VINCENT: That is purely a matter for inquiry in the Local Council.

MATTER OF PROCEDURE.

The HONOURABLE THE PRESIDENT: A matter of procedure of some importance has been brought to my notice on which, I think, it is desirable that I should deliver my considered opinion. The question is a simple one,—it is whether the mover of an amendment has the right of reply on his amendment. The answer is, I think, clearly in the negative. Standing Order No. 31 allows a right of reply to a member who has moved a motion. Standing Order No. 32 makes it clear that an amendment is not a motion within the meaning of that order. In order, therefore, to obtain a right of reply the motion which has been moved must be a substantive motion. I have taken an early opportunity of giving my decision on this point to the Council as the practice in the old Indian Legislative Council was somewhat different.

BUSINESS FOR 1ST MARCH, 1921, AND PLACE OF MEETING.

The HONOURABLE THE PRESIDENT: I do not know whether any Member of the Government is prepared to make a statement as to the business to be taken up on the next official day.

The HONOURABLE SIR GEORGE BARNES: All I can say, Sir, is that the next meeting of the Council is to-morrow, the 1st of March, when, as Honourable Members will have learnt from the list of business already circulated, the only official business is the formal presentation of the Budget for 1921-22. The next day for official business thereafter is Thursday, the 17th of March; and I am not yet in a position to make a statement as to the business to be undertaken on that date.

May I ask you, Sir, whether you have any statement to make as to where Council will sit to-morrow?

The HONOURABLE THE PRESIDENT: I had intended to announce at the time of adjournment that the Council will hereafter during March sit at Metcalfe House. I have inspected the arrangements there, and I think Honourable Members will find that as regards their own personal comfort they will be well provided for. The Council Chamber itself will be rather inconvenient, but Honourable Members will remember that this is a makeshift arrangement and we will do the best we can. No other arrangement is possible as the Assembly Chamber will be sitting on the same days as we are sitting.

REFERENCE TO JOINT COMMITTEE OF THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

The HONOURABLE THE PRESIDENT: Before I ask the Honourable Sir Willam Vincent to move the motion that stands in his name, I should like to suggest to him one slight formal amendment, and that is that after the words 'do recommend' the words 'to the Legislative Assembly' should be added. I make the suggestion as this is the first occasion that a motion for reference to a Joint Committee has so far arisen, and the form now adopted will constitute a precedent.

The HONOURABLE SIR WILLIAM VINCENT: Sir, I shall be very glad to amend the motion in the manner suggested by you. I now move the following:—

'That this Council do recommend to the Legislative Assembly that the Bill further to amend the Code of Criminal Procedure, 1898, and the Court-fees Act, 1870, be referred to a Joint Committee of this Council and of the Legislative Assembly and that the Joint Committee do consist of 12 members.'

I make this motion under sub-clause (2) of Standing Order 37. Honourable Members of this Council have had a copy of the Bill which it is proposed to refer to the Joint Committee and also of the report upon which that Bill is based. The actual history of that measure I explained when I introduced the Bill. It is quite impossible adequately to discuss it in this Council, but it will require very careful and detailed examination in Select Committee. The intention of the Government is that there should be a majority of non-officials on this committee, and that it should include a number of legal experts who may be in a position to scrutinise the Bill thoroughly and effectively. I have suggested that the committee should be restricted to 12 members because the examination will take a considerable period of time, and it will be difficult to get more than 12 members to attend in Simla where the work will have to be done. Further, an unnecessarily large committee always means unduly prolonged proceedings.

I shall be very glad to consider the names of any particular persons whom Honourable Members may wish to suggest for service on this committee; but it would not be proper to make any such nominations to-day because motion on that point will come up later for discussion, and I should think it would suit both the Government and the Honourable Members better if such suggestions were made to me outside this Council either by letter or verbally.

The motion was adopted.

ENEMY MISSIONS BILL.

The HONOURABLE SIR WILLIAM VINCENT: Sir, I move for leave to introduce 'a 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.' This Bill is really supplementary to the Basel Mission Trading Companies Act which was passed in September last. That Act dealt with the Basel Mission Trading Company and the present Bill validates action taken by Government in respect of certain Missions which were either wholly German or tainted with German influence. The properties have been vested in Boards of Trustees to be held by them subject to Trusts

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ensuring that the administration is carried out in a manner which will secure certain educational, religious and charitable objects. The indentures to which reference is made in the Bill are of a very complicated character. I myself found it extremely difficult to follow them. I can only say they have been prepared under the best legal advice that we can obtain, and if any Member of this Council thinks he would like to scrutinise them, I should be only too happy to show them.

The motion was adopted.

The HONOURABLE SIR WILLIAM VINCENT : Sir, I introduce the Bill.

LAND ACQUISITION (AMENDMENT) BILL.

The HONOURABLE MR. B. N. SARMA : Sir, I rise to move for leave to introduce 'a Bill further to amend the Land Acquisition Act, 1894.' The Statement of Objects and Reasons circulated along with the Bill shows clearly that the object of this proposed legislation is two-fold : firstly, to provide that in all cases from the award of a Court an appeal shall lie only to the High Court, and secondly, that subject to certain limitations, an appeal shall lie from the award of a High Court to the Privy Council. I shall deal with the first object in the beginning. Until recently the practice throughout India has been to prefer appeals to the High Court from the judgments of a Court of principal jurisdiction exercising jurisdiction in Land Acquisition Act cases. But recently the Bombay High Court decided that, on the construction of the Bombay Civil Courts Act, in particular cases in which the value did not exceed Rs. 5,000 and the Judge who decided the case was an Assistant Judge, an appeal would only lie to the District Court, that the right of appeal was exhausted and that no further appeal lay to the High Court. Well, the object of this legislation is to bring into uniformity the practice throughout India, and to provide that in all cases from the award of a Court an appeal shall lie only to the High Court.

