

*Tuesday,
24th January, 1911*

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. XLIX

April 1910 - March 1911

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OF
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ASSEMBLED FOR THE PURPOSE OF MAKING

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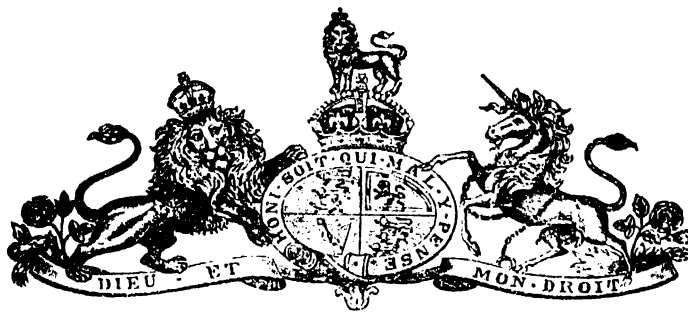


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GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA,
ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS
UNDER THE PROVISIONS OF THE INDIAN COUNCILS ACTS,
1861 TO 1909 (24 & 25 VICT., c. 67, 55 & 56 VICT., c. 14,
AND 9 EDW. VII, c. 4).

The Council met at Government House, Calcutta, on Tuesday, the 24th
January 1911.

PRESENT :

His Excellency BARON HARDINGE OF PENSHURST, P.C., G.C.B., G.C.M.G., G.C.V.O.,
G.M.S.I., G.M.I.E., Viceroy and Governor General of India, *presiding*,
and 60 Members, of whom 55 were Additional Members.

RATES FOR THE CARRIAGE OF GOODS ON RAILWAYS.

The Hon'ble SIR T. R. WYNNE: "My Lord, I beg to lay on the table a copy of the correspondence* relating to railway rates for the carriage of goods which was referred to in my reply to the question of the Hon'ble Mr. Sachchidananda Sinha at the meeting of the Council held on the 3rd instant."

QUESTIONS AND ANSWERS.

The Hon'ble MR. MADGE asked :—

"Will the Government be pleased to state (1) when the re-adjustment of salaries and departmental relations in the Provincial Branches of the Public Works Department under the last reorganization will be completed, and (2) whether the said re-adjustment cannot be hastened in order to lessen the distress which may possibly be caused by the delay?"

The Hon'ble Mr. Gokhale asked :—

"(a) Will the Government be pleased to state why there has been a delay of nearly two years on the part of the Government in submitting their proposals to the Secretary of State regarding the new scheme for the reorganization of the Provincial Service of the Public Works Department?"

"(b) Are the Government aware that this delay has caused great discontent among members of the Service, and that many of them have already been put to a considerable loss?"

* Not published with these Proceedings.

[Mr. Gokhale ; Mr. Carlyle ; Mr. Sachchidananda [24TH JANUARY 1911.]
Sinha ; Mr. Jenkins.]

"(c) Will the Government state when their proposals are likely to be submitted to the Secretary of State, and when they are likely to be made public ?

"(d) Will the Government lay the opinions of Local Governments, received in reply to their Circular letter of March 1910, on the table ?"

In reply to the foregoing questions the Hon'ble MR. CARLYLE said :—

"(a) The delay has been due to the complicated nature of the matter and to the very diverse views expressed by the different Local Governments consulted as well as to the necessity of endeavouring to arrive at a solution which will secure a final settlement of the case.

"(b) The discontent is due to the reorganisation of 1908 which did not meet the views of the Provincial Service. No members of the Service have incurred any actual loss though they have not benefited up to the present, as they have preferred to remain under the former rules rather than to accept the terms of the reorganisation.

"(c) The question of the reorganisation of the Provincial Engineer Service is under the consideration of Government and no avoidable delay is being allowed to occur, but a further reference to Local Governments has proved necessary.

"(d) As the question is still under consideration the replies of Local Governments will not be put on the table, at any rate at present."

The Hon'ble MR. SACHCHIDANANDA SINHA asked :—

"Has the attention of the Government been drawn to the case of a printing press at Dera Ismail Khan some months back, in which the Deputy Commissioner demanded a security of Rs. 1,000, but the next day, when the amount was produced, he raised it to Rs. 2,000 without assigning any reason ?"

The Hon'ble MR. JENKINS replied :—

"The facts of the case referred to in the question are as follows :—

"At about the time of the Peshawar riots, a paper called the *Frontier Advocate* of Dera Ismail Khan published inflammatory articles, tending to intensify the racial feelings at Peshawar, which eventually ended in the riots in March last. Security of Rs. 4,000 was accordingly demanded under each of section 3 (2) and section 8 (2) of the Press Act, but, as it was not forthcoming, the paper ceased to exist. Subsequently, on 25th May 1910, one Brijlal, who asserted that he was a compositor to Lala Karim Chand, Editor of the *Frontier Advocate* and owner of the press, stated he had purchased the press from Lala Karim Chand and applied for formal sanction to be allowed to maintain a printing press. The Deputy Commissioner believed the transaction to be *bona fide*, but in view of Brijlal's previous association with Lala Karim Chand, he ordered him, on 25th May 1910, to deposit Rs. 1,000 in cash or Government promissory notes as security under section 3 (1) of the Press Act. The same evening the Deputy Commissioner received information that Brijlal was a man of straw, that the purchase could not have been *bona fide*, and that the so-called sale was a purely fictitious transaction, designed to enable Lala Karim Chand to carry on his press and avoid the order for security which had been demanded of him. The next day Brijlal brought into Court a post office investment certificate for Rs. 1,000. The Deputy Commissioner then informed him that he had for special reasons varied the security originally demanded and required Brijlal to deposit Rs. 2,000 in cash or Government promissory notes. This security has not yet been furnished."

[24TH JANUARY 1911.] [Mr. Chitnavis ; Sir T. R. Wynne ; Mr. Dadabhoj ; Mr. Robertson.]

The Hon'ble MR. CHITNAVIS asked :—

“Has the attention of Government been drawn to the following passage in the speech of the President of the last Industrial Conference held at Allahabad on December 30th, 1910 :

“A few years ago the Government required a large quantity of materials for the State Railways and an Indian concern asked that it might be allowed to supply these. The local manufacturers were asked if they would agree to their goods being subjected to the same test as the English manufactures were, and on their agreeing to this, it might reasonably have been expected that the Government would have willingly paid the same rate in India as the cost of the same goods in England. Instead of this it was stipulated that the goods should be supplied at 5 per cent. less than the imported cost?”

“Is there any truth in the statement? If so, will Government state the principle underlying the differential treatment?”

“Is Government prepared to rule that in Government purchases of materials, other conditions being equal, preference will be given to local firms and manufacturers?”

The Hon'ble SIR T. R. WYNNE replied :—

“Government are unable to give a reply as to whether there is any truth in the statement quoted, in the absence of any indication therein as to the specific case in connection with which it was made. The rules in force at the present time fully provide for preferential treatment in the case of all articles which are manufactured in India from indigenous raw materials, provided the quality is good and the price not unfavourable; and also in the case of articles manufactured in India from imported raw material, provided the price of the finished article is not in excess of the price of similar articles manufactured in England, and the material employed satisfies such tests as Government may prescribe.”

The Hon'ble MR. DADABHOJ asked :—

“Will Government be pleased to lay on the table the despatch of the Secretary of State ‘with regard to the whole question of State assistance to the industrial progress of the country’, as also ‘the strong protests received from the commercial public’, to which reference was made on 8rd January current in reply to my question *re* State pioneering of industries?”

The Hon'ble MR. ROBERTSON replied :—

“As desired by the Hon'ble Member, a copy of the despatch from the Secretary of State, dated the 29th July 1910, on the general question of the State assistance to be rendered to the industrial progress of the country, as well as a copy of the protests received officially from the commercial community against the establishment of State manufacturing departments, have been placed on the table.* The Hon'ble Member may also refer to pages 34, 184 to 186, 194 to 196, 225, 226 and 237 of the publication entitled ‘Papers relating to the Industrial Conference, held at Ootacamund in September 1908.’”

The Hon'ble MR. DADABHOJ asked :—

“Are educated Indians admitted into the various Government factories in the country as apprentices for training in the details of manufacture, especially in the higher branches? If not, will Government be pleased to provide for the admission of such apprentices for the technological instruction of the people?”

* *Vide* Appendix A.

[Mr. Butler ; Mr. Dadabhoj ; Mr. Jenkins ; Mr. Gokhale ; Raja of Kurupam ; Sir G. Fleetwood Wilson ; Mr. Robertson.] [21TH JANUARY 1911.]

The Hon'ble MR. BUTLER replied :—

"We have no information. It is believed that some Government factories take Indians as apprentices. If the Hon'ble Member will indicate in what particular factories apprentices or more apprentices might with advantage be received, the matter will be further considered."

The Hon'ble MR. DADABHOJ asked :—

"Do Government propose to order the recruitment of a percentage of District and Sessions Judges directly from the Bar?"

The Hon'ble MR. JENKINS replied :—

"The Government as at present advised are not prepared to take the action indicated."

The Hon'ble MR. GOKHALE asked :—

"Will the Government be pleased to state what steps are now in contemplation for making adequate provision for a wide diffusion of elementary education throughout the country?"

The Hon'ble MR. BUTLER replied :—

"The question is under consideration. There will be some preliminary discussion at the Conference which is to be held at Allahabad next month."

The Hon'ble RAJA OF KURUPAM asked :—

"Is the Government aware that of late counterfeit silver coins have been in circulation in large quantities in Madras and possibly in other Provinces of India, and the fact that innocent people are made sufferers on account of such circulation? Will the Government be pleased to consider the feasibility of adopting such measures as will tend to put a stop to the circulation of such coins, namely, by rewarding, as in excise cases, persons giving information that will lead to the detection and arrest of the counterfeiters?"

The Hon'ble SIR G. FLEETWOOD WILSON replied :—

"All possible steps are taken to prevent the circulation of counterfeit coin."

The Hon'ble RAJA OF KURUPAM asked :—

"Is the Government aware that the present rule regarding the redirection of telegraphic messages, namely, 'that * * * the charges must be calculated on the actual number of chargeable words contained in the message with the revised address plus the charges already notified' (*vide* Traffic Instructions, section 5, paragraph 325) is felt by the public as a hardship?"

"Will the Government be pleased to alter it to what it was before the introduction of the new rule or in such other way as will make it less hard on the public, as by charging for the revised address only?"

The Hon'ble MR. ROBERTSON replied :—

"I would invite the attention of the Hon'ble Member to my statement in the Council on the 9th March last in reply to the remarks of the Hon'ble Mr. Gokhale on this subject. The Government of India are aware that objection has been taken to the rule with respect to the re-direction of telegrams; but, as I explained before, the rule is based on the analogy of the practice in the United Kingdom, from which it differs in that we allow re-direction free of charge if the two addresses are in the same town, which the British Post Office does not. The reason for the rule is that in every case of a re-directed telegram, the Telegraph Department is put to the expense of sending a fresh message with a new address, and it is unreasonable to expect the Department to perform this service free of charge. There is no prospect of Government going back to the practice of free re-transmission, nor are they prepared to adopt a partial relaxation of the rule in the manner suggested by the Hon'ble Member."

[*Raja of Kurupam*; *Sir G. Fleetwood Wilson*; [24TH JANUARY 1911.]
Mr. Chitnavis; *Mr. Carlyle*.]

The Hon'ble RAJA OF KURUPAM asked :—

“ Will the Government be pleased to say whether the issue of the universal ten-rupee and fifty-rupee currency notes has been a success? If so, will the Government be pleased to make the hundred-rupee currency note also universal? ”

The Hon'ble Sir G. FLEETWOOD WILSON replied :—

“ So far as we are at present able to judge, the new universal notes have been entirely successful.

“ It is considered advisable, however, to prolong the period of observation before extending the system.

“ The point raised by the Hon'ble Member will be kept prominently in view.”

The Hon'ble RAJA OF KURUPAM asked :—

“ (a) The Hon'ble Financial Member, Sir Guy Fleetwood Wilson, having stated, in reply to a Resolution moved by me last year, that ‘ the Government of India have decided that, as soon as the financial position again admits of a further remission of local taxes, the Secretary of State will be asked to concur in the discontinuance of this Proprietary Village Service Cess, ’ will the Government state whether their present financial condition permits them to abolish the cess? ”

“ (b) If not, is the Government prepared to abolish this cess and make up the loss thus sustained in such other way as will make the incidence of taxation fall equitably on all tax-payers instead of a particular class of people of a particular Presidency? ”

The Hon'ble Sir G. FLEETWOOD WILSON replied :—

“ (a) I regret that the financial position of the Government of India does not yet enable us to discontinue the cess.

