

Thursday, 26th January, 1922

THE
COUNCIL OF STATE DEBATES
(Official Report)

SECOND SESSION
OF THE
COUNCIL OF STATE, 1922



SIMLA
SUPERINTENDENT, GOVERNMENT CENTRAL PRESS
1922

| | PAGE |
|--------------------------------------------------------------------------------------|----------------|
| THURSDAY, 26TH JANUARY, 1922 | 691-714 |
| Message from Legislative Assembly. | |
| Consent of Governor General in Council to non-official business on official days. | |
| Delhi University Bill. | |
| Indian Criminal Law Amendment Repealing Bill. | |
| Special Laws Repeal Bill. | |
| Resolution <i>re</i> : Increase of Indians in the Port Trusts. | |
| Official Business during February. | |
| TUESDAY, 31ST JANUARY, 1922 | 715-722 |
| Questions and Answers. | |
| Bills assented to by H. E. the Viceroy. | |
| Indian Income-tax Bill. | |
| Official Business for February. | |
| Indian Criminal Law Amendment Repealing Bill. | |
| Special Laws Repeal Bill. | |
| Resolution <i>re</i> : Suppression of Traffic in Women and Children. | |
| MONDAY, 13TH FEBRUARY, 1922 | 723-783 |
| Death of Major-General Robinson. | |
| Questions and Answers. | |
| Motions for Adjournment. | |
| Message from Legislative Assembly. | |
| Benares Hindu University (Amendment) Bill. | |
| Bills passed by Legislative Assembly. | |
| Resolution <i>re</i> : Carriage of Human beings in Cattle Trucks. | |
| Durbar in the Fort. | |
| Resolution <i>re</i> : Working of Military and Strategic Railway lines. | |
| Resolution <i>re</i> : Opening of Port of Madras for Pilgrim Traffic. | |
| Motion for Adjournment on Railway Strike. | |
| Casket for Royal Address. | |
| WEDNESDAY, 22ND FEBRUARY, 1922 | 785-836 |
| Questions and Answers. | |
| Report of Joint Committee on Delhi University Bill. | |
| Congratulations to H. R. H. Princess Mary. | |
| Resolution <i>re</i> : Marriage of Princess Mary. | |
| Resolution <i>re</i> : Increase in number of Indian Judges. | |
| Resolution <i>re</i> : Customs Duty levied on Road Metal. | |
| President's Ruling <i>re</i> : Ballot for Resolutions by Nominated Official Members. | |
| Resolution <i>re</i> : Search for Manuscripts in British India. | |
| Resolution <i>re</i> : Contracts of the E. I. and G. I. P. Railways. | |
| Resolution <i>re</i> : Increase in Number of Indians in State-managed Railways. | |
| Resolution <i>re</i> : 7 per cent. Sterling Loan. | |

COUNCIL OF STATE.

Thursday, the 26th January, 1922.

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

MESSAGE FROM LEGISLATIVE ASSEMBLY.

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

The HONOURABLE THE PRESIDENT: Let the message be read.

The SECRETARY OF THE COUNCIL: *Sir, I am directed to inform the Council of State that the following motion was carried in the Legislative Assembly at their meeting on the 25th January, 1922, and to request the concurrence of the Council of State in the recommendation contained therein, namely:*

'That this Assembly do recommend to the Council of State that the Bill to establish and incorporate a unitary teaching and residential University at Delhi be referred to a Joint Committee of this Assembly and of the Council of State, and that the Joint Committee do consist of fourteen members.'

CONSENT OF GOVERNOR GENERAL IN COUNCIL TO NON-OFFICIAL BUSINESS ON OFFICIAL DAYS.

The HONOURABLE THE PRESIDENT: Before we proceed to the business of the day, I would ask Honourable Members to turn to page 55 of the red book "The Manual of Business and Procedure of the Council of State", which contains the rules known as the Indian Legislative Rules. As Honourable Members are aware, our procedure in this Chamber is governed by two distinct classes of regulations, the one consists of rules made by the Governor General in Council under section 129A of the Government of India Act with the sanction of the Secretary of State in Council, over which this Chamber has no power; the other of Standing Orders, which are made by this Chamber subject to the assent of the Governor General. If Honourable Members will turn to the page to which I referred, they will see that an important alteration has been made in these rules. Rule 6 is the rule in question. Rule 6 originally ran:

'The Governor General, after considering the business of the Chamber, shall, at the commencement of each Session of that Chamber, allot as many days as are in his opinion compatible with the public interests to the business of non-official members in that Chamber and may, from time to time during the Session, alter such allotment, and on these days such business shall have precedence. At all other times, Government business shall have precedence.'

It now runs:

'6. The Governor General, after considering the state of business of that Chamber, may allot so many days as may, in his opinion, be possible compatibly with the public interests for the business of non-official members in that Chamber, and may allot different days for the disposal of different classes of such business, and, on days so allotted for any particular class of business, business for that class shall have precedence. On other days no business other than Government business shall be transacted except with the consent of the Governor General in Council.'

[The President.]

This new rule was communicated to me in a somewhat unostentatious manner. It was probably also communicated to other Honourable Members of the Council in the same way. It was communicated to me by means of a correction slip. I, therefore, think it proper publicly to invite the attention of this Chamber to the change that has been given effect to. I have no intention whatever of discussing the propriety of the provisions of the rule, but I want to explain, for the information of Honourable Members, that the rule as it stood was a rule of precedence and precedence only. It admitted of non-official business being transacted on official days, and it admitted of official business being transacted on non-official days. The rule laid it down that the special business of the day should have precedence and that the business which had precedence should be disposed of before the other business was touched. Therefore, if the business of the day—the strict business of the day—took up the whole time of the Council, there was no time available for any other class of business, but if it did not do so, then the time could be made use of. The new rule, as I construe it—and I think there is no other construction possible—lays down that on days set apart for Government business no other business can be transacted except with the consent of the Governor General in Council.

I regret that yesterday this new rule had escaped my attention. The Honourable Mian Sir Muhammad Shafi very properly drew my attention to the rule. I do not think myself that the rule will cause any great inconvenience, because there are other provisions in the Act, rules and orders which are known to the Council. It will certainly require to be carefully borne in mind by the Chair in fixing the dates for meetings, and it will, I think, possibly make it slightly more difficult to provide—at any rate in this Chamber—for the most economical disposal of the time available. As I have said, the rule was communicated in an exceedingly unostentatious manner, and therefore I think Honourable Members should take care that their copies of the rules are corrected lest they fall into the same mistake as I fell into yesterday.

THE HONOURABLE MR. BHURGRI: May I ask, Sir, one question on this matter? This is a very important change as it takes away a certain right of this Chamber. If I understand the rules correctly, and section 129A of the Government of India Act, it is incumbent on Government not to make any change in the rules without laying it on the table of both Houses of Parliament and getting their assent. Has that been done in the present case? I should also like to know whether you, Sir, as President, have been consulted?

THE HONOURABLE THE PRESIDENT: I think when a rule is promulgated by Government, the presumption is that everything has been done that ought to have been done. At any rate as far as the Chair is concerned it must adopt the maxim *Omnia præsumentur rite esse acta*.

DELHI UNIVERSITY BILL.

THE HONOURABLE MIAN SIR MUHAMMAD SHAFI: Sir, I have the honour to move that this Council do agree to the recommendation of the Legislative Assembly that the Bill to establish and incorporate a unitary teaching and residential University at Delhi be referred to a Joint Committee of the Council of State and of the Legislative Assembly and that

the Joint Committee do consist of 14 members instead of 12 as in the Resolution recorded on the Agenda.

