

Thursday, 24th March, 1921

THE
COUNCIL OF STATE DEBATES
(Official Report)

VOLUME I

2
27.2.62.

FIRST SESSION
OF THE
COUNCIL OF STATE, 1921



DELHI
SUPERINTENDENT GOVERNMENT PRINTING, INDIA
1921

	PAGE
MONDAY, 21st MARCH, 1921	517—529
Oath.	
Questions and Answers.	
Joint Committee on Indian Factories (Amendment) Bill.	
Composition of Joint Committee.	
Code of Civil Procedure (Amendment) Bill.	
Bills laid on the Table. Indian Finance Bill.	
Import and Export of Goods (Amendment) Bill.	
Indigo Cess (Amendment) Bill.	
WEDNESDAY, 23rd MARCH, 1921	531—586
Statement laid on Table.	
Hindu Transfers and Bequests (City of Madras) Bill.	
Finance Bill.	
THURSDAY, 24th MARCH, 1921	587—636
Questions and Answers.	
Enemy Missions Bill.	
Indian Electricity Bill.	
Resolution <i>re</i> Exemption of Members of the Provincial and Indian Legislatures from the operation of the Arms Act, 1878.	
Resolution <i>re</i> Attempts in England to place obstacles in the working of the Government of India Act.	
Resolution <i>re</i> Portfolios of the Viceroy's Executive Council.	
Resolution <i>re</i> Codification of the Hindu Law.	
Resolution <i>re</i> income-tax Assessment.	
Resolution <i>re</i> Peace and Vigilance Committee.	
SATURDAY, 25th MARCH, 1921	637—670
Questions and Answers.	
Indian Electricity Amendment Bill.	
Composition of Joint Committee.	
Calcutta University Bill.	
Hindu Transfers and Bequests (City of Madras) Bill.	
Enemy Missions Bill.	
Resolution <i>re</i> Indemnities and Reparations from Germany.	
Resolution <i>re</i> Amnesty to Savarkar brothers.	
Resolution <i>re</i> Exemption of Members of the Provincial and Indian Legislatures from the operation of the Arms Act.	
Resolution <i>re</i> Indemnities and Reparations from Germany—(contd.).	
TUESDAY, 29th MARCH, 1921	671—672
Prorogation of the Council of State and Legislative Assembly.	
INDEX.	

COUNCIL OF STATE.

Thursday, 24th March 1921.

The Council assembled at Metcalfe House at Eleven of the Clock, with the Honourable the President in the Chair.

QUESTIONS AND ANSWERS.

TRANSFER OF 3½ PER CENT. SECURITIES.

219. The HONOURABLE MR. HAROON JAFFER*: Will Government be pleased to state—

- (a) Whether it is a fact that holders of 3½ per cent. securities kept in the custody of the Accountant General cannot transfer the same to another person without first taking them out of his custody?
- (b) If the answer be in the affirmative, what is the reason for such procedure?
- (c) Is it a fact that where the holder of such securities dies, these securities are not handed over to his or her heirs, but are sold at the current market rate and the proceeds handed over to the heirs?
- (d) In such cases who bears the loss, if any, incurred through the depreciation in the market value?

The HONOURABLE SIR GEORGE BARNES: (a) The answer is in the affirmative.

(b) The reason is that Government securities held in custody for the public must be either in the form of Promissory notes or of Stock Certificates, which are transferable only by an endorsement made on their reverse by the holder himself.

(c) No. They are sold only when so desired by the heirs.

(d) The question does not arise.

EXTENSION AND IMPROVEMENTS OF MUHAMMADAN EDUCATION.

220. The HONOURABLE MR. HAROON JAFFER*: With regard to my Resolution regarding the extension and improvement of Muhammadan education accepted by Government on the 23rd February, 1920—

- (a) Will Government be pleased to lay on the table the correspondence, if any, that has passed between the Government of India and Local Governments on the subject?
- (b) What further effect has been given to the suggestions and recommendations made by the Government of India from the time the Resolution was accepted up to the time of replying to this question?

— The HONOURABLE MR. SHAFI: (a) The correspondence is very bulky and it is not proposed to lay it on the table. I shall, however, be glad to shew

* The Honourable Member was absent.

the correspondence to the Honourable Member and, within reason, to supply him with any papers which he may desire.

(b) The answer to this question would involve a further reference to Local Governments. As education is a provincial transferred subject, such a reference would now be inappropriate.

BOMBARDMENT OF NAJAF.

221. The HONOURABLE SAIYED RAZA ALI : (a) Is it true, as reported in the Vernacular press, that Najaf was bombarded by any troops or irregular forces, European or Asiatic, at any time during the last ten months ? Under what circumstances did the bombardment, if any, take place, and what were the troops that took part in it ?

(b) Are Government prepared to deny the statement that bombs or shells were thrown on Najaf or that any portion of the town or the holy shrine of Hazrat Ali was damaged in the attack ?

(c) Will Government be pleased to make a detailed statement giving all the facts that are in their possession ?

The HONOURABLE MR. DENYS BRAY : (a) There has been no bombardment of Najaf and the second part does not therefore arise.

(b) Yes.

(c) The lying rumours that Najaf has been bombarded have presumably arisen out of the fact that a fine of three thousand rifles was imposed on the inhabitants of Najaf in connection with the disturbances in Mesopotamia last year. A time limit was fixed for the surrender of these rifles, and expired on the 20th November. As a demonstration, designed to secure the early surrender of the rifles, a composite force of British and Sikh infantry and Muhammadan cavalry marched round the outskirts of the town, whereupon all troops were withdrawn, except two companies of British infantry who were posted in a Khan near the main gate for two days, while Sikh guards were posted at the four gates of the outer walls for ten days. The town itself was placed absolutely out of bounds to all troops and not even British officers were allowed to enter it. There was no bombardment whatever ; not a single shot was fired, and the only damage done was the demolition, on the 20th November, of the houses of three prominent insurgent leaders who had fled. These measures had the desired effect. At the instance of the Government of India, the High Commissioner of Mesopotamia has extended a welcome to a deputation of Shias from India and will afford them all facilities to ascertain the facts for themselves on the spot, and so help in dispelling the lying rumours that have been spread abroad with such wanton wickedness.

The HONOURABLE SAIYED RAZA ALI : May I put a supplementary question, Sir ?

The HONOURABLE THE PRESIDENT : If it arises out of the answer.

The HONOURABLE SAIYED RAZA ALI : Yes. Are Government in a position to say as to how far the houses of the three leaders to whom reference has been made in the reply are from the mosque of Kufa on the one hand and the shrine on the other ?

The HONOURABLE MR. DENIS BRAY : I am afraid I must ask for notice.

ENEMY MISSIONS BILL.

The HONOURABLE SECRETARY OF THE COUNCIL: Sir, a message has been received from the Legislative Assembly from the Secretary of that Assembly.

The HONOURABLE THE PRESIDENT: Let the message be read.

The HONOURABLE SECRETARY OF THE COUNCIL: Sir, the message which has been received runs as follows:—

‘I am directed to inform you that the Bill to validate certain indentures transferring properties formerly held by certain Enemy Missions in Trustees and for the incorporation of such Trustees and for other purposes, which was passed by the Council of State at its meeting of the 17th March, was passed by the Legislative Assembly at its meeting of the 23rd March with the following amendment:—

In the 5th line of clause 3 of the Bill for the word ‘be’ the words ‘have been’ were substituted.

The Legislative Assembly requests the concurrence of the Council of State in the amendment.’

Sir, with reference to this message and in pursuance of rule 33 of the Indian Legislative Rules, I now lay on the table the Bill as amended by the Legislative Assembly.

INDIAN ELECTRICITY (AMENDMENT) BILL.

Sir, a further message has been received from the Legislative Assembly.

The HONOURABLE THE PRESIDENT: Let the message be read.

The HONOURABLE SECRETARY OF THE COUNCIL: The message which has been received runs as follows:—

‘I am directed to inform you that the following Resolution was passed in the Legislative Assembly at their meeting of the 23rd March:—

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

The Legislative Assembly desires the concurrence of the Council of State in the Resolution.

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

The HONOURABLE THE PRESIDENT: Before we proceed with the business of the day, I have to inform the Council that I have received an application which, though it is not in order, it may be possible to meet in some degree. It is from the Honourable Lala Sukhbir Sinha and asks that his Resolution should be taken up on Saturday on the ground that he is unable to attend to-day. I would, in the first place, ask the Honourable Member in charge whether he has any objection to that Resolution being placed at the bottom of the list.

The HONOURABLE SIR WILLIAM VINCENT: No, Sir, I have no objection.

The HONOURABLE THE PRESIDENT : As the Member in charge has no objection, I will put it to the Council : —

The question is :

‘ That the Resolution No. 3 standing in the name of the Honourable Lala Sukhbir Sinha be placed at the bottom of the list.’

The motion was adopted.

RESOLUTION *RE* ATTEMPTS IN ENGLAND TO PLACE OBSTACLES IN THE WORKING OF THE GOVERNMENT OF INDIA ACT.

The HONOURABLE SAIYED RAZA ALI : Sir, I rise to move the following Resolution :—

‘ This Council recommends to the Governor General in Council to convey to His Majesty's Government through the Secretary of State for India the considered opinion of this Council that any attempt made in certain quarters in England to place obstacles in the working of the Government of India Act of 1919 in accordance with the wishes of the people of India is calculated to endanger the new régime.’

Sir, the two Chambers of the Indian Legislature have entered upon their duties with so much devotion and so remarkable is the spirit of mutual trust and mutual confidence between the official and non-official Members of this Council, that it was not without a certain amount of diffidence that I decided to give notice of this Resolution.

Things in India, Sir, are marching fast but, having regard to the developments on certain events that have taken place in England, I thought it my duty to place before this Council an important measure which has a momentous bearing on the working of the Reforms Act.

Sir, to the successful working of the Reforms Act, as would appear to every careful observer, there are four parties. The first are the people of India. The second are the Government of India, behind whom stands that powerful body, namely, the Indian Civil Service. In the first place we find the British public which have got a very large say on all matters concerning our ratepayers. And lastly, but perhaps most important of all, are the Secretary of State for India, His Majesty's Government and the British Parliament.

Sir, when the placing of the Government of India Act on the Statute-book was announced by Royal Proclamation towards the end of December 1919, it was expected that the Indian people belonging to various shades of opinion would unite in a successful working of the Reforms Act and giving it a fair trial. There is not the least doubt, Sir, that everybody at that time seemed anxious to do his duty by the Government and by his country. As an eye-witness I can say that even those who are in the forefront of the non-co-operation movement to-day did their best to enlist public sympathy in favour of the Government of India Act at the Amritsar Congress held in December 1919. Most unfortunately, developments took place and these developments of course had their roots in former events that had taken place in the year 1919, which prevented a considerable section of our countrymen from coming to the Council Chambers, and in fact induced them to take up as their duty to enter upon a policy of wholesale boycott of the Councils. Be that as it may, Sir, there is another important section of the people that came forward at this juncture to do their duty by their country. The result, of course, is too well known to need mention in this Council Chamber.

There is not a single seat in this Council or in the Legislative Assembly that is vacant to-day. All this goes to show that the people of India are very anxious indeed to give a very fair chance to the new régime which has been introduced in this country.

The second party, as I took occasion to remark, to this business are the Government of India. Now, Sir, whatever might have been done in the past, everyone who would take care to watch the proceedings of this Council or of the Legislative Assembly cannot help being impressed with the spirit of mutual trust and mutual good-will that has been exhibited by the Government of India and their members. It will be but fair if on this occasion I noticed that the members of the Indian Civil Service have not in any way lagged behind the Government of India. They have done their duty and recent events have shown that they are quite prepared to accommodate themselves to the changed circumstances that have taken place in this country.

There is, Sir, or perhaps there was, a feeling that there is a certain amount of antagonism between the educated sections of the Indian people and the Indian Civil Service. Now, Sir, looking to the record of the Indian Civil Service, who have rendered very great services as I must admit to the cause of India in the past, I think I can safely say that the critics of the Indian Civil Service judge the service too hard. Everything shows that they are in a mood of preparing to extend a helping hand to us. So that, so far as the Government of India and the Civil Service which constitute the second party are concerned, there is no danger of the new régime being wrecked by any want of sympathy in those quarters.

As I remarked, Sir, the third party which have a very large voice in shaping our destinies is the British public. Now the attitude of the British public towards Indian questions is too well known to be mentioned in detail. Turn to the Congress reports, look into the Resolutions that were passed by that body from year to year, and you will find that from the very beginning we have expressed our faith and trust in the British public and at no time of the British connection have we taken the view that there is any want of sympathy towards Indian questions in the British public, or that the British public are not prepared to help us. True it is, Sir, that the stay-at-home Englishman is too occupied with his own affairs to take the trouble of studying Indian questions and the conditions that obtain in this country. A strike of the dockers perhaps at Liverpool or Dover or a small railway strike in England interests him to a much greater extent than the shaping of a political question of a most momentous character in India. That no doubt is a great misfortune—I mean our misfortune—but I hope, Sir, that with the change of circumstances the British public will learn to take a greater interest in Indian affairs. Suffice it to say that they have always displayed good-will and friendship towards us, and there is not the shadow of a chance that any obstacles will be placed in the successful working of the Reforms Scheme by the British public.

Last of all, coming to the Secretary of State and His Majesty's Government and the British Parliament, now whatever grievance India might have had against Whitehall in the past, there is no doubt since the assumption of the office of Secretary of State by that philosopher statesman, I mean, Lord Morley, much greater consideration has been paid to Indian questions, and much greater sympathy has been shown to these questions than was the case at any time prior to the year 1906. Lord Morley, Sir, really laid the foundations of the future greatness of India, and his reward has been the

[Saiyed Raza Ali.]

affectionate gratitude of 315 millions of the people that inhabit this vast continent. It is pleasant to remark that his policy was followed by his successors until his worthy mantle fell on the shoulders of that distinguished man and that true friend of India, the Right Honourable E. S. Montagu. Mr. Montagu occupies a position in our hearts to which testimony will be borne by every Indian who cares for the good of his country. Now, Sir, so far as His Majesty's Government are concerned, I must say that, looking at the state of affairs in England, the attitude of His Majesty's Government, resting as it does on the condition of political parties in England, is always a somewhat indefinite factor to us. But there is no doubt that so long as we have a Secretary of State of the calibre of Mr. Montagu there is no danger of Indian questions receiving scant courtesy at the hands of the British Ministry. The presence of Mr. Montagu at Whitehall is a sufficient guarantee that all reasonable latitude will be given to Indian questions, and they will be paid the attention that they deserve. So far as the British Ministry goes, we might rest assured that His Majesty's Government will be prepared to help us in the working of this scheme.

Now, Sir, coming to Parliament, specially, the House of Commons, we find that that body is generally well disposed towards our aspirations, but unfortunately, for India, the Members of the House of Commons in general are in their turn much too occupied with other affairs to give their time or thought to Indian questions to the extent to which we would like them to do. The result is that Indian questions come to engage the attention of those gentlemen who have served in India in the past, or are connected, directly or indirectly, with India, or have, or are supposed to have, any special interests in India. Now, the arrangement is such that they can do harm as well as good to us, and on the whole, nobody can say that we have any reason to be satisfied with this arrangement. If the particular section of the House of Commons that takes interest in Indian affairs happens to take a broad view and if they care to help India to work out her destiny, those members are entitled to our best thanks. On the other hand, if they place the good of some special interests before the good of India, it is natural that a certain amount of uneasiness should be created in our minds. Now, Sir, unfortunately, this is exactly what happens at the present time, and which mainly is responsible for my venturing to put this Resolution before this Honourable House.