“ (b) The Government are averse from imposing any fresh taxation in the manner suggested by my Hon'ble friend. ”

The Hon'ble Mr. CHITNAVIS asked :—

“ Is it a fact that in the United Provinces, in the valuation of land for assessment purposes, a rebate of 25 per cent. is allowed for proprietary *sir*, whereas in the Central Provinces this is not the case? ”

“ Is there any special reason for maintaining this difference in the valuation of *sir* land in the two Provinces? ”

“ Will Government be pleased to introduce the United Provinces rule in the Central Provinces at the next settlement? ”

The Hon'ble Mr. CARLYLE replied :—

“ It is not a fact that in the United Provinces a rebate of 25 per cent. is allowed in the valuation of *sir* land. The present practice in the United Provinces is that when the number of proprietors is great or their circumstances poor, the Settlement-officer may, subject to the approval of the Board of Revenue, make such a reduction from the valuation of lands in their proprietary cultivation as the Government in sanctioning the revision of the settlement may have permitted as a matter of grace in respect of that particular district.

“ An analogous provision exists in the Central Provinces Settlement Code, article 230 of which runs as follows :—

‘ The share of the malguzari assets taken as revenue may vary in different mahals between the limits fixed by the two last preceding rules, being affected by a number of considerations, of which the following are chief :—

• • • • •

[24TH JANUARY 1911.] [Mr. Carlyle ; Mr. Sachchidananda Sinha ; Mr. Wood ; Mr. Robertson ; Mr. N. Subba Rao.]

(7) *The circumstances of malguzars :—*

'Leniency should be shown in the case of malguzars who are poor or indebted when there is a probability of its assisting them to better their condition. So also in the case of mahals where the profits are divided amongst a large number of sharers'

"There is therefore little practical difference between the rule in the United Provinces and that prevailing in the Central Provinces, and the introduction of the United Provinces rule in the Central Provinces appears to Government to be unnecessary."

The Hon'ble MR. SACHCHIDANANDA SINHA asked :—

"Will the Government be pleased to consider the desirability of either abolishing or reducing the impost of Rs. 4,000 a month which is being levied for the maintenance of the punitive police in Peshawar?"

The Hon'ble Mr. WOOD replied :—

"The matter is already under the consideration of the Government of India."

The Hon'ble MR. SACHCHIDANANDA SINHA asked :—

"Will the Government be pleased to state whether the abolition of the sale of postage stamps on commission has had the effect of increasing or diminishing the postal revenue?"

"Are the Government aware that the facilities to the public for the purchase of stamps have been restricted under the new system and that this has led to widespread complaint?"

The Hon'ble Mr. ROBERTSON replied :—

"(a) Discount on the sale of postage stamps was abolished in 1907. It is impossible to give figures which will show the effect which this measure had on the revenue from the sale of stamps, as comparison is vitiated by the large decrease in postage rates introduced in October of that year. The Government of India have, however, no reason to suppose that the abolition of commission had any effect whatever on postal revenue, other than relieving the Post Office of the payment of the commission."

"(b) The answer to the second question is in the negative. There has been no widespread complaint against the abolition of commission on the sale of postage stamps. Some apprehension was expressed, at the time the change was made, that the public would suffer; but experience showed that such apprehension was groundless and the Government of India have heard nothing more about it. It may be added that statistics show that the proportion of articles sent 'bearing' has been steadily decreasing since the year 1906-1907, a fact which is hardly consistent with the suggestion that the public have been unduly deprived of facilities for the purchase of postage stamps."

The Hon'ble MR. N. SUBBA RAO asked :—

"With reference to the statements placed on the table at the meeting of the Council held on the 23rd March 1910, in answer to my question on the subject of the exodus of the Government of India and different Provincial Governments to hill stations, will Government be pleased to state (1) whether the period of seven months spent by the Government of Bombay on the hills includes the time spent in Poona and whether Poona is considered to be a hill station, (2) why the expenditure under this head in Bengal and the United Provinces is nearly twice as large as that incurred in Madras, Bombay or the Punjab, though the time spent on the hills by the Governments of Bengal and the United Provinces is nearly the same as that spent by the Governments of the other Provinces mentioned above?"

[*Mr. Jenkins ; Maulvi Shams ul Huda.*] [24TH JANUARY 1911.]

The Hon'ble MR. JENKINS replied :—

“ (1) The period spent by the Government of Bombay at Poona has been included in the period of seven months, but Poona is not, in fact, a hill station. It is the capital of the Bombay Dekkhan.

“ (2) Without making inquiries, which will take some little time, the Government of India are not in a position to explain the variations in the expenditure incurred by the Local Governments referred to. The Government of India will make inquiries on the subject. ”

The Hon'ble MAULVI SHAMS UL HUDA asked :—

“ (1) Are the Government aware that there exists a great deal of dissatisfaction in the country as regards the manner of administration of Hindu and Muhammadan endowments ?

“ (2) Do the Government intend to direct an inquiry regarding endowments which contain provisions for public purposes of a religious or charitable nature with special reference to the following particulars :—

- (a) Annual profit of such endowments.
- (b) Amount available out of such profits for public purposes.
- (c) Institutions of a public nature actually maintained out of such profits.

“ Do the Government intend to undertake legislation—

- (a) for the maintenance in every district of a public record containing particulars of all endowments containing provisions for public purposes of a religious or charitable nature ;
- (b) to compel trustees of such endowments to exhibit periodical accounts either before the Collector or the Judge of each district ?”

The Hon'ble MR. JENKINS replied :—

“The questions put by the Hon'ble Member can, I think, be most conveniently answered together.

“The subject of the administration of Hindu and Muhammadan endowments of a religious and charitable character, as the Hon'ble Member is doubtless aware, last came before Government in 1909 in connection with a private Bill, on the subject of Public Charities Accounts, which the Government of the day permitted Dr. Rashbehari Ghose to introduce, reserving to themselves freedom to accept or oppose it as soon as it had been circulated for opinion. The result of the general references made after the introduction of the Bill was to show that, while a considerable body of opinion existed which held that the administration of such endowments was not satisfactory, and which was therefore in favour of the measure, yet there was little or no evidence that these views were shared by the mass of the persons interested, from whose offerings many of the institutions in question had been largely maintained. Since that time the Government have had reason to believe that dissatisfaction exists in certain communities in respect of the management of particular endowments, but they have no reason to suppose that the general attitude of the mass of the persons interested is different from what it was in 1909. So far as the Government are aware, practically no attempt has been made to utilize the remedies which the law already provides by invoking the powers which the Courts possess to enforce the proper administration of such endowments, and they are not therefore prepared to agree to so material a departure from the policy of non-interference in religious matters, consistently followed since 1863, as that which is involved in the proposals made under head (2) of the question, nor are they prepared to undertake, as a Government measure, legislation on the lines indicated in head (3) of the question.”

[Mr. Dadabhoj ; Mr. Carlyle ; Mr. Gokhale ; Mr. Butler.] [24TH JANUARY 1911.]

The Hon'ble MR. DADABHOJ asked :—

“(a) Has the attention of Government been drawn to the following statement about oil-seeds and oil-cakes in paragraph 127 of Dr. Vooloker's Report on Indian Agriculture :—

‘ To send away the entire seed or the refuse after the removal of oil, is to send away the valuable manurial constituents contained in the seed ; in brief, to export them is to export the soil's fertility ? ’

“ Have any steps been taken since this report by Government to arrest this export of oil-seeds and oil-cakes from the country ? If not, do Government propose to devise means for the preservation within the country of the manure ?

“(b) Do Government propose further to devise means for the utilisation of bones in India, instead of being exported to foreign countries as at present ? ”

The Hon'ble MR. CARLYLE replied :—

“(a) The Government of India are aware of the statement referred to by the Hon'ble Member and recognise the value of the oil-seeds and their products for manurial and other purposes. They have taken no steps to arrest the exportation of oil-seeds and their products, but have made considerable efforts — and apparently with some success — to inform the Indian public regarding the agricultural value and industrial possibilities of the commodities in question. The profitable utilization of these commodities depends largely on the existence of factories suitably equipped and inquiries were made during the years 1901—05 regarding the advisability of making Government grants for the encouragement of such factories ; but, after consulting Local Governments and the Board of Scientific Advice, the Government of India decided to take no steps in the matter. In doing so, they were influenced partly by the consideration that, with the establishment of factories it was possible that, owing to the high prices offered for cake in other countries, the cake would be exported and the oil remain for sale in India—a result which would have been the opposite of that intended. Cotton cake can be obtained at cheap rates in most parts of India, and there is nothing to show that its use is discouraged by the export trade. As 80 to 90 per cent. of the seed still remains in this country, the Government are not at present prepared to discourage the Indian agriculturist from utilising the oil-seed produce in the manner which he considers to be most profitable to himself. It may be noted also that the value of the exports of oil cake and oil-cake meal alone from an agricultural country like the United States exceeds 78 millions of rupees.

“(b) The usefulness of bone manure in India generally is not so well established as that of oil-cake, but the Agricultural Departments have taken considerable pains to publish the results of experiments and inquiries made by them on the subject, showing the circumstances in which the use of this form of manure is profitable. The fact that it is comparatively little used is believed to be due not to the export trade but mainly to the want of a cheap supply of sulphuric acid to dissolve the bones. The export of bones has shown of late years no marked tendency to increase, and, in any case, the Government of India do not consider themselves justified in interfering with the trade.”

The Hon'ble MR. GOKHALE asked :—

“ Will the Government be pleased to lay on the table a return showing, (1) how many towns in British India with a population of 50,000 inhabitants and above, are provided with filtered water-supply and efficient drainage works ? (2) what has been the cost of such works in each case ; and (3) what share of such cost has been borne by the Government ? ”

The Hon'ble MR. BUTLER replied :—

“ The information required is being collected. When complete, a statement will be laid upon the table.”

[24TH JANUARY 1911.] [Mr. Gokhale; Mr. Jenkins; Mr. Robertson;
Mr. Butler; Sir T. R. Wynne.]

The Hon'ble MR. GOKHALE asked :—

“ Will the Government be pleased to lay on the table a return showing for each Province year by year the strength of the Criminal Investigation Department—officers and men—and its cost since the Department was constituted ? ”

The Hon'ble MR. JENKINS replied :—

“ The information asked for is being collected and will be laid on the table as soon as it is ready.”

PATENTS AND DESIGNS BILL.

The Hon'ble MR. ROBERTSON : “ I beg to present the Report of the Select Committee on the Bill to amend the law relating to the protection of Inventions and Designs. The alterations made in the Bill are with one exception in matters of detail or of drafting, all of which are set forth in the Report. The exception is clause 23, which has been inserted in order to meet the point that was taken by the Hon'ble Mr. Subba Rao and the Hon'ble Mr. Madge at the last meeting of the Council with regard to the compulsory working of patents in British India. The question was fully discussed in Select Committee and we have been able to draft a clause which will, we believe, help to attain the object in view. We have, however, introduced certain conditions preliminary to the passing of an order of revocation for non-working, which we think may fairly be adopted. The effect of these will be that an order for revocation will not be made unless there is a reasonable prospect of the patent being worked in British India.”

CRIMINAL TRIBES BILL.

The Hon'ble MR. JENKINS : “ My Lord, I beg leave to present the Report of the Select Committee on the Bill to amend the law relating to the registration, surveillance and control of Criminal Tribes. The amendments made by the Select Committee on this Bill are for the most part merely matters of drafting. The only two material amendments which we have introduced are one in clause 5, providing that the District Magistrate may exempt any individual member of a criminal tribe or a part thereof from registration. This has been proposed in order to meet the case which undoubtedly exists of there being members of a criminal tribe who themselves lead respectable lives. It seems proper that power should be taken to exclude them from registration.

“ The other amendment is in clause 17, in which the minimum age at which the children may be removed from the guardianship of their parents or their friends has been raised from four to six. We consider that four years is too early an age at which to remove children from the charge of their parents and guardians, and I believe that the change is made in accordance with the wishes of many members of the Council who have spoken to me on the subject.”

INDIAN PORTS (AMENDMENT) BILL.

The Hon'ble MR. BUTLER : “ My Lord, I beg leave to present the Report of the Select Committee on the Bill to amend the Indian Ports Act of 1908. Only two small alterations, and they are verbal, were found necessary in the Bill. These are fully explained in the Report of the Select Committee which is in the hands of Hon'ble Members.”

INDIAN TRAMWAYS (AMENDMENT) BILL.

The Hon'ble SIR T. R. WYNNE : “ My Lord, I beg to present the Report of the Select Committee on the Bill further to amend the Indian Tramways Act of 1886. The Select Committee practically accepted the Bill as drafted,

[*Sir T. R. Wynne; Major General Sir Robert Scallon.*] [24TH JANUARY 1911.]

one or two verbal alterations only being made. Certain amendments which have been proposed by the Government of Madras were considered to be beyond the scope of the Bill as introduced and were, therefore, not considered by the Select Committee."

ARMY.

