

Monday, 14th February, 1921

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(Official Report)

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OF THE  
COUNCIL OF STATE, 1921



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# COUNCIL OF STATE.

*Monday, 14th February, 1921.*

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

The HONOURABLE THE PRESIDENT: Under Standing Order 17 of the Standing Orders of this Council, the manner in which questions should be put and answers given is left to the discretion of the President. I propose at present to continue to follow the practice of the Imperial Legislative Council by which members who want to put a question put that question by a reference to the number in the question paper.

We will now take questions.

## QUESTIONS AND ANSWERS.

### SLAUGHTER OF CATTLE.

1. The HONOURABLE LALA SUKHBIR SINHA: Will Government be pleased to state the names of places in every Province where cattle and cows are killed for the Burma meat trade, as well as the number of cattle killed in India in each of the last three years?

The HONOURABLE RAO BAHADUR B. N. SARMA: The information which the Government of India possess is not complete. It will in due course be supplied to the Honourable Member. It is impossible to give figures of the total number of cattle killed in India.

### VOTING FOR INDIAN LEGISLATURES.

2. The HONOURABLE LALA SUKHBIR SINHA: (a) Is it a fact that the official European voters did not exercise their right of voting in the election of Indian Members for the Council of State, Legislative Assembly and Provincial Legislative Councils?

(b) Did the Government of India or any Provincial Government issue any instruction to European officials not to take part in the elections?

(c) If the answer to (b) is in the negative, do Government propose to remove their names from the list of voters for the future?

The HONOURABLE SIR WILLIAM VINCENT: (a) The Government have no information as to the extent to which European officials exercised, or refrained from exercising, their right to vote in the elections referred to.

(b) Assuming that the reference is to voting, no instructions on the subject were issued by the Government of India nor, so far as they are aware, by any Provincial Governments.

As regards (c) I would point out to the Honourable Member that registration on the electoral roll of a constituency is a matter that is regulated entirely by statutory rules made by the Secretary of State in Council with the approval of Parliament.

### SLAUGHTER OF ANIMALS AT THE MUKTESAR PASTEUR INSTITUTE.

3. The HONOURABLE LALA SUKHBIR SINHA : (a) Will Government state the number and kind of animals that are killed every year in the Muktesar Pasteur Institute ?

(b) Is the whole serum prepared there used in this country or is any portion of it exported ?

(c) If any is exported, how much is exported and to what countries ?

The HONOURABLE RAO BAHADUR B. N. SARMA : (a) The annual average number of animals that have died in the process of serum-making has been 890 in the last five years. In the year 1919-20 the number was 795, representing 17 per cent. of the animals purchased for the operations.

Only male animals are used, namely, bulls and buffaloes.

(b) A small portion of the serum is sent to foreign countries, and during the war there was a temporary increase in the quantity so sent.

(c) During 1919-20, out of a total of 2,949,000 doses issued, 25,000 doses were sent to Ceylon, the Malay States, the Straits Settlements and Egypt, while 90,000 doses were sent for army requirements to Mesopotamia, Persia and China. The amount exported to foreign Governments was thus only about 1 per cent. of the total issue, while the amount exported for army requirements was about 3 per cent.

3A. The HONOURABLE LALA SUKHBIR SINHA : I want to put a supplementary question, Sir ? Will the Honourable Member be pleased to tell me the age of the animals that are killed at Muktesar ?

The HONOURABLE THE PRESIDENT : This is a matter of which the Honourable Member should give notice.

### SLAUGHTER OF COWS.

4. The HONOURABLE LALA SUKHBIR SINHA : (a) Has the attention of Government been drawn to a resolution passed at a meeting of the Bombay Legislative Council held on 28th September, 1920, on the question of cow slaughter ?

(b) What, if any, action do they propose to take in the matter ?

(c) Do Government propose to put a stop to the Burma meat trade without any further delay ?

The HONOURABLE RAO BAHADUR B. N. SARMA : (a) The reply is in the affirmative.

(b) The Government of India propose to await the representation of the Government of Bombay in the matter.

(c) Full particulars regarding the Burma meat trade are being collected with a view to the question being further examined, but the Government of India can hold out no hopes to the Honourable Member that they would interfere with the trade in the manner suggested.

### APPLICATIONS UNDER SECTION 19, INCOME-TAX ACT.

5. The HONOURABLE SIR MANECKJI DADABHOY : Do Government propose to order the quicker disposal of applications for adjustment under section 19 of the Income-Tax Act ?

The HONOURABLE MR. E. M. COOK : The Finance Member has received no complaints regarding any delay in the disposal of applications for adjustments under section 19 of the Income-tax Act. The question of the abolition of the system of adjustment is, however, under consideration.

#### SLAUGHTER OF COWS.

6. The HONOURABLE SIR MANECKJI DADABHOY : (a) Are Government aware that there is considerable feeling among Indians on the question of cow-killing and that throughout India there is a movement against the slaughter of cows, especially prime cows, for meat ?

(b) If so, what steps have Government taken to remove the root cause of the agitation and to minimize the evils of cow slaughter ?

(c) Is it a fact that in the West cows and plough cattle are not killed for meat, but a special class of cattle are reared for beef ?

(d) Do Government propose to encourage the rearing of beef cattle and to stop, as far as practicable, the indiscriminate slaughter of cows ?

The HONOURABLE RAO BAHADUR B. N. SARMA : (a) Yes.

(c) So far as the United Kingdom is concerned, cattle are specially bred for beef. The Government of India have not ascertained the conditions prevailing in other western countries.

(b) and (d) Government have no proposals for encouraging the rearing of beef cattle. The question of the slaughter of cows is engaging their attention.

#### INDIANS IN THE KENYA COLONY.

7. The HONOURABLE SIR MANECKJI DADABHOY : (a) What measures, if any, have been taken by this Government to secure to Indians settled in Kenya Colony the ordinary rights of citizenship, including freedom in the choice of residence and in the matter of trade ?

(b) Will Government state how matters stand there for Indian settlers ?

The HONOURABLE SIR GEORGE BARNES : The representations which the Government of India have made are embodied in their despatch of the 21st October last to the Secretary of State for India. This despatch was published on the 27th December last in a Gazette Extraordinary to which the Honourable Member is referred.

It will be seen from the telegram from the Secretary of State, dated 24th December last, which was published in the same Gazette Extraordinary, that the matter is engaging the attention of His Majesty's Government.

#### RIOTS IN FIJI.

8. The HONOURABLE SIR MANECKJI DADABHOY : (a) Will Government make a detailed statement regarding the genesis of the recent riots in Fiji ?

(b) Has the attention of Government been drawn to the report that the riots were due to economic causes ?

(c) Do Government propose to send over to Fiji a Committee of Inquiry consisting of one experienced official and two non-officials enjoying the confidence of the people here ?

The HONOURABLE SIR GEORGE BARNES: I hope the Honourable Member will repeat this question at a later date. The whole matter is under correspondence with the Secretary of State, and I hope to make a full statement on the subject at an early date.

#### EUROPEAN AND INDIAN MEMBERS ON EXECUTIVE COUNCILS.

9. The HONOURABLE MR. SETHNA: (a) Did the Joint Select Committee recommend the maintenance of equality in the number of European and Indian members on Executive Councils?

(b) Will Government be pleased to state why this recommendation has not been given effect to in the Province of Bihar and Orissa, where two European officials and one Indian non-official have been appointed members of the Executive Council?

The HONOURABLE SIR WILLIAM VINCENT: (a) In their report on the Government of India Bill the Joint Committee recommended that, if an Executive Council contained two Members with service qualifications, neither of whom was by birth an Indian, it should also contain two non-official Indians.

(b) A Council of four would have been larger than was required for the province of Bihar and Orissa. On the other hand, if the composition, adopted in the case of the Executive Councils of the United Provinces, the Punjab, the Central Provinces and Assam, had been adopted for that of Bihar and Orissa, the result would have been that in a Government consisting of five Members, there would have been only one European official, and it was not considered desirable that the European official element should form so small a proportion of the Government.

#### INCOME-TAX ASSESSEES.

10. The HONOURABLE MR. CHETTIYAR: (a) Has the Government any reason to believe that Income-tax assesseees are put to hardships by the actual working of section 51 of the Income-tax Act of 1918?

(b) Will the Government be pleased to collect and furnish the Council with information—

- (1) as to the number of applications by the assesseees to the Chief Revenue Authorities under the section in the various provinces of India,
- (2) the number of applications granted,
- (3) the number of cases in which the High Court had to intervene on behalf of an assessee by issuing a Mandamus.

(c) Will the Government be pleased to state whether they will introduce a Bill to amend the above section so as to permit of an unrestricted right of appeal from the Chief Revenue Authority to the High Court?

The HONOURABLE MR. E. M. COOK: (a) We have received no complaints on the subject.

(b) Information is being called for and will be laid on the table when received.

(c) The suggestion will be considered when the information called for in (b) has been obtained.

# POLITICAL PRISONERS.

11. The HONOURABLE SARDAR JOGENDRA SINGH: (a) How many political prisoners are still in jail?

(b) How many of them are from the Punjab?

(c) How many were sentenced under Martial Law and how many have been detained without trial?

(d) How many of them are Sikhs?

(e) Have any of these been released on the introduction of constitutional reforms?

The HONOURABLE SIR WILLIAM VINCENT: The following are the figures reported by Local Governments of prisoners now in jail and convicted of offences connected with movements against the State:—

(a) 101.

(b) 53.

(c) None have been detained without trial. I will deal with martial law prisoners later.

(d) 49.

(e) 8.

In addition to the above there are in jail 86 persons convicted by Martial Law Courts and Defence of India Tribunals in connection with the disturbances in the Punjab and elsewhere, of whom 18 are Sikhs.

# EXPORT OF RICE.

12. The HONOURABLE MR. CHETTIYAR: Will the Government be pleased to state whether they intend to relax the restrictions on the export of rice from India so far as finer kinds of rice not ordinarily used by the poorer classes are concerned?

The HONOURABLE RAO BAHADUR B. N. SARMA: Government do not consider that the present foodstuffs position in India justifies a further relaxation of the embargo on export of rice even in favour of the finer qualities.

# • KANNAMBADI DAM.

13. The HONOURABLE MR. CHETTIYAR: (i) Will the Government be pleased—

(a) to state at what stage the negotiations between the Government of India and the Mysore State are regarding the Kannambadi dam?

(b) place on the table all papers relating to the subject?

(ii) Do Government intend to assure the landholders of Tanjore and Trichinopoly that no final decision will be arrived at without giving them full scope for representing their case?

The HONOURABLE RAO BAHADUR B. N. SARMA: (i) (a) No negotiations are at present taking place between the Government of India and the Mysore State regarding the Kannambadi dam. The Secretary of State has invited the Mysore Durbar, if they so desire, to submit a further representation showing cause why the Arbitration Award should not be set aside, and their reply is awaited. It is believed that further informal conversations have taken place on the technical aspects of the case between the professional advisers of the Governments of Madras and Mysore with a view to a settlement by mutual consent being reached, but the Government of India have no official information on the subject.

(b) The case as put forward by the two Governments, the Arbitrator's Award and the representations of the two Governments have already been published both in Madras and Mysore. It would not be in the public interests to place on the table official correspondence in regard to a case which is still *sub judice*.

(ii) The Government of India understand that the Government of Madras propose to consider any representations which the landholders of Tanjore and Trichinopoly may care to put forward before a final decision is arrived at.

#### KING'S COMMISSIONS IN THE INDIAN ARMY.

14. The HONOURABLE DIWAN BAHADUR RAMABHADRA NAIDU: Will the Government be pleased to give information on the following points:—

- (a) How many Indian candidates have been till now admitted into the Royal Military College, Sandhurst, with a view to their qualifying for King's Commissions in the Indian Army?
- (b) Of these how many have been selected from the Madras Presidency?
- (c) Of Madras candidates how many belong to the Andhra country?
- (d) How many belong to the Zamindari class?
- (e) Do the Government propose to select more candidates from among the members of ancient families which have military traditions and history?

The HONOURABLE SIR WILLIAM VINCENT: Sir, His Excellency the Commander-in-Chief having been detained on public business, has asked me to answer this question, with your permission:—

- (a) Twenty-five.
- (b) One.
- (c) Nil.
- (d) One.
- (e) The selection of Indian cadets for the Royal Military College Sandhurst, is carried out under a system which ensures that those accepted for nomination to the College, from among the names submitted by Local Governments and Administrations, are the most suitable, physically, morally and intellect



ually. This system is similar to that followed in the case of candidates selected for nomination to the College, in the United Kingdom, and as individual merit is the sole consideration, it is not possible to reserve vacancies for any particular class.

# SCHOOLS OF ARTS.

15. THE HONOURABLE DIWAN BAHADUR RAMABHADRA NAIDU :

(1) Will the Government be pleased to state —

- (a) Whether there are schools of arts in other Presidencies like the one in Madras?
- (b) What amount is being spent in maintaining each of them?
- (c) What number of pupils studied in each of them for the past five years?
- (d) What educational attainments and technical qualifications are possessed by each of the Heads in charge of them?
- (e) What amount of scholarship is given to students locally in each school?
- (f) Whether in each of these institutions, both Western and Indian fine arts are attended to?
- (g) Whether there are fine art scholarships or other facilities afforded by the Government for enabling Indian fine arts students to prosecute their studies abroad, and, if not, whether the Government propose to make proper provision for the same in the near future?

(2) Has the attention of the Government been drawn to the letter which appeared in the "Hindu", dated 8th September 1920, purporting to deal with the condition and administration of the Madras School of Arts?

(3) Are due facilities given at the schools of art in India to amateurs and University-going students, if they should so desire it, to prosecute art studies practically during weekly holidays and during the summer and Christmas vacations? If not, do the Government propose to organise such classes for the benefit of such amateurs and students and permit them the use of the library, if any, in each of these institutions on payment of legitimate fees?

The HONOURABLE MR. A.C. CHATTERJEE: The Honourable Member's question relates to a Provincial transferred subject, and one which is not therefore the direct concern of the Government of India. A great part of the information asked for is not available to the Government of India, and the Honourable Member is, therefore, advised to ask the Local Governments concerned for the particulars which he wishes to know. At the same time, I shall be glad to place at the disposal of the Honourable Member any information on the subject which may be available in the records of the Government of India, if he desires to have it.

# CHANGES OF HEADQUARTERS IN DISTRICTS.

16. The HONOURABLE DIWAN BAHADUR RAMABHADRA NAIDU :

(a) Will the Government be pleased to state whether the Government of India's approval is obtained for the change of Headquarters in a District?

(b) Are the Government aware of the change of the Headquarters of the Madura District to Dindigal in Southern India?

(c) Are the Government aware that there is a strong feeling of opposition among the people of the District to the change of Headquarters from Madura to Dindigal?

The HONOURABLE SIR WILLIAM VINCENT: (a) No.

(b) and (c) Government have no information on the point.

#### WIDOW OF THE LATE WAZIR DANIEL BEG SAHIB.

17. The HONOURABLE DIWAN BAHADUR RAMABHADRA NAIDU:

(a) Will the Government be pleased to state whether they are in receipt of a memorial signed by most of the people living in Southern India praying for an allowance to be given in favour of Rabiya Bibi, the widow of the late Wazir Daniel Beg Sahib who was, as a political pensioner, allowed to live in Kodaikanal and Periyakulam by the Government of India?

(b) Do the Government propose to consider the memorial favourably?

The HONOURABLE MR. DENYS BRAY: No such memorial has been received by the Government of India.

#### RICE MILLOWNERS' ASSOCIATION, KUTTALAM.

18. The HONOURABLE DIWAN BAHADUR RAMABHADRA NAIDU: (a) Will the Government be pleased to state whether they have received a memorial from the Rice Millowners Association, Kuttalam, in South India?

(b) Was the issue of licenses surrendered by the Madras Government to the Ceylon Government?

The HONOURABLE RAO BAHADUR B. N. SARMA: The answer to (a) Yes.

(b) Licenses for export are issued by the Madras Government to the nominees of the Ceylon Government in order to enable the Ceylon Government to keep a check over imports and prevent cornering in the limited supplies of Madras rice sanctioned for Ceylon.

#### EXCESS PROFITS DUTY.

19. The HONOURABLE MR. CHETTIYAR: Do the Government propose to consider the question of helping assesseees by postponing collection of all uncollected amounts of the excess profits duty for three months?

The HONOURABLE MR. E. M. COOK: The period for payment of excess profits duty, which was originally fixed at March 15th, 1920, has, for Madras, already been twice extended, and the Finance Member regrets that he does not see his way to accept the Hon'ble Member's suggestion.

#### AWARD IN REGARD TO THE KANNAMBADI DAM.

20. The HONOURABLE MR. MARICAIR: (a) Is it a fact that the Right Honourable Secretary of State has called for a further report on the award of the arbitration in regard to the Kannambadi dam?

(b) Will Government be pleased to state at what stage the appeal preferred by the Madras Government against the award now stands?

The HONOURABLE RAO BAHADUR B. N. SARMA: The reply to (a) is in the negative.

As regards (b) the Honourable Member is referred to the first portion of the reply given to the question asked by the Honourable Rao Bahadur S. Rm. M. A. Annamalai Chettiyar on the same subject.

#### AMENDMENT OF THE PRESS ACT.

21. The HONOURABLE MR. MARICAIR: With reference to an interpellation on the subject by the Honourable Dr. Sir Debaprasad Sarvadhikari put at the meeting of the Imperial Council on the 16th September, 1920 and the reply given by the Honourable Sir William Vincent thereto, will the Government be pleased to lay on the table the reports received from the Local Governments relating to the amendment of the Press Act?

The HONOURABLE SIR WILLIAM VINCENT: Government do not propose to lay the correspondence on the table at present. The Press Act forms the subject of a resolution in the Legislative Assembly, and the policy of Government will be explained in connection with that resolution.

#### APPOINTMENTS CARRYING SALARY OVER RS. 1,000.

22. The HONOURABLE MR. MARICAIR: (a) Will the Government be pleased to lay on the table a tabular statement showing the number of appointments carrying a salary of over one thousand rupees per mensem in the Government of India, now held by different communities?

(b) Do the Government propose to consider the question of increasing the appointments of Muhammadans in the Government of India in proportion to their population?

The HONOURABLE SIR WILLIAM VINCENT: (a) I have had a statement prepared which I shall be glad to give to the Honourable Member, but it relates to the Government of India only, and not to attached offices.

(b) The Government of India have not been unmindful of the claims of the Muhammadan community, but are not prepared to lay down any hard and fast rule on the subject of communal representation in these posts. Each Department must be free to get the best men available.