Sir, it was expected that the introduction of the new era of reforms would effect a change in the angle of vision of those gentlemen to whom I have just referred. But unfortunately, we have been disappointed. It was only three months ago or even less that the new era of reforms was introduced in this country, and yet in spite of the short interval that the experiment has been in force, our friends in England, I mean our particular friends in England, have given indications of their impatience with the new dispensation in this country. Now, Sir, one of the most important reforms that has been effected in the shape of the Government of India Act is the fiscal autonomy that has been conceded to this country. Now, I do not want to tire out the patience of this Council by giving a long extract, but if Honourable Members would permit me, I would just read a short extract which the Honourable Members will find at page 10 of the Joint Select Committee's Report. On the question of fiscal autonomy the Joint Committee Report says :

'Nothing is more likely to endanger the good relations between India and Great Britain than a belief that India's fiscal policy is dictated from Whitehall in the interests of the trade

of Great Britain. That such a belief exists at the present moment there can be no doubt. That there ought to be no room for it in the future is equally clear.'

Then the Report dilates upon this point, and the Joint Committee laid it down as a principle of general application that, wherever on fiscal questions the Indian Legislature is in agreement with the Government of India, or to put it the other way, the Government of India are in agreement with the Indian Legislature, it would be highly dangerous to disregard the united wishes and interfere in such questions.

Now, Sir, in introducing the Budget on the 1st March in the other House, the Honourable Mr. Hailey took pains to point out the conditions which have compelled us to raise the import duty on cotton goods. Everybody who has perused that speech will find that cogent reasons were given there, and I doubt not that Reuter took care to cable to England, at any rate, a portion of the speech of the Finance Member. In spite of all that, we find that an agitation has been set on foot, and those who are interested in the manufacture of cotton goods in Lancashire have made it their business, or consider that it is their privilege, to dictate as to what our fiscal policy should be. The hollowness of this demand hardly needs any exposure, and it is very unfortunate that, in considering their own finance or better their own pocket, the manufacturers of goods in Manchester should disregard the financial condition of India and the important fact that India is to-day face to face with a huge deficit of about 20 crores of rupees.

Now, Sir, passing on to the second instance of such interference, I would just mention the agitation that has been raised on the appointment of Lala Harkishen Lal as one of the Ministers in the Punjab. Now, again, the Joint Committee have laid down as to what sort of man should be called upon to undertake the duty of a Minister. If Honourable Members would just bear with me for a minute, I would refer to a short passage which is to be found on page 5 of the Joint Committee's Report. That passage says:—

'The Committee recognise that the Ministers selected by the Governor to advise him on the transferred subjects should be elected Members of the Legislative Council, enjoying its confidence and capable of lending it.'

Now, Sir, when the announcement was made of this appointment it was welcomed from end to end of the country

The HONOURABLE THE PRESIDENT: Order, order. The Honourable Member is perfectly entitled to refer to the attempts in England made to discuss the appointment of the particular Minister. He is perfectly entitled to do that and that is perfectly legitimate to his argument. Into the merits of that appointment, however, he is not entitled to enter.

The HONOURABLE SAIYED RAZA ALI: Now, Sir, it was perfectly within the power of His Excellency Sir Edward Maclagan, quite apart from this appointment, to appoint any person whom he thought would be in a position to lead the House satisfactorily and properly. In the exercise of that power this appointment has been made. We find further that it has been enunciated as the basic principle of the scheme of reforms and very clear language has been used to that effect in the Report associated with the names of Lord Chelmsford and Mr. Montagu that, to the extent that power is entrusted to the people of India, Parliamentary control must be relaxed. In fact I think I have given

[Saiyed Raza Ali.]

the very language that has been used in the Report. The actual words used in the Report are :

‘ In proportion as the foregoing changes take effect the control of Parliament and the Secretary of State over the Government of India and Provincial Governments must be relaxed.’

Now, that being the case, Sir, it is not open to any Section of Parliament to challenge any particular appointment that rests surely with any Provincial Governor or with the Government of India, especially when it relates to a matter over which control has been transferred to the popular part of the Government. Therefore, I think I am expressing but the opinion of this Council when I say that we view not only with uneasiness but with dismay the attempts that have been made by certain individuals in England, whether they be members of the House of Commons or of the House of Lords or be outside these two Chambers, to dictate to us either our fiscal or our political policy.

Now, Sir, I am in a position to give another instance of the want of confidence in the people of India as also in the Government of India that has been displayed lately in England. Now, that instance is to be furnished by the new India Emergency Committee that has been recently, unfortunately, established in England. Sir, if that Committee had been formed by persons who by their constant endeavours in the cause of India had given proofs of their friendship for our country, even then the formation of such a Committee at this juncture would not have been free from objection. As it is, India knows what to expect of a Committee the moving spirits of which are Sir Michael O'Dwyer

THE HONOURABLE THE PRESIDENT : The Honourable Member is quite entitled to refer to any incidents which, in his opinion, indicate an attempt to interfere with the constitution as drafted by the Government of India Act. He should refrain from referring to individuals by name where such a reference is not necessary to his arguments.

THE HONOURABLE SAIYED RAZA ALI : Since you have so ruled it I will not mention any particular individuals though particular individuals in India are named in the House of Commons very frequently

THE HONOURABLE THE PRESIDENT : They are doubtless named in the House of Commons, and they may well be named in this House when their names are relevant to the issue. It is not relevant on this occasion.

THE HONOURABLE SAIYED RAZA ALI : Now, Sir, our main point is that the ultimate result of this Committee would be the resentment that will naturally be created in the minds of the people of this country because of the efforts to arouse racial passions, for which of all times this is the least suitable. In this connection I must acknowledge our sense of obligation to the European Members of this House and of the Legislative Assembly who have done a very wise act, if they will permit me to say so, by entering a protest against the founding of this Committee. It seems, Sir, that the two races in India are not only willing but eager to work together hand in hand, in mutual trust and confidence, if only sensationmongers in England would allow them to do so. Sir, it is known to this House that a Standing Joint Committee of both Houses of Parliament has recently been formed in England. 11 Members of this Committee belong to the House of Commons and the remaining 11 to the

House of Lords. It will also be within the memory of this Council that some of the members of the India Emergency Committee are also members of the Standing Committee. Now, that being so, Sir, one entirely fails to understand as to what should have led these gentlemen to form a separate association. Now the very fact that they have deemed it proper at this juncture to come forward and form themselves into an association argues want of trust not only in the people of India

The HONOURABLE THE PRESIDENT: Order, order. I must draw the Honourable Member's attention to the fact that he has now exceeded his time-limit, and I will invite him to terminate his speech as speedily as possible.

The HONOURABLE SAIED RAZA ALI: Thank you, Sir. The only thing, Sir, I can say is that there have been instances too numerous to mention; and I would say this, Sir, with your permission and with the permission of this House, that the future of India is on the knees of the gods and nobody can say whether the recent experiment will or will not be a success; but one thing is quite sure, namely, that the attempts that are being made in England will not only alienate public sympathy, but would irritate public opinion and provoke public opinion in this country to an extent which will furnish a real menace to the successful working of the Reforms Scheme.

The HONOURABLE RAJA SIR HARNAM SINGH: Sir, the Honourable Saied Raza Ali has done a public service by moving this Resolution. We know that there are some so-called friends of India abroad who believe that the Indian Constitutional Reforms are ill-advised, for they think that responsible government is a dangerous experiment in an oriental country. But British statesmanship and the good sense and justice of the British people have prevailed over the short-sighted but determined opposition of a small minority, and His Majesty's Government have been pleased to give India the Reforms introducing responsible government in this country. It is now the duty of Englishmen and Indians alike to work for the success of this great progressive movement. It is disappointing, therefore, to find attempts made in certain quarters in England to place obstacles in working the constitutional Reforms in India.

The way in which the Speaker of the House of Commons summarily disposed of a reference relating to the appointment of a Minister in the Punjab made us think that the leaders of the anti-Indian Reform movement in England would restrain their activities; but this was not to be yet. Only the other day we had a message from England that an Emergency Committee had been formed in England under the Chairmanship of Lord Ampthill to draw the attention of the British Public to Indian affairs. Even the man in the street would naturally draw very unpleasant inferences from the appointment of such a Committee. Anti-Indian propaganda in England has produced, for us, very undesirable results—it has lowered the reputation of India abroad, leading to the shrinkage of India's financial credit. At Home, it has fanned the flame of discontent and bitterness. The wrong done is not to India alone for it has given a handle to the extremist politicians to misinterpret the British political character, and challenge the good faith of the British public.

In the interests of Britain as well as of India such mischievous activities should be prevented. But the Indian Legislature can do little to stop them.

[Raja Sir Harnam Singh.]

It can only express its considered opinion, condemning the unhappy agitation that is being carried on in certain quarters in England.

We must fully acknowledge, however, that the European members of the Indian Legislature have already done their duty by cabling to Lord Ampthill their disapproval of the Emergency Committee in no uncertain terms. It is the duty of this House to tender our sincere gratitude to Sir Alexander Murray and his colleagues for the service they have done India by thus strongly expressing their opinion to Lord Ampthill.

I support the Resolution with a suggestion for the consideration of the President that a summary of to-day's proceedings relating to this Resolution may be sent to England.

THE HONOURABLE SIR MANECKJI DADABHOY : Sir, I have carefully listened to the speech of my Honourable friend, and while endorsing many of his reasonable arguments, I am not convinced of the propriety of debating this Resolution. My friend's Resolution purports to be this, that as some sort of attempt in England has been made to obstruct the success of the reforms, we should communicate to the Secretary of State our well-considered opinion that any such action will not be conducive to the success of the new régime. My opinion is that any such recommendation is wholly unnecessary and superfluous. I fully deplore like many of you the activities of our so-called friends on the other side. I rather wish that they had abstained from those activities and looked after their own business, as we in India are quite in a position to look after our own affairs. At the same time I must say that I do not share the apprehensions of the Honourable Mover of this Resolution that the mischievous activities on the part of our busy friends in England will obstruct the success of the reforms scheme. In my opinion the success of the reform scheme is in our own hands. The success of the reforms scheme is wholly in the hands of this Council, in the hands of the Assembly ; and if you are determined to make the reforms a success by legitimate co-operation with Government, by helping them to make the partially responsible government a success, approving of their measures when approval is needed, protesting and disagreeing with them at the right and proper moment when our interests are at stake and asserting our rights and our privileges when the proper time comes, you will by such methods only conduce to the success of the reforms scheme. The reforms scheme will be successful if the present wild campaign of non-co-operation is set at rest, and if the people and the Members of this Council do their best to set our faces against that movement and lead the country on the path of progress. My own fear is that if the reforms are not successful they will be due to the danger that will come from within and not from without. I am not afraid of the activities of our friends in England. I have not the slightest doubt that the Parliamentary Committee which has been appointed to see to the proper working of the Reforms Act will do its duty. On that committee there are many names which we cannot help respecting ; and I have not the slightest doubt that our interests will be carefully watched and safeguarded by them. My Honourable friend has referred to the two recent incidents, one about the agitation in Manchester, and the other about the appointment of Lala Harkishen Lal in the Punjab. About the Manchester incident and about the deputation that waited upon the Right Honourable the Secretary of State, I am not at all gravely apprehensive. The imposition of the increased import duty does affect their interests to a certain extent, and

they were perfectly justified in representing their case to the Secretary of State; but that does not mean that they will carry the day. Here we are quite competent to look after our own interests. We shall represent our side of the question, and I have not the slightest doubt that any serious attempts made in England to cripple our efforts in this country will not meet with any success. The question is whether a Resolution of this nature, even if it is passed, is likely to give any effective check to the spread of sinister reports and the activities of these people. I think not. We may pass any number of such Resolutions, but they will not bind the people in England if they wish to move against the interests of this country. It will be practically a futile attempt on our part. I think our best course is to watch our interest in this House, and do our best to help the progress of the Reforms, without taking any notice of the activities of the people at Home. If later on we find that any steps taken by them are harmful to the interests of this country, we have a remedy open to us, and that is to move a Resolution in this House expressing the united disapproval of this House and the Assembly on any movement in England affecting the interests of this country. But I think at present my Honourable friend's apprehensions are unfounded, and I for one cannot see my way to support his Resolution.

The HONOURABLE SIR ALEXANDER MURRAY : Sir, I do not intend to follow the Honourable Mover of this Resolution through the various parts of his speech introducing the Resolution. I shall, therefore, pass over fiscal autonomy and the other questions of political policy to which he has referred in detail. I would, however, like to refer to one particular point, and that is regarding the appointment in London of an Emergency Committee. He has referred to the fact that the non-official European members of this House and of the other House have already telegraphed Home asking the people there to abstain from the formation of such a committee, the object of which is to draw attention to the situation in India. We expressed the view that this would serve no useful purpose and was calculated to exasperate public opinion and to prejudice the effect of our harmonious working here. In sending this cable, we did not intend to minimise the gravity of the situation in India due to the increasing and persistent activities of the non-co-operation party. But we hold strongly that public meetings in England on the lines contemplated by the Emergency Committee will merely give further opportunities to Mr. Gandhi's party and to his Press to rally their followers against the Government, and will hamper us greatly, official and non-official Europeans and Moderates, in our endeavours to arrest the dangers which imminently threaten the peace of India.

Sir, I do not consider that the object of this Emergency Committee is to throw obstacles in the way of the working of the Government of India Act of 1919. I am convinced that they wish as sincerely as any one in these Councils, to see India move steadily, rapidly and peacefully towards the realisation of the aspirations of the people of India. They are, however, alarmed at the disturbing news which they hear of unrest in India, and they are concerned as to whether the measures adopted by Government will be successful in maintaining law and order and in safeguarding the lives and property of Indians and Europeans in India.

Sir, a very full statement of the situation was made in the other House yesterday by the Honourable the Home Member. He stated at length the policy of Government which, briefly, as I understand it, is to investigate

[Sir Alexander Murray.]

and remove all just grievances and to prosecute and punish under the existing law all those who break the peace. Special laws will only be used when all other measures fail, or in exceptional circumstances. This policy was endorsed in the most wholehearted manner by the other House, and it will, I am confident, have the full support of this Council and of all moderates and reasonable citizens in India.

I am very hopeful that the best results will come from a sustained, calm policy of firmness in this crisis on the lines sketched by the Honourable the Home Member yesterday, and if the worst should happen, Government is strong enough to deal with any situation. But, Sir, we will all regard the last contingency of the worst happening as a calamity, to the prevention of which any right-minded person should bend all his energies.

I would take this opportunity, therefore, of making a special appeal to all who are with us to associate themselves together for a vigorous and sustained campaign against non-co-operation. Action by Government has this serious disability that it is at once represented by the extremist Press as repression and when put in this light, it is a powerful recruiting agency for the non-co-operationists. The measure which alone can restore peace to India and maintain it is that the people of India should have the assurance that the present Reforms are real, that Government is carrying them out wholeheartedly in the spirit in which they were framed, that Government is anxious to remove and adjust real grievances in so far as this is humanly possible, and that Government is averse from the resort to severe measures

THE HONOURABLE THE PRESIDENT: The Honourable Member is straying somewhat from the Resolution.

THE HONOURABLE SIR ALEXANDER MURRAY: I think, Sir, that the Honourable Member in moving this Resolution has only put forward one side of the question, namely, the attitude adopted by the people on the other side, that is, the people at Home. I am afraid that that attitude has been somewhat misrepresented in the telegrams that have come out here. I feel that the great majority of the people there are as earnest as we Europeans out here to see that the Reforms are given a fair trial. I would therefore repeat my appeal to every member of this House to take the message to his constituents which he is now in a position to give them, and to do all in his power to bring the supporters of Government together and to detach adherents from the non-co-operation party. I am convinced that they are playing a winning game if they will take it up, for all the reason is on their side. And, as I have already said, the strongest interest of all in the maintenance of law and order and in the peaceful progress of India, is that of Indians themselves.

As regards the present Resolution, Sir, I have little more to say. I think it has drawn attention rightly to ill-advised movements in England, but I think that the statesmanlike course for us is to ask the Honourable Mover to withdraw it. It is perfectly clear from the telegrams in this morning's papers that one at least of the movements has no support in England, and it may be left to die a natural death. Therefore, I earnestly hope that the Honourable Mover will be pleased to withdraw his Resolution.