The Hon'ble MAJOR GENERAL SIR ROBERT SCALLON: "In presenting, on behalf of His Excellency the Commander-in-Chief who is absent in Burma, the Report of the Select Committee on the Bill to consolidate and amend the law relating to the government of His Majesty's Native Indian Forces, I would like to make a few explanatory remarks. The present military code of the Indian Army is contained in the Indian Articles of War. These Articles, originally framed in 1869 for three local armies, have been found unsuited to the present conditions of the Indian Army, which is now one Imperial Force serving not only in India but also in other parts of the Empire. They are also out of date in other respects, and have been so frequently amended as to be difficult of application. The present Bill has therefore been prepared and introduced into Council. It was referred for opinion to all Local Governments and certain military authorities, and the suggestions made by them have been carefully considered by a Select Committee. The Statement of Objects and Reasons, which was laid before Council when the Bill was introduced, went fully into the causes of the alterations in the existing law proposed in the Bill. The Report of the Select Committee explains the amendments to the Bill made by that Committee. It is therefore unnecessary for me to do more than briefly to call attention to the chief changes which the Bill, as amended by the Select Committee, makes in the existing military code.

"(a) The law relating to enrolment and attestation has been simplified. Enrolment will now be the process which subjects to military law all classes, except Native officers and warrant officers who are specially dealt with. Attestation is a further ceremony reserved for combatants and for a few of the higher classes of non-combatants which, while imposing no additional obligations, confers a certain status on the latter with eligibility for non-commissioned rank.

"(b) Ordinary non-penal discharge (*i.e.*, the process under which a person ceases to be subject to military law) has been reserved for its proper place—the Statutory Rules under the Act. The Bill merely provides for dismissal (*i.e.*, penal discharge). This is the system which has been adopted in the Army Act.

"(c) Imprisonment in military custody has been legalised as a minor punishment. Following a recent change in the Army Act, we have fixed 28 days as the maximum which can be so awarded.

"(d) Provision has been made for enforcing, after due inquiry, collective responsibility for losses of arms. Experience has shown that such responsibility is the best safeguard for the arms of a company, especially in 'class company' regiments, *i.e.*, in the majority of the regiments of the Indian Army.

"(e) The provisions of the Indian Articles of War as to crimes and punishments have been altered but little. The clauses dealing with them have, however, been re-arranged on the system which obtains in the Army Act and in some cases the drafting of that Act has been followed.

"(f) Corporal punishment has been restricted to crimes committed on active service and to such crimes committed in peace time as, under the ordinary law, are punishable with whipping. The maximum awardable has, following the Criminal Procedure Code, been reduced to 80 lashes. We consider it absolutely necessary to retain this punishment on active service, where there are no adequate means of carrying out sentences of imprisonment.

"(g) Provisions, similar to those of the Army Act, have been made to legalise penal deductions from the pay and allowances of persons subject to Indian Military law.

"(h) The power to hold a summary court-martial has been extended to non-combatant British officers holding the position of 'commanding officer.'

[24TH JANUARY 1911.] [Major General Sir Robert Scallon ; Mr. Mudholkar.]

This will enable medical officers in command of station hospitals and similar units to dispose of crimes committed by the enrolled establishments of such hospitals and units. At present a combatant commanding officer has to be detailed to hold these trials. This causes unnecessary friction and delay.

“(i) Provision has been made to confer on courts-martial the power of requiring evidence to be taken on commission, a power which criminal courts in India now exercise. It will be rarely used, but will, when used, obviate inconveniences and delays. Adequate safeguards against its abuse have been provided.

“(j) Power has been given to the authorities reviewing the proceedings of summary courts-martial to reduce the sentences awarded by such courts if they consider them excessive.

“(k) The powers of pardon, etc., vested in the higher military authorities have been extended so as to enable these authorities to deal with sentences awarded by courts-martial for certain offences against the ordinary criminal law when committed against persons subject to military law.

“(l) Some minor changes have been made in the law relating to court-martial warrants and the constitution of such courts. All these changes tend to simplify procedure and to bring our code into conformity with that of the Army Act. This is a convenience, as the same officers have to administer both these codes.

“With these few remarks I present the Report of the Select Committee. It will be taken into consideration at a subsequent meeting.”

SCIENTIFIC INSTRUCTION.

The Hon'ble MR. MUDHOLKAR : “My Lord, since I gave notice of my Resolution which has been circulated to Hon'ble Members, circumstances have happened which render it unnecessary for me to move my Resolution before the Council to-day. On Saturday last I received a communication from the Hon'ble Mr. Butler stating that the Government had come to the decision to refer the questions raised in my Resolution to the Conference of Directors of Public Instruction and other persons which was convened to meet at Allahabad in the middle of February, and to which my friends Mr. Gokhale, Mr. B. N. Mukerji, myself and I believe some other non-official persons have been invited to attend. As I did not consider that any particular kind of Committee was necessary for making the inquiry and the report which were necessary for the purpose of clearing the matters in regard to which it appeared that misapprehension existed, and in regard to which it was first of all necessary to obtain definite and clear statements from an authoritative body, I considered that the Conference to which the Hon'ble Member referred would serve my purpose as well as a Committee appointed *ad hoc*. I therefore accepted the suggestion of Government and informed Mr. Butler that it would not be necessary for me to proceed with the Resolution formally. Before withdrawing it, however, my Lord, I wish to tender on behalf of myself and those associated with me in this matter my grateful appreciation of the recognition by Government of this important question and of the suggestion which was submitted by me, namely, that in regard to this matter it is desirable to make the inquiries indicated. In replying to my speech on the Resolution for the establishment of a Polytechnic College for India which was made last year, the Hon'ble Sir Harvey Adamson stated that Government fully recognized the necessity of developing higher scientific and technical education in India, but he considered that the existing institutions were quite capable of affording the kind of education for which I pleaded. This view appeared to me, and I must say to several others also, as not being quite easy of reconciliation with the views arrived at after great deliberation by such authoritative and important bodies as the Naini Tal Conference and the Ootacamund Conference and also the opinions of well-informed educationists and scientists, and it was therefore considered necessary that we should move Government to have a body which would make an authoritative inquiry and clear up matters so that Government

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might be in a position to state definitely what should be done. Such clearing up of ideas could in my opinion be achieved by this Committee, and therefore, my Lord, after again expressing my obligations, I ask permission to withdraw this Resolution."

Permission was granted.

HALF-ASSETS OF LAND REVENUE.

MR. CHITNAVIS :—"My Lord, I beg to move that—

'This Council recommends to the Governor General in Council that at the next Settlement of land-revenue in the Central Provinces the half-assets rule be adopted and given effect to in districts where the assessment exceeds 50 per cent., and if this involves a sudden and large loss of revenue, the 50 per cent. level be attained at two settlements instead of at one.'

"My Lord, before I say anything on the Resolution I must publicly acknowledge my deep obligations to the Hon'ble Mr. Carlyle for his unfailing courtesy in giving me all the facilities and information I wanted in this connection.

"My Lord, I press this matter before Government with a due sense of responsibility. I am as alive as anybody else to the necessity of preserving to the State undiminished all its sources of revenue. But the situation in the Central Provinces is such that a reduction in the profits from land taken by the State has become necessary in the interests as much of that loyal and useful body of malguzars whose aim has always been to co-operate with Government, and to deserve well of it, as of tenants. Times have changed and the economic conditions are not the same to-day as they were in the nineties. A readjustment of the shares in which Government and the malguzars should enjoy the profits of land is called for urgently.

"My Lord, the province I have the honour to represent on this Council was created in 1861 by amalgamating into a composite whole the area which had before that formed a part of the United Provinces, then the North-Western Provinces, under the name of the Saugor and Nerbudda Territories, and the districts which had escheated to Government on the death without issue of the Bhonsla Raja of Nagpur. Before the formation of the province the rule of settlement in the Saugor and Nerbudda Territories was necessarily the same as in the rest of the United Provinces. Before 1855 the practice regarding land-revenue assessment in the United Provinces was a little loose, but in that year what is known as 'the half-assets rule' or the Saharanpur rule came into force which fixed the land-revenue at 50 per cent. of the net actual assets. With the creation of the Central Provinces, this rule, which was already in force in the northern area, was extended to the whole Province. It found a place in the Settlement Code which the first Chief Commissioner, Sir Richard Temple, issued. But in the Settlement of the sixties it was not strictly enforced in some of the districts, I believe more from want of accurate knowledge of the conditions of the new Province on the part of the Revenue-officers than from any inherent aversion to it. During the currency of that Settlement, Chief Commissioner after Chief Commissioner became impressed with its harshness, and expressed their desire, some for a substantial reduction, and others for the strict application of the rule of half-assets. Sir John Morris, Sir Charles Crosthwaite and Sir Dennis Fitzpatrick were for limiting the State demand to 50 per cent. of the net actual assets as in the United Provinces. Sir Alexander Mackenzie succeeded Sir Charles Crosthwaite as Chief Commissioner, and he had to carry through the Settlement of the nineties. He had the disadvantage of being a stranger to the Province, and it may be his first impression gave him an exaggerated idea of the financial capacity of the Province. After a year's connection with the local administration, he moved this Government for the substitution of a two-thirds rule for the half-assets rule then in force, and the Government of India reluctantly sanctioned a 60 per cent. land-revenue settlement generally, and a 65 per cent. settlement in all cases in which the existing assessment exceeded that limit. The rule was accordingly changed. The Settlement of the nineties was apparently made on the basis

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of that rule. But the arithmetical difference in percentage gives an inadequate idea of the incidence of the two settlements. Different methods were followed in the ascertainment of the rental or the village assets, and whereas in the previous Settlement the *malguzar's sir* or home farm had been lightly valued and fallows and miscellaneous profits had been largely eliminated from the account, in the late Settlement *sir* was valued at rates higher than those payable for ordinary tenants' holdings, and fallows and the miscellaneous profits of the *malguzar* were also assessed to the revenue. Before the nineties the *malguzar* had his *abwabs* as well. It can well be imagined that even a 60 per cent. assessment on the method followed in the nineties would be more onerous than under the old system of valuation. The method was not in accordance with the definition of 'assets' given in Sir Alexander Mackenzie's letter to the Government of India, No. 267-8 of 16th March, 1888. It was expressly stated that 'assets' included '(1) the cash rental received by the *malguzars*, and (2) a valuation of the area held by the *malguzars* themselves at the all-round rate paid by the tenants of the district.' The *malguzars* accordingly claim reconsideration of the subject.

"My Lord, Sir Alexander Mackenzie's letter itself affords good grounds for reconsideration. It was never his intention to stereotype the rule of settlement he advocated for all time to come. He only contended for the abrogation of the 50 per cent. rule in the Settlement of the nineties. His Secretary, Mr. Fuller, now Sir Bampfylde Fuller, said: 'Briefly, Mr. Mackenzie would ask that the half-assets rule may be authoritatively declared inapplicable to the Central Provinces at the present Settlement.' This clearly points to the existence of the half-assets rule in the Province before that, and its abrogation in the nineties left the question of Government share open as regards future settlements. It behoves Government therefore to revise the system now that a fresh Settlement of land-revenue is on.

"My Lord, in this state of things Sir Alexander Mackenzie's reasons in support of his recommendation demand scrutiny. His principal grounds were, briefly:—

- (1) future 'evasion' of the half-assets rule would be difficult;
- (2) the level of rents was low;
- (3) the rental being fixed by the Settlement-officer, the *malguzar's* income was as secure as the revenue;
- (4) facility in collection of the rents fixed;
- (5) the revenue of the old Settlement had been easily and regularly paid;
- (6) 50 per cent. rule would not bring in a large accession of revenue;
- (7) 50 per cent. rule would not compensate Government for the trouble of settling rents; and
- (8) the proprietary right in land of the *malguzar* is a recent creation of the British Government.

"Two other reasons have also been advanced by revenue-authorities against the half-assets rule so far as the Central Provinces are concerned, and they are—

- (9) that the Province was immune from famine; and
- (10) that the Province was being developed by railways and roads.

"Of these the first does not require detailed examination. I am sure it cannot appeal to anybody. The second is not correct. Soon after the Settlement, rents had to be revised in several areas, and remissions were allowed in Hosangabad, Wardha and Jabalpur. Sir Denzil Ibbetson, in 1900, in reply to a question in Council by my friend Sir B. K. Bose, admitted that, during his incumbency of the post of Chief Commissioner, he had to revise the Settlement in three districts. Were the severity only due to famine, a revision, I submit, would not have been sanctioned. The difficulty could in that case have been met by a

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temporary suspension or remission. The third ground was based upon an erroneous belief. As a matter of fact, Sir Alexander Mackenzie's anticipations proved too sanguine. The realisation of the rents settled in the nineties was unsatisfactory. The Court of Wards, with all its resources and facilities, could not collect on an average more than 49 per cent. of the demand during the seven years following the Settlement (1894-95—1901-02). During the seven years immediately preceding the Settlement (1887-88—1893-94), the average collection was 88 per cent., or better by 39 per cent. The famine alone will not account for the fact. Even after the famines rents could not be realised in full. Sir Alexander Mackenzie himself admitted in that very letter that 'the tenants have in fact hitherto been too strong for the malguzars.' A strong tenantry like that prove the least obliging in the matter of payment. In his second letter to the Government of India, No. 267-S, dated 16th March, 1888, he remarked :—

'It is further to be borne in mind that if the Tenancy Act produces the results which it is intended to produce, such large increases in assets as those which have occurred in the Hoshangabad and Seoni Districts cannot be looked for in future.'