#### MUHAMMADAN JUDGE IN MADRAS HIGH COURT.

23. The HONOURABLE MR. MARICAIR: (a) Are the Government of India aware that a European Barrister has been appointed temporarily in the place vacated by the Honourable Sir Abdur Rahim on the Madras High Court Bench?

(b) Do the Government propose to consider the question of appointing a Muhammadan as permanent Judge of the Madras High Court?

The HONOURABLE SIR WILLIAM VINCENT: (a) The Government of India are aware that a European Barrister has been appointed temporarily in

the vacancy in question, though they have no official knowledge of the appointment, as under section 105 of the Government of India Act, such temporary appointments in the case of the Madras High Court are made by the Local Government.

(b) This question also does not directly concern the Government of India, as permanent appointments are made by His Majesty, and recommendations regarding such appointments in the case of the Madras High Court are made to the Secretary of State direct by the Government of Madras. The Government of India have, however, reason to know that, in making such recommendations, the Government of Madras and the Secretary of State have in the past taken and will take into consideration the claims of suitable Muhammadan gentlemen for appointment. The benches of High Courts are not, however, representative institutions, and the main consideration in filling vacancies must always be that of efficiency.

#### LAND REVENUE LEGISLATION.

24. The HONOURABLE MR. MARICAIR : Will the Government be pleased to state whether they propose to call upon the Local Governments shortly to introduce Land Revenue legislation in accordance with the recommendations of the Joint Parliamentary Committee on Reforms ?

The HONOURABLE RAO BAHADUR B. N. SARMA : Local Governments were addressed in March last regarding the recommendations of the Joint Parliamentary Committee, referred to by the Hon'ble Member. Their attention was drawn to the need for early action on the recommendations, but they were advised to defer the introduction of legislation until the new Councils had met.

#### RELEASE OF STATE PRISONERS.

25. The HONOURABLE MR. MARICAIR : (a) Are the Government aware that the Bengal Government has ordered the release of all detenues and State prisoners in view of the inauguration of New Reforms ?

(b) Have the Government issued orders to other Local Governments to follow the lead of Bengal ?

The HONOURABLE SIR WILLIAM VINCENT : (a) Yes.

(b) No orders have been issued to Local Governments to follow the lead of Bengal, since to the best of our information save for two persons belonging to the North-West Frontier Province whose cases will be considered again before long, all such persons have already been released.

#### FOREST LAWS.

26. The HONOURABLE SIR MANECKJI DADABHOY : (a) Are Government aware of complaints that considerable hardship is caused to villagers by the rigorous administration of forest laws ?

(b) Is it a fact that from time immemorial villagers used to graze their cattle in forests and to depend upon scrub and twigs for their supply of fire-wood ?

(c) Is this right recognised by Forest Officers ?

(d) If not, do Government propose to consider the advisability of throwing open, if only to a limited extent, the reserved forests to villagers for the purposes indicated in question (b) above under any conditions that may be found necessary for the preservation of such forests?

The HONOURABLE RAO BAHADUR B. N. SARMA : (a) The Government of India believe that complaints are sometimes made, but they are not aware that hardship on a considerable scale is caused by the administration of the forest laws.

(b) It is doubtless a fact that villages situated in, or near, forests have always depended upon them, to a considerable extent, for their grazing and firewood requirements.

(c) Before any area is constituted Reserved Forest an elaborate inquiry is undertaken. Claims to rights of all kinds are considered and, where admitted and recorded, are recognised and respected. Where no such rights are recorded, it still remains the duty of the forest officers to see that legitimate requirements are met, so far as is compatible with the preservation of the forest as such.

(d) This is a matter with which the Local Governments are primarily concerned. In the event of any specific case of disregard of admitted rights, or of failure to provide, so far as is possible, for legitimate requirements, being known, the Local Government concerned should be approached.

26A. The HONOURABLE LALA SUKHBIR SINHA : May I put a supplementary question, Sir? : Will the Honourable Member be pleased to state the number of cattle kept by the villagers before these forest laws were brought into force, and the number of cattle at present, so that we may be able to know what decrease there has been under the present rules.

The HONOURABLE RAO BAHADUR B. N. SARMA : The Honourable Member will surely recognise that this is a question which cannot be answered as a supplementary question. If he will give notice of it, I shall be prepared to answer it to the best of our information.

#### SCHEME OF AFFORESTATION.

27. The HONOURABLE SIR MANECKJI DADABHOY : (a) Have Government any scheme of afforestation in hand?

(b) If so, will a statement on the subject be made?

The HONOURABLE RAO BAHADUR B. N. SARMA : (a) and (b). The Government of India have no scheme of afforestation in hand.

#### ASSESSMENT TO INCOME-TAX.

28. The HONOURABLE SIR MANECKJI DADABHOY : (a) Is the question of exemption from assessment to Income-tax of the interest payable on the stock of 3 per cent., 3½ per cent. and 4 per cent. Government Promissory Notes under the consideration of Government?

(b) If it is, when may a decision be expected?

The HONOURABLE MR. E. M. COOK : The Government are unable to make any announcement on the subject. However carefully the replies to

questions such as this may be worded, there is always the danger that they will mislead the investing public, and possibly affect the market price of the security or commodity which is the subject of the question. It would be very unsafe therefore to draw any inference, one way or the other, from the terms of the reply which I have just given.

#### STATE LOAN, 1917.

29. THE HONOURABLE SIR MANECKJI DADABHOY : (a) Is it a fact that the 5 per cent. State Loan of 1917 was issued at Rs. 95 for every hundred on the distinct condition that Government would maintain a Sinking Fund to keep up the market rate for that Loan, and would go on buying the stock at Rs. 95 whenever the rate showed any signs of decline?

(b) If so, has this promise been redeemed?

(c) If not, what steps, if any, do Government propose to take to redeem their promise?

(d) Will Government be pleased to make a statement about their policy in regard to the existing Loans?

THE HONOURABLE MR. E. M. COOK : The answer to (a) is in the negative, and (b) and (c) do not therefore arise. I may explain, however, what the actual promise was. I quote from the loan notification of 1917 :—

‘For the purpose of providing against depreciation in the market price of the War Loan, 1929—1947, the Government of India undertake to set aside annually a sum equal to one and one-half per cent. of the amount of the War Loan, 1929—1947 to form a fund to be used for the purchase of securities of that loan for cancellation, whenever the market price falls below the issue price.’

The Honourable Member will observe from this that the Government of India undertook to expend a certain sum annually in purchasing the loan, if the market price was below the issue price of 95; they gave no undertaking to purchase the loan at issue price, as stated in the question. The actual promise made by Government has been redeemed, and information as to the purchases made from time to time is furnished regularly in the quarterly returns of the Rupee Debt which are published in the Gazette of India.

(d) If the Honourable Member will put down a question stating precisely what particular loans he is referring to, and what are the points upon which he desires an announcement as to Government's policy, the Finance Member will consider whether it is possible to supply him with the information he requires.

#### ASSESSMENT TO INCOME-TAX.

30. THE HONOURABLE SIR MANECKJI DADABHOY : (a) Is it a fact that the present system of examination of accounts for purposes of assessment to the Income-tax, involves disclosure of the financial position and leads to considerable irritation among people engaged in business?

(b) Is there any guarantee in the existing arrangements against the leaking out of the results of such examinations?

(c) If so, what?

(d) Do Government propose to order—

(i) that in all cases of large incomes verified returns of income must be submitted?

(ii) that, as a rule, such returns shall be accepted as correct; and

(iii) that only in exceptional cases where the circumstances justify suspicion of *mala fides* the accounts shall be scrutinised?

The HONOURABLE MR. E. M. COOK: (a) We have received no complaints regarding the examination of accounts by income-tax officials.

(b) and (c) Under section 42 of the Act, a Government servant is liable to imprisonment if he discloses any particulars contained in any statement or return made or furnished under the Act. The Finance Member will be prepared to consider any suggestions for making this protection more complete.

(d) (i) Under sections 17 and 39 of the Act a verified return is required in the case of all incomes.

(ii) and (iii) Under section 18, assessments are made on the basis of the verified returns if the Collector is satisfied that the returns are correct and complete. The Finance Member sees no reason to alter the present provisions of the Act under which the Collector is empowered, in any case where he has reason to believe that the return made under section 17 is incorrect or incomplete, to require the person who made the return to supply further information or to produce accounts or documents. It would not be safe to order, as suggested by the Honourable Member, that such returns should as a rule be accepted as correct; this would in practice be equivalent to the assessee assessing himself.

#### UTILISATION OF WATERWAYS.

31. The HONOURABLE SIR D. WACHA: Will the Government be pleased to state whether they have been able by this time to lay down a definite policy with regard to the utilisation, as far as practicable, of the various large water-ways in the country for purposes of trade?

The HONOURABLE RAO BAHADUR B. N. SARMA: The Government of India have decided, in consultation with the Secretary of State, that no all-India policy in regard to waterways is either necessary or desirable, but that the control of matters connected with inland navigation should be left primarily to the Local Governments concerned. In the case of Bengal, the waterways in which province are connected on either side with those of Bihar and Orissa and Assam, the Government of India have accepted a proposal of the Bengal Government that extra provincial representatives should be co-opted on their existing Waterways Advisory Committee, with a view to a uniform policy being observed throughout the whole system.

#### DISCUSSION OF BUDGET.

32. The HONOURABLE SIR D. WACHA: Will the Government be pleased to inform the Council of the procedure they propose adopting for the discussion of their own annual budget and the manner in which the discussion itself is to be regulated?

The HONOURABLE MR. H. MONCRIEFF SMITH : If the Honourable Member's question relates to procedure in the Council of State, he is referred to section 67A (i) of the Government of India Act, rule 43 of the Indian Legislative Rules, and Standing Order 70, from which he will see that there is no discussion of the Budget in this Council.

In regard to procedure in the Legislative Assembly, the Honourable Member is referred to rules 45, 46 and 47 of the Indian Legislative Rules. The purport of the Honourable Member's question may have been mis-understood, but if he desires information as to procedure not provided for in the Rules or Standing Orders, it is suggested that he should address a specific question to the Member of the Government in the Finance Department.

#### ABILITY OF COUNTRY FOR PURPOSES OF TAXATION.

33. The HONOURABLE SIR D. WACHA : Are the Government aware of what may be the existing ability of the country for purposes of taxation ; if not, do they propose to consider the expediency of appointing a Committee of selected Members of the Council of State and the Legislative Assembly to investigate the question and report thereon ?

The HONOURABLE MR. E. M. COOK : There is, no doubt, in all countries a limit beyond which any additional taxation results in definite injury to the general financial position of the country as a whole. It must, however, always be largely a matter of opinion and to some extent also of practical experience where that limit should be placed, and Government are not prepared to give any estimate as to the margin which may now exist between the present scale of taxation and India's taxable capacity. Any attempt to frame an estimate would necessitate a very careful statistical inquiry by experts, and even then it is doubtful whether the results would command anything like universal assent. In these circumstances, Government do not think that a Committee as suggested by the Honourable Member would be likely to serve any practical purpose.

#### BILL FOR RECONSTRUCTION OF UNIVERSITY OF CALCUTTA.

34. The HONOURABLE MAHARAJA SIR M. C. NANDY : (a) Will the Government be pleased to state the probable time for the introduction of a Bill for the reconstruction of the University of Calcutta, and in what Council the Bill is likely to be introduced ?

(b) Is there any provision under the Government of India Act by which a Bill for the reconstruction of the University of Calcutta may be sent back to the Bengal Legislative Council for final enactment ? If so, will the Government be pleased to indicate the provision in the Act or in the Rules framed under the Act ?

(c) Is it in contemplation to provide the scheme for reconstructing the University of Calcutta with a grant from the Government of India for its capital outlay and recurring expenditure ? If so, will the Government state the amount (if any) likely to be set apart for the purpose in the Imperial Budget for 1921-22.

The HONOURABLE KHAN BAHADUR MIAN MUHAMMAD SHAFI : (a) The Government of India are unable to make any statement on this subject at the present stage.



(b) The Governor has power under the Government of India Act to return a Bill passed by the Legislative Council for reconsideration together with any amendments which he may recommend. There is no power to compel the Legislature to pass a measure in a form recommended by the Governor. The Honourable Member's attention is invited to sections 72E and 81A of the Government of India Act.

(c) No amount will be provided in the Imperial Budget for 1921-22 for the reconstruction of the University of Calcutta. The question of making a grant for this University has received the careful attention of the Government of India. The allotment of such a grant would be definitely against the spirit of the financial arrangements under the Reforms and, even if this were not the case, would be difficult in the present financial circumstances.

#### ALLOTMENT FOR RAILWAYS, 1921 AND 1922.

35. The HONOURABLE MAHARAJA SIR M. C. NANDY: Will the Government be pleased to state if they already have drawn up the Railway programme which is to be brought under the operation of a Budget of 1921 and 1922? If not, do the Government propose to appoint a small Committee from among the members of both Chambers of the Indian Legislature to draw up such a programme in consultation with the Railway Board?

The HONOURABLE SIR GEORGE BARNES: The amount provisionally allotted to Railways for 1921-22 has been distributed to the different administrations for the purpose of preparing detailed programmes in accordance with the usual procedure.

In the circumstances, Government do not see that any purpose would be served by convening a committee of the nature indicated.

#### MILITARY OPERATIONS IN MESOPOTAMIA, PALESTINE, ETC.

36. The HONOURABLE MAHARAJA SIR M. C. NANDY: Will the Government be pleased to state if any money has been spent so far by the Government of India out of their revenues for any Military operations in Mesopotamia, Palestine, Egypt and Arabia, and, if so, to lay a statement on the table of all such expenditure, year by year, from 1917 onwards in each of these countries?

The HONOURABLE MR. E. M. COOK: No expenditure chargeable to Indian revenues, that is to say, no expenditure not recovered from His Majesty's Government has been incurred in Mesopotamia, Palestine or Egypt. No portion of the expenditure on operations in Arabia has been met from Indian revenues, except in the case of those conducted in connection with the defence of Aden. A moiety of the expenditure on Aden operations has been charged to India under a long-standing arrangement which is based on the recommendations of the Welby Commission. The expenditure on this account charged to India since 1915 has been as follows in the past six years. I give the figures in lakhs:—

1915 . . . . .	10 lakhs.
1916 . . . . .	53 "
1917 . . . . .	45 "
1918 . . . . .	50 "
1919 . . . . .	43 "
1920 (last year) . . . . .	49 "

## FINANCIAL CONFERENCE AT BRUSSELS.

37. The HONOURABLE MAHARAJA SIR M. C. NANDY : (a) Has the attention of the Government of India been drawn to the recommendations of the Financial Conference at Brussels which asks every Government ' to reduce expenditure on armaments, in so far as such reduction is compatible with the preservation of national safety ?'

(b) Will the Government be pleased to state the steps so far taken to meet the above recommendation ?

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

With regard to (b), a statement on the subject will be made in the course of the discussion on the Budget of 1921-22.

## RECOMMENDATIONS OF ESHER COMMITTEE.

38. The HONOURABLE MAHARAJA SIR M. C. NANDY : Will the Government be pleased to state if the Indian Legislature may have an effective voice in the determinations of the issues raised by the Esher Committee, and do the Government intend to postpone all action in connection with the recommendations of that Committee till all controversial points of their Report have been fully considered by this Council and the Legislative Assembly ?

The HONOURABLE SIR WILLIAM VINCENT : The recommendations of the Esher Committee are still under the consideration of the Government of India and the Secretary of State, and although effect has already been given to certain of their recommendations of a non-controversial character, the larger issues raised in Parts I and II of the Report will not be determined until an opportunity has been given for their discussion by the Legislative bodies, and their views, if necessary, communicated to the Secretary of State.

## APPOINTMENT OF ROYAL COMMISSION ON CURRENCY COMMITTEE.

39. The HONOURABLE MAHARAJA SIR M. C. NANDY : Will the Government be pleased to state if they are prepared to press on the attention of the Secretary of State the advisability of appointing a Royal Commission to reconsider the recommendations of the last Currency Committee ?

The HONOURABLE MR. E. M. COOK : In reply to a similar question asked in the House of Commons on the 13th December, 1920, the Secretary of State for India gave the following reply : ' The statistics of Indian trade for the first seven months of the current financial year reveal an adverse balance against India in respect of merchandise and treasure of approximately 36 crores. This is, I believe, mainly due to curtailment of Indian imports during the war years, the restriction on the export of food grains owing to shortage in India and the reduction of the buying power of European countries in consequence of the depreciation of their currencies. I would add that the present policy was adopted after full inquiry less than a year ago, and having regard to the abnormal factors mentioned, I do not think that a further review is now called for.'

The answer to the Honourable Maharaja's question is therefore in the negative.

EXPORT OF RICE.

40. The HONOURABLE MAHARAJA SIR M. C. NANDY: (a) Will the Government be pleased to state if it is intended to remove at an early date all embargo on the export of rice?

(b) If so, do the Government propose to ascertain, before taking any measures to that effect, the food conditions of the people all over the country at the present day and the probable chances of the crop for next year?

The HONOURABLE RAO BAHADUR B. N. SARMA: The answer to the first part of the question is in the negative and the second part of the question does not, therefore, arise.

HIGH COMMISSIONER FOR INDIA.

41. The HONOURABLE MAHARAJA SIR M. C. NANDY: Will the Government be pleased to state—

(a) the exact functions of Sir William Meyer's new office in London, and the estimated cost of that office, and the total number of men in his staff together with the salaries they draw from the Indian Revenues?

(b) if there are any Indians in the office of Sir William Meyer, and if so, will the Government kindly state their names and the pay of each?

The HONOURABLE SIR GEORGE BARNES: (a) The Honourable Member is referred to the Press Communiqué issued by the Government of India on the 20th September last which gives full information regarding the functions of the High Commissioner. If he has not seen it, I shall be happy to supply him with a copy. The budget estimate for 1921-22 of the cost of the High Commissioner's office, including payments on account of the Indian Trade Commissioner's office and the Indian Students' branch, is £205,000. This is the total cost of the office, and it is not meant to imply that the creation of the High Commissioner's appointment has involved a net extra charge of this amount to Indian revenues. Most of the sum represents merely a transfer from the India Office budget to the budget of the High Commissioner.

In regard to (b), I have no details of the staff employed by the High Commissioner and of their salaries. Sir William Meyer's General Secretary is an Indian gentleman, Mr. Bhore. His salary is £1,300 a year *plus* war bonus. The Senior Joint Secretary of the Students' branch is an Indian as also one of the Assistants to the Indian Trade Commissioner. The former, Mr. Sen, draws £750 a year *plus* war bonus, the latter, Mr. Asli, £650 *plus* war bonus.

