

Saturday, 24th September, 1921

THE
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(Official Report)

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OF THE

COUNCIL OF STATE, 1921



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COUNCIL OF STATE.

Saturday, the 24th September, 1921.

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

The HONOURABLE THE PRESIDENT: I understand that a message has been received from the Legislative Assembly through the Secretary of that Chamber. Let the message be read.

11 A.M.

MESSAGES FROM LEGISLATIVE ASSEMBLY.

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

'I am directed to inform you that the following Resolution was carried in the Legislative Assembly at their meeting of the 23rd September, 1921:—

INCOME-TAX BILL REFERRED TO JOINT COMMITTEE.

"That this Assembly do recommend to the Council of State that the Bill to consolidate and amend the law relating to Income-tax and Super-tax be referred to a Joint Committee of this Assembly and of the Council of State, and that the Joint Committee do consist of 16 members."

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

The HONOURABLE THE PRESIDENT: Let the message be read.

The HONOURABLE THE SECRETARY OF THE COUNCIL: Sir, the message runs as follows:—

MAINTENANCE ORDERS ENFORCEMENT BILL PASSED BY LEGISLATIVE ASSEMBLY.

'I am directed to inform you that the Bill to facilitate the enforcement in British India of Maintenance Orders made in other parts of His Majesty's Dominions and Protectorates and vice versa, which was passed by the Council of State at its meeting of the 28th February, 1921, was passed by the Legislative Assembly at its meeting on the 23rd September, 1921, with the amendments indicated in the attached Statement. The Legislative Assembly requests the concurrence of the Council of State in the Amendments.'

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

INDIAN PENAL CODE (AMENDMENT) BILL.

The HONOURABLE THE SECRETARY OF THE COUNCIL: Sir, in accordance with rule 25 of the Indian Legislative Rules, I lay on the table a Bill further to amend the Indian Penal Code, which was passed by the Legislative Assembly at its meeting of the 23rd September, 1921.

[The President.]

The HONOURABLE THE PRESIDENT: Before I call upon the Honourable Mr. Kale to move his Resolution, I must point out to him that, as a result of the discussion in this Council yesterday on the Resolution moved by the Honourable Mr. Lalubhai, a portion of his Resolution falls to the ground. Any reference therein to the Kenya Colony will not now be in order and must be omitted.

RESOLUTION *RE* EQUALITY OF STATUS FOR INDIANS IN SOUTH AFRICA.

The HONOURABLE MR. V. G. KALE: In view of the remarks, Sir, 11-5 A.M. which you have made, with your permission, I would like to amend the *Resolution which stands in my name. I have already given in the Amendment, and it runs like this:

"In line 1, after the word 'that' for the rest of the Resolution insert the following:—

"Early steps be taken to secure equal status for Indians in South Africa."

The HONOURABLE THE PRESIDENT: Does the Honourable Member for Government object to that Amendment?

The HONOURABLE MR. B. N. SARMA: I have no objection to that Amendment, Sir.

The HONOURABLE THE PRESIDENT: The question now before the Council is the Honourable Mr. Kale's Resolution, as amended by him, which runs as follows:—

'This Council recommends to the Governor General in Council that early steps be taken to secure equal status for Indians in South Africa.'

The HONOURABLE MR. V. G. KALE: Sir, with regard to the status of Indians in South Africa, the principle for which we have been contending for a very long time is the principle of equality of status for British subjects in other parts of the British Empire. This principle of equality of status will always be in the background of the picture whenever we are discussing questions about the treatment to be meted out to Indians in any other part of the British Empire. However, so far as South Africa is concerned, as a matter of practical politics and for the purpose of my Resolution, I propose to take my stand upon the Resolutions which have been recently passed by the Imperial Conference of the Prime Ministers of the Empire. For a clearer understanding of the whole problem, I will take the liberty of reading out the Resolutions themselves:

'This Conference has re-affirmed that each community of the British Commonwealth should enjoy complete control over the composition of its own population by restricting immigration from any other communities, but recognises that there is incongruity between the position of India as an equal member of the Empire, and the existence of disabilities upon British Indians lawfully domiciled in some other parts of the Empire, and this Conference therefore is of opinion that, in the interests of the solidarity of the Commonwealth, it is desirable that the rights of such Indians to citizenship should be recognised.'

'The representatives of South Africa regret their inability to accept this Resolution in view of the exceptional circumstances of the greater part of the Union. The representatives of India, while appreciating the acceptance of this Resolution, nevertheless feel bound to record their profound concern at the position of Indians in South Africa, and hope that by negotiations between India and South Africa a way can be found, as soon as may be, to reach a more satisfactory position.'

* This Council recommends to the Governor General in Council that an early opportunity be taken to discuss with the Indian Legislature the measures to be taken to safeguard the rights and liberties of Indians in Kenya Colony and in South Africa, and to communicate their views to the Secretary of State for India for being pressed on His Majesty's Government and to the Government of the Union of South Africa.'

The position in which we therefore stand to-day is this. The Imperial Conference has passed Resolutions in favour of granting equality of status to Indians domiciled in South Africa as in the other parts of the Empire, though, as we were told yesterday, the right of unrestricted emigration to the various parts of the Empire has been waived, and to that extent our demands have been restricted. But even in the matter of Indians domiciled in South Africa, the South African Government is not prepared to accept the position which has been laid down for the guidance of statesmen throughout the Empire, and now it has been left to the Government of the Union of South Africa and the Government of India, by means of negotiations, to arrive at a satisfactory arrangement. My question, therefore, to the Government of India will be, what are they going to do? The responsibility is thrown upon their shoulders. It is contended by many that the position of India has become weaker on account of the fact that negotiations will be left to the Government of India and the Government of the Union of South Africa, whereas if the matter had been left to the Imperial Government with its peculiar prestige behind its back, it would have carried greater influence with South Africa. That is the contention of some. It has, therefore, become all the more necessary to know what attitude the Government of India will take. I have no doubt about the fact that the Government of India will press for an entirely satisfactory solution of the problem from the point of view of the demands of the Indian people. I need not refer here to the various arguments which have been used and will be used by statesmen in South Africa against India's demands. There are the racial argument and the economic argument. But once equality of status has to be accorded to Indians, the racial argument ought not to be brought in. Then, again, with regard to the economic argument, it must be impressed upon the South African statesmen that, if that argument were to be taken to its logical conclusion, a similar stand could be taken by Indians not only against South Africa, but two other parts of the Empire. It is stated that the standard of life of Indians domiciled in South Africa is lower than that of the white population and therefore the Indian people, merchants, petty traders and others compete unfairly with the white settlers, and consequently all important trade is passing out of their hands and this has got to be prohibited. A similar stand it is possible for Indians to take, and they may say that all those Europeans who come to this country have raised the standard of life here, they have introduced luxuries and new things into this country, and they are consequently revolutionising the social and economic life of the country. This will be a stand which might be taken on similar grounds, and consequently I do not think that this sort of argument ought to be advanced against us. If equality of status is to be admitted, it must be admitted whether it is economically beneficial or not. With regard to the racial argument, I have already said that it is too late in the day to advance that plea. I hope the Government of India will, therefore, take up its stand upon the Resolutions which have been passed by the Imperial Conference and upon the inherent claims which have been admitted of equality of status for Indians in the different parts of the Empire. The problem of South Africa is no doubt difficult and delicate. The Imperial Government and the Government of India have here to deal with a self-governing Dominion and the self-governing Dominions' statesmen might plead that, even though they might be willing to accede to the wishes of the Indian public, their people and their Parliaments would not agree. Now I wish that the Government of India should take up the same attitude. The Government of India ought to say to the statesmen in

[Mr. V. G. Kale.]

South Africa that the popular sentiment in India would not tolerate anything less than a complete equality of status for Indians in South Africa. If the people in South Africa would not allow their Government to accord better and more liberal treatment to Indians, the Government of India cannot also be allowed by the people of this country to secure anything less than a complete equality of status for Indians in that part of the Empire. I do not think it is necessary for me to say anything more for commending this Resolution to the acceptance of the Council. With these few words, I beg to move my Resolution.

The HONOURABLE MR. B. N. SARMA : Sir, Honourable Members are aware as to what has passed at the Imperial Conference where 11-12 A.M. our representatives, backed up by the Government of India and the Secretary of State, fought so gallantly India's battles for obtaining recognition of equality of status in respect of all Indians lawfully settled in the self-governing Dominions of His Majesty's Empire. It is a matter for sincere congratulation that all the Dominions, except South Africa, have been able to see their way to accepting the principle and promising to translate that principle into practice. His Excellency the Viceroy has already alluded to a regrettable feature in these negotiations, in that South Africa has not been able to fall into line with the remaining Dominions owing to, it is believed, peculiar difficulties in which the South African statesmen are placed from the pressure of public opinion in that self-governing Dominion. I do not think that any strong language, heated discussion, or lengthy argument would advance the position of Indians in South Africa, and perhaps when delicate negotiations are to be started between India and South Africa, the less said about this matter, the better. We fully appreciate the strength of feeling in this country, and you may rest assured that the Government of India are no less solicitous than the people of India about securing, at the nearest possible date, the recognition of the principle of equality for which they have been fighting for so many years. But Honourable Members will remember that when an agitation is set up, when racial prejudices are strong, it is not so much reason, logic, argument, future welfare, or the requirements of present harmony that tell, as the prejudices that have been roused for certain purposes, prejudices which survive the object with which they have been encouraged. At one time the people of South Africa were labouring under the fear that there would be a large influx from Asia and from India into the country, and that they would be faced with the problem of having to assimilate in their civilisation two complex sets of people, the indigenous population as well as the Asiatic population. I have already told the House yesterday that the Government of India sternly set its face against the recognition of the principle that any part of the British Empire could prevent the citizens of the rest of the Empire from settling down there peacefully and lawfully. But it was found, as a matter of practical experience, that the continuance of the pressing of this principle led only to bitterness and to difficulties, and for the sake of the solidarity of the Empire, it was necessary to recognize the principle that each Dominion may determine for itself the constitution of the peoples forming that Dominion. But that was done, I take it, on the distinct understanding that in so far as there may be any Indians settled in these self-governing Dominions lawfully, they should enjoy absolutely the same status, privileges and rights as the rest