"This is destructive of the theory that the rents were low and were capable of large enhancement.

"The fourth ground is substantially the same as the third. The fifth ground failed to take note of the facts that payment of Government revenue had been made in some instances out of the ancestral savings of the malguzar, and that, in the old Settlement, the malguzar had so many openings for profit. Besides, since the revenue must be paid, instead of giving the Government trouble, the malguzar chose the honest and loyal course of paying it even by straining his resources. He, I humbly submit, is entitled to credit for his act, and should not be punished for it by being made to pay a higher revenue. I know personally of cases in which the revenue was paid with borrowed money. In answer to the sixth argument I beg to invite the attention of Hon'ble Members to the liberal policy laid down by Government in one of the early Regulations—Regulation VII of 1822 :—

'A moderate assessment being equally conducive to the true interests of Government and to the well-being of its subjects, it is the wish and intention of Government that in revising the existing settlement the efforts of the Revenue-officers should be chiefly directed, not to any general and extensive enhancement of the jama, but to the objects of equalising the public burthens, and of ascertaining, settling and recording the rights, interests, privileges and properties of all persons and classes owning, occupying, managing or cultivating the land.'

"The object of revised settlement is not to secure an increased revenue, but to equalise the conditions and to remove the existing inequalities. The other view put forward by Sir Alexander Mackenzie was subversive of the enlightened principles which have so far guided Government in the matter of land-revenue settlement. Sir Stafford Northcote, Secretary of State, in his Despatch to this Government of 23rd March, 1867, sanctioning a permanent settlement of the land-revenue throughout India, said :

'This sacrifice they (Her Majesty's Government) are prepared to make in consideration of the great importance of connecting the proprietors of the land with the stability of the British Government.'

"This embodies the basic principle of British Indian administration. If the Government was prepared, by sanctioning a Permanent Settlement, to forego all prospective increase in revenue for administrative reasons, *à fortiori* should it be prepared to incur a small loss involved in a lenient Temporary Settlement. Moreover, Lord Curzon's pronouncement in his celebrated Land Revenue Resolution of 1900 takes the point out of the argument :

'In areas where the State receives its land-revenue from landlords, progressive moderation is the keynote of the policy of Government.'

"The seventh ground was founded on the assumption that the rents settled, while securing an enhancement, were such as could be easily realised from the tenants. Nothing, however, could be further from the truth. The system followed was no doubt scientifically precise, but it was apt to ignore the law

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of 'diminishing return' and the methods actually employed in cultivation. Indian cultivation is not perfect, and does not utilise to the full the capability of the soil. The actual return is almost always less than the scientific estimate. Sir Anthony MacDonnell, when Chief Commissioner, in his Minute on Mr. Fuller's Memorandum on Prices and Rents, in speaking of the cost of production, observed: 'It would be well in that connection not to overlook the important law of diminishing return..... The raiyat's wants do naturally grow with the increase of his family, while to meet them there cannot be an increase of produce except by an increased application of labour and capital to the soil giving a proportionately less return..... But there is *en concessis* scant capital, while in such a climate as India, especially where continuous labour is exhausting, industry is not increasingly applied unless stimulated by exceptional reward.' In these circumstances, the rents, as fixed by the Settlement Department in consonance with a scientific theory, are likely to exceed the capacity of the tenants. This, of itself, may involve the malguzar in difficulty. To make the procedure a ground for a higher percentage of demand as revenue must be felt as a grievance.

"Sir Alexander Mackenzie's last argument raised a controversial point. From all report the malguzar is an old village functionary. It is true he had no ownership in land under Mahratta rule, but, according to Sir Richard Jenkins, Resident at the Nagpur Court, his office was '*hereditary and saleable.*' In effect the old system was also valuable to the malguzar. Assuming, however, the status of the malguzar is new, still he is entitled to some consideration. The same generosity which induced Government to secure the malguzar in the perpetual possession of his estate, will, I am sure, lead them to treat him liberally, and to ensure to him the full value of the boon. My Lord, when the malguzars were made owners by Government, it was settled that they would get at least 40 per cent. of the assets for cost of management and the maintenance of their families. In support of this statement I beg to refer Hon'ble Members to the reply given by Sir Anthony MacDonnell in 1894 in this Council to a question of mine on the subject. This arrangement was more than half a century ago, when the general scale of prices was much below the present scale. Does it stand to reason that the same percentage of assets which was enough for the support of the malguzar then would be sufficient in the altered state of things? Contemporary reports testify to the fact that the famines have affected the malguzars more than the tenants. The malguzar was in a prostrated condition in 1902 when Mr. Sly indited his valuable *Memorandum on the Condition of the People of the Central Provinces*. He has picked up a little since, but is still more or less embarrassed for ways and means. Any liberality shewn to him by Government in the matter of assessment will not be misplaced. Even Sir Alexander Mackenzie, in his letter to the Government of India, said he, 'would treat them (malguzars) liberally and equitably.' Sir Dennis Fitzpatrick, in his orders regarding the Settlement of Raipur and Bilaspur, observed:—

'Moreover, the malguzars are in certain ways useful members of society; in particular they act as saukars to their tenants, advancing them money and grain, and they are probably on the whole better men for the raiyats to deal with in this way than the saukar. I have been particularly struck during the present season of scarcity by the readiness with which they have come forward to make advances to their people. . . . I desire it to be understood that, apart from their claims as proprietors, they are entitled to our consideration.'

"This opinion does not stand alone. Sir Denzil Ibbetson, Sir Andrew Fraser, Sir John Miller and other high Revenue-officers also bore eloquent testimony in Council as elsewhere to the readiness of the malguzars to co-operate with Government in difficult times, and to their responsiveness to its benevolent impulse. At the Conciliation Proceedings after the famines, initiated by Sir Bampfylde Fuller, they cheerfully relinquished large claims against their tenants involving lakhs of good money advanced to them out of pocket.

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"My Lord, it used to be the pet notion of Revenue-authorities that the Central Provinces enjoyed immunity from famines. Sir Anthony MacDonnell, in 1894, in answer to a question of mine in this Council, alluded to 'the favourable climatic conditions' of the Provinces as justifying a higher assessment. But the recent history of the Province disproves the theory. The Province has been, in point of fact, the worst-affected of all the Provinces during the late famines. We had a succession of them, and it is by no means certain that we have seen the last of them.

"Sir Anthony MacDonnell on the same occasion alluded to the undeveloped state of the Province as an argument against the 50 per cent. rule. But I respectfully submit that railways have now been in existence in the Province many years. Facilities in road communication are likewise not new. Agricultural conditions have been affected as much as they could be by railways and roads; these have already produced their economic results. Whatever force, therefore, the argument had 15 or 16 years ago it has not now. The Province is now in a fairly developed condition, and there cannot be any serious objection to the adoption of the half-assets rule at the next settlement.

"Lord Curzon, my Lord, laid down two conditions in the Land-revenue Resolution of 1900 on the fulfilment of which the Central Provinces could expect to have the percentage of revenue lowered. He said :—

'In the Central Provinces, which have been for a shorter period under British rule, and where much higher assessments, amounting in some cases to over 75 per cent. of the actual income, were inherited from the Mahratta Government, there has been a progressive reduction of assessment; but it has not yet reached the very moderate level that is common in the North-Western Provinces.

'In time as population increases, and more labour and expenditure are devoted to cultivation, the share taken by Government may be expected still further to diminish.'

"My humble submission on this point is that the Province now satisfies both the conditions. The condition about the population must have been due to the alarming decrease noticed at the last Census. Without seeking to anticipate the results of the next Census, it may be safely asserted that there has been a sensible increase in the interval. Indications are not wanting that the population has grown. But, after all, this factor of population affects the revenue-settlement only in so far as it pushes rents to competition limits. I do not know, my Lord, that competition rents are at all desirable. There are numerous disadvantages, not the least of which is the incidental difficulty in recovery.

"The other condition is of course just, and according to official testimony, the Province has made a distinct advance in cultivation, both extensive and intensive. The Hon'ble the Chief Commissioner, in his Resolution on the Revenue Administration of the Province, remarked in 1908 :—

'There has for some years been a steady expansion of the area under occupation, and this expansion continued during the year under report, the occupied area increasing by 189,000 acres or one per cent. in *malguzari* villages. The area held in ordinary right has expanded by 172,000 acres. Holdings held in this right averaged about 8 acres in area, and it is only in a few special tracts that the population is beginning to press on land. Such is the case in the districts of Nagpur and Wardha, where there is but little room left for expansion without undue encroachment on grazing lands. Some difficulty is already felt in these districts, in common with those of Berar, in respect of grazing and fodder, and it is satisfactory to learn that the people are themselves becoming alive to the necessity of reserving some proportion of their cultivation for fodder crops—a necessity which they are apt to forget at times when the boom in cotton is encouraging them to expand their cotton cultivation at the expense of food and fodder-producing crops.'

"And further :

'There has been a very distinct advance in the direction of agricultural improvement. There is now a small but growing demand for agricultural machines and improved implements, and the selection of seed is gaining more importance among some of the better cultivators. The actual statistics of a single year are not always a reliable index of what is going on, but the reports bear a very general testimony to the steady growth of a desire among the cultivating classes to improve their land.'

"The *sanads* granted to cultivators for improvements also prove the activity of the Province in the matter of intensive cultivation. It may be the limit is

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distant yet, but something substantial has been done to satisfy the condition, and that gives the Province a title, in my humble opinion, to a lower assessment.

“ My Lord, Lord Curzon was averse to fix an arithmetical standard in the matter of assessment, and wanted to give ‘ the personal equation ’ of the Settlement-officer full play. As I read his Resolution, his object was to avoid rigidity in settlement-operations and consequential hardship. The people admire the motive. But a fairer solution will be found in the adoption of ‘ the half-assets rule, ’ with discretionary powers to the Settlement-officer to allow a higher percentage of profits to the malguzar in all cases in which exceptional circumstances justify extra leniency. Whatever may be said of arithmetical standards, the Government of India has fixed a percentage even for the Central Provinces. It is only a reduction in this percentage by a few points that we pray for. In Parliament as also in this country the Government has practically undertaken to work the 50 per cent. rule. The Resolution now places before it the case of a Province where the approximation of the settlement procedure to that rule has still to be effected. The land-revenue with cesses at present ranges from 56 per cent. to 70 per cent. of the assets in the Central Provinces.

“ My Lord, a light assessment, I need not point out to this Council, is a great advantage in difficult times. There is not much difficulty in payment ; the necessity for revision does not arise so urgently. The Administration is less inconvenienced in allowing the necessary remission. When the revenue is high, a sudden abatement disturbs provincial finance to such a degree that, however imperative, it cannot be sanctioned at once. On the last occasion, the necessary remission could only be granted in Jabalpur in three instalments.

“ My Lord, I do not suggest that the 50 per cent. rule should be adopted in the Central Provinces at all hazards. I do not wish to cause Government a sudden heavy loss. My own impression is that the adoption of the lower standard will not involve a heavy loss, but if Government thinks it does, the malguzars will be satisfied if the limit is reached in two steps instead of at one bound in areas where the existing assessment is greatly in excess of it. In areas, on the other hand, where the existing assessment is only by a few points more than 50 per cent., the level can be reached at once without any serious risk of financial dislocation.

“ My Lord, I beg to invite Your Excellency’s attention, in conclusion, to the following passage in an old Government Resolution :—

‘ The best wealth of a Government is to be found in the growing wealth of its people and the feeling, which leads it to grudge all that does not fall into the hands of the tax-collector, is a very shortsighted feeling, and must lead, if followed, to a very shortsighted policy.’

“ I am thoroughly convinced Government is fully alive to this wise principle of revenue-settlement, and my abiding faith in its benevolent intentions has prompted me to lay the grievances and the wishes of the malguzars of the Central Provinces before Your Excellency.”

The Hon’ble Mr. DADABHOY : “ My Lord, I beg to support this Resolution. I do it with all the earnestness which local knowledge and conviction can induce. I endorse all that the Hon’ble mover has said. If there is any desire common, widespread and earnest among the people in the Central Provinces, it is that land-revenue settlements should be more moderate. I do not here touch upon the equally universal desire that the settlement of the village-assets preliminary to land-revenue settlement should be more judicious and sympathetic. Weighty official opinion supports that claim. But that does not directly affect the present issue. The terms of the Resolution preclude examination of the subject, albeit cognate and intimately connected with land-revenue settlement.

“ My Lord, the revenue policy in the Central Provinces appears to me to have been coloured so far by a misapprehension of the nature of the State demand upon land. The theory seems to be that the land belongs to the State, and it has in consequence a right to take a full share of the produce as rent. Nothing could be more erroneous. The State demand upon land is not

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a rent but only a *land-revenue*, or, in other words, a land-tax. Even the East India Company took that view. In their Despatch of 17th December, 1856, they laid down that the—

right of the Government is not a *rent* which consists of all the surplus produce after paying the cost of cultivation and the profits of agricultural stocks, but a *land-revenue* only.'