ABOLITION OF EXCESS-PROFITS TAX.

42. The HONOURABLE MAHARAJA SIR M. C. NANDY: Do the Government propose to consider the advisability of abolishing the Excess-Profits Tax at an early date in India?

The HONOURABLE MR. E. M. COOK: The answer is in the negative. The Excess-Profits Duty Act, which was passed by the Imperial Legislative Council two years ago, had reference only to the profits of the twelve months ending 31st March, 1919, and no legislation has been passed subsequently continuing the duty beyond that period.

## DEDUCTIONS UNDER INCOME-TAX.

43. The HONOURABLE SIR MANECKJI DADABHOY : (a) Are Government aware of complaints against the system of deducting at the source income-tax at the maximum rate of one anna per rupee from interest due upon Government Promissory Notes and Debentures on the ground that it leads to serious injustice, especially in the case of *pardanashin* ladies, illiterate people and small holders?

(b) Is it a fact that the procedure for claiming exemption or abatement is resorted to in very few cases?

(c) Is it a fact that all applications for exemption or abatement are required to be signed by the applicants either before a Magistrate or before the Collector of Income-tax?

(d) What is the reason for the levy of a stamp duty of one anna upon all applications for exemption or abatement?

(e) Is it proposed to adopt the system of receiving by post verified applications, whether on printed forms or not, signed before a witness only?

The HONOURABLE MR. E. M. COOK : (a), (b), (c) and (e). The rules regarding refunds of income-tax are made by Local Governments. In 1918, the Government of India circulated to Local Governments a model set of rules framed by the Bombay Government, and since that time no complaints have been received regarding the working of these rules. It is true that the total sum paid annually in refunds has hitherto been comparatively small, but it is quite possible that this is due, not so much to the difficulties of the prescribed procedure, as to the fact that in many cases, where an exemption or abatement is legally claimable, the amount involved is so small that it is not worth the assessee's while to make a claim. The provision contained in the rules of some Local Governments that applications may be signed before a Magistrate or a Justice of the Peace was introduced for the purpose of avoiding the necessity of requiring the personal attendance of *pardanashin* ladies to make declarations before disbursing officers or before the Collector of Income-tax. The Finance Member is willing to consider any proposals for any simplification of the procedure that would result in greater convenience to assesses, and will refer to Provincial Governments the suggestion contained in part (e) of this question. He is unable, however, to accept that portion of the suggestion which implies that statements filed with applications showing the total income of an assessee and the amount of securities held by him should not be in a prescribed form, since it is necessary to have all the details prescribed by the forms before any decision can be arrived at regarding the rate at which an assessee's income is liable to assessment or the amount of the refunds due.

(d) Prior to 1886 the duty was 8 annas, in which year it was reduced to one anna. The Finance Member has now reconsidered the matter in view of the Honourable Member's query and, while he does not think there is any real hardship involved by the payment of one anna on these applications, he agrees that there is not sufficient justification to retain the fee. Under the Court Fees Act the power of remitting the fee is vested in the Local Governments, but the Finance Member is suggesting to them the desirability of exempting the applications in question from the payment of fees.

## STRENGTH OF ARMY IN INDIA.

44. The HONOURABLE SIR D. WACHA : Will the Government be pleased to state what is the existing strength of the Army in India,

British and Indian separately; also the strength of British and Indian forces, whose cost is paid from the revenues of India, in Mesopotamia and other parts of Asiatic Turkey, in Persia and in East Africa?

The HONOURABLE SIR WILLIAM VINCENT: There are no troops, British or Indian, in Mesopotamia, Asiatic Turkey or East Africa, the cost of which is paid from the revenues of India. Part of the cost of certain troops employed in Persia is charged to Indian revenue under an arrangement which has been in force since before the war. A statement is laid on the table, which is printed below, giving the strength as on the 1st January, 1921, of the Army in India, British and Indian separately, and also the strength of the small bodies of troops which were employed in Persia on that date on the terms just mentioned, which are explained more fully in the statement.

	ACTUAL STRENGTH.		
	B. O.	B. O. R.	I. O. and I. O. R.
(a) British and Indian regular troops employed on garrison duty in India—			
(i) Royal Air Force . . . . .	225	1,688	...
(ii) Combatant Troops . . . . .	5,237	57,210	180,847
(iii) Administrative services . . . . .	2,891	3,494	72,804
Total . . . . .	8,353	62,392	253,651
	70,745		
(b) Depôts in India of Units serving Overseas—			
(i) Cavalry Regiments . . . . .	117	...	2,265
(ii) Infantry Battalions . . . . .	401	...	21,746
(iii) Pioneer Battalions . . . . .	55	...	2,021
Total . . . . .	573	...	27,032
	573		
(c) Regular troops forming Consular Escorts and providing detachments for Persia and the Persian Gulf (excluding East Persian Cordon)—			
(i) Consular Escorts . . . . .	...	...	142
(ii) Detachments in the Persian Gulf . . . . .	14	12	1,259
(iii) Administrative services at 40 per cent. of (ii). . . . .	6	...	503
Total . . . . .	20	12	1,904
	32		
(d) Regular troops with South Persian Rifles . . . . .	50	64	91
	114		91
GRAND TOTAL . . . . .	8,996	62,468	282,678
	71,464		

The figures at (a) include approximately 24,000 Indian troops and a corresponding number of British Officers representing units which are either about to proceed overseas or have just returned from overseas and the cost of which is chargeable to His Majesty's Government.

The cost of (b) above is also chargeable in its entirety to His Majesty's Government.

The expenditure under (c) and (d) is a political charge, and is borne in moieties by His Majesty's Government and the Government of India under a long standing arrangement based upon the recommendation contained in paragraph 240 of the report of the Welby Commission.

## RECOMMENDATIONS OF ESHER COMMITTEE.

45. The HONOURABLE SIR D. WACHA : Which are the recommendations, if any, of the Esher Committee that have been or are being carried into practice, and what burden have or will they impose on the finances of the Government of India?

The HONOURABLE SIR WILLIAM VINCENT : The only recommendations of the Esher Committee to which it has been decided as yet to give effect are those relating to :—

- (i) Tightening up of the system of financial control exercised at Army Headquarters and in the Royal Indian Marine. The new arrangements are at present on a provisional basis, and their cost is estimated at 3 lakhs per annum.
- (ii) Improvements in the system under which the Army and Marine accounts are maintained. The changes are being introduced gradually, and the ultimate extra cost, if any, cannot yet be gauged.
- (iii) Re-arrangement of staff duties at Army Headquarters. No extra cost is involved.
- (iv) Assimilation of the training system in India to that in force in the United Kingdom, including the introduction of a system of education for Indian soldiers. Full details of the scheme have not yet been settled.
- (v) Creation of a Territorial Force for India. Cost in the first year as roughly estimated—Rs. 5 lakhs. The ultimate cost cannot be stated at present. It will depend on the success of the scheme.

Some of these proposals had already been under the independent consideration of the Government of India before the Committee's Report was issued. The re-organisation of the Army in India, in accordance with what is known as the Four-Command Scheme, was supported but not initiated by the Esher Committee. Effect has been given to this reorganisation on a provisional basis.

## NAVY IN INDIAN WATERS.

46. The HONOURABLE SIR D. WACHA : Will the Government be pleased to inform the Council what will be the contribution of the Government of India to the Home Government for the coming official year in reference to His Majesty's Navy in Indian waters?

The HONOURABLE SIR WILLIAM VINCENT : Government regret that they are unable to give any information on this subject at present. The budget when presented will supply the information which the Honourable Member requires. But it is contrary to practice to disclose beforehand what provision is being made under any particular head.

## UNDELIVERED GOODS AT PORTS.

47. The HONOURABLE MR. CHETTIYAR : Will the Government be pleased to collect and place on the table information as to the amount of goods, if any, lying undelivered at the several ports on account of the importers refusing to honour the drafts?

The HONOURABLE SIR GEORGE BARNES : The Government of India could doubtless collect, with some trouble, statistics of the stocks of certain classes of goods lying in the different ports on a given date, but they could not ascertain, except at the cost of wholly disproportionate labour and expense, why delivery has not been taken of these goods, and they do not propose to take the action suggested by the Honourable Member.

47A. The HONOURABLE MR. LALUBHAI SAMALDAS MEHTA : Is Government aware that delivery is not taken because exchange has gone down ?

The HONOURABLE SIR GEORGE BARNES : Will you please give me notice of that question ?

#### EXTENSIONS OF EASTERN BENGAL RAILWAY.

48. The HONOURABLE RAJA PROMADA NATH ROY : Would the Government be pleased to state how far the schemes of the following extensions and branch lines of the Eastern Bengal Railway have developed, and when are the construction works of these to be taken up :—

- (i) Santahar-Siliguri extension of the broad gauge ;
- (ii) Isurdhi-Nauchal branch of the Eastern Bengal Railway in Rajshahi district ;
- (iii) Khulna-Madaripur line in the Dacca Division ?

The HONOURABLE SIR GEORGE BARNES : (i) The estimate for the conversion of the Santahar-Parbatipur section of the Eastern Bengal Railway to broad gauge was recommended for sanction of the Secretary of State in January last, and his orders were asked for by cable to allow of the work being pushed on. The estimate for the further extension of the broad gauge from Parbatipur to Siliguri is under preparation by the Railway Administration.

(ii) A survey for a railway from Nachoul to Gopalpur *via* Rampur Boalia was carried out in 1912-13. As the construction estimate then prepared is now out of date and the location of the junction at Ishurdi instead of at Gopalpur, since decided upon, has entailed a slight re-alignment of the line, it has been necessary to obtain a revised construction estimate. This estimate is now under preparation.

Government are not at present in a position to say when the project is likely to materialise.

(iii) A survey for a railway connecting Khulna with Faridpur *via* Madaripur and with Barisal was carried out in 1914. The project was ultimately abandoned for the reasons stated in Sir Robert Gillan's reply to the Honourable Maharaja Sir Manindra Chandra Nandy's question of the 11th September, 1918, of which I shall be glad to send the Honourable Member a copy, if he so desires.

#### RAILWAY CONNECTION BETWEEN INDIA AND BURMA.

49. The HONOURABLE RAJA PROMADA NATH ROY : Would the Government be pleased to state if the survey of a line connecting

Burma with India has been completed, and, if so, when is the work of construction going to commence?

The HONOURABLE SIR GEORGE BARNES: The necessary surveys for a railway connection between Burma and India have not yet been completed, and Government are unable to state in the meantime when construction is likely to be commenced.

#### EXPENDITURE ON PUBLIC GARDENS.

50. The HONOURABLE RAJA PROMADA NATH ROY: Would the Government be pleased to state what amount of money is spent yearly in the maintenance of public gardens under their supervision and control, and how much of it is recouped by the sale of the garden produce?

The HONOURABLE RAO BAHADUR B. N. SARMA: There are no public gardens under the direct control of the Government of India.

#### SHIP-BUILDING IN INDIA.

51. The HONOURABLE RAJA PROMADA NATH ROY: In view of the Communiqué issued by the Government in 1918 to the effect that the Government would help in various ways the ship-building industry in India, would the Government be pleased to state what steps have been taken so far in this connection up till now and how many ships and what amount of tonnage have been launched since then?

The HONOURABLE MR. A. C. CHATTERJEE: The Honourable Member's attention is invited to the reply given by the Honourable Sir George Barnes to the resolution moved on the 24th September, 1918, by the Honourable Rao Bahadur B. N. Sarma in the Indian Legislative Council, and also to the Press Communiqué, dated the 18th March, 1919, issued by the Indian Munitions Board. In his reply the Honourable Sir George Barnes gave certain details of the number of wooden vessels which were then being built in India under the encouragement given to the industry by the Munitions Board which was a purely war-time organisation. The assistance given to the industry during the war was confined entirely to the building of wooden vessels. But the building of ocean-going ships in this country is dependent on a supply being locally available of steel plates at low prices. Obviously no business company would undertake the building of steel ships if they had to pay freight for the importation of the chief constituents. It is hoped, however, that when the existing and the projected steel-works in India are in a position to supply steel plates in the required quantities and of specified quality, private enterprise will be forthcoming to develop and expand the shipbuilding industry. For this purpose private capitalists will probably require suitable and adequate areas of land for shipbuilding yards. Applications for assistance in the acquisition of land will in the ordinary course be dealt with by appropriate Local Governments.

#### TEACHING OF NAVIGATION IN INDIA.

52. The HONOURABLE RAJA PROMADA NATH ROY: Would the Government be pleased to state if it is in contemplation to open schools



for teaching Navigation in any part of India and, if so, which are the places likely to be selected for the purpose ?

The HONOURABLE MR. A. C. CHATTERJEE: The Honourable Member's question is understood to refer to the teaching of navigation generally. Education is a Provincial transferred subject, and it will be for the Ministers in the Provinces to decide whether schools should be opened for teaching navigation. With regard to the question of providing the means of training personnel for the Royal Indian Marine, a subject that is under the direct control of the Central Government, I would invite the Honourable Member's attention to the reply given by His Excellency the Commander-in-Chief to a question on the subject put by the Honourable Mr. Patel in the Indian Legislative Council on the 8th March, 1920. The Government of India have asked the Secretary of State for a ship suitable for use as a Royal Indian Marine training ship for Indian ratings, including engineer artificers, on which facilities can also be provided for the training of cadets and special ratings, such as wireless operators and signallers. Up to the present time the Government of India have not been able to obtain such a vessel.

EXPENDITURE ON REFORMS.

53. The HONOURABLE RAJA PROMADA NATH ROY: Would the Government be pleased to state to what amount the expenditure has been increased by the introduction of the Reforms Scheme in each of the Provinces and also in the Government of India ?

The HONOURABLE SIR WILLIAM VINCENT: A statement is laid on the table which is printed below, giving the information asked for so far as this is known to the Government of India.

*Statement showing the annual extra expenditure likely to be incurred in the Provinces in connection with Reforms.*

Province.	Particulars of appointments involving extra cost created.	Extra annual cost involved.	REMARKS.
Madras	1 Executive Councillor	Rs. 64,000	* Salary will be fixed by the local legislature.
	3 Ministers	*	
	1 President of Legislative Council.	36,000	
	1 Deputy President of Legislative Council.	*	
	1 Secretary	Pay according to superior time scale for I. C. S. + duty allowance of Rs. 250 per mensem.	
Bombay	1 Executive Councillor	64,000	† Not known; the fixing of the salary rests with the Governor under section 72 C. (5) of the Government of India, Act.
	3 Ministers	*	
	1 President of Legislative Council.	†	
	1 Deputy President of Legislative Council.	*	
	1 Secretary	Superior I. C. S. time scale pay + duty allowance of Rs. 250 per mensem.	
	1 Deputy Secretary	Superior I. C. S. time scale pay + duty allowance of Rs. 200 per mensem.	

Province.	Particulars of appointments involving extra cost created.	Extra annual cost involved.	REMARKS.
Bengal	1 Executive Councillor	Rs. 64,000	* Salary will be fixed by the local legislature.
	3 Ministers	"	
	1 President of Legislative Council.	36,000	
	1 Deputy President of Legislative Council.	"	
	1 Secretary	Superior I. C. S. time scale pay + duty allowance of Rs. 250 per mensem.	
	1 Deputy Secretary	Superior I. C. S. time scale pay + duty allowance of Rs. 200 per mensem.	
	5 Assistant Secretaries	Pay to be fixed by Local Government subject to maximum of Rs. 800 per mensem.	
United Provinces.	1 Governor	20,000	
	2 Executive Councillors	1,28,000	
	2 Ministers	"	
	1 President of Legislative Council.	36,000	
	1 Deputy President of Legislative Council.	"	
	1 Secretary	Superior I. C. S. time scale pay + duty allowance of Rs. 250 per mensem.	
	1 Under Secretary	Inferior I. C. S. time scale pay + duty allowance of Rs. 200 per mensem.	
Punjab	or 1 Assistant Secretary	Pay to be fixed by Local Government subject to maximum of Rs. 800 per mensem.	
	2 Executive Councillors	1,20,000	
	2 Ministers	"	
	1 President of Legislative Council.	36,000	
	1 Deputy President of Legislative Council.	"	
	2 Secretaries	Superior I. C. S. time scale pay + duty allowance of Rs. 250 per mensem.	
Bihar and Orissa.	2 Ministers	"	† Post at present held by a member of the Executive Council.
	1 President of Legislative Council.	†	
	1 Deputy President of Legislative Council.	"	
	1 Secretary	Superior I. C. S. time scale pay + duty allowance of Rs. 250 per mensem.	
	1 Under Secretary	Inferior I. C. S. time scale pay + duty allowance of Rs. 200 per mensem.	
Central Provinces.	1 Governor	10,000	
	2 Executive Councillors	96,000	
	2 Ministers	"	
	1 President of Legislative Council.	36,000	
	1 Deputy President of Legislative Council.	"	
Assam	1 Governor	6,000	† No salary has yet been fixed by the Governor.
	2 Executive Councillors	84,000	
	2 Ministers	"	
	1 President of Legislative Council.	†	
	1 Deputy President of Legislative Council.	"	

*Statement showing the annual extra expenditure likely to be incurred in the Government of India in connection with Reforms.*

Particulars.	Extra annual cost involved.			REMARKS.
	Rs.	A.	P.	
1. President, Council of State . . . . .	50,000	0	0	} 7 months at Rs. 5,000 and 5 months at Rs. 3,000.
2. President, Legislative Assembly . . . . .	50,000	0	0	
3. Joint Secretary . . . . .	36,000	0	0	
4. Additional Deputy Secretary . . . . .	24,000	0	0	
5. Two Superintendents at Rs. 600—40—800 each . . . . .	18,000	0	0	
6. Five Council Reporters at Rs. 450—25— 750 each . . . . .	38,400	0	0	
7. One Assistant in the upper time scale at Rs. 375—25—500 . . . . .	5,625	0	0	
8. Ten Assistants at Rs. 200—15—500 . . . . .	42,000	0	0	
9. Sixteen clerks at Rs. 100—8—300 . . . . .	36,400	0	0	
10. Three Stenographers at Rs. 175—9—400 . . . . .	9,675	0	0	
11. Six daftries at Rs. 15—1—35 . . . . .	1,080	0	0	
12. Two Jemādars at Rs. 20—1—24 . . . . .	480	0	0	
13. Sixteen peons at Rs. 10 each . . . . .	1,920	0	0	
14. Eighteen temporary peons at Rs. 10 each . . . . .	2,160	0	0	
15. Hill Journey allowances . . . . .	22,000	0	0	
16. Travelling and daily allowances of the Members of Council of State and of Legislative Assembly . . . . .	4,87,278	0	0	
TOTAL . . . . .	8,25,018	0	0	+ the salary of the Deputy President of the Legislative Assembly, which will be fixed by the Indian legislature.