The second object is, as I have stated, to provide for an appeal to the Privy Council, subject to certain limitations specified in clause 3. Here also until recently, as a matter of practice, appeals lay to the Privy Council from decisions of the High Courts. But the Privy Council decided in 39, Indian Appeals, in a case from Rangoon, that no appeal lay to the Privy Council from the award of a High Court on the ground that an appeal does not exist in the nature of things and must be given by express enactment, and that section 54 of the Land Acquisition Act did not give any express right of appeal to the Privy Council ; the proceedings were in the nature of an arbitration and that therefore no appeal lay to the Privy Council. Various representations were made to the Government to deal with the subject and the subject was under consideration when, as Honourable Members may be aware, Mr. Patel introduced a Bill on somewhat analogous lines in 1918 in the Indian Legislative Council in the pre-reform days. Reference was made to the Local Governments on the subject ; various opinions were invited, and the matter would have been settled in the last September Session but for the fact that Mr. Patel resigned his seat on the Council. Now the Government propose in clause 3 of this section to give a limited right of appeal to the Privy Council from the awards of the

High Court. An appeal under this clause would not lie on a matter of fact, but would lie only on a substantial question of law, and where the value of the subject-matter in appeal to the Privy Council is Rs. 10,000 or upwards. The Privy Council seem to be adverse generally to entertaining appeals of this description. I will only quote one passage from the judgment of Lord Macnaghten in the Rangoon case to which reference was made by me. His Lordship says: 'It is impossible to conceive anything more inconvenient than that a Court in this country should be called upon to review the determination of arbitrators as to the value of a piece of land in India, a mere question of fact, without the advantage of any local knowledge or privilege, if it be a privilege, of seeing the kind of witnesses who engaged the attention of those Judges for 45 days or even the opportunity of interest of viewing the property, the value of which seems so extraordinarily difficult to discover'. In the first place, the Privy Council seem to deprecate generally any reference whatsoever to matters of this description, especially on questions of fact. The recommendations of the Local Governments on the subject were not uniform, but, on a general consideration of the whole position, the Government of India came to the conclusion that an appeal limited in character as described by me above should be allowed to the Privy Council from the awards of the High Courts. Clause 2 of the Bill is introduced under expert legal advice in order to obviate against any possible suggestion that the prerogative of the Crown is confined only to cases in which there has been a formal judgment of the Court and the clause which we propose to insert runs thus: 'Every such award shall be deemed to be a decree and the grounds of every such award a judgment within the meaning of section 2, clause (2), and section 2, clause (9) of the Code of Criminal Procedure, 1898'. It is an amendment technical in its character. I have nothing more to add. Sir, I move for leave to introduce the Bill.

The motion was adopted.

The HONOURABLE MR. B. N. SARMA : Sir, I introduce the Bill.

CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

The HONOURABLE SIR WILLIAM VINCENT : Sir, I move that 'the Bill further to amend the Code of Civil Procedure, 1908, be taken into consideration.' I explained the position in regard to this Bill when I introduced it. It is really a very small amendment consequential on the modifications in the Provincial Insolvency Act which were completed during the life-time of the old Council. Since I introduced the Bill I have received no criticisms and no amendments have been suggested.

The motion was adopted.

The HONOURABLE SIR WILLIAM VINCENT : Sir, I move that the Bill be passed.

The motion was adopted.

MAINTENANCE ORDERS ENFORCEMENT BILL.

The HONOURABLE SIR WILLIAM VINCENT : Sir, I move that 'the Bill to facilitate the enforcement in British India of Maintenance Orders made in other parts of His Majesty's Dominions and Protectorates and *vice versa*' be

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taken into consideration. The position in regard to this Bill is much the same as it was in regard to the last. I explained the object of the Bill when I introduced it. Honourable Members have had copies of it, and I have no reason to suppose that any one objects to any of the provisions, for no one has given notice of any amendments or submitted any criticisms.

The motion was adopted.

THE HONOURABLE SIR WILLIAM VINCENT: Sir, I move that the Bill be passed.

The motion was adopted.

INDIAN TEA CESS (AMENDMENT) BILL.

THE HONOURABLE MR. A. C. CHATTERJEE: Sir, I rise to move that 'the Bill to amend the Indian Tea Cess Act, 1903, as passed by the Legislative Assembly, be taken into consideration.' In accordance with the present Act, the proceeds of the tea cess are made over to the Indian Tea Cess Committee for promoting the sale and consumption of Indian tea in India and outside. The present limit of the cess is one quarter pie per lb. In 1903-04, soon after the Act was passed, the proceeds of the cess amounted to a little over 2½ lakhs of rupees. In the last year the proceeds amounted to Rs. 5 lakhs. The Indian Tea Cess Committee have represented that, on account of the rise in prices and wages throughout the country, they find it extremely difficult to meet their present obligations. Moreover, it is necessary in the interests of the industry that propaganda should be undertaken in Europe, America and Egypt. It seems to me personally that this is a most opportune moment for carrying on this propaganda in countries which are, if I may say so, now going dry. India is not the only country which produces non-intoxicating beverages, and unless steps are taken to capture the markets which are opening out, other countries will step in. In September last the Indian Tea Cess Committee reported that the proposals made by them were favoured in Northern as well as in Southern India by the industry itself, by the Indian proprietors of tea gardens as well as by European proprietors. The Government of India published the proposals widely, but no serious objection has been received.

I may mention that it is not proposed to raise the rates at once to the maximum which is now embodied in the Bill. Even if it is admitted that the entire cess falls on the consumer, it cannot be said that this very small rate will affect the trade or affect consumption in any manner. It has been urged that the industry is now passing through a period of depression and this is not a suitable moment for enhancing the duty. I may, however, point out that this is probably the right time when the members of the industry would like to push their tea in countries where Indian tea is not at present in request. With regard to the argument that has been advanced that the smaller gardens will suffer by the raising of the duty, I think Honourable Members will realise that most of the smaller gardens produce for the local market. The duty will not fall on tea which is produced and consumed in India. It falls only on tea which is exported outside the country, and as propaganda work is carried on in India as well as outside India, the tea produced only for the Indian market benefits without any corresponding obligation.

I would also repeat the assurance that has been given by the Honourable Member for Industries in the other House that the Bill is only of a permissive nature. Effect will be given to it only gradually when it is ascertained that the trade asks for it and only to the extent that the trade asks for it.

The motion was adopted.

The HONOURABLE MR. A. C. CHATTERJEE : Sir, I move that the Bill be passed.

The motion was adopted.

RESOLUTION *RE* BURMA REFORMS SCHEME.

The HONOURABLE MAUNG PO BYE : Sir, I beg to move the Resolution that stands in my name.