Honourable Members will have seen from the statement made by the Law Officers that in the other House by the motion which was carried yesterday and which has been sent up for the information of this House, they have resolved that the Joint Committee should consist of 14 members; and as under the rules the number nominated by both the Chambers is to be exactly equal, we will have to nominate 7 instead of 6 members as originally proposed. Honourable Members are aware that, after the Bill has been considered by the Joint Committee, the next motion in this House will be for the consideration of the Bill as it emerges from the deliberations of the Joint Committee. That will be the stage when, while placing the motion before the Council, to discuss some of the important features of this legislation. At this stage I need only say that the establishment of a University in the Imperial City of Delhi formed an integral portion of the scheme for the transfer of the Capital of India from Calcutta to Delhi. Owing to the World War and various other causes, which it is unnecessary to mention to-day, the scheme could not be taken in hand until only recently. I am sure all Honourable Members will recognise that the Imperial Capital of India should have a University of its own. Moreover, the existing state of things, under which the Provinces of Delhi, the Punjab and the North-West Frontier Province, with a population of something like 40 millions, have a single University at Lahore catering for the educational needs of the huge population of these areas is, to say the least, not very satisfactory. The complications which at present exist, in regard to the situation which I have described, place considerable difficulties in the way of the authorities of the Punjab University at Lahore in introducing reforms in accordance with the recommendations of the Sadler Commission. Here at Delhi, we have already got three Arts Colleges and also a Medical College as the nucleus of the University which we seek to establish in the Imperial City. It is true that, in view of the financial stringency which we have to face, the permanent scheme cannot at once be taken in hand, and, therefore, the Bill embodies what I might call a transitional stage of this legislation—that is to say, a provisional scheme for the immediate establishment of the University, and an ultimate scheme for its completion when financial conditions permit. With these few words, Sir, with your permission, I place the motion before the House.

THE HONOURABLE MR. BHURGRI: May I know, Sir, as the Bill is not before us, how we can discuss the provisions of the Bill. I understand that the Bill is not now before the House.

THE HONOURABLE THE PRESIDENT: The Bill is not before the House, but the Bill has been circulated and Honourable Members must have copies. I have a copy on my table.

THE HONOURABLE MIAN SIR MUHAMMAD SHAFI: The Bill is in the hands of every Honourable Member.

THE HONOURABLE MR. BHURGRI: It is not for any motion, such as first reading, or second reading.

THE HONOURABLE THE PRESIDENT: I understand the Honourable Member's difficulty. The only question now before the House is, whether it will concur in the Resolution passed in the Legislative Assembly. That is the object of this motion.

THE HONOURABLE MR. BHURGRI: Exactly, Sir.

The HONOURABLE MR. V. G. KALE: Sir, as one closely associated with higher education for more than seventeen years and as one deeply interested in the progress of University education in this country, I am very glad to find that Delhi is going to have a University of its own. We are now called upon in this Council to assent to a suggestion which has come from the other House for the appointment of a Joint Committee to consider the University Bill which has already been circulated. I should have expected the Honourable Member opposite to have explained at some length the principles underlying the scheme of the Delhi University. At this stage we are not expected to go into the details of the scheme. Those details will be duly considered in the Joint Committee. We have, at the present moment, to restrict ourselves to the several principles underlying the University scheme. I should have very much liked to know from the Honourable Member for Education what the peculiar features of the Delhi scheme are going to be. It has been briefly stated in the Statement of Objects and Reasons to be found at the end of the Bill which has been printed and circulated, that the Delhi scheme will be just on the lines of the Dacca and Lucknow schemes, with certain slight modifications. I do not, however, know exactly how the constitution of Dacca and Lucknow is going to be fitted into the conditions prevailing in Delhi. For example, we are told that it is going to be a unitary University, a teaching University and a residential University. We have been told, at the same time, that there are only three Arts Colleges in existence in Delhi and a Medical College. I want to know whether these will be parts of the University from the very beginning, or whether they will be allowed to have an independent existence. If the latter is to be the case, for how many years will it be? What will precisely be the position of these constituent parts? Will they be University Colleges or independent Colleges, somehow or other associated with the University? Then again, I should like to know where the University will be located. We are entirely in the dark about this important question. Where is it going to be located? What buildings, what equipment, is the University going to have? Whether there will be new buildings, new laboratories, new hostels, or whether the old Colleges are to retain their old buildings, their hostels, if they have any; and in how many years is this full scheme likely to fructify? Then, again, we have been told nothing about the financial aspect of the scheme. There is an academic aspect of the scheme, but to my mind the financial aspect of the thing is equally important. How much money is the Government going to spend over it? What will be the Government's annual contribution to the University? What will be the initial and non-recurring expenditure? We know that Universities are very costly. The cost of buildings alone in these times is sure to be enormous. I should have been glad to know how much the Government of India is going to spend upon the Delhi University. Much will depend upon the contribution that the Government of India makes to the finances of the new University. Perhaps there will be considerable Government control because there will be Government money in the University. Therefore, I should like to know to what extent Government control is going to be exercised in view of the fact that Government funds will be placed at the disposal of the University. Certainly the Colleges in Delhi require a good deal of financial and other assistance, being in the difficult position in which they are placed to-day, especially with reference to the teaching of the Honours Courses. I am not jealous of the good fortune of the Delhi Colleges. I am not jealous of the fact that the Capital of India is going to have a University of its

own. But nothing has been said in this Council as to whether Delhi is ripe for a University. When the Government of India is going to spend its funds upon a new University, I should like to know whether other centres of education in the country, which have long been more than ripe for a University, have no better claims to Government assistance than Delhi. As the Capital of the Government of India, we are told that Delhi ought to have a University of its own. What is the number of students in Delhi who will be able to take advantage of this University? So far as I see, there are no more than 600 students all told in all the Colleges in Delhi. I am also told that not more than 200, or 250 at the most, will be able to take advantage of the facilities of a Delhi University. There are other centres in India which have thousands of students and want a University very badly. I have in mind my own place, Poona.

(A voice: Ahmedabad.)

The HONOURABLE MR. V. G. KALE: My Honourable Friend suggests Ahmedabad. Certainly. There are already in existence five Colleges in Poona—three Arts Colleges, one Engineering College and an Agricultural College. The student population there is very large. It is a great educational centre, and has a special educational atmosphere. But it has not yet got an independent University. I do not see why the claims of such educational centres should be set aside in favour of an Imperial University at the Imperial Capital. I believe that matters are not yet ripe in Delhi, so far as one may judge from the information that is available to us. The Honourable Member opposite tells us nothing about this aspect of the question. Simply because Delhi has become the Indian Capital, it does not follow that it should have a University. A University for Delhi will, to my mind, be a sort of costly luxury at the present time. Whereas a University is a necessary of life, so to speak, in other centres, in Delhi it will be an expensive luxury. If we are going to provide new buildings and new sites, everything new in fact, if we are going to have new laboratories—and laboratories will have to be provided for a Science College—I do not know whether one crore of rupees will be enough for the building up of such a University as is contemplated, and whether the Government of India will have at its disposal sufficient funds to spend upon this University. We also do not know whether private contributions are available. What funds are already there to form the nucleus of the resources of the new University, we do not know. Information should have been given to us in this regard. Then, I should like also to say something about the constitution which has been proposed for the University in the Bill before us. Of course, it is open to modification in the Joint Committee that will consider the Bill. From what I see in the Bill, however, too much power has I think, been vested, under the constitution, in the hands of the Government. In the new Universities which are cropping up and will crop up in several parts of the country, Government control should really be the minimum absolutely necessary. I do not see why the control of Government should be maintained in the working of these Universities to the extent to which it has been contemplated in the Bill which is before us. It is those who are directly connected with the University, teachers in Colleges and the public, that ought to have the bulk of the control of the University in their hands. Simply because the Government of India will contribute largely to the funds of the University, it ought not to keep in the hands of the Governor General or other officer a large amount of control of the Delhi University. Simply because the Government of India will be contributing largely

[Mr. V. G. Kale.]

to the funds of the University, they ought not to keep in the hands of the Viceroy and Governor General a large amount of control over the University. These are very important matters on which I should have liked to be enlightened. Under other circumstances, I would have opposed the motion before the House. I do not, however, want to be discourteous to the other House. The suggestion embodied in the motion has come from that House. It has been, however, fully debated there; while from the side of Government sufficient information has not been vouchsafed to us in this House. Inasmuch as the proposal has been placed before us, I want to make it clear that I do not want to stand in the way of the University being established in Delhi. But I cannot make up my mind on the subject even on matters of principle which we are considering to-day in the absence of the essential information to which I have referred, and I would ask my Honourable Friend to enlighten me. I think many other Members of the House are in the same position in which I stand in regard to the essential features of the scheme which we are being asked in principle to adopt.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: I support my Honourable Friend Mr. Kale to a large extent, but if the motion is carried that there should be a University at Delhi, all that I suggest is that it should be at arm's length from the city of Delhi, like Khalsa College, Amritsar, for the reason that the atmosphere, specially at the metropolis generally, is not very right, as we have seen when the Government of India was in Calcutta, and as we now see when the Government of India has moved to Delhi. If the students are in the middle of a city like Delhi, I think it will be injurious to them, as it is inadvisable for them to enter into politics. All that I ask is that if Delhi should get this luxury, the University should be some three or four miles out of the city where the people should not frequent the colleges. The boys also should remain at the hostels and not come to the city.