THE HONOURABLE SIR WILLIAM VINCENT: Sir, I am sure the Council will excuse me if I do not attempt to follow the last speaker into a discussion of the non-co-operation question. Indeed, I am not at all sure that I should

not be immediately called to order if I attempted to do so. I have an additional excuse, and that is that I spoke, at great length yesterday on this subject, and I am very unwilling to re-open it so soon. It is quite possible, I think, to deal with this Resolution very shortly without adverting to that matter. The position of the Government in regard to this Resolution is this. We have no objection whatever to forwarding any opinion of this Council, if it so desires, to the Secretary of State for communication to His Majesty's Government, but I doubt the wisdom of this course in regard to the present Resolution. Indeed, it seems to me there is a great deal in what Sir Maneckji Dadabhoy said in regard to it. There are two bodies to whom the appeal might be directed, one being His Majesty's Government or Parliament, and the other being the non-official public in England.

Now, in so far as the Resolution is directed to Parliament, I think it might
 12 NOON. be very readily misinterpreted. The House of Lords is just as much a part of His Majesty's Government as the House of Commons. Where they have statutory powers of interference with the Government of India, this Council has no constitutional right to suggest to them that they should not exercise them. On the other hand, Parliament itself, having enacted the Government of India Act, will certainly be unwilling to interpret that Act illiberally or to place any restrictions upon authorities in India giving effect to it in the fullest manner possible. Therefore, any attempt to criticise the action of Parliament or of either House would, I think, only cause resentment and do no good. Now, let us take the question of private criticism. Does this Council think that anyone is going to stifle private criticism nowadays? Is that consonant with modern democratic ideas? Is not everybody, is not the Government of India, the Government at Home, the Opposition at Home, Mr. Gandhi, the Opposition out here, and everyone else liable to be criticised in public to the fullest extent? If this Council thinks that either the Secretary of State or His Majesty's Government can control the formation of private associations for the purposes of watching the conduct of affairs in India or of criticising the acts of individuals, then they completely misapprehend the position. My own belief is that such a Resolution as this would merely stimulate any such movement, would give it an advertisement, would encourage the people to join it.

However much therefore we may approve or disapprove of particular activities of individuals at Home, or whether we approve of them or not, it is idle for this Council to forward a recommendation of this kind to the Secretary of State, a recommendation to which neither he, nor His Majesty's Government can give effect. In so far, therefore, as it relates to Parliament, it would be improper for Government to take this line. Parliament must be left to interpret its own Acts. In so far as it refers to private associations, it is really idle for the Council to adopt this attitude.

At the same time, if in spite of what I have said, the Council insists on taking this view, the Members of the Governor General's Executive Council will not vote on the question at all.

There are three particular matters in which the Honourable Member said there has been a tendency unduly to interfere with the working of the Government of India Act.

The first arises in connection with the fiscal policy. I think he said that any interference was highly dangerous. Now, what the Joint Committee did say about fiscal policy is quite clear. I had occasion I think to remind the

[Sir William Vincent.]

Honourable Mr. Lalubhai Samaldas of it the other day. The view of the Committee was that the Secretary of State should, as far as possible, avoid interference on the subject when the Government of India and its legislature were in agreement and they thought that this intervention, when it does take place, should be limited to safeguarding the international obligations of the Empire or any fiscal arrangement within the Empire to which His Majesty's Government is a party.

I can see no indication at all on the part of His Majesty's Government or the Secretary of State to interfere with any fiscal arrangements on which recently the Government of India and the legislature have been in agreement. I speak subject to correction, but I believe this to be true. Therefore, there is really no ground for taking the action proposed in relation to fiscal policy. But, if the Honourable Mover thinks that he is going to prevent Manchester people or any other persons at Home or in India from doing the best for themselves, by protest and representation, he is making a mistake. And if an attempt was made to control the energies of any private association those efforts would be ineffectual. Now, let us take the second point, the appointment of Mr. Harkishen Lal. The Mover here took up a curious attitude but he was promptly stopped. He began to praise the appointment and say what an excellent appointment it was. He was, however, stopped by the Chair. Otherwise, I might have attempted to follow him. But he does not see that he himself is committing the very same error of which he is accusing the people at Home. Neither the Government of India nor the Council of State has anything to do with the appointment of Mr. Harkishen Lal. It is true on this occasion the Honourable Mover happens to approve of the appointment. But suppose he had disapproved of it. Does he not see that the principle of this Resolution muzzles him apparently as a member of this legislature from criticising it either publicly or privately? As a matter of fact, the attitude of Parliament towards his appointment is perfectly well known. The appointment is made, and there is no intention to interfere with it in any way. I understand that the Speaker has given a ruling to that effect, though I have not seen any authorised reports of this. Well, the third question relates to this Emergency Committee. Now, I read the proceedings of the members of the Emergency Committee, and I understood, as Sir Alexander Murray did, that they are not directed against the reforms at all. They are not directed against the Government of India Act. I have not seen one word in the whole of the discussions that I have read about that Act. They are directed against the policy of the Government of India itself, and they are directed also against the non-co-operation party of Mr. Gandhi. Now, does any Member of this Council seriously think that by forwarding this Resolution to the Secretary of State or to His Majesty's Government they are going to prevent private persons in England who take an interest in this country, many of whom whether you agree with them in politics or not, have rendered great public services to this country, to prevent men of that kind from discussing political questions of the greatest moment affecting this country? Does that appear to this Council to be a feasible proposition? It is for these reasons that I have suggested and I still hope that this Council will not accept this Resolution. I do not think that it will have any practical effect and I believe may rather stimulate the movement which they seek to check. I fear also Honourable Members may expose them indeed to criticism if not

in some quarters even to ridicule by such action. People will naturally say 'what right have you to come down and interfere with our forming a private association if we like? The Council of State is a very eminent body: we recognise it as such. It has certain legitimate functions, but surely it is not the business of the Council of State to say that they are not going to allow their work to be criticised by private associations in England?' Now, this is a position which I suggest to this Council it should not adopt, and I hope the Honourable Member will withdraw this Resolution. It is not that I approve of the activities of these bodies at all. But I think that this is scarcely the place in which to discuss them, and I think that an action such as is proposed is more likely to promote than injure the object in view.

I cannot close my speech on this Resolution without a short reference to one subject which was raised by the Honourable Member, namely, his remarks about the Government of India and the attitude of the Indian Civil Service towards Reforms. He said, 'the Government of India behind which stands the Indian Civil Service.' I wish that it did so. But it does not. There are only two Members of the Indian Civil Service in the Government of India, and they exercise very little influence in the Government. The real power behind the Government of India is no service, Civil or Military, but His Majesty's Government and the Houses of Parliament. The Honourable Member was pleased then to congratulate the Members of the Civil Service on their attitude towards the reforms. All I can say is, as I said in another place yesterday, that we are, primarily and above all things, His Majesty's servants, and it is both our duty and our privilege to give effect wholeheartedly and generously to the policy of reform which has been inaugurated, and I am convinced that every man in the Service will carry out this duty loyally and to the best of his ability.

The HONOURABLE SARDAR JOGENDRA SINGH: I do not see that the Resolution moved by the Honourable Saiyed Raza Ali will serve any useful purpose, and I wish to associate myself with the Honourable Sir William Vincent in asking him to withdraw the Resolution, not merely because it will not have any effect, but it shows a sense of dependence, a consciousness of weakness and a call for outside support. And I think we ought to hold our own and be fairly powerful and strong now that our Legislative Chambers are set up. We need no more talk of the Government of India being something outside ourselves, but it is we who will guide the policy of the Government of India. I do not agree with the Honourable Sir William Vincent, when he said, that it is His Majesty's Government that is behind the Government of India. It is the people of India who are behind the Government of India. Under these circumstances, I do not see why we should pass a Resolution like this and send it to the Secretary of State and ask him to prevent discussion in the House of Commons or influence any Emergency Committee that may come into being. We, the Government of India, the Council of State and the Legislative Assembly and the Provincial Councils ought to be in a position now to control Indian affairs and to guide them towards Swaraj, which has been declared as the goal of Indian policy by His Royal Highness the Duke of Connaught. Under these conditions I do not see why we should send this Resolution, and I would request the Honourable Saiyed Raza Ali to withdraw it.

From the recent experience we have had in these Councils, we have discovered how non-official European members and official members of both the Chambers can co-operate in a common cause. We have heard

[Sardar Jogendra Singh.]

Honourable Mr. Holberton speak of Burma as 'our country.' We have found Sir Alexander Murray and Sir Frank Carter send forth a telegram immediately to England against the formation of Emergency Committees. The spirit of fellowship is growing and we may reasonably hope to arrange our affairs here and manage them together, without any outside assistance. The name of Mr. Gandhi has been mentioned. It is we in the Councils that should take up the good programme that he has formed and work it out in these Councils whole-heartedly, officials and non-officials combining. The main purpose of the Government is human happiness, the happiness of the largest number and not merely passing laws and regulations. If we set ourselves to the economic and industrial development of the country, to the freedom of mind and speech, we certainly will succeed, and there is nothing that can retard our progress. There is no use of sending Resolutions to England. The day for that kind of thing is done. We are now an independent Government so far as internal affairs go, and I do not see why we should go and show our weakness and seek support outside.

THE HONOURABLE MR. W. G. KALE: I rise to support the Resolution. I do not know what the Mover of the Resolution is going to do after the very sincere appeals that have been addressed to him, but if I were in his place I would insist on the Resolution being put to the Council, because I look upon the Resolution as moving a vote of confidence in the Government. It is to accord to Government support in this country and in England that such an expression of opinion on the part of this Council seems to be necessary. It has been asked, what is the propriety of passing this Resolution, what effect can it have upon His Majesty's Government, or on Parliament, or on public opinion in England? The effect which the Resolution will have, to my mind, will be this. An impression will go abroad in England that Indian public opinion realises that even at this date attempts are being made in England, so to say, to thwart the proper working of the Government of India Act. There is a section of public opinion in England which seems to think as if the Government of India Act, 1919, were not passed at all, which, indeed seems to think that India is still living in the nineteenth century. For example, the recent agitation on the part of the people of Manchester is an attempt which used to be made in the past, namely, to try to bring pressure to bear upon the Government in India through His Majesty's Government and the Secretary of State. Whenever any question was taken up by the Government of India in this country, say, with regard to the import and export duties, a hue and cry was raised in England against that policy. I need not remind the Council that when the question of the import duty on Manchester goods was under discussion by the Government of India and the Indian Legislature, several years ago, a similar outcry was raised with the result that the Government of India was overwhelmed. The Government of India had to yield. It is no longer a secret that the Government of India was all along on the side of public opinion with regard to those import duties, but it had to yield to the Secretary of State who, in his turn, had to yield to public opinion in England. The circumstances have now entirely changed. The very atmosphere, the very spirit of the Government of India has changed, and it is necessary that the public in England should realise that such a change has come over the Government in this country. That is to my mind the main purpose of the Resolution. I do not think that it would be futile. On the contrary, it will have some effect. It has been asked what effect it

will have upon the Government of India or His Majesty's Government or the British Parliament. It is true that the British Parliament has the power of doing and undoing with regard to the constitution of the Government in this country. Even after the passing of the Reforms Act of 1919 it is in the power of the British Parliament to undo what it has done. What we want, however, is to make progress as rapidly as possible. We want to get full self-government as early as possible. If that is so, then public opinion in this country must be made quite clear to public opinion in England, and those people in England, in Parliament and outside Parliament, who still think that the change that has been brought about in the Government of this country, is only superficial and not substantial, ought to be given to understand that it is not so, that the change is substantial and it is going to be more substantial in the near future. That is the service that the passing of this Resolution is, to my mind, calculated to render. For these reasons I heartily support the Resolution.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN : After what was said by the Honourable Sir William Vincent and Sir Maneckji Dadaboy, there was no need of speaking much on the Resolution, but I am afraid that as some Honourable Members are still in favour of the Resolution it may be put to the vote, and I may not have said a word on it. I think the Honourable Mover, if he withdraws the Resolution, will have killed two birds with one stone, because he has already said what he wanted to say, and if he now withdraws the Resolution another purpose would be served. It will not show that we as a body, that is all of us here have got no confidence in the people of England,—we do not want to show that. With these remarks I oppose the Resolution and I do hope that the Honourable Member will withdraw it, because, Sir, we belong to one Empire and the best thing is to follow the plan of give and take, so that we may remain pleased with each other. There is a Persian saying that if two wise men are holding a thread they will not break it, but if they act in opposition they will break even a chain.

The HONOURABLE SIR ZULFIKAR ALI KHAN : Sir, it seems to me that the Mover of the Resolution my Honourable friend Saiyed Raza Ali is a bit panic-stricken on account of the Emergency Committee formed in London by those who have been clamouring ever since the initiation of the Reforms Scheme. I, for one, am not an alarmist and do not care for the croakings of those who have so far failed in damaging the reform movement developed by the statesmen of England. All credit is due to these far-seeing statesmen, and we have every reason to rely in future on their integrity of character and the justice of the cause of the Indians. Sir, there is a feeling of some kind of nervousness amongst Indians that the opponents of the Reforms Scheme in England are doing a great deal of harm to the Indian cause, but, so far as I can see, these people, instead of doing any harm, are actually serving the cause of Indians. They are, so far as I can see from the press reports, discredited by their own people, they are not honoured in India, they seem to be a sort of clique composed of people who were once society pets but have now fallen, though they seem to be still making pitiful efforts to enjoy the society of the people of their own political faith. Sir, we find extremists on both sides, and I do not think that the dignity of this Council calls for any attention to these pettifogging individuals. We shall show our dignity by entirely ignoring these people, who will, I am sure, see that not only the people of their own country and the public and the Government at Home

[Sir Zulfiqar Ali Khan.]

condemning them, but also that the dignity of this Council has thought it beneath its attention to take any notice of their clamourings.

Sir, with these few remarks, I oppose this Resolution.

THE HONOURABLE COLONEL SIR UMAR HAYAT KHAN: Sir, I move that the question be now put.

THE HONOURABLE SAIYED RAZA ALI: Sir, it was a sight worth being seen by the gods of a Parsi knight, that of my friend the Honourable Sir Maneckji Dadabhoi, exhibiting the Christian virtue of offering one cheek when smitten on the other. He advised us that though these people are doing something which at times might be mischievous in England, we, because we are self-contained, because we are independent, because we are autonomous

THE HONOURABLE SIR MANECKJI DADABHOY: May I rise to a point of order, Sir.

THE HONOURABLE THE PRESIDENT: What is the point of order?

THE HONOURABLE SIR MANECKJI DADABHOY: My friend has entirely misunderstood what I said.

THE HONOURABLE THE PRESIDENT: That does not seem to be a point of order. It may be a personal explanation, but I fail to see that it is a point of order.

THE HONOURABLE SAIYED RAZA ALI: Therefore, Sir, he advises us that we should take no notice of what these people are doing across the seas. This is what I meant when I made the first remark which, I believe, created feelings of misapprehension in the minds of my Honourable Colleagues. Of course, I never meant it literally; I was using, if I may say so, a figure of speech, if this Council will allow me to use the term. Now, Sir, the fate that my Resolution has met at the hands of this Council is, I am not afraid of confessing it, a pitiable one. So far as I can see, excepting the Honourable the Home Member, it has aroused opposition on the part of something like half a dozen knights. I must confess, Sir, that I do not fear surviving the attack. I must assure my Honourable friend Sardar Jogendra Singh that I do not include him in my remarks.

THE HONOURABLE SIR MANECKJI DADABHOY: May I rise to a point of order, Sir.

THE HONOURABLE THE PRESIDENT: Certainly. Will you state it briefly.

THE HONOURABLE SIR MANECKJI DADABHOY: Is my Honourable friend entitled under the garb of figurative language to insinuate something?

THE HONOURABLE THE PRESIDENT: I beg the Honourable Member's pardon. I have not taken his point. Will he state it again?

THE HONOURABLE SIR MANECKJI DADABHOY: I think his observations are of a personal character; they are a reflection on the six knights in this House. I do not know where the six knights are.