12 P.M.

‘That this Council recommends to the Governor General in Council :—

- (a) to urge the Home Government to settle the Reform Scheme of Burma as early as possible ;
- (b) to communicate with the Home Government expressing the hope that if the Burma Reform Scheme is committed for examination to a Joint Committee of both Houses of Parliament, arrangements may be made to allow some members of this Council and the Legislative Assembly to be examined and attend before that Committee ;
- (c) to revise the Electoral Rules of both the Council of State and the Legislative Assembly, concerning Burma in the matter of qualification of electors and in the preparation of the Electoral Rolls.’

The people of Burma are not satisfied with the way in which the Burma Constitutional Reform Scheme is being worked out and also at the delay in its not having been passed by the Home Government at the same time as that of the other Provinces of the Indian Empire, nor for some time after the Government of India Act of 1919 was placed in the Statute-book. The matter is still under suspense and the hope of the people to obtain it at the early part of this year is again not realised.

The people are somewhat restless, and recently on the eve of election of members to this Council and the Legislative Assembly, a Young Men’s Buddhist Association in its annual conference with branch and sister associations passed Resolutions and acted accordingly not to participate in the elections.

The Association has no connection with the Indian National Congress, but in Burma it is powerful, having branches all over the Province and the members are composed of Buddhist males and females, and their influence is spreading rapidly to the mass of the people. The vernacular Press is supporting them.

The reasons for the passing of this Resolution of non-participation in the elections are under two heads :—

- (1) First the rolls of electors prepared under the existing rules and the mode in which they were prepared were considered unsatisfactory ; and
- (2) Second, resentment that while all the other Provinces of the Indian Empire are enjoying the advantages of the Reform Law, Burma is still lagging behind, with a Lieutenant Governor, no Executive Council, a Legislative Council consisting almost entirely of nominated members and without the municipal and local bodies such as the District and the Circle Boards formed under the popular system of election.

[Maung Po Bye.]

When the electoral rolls, under the present rules, were published for the election of members in Burma, for the Council of State and the Legislative Assembly, the European electors for the general constituency of the Council of State showed the largest number, the Burmese took the second place, the Indians the third, and the Chinese the fourth. Out of two seats the first one is for the constituency of the Chamber of Commerce and the second is for the general constituency. The first seat is self-contained and a European member must invariably be elected and the contest for the second seat is for all communities of the whole Province. According to the electoral roll, if every community is to run its own candidate, the European community would undoubtedly win by the largest number of votes it can put in under the ordinary circumstances, and the other communities have no chance of a look in. By this plan only Europeans would represent Burma in the Council of State.

The European community together with the Anglo-Indians number about 25,000 only out of the population of over 12 millions of the Province. The Burmese are about 10 millions and the rest are Indians, Chinese and others. The Burmese cannot be content unless one of their own representatives for their own country secures a seat in the Council of State. The electoral rules define the standard of qualification of an elector, as landholder paying land revenue of not less than Rs. 1,000 per annum, or income-tax on not less than Rs. 5,000. In Burma, there is no such class of great landholders as Zamindars and Taluqdars as in India and the greatest numbers are the peasant proprietors of small holdings of an average about 5 to 10 acres, and a holder of 100 acres in area paying revenue of Rs. 300 to Rs. 500 is rare. The electoral roll on that account shows an insignificant number of landholders paying revenue of not less than Rs. 1,000.

Of income-tax payers of Rs. 5,000 and above Europeans easily head the list as successful traders, merchants of big firms and earners of high salaries, and in that category too the Burmese community have failed to furnish any appreciable number of electors. Either the standard of qualification should be lowered or a seat for the Burmese community be separately provided. In other Provinces a non-European seat means an Indian seat, and in Burma it means a seat for any community except the European.

In the electoral roll of the Legislative Assembly the position is worse than that of the Council of State. There are thousands of European electors for the one European seat and for the non-European three seats, the electors are less than a hundred; one of the qualifications of an elector is to be a member of any circle board in Burma, and such circle boards are not in existence.

While the rule itself is not a happy one, the mode of preparation of the electoral rolls makes the matter worse. The District Magistrates prepare one for each District. Some of them held that as they have the land revenue assessment and income-tax assessment rolls in their offices as Deputy Commissioner or Collector, a complete list should be made out and others held that every would-be elector must come up to them and make a formal application and that they would enter the name after inquiry. The roll was prepared for the first time in the country and many Burmans with the requisite qualifications and willing to become electors were left out owing to the misunderstanding of the rules and the procedure of enrolment.

There are other causes of dissatisfaction such as :—

- (a) When the Secretary of State for India and the Governor General of India made a joint inquiry for the Indian Constitution Reform, Burma was not visited and the people of Burma had not as in other provinces the opportunity of directly representing the cause of their country and affording first-hand information to the high authorities of Government before their joint report was framed ;
- (b) The Local Government was left to draw out a Reform Scheme for Burma, and at that time unfortunately for Burma, the Lieutenant-Governor was quite new to the country and never had Burma experience before ;
- (c) The Franchise Committee and the Committee on the Division of Functions left out Burma entirely from the field of inquiry ;
- (d) The Local Government of Burma first framed a tentative Reform Scheme which, after passing the Government of India and the India Office and the criticism of the public, left nothing much of its original features in the final scheme ;
- (e) The Local Government of Burma derived no direct benefit from the Reports of the Franchise Committee and the Committee on Division of Functions when the final Scheme was framed ; the final Scheme was not approved by the Government of India to some extent and the Secretary of State is adopting a certain Scheme and a Reform Bill for Burma which is to be introduced at the next Session in the House of Commons ;
- (f) Throughout the whole course of working out the Burma Reform Scheme not a single Burman was taken on any Committee or Commission of Inquiry, and only one Burman was examined by the Joint Select Committee of the House of Lords and the House of Commons when the Government of India Bill was to be reported upon ; that Bill left out the Burma Reform question ; and
- (g) No information from official source has reached the people what form the Burma Reform Bill is going to take.

There is a student strike in Burma, a form of restlessness, on account of dissatisfaction with the University Act recently passed by the Burma Legislative Council and with the educational system now in force in Burma. The students are not from the University Colleges only, but from several other institutions throughout Burma.

Sir, the people of Burma were content and happy before the declaration of His Majesty's Government of the 20th August, 1917 ; there was no agitation of any kind, and none of the penal laws on sedition, like the Press Act, or other Acts of a similar nature could touch the Burmese people ; even the present agitation is entirely confined to the local causes of dissatisfaction and restlessness as already explained and has nothing in common with the propaganda of non-co-operation, etc., of India proper.