of His Majesty's subjects living in those Dominions. I am sure that when this excitement subsides, when the people of South Africa are in a position to realise calmly and dispassionately the results of a separatist policy, when they see that there is no danger of any influx from Asia, I am sure that they will be in a better mood to support their statesmen in doing justice to the Indians settled down there. Our object must be to try to help our countrymen who have been lawfully settled there to enjoy equal privileges and to make their position as easy and comfortable as possible, and that we should, while taking all possible steps to secure that equality, do nothing which might harm even temporarily their position and make it worse than it is at the present moment. Of course when we judge these things dispassionately, we cannot help regretting that the people of South Africa have not yet begun to see that it would pay the Empire to treat the citizens of the various parts living in these constituent portions fairly and equitably. Nor is there any real cause as far as we can see for an exception in South Africa, because the Indian population settled there, especially with the restrictions on immigration to which all have consented, is so small relatively to the white population that there is no danger of any conflict of interest, economic or otherwise, or of any possible conflict in the civilisations of these two peoples or any possible apprehension that by reason of their numbers there would be small chance of the Indians being assimilated in the larger body. Our position is that the Indians are so few in number there and so many of them are South African born that they have already begun to assimilate themselves into the general body, and adjust themselves to the environment and been given a chance of being educated and treated fairly. There is not the slightest doubt that they would be ornaments to South Africa of whom any people living in that Dominion would be proud. The real difficulty seems to be that in large towns where the proportion of Indians to the rest of the community is fairly large, the idea obtains that there is a vast body of the Indian community living in the Colony. It is the aggregation of peoples in a few localities that gives rise to that impression, and we have had it stated clearly in the South African Commission's Report, that there is absolutely no ground for the apprehension that South Africa is being flooded in the manner in which some people imagine it is. Therefore, Sir, I think the lines along which we shall have to work would be to try and improve the position of Indians there by facilitating their educational advancement and their economic condition, so that it would not lie in the mouth of even the most conservative South African to say that the Indian is not in every respect as good as himself. But I think it will be wrong at the same time for us to expect any very large and sudden change of opinion in South Africa. It is a matter for congratulation that the authorities there have been able to disallow two Ordinances recently passed in Natal. One was the Natal Township Franchise Ordinance, 1921 and the other the Natal Rural Dealers Licensing Ordinance, 1921, which, if allowed to become law, might have endangered still further the position of the Indians in Natal. That shows that we have no reason to be alarmed that the Government of the country would succumb to the prevailing prejudice in some quarters, and we have every reason to hope that they are trying to do their level best to stem the tide of this popular opinion and to guide it into reasonable ways of thinking with regard to the Indian question. The Government have been examining for some time the recommendations of this Report and will shortly express their opinions on the detailed proposals contained therein. I do not think that we need grudge, whatever may be the immediate results, the principle that India is to negotiate directly with South Africa. In

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so far as emigration is concerned, it is a Central subject. The Government of India determine their policy with the consent and approval of the Secretary of State who is a member of the British Cabinet, and consequently we may take it that any representation that is made by the Government of India would be looked upon, and rightly too, as a representation made by a responsible Minister of His Majesty's Government, and I am sure that if there be any necessity the British Government would always back up any reasonable representations that we may have to make to the South African Government. It may be that these negotiations will be facilitated to some extent by direct correspondence, and what is more important is, that there is a tacit recognition of the semi-self-governing status of the British Indian Empire in that she is to negotiate directly with the South African Government. I do not think, therefore, that the exception that Mr. Kale took need be insisted upon. Honourable Members may rest assured that the Government of India would never surrender the principle that they can and should never tolerate anything but equality of status for Indians living in any part of His Majesty's Dominions. There is no frittering away of that principle. There is no bargaining, forsaking any part of that principle, but, at the same time, it must take time to achieve the fruits that we all hope for and I am sure when the mutual dependence of the several parts of the Dominions is realised by the electors in the several self-governing Dominions, prejudices would die and better counsels will prevail. On this understanding that I do not encourage any hope that anything drastic or radical may be achieved in the near future, I have not the slightest objection on behalf of Government to accepting this Resolution.

The HONOURABLE MR. LALUBHAI SAMALDAS : Sir, I may congratulate my Honourable friend Mr. Sarma on the lucid manner in which he has put the case of the Government in regard to this Resolution. As has been observed by him the question bristles with difficulties, and we have to be very careful how we proceed with the negotiations.

The only point of difference which I understand exists is, whether the negotiations should be carried on by the Home Government, or by the Government of India with the South African Dominions. There has been a difference of opinion in the country. Most of our Indian papers have taken up the attitude that my Honourable friend Mr. Kale assumed. But there are some papers which are not by any means moderate, and I may mention one. The *Bombay Chronicle*, for instance, has taken up the attitude that the Right Honourable Srinivasa Sastri has done a service to the country by getting the Conference to accept the principle of direct negotiations between the Government of India and the South African Dominions. That means, as my Honourable friend Mr. Sarma has put it, that the Government of the British Indian Empire has got the right of direct dealing, and has got practically the same right as the self-governing Dominions have. That is a great point gained. I hope Mr. Kale will see the force of the statement, that it is much better that we should deal directly, as equals, with the Government of South Africa than that we should approach the Home Government and get their assistance, which would mean that we have not had an equal status with them. I believe that by the passing of this Resolution the status of the Government of India will be increased. Again, I beg to congratulate the Honourable Member for the lucid way in which he has put the case of the Government of India before us.

The Resolution, as amended, was adopted.

RESOLUTION *RE* REMOVAL OF CENTRALIZED SYSTEM OF ADMINISTRATION.

The HONOURABLE SAIYID RAZA ALI: Sir, I beg to move the following Resolution:

11-32 A.M.

This Council recommends to the Governor General in Council the removal of the highly centralised system of administration that obtains in this country under which many classes of officials, especially District Magistrates and Collectors, have vast powers.

Sir, in the course of this Resolution I do not propose to discuss the respective merits of centralisation *vs.* decentralisation as applied to the government of a country. The balancing of the central and local powers in the government of a country is no doubt one of the most interesting features in the history of Governments. Whether we should have a highly centralised system under which the government of a country is carried on by the Central Government, as is the case in France, or the control of local affairs should be left to local bodies, as is principally the case in England, opens up a very large question into which, I believe, it is not necessary to enter at this stage. I confine myself to examining the present condition of the administration of this country and to examining the directions in which it is open to us to take a step forward, whether in so doing we may be following the example of France or the system of government obtaining in England. Sir, let me properly analyse the Resolution that is before my Honourable Colleagues. We have in this country to deal with three bodies. At the helm of affairs is the Government of India. The second body which plays a very important part in this matter is the Provincial Government. Thirdly, and lastly, we come to the local bodies which transact a very large amount of day-to-day business. Now, Sir, so far as the Government of India is concerned, the intelligent criticism of that Government has been that our system is top-heavy. The Government of India is a highly centralized Government. Whether it should remain centralised in future remains to be seen. But there is no doubt that as long as, as has been pointed out in the Montford Report and also hinted in the Report of the Joint Committee of the Houses of Parliament, the powers of the Government of India cannot be transferred to the people of this country. I think it is just, in the fitness of things, that those powers—most of them at any rate—should reside in the Government of India. When we come to the Local Governments we find that, in consequence of the era of reforms which fortunately is in force now, vast powers have been delegated by the Central Government to the Local Governments. The thing has been done only as an experimental measure. There are many more powers which can safely be delegated to the Local Governments which yet remain invested in the Government of India. But I have no doubt that in course of time, as those who are responsible for the administration of transferred subjects prove, that they are carrying on the administration work of those Departments to the entire satisfaction of all concerned, the Government of India will see its way to transfer even the remaining subjects to the administration of the Provincial Governments, which, as we all know, will in course of time, consist of the Governor and Ministers only. Now, Sir, coming to the third body, namely, the District Boards, the taluqa or local Boards, and the Municipal Boards, we find that it is these bodies which come into daily contact with the people of the country, and on whose successful working depends to a very large extent the success of the government of the country. Now, Sir, Local Government is not merely a matter of law and order; it is in fact mainly a question of public welfare,

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It means that those who are chosen to have authority over the people are the servants of the people, and that they have made it their business to increase the happiness of the people. I need hardly remind my Honourable Colleagues that it was announced in the declaration of the 20th August 1917, that the policy of His Majesty's Government—it is a small quotation I am making—was 'that of increasing the association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible government of India as an integral part of the British Empire.' Now the Government of India, while the Reform Scheme was yet under consideration, in the Resolution dated the 16th May 1918, observed :

'The duties of local bodies cover most of the activities upon which the essential welfare of the country depends. They have the care of the public health and all the circumstances upon which that health depends: they control elementary education: they construct and maintain local buildings and communications and they touch the life and convenience of the people at every point. In the development of their interests and the extension of their responsibilities the self-government of the country will secure a very real and important advance, and it is on the increased experience to be gained in the administration of local civic affairs that the country must be to a large degree rely for the expansion of its self-dependence in the sphere of central Government.'

Now, Sir, so far as these local bodies are concerned, they are under the control of the district officers and partly also of Commissioners in several provinces in this country. Experiment no doubt has been made in several provinces, where the Municipal and District Boards have been allowed to elect their own non-official Chairmen. If I am not wrong, I believe the province to which I have the honour to belong was the first to give the lead to the rest of the country in this matter. In the year 1916, the Municipalities Act was passed in the United Provinces under which all the Municipal Boards were practically allowed to have non-official Chairmen, and, as a matter of fact, we have now, except in four or five cases, non-official Chairmen in all our municipalities. Then I should not forget that there are a number of other provinces also, and I must specifically mention Bengal, which are allowed to have not only non-official Municipal Chairmen, but where the Chairmen, of District Boards are in many cases allowed to be elected. Similarly, I believe, is the case to a very large extent in Madras and also in Bombay. But there are a number of provinces, Sir, where the presiding officers of these bodies are yet officials.

The first point which I want to make is that district officers, wherever they happen to be the Chairmen of District or Municipal Boards, should be relieved of the duties as soon as possible. Local self-government, as I have ventured to remark, is not a matter of authority, but of public service and public welfare, and, without meaning any aspersion whatsoever on those district officers who have been carrying on their duties, I submit, Sir, that the people of the country, *viz.*, the people concerned, are in a better position to understand as to what is to their interest and to their advantage than an officer who comes to a district, at the outside, for three years and then leaves that district perhaps never to return.

The second point in this connection which I must point out, is the more important of the two, inasmuch as though it is the declared policy of Government that all District and Municipal Boards in course of time and in fact at a very early date should have non-official Chairmen, yet under the District and

Municipal Boards Acts of the various provinces certain powers have been reserved to the Collectors and Commissioners.