The HONOURABLE MIAN SIR MUHAMMAD SHAFI: Sir, I am much obliged to my Honourable Friend, Mr. Kale, for the welcome he extended to the legislation which is now to go to a Joint Committee. During the course of his speech, he complained that I did not describe to this House the principal features of the Bill. I was under the impression that, the Bill having already been placed in the hands of Honourable Members and the Honourable Members having read the Statement of Objects and Reasons, which embodies the principal features of the proposed scheme, it was perhaps at this stage unnecessary for me to take up the time of the House, particularly when the motion which is before the House does not really require my dealing with the features of the scheme itself. Even a cursory glance at the Statement of Objects and Reasons will show to Honourable Members that the scheme of the proposed University at Delhi is modelled on the lines of the University at Dacca. I presume that Honourable Members are familiar with the principal features of the Dacca University. The points in which the proposed scheme differs with the Dacca University are described in the Statement of Objects and Reasons of the Bill. As I said in my opening speech, I do propose to explain the scheme in somewhat greater detail when the next motion for consideration of the Bill itself is placed before the House, and I, at any rate, was under the impression that at this stage it was not necessary for me to take up the time of the House by discussing the principal features of the scheme itself.

My Honourable Friend, Mr. Kale, has further asked me to state whether the Colleges now in existence in Delhi will form an integral part of the University and what their position will be in the scheme which we have formulated and placed before the two Houses. There, I think, I can satisfy him. These Colleges will be an integral part of the Delhi University, and I may mention to him that the Education Department, or rather the representatives of the Education Department, have had more than one meeting with the authorities of these Colleges and have discussed the principal features of the scheme with them so that we have been acting in conjunction with the authorities of these Colleges in formulating the scheme. My Honourable Friend also wanted to know where the University will be ultimately located. The University will ultimately be located in the new City of Delhi, otherwise called Raisina. At present during the transition stage the University will be in the old city where the three Colleges and Hostels at present are situated. My Honourable Friend further asked me when the University scheme will be completed. That is a question which, it is obvious, I am at this moment not in a position to answer. The cost of the whole scheme as estimated in the Department is Rs. 34 lakhs, and it is obvious that in erecting the various buildings which will be required in order to complete the scheme, our financial condition will naturally have to be borne in mind, so that the buildings will probably be undertaken gradually by instalments just as the Imperial Capital itself is being erected by instalments. In these circumstances, at this moment it is impossible for me to say within how many years the whole scheme of buildings in connection with the new University will be completed.

My Honourable Friend also asked a question somewhat to this effect: What about the other educational centres in India whose claims in so far as establishment of new Universities are concerned are superior to those of the Imperial City of Delhi? Perhaps it would be sufficient for me to point out to him that, so far as these educational centres which he has in view are concerned, the matter does not rest in the hands of the Government of India. It rests in the hands of Provincial Governments. So far as the Government of India are concerned, I am not aware of any other place having so direct and so important a claim as an educational centre on the Government of India as the Imperial City of Delhi. Other educational centres there may be in various parts of the country in which the existing educational conditions probably require that the question of establishment of Universities in those places should be taken in hand. But that is a matter for the Provincial Governments or the Ministers who are now in charge of education in the provinces, and not a matter for the Government of India.

My Honourable Friend also threw out a suggestion that the bulk of control in our proposed scheme should be in the hands of non-officials. This is a matter to which I have no doubt the Joint Committee will give its careful consideration, and as the question will come up for final decision before this House, I have no doubt that the House itself will have ample opportunity of pronouncing its opinion upon the scheme with regard to control as it will emerge from the deliberations of the Joint Committee.

My Honourable Friend, Colonel Sir Umar Hayat Khan, emphasised the necessity for establishing the University at a place which, to quote his own words, should be "at arm's length" from the City of Delhi, so that our students may not have to live in environments which my Honourable Friend

[Mian Sir Muhammad Shafi.]

deprecates. As I have already mentioned, the ultimate aim is to establish the buildings connected with the proposed University at Raisina. I hope that that statement will satisfy him, in so far as his anxiety is concerned.

I do not think, Sir, that I need detain the House longer. I hope I have made the position, in so far as it is necessary for me to do so at this stage, clear.

The HONOURABLE THE PRESIDENT: The question is:

‘That this Council do agree to the recommendation of the Legislative Assembly that the Bill to establish and incorporate a unitary teaching and residential University at Delhi be referred to a Joint Committee of the Council of State and of the Legislative Assembly, and that the Joint Committee do consist of 14 members.’

The motion was adopted.

The HONOURABLE MIAN SIR MUHAMMAD SHAFI: Sir, I beg to move that the following seven Members of the Council of State be nominated to serve on the Joint Committee to consider and report on the Bill to establish and incorporate a unitary teaching and residential University at Delhi, namely:—

The Honourable Raja Sir Harnam Singh, the Honourable Mr. Mayhew, the Honourable Dr. Ganganath Jha, the Honourable Sir Zulfiqar Ali Khan, the Honourable Mr. Bhurgri, the Honourable Mr. Lalubhai Samaldas and myself.

The HONOURABLE MR. BHURGRI: May I move an amendment, Sir?

The HONOURABLE THE PRESIDENT: The Honourable Member asked me if he could move an amendment. Certainly, subject to this, that the Council have already agreed to a Committee of seven Members. Therefore, if you move any amendment, it must be to substitute another name for one of the names already mentioned.

The HONOURABLE MR. BHURGRI: I propose the name of the Honourable Mr. Kale instead of my own name.

The HONOURABLE THE PRESIDENT: Has the Honourable Member obtained the consent of the Member whose name he proposes?

The HONOURABLE MR. BHURGRI: Yes, Sir. I have spoken to him, and he has consented.

The HONOURABLE THE PRESIDENT: The following amendment has been moved:

‘That for the name of the Honourable Mr. Bhurgri the name of the Honourable Mr. Kale be substituted.’

That question is now open to debate.

The HONOURABLE MIAN SIR MUHAMMAD SHAFI: I accept the amendment on behalf of Government.

The HONOURABLE THE PRESIDENT: The question is:

‘That for the name of the Honourable Mr. Bhurgri the name of the Honourable Mr. Kale be substituted.’

The amendment was adopted.

The HONOURABLE THE PRESIDENT: I will now put the motion as amended, namely:—

‘That the following seven Members of the Council of State be nominated to serve on the Joint Committee to consider and report on the Bill to establish and incorporate a unitary teaching and residential University at Delhi, namely:

The Honourable Raja Sir Harnam Singh, the Honourable Mr. Mayhew, the Honourable Dr. Ganganath Jha, the Honourable Sir Zulfiqar Ali Khan, *the Honourable Mr. Kale*, the Honourable Mr. Lalubhai Samaldas and the Honourable Mian Sir Muhammad Shafi.’

The motion was adopted.

INDIAN CRIMINAL LAW AMENDMENT REPEALING BILL.

The HONOURABLE MR. S. P. O'DONNELL: Sir, I move for leave to introduce a Bill to repeal certain provisions of the Indian Criminal Law Amendment Act, 1908.

As Honourable Members are aware, the Committee which was appointed in March last to examine and report on certain special enactments recommended the repeal of Part I of the Criminal Law Amendment Act, and this Bill is designed to give effect to that recommendation. The Committee in their Report stated fully their reasons for recommending the repeal of Part I, and, as that Report is familiar to all Members, it is not necessary for me to repeat those reasons.

The motion was adopted.

The HONOURABLE MR. S. P. O'DONNELL: Sir, I introduce the Bill.

SPECIAL LAWS REPEAL BILL.

The HONOURABLE MR. S. P. O'DONNELL: Sir, I beg to move for leave to introduce a Bill to repeal certain special enactments supplementing the ordinary criminal law.

As Honourable Members will remember, the Committee appointed in March last recommended the total repeal of certain special enactments, and this Bill is designed to effect the total repeal of those enactments. The Committee also recommended the amendment of Bengal Regulation III of 1818 and the analogous Regulations in Bombay and Madras. The amendments proposed are of a difficult and complicated character and are at present under consideration in consultation with the Secretary of State. In the meantime, it has been thought desirable to proceed at once with this measure, which is of a simple character, effecting the total repeal of those enactments, the total repeal of which was recommended by the Committee.