THE HONOURABLE THE PRESIDENT: Had I regarded the Honourable Member's observations which I apprehend with great difficulty owing to the manner in which he speaks (if he speaks louder I might hear them) as disorderly, I should have called him to order.

THE HONOURABLE SAIYED RAZA ALI: Now, Sir, from the speeches that have been delivered the trend of the feeling is more or less clear. It has been argued that, after all, the successful working of the reforms is not in danger simply because of late certain acts have been done by certain individuals—because I must speak in general terms—in England. Now Sir, I must at once point out to my critics that the terms of my Resolution do not contemplate an appeal to any private individuals to desist from forming associations or to take such action as to them may not appear advisable. Private individuals are private individuals, and it follows from the very nature of things that they are at liberty to do what they please. The terms of my Resolution make it quite clear and place it beyond the shadow of a doubt that I do not fear anything so far as our own independence or autonomy goes by the formation of those associations or by certain individuals adopting a certain course of conduct. What my Resolution does say is that at least, so far as India, whose representative this Council is, is concerned, we do not welcome the formation of such associations and, in fact, on the other hand, we view their formation with positive disapproval.

Now, this is very far from saying that ours is an appeal to His Majesty's Government to exercise influence against such associations being formed. That, Sir, as the House will see, is not the question. I am sorry that the point has been missed, through my misfortune more than anything else, I believe, by certain members that have spoken on the opposite side. This is the real point, namely, do we view with approval what took place in England during the last three or four months or do we not? If we view it with approval, I am not only for withdrawing my Resolution, but if any of my friends who have taken up the cudgels on the other side will bring a contrary Resolution, I shall be very happy to support them, if they think that what has been done in England recently is at all proper and would arouse feelings of friendship in the hearts of the people of this country. Let them say so; let them bring forward a Resolution to that effect; and as I have said if I am convinced I shall support it. But that is not the point, Sir. The question is what is our attitude on this point? If the steps that have been taken are wrong steps, if they are steps that might irritate and provoke public opinion in this country and might induce certain classes of my countrymen to take steps which would not be desirable, then it is in the fitness of things that whatever may be the consequences we should put it on record, quite apart from appealing to private individuals in England on this question, and to say that no doubt you have every right to do what you think proper, but that at least whatever you propose to do or whatever you have done is not likely to smooth the working of the Reforms Scheme. We simply put that opinion on record; and the proposition has the additional merit of making it clear to the public in England that whatever may be said of the stage of political development at which the people of India have arrived, they have enough sense to see that whatever has been done by certain individuals in England ~~has~~ been resented and resented highly in India. Whether this is a sound proposition or not, I do not think I need say much at this stage. Those who spoke to the Resolution accepted the soundness of my position. They only challenged the expediency of taking this step for the reason that it would

[Saiyed Raza Ali.]

produce no effect. Now, with great respect to the speakers who have spoken on the other side I must say that far from falling flat on certain sections of the people in England, if you pass this Resolution unanimously or with a substantial majority, if the Council will allow me to say so, I can assure you that this will have the desired object, and that it will make it perfectly clear to the people of England that the people of India are not prepared to tolerate the activities on which certain individuals in England have started of late; so that the argument that has been directed against me, if viewed from a little changed angle of vision, will be the best argument in support of my proposition. What is our duty after the coming into force of the Government of India Act? Our clear duty, as has been pointed out, is that we should be very jealous of our rights and should be very careful in the exercise of our duties; now this is a proposition that raises a question both of our duties and our rights, I say it is the duty of this Council, as also at the same time it is its right, to place on record in a most emphatic manner their conviction so far as recent happenings in England are concerned. I do not think, Sir, it is necessary for me to say much on this point. The proposition has been sufficiently discussed and taking the view that I do, though I have the little satisfaction of being supported by only one of my Honourable colleagues in this Council; yet feeling as I do on this question, and having regard to what has taken place in England and what is going on here, I think it is my duty to ask you, Sir, to put this Resolution to vote.

The Resolution was negatived.

RESOLUTION *RE* PORTFOLIOS OF THE VICEROY'S EXECUTIVE COUNCIL.

(At this stage the Honourable Sir Alexander Murray took the Chair temporarily).

The HONOURABLE MR. G. S. KHAPARDE : Sir, the Resolution which I wish to move runs as follows :

' This Council recommends to the Governor General in Council that a committee consisting of Members of this Council be appointed to examine the present distribution of portfolios among the Members of the Viceroy's Executive Council and to make recommendations.'

On this subject earlier in the Session the Honourable Mr. Bhurgri put a question and the answer given to that question was this, that it was a matter which was for the personal decision of His Excellency the Viceroy, and the matter rested there. I quite recognise that in distributing portfolios and choosing Ministers His Excellency has got what I may call the viceregal prerogative, just like the Royal prerogative; they can choose whom they think best. That is all right. But my object in putting forward this Resolution was in the first instance to seek for some information; and secondly, if my views, or rather the views of this Council, are placed before His Excellency, even when he is exercising his prerogative, it would do no harm, because they do not seek to clog him or ask him not to do this or that; among other materials placed before him for forming his opinion this will be one; that is all; so it could do no harm in that respect; and in order first to obtain information and next to submit material for His Excellency to decide I have brought forward this Resolution.

Because at present all that I can find and all that I can refer to is a little book which was supplied to me earlier in the Session, to enable me to address my questions to particular Honourable Members in charge of particular subjects, and that is about all the official information that I have at present. But I should like to have more information, and I thought it would be best to move a small Resolution so as to see how things stand. To adequately discuss a subject of this character, I should have had for myself held a portfolio and acquired a little internal experience before I could ask for further information. I have no experience of the kind, and it is not likely that in this generation I have any chance of being entrusted with a portfolio. But the fact does remain that I have not the requisite information, nor even the requisite experience, and yet why have I ventured upon it? I have ventured upon it because this is an age of specialisation. Every day we hear of so many specialists and experts in one branch or another that I was tempted the other day to say that this expert knowledge has really crowded out common sense out of this world. Now everybody has got to be an expert, even in such a small thing as a dinner. One must be an expert in arranging the table in a particular manner; he must be an expert to know what kind of glass to use for a particular kind of wine, what particular spoon to take for a particular dish, how to hold a fork, at what angle from the mouth it should be held, whether after putting into the mouth the food it must be chewed first by the right jaw and then passed on to the left, in fact the whole thing is so scientifically arranged even in this small matter that I thought I might give a chance to a little common sense in this matter, though it is said that common sense is very uncommon in this world. But whatever that may be, I thought that I would give my common sense a little chance in this matter of the distribution of portfolios and that is why I have brought forward this Resolution.

Now in this Resolution there is no difficulty at all, but there is really a small history behind it. It was Lord Curzon, I suppose, who first re-distributed these portfolios and he created the portfolio for Commerce. Then Lord Minto created the portfolio for Education. The present age of course is one of transition, and we have got the new Government of India Act, we have got the doctrine of devolution, we have got the expediency of decentralization and all kinds of things are coming up. So my mind naturally became anxious to see whether there was going to be a re-distribution also and a question was put, and I think there is going to be a re-distribution as events portend. Now, let us consider how the present distribution is carried on. There are so many departments according to the book which has been supplied to me from A to K, and so far as I can see there are only six portfolios between which all this work is to be distributed. So I wanted to see how this work was distributed. Really speaking, the Home Department is the most important of all, but I have no official connection with any department save the Legislative Department in the sense that I am a member of this Honourable Council, and I should therefore give preference to it. Now what is the Legislative Department doing? What are its functions? The first thing I noticed with regard to the Legislative Department was that it has no initiative at all. There is nothing that the Legislative Department by itself initiates. All that they do is to manage our Councils, arrange probably our agenda, frame the Bills and draft them, and occasionally, I suppose they also have to give advice to the Government of India on legal matters, but that is about all that they do. The only thing I was anxious to know was whether

[Mr. G. S. Khaparde.]

there was anything at all that the Legislative Department by itself initiated, and the only thing I found after long consideration was that once in ten years they move that the Criminal Procedure Code or the Civil Procedure Code be revised and the judgments of the High Courts embodied into it. Beyond that, so far as I have been able to see, the Legislative Department has no initiative anywhere whatever. But they are at the disposal of all the departments of the Government of India, and all the departments can write to them and say 'Kindly bring out the law so that I may do this, kindly draft a Bill so that I may do that'. And the Honourable the Law Member, I speak with due respect to him of course, feels that he has got to draft it. So the Legislative Department, really speaking, has no initiative whatsoever. It can do nothing. Now let us see what the position is in the other countries. Naturally my knowledge is limited to English history only and not to French history or of the history of other countries. I am a man of very limited learning and of small ideas. Now how is it in England that the Legislative Department is a rather important one? The position of our respected President in our Honourable Council corresponds to the position of the Lord Chancellor in England. He presides in all courts. He has the power of making appointments or rather his advice is sought before all appointments to the High Court are made. The whole Bar of England is under him and he can make recommendations and it is to him that the final appeal lies. So we can see that the Lord Chancellor of England, translated in the Indian language here, means the President of the Council of State. If that is so, some of those duties, really speaking, ought to go to him. Now we have about six High Courts in India, and appointments of Judges and Chief Justices have to be made. I say these appointments ought to be made on the advice of our Lord Chancellor, that is to say, the President of our Council. There is a large class of legal practitioners here, I am also a humble member of the profession, I became an Advocate of the Chief Court of my own province without any examination fortunately, but the Lord Chancellor in England is the head of the bar in England, similarly the President of our Council should be the head of our bar here. This is not merely an academic discussion, because, if I remember rightly, there is now an endeavour being made seriously, I suppose, in the other House to constitute what is called a Court of final appeal in India, that is to say, the cases which are at present sent to England to the Privy Council will be heard by this court of final appeal here. Because it often happens that the peculiar conditions of this country and perhaps some peculiarities of the law also, and the temperament of the people, all these things are unknown to the members of the Right Honourable Members of the Privy Council. So my own idea is that this Legislative Department which at present has no initiative at all should have, from my point of view of course, the point of view of an inexperienced man, the powers of the Lord Chancellor in England. That is to say, the President in consultation with the Honourable the Law Member and between them should make recommendations in regard to appointments in all High Courts, in the case of Judicial Commissioners and Chief Commissioners, Judges and Subordinate Judges, District Judges and District Magistrates and their establishments including clerks, etc., and also the honorary appointments in the courts, that is to say, pleaders, barristers, vakils, etc. This so far as the Legislative Department is concerned. At present, these appointments I believe, if I have read this book correctly, are made in the Home Department, and the Home Depart-

ment therefore is the next department both in point of importance and in the order in which it comes. The Home Department, Sir, at one time, historically speaking, was the greatest of all departments in all Empires, ancient or modern. In most ancient times the King very early delegated his duty of doing justice to a Brahmin in India or to some religious teacher among the Muhammadans. The King made over his other departments also to his trusted subordinates, but what the King kept with him was the Army and Foreign Department.

He was his own foreign minister and he necessarily was the Commander-in-Chief when they did not choose to lead the Army, then he got somebody else. Well, the traces of this exist to this day also in the Government. The Foreign Department is the Viceroy's department—I believe I am right. Then the Minister for the Army. Of course we all know that we have nothing to do with the army, either with its organisation or its formation or its finance. We have got to take it and leave all matters of interests in it to His Excellency. I do not quarrel with that. It is no part of my business. That is all right. What I am persuaded to say is, that the Home Department is something like—if I may be permitted to use a simile—like an old patriarch. In olden times a patriarch had powers of life and death over the members of his clan. He was the head, his word was law. Then in the course of evolution—I do not want to speak on evolution, but evolution proceeds by growth, by co-ordination and by specialisation. That is how evolution proceeds. Well, as it happens in history, this patriarchal authority was supreme both in ancient times up to comparatively modern times, when that authority wanes, becomes less and less and the members of the community first claim that they should be consulted and their advice taken; then they say 'no, you must take our advice and also you must follow it'. Then the next stage is when we are told 'without our consent you should do absolutely nothing'. So, from being the supreme being, from the highest position, he has got to descend to the position of being a participator, his authority to be shared by certain other people. Then there gradually comes a time when the son says 'That will not do. If you do that I will set up a new house for myself and I will manage it for myself. Occasionally I may come and dine, but let the control be mine'. That goes too and the sons and children set up different houses.

That is what has happened with the Home Department. Gradually as the business grew, as the work grew, departments began to be formed, then I suppose they became branches of the same office, but as the business increased they became separate departments and ultimately separate portfolios. To this day the tradition remains in the case of the Home Department. In England the highest Minister is the Home Secretary as they call him,—what we here call the Home Member. He is the greatest man. Well, of course, everybody else takes his place under him,—in theory that is. In practice, however, it is coming to be a position of co-ordination, and one Minister is the same as another and so on. That may be as it is, but that is how it has been, and each sub-division first formed itself into a branch, then into a department, and finally into a portfolio by itself and that is what has led to this distribution. Now, what are the subjects with which the Home Department deals? There are as many as 13 as I can see from this book that is given to me. And of these 13 subjects the real subject which appertains to the Home Department I take to be internal politics, peace and order, and those other things, nomination and patronage and conferring of titles, those things which naturally

[Mr. G. S. Khaparde.]

ought to be with the Home Member. But there are other things which appear to have got in, and it is a little pleasant to see, for instance, take the Department of Education. This Education Department—I feel that I am treading a little bit on delicate ground, but still I hope to put it easy. The Education Member or the gentleman in charge of education is like a father who has got six sons serving in six different departments, or, if you please, in six different countries, and if the father wishes to communicate with his sons he has got to address him through the son's official superior like. He may feel what interest he likes in them, still his communication is clogged by what is called official convention. And here it happens that educational subjects go nearly into six branches and fall to be considered by six departments. That is the portion which is somewhat puzzling, and also amusing.

(At this point the President resumed his seat.)

First of all education comes in in items 5 and 14 in the Home Department. 5 is reformatory schools. They come out of the Education Department and the Home Department has charge of them. Then 16 are called Medical and Legal Education. That also goes to the Home Department. Then the next goes into the Revenue Department and becomes item No. 8 there. That is to say, forestry, veterinary, science, agricultural education. Then it goes into the following relations also and becomes items Nos. 13 and 18, that is, I suppose, 13 is Chiefs' Colleges, and 18 is Engineering, education of upper and lower public works department subordinates. Educating the public works subordinate becomes a political business to be managed by the Foreign Department. Then education again goes into commerce because they have got their schools of art or industry. Item No. 21 under commerce—yes commercial education—that becomes their part. Then there is the Education Department proper which has got its own subjects of course. Lastly the Munitions Board also has got something to do with education—that is peculiar, since it is a recent department, but they have somehow managed to get a share

THE HONOURABLE THE PRESIDENT: What line of argument is the Honourable Member taking? I am afraid I have been out of the Council for a little while.

THE HONOURABLE MR. G. S. KHAPARDE: The line I am taking is that the present distribution, from what I can gather from this book and elsewhere, is inconvenient and unscientific and I want to propose that proposals should be made to make it more convenient and scientific. And that is why I am showing how the Education Department has got distributed over six departments because it is connected with six different places. The Medical Department also has a certain portion of it in the same way. That goes into three different departments and that is a little bit. It first goes into the Home Department—I may say that the Medical Department (that is my classification not made by any body else) that medicine should be either curative, preventive, or, what may be called preservative. Though the curative part of it goes to the Home Department, the preventive part of it goes to Education and Sanitation and the preservative part goes to the military. That is rather a peculiar way of doing things. Though in a family it is all right. It is the oldest gentleman who administers medicine in the house and it is the other people who try to keep the house clean and prevent diseases coming in, and the stores are kept of course by the strongest man—the military man.

Well, that is how this thing is distributed. If I went through all the departments in this way, we would come upon a good many startling things here. One thing which I find is Archæology and Chaplains go together somehow. I suppose as things of antiquity and as survivals of a bye-gone age.