Now, Sir, these Acts, I take it, were all of them, I daresay, enacted at a time when the reform era had not been introduced in this country. To place local self-government in the charge of Ministers, who are responsible to the people and to make this department a transferred subject, and then to reserve certain powers to district officers and Commissioners is, I submit, to say the least of it, an anachronism. I can quite see that time was when these officers could be helpful and were no doubt helpful to the people, when the people themselves did not have it in their power to shape their own destinies. As it is, we know that ultimately the officer responsible for the administration of these subjects is the Minister who is a representative of the people themselves and is responsible to the people. Yet, to give certain powers to a foreign body which, be it noted, is not subject to the Ministers in any way, namely, to Collectors and Commissioners, is wholly inconsistent with the spirit of the reform era. Sir, I need not go into the details, as to what are the powers that have been reserved to the Collectors and Commissioners in various provinces. But there is no doubt that some powers have been reserved to them. In some provinces these powers can be exercised simply in the shape of a Collector or Commissioner being able to return a certain Resolution to the Board for reconsideration or to send it on to the Local Government with his own remarks, so that the Resolution should not be accepted by Government. As a matter of fact, on this point powers vary in various provinces, but there is no doubt that the foreign body, if I may be allowed to use that term, namely, Collectors and Commissioners, as viewed in the present circumstances of the case, have certain powers, and these powers should, as a matter of fact, not be invested in them any longer. It would seem perhaps ungrateful on my part that I should be betraying want of confidence in these officers of the Indian Civil Service, namely, the district officers and the Divisional Commissioners and should be anxious that they should be relieved of their duty. Now, Sir, I think I would be failing in my duty if I refrained from giving expression to the vast debt of gratitude that we owe to the Members of the Civil Service. It is in no spirit of hostility or animosity whatsoever that I have ventured to bring forward this proposition to-day. All students of history and Honourable Members of this Council know with what a selfless devotion the service has carried on the work of administration at a time when political consciousness had not sufficiently developed in the country. In fact I go a step further and say that, just as the highest tribute that could be paid to Lord Morley's work was that Mr. Montagu in the year 1917, should have found it necessary to propose another measure of reform for this country, exactly in the same manner the highest tribute we can pay to the Indian Civil Service is that we to-day are in a position to take care of those institutions which they made it their business to administer and look after on our behalf.

Then, Sir, we come to certain other duties which the district officer has to perform having the responsibility of the district. Now these departments—the departments with which he is connected—vary in various districts. They can be briefly summarised as irrigation, buildings and roads, excise, forests and, lastly, of course, as we all know, police. Now a discussion—and a very interesting discussion if I may say so—on the subject is to be found in the Decentralisation Commission's Report at pages 189—193. I hope I have not hurt the sensibilities of some Members by referring to a precious document

[Saiyid Raza Ali.]

that was written before the deluge—namely, in the year 1909. Vast changes, of course, have taken place in the country and in the entire conditions of the world since the year 1909, so that the document is no doubt a very antiquated one. The only reason why I venture to refer to that document is, that it deals with the subject rather exhaustively. Now, Sir, the policy, as my Honourable Colleagues are aware, why it was found necessary to give certain powers to district officers in almost every department under the British Government was based on historical grounds. Several of the systems were introduced in the beginning of the 19th century, and some again in the late fifties or the early sixties. The people of this country were not in a position to give any very great assistance to the Government, and therefore, it was thought necessary that the district officer should be responsible ultimately and should have vast powers in regard to almost every department. But now we know that every province has a complete excise department. Every province has its own forest department, and similar is the case with irrigation and buildings and roads. So that to-day there is no justification for any powers being reserved to district officers in these departments. Well, it may be said that these powers are not very great in certain provinces. I do not propose to go into details here. The question is one of principle; and the question with which we are faced is this: Is there any justification, having regard to the fact that we have complete self-contained departments in every province, for giving any control to the district officers over departments which have nothing to do with them if they, *viz.*, district officers, confine themselves to their proper and legitimate sphere of activity?

Then, Sir, I come to the police department. This matter is connected with another question and therefore I propose to deal with it at the end. Now, the matter, Sir, in which the powers of district officers very largely come into play relates to the separation of judicial and executive functions. I do not think it is necessary for me to enter into that story at this stage. There have been two full-dress debates in this Council—one on the 7th March 1913, and the other as recently as the 9th March 1921, when the Honourable Mr. Bhurgri brought forward a Resolution on the subject of the separation of judicial and executive functions. The reason, Sir, why I do not propose to go into that question is, that I take it that the Government, as a matter of fact, have left the matter to the control of the Provincial Governments. Several Provincial Governments have already appointed Committees. Those Committees are at work and therefore I do not think it necessary for me to press a matter in which action has already been taken by Provincial Governments. Then naturally the question will be put to me: "If you take away all the powers from the district officers, what are these highly paid officials to do?" As to that, I shall simply say that the function of the Collector, as the name implies, is to collect land-revenue and other revenues. Let him do that. Well, now perhaps it may be pointed out that there will not be sufficient work left for the Collector to do. If that is so, I say—Make him head of the police. These two functions are somewhat connected and they to a certain extent go hand in hand. Let the Collector be the head of the Revenue Department as well as the head of the police. Now I may in this connection say that we can provide sufficient work for the Collector, if, as has been pointed out by several Provincial Legislative Councils, we abolish the Divisional Commissioners and give their powers in revenue matters to the Collectors.

That question again, Sir, I do not propose to go into to-day, but suffice it to say that Resolutions have been passed by various Provincial Legislatures to the effect that Divisional Commissionerships should be abolished. In that case we shall have to arrange for the transfer of certain revenue and appellate work; and in my opinion that work can safely, and very properly and legitimately, be entrusted to the Collector.

Lastly, I come to the Police and I think the Collector will be the best person to deal with that department.

Then, Sir, comes the question of cost. It is pointed out in season and out of season that if we embark on these expensive experiments, the cost we have to incur will simply be crushing to India. I for one, Sir, am not prepared to accept this proposition. No doubt schemes were prepared behind our backs; we do not know how those schemes were prepared which entailed the incurring of enormous amounts of expenditure for the carrying out of these reforms. But to-day, Sir, I venture to say that with very little additional cost, if any at all, we shall be able to carry out the reforms that I have proposed here.

The last point which perhaps may be urged against my Resolution is, that since the matter relates to a transferred subject which has been made over for administration to the Ministers in the provinces, the proposition should not be discussed in this Council, inasmuch as this Council is not as competent as the local Councils or the Local Governments will be in this matter. Now, Sir, I have only a few words to say before I know what is the line which will be taken by the Honourable Member who will reply to the Resolution on behalf of Government. What I submit is this. No doubt, so far as the details of these transferred subjects are concerned, they can only be worked out in consultation with, and on the initiative of, the Ministers who are in charge of the departments in the Provinces; but so far as the broad and general questions relating to the happiness and welfare of the vast majority of the people of British India are concerned, I think those questions are just the questions which should be tackled and discussed in this Council. The initiative for taking up things for a long time to come must come, I may say without casting any aspersions on the Ministers, from this Legislature, or the other Chamber (Cries of "No"), and therefore I submit, Sir, that it is this Council which should take the initiative and which should give, if not the initiative at least advice, to the provinces in matters relating to general principles. I heard a voice say "No." I do not know how far the Honourable gentleman knows the actual working of these transferred departments, but as he is nodding his head perhaps he knows about it. Well, Sir, I wait for his speech and I will see what are the practical objections he or any other Member of this House has to urge against my proposition. I will now, Sir, sit down with a view to see what is the attitude of Government on this question, which, I hope, will not be unreasonable.

12-3 P.M. The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: Sir, I am only speaking on the Resolution and I shall speak on my Amendment later on.....

The HONOURABLE THE PRESIDENT: Does the Honourable Member wish to move the Amendment of which he has given notice just now?

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: I do, Sir.

The HONOURABLE THE PRESIDENT: The effect of that Amendment is this. It supersedes the original Resolution except in so far as it relates to district and

[The President.]

taluka boards. If the Honourable Member is going to move his Amendment at all he must move it now, for otherwise a fruitless discussion might ensue. I shall read the Amendment to the Council, because it is not on the paper. Here I may point out to the Honourable Malik that this Resolution has been down on the Notice paper for four or five days. His own Amendment* has been down on the paper for the same period; yet during all this time he has taken no action whatever; he now comes forward with a new Amendment which has the effect of entirely changing his former Amendment as well as the Resolution. I think he has not treated the Council fairly, and I think he has not treated the Honourable Member who has moved the Resolution fairly either. The Resolution, as amended by the Honourable Malik, would run as follows:

'This Council recommends to the Governor General that District Magistrates and Collectors should be relieved of the office of President of the District and Taluka Boards.'

If the Honourable Member desires to move that Amendment he must move it now.

The HONOURABLE MR. H. D. CRAIK: On a point of order, Sir. Is it within the discretion of an Honourable Member to put forward an Amendment at this last moment? May I point out that this Amendment entirely changes the meaning of the Resolution? Indeed, it actually makes it a Resolution which should be dealt with by another Department than that which I represent.

The HONOURABLE THE PRESIDENT: I could hardly accede to that last proposition, because the Honourable Member's Amendment even as it stood before on the paper referred to district and taluk boards, and that Amendment has been on the paper for four or five days. If the Department of Government concerned is not represented here, all I have to say is, that it ought to be.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: Sir, I am sorry I was unable to give this notice earlier; but when I carefully read the Resolution I thought that the Resolution could not stand, because it was very vaguely worded and parts of it were contradicting each other. It is for this reason that I had to change my Amendment to what it is now. In reality, Sir, in my new Amendment I have only deleted three words of my former Amendment and put the remaining words in a different place, instead of placing them at the tail...

The HONOURABLE THE PRESIDENT: I have already explained to the Council that the new Amendment entirely changes the purport of the Resolution.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: The Resolution as I would amend it reads as follows:

'This Council recommends to the Governor General in Council that District Magistrates and Collectors should be relieved of the office of President of District and Taluka Boards.'

That comes in place of the rest of the Resolution. I want to say, Sir, this about decentralisation. We are already feeling difficulty here in this House that in many of our Resolutions which we bring forward we find they are Provincial, and we cannot speak on them, I gather from that that sufficient decentralisation has been given to the provinces. Now I come to the Provinces. The Provinces are again divided into divisions. We may call it decentralisation or centralization in one way.....

* and further recommends that District Magistrates and Collectors should be relieved of the office of President of the District and Taluka Boards.'

The HONOURABLE THE PRESIDENT: If the Honourable Member is speaking on his Amendment, he really must confine himself to the terms of his Amendment, *viz.*, that District Magistrates and Collectors should be relieved of certain duties which he has specified.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: I have been.....