The restlessness now is to a great extent due to anxiety to have the advantages of Reform suitable to them without further delay. I can assure this Honourable Council that the idea of the Burmese people is pure and simply pro-Burman ; it has not the slightest tinge of any thing anti-British. They

[Maung Po Bye.]

are much perturbed when such a grave and vital matter as the Reforms has not been thoroughly gone into with the co-operation of their own people, before it reaches the final stage and delay has become serious. It must not be forgotten that their country is the most important and the most flourishing among those in the peninsula of Further India and that it once was a Burmese Empire.

With regard to the second portion of my Resolution, I beg to point out that there is a slight inconsistency with the first portion, where I have moved that the Burma Reforms Scheme may be settled as early as possible. In this second portion I am asking for attendance and the giving of evidence by some Members of this Council and the Legislative Assembly before the Joint Select Committee of the Houses of Parliament when the Burma Reforms Bill has to be examined. This process would very likely cause further delay in the passing of the Bill.

My object is Sir, that, if there is no chance of the Bill being passed in the forthcoming Sessions of the Houses of Parliament, there would be sufficient time for arrangements to be made as asked for.

I first attempted to ask for the participation of some Members of this Council and the Legislative Assembly with the Joint Select Committee, believing that the Home Government and the Houses of Parliament would concede this privilege on account of the policy of His Majesty's Imperial Government in admitting representatives of India to the War Council, the Peace Conference and the League of Nations; and, further because the present claim has no international aspect, and is entirely within the province of His Majesty's Government to grant, but I am advised to alter my motion from a proposal of participation to that of attendance and giving evidence, as, if not altered, my motion would be unprecedented and against the constitutional practice of the Houses of Parliament. I should like to learn very much what is the view of the Houses of Parliament in the matter, but, it is not to be so, for fear that this portion of my Resolution may not be accepted on the technical ground.

Since I gave notice of this Resolution I have learnt that the Legislative Council of Burma has discussed the Reforms Scheme and passed Resolutions as to what form it should take; however that may be, this Resolution would not affect the position at all.

Before I left Burma to take part in this Honourable Council, I took special care to consult as many citizens as I could reach and they were of opinion that Burma's claim should be for a real responsible government, Home Rule analogous to that of the self-governing Colonies with a bi-cameral legislature and a Cabinet responsible thereto and the Government of India's control over the army, the navy, and foreign affairs as central subjects. Since then the delegates from England have returned and the Young Men's Buddhist Association has kept up the agitation of non-participation, boycotting the Burmese members of this Council and the Legislative Assembly, it has also encouraged the students' strike with the promise of establishing National Schools, Colleges and a University.

The Young Men's Buddhist Association went so far as to threaten some members of the Provincial Council that if they do not vote as they wished

on the Reforms Scheme, they would be boycotted socially. They went further than Mr. Gandhi's propaganda of non-violent non-co-operation.

One of the delegates who returned from England gave out in an interview to a press representative that he had no faith in getting any proper scheme of reform from such a Council, as the one existing in Burma, which is almost entirely composed of nominated members who have no backbone and are ready to uphold the Government's wishes.

The result of the debate in the Burma Council was that Burma's claim of a Reform Scheme is to be analogous to that of other provinces in India. It is a good scheme, yet far short of the real responsible government the Young Men's Buddhist Association aimed at. I do not know whether the Young Men's Buddhist Association is content and whether the country approves the scheme adopted by the Council.

Before I left Burma's shores I was regarded as a moderate co-operator with the Government by my friends of the Young Men's Buddhist Association, and for my co-operation the Association socially boycotted me in spite of my proposal that I was going to the Council to try and get real responsible government as early as possible. Now if I ask for real responsible government, as my constituency expects me to do, I may be branded as an extremist and perhaps the Young Men's Buddhist Association may find more reason to boycott me in other ways than those they have already adopted.

I adhere to my claim that Burma should get real responsible Government, (as moved by one of the members of the Burma Council, Dr. N. N. Parakk, a highly respected Parsi gentleman) with no principle of dyarchy but with a bi-cameral legislature and a Cabinet.

I have already pointed out that the people of Burma have not had a full opportunity of representation, and in consequence they are dissatisfied.

It weighs heavily with them when they notice that even the indigenous Races of the mandatory overseas countries ceded to Allied powers under the Versailles Treaty enjoy the right of self-determination as political liberty, whereas the people of Burma have been denied the right to represent the cause of their country fully and completely in a scheme which vitally affects them.

The Young Men's Buddhist Association in Burma have undertaken to send delegates to England twice already in connection with the Reforms Scheme, and how far their representation is likely to have effect cannot be gauged at present. A certain member in the House of Commons recently made a damaging remark that the delegates are not representatives of the people of Burma, which is regrettable and should not remain unchallenged, as, if that is to be accepted in that light, whatever the Burmese people may represent direct to the Home Government will be set down as of little or no value. I must assert emphatically that the Young Men's Buddhist Association do represent a large section of Burmese people in Burma and are influential and in a position to represent fully such matters.

The last communication of the Secretary of State for India to the delegates was that they should leave a written representation to be used when the Reforms Bill is considered. A very poor consolation indeed to the people who have raised funds by public subscription to pay the cost of a delegation to England from Burma.

[Maung Po Bye.]

The Home Government could, I imagine, have seen fit with a little consideration to announce when the delegates should come up again before the Joint Select Committee, and at Government expense if possible.

The written representation of the delegates and the discussion of proceedings of the Burma Legislative Council, taken together at their best, cannot possibly have the same effect, and cannot possibly take the place of such monumental reports as of the Franchise Committee and the Committee of the Division of Functions.

Sir, kindly allow me to quote a paragraph of the report of the Joint Select Committee on the Government of India Bill—Part I, *clause I*. 'The Committee wish to take this opportunity of acknowledging the debt they owe to the work of the two Committees on Franchise and Functions presided over by Lord Southborough. * * * * * without which, indeed, the constitutional change could not have been effected.'

The present position is, Sir, that the Joint Select Committee on the Burma Reforms Bill is going to consider matters without such reports for the province of Burma, hence my humble request is that some Members of this Council and the Legislative Assembly, who are conversant with, and have intimate knowledge of, the affairs of Burma and its people should be on the spot to assist the Joint Select Committee in the way of being examined as witnesses or referred to on some points when found necessary.