"This is the soundest view that can be taken of the nature of the demand, and in this view it is nothing more than a tax which is imposed upon land for the purposes of the State. As a matter of fact, the State is not the owner of the land; the contractual relations of landlord and tenant do not subsist between the Government and the landholder; the subordination of the landholder is that of a subject to the Crown. The landholder's liability to pay a tax levied by Government is undoubted; but it is wrong to assume that the Government has a right to share in the proprietary profits. In the Central Provinces the *malguzars* were given proprietary rights in the estates they held. Most of the arguments, therefore, of Mr. Mackenzie, in his letter No. 501-8 of 18th May, 1887, for the adoption of a two-thirds rule in the assessment of revenue would appear to be beside the point, and vitiated by the wrong notion about the right of the State to share in the proprietary profits of land. It is this fallacy which lies at the root of the evil of high assessment. It permeates the whole of the revenue policy of Government in the Central Provinces. Inquisitorial investigation of the profits of cultivation, notwithstanding prohibitory instructions, are inseparable from this mistaken policy. It led Chief Commissioner Mr. Mackenzie and his Secretary Mr. Fuller to seek to apply an unworkable theory of 'economic rent' for the ascertainment of village-assets.

"Chief Commissioner Mr. A. P. MacDonnell, now Lord MacDonnell, realised the extravagance of the scheme, and, in his *Minute* of 1892, to which the Hon'ble Mover has referred in his Note on the Valuation of *sir* lands, justly condemned it in severe terms:—

'Ricardo's theory of rent never did as a working rule.....the theory is not now accepted without great qualifications even in England—the home of Ricardo and Mill, and the belief has gained ground that in point of fact *rent* is something to be shared between the landlord and tenant. This is the principle which has long guided the Courts in India and has been embodied in the Statute law.'

"Further,—

'Applied to agriculture of any kind, Ricardo's theory is not a working rule. If it were used as a working rule without the necessary limitations and qualifications, the effect would be to extract the last farthing from the tenant, to check the extension of agriculture and the growth of population, to stereotype the tenant's condition while his environments change, to prevent any rise in the standard of comfort, and to produce general discontent. A bad policy for a private landlord to pursue, it would be a suicidal policy for the Government of India, which by numerous agencies, moral and material, is striving to enlighten the people and raise them in the scale of comfort and prosperity.'

"But even Lord MacDonnell does not appear to have got over the initial mistake of Revenue-officers of India of regarding land as the property of the Crown. Land-revenue, viewed as tax and not as rent, must produce a revolution in the accepted theories of apportionment of the profits of cultivation. All this disquisition in regard to the share of the profits to which Government is entitled comes to have only an academic interest in that view. It is time Government, formally and once for all, settled its revenue policy on this enlightened principle.

"Now, my Lord, the chief recommendation of a tax is its uniformity; the first condition necessary is that no invidious distinctions should be made in levying it. Such distinctions create heartburning, and are a source of embarrassment to Government. Whatever justification there may be in local conditions constituting a differentiating element in fiscal calculations, differential treatment in respect of an impost cannot be agreeable to the people. Government does not become popular by scientific precision in assessing the provincial liability for a tax, but by broad generalisations applicable to the country as a whole, the amount of the tax being determined by the conditions of the weakest of the Provinces; otherwise put, the impost must not exceed the

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capability of the Province least able to bear a heavy burden. Applied to Land-revenue, this principle would suggest and demand the adoption in the Central Provinces of the standard of the United Provinces and the Punjab. Even if this course involves loss to Government, it should be adopted, if only for the sake of uniformity, which is a great point in taxation.

"But, passing on from abstract principles to facts, the case for the introduction of the 'half-assets rule' into the Central Provinces appears equally strong. It will not be applying to the Province a new theory of assessment. We had the rule before, as the Hon'ble Mover in his able speech has pointed out; it was in operation in the northern districts even before the creation of the Central Provinces as an administrative centre. It is therefore the reversion to an old order that we plead for. It is true at the Settlement of the sixties the rule was violated. Sir Alexander Mackenzie, in his letter No. 501-8 of 18th May 1887, observed, with a candour which in a worthier cause would have gained him applause, that 'in the case of these Provinces the deviations are themselves the rule.' But this, to an ordinary mind, would afford ground for greater stringency in the rule. It is illogical to make deviations from a rule the ground for its elimination. But, I regret to say, Sir Alexander Mackenzie's argument prevailed. That there was not much in his other arguments about different local conditions, apart from this point of 'evasion', will be clear to Hon'ble Members from the existence of the half-assets rule in the first Settlement Code of the Central Provinces, and the opinions of all the other past Chief Commissioners who might be expected to have as much local knowledge as Sir Alexander Mackenzie had after only a year's connection with the Province. Sir Richard Temple was clearly in favour of the 'half-assets rule.' In 1886 Mr. Fitzpatrick, Chief Commissioner, in the course of his Orders *re* Settlement of Bilaspur and Raipur, recorded the following opinion:—

'I have next to refer to the question as to the mode in which the Government share of the assets, as they are commonly called, should be calculated. . . . I had the other day the advantage of discussing it at some length with Mr. C. Crosthwaite, whose views upon it I find are generally speaking in pretty close accord with my own.

'I may say at once that I accept the 'half-asset rule' as the basis of our assessment . . . The general rule should be to take 50 per cent. of the total estimated income of the malguzar from the village.'

"Mr. C. Crosthwaite was Chief Commissioner of the Central Provinces and became Sir Charles Crosthwaite. It is clear both he and Mr. Fitzpatrick, afterwards Sir Dennis Fitzpatrick, were in favour of the 'half-assets rule.' Every one of the other Chief Commissioners has favoured gradual reduction in revenue-assessment. Judging from his broad sympathies, I am inclined to believe that the Hon'ble Mr. Craddock also is for gradual reduction. Had there been anything special in the local conditions of the Central Provinces to justify differential treatment, it would have been known to these Chief Commissioners. Their attitude shews that local conditions do not warrant greater harshness in the matter of revenue-assessment in the Central Provinces. The Hon'ble Mover has also shewn that the supposed 'favourable climatic conditions' have not saved the Province from a famine unique for its severity in India. In this very Council, in 1883, a great statistician, Sir William Hunter, remarked:—

'The Government assessment does not leave enough food to the cultivator to support himself and his family throughout the year.'

"This when the general level of prices was decidedly lower than it is now Mr. Sly, an acute observer—one of the ablest officers in the service of the Crown,—in the passage quoted by the Hon'ble Mr. Chitnavis in his Note, has come to the conclusion that the malguzar has suffered even more than the tenant during the famines. It is difficult to see how these gloomy local conditions can justify a more onerous assessment than that allowed in Provinces comparatively more immune from distress. Moreover, Government orders on this head are distinct and general, and are applicable to the whole of India; no room is left for variation of the rule in particular areas. In the Despatch of 1864 the Secretary of State for India, Lord Halifax, then Sir Charles Wood,

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gave the general direction that only a *half-share of the rent* should be appropriated by Government as land-tax. I do not see how a rule like this can be avoided.

“ Lord Curzon, in the Government of India Resolution of 1900, hesitated to adopt the half-assets rule chiefly because, in his opinion, the introduction of a fixed standard might work hardship in particular cases. His anxiety evidently was to secure gradual reduction in revenue assessment. The existing system had not his complete approval. His conclusion was:—

‘ The Government of India would not desire to claim for the land-revenue system of British India an exactitude or a freedom from blemish to which it cannot pretend. Historically it owes its immediate origin to practices inherited from the most decadent period of native rule, and its form to changes made slowly, and not without mistakes, by men who were aliens to the country, and could only with difficulty, and by slow degrees, assimilate the requirements or enter into the feelings of the people.’

“ All this was apologetic, and would seem to indicate Lord Curzon’s desire for ‘ progressive moderation.’ That he accepted the half-assets rule as the standard would appear from the pains he took to prove—

‘ that the standard of 50 per cent. of the assets is one which is almost uniformly observed in practice, and is more often departed from on the side of deficiency than of excess.’

“ The Hon’ble Mover has shewn that the assessment in the Central Provinces with cesses varies from 56 to 70 per cent. of the assets. According to the principles laid down in the Government of India Resolution of 1900, it should be gradually reduced to the 50 per cent. level common in the United Provinces and the Punjab. The Resolution now before the Council only recommends such reduction, and should commend itself to Hon’ble Members. In April 1908, Lord Morley, then Secretary of State for India, in reply to a question by Mr. C. J. O’Donnell, stated in Parliament:—

‘ 50 per cent. of the net assets is the ordinary standard of assessment of land-revenue alone throughout India.’

“ This is an authoritative pronouncement by the responsible head of Government which the Resolution seeks to reduce to practice. Indeed, in the light of Lord Morley’s conclusion the Resolution is a superfluity. But it is a matter of poignant grief to the Central Provinces malguzar that, notwithstanding the high source from which the statement emanated, a land-revenue higher than 50 per cent. is still ‘ the ordinary standard,’ and the Resolution is more than ever necessary.

“ My Lord, apart from his title to progressive relief based upon the Government’s declarations of policy and the opinions of high authorities, the malguzar, by reason of the pecuniary difficulties with which he is beset, is entitled to sympathetic consideration. The opening up of the country by railways and the growth of intercommunication has brought Western influence into the remotest villages which has proved a solvent of the primitive ideas of the people, creating a desire among them for commodities and luxuries which their simple forefathers never knew. Wants have increased everywhere, and the malguzar from his position has a full share of them. Simultaneously with increased wants, general prices have shewn an upward tendency perplexing to a degree. In the result, financial embarrassment is more or less common. Sir Bampfylde Fuller, in his ‘ Review of the Progress of the Central Provinces ’ of 1892, commented on this feature of the rural economy:—

‘ The fact which has brought the condition of the malguzars most prominently before Government is their general indebtedness The main cause of debt has been extravagance in the marriage expenditure and in feeding hosts of dependents.’

“ The famines of the succeeding years have taxed their resources to the utmost. They cannot be in affluent circumstances with so many depressing causes at work. They may be allowed therefore to look up to Government for some relief in their existing burdens. I know there is a body of official opinion which condemns the malguzar for his extravagant habits, and suggests enhancement in revenue in order to deprive him of the means of vain display. But however much one may regret their habits, so long as Hindu society is

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constituted as it is, malguzars must incur extra expenditure on ceremonial occasions and for the support of helpless dependents. Social ideas change slowly; reform is a work of slow evolution. We must look to the growth of education for a corrective of the evils. Meanwhile the farsceeing statesman will afford relief, and true relief will be found in a reduction in assessment which will leave a larger margin of profit in the hands of the malguzar, and not in cutting off the supplies. As Lord MacDonnell remarked on a similar suggestion of Sir Bampfylde Fuller's in relation to the raiyat :—

'I do not think the right way to save the raiyat from indebtedness is to keep him so poor that no one will lend him a rupee. The true remedy is to be found in another direction.'

"My Lord, one other reason would counsel concession to the malguzars. They were formerly the most active and sympathetic patrons of village industries. With attenuated resources, they cannot now do much for them. In the normal state of things an accession in their income will increase the village capital of which a portion at least will be employed for the support of the cottage industries. Mr. Sly, in his *Memorandum*, observed :—

'Indigenous village industries, which are of far more importance to the welfare of the people, present a very different picture of gradual decay.'

"This is a matter which ought to attract the attention of Government in a far larger measure than it has so far done, and at least the most practical way to improve the prospects of the village artisan is to put more money into the pockets of the malguzar who combines in himself the functions of the village saukar and the village capitalist."

The Hon'ble MR. CARLYLE: "I do not propose to follow the Hon'ble Mr. Chitnavis' example by giving a long history of the revenue-assessment of the Central Provinces from the Government as distinguished from the malguzars' point of view. It is enough for my present purposes to say that, whatever the status of the malguzars under the Mahratta Government, there can be no question that an enormous boon was conferred on them by the grant of proprietary rights by order of Government fifty years ago, while, so far as the first settlement made after these orders issued, it was found in practice impossible in every case to adhere to the half-assets rule, even in districts where the Settlement-officers believed it to be operative. It unquestionably was not followed by Settlement-officers even in districts where they did believe the rule had been laid down by Government, and the reason was that it would have caused an unjustifiable loss of revenue in a province where the malguzars had just received an enormous boon.