The HONOURABLE SAIYID RAZA ALI: May I know, Sir, whether the old Amendment or the new Amendment is under discussion?

The HONOURABLE THE PRESIDENT: I find some difficulty myself in comprehending what is being moved.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: I have been in these taluk boards myself for over 25 years and was present before the Public Services Commission; and I put before them that so long as Deputy Commissioners remain as heads and Presidents of these boards, there was no use whatever in keeping any other Members at all because they dictated the whole thing to the Members; and if there was any Vice-President any day that the President wanted to save himself from doing anything which was unpopular, that day of course the Vice-President was allowed to preside. Then, Sir, most of these boards have been carried on for the pleasure of certain officers. For instance, wherever there has been headquarters, useless roads have been made all round the place for the *hawakhare* of the Sahib. There was one headquarter which had a circular road; the headquarter has been removed from there and the road remains there now and nothing but jackals pass along it. If these six miles instead of being constructed there were put between one or two tahsils, it would have been more useful to the public. The whole thing hitherto has been that especially in the outskirts of the province, public servants have been considering themselves and posing as *Badshas* and they have done nothing for the good of the public but for their own welfare. The public have been paying the rents all the time, and where these rents went, or what benefit the people got out of paying these rents to the district boards, it is very difficult to see in most districts. Now, I want to show one thing, which I think will interest the House very much. Here I have got an agenda of one of the district boards. In these four pages there are about 11 items, and the Deputy Commissioner has dictated practically the terms to the whole district board. Here it is written that "Deputy Commissioner Sahib *Ká ittifáq rái hai aur bamái manzúri* Sahib Deputy Commissioner".....

The HONOURABLE THE PRESIDENT: The debates of this Council are conducted in English, and as the Honourable Member is quite able to express himself in English I would ask him to do so.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: But I am translating it; I would have translated it at once if I was allowed to do it. It means that the Deputy Commissioner wants this. In another place it contains this, that the Deputy Commissioner has already sanctioned a thing. The thing has not been before the district board, yet it is written before that the Deputy Commissioner has sanctioned it and simply sends it to the district board.....

The HONOURABLE THE PRESIDENT: I find some difficulty in understanding the arguments of the Honourable Member. The Honourable Member is reading from a paper which is apparently written in a vernacular of which neither myself nor any Member of this Council has any copy.

[Colonel Sir Umar Hyat Khan.]

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN : I only wanted to show you, Sir, and to the Council through you that such things do exist ; and when members are not elected, but nominated and nominated by the same officer they dare not say anything. As the Persian proverb goes, if the King says in the day that it is night, well, you ought to say " Yes, my Lord ; there are the moon and stars."

That is why I say that such officers should delegate as much of their powers as possible to Indians. The Municipalities and Local Boards were meant from a long time.....

The HONOURABLE THE PRESIDENT : The Honourable Member has not put down his Amendment in those terms. He has not said anything about it, whether a European or Indian should be relieved of certain duties.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN : That is why I say that the official members should leave the work of the District Boards in the hands of Indians so that they may learn something in the way of self-government, and I appeal to the House, after considering the disabilities in our way, to support my Amendment if at least the Resolution is not carried.

The HONOURABLE THE PRESIDENT : The original question was :

That this Council recommends to the Governor General in Council the removal of the highly centralised system of administration that obtains in this country under which many classes of officials, especially District Magistrates and Collectors, have vast powers.

The Honourable Colonel Sir Umar Hayat Khan has moved an Amendment which has the effect of striking out all the words in the Resolution after the words " in Council " and substituting the following words, *viz.*, " that District Magistrates and Collectors should be relieved of the office of President of the District and Taluka Boards." That matter is now open to debate in the Council.

The HONOURABLE MR. E. S. LLOYD : Sir, speaking strictly on the Amendment before the Council, I may say that the object which the Honourable Mover of this Amendment seeks to accomplish has already practically been effected in the Madras Presidency. I do not know whether the Council is aware that last year a new District and Local Boards Act was passed in Madras which conferred very wide powers on District and Taluk Boards, and provided that the Presidents might be elected or nominated. That policy has been followed, and almost throughout the Presidency District Magistrates and Collectors have been relieved of their duties as Presidents. I do not want to say anything more at the present moment, because if this Amendment is carried, the more contentious part of the Resolution on which I should have liked to have said a few words will fall to the ground. So far as the Amendment is concerned, I am prepared to vote for it.

The HONOURABLE HAJI CHOWDHURI ISMAIL KHAN : Sir, representing as I do a Bengal Constituency, I feel that I would be failing in my duty if I support the Amendment of my friend, the Honourable Colonel Sir Umar Hayat Khan, by a silent vote. I may inform the House that in my province the experiment of placing the District Boards under non-officials was started before the inauguration of the Reforms, and the experiment proved so successful that now all the Boards, with only one or two exceptions, enjoy the

privilege of having non-officials as their chief executive and the Government report and public opinion agree in the statement that the work of the Boards is being carried on very satisfactorily. I may add that District officers have so many onerous duties of various sorts that they have to leave much of the work of the Boards in the hands of their Vice-chairmen and the staff, the result being the exercise of power by people who have no responsibility. Besides, the administrative and executive work of the Boards is a training ground for my countrymen and would give them experience and that sense of responsibility, which would be very useful, when we receive gradually responsibility for the administration of the country.

The District Officer is, in official parlance, the man on the spot, and I think his duties on the main should be to watch the working of Local Bodies and to exercise his influence from without and not from within. The officials have to train us for full responsible government and no better beginning can be made than by letting us have full control over the Boards. With these few words I support the Amendment.

The HONOURABLE MR. E. L. L. HAMMOND : Sir, I only rise to ask whether, in the event of this Amendment being carried, the Resolution will then, as I understood from the Honourable Mr. Lloyd's remarks, be excluded from discussion ?

The HONOURABLE THE PRESIDENT : Certainly. As I have already explained, the effect of the Amendment will be to strike out all the words of the Resolution and leave the Resolution entirely confined to the words " District and Taluk Boards."

The HONOURABLE MR. E. L. L. HAMMOND : Sir, I merely rise to say that I oppose the Amendment in the hope that we may be given an opportunity of discussing the other interesting points raised by the Mover of the Resolution.

The HONOURABLE MR. H. D. CRAIK : I should like to explain, Sir, that the policy of Government on this question was stated, I think, three years ago in a Resolution. It was to the effect that there should be non-official Chairmen in all District and Taluka Boards, and I should therefore, on behalf of Government in ordinary circumstances, have accepted the Resolution to that effect. But I am not prepared to accept the Resolution in the way in which it has been moved by the Honourable Sir Umar Hayat Khan, because it will have the effect of making the main Resolution, which I desire to oppose, fall to the ground. For that reason I propose to vote against the Amendment.

I would, however, like to address one or two remarks with reference to what has fallen from the Honourable Mover of the Amendment. I recognise that the Honourable Malik Umar Hayat Khan has a natural predilection for banter of a jocose kind, but I think he rather outstripped the limits of discretion when he suggested that District Magistrates as Chairmen of District Boards spend District Board funds on their own amenities and conveniences. I come from the same province as the Honourable Malik, and I may say that I have been myself Chairman of a District Board, and on behalf of myself and my brother officers, I desire most emphatically to repudiate that suggestion, and I hope the House will take it that this is a matter on which I speak with some personal experience. I have no hesitation in saying that there is no official Chairman of a District Board in my province, whether an Englishman or an Indian, who has ever done, or who is capable of doing, an act of that kind,

[Mr. H. D. Craik.]

I would also like to refer to another point in the Honourable Sir Umar Hayat Khan's speech. He read out to this House the translation of a phrase in the vernacular which was totally incorrect. The correct translation of that phrase, Sir, is not that "the Deputy Commissioner wants this," but "the Deputy Commissioner agrees to this." That seems to be a very material difference.

12-19 P.M. The HONOURABLE SIR MANECKJI DADABHOY : Sir, I rise to oppose this Amendment for two reasons. In the first instance, to my mind, this Amendment is entirely superfluous, and, secondly, it shuts out a very interesting and important debate on the original Resolution. So far as my province is concerned, what is now desired by the Honourable Mover has been practically accomplished in most of the districts, and I understand it is more or less established in almost all the Presidencies. In view of the policy steadily adopted by the Government of India and the Provincial Governments in this matter, to my mind, this Amendment is wholly superfluous at this stage. I therefore for these two reasons oppose the Amendment, and I also trust that this Council will forthwith reject it.

12-20 P.M. The HONOURABLE RAJA PRAMADA NATH ROY OF DIGHAPATIA : Sir, coming as I do from Bengal, I may say that we have already got Chairmen of District Boards and Municipalities elected non-officials and so I think the Amendment brought forward by the Honourable Sir Umar Hayat Khan is unnecessary. In my province I can say definitely that no Chairman of a District Board or of a Municipality has been known to have spent public money on his own account. I have many friends who are serving as Chairmen of District Boards and Municipalities, and I know that such a thing is not even to be thought of. I therefore oppose the Amendment.

The HONOURABLE THE PRESIDENT : If the Council is really anxious to get on to the main discussion—and I gather that Honourable Members are—a large number of speakers on the Amendment will prevent it.

12-21 P.M. The HONOURABLE DIWAN BAHADUR V. RAMA BHADRA NAIDU : Sir, I should also like to add a few remarks to the discussion which has taken place on this Amendment. In the first place, I should like to say that I am not in total agreement with the Amendment. Under the new scheme, Municipalities and District Boards, being a transferred subject, are under the Provincial Governments and the members of those Boards, so far as the Madras Presidency is concerned, are given the powers of election. But the difficult question is that we cannot get suitable men to serve on them. We are anxious to use those powers, but we cannot find the right people who will understand the responsibility which rests upon a Member.

Then in reference to a remark made by my Honourable and gallant friend, I should like to point out that no Collector has anything to do with the administration of Municipalities; but only Deputy Collectors, or Divisional officers as they are called in my Presidency, are placed in charge of them only in regard to Municipalities of recent creation. In the present state of things I do not think it will be safe to deprive Collectors and Magistrates of any of the powers which they now possess.

With these few words, Sir, I sit down.

The HONOURABLE SIR ALEXANDER MURRAY : Sir, I move that the question be now put.

The Motion was adopted.

The HONOURABLE THE PRESIDENT : The question is that in the Resolution moved by the Honourable Saiyid Raza Ali the words which follow the words " Governor General in Council " shall be omitted and the following substituted :

' that District Magistrates and Collectors should be relieved of the office of President of the District and Talaqa Boards.'