NON-CO-OPERATION MOVEMENT.

54. The HONOURABLE RAJA PROMADA NATH ROY: Will the Government be pleased to lay a statement on the table as to the progress of

the non-co-operation movement in the various parts of India, and state the steps, if any, which the Government have so far taken to counteract its influences?

The HONOURABLE SIR WILLIAM VINCENT : I think the Honourable Member must form his own conclusions as to the progress of the non-co-operation movement. As regards the policy of the Government towards that matter, I would refer the Honourable Member to the Resolution published on the 6th November, 1920. I shall be glad to give him a copy if he has not already seen it.

#### MARKET FOR INDIAN PRODUCE.

55. The HONOURABLE MR. CHETTIYAR : Is it a fact that Indian produce cannot find a market in foreign countries?

The HONOURABLE SIR GEORGE BARNES : The Honourable Member's question is rather vague, and I am not sure what information he requires, but if he is referring to the present state of India's export trade, it is a fact that that trade is, generally speaking, in a state of depression. The principal cause, of course, is that the purchasing power of many countries, especially Continental countries, has been reduced owing to the collapse of their foreign exchanges. India, of course, is not the only country affected in this way.

#### STABILIZATION OF EXCHANGE.

56. The HONOURABLE MR. CHETTIYAR : Do the Government propose to stabilise exchange; if so, when?

The HONOURABLE MR. E. M. COOK : Government are unable to give any guarantee regarding the course of the rupee-sterling exchange.

#### EXCESS-PROFITS DUTY.

57. THE HONOURABLE MR. CHETTIYAR : Will the Government be pleased to collect and place on the table information as to—

- (a) the total amount of excess profits duty levied on Europeans and Indians respectively in each one of the several Provinces;
- (b) the number of such assesseses, European and Indian, in the several Provinces?

The HONOURABLE MR. E. M. COOK : The excess profits duty is a duty on the profits of businesses, and the greater portion of the duty levied is from businesses carried on by firms and companies, the amounts collected from individuals as such being insignificant. The names of companies and firms give no indication of the nationality of the shareholders or partners, and it would be an impossible task to attempt to distribute the receipts from the duty between Europeans and Indians. The Finance Member therefore regrets that he is unable to collect the information asked for.

EXPENDITURE ON IMPERIAL SERVICES IN INDIA.

58. THE HONOURABLE MR. BHURGRI: Will Government be pleased to state the amount of the increase of expenditure on the Imperial Services in India owing to the recent increments in the salaries, allowances and pensions, respectively?

The HONOURABLE SIR WILLIAM VINCENT: I lay on the table a statement which is printed below, giving the required information so far as it is available.

*Statement showing the approximate additional expenditure involved per annum in the increase of salary, allowances and pensions, respectively, of the various Imperial Services in India.*

(a) Salary—

	Rs.
Indian Agricultural Service . . . . .	3,30,000
Imperial Civil Veterinary Service . . . . .	1,04,000
Imperial Customs Service . . . . .	90,000
Indian Educational Service . . . . .	10,00,000
Indian Finance Department . . . . .	72,000
Military Finance Department . . . . .	50,000
Imperial Forest Service . . . . .	4,50,000
Geological Survey of India . . . . .	1,00,000
Indian Civil Service . . . . .	36,00,000
Indian Police Service . . . . .	13,00,000
Indian Medical Service . . . . .	25,00,000
Superior Telegraph Branch of the Indian Telegraph Department .	1,50,000
Indian Service of Engineers . . . . .	10,00,000
State Railway Engineering Service . . . . .	2,30,000
Survey of India . . . . .	45,000

(b) Allowances . . . . . Figures not available.

(c) Pensions—

Rough estimate . . . . . 3,00,000

EXPENDITURE ON THE STUDENTS' BUREAU IN ENGLAND.

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

- the amount of annual expenditure incurred in connection with the Students' Bureau in England;
- the amount of such expenditure borne by the Indian Exchequer;
- the amount of such expenditure, if any, borne by the British Exchequer?

The HONOURABLE KHAN BAHADUR MIAN MUHAMMAD SHAFI: (a), (b) and (c) The total expenditure incurred during 1919-20 in connection with the Indian Students' Department, including the salary of the Educational Adviser and Staff, was £8,601. The whole of this expenditure was borne by the Indian Exchequer.

## MILITARY EXPENDITURE IN INDIA.

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

- (a) the amount of Military expenditure incurred in India in the year before the war and in the year after the war, respectively ;
- (b) the amount of expenditure, incurred in India, during the same periods, on sanitation, education and medical relief, respectively ?

The HONOURABLE MR. E. M. COOK :—(a) The net military expenditure in the year 1913-14 amounted to 30 crores and in the year 1919-20 to 87 crores. This last figure however includes 24 crores, the cost of the Afghan war, besides various other charges arising directly or indirectly out of war, including in particular an item of over 4 crores as payment of war gratuities. I am not quite clear which year the Honourable Member wishes us to understand as the year after the war, and as the Peace Treaty with Germany was signed only in 1919. I may also state for his information that a sum of about 55½ crores was provided in the budget estimates for the year 1920-21 for net military expenditure, although owing to the operations on the frontier the actual expenditure of the year will exceed this figure.

(b) The expenditure on education in 1913-14 was 5½ crores and on medical and sanitation together 2½ crores. Separate figures for medical and sanitation expenditure for that year are not available, and moreover the figures for that year do not include grants to local bodies for expenditure on these objects. In 1919-20, the expenditure on education amounted to 7½ crores, on medical to 2½ crores and on sanitation to 1½ crores.

## PROVINCIAL EXECUTIVE COUNCILS.

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

- (a) if it is a fact that the Montagu-Chelmsford report recommended that the Provincial Executive Councils be composed only of two members, one official and one non-official ;
- (b) the reasons why the strength of some Provincial Executive Councils has been raised to four members ?

The HONOURABLE SIR WILLIAM VINCENT : (a) Yes.

(b) The appointment of Ministers has no doubt relieved Members of the Executive Councils of some of the duties hitherto discharged by them. I would, however, refer the Honourable Member to the remarks of the Joint Committee in their Report on the Government of India Act draft rules. Referring to their recommendation that if a Provincial Council contained two Members with service qualifications neither of whom was by birth an Indian, it should contain also two non-official Members ; the Joint Committee observed that they recognised that this decision might involve a slightly greater manpower in government than the present statistics would strictly justify, but that they had little doubt that the increase of work arising out of the new legislative bodies would be such as to render past experience a doubtful guide as to the volume of business likely to fall upon the Executive, and that in any case they thought it more important that as many Indian gentlemen

as possible should obtain experience of inside government and that the salaries of a few officials should be economised.

#### ARMS RULES.

62. The HONOURABLE MR. BHURGRI : Will Government be pleased to lay on the table the recent notification of the Government of India on the subject of the Arms Rules ?

The HONOURABLE SIR WILLIAM VINCENT : The Government of India have recently issued a number of notifications on the subject of the Indian Arms Rules, and it is not known to what particular notification the Honourable Member refers. The notifications have all been published from time to time in the Gazette of India, but if the Honourable Member so desires, I shall be glad to send to him direct copies of the Indian Arms Rules and all subsequent notifications, and any particular notification that he wants.

#### INDIAN DEFENCE FORCE.

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

- (a) the total strength of the Indian Defence Force at present ;
- (b) the strength of the Indian element in that force ?

The HONOURABLE SIR WILLIAM VINCENT : (a) The Indian Defence Force ceased to exist with the repeal of the Indian Defence Force Act, 1917, on the 1st October, 1920.

(b) This part of the question does not therefore arise.

#### TERRITORIAL FORCE IN INDIA.

64. The HONOURABLE MR. BHURGRI : Will Government be pleased to state what action, if any, has been, or is proposed to be, taken by them in regard to the constitution of a territorial force in India ?

The HONOURABLE SIR WILLIAM VINCENT : The formation of the Indian Territorial Force will be undertaken as soon as the draft Rules, which will shortly be published in the Gazette of India, become effective.

It is proposed to form, in the beginning, six Provincial battalions, in addition to the University Corps, as well as two Railway battalions. When these are completed, the formation of other units will be considered.

#### TECHNICAL, INDUSTRIAL AND SCIENTIFIC EDUCATION OF INDIAN STUDENTS IN ENGLAND.

65. The HONOURABLE MR. BHURGRI : Will Government be pleased to state what facilities, if any, there are for the technical, industrial and scientific education of Indian students in England and other countries ?

The HONOURABLE MR. A. C. CHATTERJEE : The Honourable Member is doubtless aware that Advisory Committees for Indian Students proceeding

abroad for study exist in the Provinces. His Provincial committee will be in a position to furnish him with any detailed information he desires. I may at the same time commend the following publications to the Honourable Member's attention :—

- (1) Handbook of Information for Indian Students relating to University and Professional Studies, etc., in the United Kingdom (issued by the Committee of the National Indian Association, in conjunction with the Students' Department, India Office).
- (2) Pamphlet on Admission to American Universities and Colleges, by J. C. Coyajee, Secretary, Provincial Advisory Committee for Indian Students, Calcutta.
- (3) Pamphlet No. 7 of the Bureau of Education and Facilities for Indian Students in America and Japan, by R. K. Sorabji.
- (4) United States Bureau of Education No. 27 of 1915 on Opportunities for Foreign Students at Colleges and Universities in the United States by Samuel Capen.
- (5) Pamphlet No. 6 of the Bureau of Education on Indian State Scholarships.

#### REPORT OF INDUSTRIAL COMMISSION.

66. The HONOURABLE MR. BHURGRI : Will Government be pleased to state what action, if any, has been, or is proposed to be, taken in regard to the Report of the Industrial Commission ?

The HONOURABLE MR. A. C. CHATTERJEE : It is not possible to give in detail all the information which the Honourable Member desires within the compass of a reply to his question. I shall, however, be glad to give to the Honourable Member at any time detailed information regarding any particular recommendation made by the Indian Industrial Commission, should he desire to have it. Briefly, the main recommendations of the Commission were—

- (1) the constitution of a Central Department of Industries ;
- (2) the constitution of Provincial Departments of Industries ;
- (3) the creation of all-Indian Scientific and Technical Services ; and
- (4) the creation of an agency for the purchase and inspection of stores in India.

The general approval of the Secretary of State was given to the principle of each of these four recommendations, and effect has actually been given to the first two. Considerable progress has also been made with the 3rd and 4th recommendations, but some little time must elapse before they can be carried into effect.

The Proceedings of the two Conferences of Directors of Industries, which have been held up to date, indicate the position in respect of each recommendation made by the Commission on which the Government of India have taken or are taking action. These Proceedings are now being published



in the form of official bulletins, and when these are ready, I shall be glad to supply the Honourable Member with copies of them.

ANDAMANS SETTLEMENT COMMITTEE.

67. The HONOURABLE MR. BHURGRI : (a) Will Government be pleased to state—

- (i) when the Andamans Settlement Committee was appointed ;
- (ii) what was the personnel of that Committee ;
- (iii) whether the Committee have submitted a report to Government ; and, if so, when ;
- (iv) whether the report has been published by Government ;
- (v) if not, why the report has not been published ?

(b) Will Government lay on the table a copy of the report of the above Committee, together with the orders, if any, passed by Government in the matter ?

The HONOURABLE SIR WILLIAM VINCENT : The Honourable Member is perhaps referring to the Jails Committee which was directed to inquire into the system of transportation to the Andamans. If so, the answer to his questions is as follows :—

(a) (i) In April 1919.

(ii) I would refer the Honourable Member to the resolution published on the 28th April, 1919.

(iii) Yes. Copies were received on 23rd November, 1920.

(iv) (v) and (b) The report is still under the consideration of the Government of India, who are in consultation with Local Governments regarding the recommendations contained therein. No decision has yet been reached regarding the question of publication, and the Government are not therefore at present prepared to lay a copy of the report on the table.

67A. The HONOURABLE MR. BHURGRI : Was there any other committee appointed specially with regard to the Andamans Settlement ?

The HONOURABLE SIR WILLIAM VINCENT : To the best of my knowledge, no. Sir Reginald Craddock visited the Andamans some time ago and submitted a report, but the only committee that investigated the subject is the Committee to which I have already referred.

REPORT OF JAIL COMMITTEE.

68. The HONOURABLE MR. BHURGRI : Will Government be pleased—

- (a) to state what action, if any, has been, or is proposed to be, taken in respect of the report of the Jail Committee ;
- (b) to lay a copy of the report on the table ?

The HONOURABLE SIR WILLIAM VINCENT : I would refer the Honourable Member to the answer which I have just given.

#### INDIAN TROOPS OUTSIDE INDIA.

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

- (a) the total number of Indian troops stationed outside India ;
- (b) the places where they are stationed ;
- (c) the number stationed in each place ;
- (d) the amount of annual expenditure incurred over them ;
- (e) the amount of such expenditure borne by the Indian Exchequer ;
- (f) the amount of such expenditure, if any, borne by the British Exchequer ;
- (g) the reasons for these Indian troops being stationed outside India ?

The HONOURABLE SIR WILLIAM VINCENT : (a) The number of troops stationed outside India is 105,000.

(b) and (c). It is undesirable in the public interests to give the information asked for. The information could not, in any case, be given without the concurrence of His Majesty's Government, at whose disposal these troops are.

(d) The information is not available as practically all the expenditure is that of His Majesty's Government and not that of the Government of India.

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

(g) Except in Mesopotamia and Persia, where we are still dealing with the aftermath of the war, these Indian troops are employed on ordinary pre-war garrison duties.

#### PROSECUTIONS UNDER DEFENCE OF INDIA ACTS, ETC.

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

- (a) the number of prosecutions under the Defence of India Act, Sections 124-A and 153-A of the Indian Penal Code, and Section 108 of the Criminal Procedure Code, respectively, in the whole of India during the last five years ;
- (b) the number of convictions in the above prosecutions ;
- (c) the number of acquittals, if any, in the above prosecutions ?

The HONOURABLE SIR WILLIAM VINCENT : The information asked for by the Honourable Member is being collected and will be laid on the table as soon as it is available.

The HONOURABLE THE PRESIDENT: It now being Twelve of the Clock, the time for questions is exhausted. The remaining questions on the paper will, therefore, stand over.

Before we proceed further, I desire to communicate to this Honourable Council a message under the Sign Manual of His Excellency the Governor General of India. The message was received by the Council standing.

It runs as follows:—

*For the purposes of sub-section (1) of section 67A of the Government of India Act and in pursuance of rule 43 of the Indian Legislative Rules, I, Frederick John Napier, Baron Chelmsford, hereby direct that the statement of the estimated annual expenditure and revenue of the Governor General in Council (referred to in the said Rules as the Budget) shall be presented to the Council of State on Tuesday, the 1st March, 1921.*

It may possibly be for the convenience of this Council if any Member of the Government is in a position to make a statement (other than the statement made on the last occasion) of the Government business to be brought forward at the next meeting of the Council.

The HONOURABLE SIR GEORGE BARNES: That is, I think, on the 21st February.

The HONOURABLE THE PRESIDENT: Yes.

## GOVERNMENT BUSINESS FOR THE 21ST FEBRUARY, 1921.

The HONOURABLE SIR GEORGE BARNES: Sir, it is hoped that a  
12-3 P.M. Bill further to amend the Code of Criminal Procedure, 1898,  
and the Court Fees Act, 1870, will be ready for introduction on  
that day, the 21st of February, and it is possible that one or two small  
measures may also appear in the list of business.

The seven Resolutions regarding the recommendations of the Washington Labour Convention, of which notice has been given by the Honourable Mr. Chatterji, will also come on for discussion.

The HONOURABLE THE PRESIDENT: We will now proceed to the business of the day.

### CODE OF CIVIL PROCEDURE (AMENDMENT) BILL

The HONOURABLE SIR WILLIAM VINCENT: Sir, I move for leave  
12-5 P.M. to introduce a Bill further to amend the Code of Civil Procedure,  
1908.

The Bill is a very short measure and requires no explanation other than that which is already provided in the Statement of Objects and Reasons. Members of this Council are aware that the Provincial Insolvency Act was consolidated in the last Session of the Imperial Legislative Council. The Select Committee, which sat on that Bill, recommended an amendment of that

[Sir W. Vincent.]

portion of section 55 of the Code of Civil Procedure which provides for the release of a judgment debtor arrested in execution of a decree if he announces his intention of applying to be declared an insolvent and complies with certain conditions into which I need not enter. The Committee recommended that this provision of the law should be repealed. Accordingly, we consulted Local Governments and the High Courts and, for reasons which will be apparent to any one who studies the Statement of Objects and Reasons, we decided not to abolish this power of the Courts altogether, but merely to make it a permissive power and to change the section from a mandatory section to an enabling section, that is to allow the Courts, where they thought fit, to release the judgment debtor but not to make it obligatory upon them to do so; and it is to give effect to that proposal that I introduce the present Bill. I only ask at present for leave to introduce, and Honourable Members who desire to criticise the Bill in detail will have an opportunity of doing so later when they have examined the provisions more fully.

The motion was put and agreed to.

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

### MAINTENANCE ORDERS ENFORCEMENT BILL.

The HONOURABLE SIR WILLIAM VINCENT: Sir, I move for leave to introduce a 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*.

12-8 P.M.

I hope that I shall not have to detain the Council for any time over this measure, which is also largely non-controversial and is fully explained in the Statement of Objects and Reasons to which I refer Honourable Members. The legislation arises out of a decision of the Imperial Conference of 1911 that wives and other dependents deserted by their husbands or persons liable for their maintenance and left destitute should be afforded additional protection by the Courts. In accordance with that decision an Act of Parliament was passed in 1920 which enables maintenance orders made in the United Kingdom (but not in Scotland, I think), to be transmitted to other parts of His Majesty's Dominions for enforcement, and also provides for the enforcement of orders made in other parts of His Majesty's Dominions in British India. The Act is a purely enabling one, in that Parliament very wisely insisted that, before they gave effect to it, there should be reciprocity of treatment. The present Bill provides similar facilities for enforcing maintenance orders made in other parts of His Majesty's Dominions in British India, for the confirmation of provisional orders of that character, for the making of provisional orders of that character when the person deserted is in British India, and for the transmission of maintenance orders made in this country to other countries for execution. That is, if a wife is deserted by her husband here, she can bring a suit or complaint for maintenance. If she secures a final order in this country, then we can get it executed in the United Kingdom if he runs away there. Similarly, if he runs away before the order, we can get a provisional order here, which will have to be confirmed in the country in which he has taken up his residence. But the whole arrangement is subject to reciprocal treatment by the other country affected.