That would be a poor sort of make-up to fill the gap, but that would undoubtedly be better than having nothing at all.

The people of Burma are anxious that their representatives should have some voice on the Joint Select Committee, without which the Joint Select Committee would be acting on the records only which, the people say, are over-burdened with ideas of bureaucracy and represent very little the wishes of the people.

I understand that the usual procedure of the India Office at times, is that when any necessity arises to take opinion of some authority on points of the conditions of the country of Burma and its people, retired Lieutenant-Governors and other retired Indian Civil Service gentlemen are always referred to. No doubt there is nothing better to be had on the spot; Burma's retired Lieutenant-Governors and the Indian Civil Service gentlemen are, without exception, in love with Burma and its people and they will always do their best for Burma, but, Sir, let me say for this Reform Scheme that they involve an erroneous principle underlying that procedure in this way that retired Lieutenant-Governors were autocratic rulers during their time and retired Indian Civil Service gentlemen were their ministers of autocracy and bureaucracy combined. Should autocrats and bureaucrats only be allowed to take part in the framing of democratic law the Burma Reform?

I must urge again that some delegates of the Young Men's Buddhist Association should also be made to attend and give evidence before the Joint Select Committee, and this time at Government expense, because it is most likely the funds at the disposal of the Association cannot afford to meet the further expense of a journey to England for the third time.

My request should have been for the appointment, by a royal commission of a committee on the same lines as those of Franchise and Functions, but I have to be content with what I am asking for, for fear of further delay in the passing of the Bill. If the Home Government push through the Bill at the forthcoming Sessions of Parliament without giving effect to this Resolution, I must say that the people of Burma cannot be content even with the Reforms being on the same lines as those in other provinces of the Indian Empire.

On the other hand, if the Home Government grants an opportunity to the representatives of Burma as asked for in this Resolution, I hope this Honourable Council and the Legislative Assembly will support Burma's cause as the cause of the whole Indian Empire.

I ask for Home Rule and real responsible government.

India asked for Home Rule and real responsible government but secured a statute—the Government of India Act of 1919,—this Honourable Council knows perfectly well what satisfaction it has given and I need not reiterate it. Now the chance of Burma is still open to make a request as India has done. If Burma can put forward weighty reasons with the help of the Government of India and the Chambers of Legislature, which are espousing democratic principles wholeheartedly, I crave the indulgence of all concerned that Burma be given her opportunity.

I do not want to take up the time of this Honourable Council by going deeply into facts and figures which require a great deal of time, and I would be content with a very short summary of the condition of our country, Burma.

In comparing it with other provinces it stands out conspicuously as having the largest area, with the largest economical products such as rice, mineral oils and the world-famed timber, teak. The coal mines recently discovered and other mines such as gold, silver tin, wolfram, ruby, have promise of greater and further developments. Cotton, rubber and sugar are steadily increasing in output. Trade and commerce are making strides by leaps and bounds.

In short, Burma is replete with natural wealth above and under ground, with climatic advantages and a never failing monsoon. She has the very brightest prospects of future development in agriculture, industry and commerce. She deserved to be called the youngest province.

Her indigenous population, of 10 millions has the highest standard of literacy, in comparison with the other provinces; in the most densely populated parts, such as the Delta and the Central basin, every second adult male, you meet in whatever walks of life it may be, can read and write and females are as free and independent as among any nation in the world.

The population which has a homogeneous religion, Buddhism, with no caste distinctions, are united and peaceful.

The equality of condition, of natural civil rights and civil liberty between man and man, between man and woman, without overlordship of one class, caste or creed by another, universal social equality and the non-interference of religious thoughts in matters of State are the ideals to be reckoned on for the endowment of the right of the Suffrage in a democratic form of government. The Burmese people stand at the front line of all communities in the Indian Empire in these respects

[Maung Po Bye.]

The HONOURABLE THE PRESIDENT : Order, order. I am unwilling to interrupt the Honourable Member's speech, but I must ask him to bring it to a close very shortly. He has already exceeded his half hour. He may continue, but he must conclude it as soon as possible.

The HONOURABLE MAUNG PO BYE : I have nearly finished, Sir.

Burma's populace is ready to embrace the reformed laws of democracy, liberty and freedom, which Britons love and cherish.

It is alleged that Burma has not an educated class of her own people to take an efficient part in the administration. This is a most gratuitous insult to human intelligence. It is not the few highly educated and intellectual classes that make up a democratic form of government in a country.

The general fitness of the large majority of the populace to exercise the right of political liberty is the foundation of that form of government.

Burma has that fertile soil ready and it only remains for the proposed form of government to be planted and fostered.

The Marquess of Crewe, in the course of remarks on the Government of India Bill said " that the possibility of responsible government in any country hinges not on the existence of a limited number of competent and eloquent statesmen and politicians, but upon the existence of a solid and reasonable well-informed electorate." Sir, that is the main point that Burma proposes to urge before the Select Committee of the Houses of Parliament.

I think I have said enough to convince this Honourable Council that mother India has now a very fair daughter, the youngest of her provinces, ready to be wedded; and the mother's whole heart and that of the other provinces, the elder sisters' whole hearts, should support her. She should be given at least a sporting chance of securing the real Home Rule consort she has deserved

The HONOURABLE THE PRESIDENT : The Honourable Member really must resume his seat. I am giving him a chance of winding up his speech, and he will not take it. He must wind up his speech, or if he cannot, he must sit down.

The HONOURABLE MAUNG PO BYE : There is only one part remaining, Sir, and I am finished.

Since I have had the honour of sitting in this Honourable Council I have watched keenly and carefully every deliberation on many weighty subjects by the Government, and by Honourable Members, nominated and elected, and I find at every moment the depiction written large in bold letters that the real *swaraj* for India is being established steadily and surely on its foundations and it is only a matter of time for its full realisation. I am very proud of, and deeply grateful for, the opportunity given to me to have my say for my country, and I am very much encouraged to cry out loudly in this Honourable Council—' Home Rule for Burma' and *Burma Ki Jai*.'