The HONOURABLE MR. BHURGRI: May I ask the Honourable Member whether he will be able to introduce a Bill for the amendment of those Regulations in this Session.

The HONOURABLE MR. S. P. O'DONNELL: As I have stated, that matter is under consideration in consultation with the Secretary of State, and I am afraid it is not possible for me at the moment to say when a decision will be arrived at.

The motion was adopted.

The HONOURABLE MR. S. P. O'DONNELL: Sir, I introduce the Bill.

The HONOURABLE THE PRESIDENT: We will now take up the Honourable Mr. Sethna's Resolution which was left over from yesterday's Agenda.

RESOLUTION *RE* INCREASE OF INDIANS IN THE PORT TRUSTS.

The HONOURABLE MR. SETHNA: Sir, I beg to move that—

'This Council recommends to the Governor General in Council that steps be taken to increase the number of Indians in the higher grades in the service of the Port Trusts, and to lay down a definite policy in regard to the same for the future.'

In answer to a question put by me in February of last year, the then Commerce Member, Sir George Barnes, laid a statement on the table which appears on page 531 of Volume I of the Council of State Debates. In accordance with that statement there are in the five principal Port Trusts of India, namely, Calcutta, Bombay, Madras, Rangoon and Karachi, as many as 439 appointments carrying monthly salaries of Rs. 500 and upwards. My question requested Government to give in tabular form, not only the total number of appointments, but also the number of Indians in the service of the five Port Trusts I have named, and in three different groups consisting of men receiving salaries of Rs. 500 to Rs. 1,000, Rs. 1,000 to Rs. 1,500 and Rs. 1,500 and over. Out of this total of 439 the Council will be surprised to learn that there are as few as 27 Indians, or only 6 per cent. of the total number. My inquiry did not include particulars with regard to the two smaller Port Trusts at Aden and Chittagong, and, were their figures included, I would not be surprised if this percentage would perhaps be yet smaller.

But, Sir, the position is really much worse than what it appears to be at first sight, for whilst only 6 per cent. or 27 Indians are in receipt of salaries of Rs. 500 and upwards, it will be a revelation to the Council to know that every one of these 27 Indians is within the group which receives salaries of Rs. 500 to Rs. 1,000, and there is not one single Indian in the other groups carrying monthly salaries of Rs. 1,000 and more; and in those groups the total number of appointments is 168. It will be interesting to know which of these five Port Trusts have favoured even to a limited extent the employment of Indians even in the lowest of the three groups I have named, namely, carrying salaries from Rs. 500 to Rs. 1,000. In this group Calcutta has 147 appointments, of which only 10 are held by Indians. In Bombay 10 are held by Indians out of a total number of 79. There are only two Indians out of 21 in Rangoon; a like number out of 9 in Madras, and not a single Indian in any of the groups in Karachi.

The HONOURABLE SIR ARTHUR FROMM: There are 13 out of 79 in Bombay.

The HONOURABLE MR. SETHNA: Quite right. I beg your pardon. There are 13 out of 79 in Bombay. Well, of the two big Trusts, Calcutta and Bombay, Calcutta is the greater sinner. But the colour bar is most rigidly observed in Karachi where there is not one single Indian in any one of the three groups I have specified. If these figures, therefore, are carefully studied, I am sure Honourable Members will realise that the Port Trusts have greatly neglected the employment of Indians in the higher appointments. The question, therefore, requires to be looked into and remedied.

My Honourable Colleague, Sir Alexander Murray, put a question the other day in this House to inquire if it was the intention of Government to adhere to the policy of retaining a strong British element in the Indian public services. I for one would certainly not do away with the British element. On the contrary, I firmly believe that the British connection is of great advantage to this country, and I also believe that the British element in the different services—at any rate during the transition period—is absolutely essential. But I also believe and recognise that the gradual Indianisation of the services is now a policy which will have to be adhered to, and that it is not a wise policy that the loaves should be kept for one section of the community and only a few crumbs be thrown at the other, as the Port Trusts are doing as I hope I have proved from the figures I have quoted to the House.

A time was, when there were some Europeans—fortunately only a few—who harboured a strong sentiment against letting Indians share in the scientific command over the forces of nature. A striking example of such dogged illiberality is to be found in the Memoirs of a former Surveyor-General who wrote as follows:—

‘It is suicidal for Europeans to admit that natives can do anything better than themselves. In my own surveying parties I never permit a native to touch a theodolite or make an original computation on the principle that the triangulation or scientific work was the prerogative of the highly paid European.’

It is fortunate, Sir, that such a feeling was confined to a narrow few and that whatever may have been the case before, a broad-minded policy has now been laid down and is being gradually materialised. In another place, as recently as September last, in answer to a question, a statement was laid on the table to show the percentage of Indians employed in the different Imperial public services in this country at the present day. These percentages are: Indian Educational 38, Engineering 38, Agricultural 26, Customs 23, Forests 14½, Civil Service 13 and Medical 11. These are the present percentages which are to be increased annually until they are raised to 50 per cent or as near thereto as is laid down in each case. I would ask Honourable Members of this Council to compare these percentages with the two statements I have made, namely, not one single Indian in the 168 appointments in the gift of the five major Port Trusts in this country, and the second statement that only 6 per cent. of the total number of 439 appointments carrying salaries of Rs. 500 and upwards are at present taken up by Indians. Even in the Imperial Police service where the percentage to-day is as low as 5, Government are pledged to increase it to 33 generally and a slightly lower percentage in some particular provinces in the country. I ask, Sir, the Members of this Council, official and non-official, if any one of them approves of the attitude of the Port Trusts indefinitely excluding Indians from the higher appointments.

I quite realise that Port Trusts are a provincial subject, but I also realise that it is not a transferred but a reserved subject. I contend therefore that as a reserved subject it comes under the review of both Houses of the Central Government. I also recognise, and I believe, that if the Port Trusts have been assigned to the Provincial Governments, it is more on the score of convenience. The administration of a port affects as much the port itself as the large hinterland behind it for which such a port is an outlet. The administration of the ports of Calcutta, Karachi and Bombay is as much a matter of concern, not only to those ports, but to very large areas behind them as, for example, such a far away place as Delhi, where we are now assembled, for the exports from Delhi and the

[Mr. Sethna.]

imports to Delhi must be from one or other of these ports. It is, therefore, Sir, I contend that the Port Trusts are assuredly a subject of Imperial interest.

I trust the Government of India will not take shelter under the technical excuse that they can do nothing because it is a provincial subject. But I hope at least that they will take it upon themselves to make a very strong representation to the Provincial Governments to see that the different Provincial Port Trust Acts are so amended that, in the future, a larger representation is given to Indian commercial and other interests, for, as we know at the present moment, Indian interests are almost neglected in the different Port Trusts with the exception perhaps of Bombay, where Indian interests are represented to a small extent. Of the five principal Port Trusts, according to the figures I have given, Bombay perhaps has shown comparatively a little more partiality for the employment of Indians in the lowest of these groups, for there are 13 Indians in 79 posts. The reason, as I just now explained, is partially due to the fact that there are 5 Indians there out of 18 on the Board of the Bombay Port Trust, and I believe that the number of Indians, I mean Indian trustees on the Boards of the other Port Trusts, is even much smaller. In these circumstances, I say that a recommendation from the Government of India for the amendment of the Acts will indeed help matters very considerably.