"I am not going into the disputed question of how far the rule has actually extended in various parts of the Province, and it will suffice to explain that the rule on which Mr. Chitnavis lays so much stress was merely an executive order of Government for the guidance of its officers. Settlement-officers did their work under the supervision of the higher officers and settlements were confirmed by the Government of India. It must therefore be taken that, in all cases where Settlement-officers departed from this rule, the departure was either tacitly accepted by the Government or expressly authorised. The rule did not represent in any shape or form an agreement between Government and the malguzars, and there was no legal or equitable bar to the modification of the rule. In view of these facts, it appears to me that Sir Alexander Mackenzie was amply justified in coming up to the Government of India and asking that the rule should be formally set aside and that a new assessment rule should be laid down. The Government of India accepted his proposals with some modification, but not exactly as the Hon'ble Mr. Chitnavis states. They did not lay down a settlement at 60 per cent.; they laid down a settlement at between 50 and 60 per cent.

"I will not follow the Hon'ble Mr. Dadabhoj in his examination of the theory of land-revenue. There has been a long and very bitter controversy as to whether land-revenue is taxation or rent. It appears to me that in many cases the combatants have been describing two sides of the same shield. But the broad facts are that from time immemorial all Governments in this country have

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been held entitled to a share of the gross produce of the land, and the real history of land-revenue under British rule consists largely in a history of the way in which the share of the gross produce absorbed by the British Government has steadily decreased. The question of the percentage of assets to be taken from malguzars has nothing to do with any theoretical question as to whether land-revenue is taxation or whether it is rent. A good deal has been said about the unsatisfactory condition of the malguzars, but I understand that the Hon'ble Mr. Chitnavis admits that conditions have of late considerably improved. I may mention that I have looked up the Court of Wards' Reports for the last three years, and I find that in the Court of Wards they have collected in one year 92 per cent., in another year 110 and in another year 102 per cent. So far as Government revenue payments go, in the last three years, 1906-07 to 1908-09, out of a gross demand of 233 lakhs, all but Rs. 4,000 have been collected. I do not think there can be anything very serious in the state of the Province.

"Before I leave Mr. Dadabhoj I will quote from a readily accessible letter what appears to me a moderate statement regarding the alleged connection between famine conditions and the land-revenue:—

'The question how far the famine conditions which have prevailed can be attributed to assessments has been examined and reported on. Suffice it to say that the people of the Province have during the last seven years lost produce to the value of 40 crores. During the whole period the increase in their revenue-demand has not exceeded a crore of rupees, of which a portion has been suspended or remitted. Only perverse blindness could attribute agricultural depression to the assessment and not to the losses, particularly as the people have received in unrecovered takavi and charitable loans much more than the crore taken from them in increased revenue, not to mention 6½ crores spent on famine relief. Nor is it out of place to mention that it is the districts which have not paid their revised assessments which have suffered the most. Most of the Chanda District, which has suffered so severely in the recent famine, is still paying a revenue fixed 35 years ago.'

"I have left untouched many debatable points as I do not desire to take up the time of the Council unnecessarily by dealing with points which do not appear to me to bear upon the issue now before the Council, especially as I am going on to state that Government are not averse to the general principle of a half net assets rule in the Central Provinces, though it must take some time before it can be adopted everywhere. While I have thought it necessary to indicate that I cannot accept the history of the standard of assessment in the Central Provinces given by previous speakers from the malguzars' point of view, and while I consider that the action of Government in the past has been amply justified, I have at the same time considerable sympathy with the desire of the malguzars to be put on the same footing as regards the percentage of assets to be taken as their brother landholders in the Punjab and the United Provinces. There are historical reasons for the difference which now exists, but as time passes it is natural that the historical reasons should be forgotten and that it should be increasingly felt that distinctions are invidious, and while we are not prepared at once to introduce the half assets rule we are prepared to do something to meet the wishes of the malguzars whose cause has been stated reasonably and moderately by the Hon'ble Mr. Chitnavis.

"The Government of India have been in communication with the Chief Commissioner on the whole subject, and, after consulting him, they have decided that action might be taken on the following lines. So far as the districts of the old Saugor and Nerbudda territories are concerned, the present assessment does not usually materially exceed the half assets standard, and provided that individual exceptions are allowed to prevent material sacrifice of revenue, Government are prepared to accept in principle that the land-revenue should generally approximate to half-assets. As regards the rest of the Province they are not prepared to go so far at present, but their policy will be a gradual reduction of the fraction of assets taken at succeeding settlements until assessments approximating to half-assets are reached and enhancements will generally be limited to half the increase of assets made since the last settlement.

"I trust that the Hon'ble Mr. Chitnavis as representing the malguzars will recognise that Government has gone a long way towards meeting any justifiable wishes of the malguzars. The principle that the half-assets standard

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is to be introduced has been accepted, while at the same time Government will be safeguarded against loss of revenue and will not sacrifice its due share of unearned increment. While I cannot accept the Resolution as it stands, I can on behalf of the Government of India accept it if amended so as to embody the proposals that I have now stated, and I would ask the Hon'ble Mr. Chitnavis whether he is prepared to amend his resolution."

The Hon'ble MR. CHITNAVIS: "My Lord, I have heard with satisfaction that, though he differs from me in regard to the history, the Hon'ble Mr. Carlyle takes a sympathetic view of the case. Without entering into controversy with the Hon'ble Mr. Carlyle, about the principles and the details, after what has fallen from him, I have decided to amend the Resolution on the lines of his suggestion. I am glad to hear from him that the Government intend to place the Central Provinces malguzars on the same footing as those of the North-West Provinces and the Punjab. I have already stated that my object is not to hamper the Administration. I am also anxious to avoid a sudden and heavy loss in revenue. I think it wise to effect a compromise as embodied in the Resolution I now read:—

'This Council recommends to the Governor General in Council that Government should accept the principle that in the districts forming part of the old Saugor and Nerbudda territories the land-revenue demand should generally approximate to half-assets: provided that individual exceptions are allowed to prevent material sacrifice of revenue. In districts forming part of the old Nagpur Province the policy of Government should be gradually to reduce the fraction of the assets taken at succeeding settlements until assessments approximating to half-assets are reached, and in the meantime generally to limit enhancements to half the increase of assets since the last settlement.'

"I now request the Hon'ble Mr. Carlyle to say if the Resolution, as amended, meets with the approval of Government."

The Hon'ble MR. CARLYLE having accepted the Resolution on behalf of Government, the Hon'ble Mr. Chitnavis went on:—

"I am glad the Resolution is accepted by Government. It is a great point that the principle of half-assets settlement has been recognised in the Central Provinces. This Resolution, I am sure, safeguards Government interests, and although from the malguzars' point of view it may not go far enough, the arrangement may be accepted in view of the fact that Government has kindly expressed the desire to meet them half way. In politics the policy of give and take plays an important part. If a whole loaf cannot be had at once, half a loaf should be received with genuine feelings of thankfulness.

"But in land-revenue settlements, the village-assets form the basis of assessment, and I trust that care will be taken that these assets are real and easily realizable. I also beg leave to submit that the value of the boon should not be pared down by the imposition of fresh cesses or an increase in the present percentage of cesses. Further I hope that the reduction in the revenue-demand will be sufficiently large as will leave to the malguzar a margin of profit which will enable him to materially improve his position and prospects in life.

"In conclusion I will draw the attention of the public to the result of to-day's proceedings. The malguzar has, through long years of travail, never ceased to trust Government, and to put implicit faith upon its sense of justice and benevolence for ultimate success, and the result of to-day's proceedings shows clearly that he has not erred. If the reduction in revenue-demand be substantial, he will have, by continuous loyal and constitutional agitation, at last succeeded, though partially, in gaining the ears of Government. This will have its own moral, and will have also its lessons for that emotional body of young men who are apt to be betrayed into a false enthusiasm and an impatience at respectful representations to the authorities."

The Resolution as amended was put and adopted.

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SCIENTIFIC SERVICES.

The Hon'ble MR. MADGE: "I move 'that the Government of India be requested, in consultation with Provincial Governments, to consider the desirability of inviting all large Municipal Corporations to combine in establishing Graded Scientific Services for Engineers and Health Officers, with the object—

- (1) of affording life careers to incumbents instead of chequered careers on contracts for terms of years;
- (2) of giving incumbents such suitable beginning salaries as may be necessary to secure efficient Engineers and Health Officers, and providing for promotion by increments to such maximum salaries as may be necessary to retain their services; and
- (3) of admitting of the transfer of incumbents from one Corporation to another.'

"I am encouraged, my Lord, in moving this Resolution by two facts. The first is that not very long ago the Government itself projected a scheme or sent it round for inquiry to the Local Governments as to whether a class of sanitary officers should not be employed throughout the country. My second fact is that this scheme, though it resembles the one that I put forward to-day in some important points, differs from it in some radical details to such an extent as to make it almost absolutely necessary that a parallel scheme should be set on foot to supplement or complement the Government scheme. I have referred to the difference between the two schemes, and it is part of my grounds for supporting my own that I should state briefly in what that difference consists.

"The Government scheme was to provide qualified health officers for those towns throughout the mufassal in which medical officers of the Government were practically acting as health officers. Now these medical officers, although they have splendid qualifications and have done excellent service, do not, all of them, possess the Diploma of Health which is almost a necessity now in these scientific days for an expert health officer. That is one of the main reasons, and it shows the difference between the two schemes. But there is another difference. It is that the Government scheme provides only for sanitary officers, whereas the scheme that I have submitted to the Council this morning provides also for Engineers who take a very important part, sometimes in conjunction with health officers, sometimes separately, in working out schemes for corporations.

"Now these two differences, when put before the Council, will show how necessary it is, if the scheme of the Government is desirable at all, that it should be supplemented by some such scheme as that which I have submitted. I have said, my Lord, that some of the reasons on which I support the scheme were actually put forward by the Government itself when sending round their scheme to the Local Governments. May I briefly read these; they are very short. The first is—

'That a career which is limited to employment by local authorities on uncertain terms and without prospect of pension will not attract candidates of the right stamp, if indeed it attracts candidates at all.'

"And it might have been added there 'or keeps them after they have been attracted,' when they come to consider, some of them, the very unfavourable conditions of their service.

"The second reason given on that occasion was—

'That the insecurity of tenure of appointments under local authorities will tend to deter young men from qualifying themselves for such appointments. The duties of a sanitary officer will of necessity often bring him into conflict with members of the local authorities or their relatives, and if he is merely the servant of the Board or Council, he will either neglect his duty in such cases or perform it at the risk of losing his post.'

"There is an objection on the other hand to which Government refers,—and if Your Lordship permits me I will bring it on later. There are difficulties

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in the way of the scheme which I propose; but in the meantime I wish to fortify my proposal with as many sound reasons as possible, and one of these is that the two most important functions of sanitary officers in all corporations are sanitation and construction. They run into one another in some spheres, and in others stand apart, but they are beyond question the two most important functions of municipal officers. Now, while these two most important functions, at least at their head, in respect of Chief Engineers and Chief Health Officers, are now fulfilled by officers on contract, for periods of years, all the other subordinate functions of corporations are entrusted to officers on permanent salaries, either with pension in some cases or provision of one kind or another through Provident Societies in other places. Why the subordinate officers should be entertained on conditions that are supposed to be favourable by nine out of ten reasonable persons, and why the chief officers—the Chief Engineer and the Chief Health Officer—should be entertained upon conditions that nine out of ten men, if they were considering their careers in life, would pronounce to be most unfavourable, is a matter which I cannot understand. I have tried, my Lord, to give this matter my best thought, but I cannot understand how provisions of this sort crept into the Municipal Acts of Bombay, Madras and Calcutta. I do not wish to take up too much time of the Council in dwelling upon the more favourable conditions of permanent servants but may I now just refer to them in passing? A man comes out to a service knowing that he has his work for life plotted out for him. He throws his whole energy into it: he becomes in time, if he is worth anything at all, an enthusiast in his service. How can you expect a man who comes out on contract for a period of years, not to think of the uncertain future that lies before him? In the natural course of things the man marries; he has a family; he has to provide for them, and his fortune lies in the lap of the gods, as the saying is, for he cannot for a single year, beyond the time of his contract, guess what his future may be—not only his own future, my Lord, but the future of his wife and the children whom he has to educate. Surely these are conditions that would appeal to everyone of us and would incline us, so far as was practicable, unless very grave reasons can be shown against it, to bring in a system that will place all our scientific officers on a certain footing, that will make them enthusiasts where the ordinary instincts that prevail in all human nature prevent their being so now.

“Now, my Lord, it has been said here, on the other hand it is argued, that the creation of a Provincial Service of sanitary officers will conflict with one of the main principles of local self-government, and it is urged that in no branch of local administration is local control so necessary as in matters connected with sanitation. I wish to be quite fair, so I will read another line:

‘The Government of India could not agree to any proposals which did not leave to the local authority the control of its executive officers, whether of the sanitary or any other establishment.’