The Motion was negatived.

The HONOURABLE THE PRESIDENT : The Council is now back on the discussion of the original Resolution moved by the Honourable Saiyid Raza Ali.

The HONOURABLE MR. E. L. L. HAMMOND : Sir, it is with a sad heart that I rise to oppose this Resolution, because I am afraid 12-23 P.M. this will probably be the last speech which I shall have the honour of addressing to my friends—if I may so call them in this Council.

I could not ask for a better subject for my speech than the defence of an office which for many years I have held myself, nor could I ask for a kindlier audience before which to plead the cause of the hard-worked, over-worked beast of burden—the District Official. I do not wish, Sir, to magnify my own profession, but neither do I propose to apologise for it. The Honourable Mover went out of his way to pay lip-service to the work done in the past, but if we examine the ingredients of the pill which the Honourable the Mover of this Resolution wishes to administer, we come to this that stripped of all its verbiage, his speech is in effect a vote of a lack of confidence in the District official. He referred to the good work done by the District officers in the past, but he was also at some pains to call them a foreign body and also, if I am not mistaken, he said that they lacked the confidence of the public and he pointed out

The HONOURABLE SAIYID RAZA ALI : I did not say that.

The HONOURABLE MR. E. L. L. HAMMOND : I am speaking within the recollection of the Council. He referred to the District Magistrate and the officials as a foreign body. I also understood him to say—I shall be glad to be assured that I am wrong—that they had lost the confidence of the public.

Now, the Honourable Mover detailed to some extent some of the duties of the District Officer. I would suggest to this Council that the statutory duties are only part of his work. There is a lot of other work which devolves on him by custom. There is some work, you might say, which has come to be part of his work by process of evolution. For years the District Officer has been the one man in the District—the Administrator—everybody has gone to him, whether they were his superiors or whether they were the people round him. Take for example one instance of responsibility for which there is no law as far as I am aware, take the case of famine. Any young civilian when he comes out to the country is told that he is personally responsible that no man or woman dies in his district from famine. If it happens he is held responsible. Now, to whom would the Honourable Mover assign that responsibility? It is a very serious one, it is one that causes a great deal of trouble. About the time of the monsoon go to the districts and you will see every District Official looking out to see what chances there are of a timely rainfall.

[Mr. E. L. L. Hammond.]

It is a matter of most anxious moment, and I would ask the Mover again, to whom would he assign that grave responsibility? That is one case. Then take all the little petty routine matters of daily life. Show me, Sir, a Collector whose verandah is empty of *mulakatis* or at whose gate there are no people standing with petitions, and I will show you an officer who is not doing his duty. He is a link between the public and the Government, and it is not the exercise of his powers so much as those tremendous opportunities that are given to him which constitute his powers—powers conferred on him in no small measure by the people.

Sir, I think when the time comes for me, as come it must for all of us, to look back on my life and review it in the perspective of the past, it will not be the abuse of power that I shall regret, but misused opportunities, or the lost opportunities of doing useful service. There are bound to be many such cases, and I shall think perhaps that when the days were long and my temper was short, I may not have been able to do as much as I could in return for the unfailing courtesy and kindness I have received during the 25 years of my service, most of it spent as District Magistrate. I look back with pleasure on that life, that very happy life, as District Officer, and I should like to think that it was not without use to the Districts I had to administer. I have been submitted at times to the most virulent criticism in the public Press, but any sting likely to irritate was removed when I learnt that those criticisms were paid for at double advertisement rates.

Even now at this stage of my life if I can be of any further service to the country by staying on and helping its people on the difficult and troublesome path which they must traverse before they can arrive at self-government, I should be very willing to do so. But, Sir, it is sad, it is much worse to be utility expired: but by far the worst of all to be "time expired" would it be to be labelled "Not wanted on voyage," and that is the label which the Honourable Mover desires to put on those Officials to whom he has referred. I invite this Council to repudiate it and say "No, the time is not yet ripe, the District Officer is not yet an anachronism, and we still need his help and allow time to carry out the policy of Government." We know that the time will eventually come when the District Officer will be asked to commit *hari hari* and we know he will do it as gracefully and gently as possible and get the assistance of the public in doing it. Sir, it has been brought to my notice that some Honourable Members of this Council play cards for money.

Years ago in the nursery I myself played cards for sweetmeats with my brothers and sisters. It was a game called "sympathy or antipathy." You took the cards and if a red and black came out that was antipathy. If two reds or two blacks came out that was sympathy. I would like this Council to elect the game of sympathy, to send a message to these hard-worked officials—and there is no man who has had a more anxious time than some of these district officers—to send them a message of sympathy to encourage them in their difficult and arduous task. I ask the Council not to adopt the Resolution as it stands, which, speak of it as you may, is in point of fact a vote of want of confidence in those who can at least say in the words of that eloquent pathetic epitaph in the Lucknow cemetery: "We tried to do our duty."

The HONOURABLE MR. F. G. PRATT: Mr. President, I oppose this Resolution. I have listened with a great deal

12-31 P.M.

of interest to the arguments of my Honourable friend Saiyid Raza Ali and I see quite clearly that he thinks that his proposals will tend to the better administration of this country. But I oppose them because I am convinced that they will have precisely the opposite effect. I believe, Sir, that they will weaken the power of Government, they will impair its authority and they will have the effect of throwing out of gear and dislocating its administrative machinery. I will come back shortly to some discussion of the detailed proposals and views which the Honourable Member put forward in his speech. But, before doing that, I wish to put before the Council some general considerations; and the first of these, Sir, is that, if the Council accepts this Resolution in the form in which it stands, it will commit itself to a somewhat dangerous recommendation. We are asked, Sir, to recommend that the highly centralised system of administration should be removed, and coupled with that is the Honourable Member's objection to the vast powers wielded by certain officials under that administration. Well, Sir, I want to put it to the Council that it is a dangerous thing to remove a system of administration if you have not quite clearly thought out any alternative, and it did not appear to me that the Honourable Member had clearly thought out any alternative. It is a dangerous thing to remove a system if you have not got something immediately ready to take its place and, if we want an illustration of that danger, we have only to look abroad to see what has happened in Russia. Now, Sir, under the present circumstances of this country, with recent events fresh in our minds, recent events at Malagaon, at Dharwar, and last in the Malabar district, one would not be guilty of a platitude if one were to insist that a strong Central Government is an essential condition of public welfare and security. Such a Government must have at its disposal a corps of executive officers invested with power and authority sufficient to enable it to give effect to the policy of Government and to carry out its orders. And, Sir, I go further and say that this is true, whatever may be the nature and constitution of the Central Government; whether it be an autocratically organised Government or whether it be a Government elected by popular suffrage and responsible to public opinion, a Government, in fact, of the responsible type; which it is a matter of confident hope and expectation among many will sooner or later be established in this country. Now, under both these types of Government, Sir, the corps of officials, the bureaucracy occupies the position not of masters but of servants. I will have more to say about that later on when I discuss the Honourable Member's remarks about the position of Commissioners and Collectors under Ministers in transferred departments under Provincial Governments. But I do not think that the Honourable Member has sufficiently realised that point, and I hope that the Council will bear that clearly in mind when they come to vote on this Resolution. My Honourable friend objects to the vast powers of these officials, but he forgets that the officials who exercise these powers wield them not in their own rights, but they exercise delegated authority. They are servants, selected servants, trusted servants, placed in positions of authority by their masters in order to give effect to the policy of their masters. My Honourable friend objects to the district officer in fact because he is too powerful; but that objection, if it be analysed and examined, will be found to come to this. It means this—"I object to these too-powerful officers because I cannot influence and

[Mr. F. G. Pratt.]

control their actions." Now, Sir, if that be examined, it comes to this, that his objection is not against the officials, but against the bureaucracy, who are after all not masters but servants of their Government—his objection is not against them but against the Government which controls them. He cannot control them because he cannot control the Government which is in power over them, the autocratically organised Government which is in power over them. These officials, whatever they do, whatever powers they exercise, exercise them as I said just now in a position of delegation, and whatever they do they do under the strict control of, and in subordination to, the Central Government. Now, Sir, I ask the Honourable Member if his objection to the vast powers of these officials would still hold good if the masters of these officials were under his control and influence. He complains that he cannot control and influence the servants but, if he was able to control the masters, would his objection to the delegated powers of these officials still hold good? I think, Sir, that it would not.

My Honourable friend seems to be under the impression that there is something incompatible with democratic principles in the position of a highly centralised Government with powerful officials, serving under its control and supervision. Well, Sir, in the course of his remarks the Honourable Saiyid Raza Ali referred to the French system of administration. If he has studied, Sir, books upon French administration, he must have read of the position of the French Prefect who combines and concentrates in himself powers and authorities which are considerably wider, considerably greater than the powers and authority which the Collector or Deputy Commissioner of an Indian district exercises. There is hardly any activity, there is hardly any department of public, national or local life in a French Department with which the Prefect is not intimately concerned and over which he has not a controlling authority. Education, local self-government, public health, police, communications, the right of public assembly, all these matters are in the hands of the French Prefect. No Frenchman thinks of objecting to that because he knows that the officer who wields these large powers is the servant of a responsible Government. If the administration goes wrong, if that officer conducts the administration, or if many such officers conduct the administration in a way of which he disapproves, he knows that he can turn the Government. He can control the Government. He does not want to control the servant because he knows that he can control the masters. My Honourable friend has not had very long experience of living under a responsible government. But I am sure, Sir, that in the years to come, he will adopt the French view in this matter. He will not think of objecting to a Collector wielding large powers, whether that Collector be a foreigner or whether he be an Indian Collector, or an Indian Deputy Commissioner. He will not object to the large powers which he wields, because he would know that those powers are exercised under the strict control and subordination of a popular and representative government which he can influence and control.

Now, there is another point of view from which my Honourable friend objects to these powerful officials which should be considered. If that objection had been raised, say, in the year of grace 1916, his position might have been intelligible. But, Sir, our Provincial Governments are not now in a static condition. They are undergoing rapid evolution exactly in the direction of the reform which my Honourable friend desires, that is to say, in the direction

of a reform of the constitution under which the masters of these powerful officials to whom he objects would be subject to popular control and influence.