If Honourable Members will turn to the Bill for one moment they will see that clause 3 also provides for similar facilities for the enforcement of maintenance orders as between British India and Indian States. The remaining clauses provide for procedure, for variation of orders where necessary and for cancellation ; also for appeals in certain cases.

The necessity for the legislation is well illustrated, I think, by the Lord Chancellor's speech when he moved the second reading in the House of Lords. He told the House that in 1919 the Colonial Office received communications from over 30 Boards of Guardians in England with reference to the cases of wives with or without children dependents whose husbands had deserted them and gone to reside in other parts of His Majesty's Dominions. Speaking on the same Bill at the same hearing, the ex-Lord Chancellor said that it was a small but long overdue instalment of a debt which society owed to women who had been deserted by their husbands, and in that view I think this Council will agree.

There is one other point which I ought to mention, namely, that the Bill does not cover maintenance orders for illegitimate children, the reason for that being that it was found impossible for various reasons, into which I need not enter, to include that class of person in the English enactment, and, as the whole basis of the legislation which I am putting before this Council is reciprocity, it would have been useless for us to attempt to include that in our Bill.

I do not think, Sir, that there is any other point to which I need advert at present. Ample opportunity will be given to this Council and to those who take any interest in a somewhat technical and difficult subject to discuss it at a later stage.

The motion was put and agreed to.

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

The HONOURABLE the PRESIDENT:—That closes the legislative business for the day. We will now proceed to Resolutions. I call upon the Honourable Sir Maneckji Dadabhoy to move the Resolution standing on the paper in his name.

#### RESOLUTION *RE* CIRCULATION OF SPEECHES OF HIS ROYAL HIGHNESS THE DUKE OF CONNAUGHT AND HIS EXCELLENCY THE VICEROY IN THE VERNACULARS.

The HONOURABLE SIR MANECKJI DADABHOY: Sir, in the list of 12-11 P.M. business, the first Resolution stands in my name. It is not in order as I have not complied with the provisions of section 57 of the Standing Orders. I therefore request you, Sir, to ask the Member in charge of the Department to which the Resolution relates to give me his consent to move this Resolution.

The HONOURABLE the PRESIDENT: I understand the Honourable Member has the consent of the Honourable the Home Member. I have been so informed.

The HONOURABLE SIR WILLIAM VINCENT: That is correct, Sir.

The HONOURABLE SIR MANECKJI DADABHOY : Sir, I beg to move the following Resolution :—

‘This Council recommends to the Governor General in Council that the speeches delivered by His Royal Highness the Duke of Connaught and His Excellency the Viceroy at the inauguration of the Indian Legislature on the 9th February, 1921, be translated into all the important vernaculars and freely distributed throughout the length and breadth of the country at the cost of Government.

I feel sure Honourable Members will not grudge me the priority which I have claimed for this Resolution, particularly as I shall not take more than a couple of minutes to place this Resolution before the Council. I trust Government will agree with me that the Resolution which I have just read out needs no special words of recommendation. My justification for moving this Resolution is obvious. The inauguration of the Council of State and the Legislative Assembly has been an epoch-making event—I may say, an event of exceptional and momentous importance. To the solemnity of the occasion special interest was invested by the presence of His Royal Highness the Duke of Connaught, who has specially come out to India to inaugurate the Councils and to deliver in person the message of His Imperial Majesty to the people of India. Honourable Members are now aware of that message. The message which His Royal Highness has delivered to the Indian Legislature has been received with reverence and with unswerving loyalty to the Throne and person of His Majesty. That part of the speech of His Royal Highness which referred to our future responsibilities, to the privileges of Members, to the new Constitution and to the new era of political freedom which has been opened out to India is worthy of our serious consideration. Likewise, the weighty speech of His Excellency the Viceroy reviewing the situation and tracing the gradual steps by which the first instalment of self-government and political freedom has been obtained for the country is worthy of our serious study and reflection. I have no doubt that both these speeches will be published in the newspapers and will be read by many educated people; but, in my opinion, it is essentially necessary that the widest possible publicity should be given to these important utterances by making them available among the masses generally. It is only right and proper that the message of His Imperial Majesty the King should be freely communicated to the people of India, particularly as that message embodies an important declaration, namely, the beginning of Swaraj within the Empire—the goal to which the people of this country are aspiring for and which they are endeavouring to obtain.

There is another reason, Sir, why this Resolution ought to commend itself to Government. There is a section of the public, as the Council is aware, which has belittled the Reforms and has misinterpreted them. There is some apprehension that the two important speeches delivered at the inauguration of the Councils might be likewise misinterpreted. My Resolution therefore suggests that translations of these two important speeches be made in all important vernaculars of the country and distributed broadcast throughout the country. I would also ask Government to issue executive instructions to Tehsildars and Revenue Officers in the districts to read the translations in all the important villages and groups of villages. As regards the cost, I have not the slightest doubt that the Provincial Governments will be ready and willing to bear their share of the contribution. I therefore move this Resolution and I feel sure it will be accepted by the Council and Government.

The HONOURABLE SIR ZULFIQAR ALI KHAN: Sir, I agree wholeheartedly with the sentiments expressed by the Honourable  
12-16 P.M. Sir Maneckji Dadabhoy. I think it is essential that the country should know what is the character of the message sent by His Majesty the King-Emperor.

The HONOURABLE DIWAN BAHADUR V. RAMABHADRA NAYADU: Sir, I heartily support the Resolution moved by my Honourable  
12-17 P.M. friend Sir Maneckji Dadabhoy. The momentous utterances to which His Royal Highness the Duke of Connaught and His Excellency the Viceroy have given expression should be made known to all, especially at this time when a section of the Indian people are being misled by Mahatma Gandhi and others. It is therefore necessary that the documents containing the message of His Imperial Majesty should be translated into some of the vernaculars in all the Provinces. I think it very important that the masses should understand what is conveyed to the people of India by His Imperial Majesty in the weighty words of His Royal Highness the Duke of Connaught and also those of His Excellency the Viceroy. So I think it necessary, even though it will require the expenditure of some money, that the translations should be made and distributed broadcast among the mass of the people, as this Resolution suggests.

The HONOURABLE RAJA SIR RAMPAL SINGH: Sir, I rise to give my  
12-19 P.M. support to the Resolution that has been moved by my friend the Honourable Sir Maneckji Dadabhoy. It is extremely desirable in my opinion that translations of the two speeches referred to in the Resolution should be distributed in the country—especially in rural areas. I am sure the stirring appeal made by His Royal Highness the Duke of Connaught will find a ready and enthusiastic response in the hearts of the people.

The HONOURABLE NAWAB ABDUL MAJID: Sir, I think that it is absolutely  
12-20 P.M. ly necessary that the speeches of His Excellency the Viceroy and of His Royal Highness the Duke of Connaught should be translated into all the important vernaculars of the Provinces. It is essential, Sir, not for the reason only that they will give information to the people of the country at large as to what the pronouncements have been, but it is essentially necessary for this reason also, that they will go a long way to allay the unrest which is prevailing in the country at the present time. When the people hear the message which has been conveyed by His Imperial Majesty and that message conveyed through a Royal mouth, that will have a great effect upon the masses of the country. Of course, we educated people will learn from the newspapers, but the masses, unless it is brought home to them, I am afraid will not be well acquainted with it, and for that purpose it is not only necessary that the speeches should be translated, but the speeches should be circulated far and wide so that they might reach the hands of every villager and every man in the country, and not only that, it should be explained to the people what are the pronouncements of the Government, what are the intentions of the Government at the present time. With regard to the agitation that has been going on in the country at the present time, I would say that it is not telling the real facts to the people. When the people know what are the real intentions of the Government it is quite possible—I am in fact quite certain—that the people will see with their own eyes what these intentions are, and they are not likely then to follow these agitators who are booming from one end of the country to another. Sir, with these words I support the Resolution.

The HONOURABLE MAUNG PO BYE : Sir, I beg to support the Resolution, and I hope that the term 'important vernaculars' includes  
 12-21 P.M. Burmese, and that the Publicity Department will carry out the resolution as quickly as possible.

The HONOURABLE SIR WILLIAM VINCENT : Sir, speaking on behalf  
 12-22 P.M. of Government I welcome this Resolution, and I should like also to congratulate the Honourable Mover on the patriotic spirit which has induced him to put forward a proposal so full of promise and likely to be of such benefit to the public. I myself have heard many speeches in this Chamber—more perhaps than any member here—and I have seldom seen an audience so moved as they were by the gracious message of His Royal Highness at the Inauguration Ceremony. To few indeed is given that prerogative of greatness, the power of touching the human heart in such generous measure as it is given to Members of the Royal House of Great Britain. If I may slightly paraphrase a citation from a great American Orator, it was a speech spoken in charity with all men, in malice towards none, by one striving only to bind up the wounds caused by the unhappy dissensions which now prevail in this country ; and though I am well aware that it will be impossible to convey in cold print the deep impression which that message made upon all who heard it or to reproduce in any way the sympathetic tone and manner in which it was delivered, the speech itself breathes such a spirit of good-will, bears such intrinsic evidence of deep affection for this country and contains such a clear exposition of His Majesty's sympathy with India and Indians, and is so inspiring and full of promise for the future, that I feel that the widest publication of it cannot but do immense good. In these circumstances, Sir, I engage that if this Resolution is—as it will no doubt be—carried, Government will make every effort to have both His Royal Highness' speech and the weighty address of His Excellency the Viceroy, also worthy of a great occasion, translated into all the main vernaculars and widely distributed throughout the country, so that all, high and low, rich and poor, may have an opportunity of hearing and pondering in their hearts the gracious message of His Royal Highness and may appreciate the motives of sympathy by which both these speeches were so sincerely inspired.

The HONOURABLE THE PRESIDENT : Does the Honourable Mover wish to reply ?

The HONOURABLE SIR MANECKJI DADABHOY : I have only to  
 12-25 P.M. express my gratitude, Sir, to the Honourable the Home Member for the manner in which Government have received the Resolution.

The Resolution was put and carried unanimously.

#### PROCEDURE TO BE ADOPTED *RE* AMENDMENTS.

The HONOURABLE THE PRESIDENT : Before I call upon the Honour-  
 12-26 P.M. able Member whose name stands next on the paper to move his Resolution, I think it will be convenient for the Council if I explain the procedure which I propose to adopt. I find there are several amendments of which notice has been given in connection with this Resolution. There is one amendment standing in the name of the Honourable Mr. Khaparde which presents to the Council an alternative



proposition wholly opposed to the original question. I shall therefore call upon the Honourable Mr. Kharade to move his amendment immediately after the Resolution has been moved, and the debate that will follow will not be restricted to the amendment, but will include the motive of the amendment and of the Resolution, both matters being under the consideration of the Council as alternative propositions. I shall then put Mr. Kharade's amendment, and if it is carried the other amendments fail, as the Council will then affirm a proposition which is inconsistent with these amendments. If the amendment fails, I shall call upon the other Honourable Members to move their amendments; but in that case the subsequent debate is strictly restricted to the desirability of the omission or the addition of the words contained in those amendments. I now call upon the Honourable Mr. Sastri to move the Resolution which stands in his name.

### RESOLUTION *RE* REPEAL OF CERTAIN REPRESSIVE LAWS.

The HONOURABLE MR. V. S. SASTRI: Sir, the Resolution which I am 12-28 P.M. about to move is in these words:—

‘This Council recommends to the Governor General in Council that a committee be appointed at an early date to examine the repressive laws now on the Statute-book, and report whether all or any of them should be repealed, and, in cases where repeal is not desirable, whether the laws in question should be amended and, if so, how.’

Sir, I am very grateful indeed that the Government have found it possible to bring my Resolution on the agenda paper of the first business-day of the Council. If I may say so, it is an indication of an admirable spirit of cordiality and friendliness, which, I hope, will characterise the future work of this Council. The purpose and aim of the reforms cannot be better expounded than in the weighty words addressed to us on the inauguration day by His Excellency the Viceroy, than whom no more authoritative exponent of the subject could be conceived. In that statement we had the words ‘For the first time the principle of autocracy, which had never been wholly discarded in all earlier reforms, was definitely abandoned.’ That is a great point. There is no more to be in the government of this country the principle of autocracy. My Resolution practically asks Government to adopt the first of the many steps that will be required before this principle of autocracy is in fact extinguished on the Statute-book.

It would be incongruous with the popular liberty which we are confidently hoping that the new Councils will inaugurate; it will be incongruous with that principle if the repressive laws at present on the Statute-book continued there in their present form. What these laws are I will barely mention later on. But for the present I must answer the question which must occur to many of you. Is this the time for any body to ask that repressive laws be abandoned or modified? With a due sense of responsibility, I answer the question in the affirmative. There is trouble, there is intense unrest. At any moment the forces of disorder may exhibit themselves in undesirable forms. It is not unnatural if the custodians of peace and order feel some hesitation as to the wisdom of striking off all the fetters on individual freedom and liberty that are now in their possession. Still considering how this unrest derives a great part of its nourishment from the very existence of these repressive measures, from the denial at various points in the life of a people, of that individual freedom which we regard as essential to full citizenship, considering how the unrest is mainly caused by the feeling that there are too many of these restrictions on our citizenship, I think I shall not be guilty of forcing the pace of reform if I ask that.

[ Mr. V. S. Sastri. ]

we begin the work of conciliation by striking off some of these fetters and by weakening the force of others. For, after all, if sedition is to be adequately dealt with, it must be as a great man has said, by the removal of the matter of sedition. If that is our work, am I right in suggesting to the Council the procedure of the appointment of a committee for the purpose? The suggestion will be made later on that perhaps the wiser course will be for ourselves to strike off these fetters at once. I do not deny that there is much to be said for that course. But upon the whole, taking all things together, I am not satisfied that every one of these fetters can be struck off immediately. Perhaps one or two of these will still have to be preserved in a modified form on the Statute-book. I cannot be dogmatic on a subject of which I am very ignorant. Nevertheless I do wish to state as my conviction that upon the whole the committee procedure that I am now recommending is the best way of approaching the problem. We shall not lose much time by adopting that course. Anyhow, even if the alternative suggestion that is going to be made to the Council be adopted, I take it that it will not be before the next Session of our Council that the effectuating measures can be carried out. My suggestion does not involve any further delay than that. If the committee which I propose should be appointed and instructed to report in good time so that at our next Session the necessary legislation, repealing and amending may be undertaken, everything that we wish would be got.

Touching the repressive laws themselves, I would divide them broadly into three classes. The first class is an offence in itself. Its presence on the Statute-book is a political danger and cannot be tolerated hereafter. To this class belongs the notorious Rowlatt Act, the unblest mother, I must say, of a monstrous brood of evil. Her we no longer wish to have on the Statute-book. Then there are the deportation Regulations of a very early date, the existence of which also has contributed a great deal to the political dissatisfaction which is gathering head. They date from 1818 to 1827 and refer to different parts of India. I do not think it will be at all difficult for a great Government like the Government of India to manage to administer the country along peaceful and progressive lines without being armed with these very old fashioned Regulations which constitute, if I may say so, a relic of a somewhat barbarous time. Then there are certain Acts, which it is highly desirable immediately to repeal. Herein I would include what is known as the Press Act, and the Act which authorises the Government of India to constitute special tribunals for the trial of certain offences. The Press Act, in particular, has been the cause of a great deal of discontent and dissatisfaction. It has been held to be absolutely incompatible with a free press which we regard as one of the essential constituents of freedom. I am not quite competent to go into the various features of the Press Act. But about its general effect one is puzzled to say anything that will be generally acceptable. I am sometimes doubtful whether to describe the Press Act as a success or as a failure. At the present moment, at all events, the press in India, whether English or vernacular, cannot be truly said to be very much deterred in the exercise of its freedom by the existence of the various provisions of the Press Act. That, however, is an accident of the policy that the Government is pursuing to-day rather than a necessary result of the nature of its provisions. These provisions are in themselves, no doubt, of a very restrictive nature, and on high authority it has been held that even the safeguards provided in the Act have not been so carefully provided as to secure suitable remedies to aggrieved parties.

I would, therefore, press on the Government—or rather on the Committee which I am suggesting should be appointed—I would press on the Committee the desirability of repealing altogether the Press Act, and, as I mentioned before, that other Act which authorises the appointment of special tribunals to try certain offences. Then, there are certain other Acts, which I will mention, but with regard to which I am by no means certain that it would be wise to repeal them. Possibly the best course is to examine them carefully, with expert advice as to how best to amend them. In this category I would mention, for example, the Seditious Meetings Act, the Newspapers Incitement to Offences Act, and the Act relating to conspiracies.

Sir, as a man not versed in law, I should be treading on dangerous ground if I proceed to examine in detail the various provisions of the Acts. But I think I have mentioned such a number of these restrictive Acts that I need not say much to recommend the appointment of a Committee to examine the whole body of these repressive laws. There are too many of them, and some of them are really too bad. We cannot afford to enter on a career of even partial responsible government with these menaces to popular freedom existing on the Statute-book.

I must now ask the Council's patience if I refer, as I cannot help referring, to the broader aspect of these questions. As I said before, this is one of the first steps we necessarily must take in the great work of conciliation, in the great work of placing the Reforms on a proper basis. I was not struck by any part of His Royal Highness' speech, great as it was, so much as by the passage in which he summed up in simple but pregnant words the experience of humanity in its struggle for freedom. The words are worth quoting, and I will make no apology to the Council for doing so :—

'Political freedom has often been won by revolution, by tumult, by civil war, at the price of peace and public safety. How rarely has it been the free gift of one people to another in response to a growing wish for greater liberty and to a growing evidence of fitness for its enjoyment?'