“Now, my Lord, there is no *arrière pensée* in my mind, and there is no suggestion in my scheme for making any man independent of any authority from whom he draws his pay. All I ask is that all authorities entrusted with the fate of their officers should treat them as they would like to be treated themselves, by extending to them the utmost fairness and making their condition such that they may give the best service that they could possibly give. It ought to be remembered that in all countries—but in this country perhaps more than in others—there are two branches of almost all services, *i.e.*, the administrative and the professional; and I think it will be found that, in the case of the more reasonable members of corporations, they try as little as possible to interfere with the verdict of experts in their own proper subjects, interfering only where the matters become purely administrative. But, my Lord, if the Government of India were so good as to send down a scheme for opinion, they would get the opinions of all the corporations; they would find out all about the scheme in this connection, and I am very hopeful that, if anything of that kind were done, most corporations in India would see that their own interests would lie in inviting out the best class of officers that we can get hold of, and in keeping them as long as possible.

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"Administrative work is, in some cases, so interwoven with scientific work, that little difficulties of some kind may arise, and it would be absurd to take up the time of this Council in dealing with that kind of thing on the present occasion ; but I have been made aware, my Lord, since I came into this house this morning, that there may be a kind of lurking fear in some minds, that, by a scheme of this sort, only experts would be invited from abroad and that local employment would become unfashionable. Now, if there is a man in India who is interested in securing employment for members of his own community, I am that man. I wish to see members of my own community employed ; but I hope I am faithful to the country as a whole so far as to feel that, until members of my community are fully qualified for the work that they have to do, I should prefer the interests of ratepayers generally, the lives and the health of others, to the interests of any community ; and I am quite sure that the better class of all races in the country will have a similar feeling. It is our duty, it is our interest, to try and educate our people up to the highest level obtainable anywhere. But surely nobody here will contend that you should employ a man of the country in preference to one whom you can get out from outside if the lives of our wives, our children and our friends will be better cared for under one class of expert than under the other. While, therefore, I am in perfect sympathy with every body who wants to see all the institutions that instruct our youth brought up to the highest possible pitch of perfection, I do not think the question of whether persons should be employed from here or from anywhere else should at this stage be taken into consideration. In considering the merits of the scheme, what we ought to have is men of first class merit ; and I fear, my Lord, we shall neither get them, nor be able to keep them, if we get them by accident, unless we have some such scheme as I have ventured to propose this morning."

The Hon'ble MR. BUTLER :— "My Lord, the Government of India are always deeply interested in any scheme that will improve the public health, and I recognize the extremely able way in which the Hon'ble Mr. Madge has brought forward his Resolution this morning. I am not concerned to dispute that in India permanent service has attractions over contractual service in certain circumstances, but permanent service is only possible when certain conditions exist."

"I gather from the Hon'ble Mr. Madge's speech that he is referring only to the large corporations. That, indeed, is contained in his Resolution and he must be referring only to the bigger towns because he talks of the separation of the Engineering from the Health section ; it is only in the bigger towns, my Lord, that there are separate engineering establishments."

"Now, the bigger towns in India are very few, and difficulty will come in in creating a service for such a very small area. In fact, this proposed service would extend only to four, five, or possibly six towns in India, and it is very difficult to see—and I for one cannot see—how for such a small area one can get up a permanent service. The whole difficulty comes to a head when one gets to the question of the transferability of incumbents from one corporation to another. As practical men who have had any dealing with administration, we know that every municipality, or that nearly every municipality, would be anxious to keep a good man when it has got one ; it is equally anxious to get rid of an indifferent servant when it has one, and I think that when we come to contemplate the transfer of an Engineer or of a Sanitary or Health officer from Bombay to Calcutta, one will realize that in practice the time has not yet come when this can be done. Therefore, my Lord, the Government of India, while sympathising with the objects which the Hon'ble Mr. Madge has in view, is unable, as a matter of practical expediency, to accept the Resolution."

The Hon'ble MR. MADGE : "My Lord, as nobody has apparently had anything to say, I would simply remark, with reference to small areas, most reforms begin with small areas and gradually extend. I was afraid that the financial objection would have been raised by the Hon'ble Mr. Butler ; but as a matter of fact he has not done so. I suppose the real financial burden would, in the first instance, be no greater

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than it is at present, and municipal resources, as far as I can gather, are gradually extending in all directions, and I know of no direction in which they could better be charged than with the salaries of the class of expert officers to whom I have referred. Then, as regards transfers from one place to another, I quite admit the force of what has been said, but is not that an objection that has already been met by Government to a certain extent in its transfer of officers from one place to another? I do not think we find it difficult as a rule; I know that some critics have said that the transfer of expert officers on some such principles as the Hon'ble Mr. Butler referred to would keep out the incompetent and guard the competent; but that is not the principle that prevails all over the country, and the man himself would have a certain option as to whether he was to be transferred or not. What I consider the real benefit of my scheme is that it will introduce a system that will work gradually, and which would be supported by the gradual increase of municipal revenue all over the country, until we have a system in municipalities which would complement the system in municipalities which the Government itself has found absolutely necessary in other places. It is true that at present there are only a few such large municipalities, but there is no reason why present municipalities should not grow larger, when a scheme of this kind, could not be extended. But I can realise, my Lord, that the Government may see a great deal more than I do, and that I could not press this point against the Government here."

The resolution was put and rejected.

COUNCIL REGULATIONS.

The Hon'ble PANDIT MADAN MOHAN MALAVIYA :

" My Lord, the Resolution that I have the honour to lay before the Council runs as follows :—

" That this Council recommends that the Government may be pleased to appoint a Committee, consisting of official and non-official members, to consider and report what changes should be made in the regulations promulgated under the Indian Councils Act of 1909, so as to remove all legitimate complaints on the score of inequality in the treatment of the various sections of His Majesty's subjects, and in regard to some of the disqualifications and restrictions placed on the choice of candidates seeking election to the Councils; also to ensure that the provision for a non-official majority in the Provincial Councils shall be more effective in practice."

" My Lord, in answer to a question put the other day by my friend the Hon'ble Mr. Sinha, the Government was pleased to say that the regulations which have been framed under the Councils Act were receiving the attention of Government, that the opinions of Local Governments had been invited as to what modifications might be made in them; and that, when those opinions were received, the whole matter would be considered. My Lord, that statement has encouraged me to bring forward this Resolution before the Council earlier than I might otherwise have done; because I have felt that when the opinions of Local Governments have been received by the Government of India, that will be the proper time for the entire subject to be reviewed and for such amendments to be made as might be deemed to be proper. My Lord, it so happened in the past that when the Regulations were being considered by the Government of India, when they were being framed, all sections of the public were not consulted. Our Muhammadan fellow-subjects were consulted, and some zaminders were consulted; but the great body of the educated public were not consulted as to the propriety or otherwise of the proposals which were being considered by the Government. I venture to think that if the proposals which the Government were considering had been made public, and a timely opportunity given to other sections of the community to express their approval or disapproval of the measures that were in contemplation and to make suggestions for improvement, a great deal of the irritation that has undoubtedly been caused would have been avoided, and the regulations would have met with a more cordial reception than they have received. I am therefore anxious, my

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Lord, that when the opinions of Provincial Governments which have been asked to make recommendations as to amendments, have been received and when the matter is taken up for consideration, the Government should be pleased to appoint some non-official members along with official members to consider all those opinions and to consider what other objections may be brought to the notice of the Government in order that all reasonable complaints may be removed.

"It is unnecessary for me at this stage to repeat what has often been said before, that the country as a whole feels very grateful to the Government for having introduced these measures of constitutional reform out of which the Regulations have arisen. We owe it to these measures that we are here, able to discuss questions of public interest with greater freedom and with greater fulness, and have greater opportunities of bringing matters of public interest to the notice of Government than we had before, and the country does feel deeply grateful to the Government for it. But, my Lord, it is equally true that there has been a great deal of dissatisfaction caused among large and important sections of the community, I may say generally among all non-Moslem communities, by reason of certain mistakes of policy, if I may say so, which have occurred in the framing of these regulations. I draw attention to some of them here in order that they may be prominently before the Government when the matter comes to be dealt with.

"My Lord, we undoubtedly have in this country people of different races and creeds living under the rule of His Majesty; but so far as administrative questions are concerned, *i.e.*, in matters that come up before the Councils, their interests are not divided and they are most certainly not divided on the basis of religion. For instance, to make my meaning clear, I do not know of any question which has ever come up before the Legislative Council either here or in any of the Provinces in which the interests of only one persuasion or religion has been concerned, barring questions such as those relating to the marriage or succession of Indian Christians or of the Brahmos. But with the exception of those measures in which it is understood that the opinions of those only that are concerned are mainly consulted, all other questions that have arisen have been questions which equally affected all sections of His Majesty's subjects. I have not been able to see what administrative question can arise in which there may be a division of interests as between Muhammadans and Hindus or between Christians and Parsis, who all live under the same laws and rules, who live under the same Government, and are all equally subject to every measure of taxation or legislation which may be passed. That being so, my Lord, the best way of providing for the representation of various interests in the Councils would be to let the people generally elect those in whom they have confidence without any regard to their creed, sect or persuasion. Under the old regulations made under the Indian Councils Act of 1892, nobody complained that the persons who were returned to the Councils did not protect the interests of all sections of the community alike. But, my Lord, if that is not to be, if our Muhammadan fellow-subjects, or some of the leaders among them, are determined that they must have separate representation provided for them, then fairness demands that two things should happen. They should be content with separate representation and the measure of that representation should be determined by their proportion to the total population. My Lord, our Muhammadan fellow-subjects are free to say that their interests will not be protected sufficiently by means of the general electorates that may be formed. My own belief is that if the ideas of separation of interests which have recently come into prominence were given up, and if Muhammadans and other communities came forward to elect only such men in whose ability, integrity and public spirit they had confidence, every community would be satisfactorily represented in the Council. I am not opposed, my Lord, to communal representation; I want that men belonging to different communities should have their places in the Councils. I do not want that only members of one community should be represented in the Council or that they should be over-represented. I believe, my Lord, that as we Hindus and Muhammadans, Christians and Parsis, all live under the same Government and are all equally

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affected by the same laws, and as we live with each other every day as members of one body politic, I believe, that under any natural and reasonable arrangement, there would be a sufficient number of representatives of every important persuasion, sect or religion in the general body of persons elected to the Councils, if the ground of election was only ability, integrity and public spirit in the person who was elected. But, my Lord, if that will not satisfy my Muhammadan friends, the utmost they are entitled to ask is that it should be provided that their representation on the Council should not be less than their proportion to the total population. Their proportion to the total population and, in addition to it, the contributions they make to the Government, might be regarded as the two criteria which should determine the measure of representation which they are entitled to ask should be secured to them.

“As matters stand, however, the Council is aware that the minimum measure of representation that has been secured to our Muhammadan fellow-subjects has been fixed not on the basis of their proportion to the total population, as was excellently suggested in the first scheme proposed by Lord Morley, but on the basis also of what is alleged to be their political importance. My Lord, I am anxious that I should not say one word which will cause irritation, and I wish to state our differences with as much fairness and candour as possible; but I am compelled to draw attention to this matter in discussing the question of the amendment of the regulations. Now, my Lord, I do not know what this ‘political importance’ means, and I will not attempt to define it; but I will submit this, that in every civil administration, in every sound system of administration, every member living under it is equally important, and that every member is entitled to claim protection and equality of treatment in the eye of the law, that he is entitled to be regarded as much an object of concern to the head of the Government as any other member living under that Government. That being so, my Lord, I do not understand what special political importance my friends of the Muhammadan community can reasonably claim. At any rate it has not been established on what grounds that political importance is claimed, and I submit that the Muhammadans cannot reasonably ask that they should be given a larger measure of representation than their proportion to the total population justifies. In the Punjab and Eastern Bengal alone our Muhammadan fellow-subjects number over 50 per cent. In no other Provinces do they number more than 20 per cent. But special representation has been secured to them in a much larger measure than that. Now, my Lord, that is one point of complaint, one point of inequality which I beg the Government will be pleased to take into consideration. I submit that there is no reason to support the view that the Muhammadans are politically more important than the Hindus, than Sikhs, than Christians or Parsis or any other communities living in India; and I submit, starting from that point of view, that the Government will be pleased to consider whether their representation should not be placed on the same footing as the representation of any other subjects of His Majesty.

“But, my Lord, if Government are not prepared at this moment to disturb the arrangements that have been made, if the Government are of opinion that at this stage they should allow the minimum of representation which has been guaranteed to the Muhammadans to stand, I do submit that Muhammadans should not be permitted to take part in elections by mixed electorates. What has happened is this. They have secured by means of separate and mixed electorates a larger representation than can in any way be justified. I will give an illustration. Muhammadans form only 14 per cent. of the population in my Province. The Secretary of State said that representation might be secured to them on the assumption that they formed 20 per cent. of the population. My Lord, that was provided; four seats are reserved to be filled up by means of special electorates in which only Muhammadans can take part. In addition to this my Muhammadan fellow-subjects in the United Provinces have been permitted to take part in mixed electorates. Now elections to Municipal and District Boards took place at a time when the gospel of separation of interests had not been

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preached. Muhammadans therefore filled a larger number of seats in the Municipal and District Boards than they were entitled to fill on the basis of their population; and so, my Lord, when the elections by mixed electorates of District and Municipal Boards came on, a number of Muhammadan candidates were put forward, and two of them were elected. That made their number six. But, as though that was not enough, the Government of the United Provinces were pleased to nominate two other Muhammadan gentlemen to the Council; so that there are 8 Muhammadan members out of 26 non-official members in the United Provinces, where they form only 14 per cent. of the population. This has naturally caused a great deal of heart-burning among Hindus and other communities. The cause of this heart-burning ought to be removed. The protection and the privileges which the Government has been pleased to grant to Muhammadans should be extended to other communities also.