If it be argued at all that because of the technical nature of the work of the Port Trusts Indians are incompetent to fill the highly paid positions, I will say there are hardly any positions there which Indians cannot fill at the moment, except perhaps Harbour Masters and Pilots, and I am not sure if Pilots are included in the total number of 439 appointments. At any rate the Bengal Pilots could not have been included, because I understand they belong to a separate service, known as the Hooghly Pilot Service. However, my friend the Honourable Mr. Lindsay may be able to throw some light on the question. It may be that at the present moment there cannot be found Indians capable of filling the very topmost positions, but I certainly hold that Indians are available who can fill most of the superior posts, and fill them with as much distinction and efficiency as their European equals. I do not complain so much of the policy of the Port Trusts of depriving Indians of immediately earning larger emoluments as I do complain of their policy of definitely excluding Indians from gaining experience in the working of the administration of the Ports, which by degrees Indians will have to carry on by the gradual process of Europeans diminishing in numbers, and the entire Department being carried on by Indians exclusively as time goes on as is expected to follow in the ordinary course of affairs. Sir, in the last Administration Report of the Bombay Port Trust, after the names of the Trustees there is, as usual, a page giving the names of the different officers in the different Departments. In that long array of names we find 10 in the Engineering Department, 4 in the Port Department, 4 in the Secretary's Office, 4 in the Accountant's Department, 7 in the Docks, 2 in the Land and Bunder Departments, 4 on the Railways, 1 in the Stores, and 2 in the Medical Department, which means a total of 38 excluding the Chairman. In this formidable list we find only one Indian. That name stands at the bottom of the page. He is the junior Medical Officer,—and he is not a European because, I believe, a European cannot be found to take up the position of the Junior Medical Officer on the pay which the present incumbent is getting and which, trusting to memory, I think, is less than Rs. 500.

I hope, Sir, I have made out a case for the Government of India to admit that the question does require to be looked into, and that early steps should be taken for the amendment of the Port Trust Acts in the manner I have indicated, and for the Government of India to point out forcibly to the different Provincial Governments that the Port Trusts, which are quasi-Government bodies, should follow the policy laid down of the gradual Indianisation of their services. Since the Reforms have come into existence a certain section of the Press has often urged that Indian politicians make loose allegations against anything and everything European. This very morning's "Statesman" has a leaderette in which it says:—

'It is time that influential Indian politicians and merchants reflected on the truth of the allegations to which they propose to give publicity. A falsehood once put into currency is difficult to overtake, and common decency demands a sense of responsibility in the making of statements from a public platform.'

I do not deny that this may be the case on occasions, but I hope this Council is satisfied that the facts which I have given can be nothing else but true, because they are based on the statements supplied by Government, and I hope that the same common decency which this paper refers to and which demands a sense of responsibility on the part of honest journalists as well will make them admit that when Indians bring forward grievances such as I have ventured to do and which dare not be denied, the Government of India should strongly support those Indians and try to remedy the grievances as for example those which I have tried to-day to put before the Council in regard to the Port Trust appointments.

The HONOURABLE MR. ANNAMALAI CHETTIYAR: Sir, the Government of India have expressed more than once their laudable desire to increase the Indian element in all the services, and as a matter of fact this has been given practical effect to in certain of the services, but in the services now under discussion it is most regrettable and highly surprising that out of 439 appointments which carry a salary of Rs. 500 and over only 27 are held by Indians. It is still more regrettable, and here I take the Honourable Mr. Sethna's figures to be correct—and they are obtained from the Government of India—that out of 168 appointments of Rs. 1,000 and over, there is not a single Indian. Is it to be assumed that the Local Governments have not given any attention to this? Or is it to be taken that the disproportion of Indian representation on the Port Trust Boards is responsible for this state of things? It may be said—I do not know what the Honourable Mr. Lindsay will say—that the Government of India have nothing to do with the subject. I admit that the Government of India have no direct control and supervision over the Port Trusts, but I ask, when a state of things such as the Honourable Mr. Sethna mentioned just now is prevailing, whether it is not all the more necessary for the Government of India to intervene and set matters right. When there is a growing desire that all the services should contain a majority of Indians, and when the Government of India, admitting the force in the demand, have conceded and are conceding to the wishes of the people, it is but natural that not only the services under the Port Trusts, but also the Port Trust Boards, should be thrown open largely to Indians.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: Sir, there cannot be two Indians who can differ on such a Resolution. But the arguments that I want to put are a little different. Just as they say that the theatre of the war has changed from the West to the East, in the same way in India, the trouble has changed from the Port Trust side and land frontier sides to inside the country. If there was any necessity for keeping certain things secret in the port in the past, I think there is no need now, as

[Colonel Sir Umar Hayat Khan.]

Germany has been crushed and all the other people have agreed about the ships and Navy and have concluded peace in a way. But, Sir, there is another trouble. The fight is going to be between Indians and Indians, and extremists or hooligans are going to fight against the respectable and responsible classes. Therefore, Sir, it is the business of Government to see that all those who are on the side of law and order and are responsible people enter such bodies so as to gradually control not only the ports but also the various other institutions. Then again, it has been wisely said that we are in great need of the English people in India in the Army and Navy and other important departments, because this sham unity may break and the various classes may fight. Then the best people to put an end to the trouble will be the neutrals who will control the country. When I was in Basra, I saw the Basra people were used as pilots and not others. Indians as pilots could do the work just as much as anybody else, knowing the country and the ports. Then again Lascar Indians who were on the ships did their work in a very commendable way in the war, so much so that there was an idea to have a memorial to them. I think, Sir, that if Indians are given chances, they will gradually do well, in the same way as our own colleagues here are doing in the Executive Council and elsewhere. Those who have been given chances have taken them and proved to be the right men in the right places. If Government also help more Indians to be taken into the Port Trusts, I think they will be doing the right thing.

The HONOURABLE LALA RAM SARAN DAS: My friend the Honourable Mr. Sethna has moved his Resolution in so forcible and convincing a manner, that I do not want to speak any further in his support. But I expected from Mr. Sethna, he being a member of the Bombay Port Trust, to let this Council know what practical difficulties he experienced in promoting the junior men to the higher services, because we would then be in a position to know how able Indians are kept back from higher appointments. The time has now come, Sir, when Government ought to fix the percentage of Indians in the different departments, and as far as the Port Trust Services are concerned, Indians should be given their proper and fair share.

The HONOURABLE SIR ARTHUR FROMM: Sir, it is with a certain amount of diffidence that I rise to say a few words in connection with the Honourable Mr. Sethna's Resolution. I am and have been for a number of years a trustee of the Port of Bombay, and were I to support Mr. Sethna's Resolution *in toto*, I feel I should be criticising myself. I would rather leave it to others to do that for me. For another reason, however, I cannot accept Mr. Sethna's Resolution, as it is in effect a suggestion or a recommendation to Government to usurp the duties of the trustees themselves, and I cannot help thinking that Mr. Sethna would recognise that position inasmuch as he is a trustee himself. Mr. Sethna has given us a number of figures. Amongst his figures he quoted the number of trustees on the Board in Bombay, and there he pointed out that there were only 5 Indians. I am afraid, Sir, in discussing this Resolution I must confine myself to the Bombay Port Trust, as I have no intimate knowledge of the working of other Trusts. As has been said already, there are 18 trustees in the Port of Bombay, of which 5 only are Indians. That in itself perhaps sounds rather a small proportion, but I should like to explain the composition of the Board to this House. First of all there is the Chairman. It goes without saying that if the Chairman were an Indian, it

would increase the number of Indians. Then there is the Director of the Royal Indian Marine. If that naval officer were an Indian it would increase the percentage of Indians. Then you have the Collector of Customs. The Collector of Customs in the future will very probably be an Indian. Then you increase the number of Indian representatives. You have the Municipal Commissioner and the same remarks apply to him. Then you have the two Agents of the Railways. You have also the General Officer Commanding, Bombay. Then you have five Indians and five elected Europeans. It only comes to 17. I asked Mr. Sethna as to who the one is and he too is unable to remember it at the moment. But I think I have said enough to show that the sweeping statement that there are only 5 Indians on the Board is somewhat misleading until you come to examine the composition of the Board. As soon as you have an Indian Municipal Commissioner and an Indian Collector of Customs, you will increase the representation of Indians on the Board. The Honourable Mr. Sethna quoted some statistical figures, which are always little dangerous when you apply percentages. I have some figures here, but unfortunately they do not go into the higher grades. They start from the Rs. 250 grade upwards. I got these figures from Bombay. I would rather that they had omitted the Rs. 250 grade. But the figures, I think, will show you the point I wish to make.

| Department. | No. of appointments. | Europeans. | Anglo-Indians. | Indians. |
|-----------------------------------------|----------------------|------------|----------------|----------|
| Secretary's Department | 4 | 2 | 1 | 1 |
| Chief Accountant's Department | 18 | 6 | 2 | 10 |
| Chief Engineer's Department | 77 | 41 | 14 | 22 |
| Controller of Stores | 4 | 3 | 1 | ... |
| Bandar Department | 9 | 4 | 1 | 4 |
| Railway Department | 28 | 20 | 3 | 5 |
| Port Department | 44 | 43 | ... | 1 |
| Medical Department | 3 | 1 | ... | 2 |