I come now, Sir, to make some remarks about the detailed proposals of my Honourable friend. We get no suggestion in the Resolution as framed by him of anything constructive. His Resolution is purely destructive, to pull down and remove the existing system of administration. Now, let us see what are the concrete proposals which he puts forward. First of all he says that the Collector need not have all these extensive powers. There are several other departments among which they may be distributed, let the Collector as we now know him, disappear and let us set up instead a mere Tax Collector and let the other Departments be self-contained and each one attend to his own business with no officer of wide experience and authority co-ordinating them, controlling and advising them and putting things right when they go wrong. Well, Sir, such a system, I submit, would be intolerable. First of all, from the point of view of the public, in this country as in France, people for generations, for centuries, have been accustomed to a highly centralised system of administration, and they have been accustomed to look to some authority on the spot. In this country of vast distances and very bad communications they have been accustomed to look to some local officer to whom they could go. What, then, is the system which my Honourable friend suggests for substitution? One of the petitioners who throng, as my Honourable friend over there told us, the verandahs of the Collector will come to the new Tax Collector and say, 'I have a grievance'. The Collector will say: 'This is not my business. You must go to that department'. Well, Sir, we all know that in matters of administration activities of departments overlap each other. He will go to Department A. Department A will send him on to Department B and so the unfortunate man will be driven from pillar to post and will not be able to look with confidence to any one individual for a redress of his grievances. Sir, I am sure Honourable gentlemen in this House who have experience of mufassal administration will agree with me that the public would regard this as an intolerable situation.

Then, again, from the point of view of Government. They must have on the spot somebody to whom they can look for advice and information. They will have no such officer. The officer of wide experience and authority will have been put down and they will have nobody except a group of Departments or Departmental Committees to whom they can look for advice. They will have no powerful single officer on the spot who will be able to give effect to their orders or to carry out their policy. That, from the point of view of Government, would be bad, because it would weaken their authority and the efficiency of Government.

Now, Sir, perhaps my time is getting short, and I must not prolong my remarks, but I do want to record a most emphatic protest on the part of Commissioners and Collectors against what my Honourable friend has described as their position in the administration of transferred departments by Ministers. Sir, I cannot say too emphatically that Collectors and Commissioners serving under Ministers in transferred departments do with absolute loyalty look to those Ministers as the directors of policy and look upon themselves as their agents for carrying out whatever orders may be necessary in order to give effect to that policy. They serve and will serve the Ministers just as loyally as they formerly served the Members of Council in those Departments.

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There was another point which was mentioned in his discussion of the activities of the Ministers. He says the Ministers will not want us because they will be able to carry on the administration. Now, Sir, that to my mind shows a misconception on the part of the Honourable Member of the radical distinction between Government and administration. Government is one thing and administration is quite a different thing. Government lays down lines of policy. You do not want an administrative expert for it; you want a statesman. But for the detailed administration you want your trained official, and I submit, Sir, that the Ministers of the present day, and perhaps still more, the Ministers of the future, will stand in need of trained administrators in order to give effect to their policy. These, to my mind, are the serious objections to the proposals put forward by the Honourable Member. But there is another consideration which I think must carry very great weight with this Council, and it is this, that our Provincial Governments at this moment are in a state of transition. They are crossing over from a system of autocratic government, and they are on their way to a system of responsible government. There is a proverb which says that "you must not change horses when you are crossing a stream." It might perhaps not be too fanciful to describe the Provincial Governments as something like this. You have got on the box two coachmen, the near one holding rein and the other the off-rein. The administrative team is pulling hard to get across to the *terra firma* of responsible government. And it is now when we are hardly half way across that my Honourable friend advises us to take out that team and to put in new and untried horses. Well, Sir, I submit that that is a very dangerous experiment to make. I have tried, Sir, to show that my Honourable friend's proposals are bad in themselves and they are especially dangerous and mischievous at a time of transition. I hope that the Council will reject them.

The HONOURABLE THE PRESIDENT: I must ask the Honourable Member to bring his remarks to a close as soon as possible as he has exceeded his time.

The HONOURABLE MR. F. G. PRATT: I have finished, Sir.

The HONOURABLE SARDAR JOGENDRA SINGH: Sir, as the Honourable Mr. Pratt has just pointed out, the directors of the new policy are the Councils. The new policy is still in the making and it will be dangerous to pass here a vote of want of confidence in the District Officer who is upholding law and order in the country. I know Collectors who are loved and Collectors who are not loved, but the system on the whole has worked well. During this period of flux, when the whole policy of the Government is undergoing a change, and the new Government is coming into power and feeling its way, I hold that the authority of the Collector should be maintained for the sake of law and order and for the sake of self-government which we all desire. The Honourable Mr. Hammond in a very eloquent speech pointed out the good and useful work that is being done by every Collector and District Magistrate. I entirely agree with him. I have seen how they devote all their time in relieving famine and distress and in the redressing of wrongs. There are men who fail in their duty, but that does not matter. There are others who have made the British rule what it is in India, and it is the Collector on whom rests the whole responsibility of carrying out the government of the country. Take away his powers and what remains?

12-50 P.M.

You have no authority in the district. There is no one representing the Government to whom the people could turn in their hour of distress. In my time I have flirted with the idea of democracy and sought new ways to individual freedom. I do it still, but I am finding now that individual freedom can only be found when the forces of freedom and forces of autocracy are properly balanced. I am at present supporting authority, because I feel that forces of democracy are tilting the balance on the other side. Perhaps to-morrow I will be supporting democracy if I find autocracy is gaining ground. To the Honourable Members of this Council and to others outside who are anxious to set the world right immediately, I would recommend a very interesting book on the "Limits of Democracy" by Mallock. This book very carefully points out that freedom is not attained by merely destroying authority, but freedom is found when the authority is properly established and is controlled by the voice of the people. As Mr. Pratt pointed out a little while ago, it is for these Councils to enunciate new policies and the administration will carry them out, but we cannot afford to destroy the machinery which we need to carry out our will. Is it necessary that we should destroy our agents who are doing the work which we want them to do, in the interests of the good government of the country? Therefore, Sir, I am very sorry I have to oppose this Resolution which my Honourable friend has moved. I wish to utter a word of defence for my Honourable friend Sir Umar Hayat Khan regarding the management of district boards. It is not a matter really before the Council so far as I can understand.

THE HONOURABLE THE PRESIDENT: The Amendment has already been lost.

THE HONOURABLE MR. E. S. LLOYD: After what the Honourable Mr. Hammond and the Honourable Mr. Pratt have said, I do
 12-53 P.M. not think that I have very many words to add, but I do want to associate myself with what the Honourable Mr. Pratt said about these new Councils and these new bodies, whether taluq boards, or district boards, or whatever district authorities may be set up, that they should confine themselves to their proper and legitimate sphere of activities. I think these were the words which the Honourable Mover used. He asked that the district officials should confine themselves to *their* proper and legitimate sphere of activities, and I think we might do the same with these new Councils and bodies. It is of course true that there must be changes in the districts, that the personal rule of the Collector must gradually give way to a some more constitutional form of government, and that these taluq boards and municipalities will probably have greater powers, but as they are, they are constituted for a particular purpose. The district boards are constituted to look after roads, and the Municipalities to look after drains and various other things. But in Madras especially there is a distinct movement that these Boards should encroach on what I think is rather beyond their legitimate sphere of activities. For instance, I saw a Resolution the other day in Madras, which was fortunately not carried, that the taluq boards should be consulted in all cases of assignment of land. It is very very difficult to see what a taluq board has got to do with such questions as the assignment of land. It is surely exactly what Mr. Pratt said, that there should be some things left to the district officers who presumably know their job and have discharged it, as has been very kindly pointed out by the Honourable Mover, at any rate in the past, efficiently. Very well, Let us confine ourselves to our

[Mr. E. S. Lloyd.]

own duties and leave these other bodies to their duties also. Let the Legislative Councils by all means mark out policy, and let the Collectors and District Magistrates carry it out. They are, after all, only the agents of Government. They must be the agents also of the Ministers. Ministers will want advice, they want help, and above all things, they will need agents to carry on the dull routine work of administration, whether it is tax-collecting or keeping law and order, work which has got to go on day by day and which I think only the District Magistrate and Collector is competent to carry out. Therefore, instead of curtailing their vast powers, we should certainly allow them to carry on. Reformers are always in such a hurry. Surely the very last thing that ought to be attacked at the present moment is the district administration. Surely during this time of transition let the old routine work of the districts go on as before.

12-58 P.M. THE HONOURABLE SIR MANECKJI DADABHOY: I regret I cannot see my way to support this Resolution. I came to this Council with an open mind on the subject as I could not altogether comprehend the nature and purport of the Resolution. The Resolution as it is worded is wide in its scope and character, but the interesting speech which the Honourable Mover made this morning has given us some clue as regards the direction in which he wants limitations to be imposed on the powers of the district officers. I have followed his speech with considerable interest, and I noticed, as Honourable Members must have noticed, that, though observations and generalisations of a very extensive character were made, my Honourable friend was not in a position to propose any constructive schemes or any methods by which the powers of the district officers could be usefully curtailed. In fact, he was unable, as he himself admitted, to suggest any definite scheme in this direction. I do not wish to traverse the ground which has been so ably covered by my friends, the Honourable Mr. Hammond and the Honourable Mr. Pratt. I fully associate myself with what they have said generally as regards the work of the district officers, and I can testify to this from my close 30 years' connection with the district officers. In my professional career I had very much to do with them, and had great opportunities of observing their work, and I fully testify to the marvellous and the very useful services rendered by them. I am very sorry that these reforms will curtail to a certain extent the good services which these men have done in the past. I have often travelled in the interior of the districts and I have watched with great satisfaction large numbers of people collecting in the districts, stating their complaints and their grievances to the district officer, looking upon him as the *ma hap* of the district, looking to him for advice and for guidance upon various difficult matters, when they are oppressed by their landlords, or when they are oppressed by their troublesome neighbours or other people. I cannot therefore join the Honourable Mover in asking for the curtailment of his powers. My Honourable friend has said that a District Officer is an anachronism at present. He will forgive me if I tell him that to my mind this Resolution is an anachronism at present. The powers which are now given to the Provincial Governments and the powers which are given to the Ministers take away to a great extent the powers of the District Officers. The District Officer is now not so omnipotent as my Honourable friend thinks him to be. My friend in the course of his arguments has really confused the functions of Government with the administrative functions of such officers. As the Honourable Mr. Pratt has rightly pointed out Government only lays down the

policy and the principles of administration, but the policy and the principles are to be carried out by administrative officers, and in order to be able to do so, these administrative officers should be men of considerable training and experience.