I cannot conceive of a more suitable answer to those, European and Indian, who are so sceptical as to the final issue of the great work on which the Government of India has now entered than that passage. It gives us hope. It shows us at one glance the immense scope of the British Constitution, within the arms of which it is possible, by methods altogether peaceful and constitutional, to proceed from a condition of political dependence to a condition of absolute equality with Great Britain herself in the work of Empire. Often it has been doubted, and it has been thrown at the face of political agitators—'Are you going to beat the record of humanity? Where is the people that has won its liberty except by bloodshed?' That may or may not be, but we, England and India together, have resolved, if only we understand the genius of the Constitution of Great Britain, to achieve this unique feat in political growth. We will achieve freedom, and the whole of it, by entirely peaceful means. Let that be the resolution of each one of us in proceeding with the work that opens to-day. Difficulties there must be: let us together overcome them. Misunderstandings there must be: let us together clear them up. But revolution and tumult, and civil war there need not be if history can teach and mankind can learn. That, Sir, is non-violent co-operation. Not non-co-operation, which may begin in non-violence and in professions of non-violence, but through the imperfections and weaknesses of the material on which it works, cannot but end in violence and bloodshed. To this work of co-operation I invite the Government to-day by means of this

[Mr. V. S. Sastri.]

**Resolution.** Let us, with His Royal Highness' words still ringing in our ears, on this first business-day of the first Council, make this compact of high-hearted comradeship.

One word more. In giving such liberties as may seem suitable, in taking such steps as may seem advisable, let there be no reservations to the extent that you wish to go. Go ahead bravely and not haltingly. It is the most essential condition of success in this great work. But us no buts; let there not be a superabundance of ifs. So working, we certainly will do what no other people in the world has done, achieve full constitutional liberty within the British Empire by entirely peaceful and constitutional methods.

I move, Sir, the Resolution which stands in my name.

The HONOURABLE MR. G. S. KHAPARDE: Sir, I wish to move the following amendment to the proposition which has just been moved. It runs as follows:—

'This Council recommends to the Governor General in Council that the following laws be repealed:—

1. Regulation III of 1818.
2. The Indian Criminal Law (Amendment) Act (Act XIV of 1908).
3. The Indian Press Act (Act I of 1910).
4. The Seditious Meetings Act (Act X of 1911).
5. The Anarchical and Revolutionary Crimes Act (Act XI of 1919).'

It is, I take it, a great coincidence that the Honourable the Mover of this Resolution began where I also wish to begin. I begin with the same words and practically the same expressions as were used by His Excellency the Viceroy. He divided the period of British Indian history into three periods, one up to 1861, another up to 1893, and then another that goes on from 1893 to 1910 or 1915, and then we have the present period.

I take it that the British Government began here with the understanding or under the impression that India was not fit to rule herself, that India required to be ruled from without and then gradually be led up to the path of self-rule. The first period, therefore, was the period of what I call infancy. Just like when we began as children and were told not to come here, or not to go there, or not to speak to this man or that person. In short, to put all possible restrictions on the child so that he may be taken the greatest possible care of. That is the period of infancy. Then comes the period of adolescence when the boy is permitted to go to school and associate with his fellow-students, and the boy, the students and everybody else is looked after and cared for. That is the period next to that of infancy. Then comes the period of freedom when the boy has to make his way in the world. That is the fourth period. In the third period there is a person who sits in the school-room—there used to be one in my days, I remember. He sits there and sees that everyone comes to school alright and learns his lesson; he sees that he does not get into mischief and fight, and that sort of thing. The Honourable the Mover thinks that we have now come to the period of having finished the college course, and passed all the examinations, but that we have not taken any degrees—the period that has really elapsed between the two and that is the period when the punishments are of a different kind. In my days the punishment was this. If the boy was naughty, he was ordered to go to the corner of the school-room and stand with his face to the wall. Later, if he

did not behave himself properly, came the punishment of being sent to another room altogether where the other boys did not sit. Then came the punishment of impositions which meant that he had to write out or copy a large number of things or lines and he was prevented from attending the class when recitations were being said and from taking prizes. Then, lastly, come other punishments such as expulsion and so on.

Now Regulation III of 1818 and the Anarchical Revolutionary Crimes Act belong to the period when the boy is asked in the school-room to stand with his face to the wall, because deportation practically means turning him out of his home and keeping him in a small village with his face to the sea.

Then comes the period when you are asked to sit in another room, which is not deportation entirely but internment—something like being kept in another place altogether. Then comes the period when you are prevented from entering the class-room and saying recitations, that is, when free expression in the press is prohibited and free speech on the platform is not lawful and when you are not left alone.

These periods, I may say, come within my own knowledge and have happily come to an end, as has been declared by His Excellency the Viceroy, the period of autocracy is over which in my opinion means our guardianship has ceased. Up to this time we were infants *in statu pupillari*, we were pupils and minors and taken care of. The guardian has withdrawn his hand, however, that is to say, it is the period of adolescence when I am free to go about where I like and do what I like and so on. Therefore, the punishment must be different now and the arrangements quite separate altogether. I have come to the period when I can say what I choose and do what I please and take the consequences. That is to say, there is the Penal Code, there are the general laws and at present these have to be observed—preventive action as it is called has to cease.

It reminds me of Sir Walter Scott being permitted to go on a horse alone. His age at that time was 18. His parents gave him a horse and he felt that he was a free man. He could go where he liked, stop the horse without asking anybody's permission and even stand by the roadside and admire the scenery. I want to feel that I can do all this without anybody saying nay, in fact to feel that sense of freedom which I am sure Sir Walter Scott felt. The sense of freedom, of being a responsible person comes when I have the right to do what I please and to take the consequences of what I feel.

I, therefore, submit that rather than go through with the lengthy procedure of a Committee and its necessary recommendations, legislation should be resorted to to obviate this altogether, so that I may ride my horse as Sir Walter Scott rode his with a perfect sense of freedom. Now is the time when we should withdraw all these fetters. I base my reason on the authority of the greatest statesman which England has ever had, and he is the late Mr. Gladstone. And that is the question. If a man abuses liberty the remedy is to give him further liberty. If he goes wrong, let him go completely wrong. Then he comes to grief necessarily. This is the kind of proof known in Logic as *reductio ad absurdum*. If there is a man who will persist in maintaining a wrong proposition, you say 'all right' and let him maintain his wrong proposition, and watch the result. He soon corrects himself. Similarly, if I am going wrong, if I am going too fast, let me go fast. I shall come to grief, I shall correct myself and I shall learn better than I would if there was a monitor sitting by my side preventing me from doing what I want

[Mr. G. S. Khaparde.]

to. I therefore propose that all these fetters—I think they have been correctly described as fetters—should be taken away. Autocracy has gone. We have also been told that we stand on our own feet. Then let these fetters go at once without any preliminary examination as to how it is to be carried out. Let all things go. If I go wrong I shall suffer certainly and suffer severely enough to correct myself. If I do not go wrong and if I am right, the quicker the remedy is applied the better progress I make. It appears to me therefore to be a very easy and straightforward course to repeal these Acts which I have mentioned. This would take away the most important fetters. You would leave some minor things there. I will not quarrel with these minor things because I have the power to turn them out whenever I choose to. So I let them be. But these five things I would like to take away at once, and that is my proposition. The first is Regulation III of 1818 that offends against laws of Habeas Corpus. That must go straight off. Then there comes the Criminal Law (Amendment) Act, which makes a sort of extraordinary court—a court with three High Court Judges sitting, without any due formal commitment. These temporary measures ought to go out. Then there comes the other Act, which takes away the free press and the free platform. That certainly ought to go and the Honourable Mover is in agreement with me on that point. So these should go at once without any further inquiry. There are no two opinions about them in the country. There are no two opinions about them even among the administrators, I think. Those who passed them did so under the feeling that they were exceptional measures for exceptional times. Now that those exceptional times have gone and now that we have approached a certain status, which we had not approached them according to their view, now then is the time for us to make a beginning in our own way with such speed as we ourselves would like. Of course in determining the pace, there will be this Council sitting and another in the same place at different times, and the necessary repealing laws will have to be undertaken and agreed to. As each Act is brought up there will be somebody who will speak in its defence, I suppose, and somebody who will say something against it and all these things that deserve to be said will be said. I therefore propose without waste of time to do away with these Acts, because now I do not think there is anybody in the whole of India that has got a good word to say about this Press Act. It has absolutely done nothing. My friend tried to explain it by saying that it has not been much used because of the policy of leniency followed. My explanation is that it is one of those Acts which has defeated itself by its own severity. Sir Lawrence Jenkins said that there is no word you can speak that cannot be brought under it—even though it be by innuendo or suggestion or otherwise. So that you can bring almost any word within that Act. And it could not be administered because it was so severe. And wherever it was administered and an appeal made to a court of law, it could not succeed.....

The HONOURABLE the PRESIDENT: The Honourable Member will pardon me for reminding him of another repressive law, the time-limit for speeches. Will he kindly bring his remarks to a close?

The HONOURABLE MR. G. S. KHAPARDE: Just two minutes, Sir. I was in my peroration. The fact is that this legislation—these five Acts—move in a kind of circle. It begins with curtailment of personal liberty; then it goes on to curtailment of liberty of speech; then it goes on to curtailment of the liberty of publication. Lastly, again, it goes back to the curtailment of

personal liberty. So it makes a complete circle, a wrong circle, a sort of vicious circle. And so it is just as well to get rid of it as fast as we can, and then progress will be easy and complete. Further, there will be greater confidence in the country when they know that these restraints have been removed. There has been a great deal said up to this time. I would like to see something being done and these fetters being removed straight off. It will be easier to make progress hereafter. For these reasons I have endeavoured to move my amendment, namely, to repeal these laws—or rather to recommend to His Excellency the Viceroy that these laws be repealed. With these words, Sir, I move my amendment.

The HONOURABLE SIE MANECKJI DADABHOY : Sir, I rise to support the Resolution proposed by my Honourable friend Mr. Sastri and to oppose the amendment moved by my Honourable friend Mr. Khaparde. At the outset, let me convey the congratulations of the Council for the very able, sober, and considerate manner in which my Honourable friend Mr. Sastri, with his long experience of public affairs, has placed this Resolution before the Council. Everyone of us, I feel sure, has been struck with the language of restraint, the language of moderation that he has adopted in placing this Resolution before us—at the same time pointing out the most important features of his case with all the earnestness that was open to him. So far as this Resolution is concerned, there is not the slightest doubt that no objection could be taken. His Resolution, in the first instance, has been introduced at a most opportune time and the Government ought to be congratulated also on allowing him to move this Resolution at the first sitting of the Council of State. It is the cordiality and spontaneity with which an opportunity has been given by Government at the first meeting to discuss such an important Resolution that will appeal to the country, and my friend Mr. Sastri was quite right in alluding to this.

Then, as regards the Resolution, it will be admitted that it is of a non-committal nature. It leaves the Committee that may be hereafter appointed full liberty to consider which measure ought to be repealed, which measure ought to be modified, which measures are unsuitable and inappropriate in the present temper of the public, and which cannot with reason or prudence be retained at this juncture. On the other hand, Mr. Khaparde's amendment by one summary act, without considering the gravity of the situation, seeks to repeal all these laws, and I hardly think this Council, with its past experience and in the present condition of things approve it. My friend Mr. Sastri has very rightly remarked that it is impossible to strike off all the fetters by one stroke of the pen. The Government of the country is primarily responsible for the maintenance of peace and order, and we, as the representatives of the people of India, have a serious obligation and a responsibility, a responsibility to see that public peace is maintained, that order is kept, and that the good government of the country is carried on with efficiency. Repressive Acts that have been passed during these few years have been many, and some of them of a drastic nature. I acknowledge that some of these Acts are unsuitable at the present time and ought to be repealed. I unfortunately was a party to some of these laws. I supported some of these legislations in the years 1908—12. They were justified by the circumstances of the times. I need not reiterate here the circumstances under which many of these Acts were passed. They were in the first instance necessitated by the conditions of things prevailing in Bengal after the

[Sir Maneckji Dadabhoy.]

partition. Events that took place in the past have justified the passing of some of these measures. This is not the time to inquire whether there was any justification or not for passing those legislations. It cannot be said that all these legislations were framed and put into operation aggressively and without any cause. At the same time, we cannot ignore the fact that rightly or wrongly public feeling has been considerably aroused by the passing of some of these measures. As my friend Mr. Sastri has pointed out, the Rowlatt Act has caused a great deal of public resentment. It has engendered racial bitterness. The very fact that that Act was never put into operation is a positive proof that it was not required. That Act was passed in the teeth of public opposition, and against the advice of the representatives of the people, and I am sure the proposed Committee will give serious consideration to this and other measures. But the question should be approached in a proper and statesmanlike spirit. If a good, strong, competent and efficient committee is appointed, I have not the slightest doubt it will approach the task most carefully and judiciously, and their judgment will be one which will be acceptable to the public at large. The question now is, has the time arrived or not to reconsider and revise these laws or at least to ascertain which measures should be repealed and which should be retained? I hope we must all co-operate with Government in this matter, and I also trust that Government will approach the whole question in a spirit of friendliness, fellowship and good-will. Let us all forget the past. Let bygones be bygones. Let us all approach this serious problem in a friendly spirit. The reformed Councils have been started under the most auspicious and happy circumstances. Let us, officials and non-officials, combine to make these Councils a success, and let the first act of Government be to repair its mistakes, if any. I am sure the prestige of Government will not be weakened but enhanced by acting in consonance with public demands and meeting with the wishes of the general public. It is for these reasons I have no hesitation in supporting the Resolution.

As regards my friend, the Honourable Mr. Khaparde's amendment, I would take the liberty of stating that it ought to be summarily dismissed from your consideration. We cannot decide the question—the Council at the present state is not in a position to decide—which of these legislations should be immediately repealed and which should remain on the Statute-book. As my friend Mr. Sastri has pointed out, it will be essentially necessary for the Committee to consider from all aspects of view which Acts are absolutely unsuitable at the present time and which should be retained, and I entertain the hope that a Committee appointed for this purpose will go into the whole question impartially, thoroughly and in a right and earnest spirit. For the reasons I have given I support the main Resolution, and I have not the slightest doubt that the Council will unanimously accept it. I hope Government will also accept this Resolution and appoint a Committee to settle this much discussed question at an early date.

I wish at this stage to reserve my remarks, Sir, on my amendments.

The HONOURABLE MR. BHURGRI : Sir, I do not wish to detain the Council with anything like a long speech. My asking the  
1-15 P.M. indulgence of the Council is due to some remarks which fell  
from the Honourable Sir M. Dadabhoy. I at once confess, Sir, that I am not one of those who think that the Honourable Mr. Khaparde's amendment



deserves altogether to be summarily dismissed as the Honourable Sir M. Dadabhoj seems to think. I think there is great force in that amendment. I confess my heart is with the Honourable Mr. Khaparde, and I wish I could get up and support him with my vote. Unfortunately, I cannot do so. Sir, the Honourable Mr. Sastri, who is, as my friend said, very moderate in his views and the leader of the moderate party, himself says, there are certain Acts which should at once be struck out from the Statute-book—and I do not see why not—while having different other Acts to go by. Therefore, I do not see why the Government of India should not strike the imagination of the public outside by announcing now that at least some of these Acts—for instance, the Rowlatt Act—they are prepared to repeal. I think this is the only suggestion I have to make, and I feel that the Honourable Mr. Sastri's Resolution must be supported, and I am therefore unable to support the Honourable Mr. Khaparde.

The HONOURABLE MAHARAJA SIR M. C. NANDY: Mr. President, I rise 1-18 P.M. to give my cordial and whole-hearted support to the Resolution which has been so ably moved by my Honourable friend, Mr. Sastri. With a new angle of vision in India and in the first and the most promising stage in our constitutional development towards responsible government, it is quite in the fitness of things that we should review in a calm and dispassionate spirit the continuance or otherwise of the repressive measures which have been heaped on our Statute-book from time to time in the past. The time has indeed come when, in the best interest of the country, these repressive measures should be closely examined with the light of our subsequent experience. I do not for a moment believe that the present time is quite opportune for the repeal of all these laws, though I have my doubts if some of them, at any rate, could not be removed from our Statute-book with great advantage both to the State and the People. I do not think there is much justification in still retaining in our Statute-book a pre-Victorian Regulation that gives authority to deportation without trial, or, for the matter of that, an Anarchical or Revolutionary Act which was hatched in panic and has remained inoperative since it was passed nearly two years ago by the Indian Legislative Council against the wishes of the bulk of its elected members. Though these two measures may not any more be allowed to disfigure the Statute-book of a civilised country, I am not quite sure if the time has really come for the repeal of the Press Act and the Seditious Meetings Act. Whether these two Acts can be repealed with advantage now, I do not know. I have no doubt, however, that there has been considerable abuse of the powers exercised by several Local Governments in India in their administration of them, and it is high time that both these were amended. Speaking of the Press Act, you may be aware that the right of appeal to a High Court against the orders of the Local Governments as mentioned in the Act has been pronounced 'illusory' by one of the highest judicial tribunals in the land. As for the security under this Act, I can cite to you an instance of how this also has been greatly abused. In my Province of Bengal, there is a vernacular paper by the name of the *Sanjibani*, which is edited by one of the most respectable men that I know and which has always stood by law and order and on the side of moderate politics. A few years ago, its proprietor was asked to deposit the sum of Rs. 2,000 under this Act for no greater offence than that his old printer had died and a new printer had to make a declaration of having taken up that vacant place. Similar abuse of the powers under this Act has not been infrequent in my Province. I do

[Sir M. C. Nandy.]

not know much about the Seditious Meetings Act, for no part of Bengal has so far been proclaimed under it. But whether these Acts are wanted any more to maintain law and order, the time has certainly come to inquire and examine and review the whole situation so far, at any rate, as the public grievance regarding their administration is concerned. With that idea, I have very great pleasure in supporting Mr. Sastri's Resolution for the appointment of a committee to go carefully into them and see how many of them can be repealed, and, among those that cannot be repealed, how many need to be amended, if any amendments are at all thought desirable, and what lines these amendments should take. I cannot agree with the Hon'ble Mr. Khaparde's amendment.

The HONOURABLE THE PRESIDENT: The Council will now adjourn till 2-30 this afternoon.

The Council re-assembled at 2-30 P.M. after Lunch with the President in the Chair.

The HONOURABLE SIR UMAR HAYAT KHAN: Sir, we are to-day  
2-30 P.M. not discussing matters about youngsters like my friend the Honourable Mr. Khaparde, but about grown-up men. Since the very beginning history and also religion teach us that our own father Adam made a mistake and got the penalty for it. In the same way each man has got in him goodness and badness, and it is human nature that the good should be treated well and the bad should be treated according to their badness. It is for this reason that there have always been laws to punish all those who do badly. If people are going to ride ponies which are very fast and knock others down, that is not right as my friend said. The whole thing is that we as a society ought to look after each other's interests, and it is for this that laws have been made. Of course a lot has been said about the laws which have been made for occasions, but it is all one law. Well, I can say this that I think the whole English law does not suit our country; there are many other things in it which do not suit us. It is for that reason that I support the Honourable Mr. Sastri that there should be a Committee, but I would rather like that the Committee should not only go through such laws as have been enumerated to-day, but also go through others too. I support the Resolution.