Well, of course, the Honourable Mr. Sethna will doubtless take me up on the point that the salary has gone too low and that you would naturally expect more Indians on the lower salaries; but what I want to emphasise is, the fact that in a department like the Port Department, even going to as low salaries as Rs. 250, we have not been able to appoint a number of Indians because they have not come forward with the trained technical knowledge to join it. Therefore, when you go in for percentages of the total number of officers in the Port Trust, you are dealing with rather a dangerous way of looking at this matter. You have to eliminate certain departments, like the Engineer's Department and the Port Department, because we have not a sufficient number of highly trained Indians to take up the posts in those Departments. Well, I am on one of the sub-committees of the Port Trust called the Finance and Establishment Committee. Mr. Sethna is also a member of that Committee, and he knows, as well

[Sir Arthur Froom.]

as I do, that in recent years the trustees are all for appointing Indians. It is perhaps, because years ago there was not the same inclination that we have not Indians at the present day in these higher paid posts; they have got to work their way up. Recently, the Port Trust required as probationers three men who had had some training at Home and, in writing Home to the Secretary of the Appointments Board of the three Universities, we laid great stress on the fact that applications should be called for from Indians who had received training at Home in any of the three Universities. No applications were received from any Indians. We also asked our engineer at Home who looks after our boys there if he had had any applications from Indians undergoing University training in England, and he said he did not know and could not say. Well, that did not satisfy the Finance and Establishment Committee, and if Honourable Members will read the advertisements which appeared in the "Pioneer" of yesterday, they will see an advertisement running like this:—

'The Trustees of the Port of Bombay are prepared to receive applications from Indian gentlemen who have had university or technical education in Great Britain for appointment as probationers in the Port Trust service. Applicants should not be above 25 years of age and must be of good physique. The candidate selected will be appointed on a three years' agreement on a salary of Rs. 500—50—600 per mensem and, on the expiry of this agreement, he will be appointed to the Trustees' permanent staff, if considered suitable.'

Now, I contend that that shows that we, the Trustees of the Port of Bombay, are in no way against the appointment of Indians to the posts that the Port Trust can offer; in fact, we are encouraging them as much as we can.

Sir, I cannot accept the Honourable Mr. Sethna's Resolution. For the reasons I have given I do not think that Government should take any steps which would usurp the duties of the Trustees. I am not at all sorry though that he has brought this Resolution forward. It has given rise to an interesting debate, and it has also given me an opportunity of showing this House that the Trustees of the Port of Bombay are doing what they can to encourage Indians to come forward and fill the posts that are offering. We are none of us adverse to the advancement of Indians in such important administrations as those of the big ports of India, but this advancement cannot be effected at the expense of efficiency, and it is up to Indians themselves to qualify for the more senior posts. I, for one, shall always be most happy to support their just claims for advancement.

Sir, as regards the technical posts in the Port Trust, it is very difficult to get Indians to come forward for them. May I break away from the Port Trust for just one minute? I am on the Board of a very big company in Bombay, the Bombay Electric Supply and Tramway Company. The Board has a large majority of Indians on it; I think I and one other are the only Europeans. We wanted a charge engineer at the Kasara power station, and we all resolved to appoint an Indian. We advertised in the English papers in India; we advertised in the vernacular papers in India, and we got not a single application for the post. It is up to Indians to train themselves for technical posts, take off their coats and begin right from the very beginning and work in the shops like all trained British engineers have done. The latter work in the shops from the very beginning and then qualify themselves step by step for the higher posts of engineering. So, in the case of Port Trusts, such as Pilots, Harbour Masters, Berthing Masters and other appointments in connection with the sea.

Sir, I am afraid I cannot support the Honourable Mr. Sethna's Resolution, but, as I have said, I am quite pleased he has brought it forward, as it has given this House an opportunity of discussing this important matter in full.

The HONOURABLE MR. LALUBHAI SAMALDAS: Sir, I am very thankful to the Honourable Sir Arthur Froom for the sympathetic speech that he has just made. I quite realise that he and his Colleagues have now had, what we have heard so much and so often about, namely, a change in the angle of vision. They have now realised that Indians must be given equal opportunities, if not greater opportunities, than Englishmen in filling up these posts. It does pain us, who want to see good relations existing between the two communities—and the Honourable the Mover will, I hope, join with me in saying this—to have these questions of racial discrimination brought forward in this Council or in the Assembly or discussed in public. It is only when we find that we cannot get what we want by negotiations that we are obliged,—call it out of self-interest or out of duty to our countrymen,—to come before this House and bring forward these questions. The less these questions are brought forward, the better it will be for good relations between Indians and Englishmen all over the country. I believe myself that the colour bar about which the Honourable Mr. Sethna spoke has practically disappeared and what the Honourable Sir Arthur Froom said confirms that impression. But even in his mind there is a feeling—it is a mistaken feeling no doubt—but there is a feeling not only in the minds of Englishmen, but in the minds of some of my distinguished countrymen also that technically educated Indians will not take off their coats and set to work from the bottom. Sir, in my various capacities, I have had to come in contact with England-returned young men or young men who have received technical education in India, and I must say that this cry, this almost parrot-like cry, which is being repeated off and on that technically educated young men are not prepared to take off their coats and set to work is not correct now, however correct it may have been years ago. Any young Indian that has been given an opportunity to do the same kind of work that an English lad with the same education is given would, I am quite sure, be very willing to do that work. I know of one case, Sir, of a young man who has returned with a Dublin degree in Electrical Engineering who wanted to be apprenticed to a firm. I took him to the office of the Tata Hydro-Electric Works, of which I am a Director.

The manager asked me:

'Will your young man be prepared to work as an ordinary cooly.'

I asked him. He said he was, and the man is still there for more than six months slaving for 8 hours a day as an-ordinary cooly, putting in his apprenticeship as a cooly. He has to put up with a great deal of personal inconvenience but he never grumbles. He is a man with a Dublin University degree as an Electrical and Mechanical Engineer, and, although it was arranged he was not to be given a salary, the foreman forced him to accept some salary, saying—

'If you do not accept a salary, our other labourers would protest.'

He was offered Rs. 25 a month which he accepted. And this man has stuck to it, and is prepared to go through all that drudgery in order to work his way up to the top. That spirit is not only shown in isolated cases. I know of many other instances in which young men have been prepared to

[Mr. Lalubhai Samaldas.]

take off their coats and work. But the real difficulty is this. I am sorry to have to say it, but it has to be said that the young men know by previous experience that there is no chance of their rising to the top in the same way as an English lad. I do not wish to bring up racial questions before the House if I can possibly avoid it, but there is a very strong feeling, not only in the minds of the lads themselves, but also in the minds of other people that these lads will not have the same opportunities as English lads with the same qualifications would have; and there is the rub. That feeling has got to be removed.

My Friend the Honourable Sir Arthur Froom said with regard to technical knowledge and especially engineering qualifications, that we cannot get Indians of the right type. That also is an old old cry, Sir. In the Government of India and in the Local Governments there was a time when no Indian was considered to be fit for a Superintending Engineer's post. I know the case of my friend Dewan Bahadur Godbole, a first-class Engineer, a man who was an M.C.E. of the Bombay University, but who could not rise higher than an Executive Engineer's post, because the other engineers said they would not work under an Indian Superintending Engineer. That time is gone, and now three out of four Superintending Engineers in my Presidency are Indians. There is still one more instance which I must quote though I am to refer to a personal case. When Sir M. Visvesvaraya was to be appointed Joint Secretary to the Government of Bombay in the Public Works Department, other officers in the Department raised a hue and cry, and the appointment could not be made even by a strong Governor like Lord Sydenham who had to give in. That is the spirit which we want to dispel. I have quoted only a few instances, but that is the feeling that is at the back of our minds, that our young men will not be given opportunities. I hope the debate here, and any action that the Government of India decides to take, will remove that feeling from the minds I will not say of men like Sir Arthur Froom, because his speech has been sympathetic, but from the minds of others who think that Indians should not be given opportunities even if they come up to the mark of Englishmen. I do not say that the standard of efficiency should in any way be lowered. I am entirely with the Honourable Sir Arthur Froom when he said we do not want to give preference to an Indian of lower qualifications or one who is not equally efficient as an Englishman. We do not want that. I believe my Honourable Friend the Mover also does not want it. We want efficiency at all cost; but if you can get efficiency at a lower cost, by the employment of Indians, we must give them a chance. My Honourable Friend, Sir Arthur Froom, said that statistics are sometimes misleading. I fear that after saying this he went on to make the same mistake—I do not say consciously, he did it unconsciously—when he tried to convince us by quoting certain figures. The Honourable Mr. Sethna had definitely said that one Indian Medical officer, a junior one, had to be appointed because no Englishman would come on that salary. Practically all men on Rs. 250—500 are Indians, because no Englishman would care now to come on that salary. I know that as a business-man. When I want an ordinary foreman no European will come under Rs. 400 or Rs. 500 with some technical knowledge. No Englishman will look at it, and naturally you cannot get Englishmen under Rs. 500.