Then there are a number of things that can be brought out. They are very instructive. I had only these three pages and had to stop there, however pleasant. Very many things go together which one does not quite understand. My idea therefore in bringing this Resolution forward is first for my own information, because I would not have otherwise studied this book so carefully as I have done, and, secondly, that these views may be placed before His Excellency the Viceroy, and, of course, it is for him to do what he pleases and we will not quarrel on that account. My recommendation is of two kinds. One is that a committee of this House may be formed and that committee may be requested to make recommendations. We generally say a mixed committee, but I have not said here a mixed committee, because all expert knowledge will be at the disposal of His Excellency and all his Ministers will be there with requisite knowledge and requisite experience. What I said was, that I wanted to have some common sense points put before His Excellency, and this House may be asked to form a small committee which will supply this kind of information from a common sense point of view, and ultimately it may be decided by whom-ever it goes to. With these few words I place this Resolution before the Honourable House.

THE HONOURABLE SIR MANECKJI DADABHOY: The Parsi Knight with his Christian virtues has again the misfortune to be in disagreement with the mover of this Resolution. I welcome the Resolution so far as my Honourable friend, Mr. Khaparde, is concerned, for the reason that at last a saviour has come for the redemption of the Government of India. In regard to what he has said to-day as regards the distribution of the various portfolios, I am quite in agreement with him that perhaps the distribution is not an ideal one and that many of us may have reasons to disagree with it. But I am afraid that this Resolution seeks to introduce a novel principle in the working of the Government of India. As far as I am aware, it is absolutely the prerogative of the Governor General to select his ministers and to distribute the work which his ministers have to do. That is a practice not only in this country, but it is a recognised practice all over the world. The Prime Minister in England selects his Ministers. He appoints the Members of his Cabinet, and he decides what portfolios should be delegated to them according to their merit, qualification and adaptability. I know of no country in the world where the Parliament or where the Council of Legislators are allowed to dictate to Government so far as the distribution of work is concerned. It is on this principle that I am afraid I cannot see my way to support my Honourable friend. I acknowledge that the present distribution perhaps is not an ideal one and is capable of great and substantial improvement, and I think the very fact that this Resolution has been moved and my Honourable friend has made certain remarks will help to serve that purpose in bringing the matter to the attention of the Government of India.

My Honourable friend wants to appoint a committee consisting of the Members of this Council to examine the present distribution of portfolios. What will this committee do? I am sure none of us have any practical

[Sir Maneckji Dadabhoy.]

knowledge and experience of the working of the Government of India. We do not know what their difficulties are, and we do not likewise know what particular subjects, what particular departments should be allied, and what particular departments should be disintegrated and separated. We have not the slightest idea about that. If I am put on the committee I will be absolutely incompetent to make any recommendation or give any advice, and I am sure every one of us will admit that he will be in the same helpless position if placed on such a committee. Further, how are we to do the work contemplated by the Resolution! Are we going to examine all the Members of the Government of India, and put them to a severe cross-examination and find out whether they are suitable to hold their portfolios and whether they are competent to deal with the subjects entrusted to their care? . . .

The HONOURABLE MR. G. S. KHAPARDE : That is not the subject of my Resolution.

The HONOURABLE SIR MANECKJI DADABHOY : You say distribution of portfolios.

The HONOURABLE MR. G. S. KHAPARDE : Not the competency of the gentlemen holding them.

The HONOURABLE SIR MANECKJI DADABHOY : Your Resolution is what Members should hold what portfolios ; in other words it comes to this, what particular man is capable of dealing with a particular portfolio.

The HONOURABLE MR. G. S. KHAPARDE : I submit that it is not.

The HONOURABLE SIR MANECKJI DADABHOY : That is your Resolution.

The HONOURABLE THE PRESIDENT : Order, order. The position is this. If the Honourable Sir Maneckji Dadabhoy likes to give way, the Honourable Mr. Khaparde may make a personal explanation. If the Honourable Sir Maneckji Dadabhoy does not wish to give way, which is however not an unusual thing to do, the Honourable Mr. Khaparde must reserve his personal explanation to the termination of the Honourable Sir Maneckji Dadabhoy's speech.

The HONOURABLE SIR MANECKJI DADABHOY : I am therefore of opinion that the committee suggested by my Honourable friend, apart from the principle involved in the appointment of such a committee, can be of no practical use, it will be absolutely inefficient and not competent to make proper and definite recommendations. I am therefore of opinion that, apart from the question of principle, it is the prerogative of His Excellency the Viceroy to distribute the portfolios as he desires, and I think we ought not to make any recommendation like the one suggested by the Mover of this Resolution.

There is another objection to the Resolution, and that is that Lord Reading is about to arrive here and embark upon his exalted office very shortly. Is it right, just about the time that he is coming to this country, that we should tie him down with a Resolution of this nature and fetter his freedom with a committee appointed for the purpose of making certain recommendations? It would be in the proper fitness of things that we should allow him to have his own way and examine the situation himself. He is one of the most capable men

which England is sending out to this country, and I am sure that if he finds anything which is not proper or is capable of correction he is sure to attend to it.

My learned friend has stated about the workings of the various departments. I am not going into that question at any length. As an illustration my Honourable friend referred to the Legislative Department and he stated that our President occupies the position of the Lord Chancellor and all the appointments of High Court Judges and all other high judicial appointments should be in his gift. However great the respect I have for our President, I shall not certainly agree to any such proposal. What about the Provinces? What does our President or anybody at the head of the Legislative Department know about the merits of the various candidates recommended to the Government of India for appointments? In these matters it is the Provincial Government who have got the right of recommendation and who in turn act on the recommendation of their own judicial officers. Are you going to wash off all the powers of the Provincial Governments? Is this suggestion of the Honourable Member consistent with the autonomous government which has been given to this Province? I say I have great respect for the ability of our President

The HONOURABLE THE PRESIDENT: I did not hear it. If I had I should have stopped it.

The HONOURABLE SIR MANECKJI DADABHOY: You were not here, Sir. I say that the Resolution is inconsistent with the Government of India Act by which autonomous responsibility has been conferred on the Provincial Governments. In the same way my Honourable friend spoke about the medical administration and the Home Department. We have got a very stalwart defender of the Home Department in Sir William Vincent and I leave him to defend that department. But I think that a Resolution of this sort is not an appropriate one for this Council to adopt, and I further say that it is beyond the sphere of our legitimate duties to discuss it. I therefore cannot see my way to support the Resolution.

The HONOURABLE SIR WILLIAM VINCENT:—Sir, one of the mistakes which we Members of Council frequently make in regard to these debates is in supposing that the discussion will necessarily be limited or directed chiefly to the practical recommendations made in the Resolution. When I saw this Resolution, I at once examined what it was that the Honourable Member wanted. But I noticed that for three-quarters of his speech he did not say one word about the recommendation, namely, the appointment of a committee. And I put it to every member of this Council that, though he made a very amusing speech—I think we were all much interested in and amused by it—and though various side issues were discussed, there was hardly a word of justification that I heard for the specific recommendation contained in the Resolution.

The next point that I was a little surprised to notice was that the Honourable Member who generally takes a good deal of trouble over his Resolutions made no reference to the committee which is known as the Llewelyn-Smith Committee, a committee of experts presided over by a great expert who came from England which examined this question of the distribution of portfolios. Now the Resolution on the report of that Committee was published in September 1920 and there various points to which the

[Sir William Vincent.]

Honourable Member has referred are mentioned, so that perhaps one might have expected that the Honourable Member would have made some reference to a report of that importance. I do not think that I need examine all the criticisms that he made of different departments except perhaps to correct one misapprehension. The Honourable Member stated that the Legislative Department was a department with no power. Now, I was Secretary in the Legislative Department for some years, I have had honoured successors in that department, and the Member who is in charge of that department is here to-day and I can guarantee that there is no department that has more power than the Legislative Department. I put it to any member of the administrative departments here whether the Legislative Department cannot do more to help or block their work more than any other individual department in the Government of India. They have a finger in every pie and they can influence every decision. Naturally, being a Legislative Department, their power of initiative is confined to legislation, consolidation work and work of that kind, but their influence is very largely felt in the advice they give to other departments in ordinary references. Both of the present Law Member and of the past Law Member I can say with certainty that they exercise the greatest influence on every branch of the Government administration.

The Honourable Member said that 'the position was different at Home where the Legislative Department, or whatever corresponds to it, exercises a great influence'. I believe that to be entirely a misconception. I believe the Legislative Department at Home is a purely drafting department; it consists of Parliamentary draftsmen who have no influence on the Government save from a drafting point of view. I do not think I need follow the Honourable Member into his suggestion—I hardly think that it was seriously made—that the President of this Council should be vested with all the powers of the Lord Chancellor and be given power to make all judicial appointments from the highest to the lowest, down to subordinate judges and subordinate magistrates in all the provinces. Now, that is not really a practical proposition which can commend itself to anyone in this Council. Nor, indeed, did it seem to me that many of his other criticisms of the different departments, though very amusing and humorous, had much weight in them.

May I now come back to the subject of the Resolution itself, namely, the appointment of a committee. If Honourable Members will look at the Government of India Act for one moment they will find that under section 40 (2) the power of making rules and orders for the convenient transaction of business in his Executive Council, that is for the arrangement of the work in the Government of India, is vested in the Governor General personally. The Government of India itself cannot interfere in that matter at all unless invited to do so. The Council has no word to say in this arrangement unless His Excellency invites their opinion, and I do not think that this Council will ask the Governor General in Council, that is the Government of India, to interfere in what is really the prerogative of the Viceroy himself. I hope they will not do it; indeed, I think that the new Viceroy might very well resent any such interference and that, if the Government of India were to accept this Resolution and take upon themselves the duty, at the instance of this Chamber, of advising the Viceroy, they might be inviting a very severe and a justifiable rebuke. Sir, this Resolution is really an attempt by one Chamber of the legislature to interfere in a purely administrative matter and, in effect, although

the recommendation is within the letter of the law, it goes very close to an attempt to modify the Government of India Act itself, for the Government of India Act says that the Governor General is to perform his duty and the intention of the Honourable Member is that the Governor General shall not do it, that the Government of India shall not do it, but that a committee of this Council shall really settle the distribution of portfolios. I am afraid also that I agree with what the Honourable Sir Maneckji Dadabhoi said about this Council, that it has not the expert knowledge that would be necessary to enable it to deal with this matter in the most satisfactory manner. I do not believe that it is the best body for such a purpose; I do not consider that the training of many of the Members, though very valuable in their own spheres, would stand them in much stead in this inquiry. I doubt even whether Government itself in some departments, in the Foreign and Political Department for instance, could without betraying its trust to His Majesty's Government and other foreign Governments place all their papers before any body of non-officials because many of these papers are strictly confidential.

Now, let me revert again to one simple fact. The question of the distribution of portfolios has within the last year been examined by an expert committee presided over by Sir Llewellyn-Smith, which committee included other members whose names I cannot remember at this moment, but who were men of great eminence and knowledge of this particular branch of the administration. Their conclusions have not been accepted in full because of the advent of Lord Reading, and it was thought desirable before changes were made, the matter being a personal one for the Viceroy, that he should have the option of saying to what extent he would give effect to them or not. I venture to put it to this Council that in such circumstances it would be perfectly idle at this juncture to appoint a separate committee to examine this subject again. It used to be said, I believe, of one of the Kings of England that he died from a surfeit of lampreys. There are times, Sir, when I think that the Government of India will die from a surfeit of committees. I hope the committee proposed by the Honourable Member will not be one of them.

THE HONOURABLE RAJA SIR HARNAM SINGH: Sir, the proper distribution of portfolios among the Members of the Viceroy's Executive Council is a matter of administrative convenience and efficiency. New circumstances have recently arisen which, I believe, make it necessary to go into the question carefully. The old statutory restrictions relating to the number of Members have now been abolished, and the present size of the Government of India has been made elastic under the new constitution. There has recently been not only an addition to the number of Indian Members, but the total strength of the Executive Council has been increased, at any rate temporarily. New departments have been created, and consequently administration has become more complicated.

The Members of the Viceroy's Executive Council have been well known not only for remarkable ability, but also for the zealous discharge of their onerous duties. But it cannot be denied that some of them are burdened with overwork and heavy responsibilities which it is difficult for a single man to cope with. A redistribution of portfolios may provide necessary relief to these Members. It can also effect a right grouping of subjects of administration on a sound principle. At present the grouping is not always convenient nor always conducive to efficiency. I need not go into the details of such a

[Raja Sir Harnam Singh.]

complicated and technical matter, but I will give one or two illustrations in support of my position. I do not see any reason, for instance, why Sanitation and Medicine should be in different hands, nor why Justice and Police should be in charge of the same Member.

The HONOURABLE SIR WILLIAM VINCENT: May I rise to a point of explanation, Sir?

The HONOURABLE THE PRESIDENT: Will the Honourable Member (Raja Sir Harnam Singh) kindly resume his seat?

The HONOURABLE SIR WILLIAM VINCENT: I was only going to explain, Sir, that the Honourable Member cannot have read this Resolution on the Llewellyn Smith Report; one of the first recommendations is that the whole of 'Medical' work should be done in one Department; the matter is being examined.

The HONOURABLE RAJA SIR HARNAM SINGH: I did not say anything one way or the other. I simply said that I did not see any reason why Sanitation and Medicine should be in different hands.

I take it that the Honourable Mr. Khaparde does not really want a new committee to deal with the matter. It is well known that a committee has already spent a good deal of valuable time in carefully going into similar questions and their recommendations, I understand, are now before Government of India. Mr. Khaparde's intention perhaps is to open a debate in this House on this important matter. I hope to-day's proceedings will satisfy him and the other members of this House, so that there will be no need again for any further discussion on the subject.

The HONOURABLE SARDAR JOGENDRA SINGH: I move, Sir, that the question be now put.

The HONOURABLE MR. G. S. KHAPARDE: I hope, Sir, I shall have a right of reply.

The HONOURABLE THE PRESIDENT: The Honourable Member will not have a right of reply if the question that I am now proposing to put is resolved in the affirmative.

The question is that the question be now put.

The motion was adopted.

The HONOURABLE THE PRESIDENT: The Honourable Member, I regret to say, has lost his right of reply.

Before I put the Resolution, I desire to exercise a right vested in me, which I hope I shall very rarely have to exercise, and that is to say a few words relative to the debate that is now ending. It appears that my Honourable friend Mr. Khaparde in that jocular vein for which he is so famous, took the opportunity of my absence from Council to make certain suggestions relating to new duties which might be imposed on the President. I should certainly not have permitted him to do this had I been in the Council for it was irrelevant to his Resolution. I recognise his humorous capacities and kindly

intentions, but I think he has been too mindful of the proverb 'when the cat's away the mice will play.' I do hope he will not be a 'mouse' in future.

The Resolution was negatived.

The Council then adjourned for Lunch till 2-30 P.M., in the afternoon.

The Council re-assembled after Lunch with the Honourable the President in the Chair.

RESOLUTION *RE* CODIFICATION OF THE HINDU LAW.

The HONOURABLE DR. GANGANATH JHA: Sir, it is with a great deal of trepidation that I rise to move the Resolution standing in my name which runs as follows :—

'This Council recommends to the Governor General in Council that steps be taken towards the appointment of a committee of lawyers and Sanskrit scholars, (a) to consider the advisability and possibility of codifying the Hindu law as administered by the British Courts of Justice and (b) to advise upon the desirability of introducing such changes as may be consistent with the text of Hindu Law.'

Sir, as I said, I rise with a great deal of trepidation, because so far as modern law is concerned, there would not perhaps be any man more 'lawless' than myself. I have had no training in modern law at all, so I would approach the question purely from the point of view of the scholar of Hindu Law in its ancient texts. In the course of my study of these texts, I have found that they have suffered a great deal at the hands of more or less responsible exponents. Not very long ago Hindu Law was administered in this country, under the British Government I mean, with the help of what they called court pundits. Pundits used to sit beside the Judge and held the Judge with expositions of intricate points of Hindu Law. This practice for very strong reasons was abandoned, and what made the abandonment of this possible was the preparation by a European Sanskrit scholar Colebrooke of the translation of what he regarded as the standard book on Hindu Law, I mean Mitakshara. That translation itself, excellent as it is, and it has always been regarded as excellent, is on many points defective. But for the time it served a very useful purpose of guiding the Judges on intricate points of Hindu Law. Mr. Colebrooke's choice, however, of the particular book which he translated for the benefit of our Judges was not a happy one, and the effect of it has been that the text that he translated, I mean Mitakshara, has become invested with a spurious authority. It was never intended by the author or by his patron to be an authority for the whole of the country, but somehow or other it has now come to be regarded as the most authoritative book on Hindu Law. Almost the whole of India is governed now by what is called the 'Mitakshara School' of Law.