The HONOURABLE RAJA PRAMADA NATH ROY: Sir, I have much  
2-34 P.M. pleasure in supporting the Resolution so ably moved by the Honourable Mr. Sastri, and in doing so I only want to point out that it will be a fitting sequel to the message of peace that was delivered the other day to us by His Royal Highness the Duke of Connaught if the Government will be pleased to appoint a Committee of unbiassed men to review these repressive measures. It has been said in some quarters that Government always promises to do things and that practically it comes to nothing. Should Government be disposed to accept this Resolution, it will, I believe, go a long way to allay some of the bitterness that we see all around us. Of course, the duty of the Committee will be to examine all the repressive legislation, not one or two Acts, and I think that they should not also lose sight of the fact that there are storm clouds gathering and gaining in size almost every day and they should also think that by proceeding on proper lines they would be able to allay some

of these bitter feelings. I do not know if the irreconcilables will be reconciled, but still an attempt to do that would not be out of place.

With these words I beg to support the Honourable Mr. Sastri's Resolution, but I am afraid I cannot support the Honourable Mr. Khaparde's amendment because I think it is too drastic.

The HONOURABLE NAWAB SIR BAHRAM KHAN : Sir, I rise to express the views I hold on this Resolution.  
2-35 P.M.

I cannot repudiate all sympathy with the Resolution which has been so elaborately and eloquently introduced by the Honourable Mr. Sastri, but I venture to point out that no Government can effectively carry on the administration without the prestige that the Law confers.

Our Holy Prophet with all his democratic views of Government felt the necessity of adopting severe punitive laws in regard to the commission of offences and these are still in vogue in some Islamic countries.

The Rowlatt Act too was passed on the same principles. The Press Act, XVIII of 1918, is a strong weapon in the hands of the Government.

We hold with public opinion so far as it tends towards counteracting all movements which undermine public peace and the authority of Government. In the disturbed atmosphere of the country we hold that the Government is justified in adopting these measures.

With these remarks I oppose the Resolution of the Honourable Member.

(The above speech is a translation of one in vernacular delivered in Council.)

The HONOURABLE MR. FROM : Sir, in a few words, I should like to support the Honourable Mr. Sastri's Resolution which, I think, will appeal to all the Members of this Council as the most correct method of dealing with a matter which admittedly has been a source of irritation and grievance to the people of this country.  
2-36 P.M.

I congratulate the Honourable Mr. Sastri on his eloquent and able speech which was in complete accord with the dignity of this Council, a dignity which, I think, we are all agreed and anxious should be upheld.

In supporting the Resolution, I must of necessity disagree with the Honourable Mr. Khaparde's amendment. If I heard him aright, I think the Honourable Mr. Khaparde expounded the theory that if a man goes wrong, let him go completely wrong. Well, I appeal to the Members of this Council to save the Honourable Member from going completely wrong on this occasion by supporting the Honourable Mr. Sastri's Resolution, which I contend is the entirely correct method of dealing with a very difficult question.

The HONOURABLE MAHARAJA SHOSHI KANTA ACHARYYA CHAUDHURI : Sir, I beg to support the Resolution  
2-38 P.M. Mr. Sastri and also to oppose the amendment of Mr. Khaparde. It is all very well for Mr. Khaparde to say give us freedom all at once and if we cannot manage we shall come to grief and suffer, but will it be right on the part of Government to do so and thereby allow us to run too fast and come to grief. By accepting Mr. Sastri's Resolution we will be in a better position to judge how far freedom can be given and taken and will also be better able to judge what Acts to repeal and what to amend. Government is undoubtedly aware of a widespread feeling that the repressive measures'

[Maharaja S. K. Acharyya Chaudhuri.]

have been hastily enacted and harshly administered. I suggest that a suitable committee be appointed to go into the details thoroughly, and that something should be done to allay the discontent and restore public confidence in the good intentions of Government. It would moreover be a fitting sequel to the gracious mission of His Royal Highness the Duke of Connaught's—'to heal wounds and to re-unite those who have been disunited.'

With these words I beg to support the Resolution.

The HONOURABLE NAWAB ABDUL MAJID: Sir, I consider that there are two sides to this Resolution. The Members of this Council  
2-39 P.M. are a responsible body and they must consider both sides of the question before they come to any conclusion. We have people here who are experienced people. We know the difficulties which the Government has to face in administering the laws in the country. At the same time, we know what our duties to the public are. If we weaken the hands of Government practically we shall be allowing sedition, we shall be allowing mischievous agitation to spread in this country unharnessed and unchecked. Therefore it is absolutely necessary for us that we should not weaken the hands of the Executive. But while I am of that opinion, at the same time, it is absolutely necessary that we should guard the public, that we should guard the safety of the public, and that we should guard the innocent people. There is a feeling no doubt in this country that these repressive laws have been administered harshly. When some of these laws were promulgated, the idea was that they would be administered in such a way that people should not think they were being administered harshly. But this Council is well aware that the administration of laws is not in the hands of this Council. The administration of laws is in the hands of local officers, who are not present here and who do not know under what circumstances these laws were passed. They do not know for what reasons they were passed. Therefore it is absolutely necessary for us that we should reconsider these laws. We should provide safeguards for the public and for the people of this country, and the only method possible at the present time is that we should give our support to the original Resolution which has been moved by the Honourable Mr. Sastri. If we support the Resolution of my Honourable friend Mr. Khaparde, we shall be taking a leap in the dark. We do not know what the consequences of that leap may be. We must be cautious; we must look to the future; we must proceed step by step, after considering each step very cautiously. Sir, I support the original Resolution.

The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, as I  
2-42 P.M. cannot add anything more to what my esteemed friend the Honourable Mr. Sastri has so ably said in proposing his Resolution, I beg to give my whole-hearted support to it.

The HONOURABLE LALA SUKHBIR SINHA: Sir, I rise to give my  
2-43 P.M. support to the amendment of my friend the Honourable Mr. Khaparde only in so far as it relates to the repeal of the Rowlett Act . . . .

The HONOURABLE THE PRESIDENT: The Honourable Member must confine himself to the amendment generally. The Acts mentioned in the amendment will not be put separately. The alternative proposal before the Council is for the appointment of a Committee to examine all repressive laws. He cannot separate them in this manner.

The HONOURABLE LALA SUKHBIR SINHA : Sir, I would like to have all these repressive laws repealed as soon as possible, but when one looks at the difficulties of Government as to what Acts should be repealed and how much, I think it is not easy to suggest that all of them should be repealed at once, and therefore the proposal put forward by my friend the Honourable Mr. Sastri, for the appointment of a Committee, is most desirable. But the experience of all of us is that Committees and Commissions take a long time, and they always postpone matters that should be decided at once. Therefore, with due deference to the Honourable Mover, I would support his Resolution with the remark that some date should be fixed before which the Committee should be required to report.

The HONOURABLE THE PRESIDENT : I think there is an amendment on the paper to that effect.

The HONOURABLE MR. K. V. R. AYYANGAR : Sir, the printer's devil, 2-45 P.M. through a mistake in the Agenda paper, has added to the grim humour of the Honourable Mr. Khaparde. In the printed copy it is said 'The following laws be *repeated*' and not *repealed*. I daresay the printer does not share the serious misgivings of my Honourable friends that if these laws are repealed the country will be thrown into a state of revolution. I suppose it was only a mistake.

We cannot minimise the difficulties of the Government if they should accept Mr. Sastri's Resolution. If a Committee is appointed that means practically admitting that the previous Committee that sat over the question did not advise the Government properly. That action on the part of Government will cast a slur on the past Committee, and I would not advise the Government to resort to that procedure. I think it was Mr. Sastri himself that went to the defence of Justice Rowlatt and Justice Kumarswamy Sastri, when Khaparde moved a Resolution at Simla two years ago to appoint a Committee . . . . .

The HONOURABLE THE PRESIDENT : I must ask the Honourable Member when he refers to Honourable Members of this Council to refer to them in the ordinary manner, as 'the Honourable Mr.—.'

The HONOURABLE MR. AYYANGAR : Kindly excuse me. I stand corrected.

The HONOURABLE MR. BHURGRI : May I ask what Committee he refers to ?

The HONOURABLE THE PRESIDENT : Perhaps the Honourable Member would state what Committee he refers to.

The HONOURABLE MR. AYYANGAR : It was when the Honourable Mr Khaparde moved a Resolution two years ago at Simla to appoint a Committee of the Members of Council to consider the Rowlatt Committee's recommendations before the Government passed the Act. Now the Government knows what the views of the country are and what the Acts are to be repealed without the aid of a Committee, and it would also not be becoming to appoint another Committee.

The Right Honourable Mr. Montagu in the House of Commons said :—

'If they were going to rest their hold of India on the growing good-will of the Indians they would have to act in every department, Civil and Military, concomitantly upon the desire to recognise India as a partner in the commonwealth. They must safeguard their administration in this connection by the British Parliament; they must revise any obsolete ordinance or law infringing the principles of liberty which they had inculcated to the Indian leaders.'

[Mr. Ayyangar.]

From that speech of the Right Honourable Mr. Montagu in the House of Commons it is clear that he has proposed to revise the repressive laws. When the Government themselves have proposed to revise the repressive laws, I cannot understand why a Resolution from non-official circles should come in in the form it has been worded by my Honourable friend Mr. Sastri. The unanimous voice of the people is for the complete repeal of such Acts, like the Press Act, the Rowlatt Act, etc. Even such sober-minded gentlemen as the ex-Judge of the Madras High Court, Mr. Seshagiri Ayyar, M.L.A., and such moderate men as the ex-Judge of the Bombay High Court, Sir Chandarvarkar, are for the complete repeal of the Press law. The latter has expressed himself in clear terms in an article to the 'Servant of India' a year ago which I shall repeat presently, and the former who adorns the Assembly has given notice of a Bill in the Lower Chamber. I think this Resolution should come after his motion is disposed of there. The Government should have brought up the other motion of Mr. Seshagiri Ayyar's first . . .

**THE HONOURABLE THE PRESIDENT:** The Honourable Member must not refer to matters that are going on in the other Chamber. He is now discussing what is going on in this Chamber.

**THE HONOURABLE MR. AYYANGAR:** Since the Government has ballotted for this Resolution of the Hon'ble Mr. Sastri, is this to be deemed as Government business in which case I have no objection to the Resolution going in as it is; but if it should be moved by the Honourable Mr. Sastri one of the non-officials I am for opposing it entirely and for accepting the Honourable Mr. Kharparde's amendment. For that alone would meet the express wishes of the people. The bitter experience of referring important matters to committees are not forgotten. The Rowlatt Act is the outcome of a Resolution in the Council to appoint a committee, and it has cast the country into deep gloom. Now, again we are asked to appoint another committee. I should emphatically protest against it; we do not want it; we want to repeal certain Acts, and the other Acts that the Government do not think it advisable to repeal might be amended, and for this purpose another committee is not necessary. All the Acts have been sifted thread-bare, and the Government knows which are the points to be repealed and which are to be amended. Let me bring before the Council what Sir Narayan Chandarvarkar has said in the Honourable Mr. Sastri's weekly the 'Servant of India':—

'My opinion that the Press Act should be repealed is not of to-day. It was strongly pressed in a memorial to Government addressed by the Bombay Presidency Association five years ago. It has been said that the ordinary law has been unable to get at 'veiled sedition'. What, I ask, is veiled sedition? In plain language it must mean sedition which works and spreads in secret, which is not open and therefore cannot be got at by ordinary means. It operates underground, hidden. But a newspaper's writing is open. It works in broad day-light; so if it is seditious, it cannot be said of it that the sedition is veiled. If by veiled sedition is meant covert attacks upon Government intended to overthrow it, I humbly affirm, having had judicial experience, that the ordinary law is sufficient to provide against veiled sedition. In a recent decision a well-known English Judge sitting on the Judicial Committee of the House of Lords to decide a case said in his considered judgment that words which are dangerous to society or social stability change their meaning as society changes with its views and ideals. They have no fixed import applicable to all times. Sedition is one of those words, and the definition of it in the Penal Code is so elastic as to apply to any seditious writing veiled or not. The real root of this matter in this term 'veiled sedition' used in support of the Press Act is a cover for the distrust of our Courts by the Executive. But it is said, the Courts have power under the Act to decide whether a newspaper's writing is seditious or not.'

Sir Narayan has a long article to prove his case and I should agree with him that it should be repealed and not amended; we think any amendment to it will not improve matters. It is conceived on distrust and suspicion. The obnoxious part of the Act is that it treats the Press as it treats confirmed criminals who are brought under security proceedings inasmuch as the Press is demanded security. This is against the principles of British conceptions of law.

Then coming to the Rowlatt Act, the judgments in the Midnapore Bomb case and in the other case where Mr. Norton brought before the judicial tribunal the glaring mistake of the prosecution that the cartridges shot did not fit in with the revolver that was alleged to have been recovered from the accused, would certainly have been otherwise had the Rowlatt Act been in existence. The judgments then would have been certainly unfavourable to the accused. We are urging only that the investigations often go wrong, and evidence in open Courts often reveal truths, and the present Penal Code is sufficient to grapple with the needs of the Government. By the passing of the Rowlatt Act at the dead of night in such hot haste many a tragedy has been unwittingly committed. Repression and agitation came in turn, and the whole country is seething with anti-British feeling. It is now open to the Government to undo the wrongs that have been already done.

I still believe that much can be done by openly discussing questions here and debating wrongs inflicted. Much against the wishes of my co-workers, I take part in the debates, as I can only understand withdrawal of help from framing objectionable laws and forging chains of enslavement, as it is against my grain to sit aloof in quiet at so important an attempt at doing away with repressive laws.

One word more, Sir, and I have done. There is an impression in popular circles that the repressive laws are only a gag for the crying mouth and they are preliminary to wholesale exploitation. On the other hand, there is the impression in some circles that our endeavours to repeal the Acts are only those preliminary actions for wholesale anarchy. I admit neither; I believe in neither. Now, with the ample powers of the Government to cope with any disorder, it is the duty of Government to erase the grave apprehension existing in the popular mind. With these words, I whole-heartedly support the Honourable Mr. Khaparde's amendment.

The HONOURABLE SIR WILLIAM VINCENT: Sir, I may say at once that there will be no opposition from the Government to this Resolution, subject to minor reservations; which I do not think will be of a character, save possibly in one respect, to cause any apprehension to the Honourable Mover. I think one of the speakers here to-day rather twitted the Government with having rejected or opposed a Resolution which was moved last year by the Honourable Mr. Patel, on the same subject, but the reason for this is not far to seek. The Resolution at that time did not receive any support from non-official members. Eight members only voted for it, and there was therefore every reason why Government should not, in opposition to the wishes even of the non-official members, undertake an inquiry such as is now contemplated. If, however, the present Resolution is carried and it is obvious to me from the support which it has received from various shades of opinion that it will be carried—then a committee will be appointed by Government without delay to examine this subject. The view of Government on this question and indeed on other points, is to a great extent in accordance with the

[ Sir W. Vincent. ]

principles advocated by the Honourable Mover and for this reason Government also gave an early date for this discussion. The Government are anxious to act in the fullest degree up to the spirit of the reforms. They recognise that there has been a change in the administration, and they are desirous to allow this Legislature—both Chambers of the Legislature—to exercise their legitimate influence upon the Government, subject always, as necessary, to our responsibility to Parliament. An impression has been sedulously disseminated by certain enemies of the Government—and indeed in my judgment enemies of the welfare of this country—that the reforms are not a reality; that Government intend to refuse to allow these new Legislatures to exercise their proper influence. The motive underlying this suggestion is to promote disaffection to Government and to His Majesty, and also to discredit this great work of the reformed Government.

On the other hand it is the desire and the duty of Government by their dealings in this Council to give practical evidence that the suggestion is not true, to prove that those who make that assertion have no basis for it. We desire to promote the co-operation of the Legislatures in two ways. First of all, by securing their support and assistance for our administrative work, and secondly, by co-operation on our part in going, as far as we possibly can, to meet them in their legitimate desires.

It is in that spirit that the Government approach this Resolution. Government are aware that there is a great deal of feeling about these laws. Many believe that the principles on which they are based are unsound; others think that they are applied without reasonable consideration. I did not hear any specific instances of this given in this Council, but I think the Honourable Nawab Abdul Majid gave expression to that idea . . . . .

THE HONOURABLE NAWAB ABDUL MAJID: I simply said, Sir, that there was a feeling in the country about it.

THE HONOURABLE SIR WILLIAM VINCENT: I gathered that was what he meant, but I am glad to learn that apparently he has no evidence to support it. Again, there is this to be said that the Government officer who applies these laws very seldom comes much under the influence of them himself, and that he is not in a position to know where the shoe pinches, and there is a great deal in that contention. On the other hand, the Government think that it would be to the advantage of all if they could have an opportunity of explaining to a committee their difficulties, showing their reasons for the use of the Acts and the manner in which they have been applied, and they hope to be able to convince an impartial body that many of the accusations made against them are based on incorrect evidence. For this reason we are quite prepared to appoint a committee (and this statement, I think, will meet the question raised in some of the amendments) with a majority of two-thirds of non-official men of unimpeachable authority and experience whose names and judgment will carry the greatest weight and who, we hope, will realise their responsibilities not only to the Council and to the public, but also to the Government. I cannot of course promise that the report of this committee will be accepted by Government, and indeed I have not been asked to do so, nor would such a request be reasonable. But I can give this undertaking that it will carry the greatest weight with the Government when it is received. Nor can I promise in the meantime that the Government will necessarily refrain, during the pendency of the deliberations of this committee, from using the



measures which it is within their power to use at present. Honourable Members are aware of the dangers of the situation with which we are now faced. Conditions are at least as dangerous as, if not more dangerous than, when many of these Acts were passed, and we must retain liberty to use the weapons we have. At the same time, I believe that it will be generally admitted that we have employed these measures as sparingly as possible in the last few months, and though I cannot undertake to say that we will not employ them during the pendency of the deliberations of this committee, yet I am quite prepared to say that we will only employ them in the last resort and when we are forced to do so. I know of course that there is a certain section of the press which delights in saying 'repression is rampant, and talking of repression *in excelsis*' and attacking the Government on false allegations of drastic repression, but the facts are well known. Every member of this Council must be aware that the Government has used the weapons, which it has, with extreme restraint and moderation. There are indeed times when I think the extremist press takes this line because it seeks to provoke us to use repressive measures more freely in order to make Government unpopular, to create difficulties for moderate politicians, and to enable themselves to pose as martyrs. The real facts are the other way, and we have been reproached sometimes, not altogether without reason, for not using these laws sufficiently in the interests of the public peace. Be that as it may, in the present situation when untoward developments may at any time take place, it is impossible for me to give any undertaking that the Government will not use these measures during the time that the committee is sitting.