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

It is therefore impossible to dispense with the powers which they enjoy at present. I also think that it is an inopportune time to move a Resolution of this character just at present. Barely nine months have passed since the Reforms have come into operation. The Reforms are now undergoing the experimental stage. We have to find out how far the prognostications entertained by Government and the people in regard to the success of the Reforms are realised. We have to see how far the District Officers and the Ministers, assisted by their various Councils, are able to perform their duties. To bring in this Resolution at this time for the curtailment of powers and for the transformation of the whole machinery of Government seems to my mind to be a very injudicious and improper thing. I may also point out to the Council, as one of its oldest Members, that a discussion of this kind has not come up before this Council now for the first time. This very subject-matter of the Resolution in another shape was moved in 1912 by that great statesman, the late lamented Mr. Gokhale. The matter was fully discussed in the old Imperial Council, and various divergent views were then expressed on the subject. In consonance with, and in deference to the wishes of, that great statesman, Sir Reginald Craddock in 1912 introduced a Bill called the Devolution Bill in this Council for the delegation of the powers of District Officers and others to their subordinates. He pointed out at the time the Bill was introduced the numerous difficulties which he had to contend with. That Bill was circulated to the provinces and Sir Reginald Craddock later in the Council had to confess that it was impossible to devise a scheme of devolution which would meet with the wants and requirements of the country and be generally serviceable, and he was ultimately constrained to withdraw that Bill. My Honourable friend fully recognises the difficulties and I must give him the credit for appreciating the great difficulties that beset his proposals. He has stated that this Council should take the initiative in this matter, that the Government of India likewise should take the initiative and give its benevolent advice to the Provincial Governments how to proceed in this direction. I think we can safely leave the matter to the reconstituted Provincial Councils. I think we can safely leave it to the Ministers and our new Members of the Executive Government to do their duty in this connection. I think that to make suggestions of this sort would be rather tantamount to want of appreciation of their work, and would savour of a reflection on the character and nature of the good work they are now doing. I would, therefore, for the reason which I have stated request my Honourable friend to see his way to withdraw the Resolution.

The HONOURABLE MR. H. D. CRAIK : Sir, I have only one or two words to make in regard to this Resolution, for the arguments which the Honourable Mover has produced in favour of it have been so completely demolished by previous speakers, that it is really hardly necessary for me to speak at all. But as my silence might be construed as showing a lack of courtesy to the Honourable Mover and the members of this Council, I shall indicate briefly the attitude of Government in regard to this question. That attitude is one of unqualified opposition to the Resolution. The arguments by which I had intended to justify

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that attitude have for the most part been used by the previous speakers, and I will therefore confine myself to one or two points in the Honourable Mover's speech to which previous speakers have not alluded. In the first place the Honourable Mover asks this Council to recommend to the Governor General in Council certain vague principles and when he came down to specify what those principles were, one of them was the severance of all connection between the executive officers of Government and local bodies. I venture to remind the Council that local self-government is a Provincial and Transferred subject and the only form in which the Governor General in Council could interfere as suggested in the Resolution would be by making a recommendation either to the Local Governments or to the local Legislatures. Surely, if the Governor General in Council took that course, he would be courting a snub. He would in all probability be told 'It is not your business.' The only other point in the Honourable Mover's speech on which I wish to offer a remark is this. He said "Why should the Collector or the Deputy Commissioner have any connection with or control over the activities of such departments as Forests and Irrigation and Public Works?" Anybody familiar with district administration and certainly any officer who has held charge of a district will, I think, agree with me that it is absolutely essential that the Collector should have some control over those departments. I will take the case of the Irrigation Department. I myself have been in charge of a district which is covered with a network of irrigation canals. If the entire control of those canals were left to the expert officers of the department, there would, I think, be a tendency for them to administer the system solely with a view to secure the greatest possible professional efficiency, the greatest possible economy of water and also the maximum return to Government on its capital expenditure. There must be somebody between the cultivators and the irrigation officers, who can represent the case of the cultivators, and on innumerable occasions it has been my privilege to do so—I think the first person who would deplore the removal from the hands of the Deputy Commissioner of all control over irrigation on Forests or Public Works would be the zamindar. Those are the only two points in the Honourable Mover's speech which have not been touched upon by previous speakers. But I would like to put to the Council one broad consideration, which I hope they will bear in mind when voting upon this Resolution. As Mr. Pratt has pointed out, we are passing through a period of transition, and I venture to think that the only guarantee we have that this great experiment we are making, perhaps the greatest experiment in history, will proceed on orderly and peaceful lines is the presence of a strong Central Government and even more so of a body of strong executive officers on the spot. We all know that there are at the present moment in this country very serious elements of disorder.

I think I am correct in saying that in the last six months there have been more riots in India than in any corresponding period of the last 70 years, and more occasions on which force has had to be employed to disperse mobs bent on disorder. No province has escaped that experience; and I ask this Council to consider most seriously whether you will not be indirectly encouraging the forces making for disorder if you weaken the authority of your executive officers. This Council consists of men of substance, of position and of great experience in the affairs of this country; and I hope, Sir, that by its decision on this Resolution, it will show in the most emphatic way that it desires to dis-

sociate itself entirely from anything which could be interpreted as an encouragement of the forces of disorder and revolution.

The HONOURABLE MR. LALUBHAI SAMALDAS: Sir, I beg to oppose
 1-18 P.M. this Resolution on grounds practically the same as those mentioned by the previous speakers, but chiefly because I consider that by adopting this Resolution we will be interfering with the administrative powers of the Provincial Governments. I have all along stood up for provincial autonomy, and I believe that that is the final goal that we must attain. I will take the case of Forests, because that in Bombay is a transferred subject. Are we going to tell the Ministers that they shall not get the help of the Collector in administering forests,—that they shall have nothing to do with the Collector and shall get no assistance from him as regards the excise administration? Do we want to take away all this initiative from the hands of Ministers? When I interjected “no, no” Mr. Raza Ali asked me what authority I had to say that the Ministers wanted their assistance—might I ask him what authority he has for saying that the Ministers do *not* want the assistance of the Collectors? Has he got any authority for saying that ministers, or even the Executive Councillors, do not want the Collectors to give them any assistance,—that they do not want the Collectors to have anything to do with either excise or forests? I would go further and ask whether the Executive Members of Council want the Collectors not to interfere in other matters. So long as we confine ourselves to all-India questions, I think we are doing—nobody will attack us and say we are not doing—our duty, but when we want to take away all initiative, I say “no, no” in regard to matters which are entirely provincial and many of which are entirely transferred. I would appeal to my Honourable friend Mr. Raza Ali to carefully consider his own Resolution. He wants the removal of the highly centralised administration, and I ask him whether he is following the same principle in centralising all powers of advice or initiative in this Council of State or in the other House. If you want decentralisation, let us first leave all initiative in the hands of the provinces. Sir, I beg to oppose the Motion.

The HONOURABLE MR. V. G. KALE: Sir, in the course of this
 1-16 P.M. debate I have often wondered whether I was sitting in a Provincial Legislative Council or in a branch of the Imperial Legislature. The question whether such issues as have been raised by the Resolution before the House should be discussed in the local Councils or in the Central Legislature has been a moot point in my own presidency for some time past. For, I find that some Resolutions which would not be admitted in the local Legislature in Bombay were admitted and discussed and disposed of in another Legislative Council. The fact that the present Resolution has been allowed to be discussed in this Council leads me to think that this Legislature has the power of discussing questions like these which, to my mind, really belong to the Provincial Governments and Provincial Councils. Whether any municipality or local Board should be presided over by a non-official or an official is really a matter for the Local Government or the local Legislature to decide. What business has this Council to interfere with affairs which have been handed over entirely, under the new constitution, to the Local Governments? So I have been wondering why the discussion has taken place here: and the explanation I have given to myself is that, perhaps, as we are considering the general principles of administrative policy, the policy relating to the government of the country, this Resolution has

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been allowed to be discussed here ; and if that interpretation is correct, then I must say that some unnecessary heat has been imported into this debate. The Honourable Mover of the Resolution will be able to defend himself. I do not want to take a brief on his behalf. But what I do think is this. If he wants that the constitution should be re-modelled on the lines of decentralisation—I think that has been the opinion held by many people, even by the Provincial Governments themselves, as they have been clamouring for decentralisation—and that decentralisation has now to be carried down to the municipality, the local Board and the village, if that is the object of the Honourable Mover of the Resolution, I entirely support it. I find unfortunately that some of the words used in the Resolution are not quite suitable and happy. For instance, the phrase “ removal of the highly centralised system of administration ” is not as explicit as it should be. I take the word “ removal ” in the sense of re-modelling—re-modelling the present constitution of the Government system so as to decentralise power more and more into the hands of municipalities, local Boards and village authorities. If that is the correct interpretation,—an interpretation which I venture to put upon the Resolution,—then I strongly support the Honourable Mover, and I have every sympathy for the object that he has in view. I do not, however, think that I need go into details as regards provincial administration.

With regard to the powers of Collectors, and so forth, during the last few years there also decentralisation has actually taken place. All students of the Indian constitution know that the Collector was at one time all in all in the district. He touched every department at every point. But during recent years, specialisation has come in ; new departments have been created, and the Collector has been relieved of his responsibilities and duties so far as those new departments are concerned. Take education. Take forests. Here, experts have come in, and the Collector has been relieved to that extent. Now the lines which the evolution of our administration should take should be in the direction of giving greater and greater initiative and power to the people, and I think every reasonable person will agree to this proposition. Experts will be needed even under a re-modelled government ; Collectors will be needed, whether they be European or Indian, and they will have to be given certain powers : and I do not think that the Honourable Mover has the idea in his mind that in a re-modelled government, as he wants it to be re-modelled, there will be no Collectors with any powers at all.

I do not think it will be possible to eliminate that factor altogether. Even when the Collectors are all Indian, even then Collectors will be absolutely necessary in order to co-ordinate the work of the district.

Then there was another point which was raised by the Honourable Mr. Pratt with regard to the French system of district administration. I quite agree with him that the French Prefect is an autocrat, and there the municipalities or local bodies have absolutely no power even in matters of finance. He can dictate to the boards there ; and the people have no rights practically under the French system. But the question is, whether we are going to develop in this country a system of administration which is like the local administration in France, or whether we are going to imitate and evolve a system based on the model of the British system. What I want to say is that, so far, during the last 30, 40 or 50 years, we have been trying to imitate the

local institutions in England. True, local institutions in England have grown and developed under different conditions from those which obtain in this country. But having taken them as our model and having so far progressed along those lines, it follows that we shall have to give larger powers to the people, and to that extent the Collectors will have to be relieved of their responsibilities and powers. It is only in that sense and subject to the interpretation that I have put upon it that I should be willing to support the Resolution.