One word more, Sir. The Honourable Sir Arthur Froom said that he did not want to pass a vote of censure on himself. We do not want to pass a vote of censure on him, or on the Port Trust; but may I ask the

Honourable Mr. Sethna why, as a Trustee, he has not first worked there and tried to get more Indians employed by the Trustees? He did not in his first speech give us any instances where he had made attempts and failed—failed not because the men were not forthcoming, but failed because he found his European Colleagues were giving preference to European candidates. Can he give us some cases of that kind? If he can, it will strengthen the hands of those who support him, and of the Government of India when they take a decision on the subject. My Honourable Friend Sir Arthur Froom said that the European representation is equal to the Indian. . . .

THE HONOURABLE SIR ARTHUR FROMM: I did not quite say that.

THE HONOURABLE MR. LALUBHAI SAMALDAS: Practically you said that. I am sorry if I have misunderstood you. . . .

THE HONOURABLE SIR ARTHUR FROMM: I did not say that. I pointed out that by virtue of certain officials being nominated it increased the English representation on the Port Trust, but I pointed out that there was no reason why in years to come such officials, as the Municipal Commissioner and the Collector of Customs, should not be Indians. Then the number of Indians will be increased. There are at present 5 elected Europeans, and 5 elected and nominated Indians.

THE HONOURABLE MR. LALUBHAI SAMALDAS: That is so. I think we ought to have at least 5 elected and more nominated, because the Indian trade of Bombay—I cannot speak with the same confidence of the trade of other Provinces but the trade in Bombay—is more in the hands of Indians than in the hands of Europeans. If you go by the percentage of trade passing through the hands of Indians and Europeans, you will find that we require a higher percentage of representation than the European community does.

There is one more question I would like the Honourable Mr. Sethna to clear up. The Honourable Sir Arthur Froom said that he asked for applications for probationers. I would like to know what are the departments for which these probationers were required, and whether they had tried to get the same kind of men in the country. Why was it necessary for them to go to England to advertise if there were suitable men to be had in this country?

With these few remarks, I beg to support the Resolution moved by my Friend the Honourable Mr. Sethna.

THE HONOURABLE SIR ARTHUR FROMM: I can explain that point if you would like me to do so, Sir.

THE HONOURABLE THE PRESIDENT: I think the Council would like to hear you, Sir Arthur.

THE HONOURABLE SIR ARTHUR FROMM: The three probationers that we are calling for are not to be relegated to any one Department. One of them will go to the docks, one perhaps will go to the Secretary's Office, another to the Accounts Department. In the discussion of this matter in the Establishments Committee the question of salary came up, and somebody said that possibly you would get an Indian on less pay.

THE HONOURABLE THE PRESIDENT: Sir Arthur Froom rose in response to my suggestion that the Council wanted the information, but the Honourable Member will recollect that, in giving the information, he must not introduce debateable matter.

The HONOURABLE SIR ARTHUR FROOM: I am not introducing debateable matter. The question of salary arose. The Honourable Mr. Lalubhai asked why we did not get an Indian in this country. The question arises that you cannot get an Indian on less salary. We said "no, we wanted an Indian who had been Home, who had a broader outlook on things, and we were prepared to give him the same salary; he could live with his people in Bombay. We do not want to cut the Indian at the expense of the European."

The HONOURABLE MR. H. A. F. LINDSAY: Sir, there are two sides to every question, and we have heard both sides debated by such protagonists as the Honourable Mr. Sethna and the Honourable Sir Arthur Froom, both from Bombay, both members of the same Port Trust, and both holding distinctly contrary views. I am sure that the House will wish to take a common sense view of the position, and perhaps to recognize that there is not so much difference between these two views as the protagonists themselves seem to make out. The Honourable Mr. Sethna has based his Resolution on a principle which I am sure will appeal to all. It is a principle which is in harmony with the avowed Government policy of increasing the number of Indians in the public services. The Honourable Sir Arthur Froom has drawn our attention to the difficulties in giving effect to that policy in respect of the Port Trusts.

Now, Sir, I should like first to go a little further into those difficulties before finally accepting the Resolution on behalf of the Government and showing the practical effect which we propose to give to it. Anyone who reads the Resolution will see straightaway that it is open to serious difficulties and limitations. In the first place, as the expert advice before us has already made it quite clear, many of the appointments require very technical qualifications,—qualifications which at present few Indians possess. I do not wish to labour this point because it is self-evident. It is self-evident, for instance, that engineering experts should at present be recruited from those who have had practical training and practical experience, as engineers at Home, and it is also self-evident that, as that training increases in India, Indians are bound to qualify in greater and greater numbers for these posts. The second point to which I wish to draw attention is this, that the terms on which these appointments are made are laid down in the various Port Trust Acts. The Chairman is selected by the Local Government; the superior appointments are made by the Board of Trustees or Port Commissioners, as the case may be; and subordinate appointments are made by the Chairman. Now I am sure that the last thing which the Honourable Mover would propose, or that this House would wish, is that any of these powers should be in any way altered. The Port Commissioners must be trusted to manage their own affairs and to make their own appointments. But, Sir, the terms of the Resolution are rather inconsistent with those powers. The Governor General in Council is going to be asked to take steps to increase the number of Indians in the higher grades in the service of the Port Trusts and to lay down a definite policy in regard to the same for the future. The Governor General in Council makes no such appointments, and has no such powers.

Now, Sir, I wish to go back to the general policy already stated, namely, that Government is definitely in favour of increasing the Indian element in the public services, and they naturally wish that that policy should be extended also to the Port Trusts. I may say at once that they have already taken steps towards that end. But the adoption of that policy must come

from within the Port Trusts themselves, and the Honourable Mr. Sethna has already put his finger on the solution of the question. The Port Trusts themselves possess constitutions which have been laid down long ago, and in many cases they have not been revised since they were first laid down. Government have already taken up that question. Only last year the Bengal Government were asked to reconsider the whole question of the constitution of the Chittagong Port Trust; and also certain recommendations were made with regard to the Calcutta Port Trust. The Government of India are willing to go further and to consider the other Port Trusts also, with the same object in view, namely, to strengthen the Indian element on the governing bodies themselves. Sir, I think that the Honourable Mover will agree that Government are really taking practical steps in the matter. They accept the terms of his Resolution and, at the same time, have indicated the practical way in which they will be able to give effect to it.

THE HONOURABLE MR. SETHNA: Sir, I am thankful to the different Honourable Members who have addressed this Council on my Resolution, and particularly to the Member of Government who has viewed the situation very sympathetically. He has told us that the Governor General in Council does not make the appointments and consequently that we have no right to approach him on the subject, but from what he says it appears that the Government have forestalled me and that they are already in communication with the Bengal Government, and I hope they will soon be in communication with the other Provincial Governments also, to bring about a change,—such a change in their respective Port Trust Acts as will very appreciably increase the Indian element on the Board of the different Port Trusts. If that is done, I am sure a very considerable improvement will necessarily follow in the employment of Indians in the higher grades.

Sir, my Honourable Friend, Sir Arthur Froom, said that what I was proposing was tantamount to usurping the duties of the trustees, and that the sweeping statement I made giving the number of Indian Trustees was perhaps misleading. My friend the Honourable Mr. Lalubhai Samaldas has dwelt on that point and answered him. Sir Arthur Froom observed that, although there were only 5 Indians to-day, there will soon be many more because some of the Trustees who are European officials to-day in course of time will be Indians. It will be a very long time, Sir, before the Chairman, the Director of the Royal Indian Marine, the Officer Commanding, the Municipal Commissioner and the two Agents of Railways will be Indians, and consequently an Indian minority will always prevail if the Acts are not altered. . . .