I said just now that the Government would not object to this Resolution subject to certain reservations. In the time of the old Council, I should have said the Government would accept it. I deliberately abstain from that language now, because it is on this Council that the responsibility will lie. The Government has no power or desire to carry vote one way or the other. On the members of this Council will rest the responsibility for motion having regard to welfare of the country. They must consider the crisis with which the administration is faced and judge for themselves as to whether this committee should be appointed or not. If they do decide in the affirmative, then Government will accept the Resolution.

The minor reservations of which I spoke are as follows :—When a Government accepts a Resolution of this kind they must know the specific scope of the recommendation and state what their views on this point are. I cite below the Regulations and Acts which the Government intend to include, in the term of reference of the committee if appointed, Regulation III of 1918 and the analogous and ancillary legislative Act XI of 1857, XIV of 1908, which is one of the Acts referred to, I think, by the Honourable Mr. Sastri ; Act X of 1911 ; Act IV of 1915, and my old friend Act XI of 1919.

On the Press Act, I propose to move in the Legislative Assembly a separate Resolution for the appointment of a committee, and so I will not deal with that subject here. There is, however, a difference in the position as regards that Act, in that we have examined the subject and received a number of valuable opinions on the policy we should adopt, and we are prepared to go ahead as quickly as possible, whereas, in the case of the other Acts, it will be necessary for us, in the first place, to consult Local Governments on various points.

[ Sir W. Vincent. ]

Taking up the laws included in the list I have given, I do not want to discuss the reasons which led to the enactment of the Regulations in the early days of the last century, but I ought to say that in recent years Regulation III was never used up to 1898 when two persons only were interned under it. In 1908 and 1909, nine persons were put up and they were released in February, 1910. It is interesting to see that the employment of the Regulation then had the support of such a determined democrat as Lord Morley, who, while indicating his dislike of repressive measures, declared that he would not hesitate to use any weapon in his armoury if, in his view, the situation demanded it. He was however definitely opposed to the general employment of the law or indeed to using it at all save in an emergency, and I only mention this to show that it was not merely sun-dried bureaucrats who thought that the use of this measure was justified. After that, the Regulation was not used at all till 1915, and from 1915 to 1918, I think 145 persons were put up altogether. From the moment that they were interned, however, efforts were made to reform them and to release them at the earliest possible opportunity when they were willing to give undertakings that they would not offend again. I am glad to say that at the amnesty a very large number were released, and subsequently, on the inauguration of the reforms, the last of the persons interned in Bengal under the Regulations was released. I have no time to go in detail into the reasons which led the Government to intern these men at the time. Honourable Members will, however, remember that the case of each individual person was carefully inquired into by two judicial officers on various occasions, and in every case, I think, but one, the action of the Government was justified. So that it cannot be said, I think, that we employed the Regulations rashly or extensively. It must also be remembered that at the time we were engaged in the greatest war in the world, that the men interned were revolutionaries, many of them, in direct conspiracy with the King's enemies in America and elsewhere, and that it was absolutely necessary, in the interests of the Empire, to take drastic action against them. It was not a time when the Government could afford to take any risks.

I do not know that I need go into the details of the other Acts to which reference has been made, but I should like to make some attempt to disabuse Honourable Members' minds of the idea that these Acts were passed without due consideration. For instance, I turn to the Seditious Meetings Act. It is interesting to know that when that Act was consolidated, it met with little or no opposition from the non-official members of the then Council. I have here a quotation from Mr. Gokhale, who said that, from the standpoint of Government, we could not have introduced a milder measure, the more objectionable features of the Act of 1907 having been removed, and if, when need arises the Act is applied with reasonable care and caution, it is not likely to produce any serious hardship. I defy anyone here to say that the Government have, since the Act of 1911 was passed, applied it either rigorously or unjustly. As a matter of fact, from 1911 it was not applied at all till 1919 or 1920.

The Act of 1908 was another Act to which the Honourable Mover referred. The first part of that Act has not been used since 1911, and I quite agree that it would be a fit subject for investigation. The second part has only been used once since 1911, according to my information, and that was for restraining certain gangs of young ruffians here, in Delhi, associations created for

illegal activities and used to terrorise peaceful citizens in the exercise of their lawful rights, when this action was necessary to protect the civil life of Delhi, from the grossest form of hooliganism. Anyone who was in Delhi, or has taken the trouble to ascertain what happened in Delhi a few months ago, will, I think, support me in this statement. The activities of associations, be they Samitis or Volunteer Associations, or anything else, have however never been checked in any way so long as they were confined to social service or legitimate political work.

I cannot in the time allowed me deal adequately with the amendment of Mr. Khaparde, but may say at once that it is not fair to the Local Governments to make a proposal of this kind and to ask Government to undertake repeal of all the measures without consulting them, bearing in mind the fact that they are primarily responsible for law and order. Honourable Members know the dangers of the present position. They are aware that we may be faced with an outbreak at any time, and I want to ask them whether they think it is fair to ask the Government to deprive itself of all their means of dealing with sedition at such a juncture without any inquiry or examination of the administrative difficulties with which they are faced. Would it be fair to His Excellency the Viceroy to demand such an immediate change when the head of the Government—His Excellency—is about to leave India and a new Viceroy is about to take over office? Is it fair to him or to the Government to demand this sudden change in the law? As a matter of fact, Honourable Members must also know that the acceptance of such a proposal is impossible without a reference to the Secretary of State, and that legislation could not in any case be undertaken during the present Session. The Government are anxious to meet this Council in all possible ways, but they are entitled, also, to ask this Council to treat them with fair consideration, and that their administrative difficulties should be scrutinised before they are asked to accept such a proposal as that which the Honourable Mr. Khaparde seeks to force upon them. It is quite impossible for us in public debate to explain in detail the reasons for the enactments and employment of these Laws—some of them more than one hundred years old—all of them enacted after very careful consideration and used, as I have shown, sparingly and only whenever they were absolutely justified.

I have always understood that this Council was intended to be a body of elder statesmen, which would only move deliberately, after careful consideration and that they would avoid precipitate and ill-advised action. I shall be much surprised and indeed I should regret it if, in their first sitting, they support such a rash and ill-considered proposal as that made by Mr. Khaparde.

THE HONOURABLE THE PRESIDENT: Does Mr. Khaparde wish to reply?

THE HONOURABLE MR. G. S. KHAPARDE: No Sir. No arguments have been adduced to refute my arguments. I only request that these Acts may be put separately because I find that there are some Acts about which Honourable Members appear to have not made up their minds. I think, Mr. President, that you have the power to put the Resolution in separate parts.

THE HONOURABLE THE PRESIDENT: Yes, I have that power but I do not propose to exercise it on this occasion. The proposals now before the Council are alternatives. We cannot sever your amendment.

The HONOURABLE MR. G. S. KHAPARDE: As I said before, the only reply I have to make, is that no arguments have been adduced to refute my arguments and I trust that Honourable Members will kindly accept my amendment.

The HONOURABLE THE PRESIDENT: The original question was this :—

‘This Council recommends to the Governor General in Council that a Committee be appointed at an early date to examine the repressive laws now on the Statute-book, and report whether all or any of them should be repealed, and in cases where repeal is not desirable, whether the laws in question should be amended and, if so, how?’

Since then an amendment has been proposed to leave out the following words ‘a committee be appointed at an early date to examine the repressive laws now on the Statute-book, and report whether all or any of them should be repealed, and in cases where repeal is not desirable, whether the laws in question should be amended, and if so, how?’ and substitute the following, namely :—

‘That the following laws be repealed, namely :—

1. Regulation III of 1818.
2. The Indian Criminal Law (Amendment) Act (Act XIV of 1908).
3. The Indian Press Act (Act I of 1910).
4. The Seditious Meetings Act (Act X of 1911).
5. The Anarchical and Revolutionary Crimes Act (Act XI of 1919).’

I think the amendment is in such a form that I can put it to the Council as a single question, and the question now is, whether Mr. Khaparde’s amendment should be accepted or not.

The amendment was negatived.

The HONOURABLE THE PRESIDENT: We now have three more amendments\* on the paper. Two of these amendments relate to the composition of the committee and one is in the nature of instruction to the committee. I think the most convenient way for the Council to deal with this would be for me to call upon the Honourable Sir Maneckji Dadabhoy to move his amendment and then, if the Honourable Mr. Bhurgri wishes to proceed with his amendment, to treat that as an amendment to the amendment proposed by Sir Maneckji Dadabhoy. The remaining amendment by Sir Maneckji Dadabhoy is on a different matter, it is purely instructional.

I would remind Members that the Council has now definitely approved the proposition that a Committee should be appointed and future discussion

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\* The Honourable Mr. Bhurgri (1) ‘That the following be inserted between the words ‘Committee’ and ‘be appointed’ :—

“Consisting of an equal number of members of the Council of State and the Legislative Assembly under the Presidentship of the Law Member, of whom at least three-fourths shall be non-officials and shall include, in the case of the Council of State, the Honourable Sir William Vincent, the Honourable Mr. Sastri, the Honourable Raja P. N. Roy of Dighapatia, the Honourable Sir Rashbehari Ghose and the Honourable Sir Alexander Murray.”

The Honourable Sir M. Dadabhoy (2) ‘That after the word ‘Committee’ the following words be added :—

‘Composed of Members of the Council of State and the Legislative Assembly with an adequate representation of the legal element.’

The Honourable Sir M. Dadabhoy (3) ‘That after the word ‘how’ in the last line of the Resolution the following be added :—

‘That the Committee be directed to submit their report in time to enable action to be taken thereon at the ensuing Simla session.’

must be directed strictly to the terms of the amendments which remain on the paper. Perhaps the Honourable Sir Maneckji Dadabhoy will move his first amendment.

The HONOURABLE SIR MANECKJI DADABHOY : Sir, I have heard the

3-20 P.M. Honourable the Home Member and I am quite satisfied with

his reply. If the Honourable Member gives me an assurance that some member from the Legislative Assembly will be also appointed on the committee, I shall not press my first amendment.

The HONOURABLE SIR WILLIAM VINCENT : I understand the

3-21 P.M. Honourable Member wishes from me an assurance that the

intention of the Government is to appoint members from both Chambers to this committee. I am prepared to give him that assurance, though I am not prepared at present to say that we will confine the membership to those bodies.

The HONOURABLE THE PRESIDENT : Is it the intention of the Honourable Sir Maneckji Dadabhoy to withdraw his amendment ?

The HONOURABLE SIR MANECKJI DADABHOY : Well, Sir, in view of what has fallen from the Honourable the Home Member, I will not press my amendment.\*

The amendment was by leave, withdrawn.

The HONOURABLE MR. BHURGRI : My amendment introduces three

3-22 P.M. things. In the first place, it raises the same point as

Sir Maneckji Dadabhoy's amendment raised, namely, that there should be a joint committee of both the Houses. I am glad the Home Member has given us an assurance that it shall be done. The second thing that it lays down is that the committee should be presided over by the Law Member. Thirdly, it lays down that at least three-fourths of the Committee should be non-officials. Further, in the case of this Council, it recommends its own committee—consisting of Members of this Council. Originally I wanted to move for a committee of both Houses, whose names I had put down, but unfortunately that proposal I had to abandon for certain reasons. Now, as to the last clause of my amendment, namely, the names of members, I am not very particular . . . .

The HONOURABLE THE PRESIDENT : I think the Honourable Member must first move his amendment. Will you read its terms ?

The HONOURABLE MR. BHURGRI : The amendment which I have the honour to move is as follows :—

'That the following be inserted between the words 'Committee' and 'be appointed':—  
'consisting of an equal number of members of the Council of State and the Legislative Assembly under the Presidentship of the Law Member, of whom at least three-fourths shall be non-officials and shall include, in the case of the Council of State, the Honourable Sir William Vincent, the Honourable Mr. Sastri, the Honourable Raja P. N. Roy of Dighapatia, the Honourable Sir Rashbehari Ghose and the Honourable Sir Alexander Murray.'

That is the amendment, Sir. So, Sir, the first point, namely, that the committee should be a joint committee of both Houses has been practically acceded. The second point is the Presidentship of the Honourable the Law Member, and I believe the Government will have no opposition to that. The third point is the proportion of the non-officials on the committee about

\* See footnote No. 2 on previous page.

[ Mr. Bhurgri.]

which my Honourable friend the Home Member differed from me, and instead of the three-fourths proposed by me he is willing to give me two-thirds. Well, Sir, beggars cannot be choosers, and I will be content with two-thirds offered. As for names proposed by me I do not mind leaving it to the House or, if the House desires, to leave it to the Government. With these remarks I move my amendment, and I await the reply of the Home Member.

The HONOURABLE SIR WILLIAM VINCENT: I rather hope that  
3-25 P.M. when the Honourable Member has heard me, he will not press this amendment. As to the personnel of the Committee which he mentions, he has not told us at all whether he has consulted these Honourable Members and whether they are willing to act on the Committee . . .

The HONOURABLE THE PRESIDENT: I think we must assume that the Honourable Member would not have mentioned the names without previously consulting them.

The HONOURABLE SIR WILLIAM VINCENT: I am afraid the Honourable Member has not, because I have received information that he has sent in these names without consulting these gentlemen.

The HONOURABLE MR. BHURGRI: It is true.

The HONOURABLE THE PRESIDENT: I hope that in future, Honourable Members, before mentioning names in their Resolution, will always consult the Members.

The HONOURABLE MR. BHURGRI: I did not know that, Sir.

The HONOURABLE SIR WILLIAM VINCENT: The difficulty about appointing any particular persons is that Members get ill—they are unwilling to serve—or they have to go away to England. I may assure the Mover of this amendment that we intend to put on men of real weight and authority, not necessarily confined—they may be confined to the two Legislatures—and I will consult him and the Honourable Mover before the Government finally selects the personnel. Our intention is that two-thirds of the members should be non-officials of the character to which I have referred. Government will go thus far to meet him in his amendment, and I trust in the circumstances he will not press it.

The HONOURABLE MR. BHURGRI: A word, Sir, before I close. My  
3-28 P.M. object really in proposing certain names was this. When the Honourable Mr. Sastri's Resolution came out in the press, there was a strong comment on our side that the Honourable Mr. Sastri's Resolution was too mild, and I wanted the appointment of such a committee that could command confidence of the general public and which would give a fair representation to all shades of opinions in the country. I therefore put down the names of those who, I thought, would carry weight with the country and the public at large, and who will command the confidence of the people. I am now prepared to withdraw the amendment after what the Honourable the Home Member has assured me. But I will ask him to bear in mind that, unless the committee consists of such men who can command confidence outside—whether they belong to this House or to the other House or they come from outside, that does not matter—unless he appoints a committee of that character, I am afraid the country will not be satisfied.

The HONOURABLE THE PRESIDENT: I understand the Honourable Mr. Bhurgri desires to withdraw his amendment.\* Is it the pleasure of this Council to permit him to withdraw the amendment?

The amendment was, by leave, withdrawn.

The HONOURABLE THE PRESIDENT: There is another amendment† on the paper in the name of Sir Maneckji Dadabhoy which is in the nature of a direction to the committee. Does the Honourable Member wish to move it?

The HONOURABLE SIR MANECKJI DADABHOY: I understood the Honourable the Home Member to say that he expects the 3-29 P.M. report to be submitted in time to enable him to take action at the next Simla Session. If that is the case, there is no necessity to press my amendment.

The HONOURABLE SIR WILLIAM VINCENT: The intention of the 3-30 P.M. Government of India is as follows: They propose to appoint a committee consisting of members as I have stated and to have a preliminary meeting here as soon as possible. At that preliminary meeting we shall settle the scope of the inquiries and ascertain on what points it is necessary to obtain opinion from Local Governments. Then the intention is that the committee should meet again in May in Simla, and having secured by then—if it is at all fortunate—the reports of Local Governments, should formulate their proposals and put them before the Government of India in ample time to enable the Government of India, if it so desires, to take up legislation in the September Session. I think that probably will satisfy the Honourable Member.

The HONOURABLE SIR MANECKJI DADABHOY: That satisfies me. I do not press my amendment.

The HONOURABLE THE PRESIDENT: I understand the Honourable Member wishes to withdraw his amendment. Is it the pleasure of this Council that the Honourable Sir Maneckji Dadabhoy be permitted to withdraw his amendment?

The President having ascertained the sense of the House, the amendment, was by leave, withdrawn.

The HONOURABLE THE PRESIDENT: There are now no more amendments on the paper and it now remains for me, unless the Honourable Mover wishes to reply, to put the motion.

The HONOURABLE MR. SRINIVASA SASTRI: Sir, I really feel that this debate has had a very useful end. I do hope that the committee that will be appointed will command the confidence of the 3-31 P.M. country so that, when action is taken upon it, it will have the effect which we all desire.

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\* 'That the following be inserted between the words 'Committee' and 'be appointed':—  
'Consisting of an equal number of members of the Council of State and the Legislative Assembly under the Presidentship of the Law Member, of whom at least three-fourths shall be non-officials, and shall include, in the case of the Council of State, the Honourable Sir William Vincent, the Honourable Mr. Sastri, the Honourable Raja P. N. Roy of Dighapatia, the Honourable Sir Rashbehari Ghose and the Honourable Sir Alexander Murray.'

† 'That after the word 'how' in the last line of the Resolution, the following be added:—

'That the committee be directed to submit their report in time to enable action to be taken thereon at the ensuing Simla Session.'

[Mr. S. Sastri.]

There is just one remark that I might make. I overlooked the Martial Law Regulation. I might have included it in my original remarks, but perhaps it is not too late. I make the observation, because I seem to remember that in the discussions that went on after the proclamation of Martial Law in the Punjab at a recent date, there was some question relating to the Martial Law Regulation under which the proclamation was made. If that could be brought within the scope of this committee's work, probably that particular enactment also would receive the necessary rectification.

With these remarks, I leave the Resolution in the hands of the Council.

The HONOURABLE THE PRESIDENT : Does the Honourable Member of Government in charge of the Resolution desire to exercise his right of reply ?

The HONOURABLE SIR WILLIAM VINCENT : No, Sir.

The Resolution was carried unanimously.

The Council then adjourned till Wednesday, the 16th February, 1921, at 11 A.M. in the Assembly Chamber.