This in itself would not have been very serious but subsequently to this when judges found that Colebrooke's translation of a particular digest was not to be relied upon in all cases they rightly or wrongly began to let common sense play upon matters relating to Hindu Law, common sense and also perhaps considerations of convenience, and one of the results of this was a curious dictum that the Privy Council laid down. Of course I must say that on these points my knowledge is secondhand, but it is derived from authoritative works

[Dr. Ganganath Jha.]

on modern law. This curious dictum that the Privy Council propounded was that 'clear proof of usage will outweigh the written text of law.'

With due deference to His Lordship of the Privy Council I must say that this dictum strikes at the very root of Hindu jurisprudence. No student of Hindu Law or of the interpretation of Codes will accept that to be the Hindu idea ;—that custom or usage is to outweigh as against the written text of the law. The reason for this dictum appears in the corollary to that dictum that the Privy Council added. They said 'sanctioned usage may be evidenced by opinions of pandits and decided cases.' So that there appear behind this dictum considerations of convenience. It would have been and it certainly is a matter of great difficulty to find out what the trend of the written text of the law would be on a certain point, and it would be very much more convenient to call a number of pandits and hear from them what they have got to say with regard to usage. But as I have already told you this would not be in keeping with the principles of Hindu jurisprudence. So much with regard to the general principle. In matters of detail also decided cases have not always worked out according to the spirit of the Hindu Law or the letter of the Hindu Law either. I shall take only one instance. It has been decided, I understand, by the Privy Council or by some High Court—I don't know which—that the adoption of an only son is valid in Hindu Law. There is not a single Sanskrit text I am afraid that would support that view. This is only one instance that I cite by way of illustration that Hindu Law has suffered in this way. In support of this I have also the assertion of a retired High Court Judge who in a letter to the Press makes the following assertion :

'The Hindu Law that we follow is not wholly as Manu enjoined, nor as the later Smriti writers have reproduced it'

And he goes on 'The time has come for taking up the task of reconstructing portions of Hindu Law.' Of course reconstruction appears to be rather a tall order ; but it does appear to be extremely advisable, and even perhaps urgent from the Hindu point of view, that some attempt be made to fix the Hindu Law. It may be very convenient to decide cases on the strength of decided cases, but it leads to a deal of confusion. So that the present day Hindu cannot quite know where he is, on any point of law. Of course, the reconstruction or codification of the whole of the Hindu Law would be a stupendous task to undertake all at once—but taking it by compartments, if all important decisions bearing upon that part were collected and all the important texts bearing on that compartment were collated, I do not think—of course I speak as a layman—I do not think it would be impossible to evolve out of that a certain set of principles which would to all intents and purposes represent the Hindu Law in its essence. Of course, how far it is practicable and how far it is advisable I do not venture to suggest. That it is desirable and eminently desirable, that alone I want to urge to the House this afternoon ; and it is in this view that I have put my Resolution in a somewhat halting fashion. I propose that this committee be appointed to consider the advisability and the possibility of codifying the Hindu Law ; and only when this committee has gone into the question and has decided and advised that it is advisable and it is not impossible to do the work, that the work should be further proceeded with.

With these few remarks I commend the Resolution to the House.

FINANCE BILL.

The HONOURABLE MR. H. MONCRIEFF SMITH : Sir, I have a message from the Legislative Assembly for the Council.

The HONOURABLE the PRESIDENT : I think, in view of the possible importance of this message, of which I have no knowledge, we might interrupt the business in order that the message may be heard. Let the message be read.

The HONOURABLE MR. H. MONCRIEFF SMITH : Sir, the message received from the Secretary of the Legislative Assembly is as follows :

'I am directed to inform the Council of State, in accordance with Rule 36 (1) of the Indian Legislative Rules, that the amendments made by the Council of State in the Indian Finance Bill were taken into consideration by the Legislative Assembly at its meeting to-day, the 24th March 1921, and that the Assembly has agreed to these amendments.'

The HONOURABLE the PRESIDENT : We will now resume the discussion.

The HONOURABLE SARDAR JOGENDRA SINGH : Sir, the Honourable Pandit Ganganath Jha is a well known Sanskrit scholar. As a layman I can contribute but little to the discussion. We laymen however will profit greatly if the Law is simplified and codified. A great many rulings, conflicting decisions and customs are always confusing to the people. Hindu Laws have been variously interpreted, and a simple Code, I am sure, will be most helpful. The conditions have changed as time has flown, and the new times possibly require that Hindu Law should be codified to meet the demands of modern times. As to the difficulties of this new codification and of reaching any agreements, possibly the Law Member will have a great deal to say, but if it is possible to form some such committee as the Honourable Mover proposes I do not think a committee of this House could undertake the task which can help in the codification of the Hindu Law, it will be most welcome, it would simplify matters very much if the Law was codified and brought up to date to meet modern conditions. With these few words I support the Honourable Mover, Pandit Ganganath Jha.

The HONOURABLE DR. T. B. SAPRU : Sir, it is to me a matter of satisfaction that a Resolution of this character should have been moved before this House by a scholar of the eminence and reputation of my friend the Honourable Dr. Ganganath Jha. He has very frankly admitted the stupendous character of the undertaking which he wishes the Government or this House to take upon its own shoulders. There are just a few observations with regard to the difficulty of the task which I should like to make before I invite the House to pass its verdict on a question of this character.

So far as the Hindu Law itself is concerned, it is very difficult for any one to give a comprehensive definition of what Hindu Law is. Everyone who has had anything to do with Hindu Law knows that, whilst the basic principles of Hindu Law are not many, the commentaries which have been written upon the texts of Hindu Law are bewildering in their number, and unfortunately, as has happened, amongst all ancient communities, commentaries have elbowed out the real texts. When the British came to this country and established their courts, among the very first things that they did was that they guaranteed both to the Hindus and the Muhammadans the application of their own personal law in regard to cases where questions of succession, marriage and other similar questions were involved. The problem before the British Judges in the eighteenth century during the time of Warren Hastings and Lord Cornwallis

[Dr. T. B. Saprū.]

was a very difficult problem. They necessarily therefore had to resort to the help and guidance of men learned in law, and for many years after that we found that each court had a kazi or a pandit, as the case may be, attached to it. This practice was found for many reasons, some of which are unpalatable to mention here, to be undesirable to continue and had to be given up. Afterwards about the time when the new High Courts came into existence, a body of indigenous lawyers came or rather was coming into existence, and during the last fifty years nothing strikes one more in the study of law than the remarkable growth of literature about Hindu Law in this country. Here, speaking as a lawyer and as a Hindu lawyer, I think it is only fair that I must pay a tribute to the great work which has been done by the pioneers of the exposition of Hindu Law who came from the West. The names of men like Mayne, and it is a remarkable testimony to his great intellect that Mayne himself never knew a word of Sanskrit, will always continue to be cherished so long as British Courts continue to administer Hindu Law. In spite of my great admiration for some of the modern text books written by my own country men, I maintain and I maintain it very strongly that there is no more scientific treatise written on Hindu Law than that of the great English lawyer. Similarly, I am prepared to say that the best exposition of Hindu Law in recent times is to be found among some of the judgments which were delivered six thousand miles away from this country. At the same time, it must be acknowledged that if English judges and English lawyers have failed to give complete satisfaction in regard to the interpretation of Hindu Law it is no fault of theirs. The texts are so many, the commentaries are so many more, and the conditions of the world in which we live have so greatly changed that it is almost impossible for any human judge or human lawyer to put a satisfactory interpretation upon every text which he is called upon to decide in the midst of a confusion of literature on the subject. In spite of all that, I maintain that the work which has hitherto been done has, on the whole, been creditable. At the same time, I realise that the modern tendency among all growing nations is to codify their law. The battle of code as against unwritten law, as every lawyer knows, was fought early in the eighteenth century in some of the continental countries. For some time under the influence of the great jurist, Savigny, the continental nations set their face absolutely against the codification of law, but about the middle of the last century there was again a set back and the feeling grew that among other conditions of progress which every nation must insist upon is that the personal law and the commercial law also should be codified. The feeling was manifested nowhere more strongly than in a country which under other circumstances I should not hold out as an example, I mean Germany. Every student of jurisprudence knows that the controversy began about the year 1846 and lasted up to the year 1896 when after repeated attempts what is known as the Third Project, was ultimately passed and even then it took four years more to give the Imperial sanction to that Code. A great English lawyer has held that that was the most perfect system of code in modern times that has been evolved. I may point out that for a long number of years, for nearly twenty years, a large number of lawyers sat and the amount of money that was spent on it was something stupendous. In recent years, however, the question has been taken up in England, and a very learned lawyer, I am referring to Dr. Goudy, who was until two years ago, Regius Professor in Oxford, delivered an address on the subject at

Gray's Inn, and I propose just for the benefit of my friend Dr. Ganganath Jha to read an extract from it, because I venture to think that that is the only line of progress which we can adopt in regard to this question of codification. Speaking on this subject, with special reference to the question of codification of law in England, Dr. Goudy said, 'To reduce the law of England at present to the form of a code or codes, though no doubt difficult, seems to me perfectly feasible. There are three alternative methods, apparently, by which codification may be effected. First, the whole law in all its departments may be codified at one operation—*uno flatu*, so to say—civil, criminal, ecclesiastical and so on. Second, each of the great departments of the law, civil, criminal, fiscal, etc., may be codified separately and independently of each other. Third, the codification may be effected piecemeal, as it is said, that is to say, by taking small portions of the law, for example, partnership, insurance, evidence and so, bit by bit, dealing with the whole law.' Dr. Goudy goes on to say that, in his opinion, having regard to the conditions prevailing in England the second method pointed out by him is the proper method so far as England is concerned. May I venture to point out, that having regard to the difficulty of the task before us, probably the third method pointed out by him would be considered most suitable in regard to India, unless, of course, the Government are prepared with the support of the Legislative Assembly and this House to sink an enormous sum of money on this problem. I for one should be very happy indeed, as indeed any lawyer would be, to render assistance to an undertaking of this character. But I should not like this House to go away with the impression that the task is an easy one or that the appointment of a committee casually to meet once or twice here or at Simla will solve the problem. Again, there is one important matter which I would beg the House to remember. While in the olden times it was very easy to lay down a code whether it was the code of Manu or of Hammurabai or any other code, it is extraordinarily difficult to satisfy modern conditions, because while sanction in olden times was purely religious, now the sanction for such a course is not only religious but also secular.

Therefore, when the Government is invited to undertake a task of the character, I wish the House to remember the responsibility which it seeks to impose on the Government. Having regard to all these circumstances, and to the difficulties of this task, and without giving the impression to my Honourable friend or to any one in this House that the Government is unsympathetic to this proposal, what I would suggest at the present moment is that my friend will agree to the course which the Government propose to take in regard to this matter, and the course that we propose is to address the High Courts and the learned bodies in India to elicit opinion as to the best method which we may be advised to take in regard to this matter and also to the general question of principle as to whether, in the opinion of those who are most competent to give an opinion in this matter, codification at all is necessary. So that on these two questions we propose to address a letter to the Local Governments, to the High Courts and other learned societies. When that stage has been reached, we shall resurvey the whole situation and consider the whole matter, and if then we are satisfied that the opinions elicited show that there is a necessity for undertaking work of this character, we shall consider the question as to whether we should not appoint a Committee and as to what should be the composition of that Committee.

[Dr. T. B. Sapru.]

I therefore venture to hope that at the present stage my Honourable friend Dr. Ganganath Jha will not put this Resolution to the vote and will be content with the suggestion that I am making. He may rest assured that, so far as I am concerned, I have taken the keenest possible interest in this subject for many years past, and that I shall approach this question with every desire to help my friend Dr. Ganganath Jha, but it is impossible for the Government to give any more positive or affirmative pledge in regard to this matter. The question is one which requires to be carefully surveyed and examined in the light of learned and qualified opinion. We are going to collect that opinion and the next step will be guided by the expression of that opinion. That is all that I have got to say on this subject.

The HONOURABLE RAI BAHADUR LALA RAM SARAN DASS : Sir, I rise to support this Resolution. The orthodox Hindus, who form a great majority of the population of India are very keen on their personal laws being administered in strict accordance with their Hindu Dharmshastras. It cannot be denied that during the long years that British courts have been working, Hindu law has been to some extent modified by case law. In my humble opinion, however, this should not have been the case. I have, therefore, great pleasure in supporting the Resolution.

The HONOURABLE SIR MANECKJI DADABHOY : May I inquire from the Honourable the Law Member whether it is not a fact that about 15 years ago an inquiry of this sort was instituted and opinions were asked for from Local Governments and the different High Courts? That is my impression.

The HONOURABLE DR. T. B. SAPRU : I cannot give any positive reply so far as my friend's question is concerned. 15 years is ancient history for me.

The HONOURABLE DR. GANGANATH JHA : Sir, I am not a stickler for forms. In fact, the course suggested by the Honourable the Law Member is better than that suggested by my Resolution. So, by your leave, I beg to withdraw my proposal.

The Resolution was, by leave of the Council, withdrawn.

RESOLUTION RE INCOME-TAX ASSESSMENT.

The HONOURABLE MR. LALUBHAI SAMALDAS : Sir, I beg to move the following Resolution :—

‘ This Council recommends to the Governor General in Council that the following rule under Section 43 (1) of Act VII of 1918 be sanctioned for the ascertainment of the total taxable income of an assessee carrying on business in two or more places in the same or in different provinces :—

“ When a Collector learns that an assessee having his principal place of business in his district has a place of business in another district in the same or in another province, he shall communicate with the Collector in the latter district or province with a view to know the amount of the annual profits or income of the assessee. The Collector in the latter place may make the inquiry provided for by section 18 of the Act. He shall in writing inform the assessee or his representative of the amount of income he arrives at and then give him an opportunity of proving his own statements in the matter. He shall then send his report on the income of the

branch. The Collector in the district in which the principal place of business is situated shall not require the production of accounts or documents or particular pieces of information relating to the branch business of the assessee in other places. He may, if necessary, refer the report or reports back again to the other Collectors to satisfy himself fully. He shall make the final assessment on the amount finally reported.'

Sir, this Resolution seems to be a very big one, but I think, when I say a few words in support of it, it will appear that it is not so technical and need not frighten the Members of this Council as the reading of it might have done. Under the Income-tax Act, section 43(1) gives power to the Governor General in Council to make rules for carrying out the purposes of this Act and for the ascertainment and determination of any class of income. The Government of India have by their Notification No. 778-F. of the 23rd August 1918 and another Notification delegated those powers to the Local Governments and Administrations in India to make rules for carrying out the purposes of the said Act and for the ascertainment and determination of any class of income, in so far as regards the assessee under their control. As these powers have been delegated to the Local Governments it may be said that the proper place where such a Resolution ought to have been brought forward would be the local Council. My reason for bringing it here, Sir, is that the Resolution, as I have put it, refers not only to districts of the same province, but also to districts in the same or in another province, and in that case it is, I think, necessary that a Resolution of this character should be discussed in this Council. There are many merchants of Madras who have branches say in Bombay or in some of the districts of Bombay. In the same way there are merchants in Bombay who have branches in Madras. In the same way both Madras and Bombay merchants have branches in Rangoon and in Burma, and, on the other hand, Rangoon merchants have branches in Bombay and Madras. That is the reason why I am moving this Resolution in this Council.