THE HONOURABLE MR. LALUBHAI SAMALDAS: The Municipal Commissioner may be an Indian.

THE HONOURABLE SIR ARTHUR FROM: The Collector of Customs will soon be an Indian.

THE HONOURABLE MR. SETHNA: It will be some time before the Municipal Commissioner is an Indian. My Honourable Friend, Sir Arthur Froom, suggests that the Collector of Customs will be an Indian. I hope it will be so. The Honourable Mr. Lindsay will see that, unless the Provincial Governments are very liberal in the changes they make in the Acts, the European majority will prevail, and so long as it prevails, perhaps the result will not be any better than what it is to-day. By that I mean no disrespect to my Honourable Colleagues on the Board, as, for example my friend Sir Arthur Froom and others equally sympathetic on occasions.

[Mr. Sethna.]

As has been mentioned during the discussion, both Sir Arthur Froom and myself are on the Board of the Bombay Port Trust, and for the matter of that we are perhaps the two most senior trustees, such seniority being based on the length of our connection with that body. I will admit, Sir, that there are European trustees of the type of Sir Arthur, who will befriend the cause of Indians, but I will at the same time urge that our decisions do not show that this is always the case. But more than that it is not so much the Trustees themselves as the Executive of the Port Trusts who have so much to do in the matter. If they were sympathetic, perhaps the results would have been different from what I have shown, *viz.*, only 6 per cent. of the total higher appointments being given to Indians out of 439.

Sir Arthur Froom in the course of his speech referred to the number of appointments in the Bombay Port Trust with salaries of Rs. 250 and upwards, and he very rightly observed that, so far as he was personally concerned, he would have preferred if the figures he was supplied with had commenced from a much higher figure than 250. It was only two days ago when he was speaking on the Factory Bill that the Honourable Sir Arthur Froom told us that his firm employed at the height of the season about 8,000 or 9,000 men. With his usual modesty he did not tell you that his firm employs some dozens of Europeans. I may be allowed to tell you that his firm employs a large number of Europeans in this country, and I ask him if he searched high and low from John O'Groat to Landsend, whether under existing conditions he would find a single European to come out under less than Rs. 500 to serve his firm, and, similarly, if anyone will come out to serve the Port Trust where perhaps higher and technical qualifications are required which are very important. Therefore, he is perfectly right in contending, and I agree with him, that the figure should have been not from 250 but from 500 and upwards, and that consequently his figures are certainly misleading. The figures from 500 and upwards I have already given in my opening speech.

Now, Sir, to come to a very pointed question from my friends the Honourable Lala Ramsaran Das and the Honourable Mr. Lalubhai Samaldas who inquire what I have been doing as Indian trustee myself. I am only one of five, and I would tell my Honourable Colleagues that 5 out of 18 cannot do very much, even if they do their very best. . . .

The HONOURABLE MR. LALUBHAI SAMALDAS: Quote a specific instance.

The HONOURABLE MR. SETHNA: My friend demands a specific instance. I shall quote the very one which was referred to by the Honourable Sir Arthur Froom, who tried to make out that the trustees were so ready and willing to appoint Indian probationers. I am glad he has given me an opportunity of bringing up this history of these probationers in the Council, which I had no intention to bring up on my own. This history will reveal the frame of mind of the Executive. About a year ago the Executive put forward a scheme before the trustees that they might have three probationers, one for the Secretary's Department, another for the Accountant's Department and a third for the Port Department in the docks. In answer to Mr. Lalubhai Samaldas, I may say that I was the trustee who pointed out to my Colleagues that the time had arrived for getting applications from Indians, and further that we should invite applications in India alone. As a compromise, finding I was in a minority, which is always the case, when such questions are under consideration, I agreed that our consulting en-

gineers in England should be asked to invite applications in England from Europeans and Indians. The first batch of applications was received some months ago, and the appointment was made of an English probationer in the Secretary's Department. I did not happen to be in India at the time, or I would have protested, for the reason that the Secretary's Department and the Accountant's Department are perhaps the two departments where Indians in other similar bodies, as for example the Municipality and the Improvement Trust, have done remarkably well and are themselves Secretaries and Accountants. As I was not present on that occasion. . . .

The HONOURABLE SIR ARTHUR FROMM: I rise to make an explanation.

The HONOURABLE THE PRESIDENT: The discussion, I think, should be on a larger basis than the domestic affairs of the Bombay Port Trust. This discussion is becoming very narrow, and I think we should avoid too much discussion of details in connection with the Bombay Port Trust.

The HONOURABLE MR. SETHNA: Having explained the case of one probationer, I hope you will allow me, Sir, to state the other two cases.

The HONOURABLE THE PRESIDENT: Certainly, but I think you will bear in mind what I have said.

The HONOURABLE MR. SETHNA: I will take care not to exceed my time. The English probationer for the Secretary's Department was appointed. Next came the question, when I was present in regard to the probationer for the Port Department. Then again, another European candidate was recommended. I drew the attention of the Board to the fact that our recommendation was to the effect that we should encourage Indian probationers. It was only as a result of my interference that the question was referred to a committee and in committee they accepted my proposal. But I would like the Council to know in what manner they met me. They met me by agreeing to advertise in the Indian papers and that is the advertisement in the "Pioneer" which Sir Arthur read out. The Executive, however, suddenly discovered at the Committee meeting what they did not at the Board meeting only four or five days previous that the work of the Port had increased so much that instead of one there should be two probationers in the Port Department, and the proposal was that there should be two and that the other should be a European. That again shows you the attitude and the frame of mind of the Executive. My Friend, Mr. Lalubhai Samaldas, who is sitting by my side inquires why I did not ask for both the probationers to be Indians. My answer is that I was in a deplorable minority, and I thought I had gained enough on that occasion to get them to agree to one Indian, and enough is as good as a feast. The probationer for the Accountant's Department is not yet appointed, and I promise Mr. Lalubhai I will put up a fight for his being an Indian. All this difficulty, however, will be greatly obviated if the suggestion thrown out by the Government of India, as my Friend the Honourable Mr. Lindsay has told us, is given effect to by the Provincial Governments.

Sir, I happen to be a Port Trustee, but I also happen to be on the Bombay Municipality and on the Bombay Improvement Trust, and like my friend Sir Arthur Fromm, I also am a Director of some of the largest commercial organisations in Western India. I, therefore, speak with first-hand knowledge when I say emphatically that many of the higher appointments in the Port Trusts carry with them advantages in the matter of initial salaries, in the matter of promotions, of house accommodation, etc..

[Mr. Sethna.]

which are superior to the other services and which might in cases be envied even by members of the service which is ordinarily recognised to be the best paid in India, *viz.*, the Indian Civil Service. No wonder therefore that the Port Trust officials try and keep it a close preserve and that, Sir, is at the bottom of affairs, and I do hope that as a result of the reply which the Honourable Member for Government has given us to-day that conditions will very greatly improve in the very near future.

Sir, as a result of working in the new Council for the last 12 months, I, for one, am absolutely satisfied that the angle of vision, to which reference is so frequently made in these days and was referred to-day by the Honourable Mr. Lalubhai Samaldas, has definitely turned so far as the Government of India is concerned. (Hear, hear).

I sincerely wish that this feeling filters down to the Provincial Governments, which, in common with my other non-official friends, I must say is not yet the case. I hope it will do so before long and also filter down still further to such semi-Government bodies as the Port Trusts of India.

The HONOURABLE THE PRESIDENT: The question is that the following Resolution be adopted:—

‘That this Council recommends to the Governor General in Council that steps be taken to increase the number of Indians in the higher grades in the service of the Port Trusts, and to lay down a definite policy in regard to the same for the future.’

The Resolution was adopted.

OFFICIAL BUSINESS DURING FEBRUARY.

The HONOURABLE THE PRESIDENT: Before I adjourn the Council, I should like to ask the Member representing Government whether he is in a position to make any statement of the Government business to be brought forward in the month of February.

The HONOURABLE MIAN SIR MUHAMMAD SHAFI: Sir, I am afraid I am not yet in a position to make a further announcement of Government business, as it depends on the progress made in legislation in the other Chamber. I hope to be able to make a further statement at the meeting on the 31st January.

The Council then adjourned till Tuesday, the 31st January, 1922, at Eleven of the Clock.