THE HONOURABLE SIR MANECKJI DADABHOY : May I rise to a point of order, Sir. I should like to have your ruling as to whether it is open to a Member to put an interpretation on a word which is not conveyed by its ordinary English meaning ?

THE HONOURABLE THE PRESIDENT : I cannot say it is out of order. It will be for the Council to judge of the arguments which were based on it.

THE HONOURABLE COLONEL SIR UMAR HAYAT KHAN : I want to say one word of constructive criticism. The whole trouble now in the country is that all the petty officials like *lambardars*, *zilladars* and others, including even the police, are appointed by the Deputy Commissioner. The people think these are not their servants. Government is something different and they are something different. If the people were allowed to elect their own office bearers, like *lambardars* and *zilladars* in whom they have confidence, I think there is no need of changing anything or curtailing any of the powers of the local authorities. Then they will feel that these officials are their own men and will help them. Now, if a policeman or *lambardar* goes to a village, the people say : 'he has nothing to do with us.' If that amount of decentralisation from the Deputy Commissioner is effected, I think it would be very useful for the country.

THE HONOURABLE SAIYID RAZA ALI : Sir, so many have been the
1-25 P.M. speeches made in the course of this discussion that, in the course of my reply, I propose to confine myself to specific objections raised against my Resolution. All the same, I can assure my Honourable Colleagues not to take that as indicating any want of respect on my part to the very valuable contributions they have made to the discussion.

Now, Sir, coming to the speech of the Honourable Mr. Hammond, I find that he has taken me to task for using the words 'foreign body'. Now, Sir, I did use these words in connection with the district and municipal boards in their relation to the district officers and Commissioners. English is not my mother tongue.....

THE HONOURABLE THE PRESIDENT : The Honourable Member seems to be very apt in expressing himself in it.

THE HONOURABLE SAIYID RAZA ALI : I thank you, Sir, for what you have said, but English is not my mother tongue. All the same I did take care to look into a dictionary and found that 'foreign' though it means 'belonging to a different country' also means 'coming from outside'. If the gentlemen, visitors over there.....

THE HONOURABLE THE PRESIDENT : Order, order. No reference whatever must be made to strangers in the House.

[Saiyid Raza Ali.]

The HONOURABLE SAIYID RAZA ALI: Those who are present in this Chamber besides the Members are a 'foreign body' in relation to this Council. I assure the Honourable Mr. Hammond that that was exactly the sense in which I did use the term, not because Collectors and Commissioners were Englishmen, but, as a matter of fact, because in the constitution of the district and municipal boards they had no place. That was the sense in which I did use the term.

The Honourable Mr. Hammond goes on to say that this Resolution would amount to a vote of want of confidence in the district officers who have been carrying on the administration of the country. On this point the only submission I have to make is, that if a similar argument were to be applied to the announcement of the 20th of August 1917, we would never have had the reforms which are in force to-day, because, according to the argument of my Honourable friend, it would imply a reflection not only on the Government of India, but on the Local Governments and other bodies. Sir, when a reform is proposed various sorts of objections are taken to it, and this is a stock argument I have heard times without number. I had already said that far from being a reflection on the district officers, as a matter of fact that went to show conclusively that they had been quite successful in the work which they had been doing in this country since the beginning of the 19th century of the Christian era. Mr. Hammond went on to paint a picture of crying children, weeping women, distressed men, gathering round the district officer in his verandah....

The HONOURABLE MR. E. L. L. HAMMOND: May I rise to point out that I never mentioned one of those words?

The HONOURABLE SAIYID RAZA ALI: I am sorry I have taken the Honourable Member's name. I do remember one of the Honourable Members did say something about people coming to the district officer and making all sorts of complaints to him. Now, this argument of prestige which has been further developed in his theme by the Honourable Sir Maneckji Dadabhoj would go to show that people are not prepared to take away even the slightest power from the district officers. This subject, as a matter of fact, was fully discussed in his speech by the Honourable Mr. Pratt who was good enough to use the words 'bad,' 'mischievous' and 'dangerous' in relation to my proposals. Sir, it is quite open to me to use language equally strong, but I assure you, that I do not propose to do that. It is only when vested interests are affected that hard and harsh language is used. It is not for us, who want to take and not to give, to use any strong language. I can assure the Honourable Mr. Pratt that I do not mind the language that has been used by him. I will only briefly examine the data on which his argument rests. The Honourable Mr. Pratt said that if you take away the system, there is nothing by which you can replace it. Now, if that is so, I am very sorry that I have spent half an hour of my time in the opening speech, your time, Sir, and the time of the Members of this Council for nothing. As a matter of fact, I had put forward specific proposals for transferring specific powers from the District Magistrate to definite bodies. It is open to my Honourable friend to say that my proposals are defective, that they are not satisfactory, and that they would not suit the needs of the time. But he cannot say that I have not put forward any specific proposals. As a matter of fact, for every proposal I made I named the body to whom the power was to be transferred.

Sir, the Honourable Mr. Pratt further went on to say that the bureaucracy is not the master, but the servant of the people and of the Government. Now that argument again is one which has been heard times without number. Sir, it is all right for one man to serve another, but when the man whom you want to serve thinks that he would rather be served in another way, and instead of one man by a body of men, I do not know what right you have to thrust your services upon the unwilling man. The question I ask, is whether the local body will not do the work better than one single individual? I hinted at it, and as a matter of fact some Members of this Council have also referred to the fact that after all safety lies in numbers and it is always dangerous to give too much power to any single individual. I do not say that the district officer has not used those powers properly. I do not say that his administration is not efficient. What I do say is that, as a matter of fact, if you transfer these powers to other hands, your administration will become more efficient. The powers will be used in a better way, and in any case to the happiness and contentment of the people of this country. Now the Honourable Mr. Pratt was good enough to give me a chapter from French history. Now I took care to point out in my opening speech that it is not open to me to point out at this stage whether in future India will develop along the highly centralised lines of government, or otherwise. In this connection I specifically quoted the case of France where they have a highly centralised form of government. In contrast to that I instanced England, where the system of government is decentralised.

The questions raised by the Honourable Mr Pratt are too big, and it is not necessary at this stage for me to go into them. The real question is whether, as regards local bodies, it would not be better, and the time has not come, to give them greater powers. Now the Honourable Mr. Pratt charged me by saying that I had not had an opportunity of having lived long under responsible government. Sir, I confess guilty to the charge, but I assure the Honourable Mr. Pratt that if I have not lived long under responsible government, that is not my fault. Then he discussed the functions of governments and administrations. Well, I do not think at this late stage it is necessary to go into that. The only reply I will make on this point is that a Minister is both a part of Government and an administrator.

Now coming to the speech of the Honourable Sir Maneckji Dadabhoj, he waxed eloquent on the theory of the *Ma-Bap* system of government and the functions of the District Magistrate, and the district officer, in the light of that theory. Now, Sir, the Honourable gentleman, as I at least am aware, is never tired of sighing for old times. But I assure the Honourable gentleman that old times have gone, fortunately for us, never to return. If there is any district officer who still believes in the *Ma-Bap* theory of government, I would ask him, both in his own interests and in the interests of the country, to disabuse his mind of that theory. What is known as the *Ma-Bap* form of government is exactly what is called an autocratic form of government. It may be that your autocrat is benevolent; it may be that he is tyrannical, but the system is the same, and we are not prepared—whether this Resolution is lost or carried—I and my people are not prepared to revert to the *Ma-Bap* form of government ever again.

THE HONOURABLE SIR MANECKJI DADABHOY: May I make a personal explanation, Sir? I never propounded the theory of *Ma-Bap* govern-

[Sir Maneckji Dadabhoy.]

ment. My Honourable friend has entirely misunderstood my argument. I only said that the district officer served a very useful function in going round the villages and hearing the complaints and grievances of the people and giving them his advice and admonition.

The HONOURABLE SAIYID RAZA ALI: I am very glad the Honourable Member has made this reply. In fact he said that in his speech also—and it is curious that two gentlemen who have made speeches against my Resolution used exactly contrary arguments. The Honourable Sir Maneckji says that the district officer goes about administering justice right and left and many people come to him and communicate their grievances. On the other hand, the Honourable Mr. Hammond said that the district officer is an overworked officer. If he is an overworked officer, why not relieve him of these burdensome duties, which, I take it, are not interesting to him and which take up so much of his time.

Coming to the speech of the Honourable Mr. Craik, Sir, he repeatedly argued that the subject relates to a provincial transferred department, namely, Local Government. I had already anticipated that in my opening speech. Now the Honourable Member seems to think that it is absolutely necessary that the district officers should control irrigation, public works and forests. He has given his own experience. I need not go into that. The only thing I wish to say is that, if that is how we are going to reach the goal of self-government, there is no need to have separate departments like Forests, Public Works Department and Irrigation.

The last thing I shall notice is the bogey of Bolshevism, which has been dragged across the floor of this House by the Honourable Mr. Pratt. The Honourable Mr. Craik also referred to the forces of revolution. Now, Sir, unfortunately or fortunately for me, I do not know what Bolshevism is except what I have seen in the English press. But this much I do say, that if Bolshevism means that the district officer should not retain all the powers that he has now and we should not attempt to remodel—as My Honourable friend Mr. Kale said—the present system of government; if this is to be characterised as Bolshevism, then I plead guilty to the charge and here stands a Bolshevik before you in bone and flesh. This threat of Bolshevism, Sir, has from time to time been brought before the public, but I assure my Honourable friends that it falls wide of the mark. Nobody, as a matter of fact, need feel afraid of Bolshevism. If Bolshevism is devoid of all those principles on which we propose to reconstruct the present system of government,.....

The HONOURABLE THE PRESIDENT: I am afraid I must call the Honourable Member's attention to the fact that he has exceeded his time-limit.

The HONOURABLE SAIYID RAZA ALI: Well, Sir, I have nothing more to say, I leave this Resolution in the hands of this august Assembly. If this Resolution is defeated, I can assure the Honourable Members that the forces working outside the walls of this Chamber are so great and so insistent, that in course of time, despite the danger of Bolshevism paraded before us, Sir, this House will in the near future have to reckon with them and to accept not only the proposals contained in my Resolution but more.

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

'This Council recommends to the Governor General in Council the removal of the highly centralised system of administration that obtains in this country under which many classes of officials, especially District Magistrates and Collectors, have vast powers.'

The Resolution was rejected.

The Council then adjourned till Monday, the 26th instant, at 11 A.M. in the Council Chamber.