I am basing my Resolution practically on the same words as are contained in Rule No. 38 of the Income-tax Manual of the Madras Government. There I am merely suggesting a few alterations because the rule as made there works very hard and cause some inconvenience to the tax-payer in that Presidency. The rule provides that the Collector of the district where the head office is situated can ask the Collectors of other districts where the branches are situated to assess the income of the assessee and then report thereon. The Collector in the branches, as I would call them, then examines the accounts, goes through the account books and satisfies himself as to the exact amount of income that should be assessed. He then sends it on to the Collector of the principal place of business. Under the rule as laid down by the Madras Government the Collector of the district where the principal place of business is situated has the power to alter or amend the assessments made by the Collectors of the local places. That, Sir, I say is unfair to the assessee. The assessee has shown all his account books in the places where he is doing business to the Collectors of those places.

The Collector of his branch place of business has satisfied himself that the accounts are correct, and after seeing the account books he fixes the income of the assessee. After that the Collector of his principal place of business should not have power to make any alterations; he cannot have any further knowledge, because the Madras rule prevents him from insisting on the

[Mr. Lalubhai Samaldas.]

production of accounts or documents relating to the branch business of the assessee in other districts. One wonders, Sir, how in the absence of the accounts of the branches the Collector at the principal place of business can make any alterations or amendments. The only way in which he can do it is that he thinks that the profits should be assessed on a particular basis. The Collector of the branch considers the profits should be assessed on another basis. There is one typical instance which I shall place before this Council. In Tanjore a man had his principal place of business, and he had a branch in Madras. The Collector of Madras estimated the income at Rs. 25,000. At Tanjore when the papers went to the Collector he thought the assessment was under the proper figure and he put it at Rs. 50,000. His only argument was—since under these rules he had to give his reasons for making any alterations—his argument was that on the basis on which rice merchants were making a profit in Tanjore the amount of profit at Madras should be Rs. 50,000. He did not take into consideration the fact that Madras profits might not have been on the same basis, and that the Madras Collector was the proper man to satisfy himself as to what the Madras income was. He fixed the income at Rs. 50,000 ; there was an appeal to the Madras Government, and the Board very wisely and reasonably reduced it to Rs. 25,000. But there may be many cases where the assessee may not be able to satisfy the Collector at either his principal or branch place of business ; if he is able to satisfy the Collector at one place and not able to do so at the other, it would involve his taking the account books, sometimes for a distance of 500 miles or more.

The Madras man may again have a branch at Rangoon ; and the Rangoon Collector accepts the accounts of the Rangoon branch ; if the Madras Collector does not accept, then there are only two means open to him. Either he must accept the final award of the Madras Collector, or he must put a stop to his business at Rangoon, inconvenience his business there in order that he might bring all his books from Rangoon to Madras. That, I submit, is very hard. This proposal which I have suggested ought to meet the requirements of the Income-tax Collectors in all parts of the country. What I suggest is that if the Collector of the principal place of business is not satisfied that the income is correctly assessed, I give him power by this Resolution to send the papers back to the place where the business was conducted, and then the Collector of that place will again examine the accounts, and in the light of the remarks made by the Collector of the principal place of business he will either re-assess it or send back with his remarks ; and then the Collector of the principal place of business should accept those figures and assess the income as given by the branch Collector. Sir, my object in bringing this Resolution is that while there should be all convenience to the assessee to prove his accounts, at the same time there should be an efficient method of ascertaining incomes. I think this Resolution as worded combines both. It frees the assessee from the inconvenience of bringing his books from distant places and produce them before various authorities ; at the same time it gives the Collector of the principal place of business power to send back papers, if he has any reason to think that the income is not correctly assessed, to the collector of the branch business, and then accept his decision. As I said in the beginning, although the Madras Government says that full reasons are always to be recorded when the estimate of the Collector in any district is not accepted, I do not think it is possible in the absence of account

books for the Collector of any district to give any other reasons except mere inferences, because I do not think any Collector will claim the power of a Mahatma to get into the inside of accounts which are miles away from that place. For these reasons, Sir, I commend the Resolution to the acceptance of this Council.

The HONOURABLE MR. E. M. COOK : Sir, there are certain reasons, which I will explain in a few minutes, why we are not able to accept my Honourable friend's Resolution in the letter. But I can assure him that we can certainly accept it in spirit. If I understand my Honourable friend correctly, the grievance to which he refers is connected with the trouble to which people, who are assessed to income-tax and who have branches of their business in various districts of the same province, or perhaps in different provinces, are put by having to deal with two or three different sets of income-tax officials, who, I am afraid, often regard themselves as more or less independent of each other and frequently also do not accept each other's decisions in matters of assessment, etc. Now, I may say at once, Sir, that the Government of India entirely agree that it is not fair to make a business man cart his account books from one part of a province to another, or from one province to another. Indeed, if we had a properly skilled income-tax staff at every place, I would be inclined myself to go even further than my Honourable friend's Resolution, and to insist rigidly on the estimates and expenditure of all branch businesses being finally determined by the local staff, and utilised by the income-tax assessor of the district where the principal place of business is in making his final assessment. In other words, I think it would be fair, if we had a proper staff at each place, to insist that the income-tax official at the principal place should accept a certificate from the income-tax official of the branch place saying that a firm's income from his branch, or the profits of the branch, have been so much.

That being Government's attitude in this matter my Honourable friend may ask 'Why cannot you accept this Resolution?' He has already given the answer himself. The fact of the matter is that when this Income-tax Act was passed in 1918, we issued a notification, to which I think he referred, in which we delegated to all Local Governments and Administrations the power to make rules for carrying out the purposes of the Act. Well, looking back in the light of the experience of the past three years, it may be that we were perhaps a little hasty in decentralising income-tax work so much, and in giving Local Governments such very wide rule-making powers. I believe, Sir, I am correct in saying that there is some feeling in business circles in this country that it is very inconvenient for firms whose operations are carried on in different provinces to have to deal with income-tax rules which may vary from province to province. If that is so, then I agree that this matter ought to be put right. The only way you can do it is to withdraw those powers that have been given to Local Governments, and until we have done that I am afraid we cannot issue an all-India rule such as my Honourable friend asks us to do. As the Council knows from what I said in speaking on a Resolution of Mr. Chettiyar's some few weeks ago, we are about to make a very exhaustive examination of the whole income-tax law in order to recast the Act completely, so as to make it more fitted to modern conditions, more particularly as regards mercantile accounts and mercantile assessments, and we hope to do that in the course of this summer. In doing so we shall, I need hardly say, consider the whole question of rule-making power, and more particularly, this

[Mr. E. M. Cook.]

matter now under debate. In the meantime, until this is done what we propose to do is to write to all Local Governments and advise them to adopt the practice, wherever the assesses so desire, of having all inquiries regarding branch businesses conducted by the local assessing officer of the district in which the branch business may be situated, whether those districts are within the same province or not. There will then be no excuse on the part of the income-tax official at the principal place of business to ask firms to produce before him the account books of their branches. I hope, Sir, in view of what I have said, that my Honourable friend will not press his Resolution.

The HONOURABLE MR. LALUBHAI SAMALDAS. Sir, I am very thankful to the Honourable Member for his explanation and for the spirit in which he has received my Resolution. As the explanation is satisfactory, I beg leave to withdraw the Resolution.

The Resolution was, by leave of the Council, withdrawn.

RESOLUTION *RE* PEACE AND VIGILANCE COMMITTEES.

The HONOURABLE MAUNG PO BYE: Sir, the Resolution that stands in my name runs thus :

‘ This Council recommends to the Governor General in Council the desirability of immediate establishment of peace and vigilance committees in all towns and villages to render active assistance and advice to the Government for the prevention and putting down of riot, disturbance, unrest and sedition. ’

Sir, the Resolution involves a novel idea requiring a demonstration of gravity of reasons and lucidity of argumentation to convince not the Honourable Members of this Council only, but the populace at large throughout the Indian Empire, that the adoption of the policy of establishment of a peace and vigilance committee in every town and village would be likely to prove beneficial to the administration . . .

The HONOURABLE THE PRESIDENT: I hope the Honourable Member will, in the first place, confine his arguments to the more limited circle of this Council.

The HONOURABLE MAUNG PO BYE: Do you want me to shorten my speech ?

The HONOURABLE THE PRESIDENT: I understood the Honourable Member to say that he proposed to convince not only this Council, but the whole of the Indian Empire. I suggest that in the first instance he should confine himself to this Council.

The HONOURABLE MAUNG PO BYE: Sir, a Member from a backward province like Burma, with no knowledge of the conditions of the people, other than those of his own country, is not fit to handle the subject and he should have left it to the able and eloquent veteran members, but this session of Legislative Chambers is drawing close to prorogation and the question to my mind is momentous; hence my humble venture to put forward a few facts of framework for deep and serious consideration.

Sir, the peace and tranquillity of the country is an object of the highest value in the administration, without which no other branch can prosper to its full extent. Peace and order cannot be obtained without the vigilance and care of fairminded units of, even a family in a family circle, community in a community and people in a people.

The people of Indian Empire have accepted the principle of responsible Government, and that principle does include that the people must exercise their share of power of governance from a point in which the Government and the people can co-operate heartily and that point is the maintenance of peace. No one should speak a word or do an act to disturb it, even by a great revolutionary or revolutionaries, it would be down right cruel and inhuman to deceive the ignorant and innocent people to suffer pain in mind or body as the ultimate result of a thoughtless word or act. To maintain peace is every citizen's duty: for the disaffection or discontent, real or imaginary, every citizen should strive hard first to adjust by peaceful and constitutional means.

From the events of facts we have had before us—which I need not state in detail for fear of exceeding my time limit—that when there occurred any riot or disturbance or loss of life or property in a town or village, the Government as duty bound had to step in, to enforce law, and order and the people who see that the Government action was right or wrong did not come forward simultaneously to assist the Government in two ways, if the Government is right to co-operate with actively and whole heartedly or if wrong to point out at once, the error and resort even by urgent representation to higher authorities or to the public opinion at large. To sleep over the affair for months or years and then make it a weapon to support or deride the Government or the wrong doer or the people is nothing short of a failure or criminal negligence of the duty of citizens.

On account of such antipathy almost in every great riot or disturbance the Government and the people are split into two camps, the common ground of reconciliation is lost, some honest comments of press, both edited by European or Indian are treated with contempt and the whole country rendered as if no public opinion worthy of its name exists in it.

My point is would this Honourable Council admit that it is beyond its powers to devise any plan or policy to remedy this deplorable state of affairs? What I now put forward is a poor suggestion with the main object of courting any other suggestion or suggestions to be brought forward with feasible and expedient merits by other members.

The Government should give a free hand to the citizens of the towns and villages to manage this branch of administration—the maintenance of peace and vigilance—in the way of forming committees composed of elected citizens in largest possible majority and no one should be induced or even requested to serve on the committee by the Government but Government only inform the people of the town and the village that if there is such a representative and reliable body the Government would recognize it and act with it in co-operation.

• The Magistracy and the police are the limbs of the law and order and how the committee should have the full use of them is a matter of detail to be arranged between the committee and the Government. • It should be the

[Maung Po Bye.]

Magistrate's request only for the assistance of the military when necessary to quell the disturbance or the riot.

The disturbance and riots are often the acts of the ignorant people without realising the consequences that would follow. When they realise it it has become too late and the harm has been done to themselves and others.

The committee would be useful in the way that the people can be kept always well informed where the harm would come in and where the limit of their freedom of action ends and when they would be committing an offence and how the Government would put down the disturbance.

The committee would also be in a position to inform the magistrates and the police when and how the disturbance should be taken in hand by the Government. I think I have said enough Sir, to show that if committees are formed there would be a salutary effect to the country in maintaining peace.

With these remarks I recommend that this Resolution should be accepted.

The HONOURABLE SAIED RAZA ALI: Sir, I will say only a very few words on this Resolution. The Resolution places me in a way on the horns of a dilemma. It is worded in such general terms that, if the Resolution were to be given effect to, then instead of improving the present position it would make confusion worse confounded. The Resolution uses such terms as 'unrest' and 'sedition.' It at the same time recommends the appointment of a committee. The Honourable Mover has not suggested or at least, if he suggested I could not follow him there, as to who is going to appoint these committees. Now, without anticipating the discussion on the amendment, if there is going to be any, I may say on the original Resolution this much that the committee can derive its authority from two sources only; either they will be appointed by executive authorities or by local bodies. Now, if it is going to be appointed by executive bodies, the appointment of such a committee would not tend to create confidence in the people because it would be open to the objection that men who were not desirable were chosen to act on such committees. On the other hand, if power were given to any local body, then it may be that in a number of cases the object which the Honourable Mover has at heart would be frustrated, inasmuch as it is not inconceivable that in a number of places gentlemen might be elected to work on this committee whose election would not be welcome to the executive authorities. So that the Resolution is open to a double objection. Whether you give the power of appointment to the executive authorities or to the people its object instead of being advanced will be frustrated and in no case would you be able to satisfy all the parties.

One word more about the use of two terms, namely 'unrest' and 'sedition.' Well, I am very sorry that my Honourable friend has not been very happy in the use of these words. Now, unrest and sedition may be as large or as small as a man's foot. Now, who is to decide whether a particular act comes under the definition of unrest and sedition or not? Well, you might say that if a man makes a violent speech it comes under unrest and it also falls under sedition. Another man might take the view that it is only proper and constitutional agitation and no more. Sometimes it is exceedingly difficult indeed to say as to whether a certain act falls under the class of agitation or under the category of unrest. Then the boundary line between

unrest and sedition at times also becomes very narrow. And it is very difficult to say at times whether a particular act falls under the one class or the other. Now, who is going to decide these questions? So far as I am concerned, Sir, I may venture to say that I am not at all afraid of unrest and I entertain no fears on this score. As a matter of fact, I look upon unrest as a dignified form of agitation. Well, it is possible for Members of this Council to differ on that point, but it is certainly permissible to us to take that view. Agitation perhaps, if carried on in a certain way, though perfectly constitutional, might be termed unrest by some of those to whom it is not palatable. Therefore, it seems to me, Sir, that the passing of this Resolution would be fraught with great dangers. It would be very difficult to get a satisfactory committee, and if you get your committee it would be open to so many objections. Then again it will be extremely difficult for a magistrate to get together that committee and to decide whether the time had come to take a certain action or not. Is the magistrate or the man on the spot to visit every individual member especially when he is faced with a dangerous situation and to ascertain their views as regards the situation? No doubt it is open to the executive authorities to consult the local leaders. I am aware that this is open to the objection that the local authorities can consult any leaders they like. But I for one do not see how a safeguard can be made against that danger. It will always be open to the executive authorities to appoint any man they like. But I for one am quite prepared to take the view that the Executive Councils would not consult a particular class of man only belonging to a certain school of thought but quite irrespective of the parties among which the local leaders may be divided. I do hope and trust that the executive authorities, if faced with danger, would take care to consult all such leaders whether they belong to this school of thought or that, who wield any amount of influence in the localities. For these reasons, Sir, to me it appears that it is extremely dangerous to take the course suggested by my Honourable friend and for this reason I hope my Honourable friend will see his way to withdraw this Resolution which, if carried and accepted by Government, will certainly do more harm than good.

THE HONOURABLE MR. G. S. KHAPARDE : The amendment which stands in my name which I beg to move, Sir, is that after the words 'vigilance committees' the following words be inserted: 'to be elected by either the municipalities (where they exist) or by taluka boards.' The necessity for this amendment I felt when I read the Resolution of the Honourable Mover and I put it in, and after the words that have fallen from my Honourable friend Saiyid Raza Ali, the necessity appears to me to be the greater. There is that difficulty I quite recognise—the difficulties that have been put forward by the Honourable Saiyid Raza Ali, but they have to be overcome. In matters of this kind where good government and peace is concerned, there may be difficulties but we cannot be daunted by them. It is our duty to put our mind to it and to apply all the ingenuity that God has blessed us with to put these things down and further to me it appears that the Resolution is very good. If the amendment which I introduced is accepted, very likely it will be very nearly perfect—at least as perfect as human institutions can be.