The HONOURABLE MR. E. J. HOLBERTON : Sir, I have not very much to add to the very eloquent words which have been used by my Honourable friend in putting forward this Resolution. But I wish perhaps to touch on one or two points other than those on which he has laid stress. I am inclined to think that when this Resolution was first put on the paper, there must have been an idea current among most of the Honourable Members here that the matter was one of only Provincial and minor importance and hardly worthy of debate here. Well, there was a certain amount of temptation to adopt this view, as few of the Honourable Members here could have the personal knowledge of Burma and its conditions which would lead them to see that the decision arrived at here to-day must have an important bearing on the final decision as to whether Burma is to remain an integral portion of the British Empire or not. To the majority of the Members of this Honourable Council, Burma is but a name, and they will be inclined to judge of it and its needs in the light of their knowledge either of India or of Great Britain, failing to realise that Burma is as distinct from one of these as from the other. Cut off as it is by the sea and the mountains, inhabited by a race of people with customs, traditions, history and religion different from that of the other races of India, Burma forms a problem to itself. This was perhaps fully realised for the first time when the province of Burma was left entirely out of the Montagu-Chelmsford proposals.

Up to that time, the attention of the Burmese people had not turned very seriously to politics. But when it was discovered that the Province was not considered worthy of advance on the lines permitted to the sister provinces, when further it was found that provinces of minor importance, such as the Central Provinces and Assam, were to be granted the privilege of a Governorship and an elective Legislative Assembly, the people not only awoke to the indignity that had been put upon them, but began to bestir themselves. The first section of the people to take action were the younger men. They banded themselves into a club, a political club to which they gave the name of the Young Men's Buddhist Association. Starting in large cities, this Association has spread over the whole of Burma and has become a very important factor in the political situation. It owed its birth to the dissatisfaction with the first reform proposals, and the attainment of a satisfactory scheme of reform has been, and is, the first object it desires to attain. But the sphere of its activities has very much increased and spread. It has organised a policy of non-participation in certain trades and in elections. It has stood behind the boycott of trams and strikes of school boys. It has, in fact, become a power in the land, and once so organised, it will continue to be so. At present it is disgruntled and dissatisfied, and though inherently loyal, it is having a hard struggle to resist the wiles and artifices of the disciples of sedition and non-co-operation who are making every effort to win the Association over into their camp. My strong personal feeling is that provided the Government show a disposition to meet them on two points, namely, reforms and education, the young Burmans will remain on the right side and will develop into a most useful political organisation whose services will be of permanent utility to the Local Government. But now is the critical time. Now is the time when their future must be decided. Delay in granting them a reform scheme suitable to the requirements of the country, delay in remoulding the education policy by the abandonment of the doctrines of perfection and the substitution of a practical code, delay, I say, in meeting their just and legitimate aspirations may throw them into the wrong camp

[Mr. E. J. Holberton.]

and bring disaster to the Province. Already there has been too much delay, and only now, at this late date, has the first step been taken towards obtaining the views of the unofficial population on this great subject of reforms. The Legislative Assembly has sat specially on this question, and the unofficial members have passed a Resolution urging upon the Secretary of State for India the necessity of so drafting the reform constitution that the measure of reform to be granted shall be at least the same as is given to the major Provinces of India, while it is suggested that the details relating to franchise and the division of subjects should be reserved for full discussion with the representatives of the people. This is an important recommendation and must bear great weight. But it is, to my mind, more important that representation should personally be made at Home where the Select Committee of both Houses of Parliament is to sit, and as far as the veil of secrecy has been withdrawn, is to decide the future of reforms in Burma.

You must remember that the province of Burma has a deep-seated and longstanding grievance against the Government of India. It has always been held by us that we have been badly treated in comparison with the other Provinces. The reasons for this are not far to seek. First of all, we were the last to come into the ring, and whereas we were naked and unequipped, others were at that time adequately equipped already, or nearly so. No due consideration has been given to this factor in any of the allotments which have in the past been made to Burma. Nor has it been possible owing to the distance of our headquarters from the headquarters of the Government to get into that close personal touch with the Ministers in charge by which such difficulties can be fully explained and done away with. It may be said that the recent provincial settlement has been more favourable, and it will certainly be said that Burma has profited immensely by the proceeds of the rice control money. With reference to this latter, I can only say, 'Yes, we have benefited by having our own money returned to us.' That money was Burma's from the first, and no other Province can possibly claim one penny of it. Secondly, with reference to the settlement, it has undoubtedly been more favourable and we shall in future be in a better position to carry on the country adequately, but there is still the past and we shall still have to go on on a system of trying out of revenue to catch up the enormous capital expenditure which has been laid out in the other Provinces to equip them with a dignified and adequate share of roads, railways and buildings.

There is one feature in the situation with regard to Burma reforms which makes it different, I think, from a consideration of reforms with reference to any other Province. There is a very considerable volume of opinion in Burma in favour of separation, and at the recent sitting of the Legislative Council to which I have already referred the following Resolution was proposed :—

'A. That a system of self-government analogous to that of the self-governing Colonies with a bi-cameral legislature and a Cabinet responsible thereto be introduced, and

B. That as a necessary preliminary to the formation of such a system the province should be separated from the rest of the Indian Empire except as regards Imperial matters, such as foreign relations, army, navy and the like.'

It is true that that Resolution did not secure the support of the meeting, but it is interesting to remember that the probability of eventual separation was prominent in the minds of the writers of the Montagu-Chelmsford Report.

I do not myself desire to express a view one way or the other. I am not in a position to judge, at present, whether it will be more beneficial to the Province to remain within the circle of the Indian Empire or to try its luck outside. But I do wish to impress upon this Honourable Council that, unless the Reform Scheme ultimately adopted for Burma is one which from the financial and every other aspect is considered suitable and proper by the inhabitants of that country, the plea for separation will be put forward with irresistible force. It is for this reason so necessary that, when the momentous decision of the Imperial Parliament is arrived at, it should be founded on a full understanding and knowledge of the actual state of affairs in Burma at present and the Province's particular requirements. Such knowledge can only be obtained by making use of the evidence of all classes of people with present-day experience of the Province. I venture to assert that up to date the voice of non-official opinion has not been sufficiently heard. Apart from that recent debate in the Legislative Council, where all the speakers with one exception were nominated members, and apart from such discussion as the Lieutenant-Governor may have had in the past with non-officials in the Province, the Secretary of State and the Select Committee must, as far as I can see, rely entirely upon the opinions expressed by retired Government servants and by the two delegations which have been sent by the Young Men's Burmese Association to England. But, unfortunately, it has not been possible for the Select Committee to take the evidence of any members of those delegations in person. It is true that they have been requested to leave behind them a written statement of their case, but I feel certain of carrying the Council with me in my strong expression of opinion that a written statement is a poor thing compared to the chance of giving one's views face to face. It is to my mind absolutely necessary that non-officials of long standing in the country must be examined if a correct and satisfactory result is to be arrived at, and if the Province is to have a fair chance of emerging, at an early date, from the state of dissatisfaction and discontent into which it is at present plunged. I, therefore, join heartily with my Honourable friend the proposer of this Resolution in all that he has said.