At present the difficulty is that some movements go on and it is some time before they attract attention, and before they are brought to notice, and when they are brought to notice, many other things come in. This is a device to increase what we may call the information part of the Government. These

[Mr. G. S. Khaparde.]

vigilance committees I do not think will have any special powers beyond merely bringing things to the notice of the constituted authorities. If they can go and prevail upon the people themselves not to adopt such and such measures, that will be still better. Let us take the case of a vigilance committee in a certain place which has information of some sedition being talked or unrest being created. All that the committee will do is to give information about it, I suppose, to the Magistrate or the police officer concerned. My Honourable friend feels difficulty as to who will decide. I say, either the police will decide. I suppose they will have legal advisers, or certainly the Magistrate will advise them as to whether a movement is harmless and ought to be permitted, or whether it is bad or seditious, in which case he will take action. Under any circumstances the business of the vigilance committee will be only to advise the people concerned to desist from their course, and in the last resort to give information to the constituted authorities. I meet one part of the objection by providing that our country so far as I know, each big town, is governed by Municipalities and in the cases of villages and ordinary towns there are rural boards, and taluka boards also; that is to say, they consist of people who pay so much revenue, or so much tax, and these bodies have various duties, such as sanitation, etc., assigned to them by law. These Municipalities and taluka boards can easily form themselves into vigilance committees, and as their business will be no more than first advising the people concerned, and then bringing the matter to the notice of the constituted authorities I do not see that there is any danger in that regard. So, I heartily support the Resolution and I put forward my amendment to it.

The HONOURABLE SIR WILLIAM VINCENT: Sir, I appreciate the spirit in which this Resolution is brought by the Honourable Mover, and I feel that his intention was to avoid and counteract a great deal of the disloyalty and hostility to the Government so prevalent in India at the present day. That I gather is what is at the back of his mind.

The idea of these vigilance committees or advisory committees is, however, by no means a new one. Honourable Members may remember that in cases of disputes between Hindus and Muhammadans they have frequently been employed. On some occasions they have proved efficacious, and in other cases their assistance has been of little avail. But those were bodies constituted for the settlement of definite disputes relating, say to cow killing or something of that kind, or as to the passage of processions down various streets. Similarly, I believe in some parts of the country conciliation committees or committees of this kind have been used for the purpose of settling disputes between Sunnis and Shias. The present proposal goes a great deal further than these, and I was left in some doubt from the Honourable Mover's speech as to the exact powers which he proposes these committees should have. The Honourable Mr. Khaparde was much clearer. He said, 'I really do not mean them to have any powers, but only to be centres of information to the people and a go-between between them and the authorities.' The Honourable Mover went, however, further than that. I am not sure if I followed him exactly, but I thought I heard him suggest the use of this committee in connection with the calling out of military forces for the quelling of disorders. I do not know whether I misunderstood him. That is carrying this idea of vigilance committees very very far and is a matter which every Member of this Council would like to consider carefully before accepting it.

The experience of vigilance committees has shown that they are in some cases useful, but in other cases they are a positive danger to the community. Vigilance committees certainly in America and many other parts have done as much harm as good. They often constitute a body which restricts unduly the liberty of the subject. I now want to put to the Council a practical difficulty about these committees. Who is to appoint them, a question very well put by one of the speakers now. Is the Government to appoint them, or the Collector? What would be the result? You will have to employ some agency, possibly the police, possibly the tahsildar to secure nominations and your vigilance committee is at once suspect. Are they to be elected by the people? Or let me take the case where, as unfortunately is sometimes the case, there is a dispute between the Hindus and Muhammadans, or Sunnis and Shiaks, or Arya Samajists and the Hindus, and the former in each case form a majority of the electors. What would be the effect of this? The vigilance committee elected by the majority might use its powers for the oppression of the minority. So I doubt myself if these vigilance committees would be of great benefit for the purposes which the Honourable Member has in view, which is really to combat this non-co-operation movement—for this is what he means when he speaks of a movement of disloyalty. In any case this is a provincial matter. How often have the Government of India to point out to this Council and the Legislative Assembly that you cannot have it both ways? You cannot have provincial devolution and at the same time say: 'I am going to teach you, how you should manage, each individual department of your work.' If there is one subject essentially provincial it is a matter of this kind. The Honourable Mr. Khaparde makes this clear by suggesting election of the committee by taluka boards and municipalities. Is this Council going to ask the Government to invite a snub from Local Governments by taking up questions of this sort? It is a really perfectly simple proposition. Are not there members from Local Governments—there are Members from Bombay here now—who must know that this subject has been time after time examined and Local Governments are fully aware of what is possible in this direction. Is this Council going to stultify itself by asking the Government of India to recommend to Local Governments to re-examine a question with which they are fully familiar. Let me follow this amendment of the Honourable Mr. Khaparde a little further? He often is fairly specific and often open to attack. On this occasion, if I may say so, particularly so. The idea of these vigilance committees which the Honourable Member contemplates is that they should deal with unrest and sedition, really to deal with disloyalty and non-co-operation. This is a branch of the general subject of law and order and so far as I know, municipalities and local boards have no concern whatever with maintenance of law and order, I speak subject to correction. Local self-government is a transferred subject. Law and order are reserved subjects. Similarly in regard to taluka boards, they are not concerned with law and order either. But there is another objection which is of greater force. Great efforts have been made in various local areas in municipalities in Madras and in Bombay, to capture the local authorities for the non-co-operation party. Let us now examine the Honourable Mr. Khaparde's proposal in the light of this fact. Here is a proposal that non-co-operationists should elect members of the vigilance committee which is to fight non-co-operation! This is a *reductio ad absurdum*. Even in the Honourable Member's own province, the Central Provinces, there are local authorities who are, by no means, averse from this

[Sir William Vincent.]

non-co-operation movement. Does he seriously think that they would put up vigilance committees that would be of any use to the administration in combating that movement? That is why I say that it really is idle to make this suggestion. The whole proposal is outside the jurisdiction of this Council ; it is not a matter for the Government of India, it is a proposition that has been tried often, in some cases successfully and in other cases without success, and in the modified form proposed by Mr. Khaparde would do more harm than good. That there is room for a great deal of non-official organisation and propaganda against non-co-operation, I fully acknowledge, and I hope that every Member of this Council who has shown by his presence here that he is against the movement, will do his best to counteract the movement, fight it and combat it wherever he meets it ; but I doubt very much whether the appointment of these vigilance committees is necessarily the best way to do it. At the same time, I am quite prepared to communicate the views of the Honourable Member to the Local Governments, particularly to the Government of Burma, if the Council so desire, and I hope that this may meet him. I realise that his object in bringing it is really to assist the Government in a very difficult matter. What I am afraid of is that by the actual proposal which he has made, particularly in the form amended by the Honourable Mr. Khaparde, the proposal might, instead of assisting the Government, further assist and stimulate its enemies and impede the administration. For these reasons, I hope the Honourable Member will not press his Resolution though, if he does, and if the motion is carried, the utmost I can do is to forward an abstract containing the speeches made in this debate to the various Local Governments concerned, and, even then, I anticipate that this Council will be asking the Government of India to invite a very unpleasant rebuff from Local Governments.

THE HONOURABLE MR. G. S. KHAPARDE : Sir, one word of personal explanation. I do not want to make a speech. The word 'non-co-operation' is not in the Resolution which deals with unrest and those things. That is one explanation which I give.

The next is that in Municipal Acts there are provisions for the employment of police

THE HONOURABLE THE PRESIDENT : That is not a personal explanation. That is an argument.

THE HONOURABLE MR. G. S. KHAPARDE : There are two facts which I want to bring out.

THE HONOURABLE THE PRESIDENT : That is an argument.

THE HONOURABLE SAHDAR JOGENDRA SINGH : Sir, I sympathise with the high sense of citizenship and the noble ideals of peace which have inspired the Mover. One could not have expected less from the Burman gentleman if Fielding Hall's 'Soul of a People' is any indication of the heart of Burma. But, as the Honourable the Home Member has pointed out, the difficulties in constituting these vigilance committees are very great. They have been tried in Bombay and were started in other places also without any tangible results. It is not possible to invest them with power which could be of any use to the people or to the Government. In view of what the Honourable the Home Member himself has said, I realise that the proposal has been made to assist

the Government but, as the Honourable the Home Member feels that he cannot very greatly interfere in the provinces in this matter, the Mover might withdraw his Resolution. Possibly, in Burma, things are different. They have their Buddhist societies in every village and town, and, as the Home Member has promised that he is going to communicate the discussion here to the Government of Burma, it will help the formation of these societies there. It is very difficult to constitute any vigilance committees which would serve any useful purpose, and I do not think that it is for this Council to pass a Resolution of this kind in a matter which is mainly provincial. If the Honourable Mover thinks that his proposal would be carried out in his own Province, I do not think there is any need for him to press the Resolution before this Council.

The HONOURABLE MR. LALUBHAI SAMALDAS: Sir, I am for provincial autonomy. The Honourable Sir William Vincent threw out a challenge and I am prepared to accept the challenge. I am for provincial autonomy even at the risk of displeasing the Members on the Government Benches, and I would not like any interference in my province from the Government of India. For this reason, as I want provincial autonomy and I do not want the Government of India to interfere in the affairs of my province, I entirely agree that this matter should be discussed in the provincial Councils; that is the place to go to for it, and I hope that my Honourable friend the Mover will now withdraw the Resolution. I am sorry, Sir, that I was not present when this Resolution was moved, but in regard to what the Honourable Sir William Vincent said about non-co-operation I can say that both in Ahmedabad and in Nadiar attempts have been made in the municipalities to introduce what may be called non-co-operation. The schools of both these municipalities refused grants from Government and they wanted to nationalise these schools in both these municipalities. So the proposal made by the Honourable Mr. Khaparde will not remove the difficulty and might possibly increase it.

The HONOURABLE COLONEL SIE UMAR HAYAT KHAN: Sir, I will first speak in connection with the amendment. I want to say only this, that if the men who have to administer, that is to perform the duties entrusted to them were elected, they would be looking to those people by whom they were elected. The electors may be good or they may be bad, but there they will be, and those elected will never be able to carry on that work properly which my Honourable friend the Mover has put forward. Lots of people have opposed him and, one point raised by them is a very strong one and that is provincial autonomy. But when the Honourable the Home Member says that he will write to the various Local Governments, I think that will be quite sufficient for the purpose. Before concluding I do want to say one word, and that is that during the last war there were attempts made and every time they were successful. For instance, each district had a committee for recruiting. They did good work which is seen from the statistics of recruiting. Again, there were other committees which collected money. They went to the people and asked them for money, saying 'Now is the time to help Government; you had better do it', and they also carried through their plan. It is not impracticable that, if you did have committees, they would not work. In Patiala they had committees for settling disputes and I remember hearing from Colonel Popham Young that these committees, did excellent work. I am sure that if men like zilladars and lumbaradars, who

[Colonel Sir Umar Hayat Khan.]

have got a stake in the land, were allowed to form committees they would be the last persons to see that trouble came to their country. It is only the 'misleaders,' as I call them, that mislead the people so as to become their leaders who do the kind of thing mentioned in the Resolution. Of course, I think my friend has had these people in his mind. I personally think that if, especially in my province, such committees were formed, they would be very useful.

If the Government had some such thing to combat these pests, I am sure it would really carry weight and would do good. I hope these remarks of mine will go to my Government. There is one other thing that I want to say, and that is this: that our province is the place from which the army is recruited; there are all these martial classes there; and they should be the last people to be affected. It is in the interests of the army as well as of those classes who form the army that I put it before the House that some such thing as is suggested would prove very useful for my province, and perhaps for other provinces also.

The HONOURABLE NAWAB SIR ZULFIKAR ALI KHAN: Sir, I strongly feel that on a question like this I must not remain silent, especially when it concerns the happiness of the people not only of my province, but that of other provinces also. If the Government acts up to the recommendations made by the Honourable Mover I fear that the consequences will be very unhappy. I know of very many instances which have come to my knowledge that some people, if they are given any latitude of authority in this way, as is proposed by the Honourable Mover, they frequently misuse their powers and misrepresent the people to the authorities; and in order to satisfy their own private grudges they want to malign the character of such people; and the people who are hit in the dark in this manner find the officials sometimes mysteriously changing their attitude towards them and in this way Government officials lose friends and make enemies of such people who otherwise would be loyal to them. Sir, I think that it will be highly mischievous if this recommendation of the Honourable Member were accepted by the Government.

The HONOURABLE NAWAB SIR BAHRAM KHAN: * Sir, I speak on the amendment of Mr. Khaparde moved to the Resolution of the Honourable Maung Po Bye. I admit that there are troublous times, and there is conspiracy among some people who are doing their level best to bring about revolution in the country. To check the above I have two suggestions to put forward:—

1. That the Members of State Council, of Legislative Assembly, as well as those of the Provincial Councils, may they be nominated or elected, who have by solemn affirmation declared their true allegiance to the King-Emperor should be empowered and interested to use all their influence in checking and putting down such a propaganda:

2. The members of the District Boards or Municipalities should perform such a task, but the ones chosen must all be nominated, and not elected, as elected members would not have such an influence as the men nominated by Government with real power and sufficient stake in the land. The duties of

* Translation of a speech delivered in the vernacular.

the above should be to check and repudiate the mischievous and untrue rumours, floated by the enemies of the country against the Government. Such selection should be mostly entrusted to the Local Government who should nominate their respectable and influential subjects, say the Deputy Commissioners or Commissioners to nominate the committees in their jurisdictions. I am emphatically opposed to such committees being elected by the public, as they then will not be able to perform their duties in the manner prescribed.

The HONOURABLE Mr. C. N. SEDDON : Sir, I feel that I must say one or two words in support of the view taken by the Honourable Sir Zulfikar Ali Khan. I must admit that I was rather alarmed at the idea that the Government of India would send down to my own province of Bombay anything that would lead the Bombay Government to think that the Government of India in any way approved of this Resolution ; for I feel perfectly convinced that the Bombay Government would protest with all the strength at their command. And I feel sure that any attempt to bring into operation any such Resolution as this in Bombay would have nothing but mischievous results. There are many parts of Bombay where, I am thankful to say, there is no need of such vigilance committees at all ; and if a vigilance committee were appointed, it would surely do harm ; since it would have to find something to do, and ' Satan finds some mischief for idle hands.' It would be bound to find disturbance and unrest where there was none, and to stir it up. Another thing is this, that in Bombay and I expect in most parts of India—country life is very largely affected by the factions in villages, and if you get a vigilance committee elected by a village or taluka board it would be certain to do a great deal of harm by accentuating those factions' disputes in villages. The third point that I should like to bring to the notice of this Council is what has been already mentioned with regard to the non-co-operation movement. In Guzerat, I regret to say—Guzerat being of course the home of the leader of the non-co-operation movement—the movement is very strong ; and it is quite certain that if you had vigilance committees in any of the Guzerat villages they would be simply non-co-operationists, and they would do an enormity of harm. In these circumstances, Sir, I trust that the Council will not approve of the Resolution put forward by the Honourable proposer.

The HONOURABLE THE PRESIDENT : I think the Council is now in a position to dispose of the Honourable Mr. Khaparde's amendment.

The amendment was negatived.

The HONOURABLE MAUNG PO BYE : Sir, I mentioned in the first part of my speech that I knew absolutely nothing about the conditions of the people in other province than Burma. My idea, Sir, is that the non-co-operation movement is not spreading in Burma at the present moment, and that our people are only one community, the Burma Buddhists. If the policy I advocate is adopted in our country, the elders and the religious teachers will be able to tide over this non-co-operation business and prevent it from spreading. But, Sir, as the Honourable the Home Member has explained, my object is attained in this way, if the debates on this Resolution are sent to the Government of Burma, I wish to withdraw the Resolution.

The Resolution was, by leave of the Council, withdrawn.

The HONOURABLE THE PRESIDENT: The arrangement was that the remainder of this list should stand over till Saturday. I have learnt from the Honourable the Secretary that the Government business on that day is likely to be light; and since we sat rather late last night, we will now adjourn.

The Council then adjourned till Saturday the 26th at 11 A.M.