THE HONOURABLE SIR ZULFIKAR ALI KHAN: Sir, the province of Burma is the youngest province of the Indian Empire. I thought that the province of Burma was like a child who could hardly stand on his legs, but after hearing the Honourable Mover's speech, I think that it has shown remarkable signs of precocity, and it seems to me that it has assumed proportions which would compare very favourably with the representatives of any other Province. Under those circumstances, it is only natural that that child would claim equality with the other Provinces. Not only the chivalry of India but the sense of fairness of the British Government would rush to the rescue of that child, and I hope that by support and sympathy that child may grow into vigorous manhood and be of help in the upbuilding and maintenance of this great Empire.

The Honourable Member from Burma has shown in his speech how wise it would be for Government to take the present situation into serious consideration and prevent all that discontent which would be the result of disappointment

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into consideration and give reforms to Burma equal to those which have been given to the other Provinces.

Sir, with these words, I heartily support the Honourable Mover's Resolution.

THE HONOURABLE SIR WILLIAM VINCENT: Sir, I must premise

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my remarks by repudiating the suggestion that the Government of India do not attach sufficient importance to this Resolution.

I think there is abundant proof to the contrary on the record. If the Government of India had not wished to give every consideration to the Honourable Member, I put it to the Council that we should not have given his Resolution a place on so early an official date. That fact alone, I think, disproves completely the suggestion that Government does not attach importance to the Resolution.

I do not want to go into the previous financial history of Burma, and indeed, to be quite honest, if I did, I fear I should find it difficult to say that Burma had been treated with conspicuous fairness in this respect. This question is, however, outside the scope of the present debate. It is also a matter on which I am not really competent to speak, though I have seen and read with interest voluminous memoranda on the subject from officials in Burma.

Another point raised in the debate, and perhaps the chief point raised in the early part of the Honourable Member's speech, was the complaint that reforms in Burma had been delayed unduly and that the Secretary of State and His Excellency had not visited that Province. Now, if Honourable Members will refer for one moment to paragraph 198 of the Report, they will see what the reasons for that decision were. It is there recorded :—

'The desire for elective institutions has not developed in Burma; the Provincial Legislative Council, as constituted under the Morley-Minto scheme, has no Burman elected element; and the way is open for a different line of development. There was also a practical reason for not proceeding to investigate the particular conditions of Burma in the fact that one Lieutenant-Governor had very recently laid down, and a new Lieutenant-Governor assumed office. When our proposals are published there will be an opportunity for the Government and the people of Burma to say how far they regard them as applicable to their case. We therefore set aside the problem of Burma's development for separate and future consideration.'

Those were the reasons why the two eminent authorities responsible for the report did not think it necessary to visit Burma, and I myself—I was with the delegation for some part of the time—think they were well advised in their decision. In the circumstances then existing it was essential that the Report on Indian Constitutional Reforms should not be delayed, and to visit Burma would have meant a complete examination into questions with which we were not familiar, and would have taken a great deal of time. At the same time the Imperial Government were not unmindful of the necessity of promoting the question of reform in Burma, and the Government of Burma without undue delay submitted a report on the matter. I am now told that unofficial opinion was not consulted when these proposals were submitted. I can only cite what we were told in the letter from the Lieutenant-Governor of Burma which is dated the 2nd of June 1919. It reads as follows :—

'The Lieutenant-Governor resolved, therefore, after consultation with experienced officials and non-officials, to take in hand without delay the formulation of a scheme of Constitutional Reform for Burma. In order that the recommendations might, as far as possible,

be acceptable to the people and in conformity with their wishes, it was decided to ascertain the opinions held in this country on the applicability to Burma of the proposals for India contained in the 'Report on Indian Constitutional Reforms' and then to publish a tentative scheme for public discussion and criticism, so that ideas, aims and policies might be crystallised, and resolved into definite and concrete suggestions or objections.'

I do not know what the facts were, but if that policy was followed out, then it appears to me that the public of Burma had an opportunity of seeing the scheme which was propounded by the Local Government. At any rate we relied on that statement. We did not like the scheme ourselves, as any one who has read the printed correspondence will see, and we referred the proposal back to Burma.

The Burma Government replied putting up modified proposals. After further discussion with the Government of India the scheme, still further modified, was submitted to the Secretary of State. There has been no undue delay and no neglect of this question in the Government of India. We realise that it is a matter of the greatest moment.

I have hitherto been speaking more of the observations made by the Honourable Mover than the actual substance of his Resolution, because I want to disabuse Honourable Members of this Council of the complaints made against the Government of India which appear to me to have been unfairly pressed. On the substance of his Resolution, apart from the specific proposals for reforms which the Honourable Mover has put forward in his speech, I think the Government of India can go very far to meet him. The first request he makes is that we should urge the Home Government to settle the Reform Scheme for Burma at the earliest possible moment. Well, we hear that the Bill relating to this subject will be introduced in Parliament this month. Details, of course, will have to be worked out after the Bill is passed. The Bill will, I suppose, be referred also to a Committee in all probability. I have no information on this point, but following precedent I suppose it will be referred to a Committee as was the case when the Government of India Bill was under consideration. The Secretary of State is as anxious as we are to put this scheme through as quickly as possible, but the Honourable Member cannot have it both ways. If he wants this thing very carefully examined and details worked out, such a procedure is hardly compatible with extreme expedition, unless the general principles only are enunciated in the Bill in the manner suggested by him and details left to be worked out afterwards. This seems to my mind quite a feasible proposition. There is, however, no reason to remind the Secretary of State of the necessity for expedition, for if I am right in what I have said, he is fully aware of this fact and is taking all steps possible. However, I shall be very glad to forward to him a copy of the proceedings of this debate, which indeed, if I may say so, has been very instructive to many of us. Well, if a Committee is appointed—I have no knowledge on this point and I have no possible right to give any guarantee or undertaking of any sort that this course will be adopted—but if a Joint Committee is appointed, the Members will decide for themselves whether or not they wish to examine witnesses; and if the Honourable Member wishes me to do so, I shall be only too glad to forward the proceedings of this Council Home to the Secretary of State in order that the Joint Committee—if one is appointed—may be apprised of the Honourable Mover's desire. I myself, speaking personally, am very doubtful whether witnesses from this Council or the Legislative Assembly, save possibly two Honourable Members, would be of very great assistance. It seems to me that if witnesses are

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to be examined, it would be far better to select them from among the different communities in Burma, and I think that probably Honourable Members of this Council will agree with me in that matter.

The whole question of these Burma reforms has quite recently been investigated in the local Council in Burma, and I should like to read, if I may, to Honourable Members a resumé of that debate, because it is of great importance. The meeting was attended, I am told, by all non-official members numbering 16. The following Resolution was moved by Maung Chit Pe after incorporation of the amendment proposed by another gentleman whose name I will not attempt to give :—

‘That this Council recommends to the Lieutenant-Governor of Burma to urge the Secretary of State for India that the measure of reform to be granted to Burma by the British Parliament should be at least the same as that of the major Provinces of India leaving matters relating to franchise and the division of subjects into transferred and reserved for full discussion by representatives of the people before final decision.’

Dr. Parekh, a Parsi, moved the following amendment :—

“That this Council does not approve for Burma of the Dyarchy introduced into India, but recommends (a) that a system of self-government analogous to that of self-governing colonies with a bicameral legislature and a Cabinet responsible thereto be introduced, and (b) that as a necessary preliminary formulation of such a system the Province should be separated from the rest of the Indian Empire except as regards Imperial matters such as foreign relations, Army and Navy, and the like.”

Another gentlemen moved a further amendment :—

‘That this Council recommends to the Lieutenant Governor of Burma that a representation be made through the constituted authorities to the Secretary of State for India that no scheme of reform for Burma be introduced into Parliament until ample time for its consideration and criticism has been afforded to various nationalities who reside in Burma.’

Mr. Parekh’s amendment was defeated by a very large majority. The original Resolution was passed, 13 voting for and 2 against it. Dr. Parekh then moved an amendment about female suffrage, which does not concern us. Full report of the debate will follow * * * As a result of the Secretary of State’s announcement in 1920, it is no longer possible to differentiate Burma very materially from Indian Provinces. The debate was preceded by a statement by the Lieutenant-Governor recapitulating steps taken by the Government making it quite clear that Government did not seek to influence the decision of Parliament in any way.

That indicates to me that it is very probable that the decision on the Reform Scheme for Burma will follow the lines of the major Provinces in India ; and I think, having regard to the circumstances, that such an advance ought to meet all reasonable requirements. But this again is not a matter for the Government of India to decide ; it is a matter in which the Joint Committee will have their say. If, however, an opportunity is given to the members of the Burmese community and those interested in the country to visit England to give evidence before the Joint Committee before the decision is reached, then I am inclined to agree with the Honourable Member that they would be in a position to present their case more forcibly than is possible in any document. But this again is a matter for the Joint Committee to decide.

There is only one other matter to which I need refer before I pass on to the third point in the Resolution, namely, the question of separation of Burma from the Indian Empire. If Honourable Members will read the Resolution before them, they will see that that issue does not directly arise in the present debate, and I hope that no attempt will be made to discuss and examine here a question of such great importance on a side issue and without any material for a proper investigation of the subject. It seems to me that any attempt to offer any opinion on this subject at this juncture would be both unwise and premature.

The third point in the Resolution relates to the revision of the electoral rules of both the Council of State and the Legislative Assembly. The Reforms rules were prepared in a great hurry, and I have been informed that there are defects and omissions in them. I believe also that the system of registration is not entirely satisfactory. The information that I have received on this point—I have only received it unofficially—is confirmed by what the Honourable Member has said to-day. He has suggested that the European electorate can, if they like, exercise a preponderating influence over the general constituency of Burma and secure the return of European representatives. I am happy to see that that has not been the practical result during the last election, in that we have in this Council, if I may say so, one of the most capable Burman representatives that I remember in the course of ten years' experience in this Council. The Government are quite willing, however, to bring this question of inadequate registration and of defects in the rules to the notice of the Local Government in order that such steps may be taken to remedy them as may be necessary. If these remarks meet the Honourable Member adequately, I hope he will not press his Resolution, but I have no real desire to oppose it if he wishes to press it.

The HONOURABLE MAUNG PO BYE : Sir, I have heard what the Honourable the Home Member has said about my Resolution. I do not, however, like to leave it as it is, and I should like that my Resolution be put to the vote of the Council to be decided by the Members.

The HONOURABLE SIR WILLIAM VINCENT : I only wish to say that those who vote in favour of this Resolution will not be voting in favour of sending a deputation of Burmans from Burma to England, but a deputation from the Council of State and from the Legislative Assembly—which, I think, is not really what is wanted.

The HONOURABLE THE PRESIDENT : Before I put the question, I think perhaps it will be for the convenience of Honourable Members if I put each of the heads of the question separately.

The question is that part (a) of the Resolution set out below be accepted.

This Council recommends to the Governor General in Council :—

- (a) to urge the Home Government to settle the Reform Scheme of Burma as early as possible.

The motion was adopted.

The question is that Part (b) of the Resolution set out below be accepted :

That this Council recommends to the Governor General in Council to communicate with the Home Government expressing the hope that if the Burma Reform Scheme is

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committed for examination to a Joint Committee of both Houses of Parliament, arrangements may be made to allow some Members of this Council and the Legislative Assembly to be examined and attend before that Committee.'

The motion was negatived.

The question is that Part (c) of the Resolution, set out below, be accepted :

'That this Council recommends to the Governor General in Council to revise the Electoral Rules of both the Council of State and the Legislative Assembly, concerning Burma, in the matter of qualification of electors and in the preparation of the Electoral Rolls.'

The motion was adopted.

The question is that the Resolution, as now amended and which reads as follows, be accepted :

'That this Council recommends to the Governor General in Council—

- (a) to urge the Home Government to settle the Reform Scheme of Burma as early as possible; and
- (b) to revise the Electoral Rules of both the Council of State and the Legislative Assembly, concerning Burma, in the matter of qualification of electors and in the preparation of the Electoral Rolls.'

The motion was adopted.

The Council then adjourned till Tuesday, the 1st March 1921 at 11 A.M. at Metcalfe House.