“Complaint on the score of over-representation extends to the case of landholders also. We do not understand, and there are many friends of mine who do not, the principle on which zamindars should be treated as separated from the rest of the population. We do not see the necessity of a separate electorate being provided for landholders also. If any body would care to study the names of the members of this Council or of the Provincial Councils, he will at once be struck by the very large numbers of landholders who have always occupied seats in them. In this very Council, before the present regulations were passed, His Highness the Maharaja of Darbhanga was returned time after time as a member in spite of the fact that many others wanted to contest the seat with him. The Government of the United Provinces took note of the fact and mentioned it in their recommendations to the Government of India, that the landholders did not in that Province require special provisions to ensure their adequate representation. There was no complaint that they did not receive ample representation. Now what has happened? A special electorate has been provided for landholders. Persons paying a certain amount of revenue are entitled to vote at the election of a member who is to represent them separately in the Provincial Councils; and, my Lord, in addition to this, these very electors, who have voted in one place, also vote at other elections as members of District and Municipal Boards, and in that way they secure a larger share of representation than they might otherwise have obtained. Take for instance the case of Oudh. There the Talukdars alone return one member as their representative in the Provincial Legislative Council. In addition to this another Talukdar contested the Municipal seat, and came in as representing the Municipal Boards. The landholders also thus obtained a preponderant share of representation. I do not think that this is satisfactory. In the natural course of things, it is open to everyone, whether a zamindar or non-zamindar, whether he be a Hindu, Christian, Muhammadan or Parsi, to seek the suffrages of his fellow-subjects, and if he enjoys their esteem and confidence he is welcome to represent them. No one would object to him on the ground of his being a landholder or belonging to a particular faith. What is objected to is the special provision by which an undue advantage is given to them over their other fellow-subjects. This special provision of electorates for landholders and Muhammadans, and also the provision that they may take part in mixed electorates, results in this, that those who are non-zamindars and non-Muhammadans are thrown into the background and cannot get a fair share of representation either in the Local or the Supreme Councils. Here for instance, in this Council, we have one Muhammadan gentleman—my friend the Hon'ble the Raja of Mahmudabad—returned by the special electorate of the Muhammadans, and we have my friend the Hon'ble the Nawab Abdul Majid, who was elected by a mixed electorate. That is, while our Muhammadan friends form only 14 per cent. of the population in the United Provinces, they have 50 per cent. of the representation here in this Council. And we have three landholders—my said two friends, and my friend the Hon'ble Raja Partab Bahadur Singh—filling up three out of the four seats allotted to my Provinces. I hope my friends will not

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misunderstand the reference. I mean no disrespect to them personally. I am illustrating how the regulations have worked in my Provinces. I submit that the arrangement requires to be looked into. Such a preponderating representation of one or two communities cannot be said to be just to all sections of the people. As I had said before, I would not object to any number of zamindars or Muhammadans coming into any Council, if they came in only by the confidence which the general electorate has in them. I object to the regulations in that they artificially secure to one or two sections of the community an unduly large share of the representation.

"I will now turn to the inequalities which exist in the regulations in the matter of the franchise. In the case of Muhammadans, it has been provided that if a person pays a tax on an income of Rs. 3,000, or pays land-revenue in the sum of Rs. 3,000, he would be entitled to a vote. In the case of non-Muhammadans, a Hindu, Parsi or Christian might be paying a tax on an income of Rs. 3 lakhs, or land-revenue in the sum of Rs. 3 lakhs, but he is not entitled to a vote as such. Then again, every Muhammadan graduate of five years' standing has been given the privilege of a vote; but a Hindu, Christian or Parsi graduate, though he may be of 30 years' standing, is not entitled to a vote. I do not understand how such glaring inequalities were allowed to come into the regulations and how they were allowed to stand. I do not object to the direct representation which has been extended to our Muhammadan fellow-subjects. Personally I should be delighted if the franchise will be further extended and all those who pay an income-tax will be allowed to vote. All that I submit is that the privileges which have been extended to Muhammadans should have been extended, and should be extended, to non-Muhammadans also. These inequalities have given rise to a great deal of resentment, indeed, I may say, to a great deal of bitterness of feeling among large sections of His Majesty's subjects who are entitled to as much consideration at the hands of His Majesty's Government as any other subjects of His Majesty. I do hope that these inequalities will be removed when the revision of the regulations is taken in hand.

"As regards some of the disqualifications, there are some very stringent rules disqualifying a person from standing as a candidate for election to the Council; as, for instance, the one which lays down that if a person has once been dismissed from the Government service, he is disqualified for ever from being elected. The dismissal might have been due to some trumpery cause or to some unfortunate incident; on the other hand, it might have been due to some serious matter. If it were shown that it was due to a want of character in the person dismissed, to moral turpitude or hostility to Government, that would be a just ground for excluding him. But, my Lord, mere dismissal from Government service ought not to be made a ground for disqualifying a man from seeking to represent his fellowmen in the Councils; and I submit that the regulations exceed the limits of reasonableness when they lay down such a disqualification. Then there is a provision that a person shall not be eligible as a member of the Council if he has been declared by the Local Government to be of such reputation and antecedents that his election would in the opinion of the Local Government be contrary to the public interest. I submit that this also is a very hard rule. If there is nothing definite against a man which can be made public and which would deprive him of the good opinion of reasonable men, the right course would be to give the public an opportunity of judging whether they would or would not elect such a person as their representative. And even if a man with something doubtful in his past should come in, it might well be seen whether that would not give him an opportunity of giving a better account of himself. It is not absurd to think that a man of doubtful antecedents might prove to be a good councillor if he is elected to a post of trust and responsibility. There is no appeal against the Local Government's declaration. The person condemned is discredited in the eyes of all people

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for all time without being heard in his defence. I think this is very hard. Every man should be treated fairly and justly. If a man does not deserve to represent his fellowmen, his fellowmen might be trusted to take good care not to return him. These are some of the disqualifications to which I would draw attention.

“So far as non-official majorities in the Provincial Councils are concerned, I submit that the provision has been practically nullified in some Provinces. When the Secretary of State was pleased to announce that he intended to allow a non-official majority to be formed in the Provincial Councils there was a great deal of thanksgiving in the country. It is true that we were sorry to find that he was not prepared to give us a non-official majority in the Imperial Legislative Council. But we accepted the announcement relating to the Provincial Councils with thanks in the hope that in time a provision for a non-official majority in this Council would also come. But the provision made for the Provincial Councils also has, I regret to say, been in some places practically nullified. Happily, in Bengal, out of 49 members 26 have been allowed to be elected, and out of the remaining 23 not more than 18 may be officials. But in the United Provinces out of 46 members not more than 20 are to be elected, and 20 may be, and are, officials, and 6 of the members are nominated. In nominating these 6 members, the Government of the United Provinces has nominated 3 ruling princes, His Highness the Maharaja of Benares, His Highness the Nawab of Rampur, and His Highness the Raja of Tehri. They are all very estimable men. I have not a word to say or suggest against any of them. But they are not directly concerned in the affairs of the United Provinces. They may take a kindly and friendly interest in our welfare, and I believe they do; but they are not expected to take a keen and active part in the work of the Councils or to know where the shoe pinches and to voice the public demand. A fourth gentleman who has been nominated does not know English. The provision of a majority has thus, as I have said, been rendered nugatory. I submit that there should be a provision that the majority of the members of the Provincial Councils should be elected as in the case of Bengal. I submit, my Lord, that this is an important matter. In the Supreme Council it is impossible to carry any Resolution even if the non-official members should be unanimous in regard to any matter, unless Government has made up its mind to accept the proposal. But the provision made to permit of non-official opinion prevailing in Provincial Councils by constituting a non-official majority in them should be allowed to be effective in practice.

“I have confined my remarks to the regulations so far as they relate to the United Provinces with which I am most familiar. I expect other friends will draw attention to the defects which have been discovered in the regulations relating to the other Provinces. But I may say a few words as to the Punjab. In the Punjab, out of 25 members only 5 are allowed to be elected. Fourteen have been nominated, and the rest are officials. To allow 5 members only out of 25 to be elected seems to be a very unsatisfactory provision for the representation of the people. And the privilege of electing even these 5 members is confined to 9 municipalities out of more than a 100 which exist in the Province. When the revision of the regulations takes place these defects should be remedied. The Government no doubt desire to be just to all parties, and I feel sure therefore that these inequalities will be remedied. But I have suggested, my Lord, the appointment of a Committee of non-official and official members to revise the regulations for the reasons that I have stated before; so that when the time comes, the complaints of the public may be fairly and fully brought before the Government, and the Government may propound its decision with a full knowledge of the feelings and aspirations of all classes of His Majesty's subjects. With these remarks I commend the Resolution to the acceptance of the Council.”

The Hon'ble NAWAB ABDUL MAJID : “My Lord, it is with feelings of regret and surprise that I rise to-day to oppose my friend the Hon'ble Pandit Madant Mohan Malaviya. I feel regret that my friend's remarks to-day which he has addressed in this Council will open up the controversy afresh. The excitement which was prevailing in this country a year ago, I am afraid, will revive again, and we will have the same excitement and the same controversy raging all over

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India again. I am surprised, my Lord, for this reason that it was only the other day that we had a conciliation meeting at Allahabad when about 50 or 60 Muhammadan gentlemen who were present at Nagpur attending the meeting of the Moslem League there; they had come over under the leadership of His Highness the Aga Khan to meet the Hindu leaders in Allahabad to find out a *modus vivendi* by which a feeling of amity may be established between the two communities. At that time certain points were drawn up and they were considered to be the points of controversy upon which the two communities differed, and I am sorry to say that the subject of this Resolution never formed one of those points. But, notwithstanding that, my learned friend the Hon'ble Pandit Madan Mohan Malaviya, a leader of the Hindu community especially of the United Provinces, who was also present there and who took part in the deliberations that day, has come forward and moved this Resolution. My Lord, separate representation given to Muhammadans was decided not as it were suddenly and by a jump, but Government, after full deliberation and considering all the circumstances of the country, and considering the importance of the Muhammadan community as a homogenous community, had come to that decision and had granted them separate representation. My friend has said why it was and on what grounds Government was pleased to do so, what political importance Muhammadans have got that they were given something more than their fair proportion of representation. If I were to enter into and to give this assembly all the reasons of political importance, probably I will be wounding the feelings of many members here, and I will simply confine myself here to say that one of the reasons why the Muhammadans should be considered to have sufficient political importance is this, that it is only a century or a century and a half ago that Muhammadans were the rulers of this country; Hindus were the subject race of this country. How it is possible that people who have lost their sovereignty, they should be considered as having no political importance as compared with the people who were their subjects for centuries and centuries? Now to go further into this question, I will simply put an illustration before this assembly, and it is this. My Hon'ble friend Pandit Madan Mohan Malaviya is a Brahmin and is a leader of the Hindu community; could it be said that a man who belongs to the untouchable class, will he be of the same importance as my friend, because he is one person just as my friend is? To have importance it is not necessary that we should count people by numbers only, but we should consider their position, we should consider their status, we should consider their history and we should also consider whether they are a homogenous people or not. The Muhammadans, who number between sixty and seventy millions in India, they believe in one God and they are a homogenous people; they are not so much divided among themselves as the Hindus are; they unite together as one people. In like manner I could give reasons after reasons, instance after instance, to convince this assembly that it is moonshine to say that Muhammadans are not of sufficient importance, that they should not be given something more than their proportionate share. My Lord, the most cogent reason is this, that the Government whom God has at the present time made our rulers, has come to this decision after full consideration and deliberation that the Muhammadans are of sufficient importance, that they should be given something more than a fair proportionate share, and I do not know on what grounds my friend the Hon'ble Mr. Malaviya comes forward and says 'No, you should give them only according to their numbers and not on the principle of sufficient importance.'

"My friend has complained of another thing, and he said that, besides this separate representation, the Muhammadans have come in by mixed electorates as well. There are many people in this assembly who will recollect the time when this controversy was raging in India, and they know the reason why it was that mixed electorates were allowed to remain in existence. It was simply for this reason that my Hindu brethren—they were all along crying with one shout that you must have mixed electorates if you want to make India one nation. It was on their crying, on their shouting, that the Government, besides establishing separate electorates, established a mixed electorate

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also. But now at the last election, when they found that on account of disunion among themselves, between a Hindu and a Hindu candidate, the Hindu candidates could not gain, but certain Muhammadans have crept in, they say that they have got much more than their share. My friend has quoted my own election from the United Provinces Local Council. My Lord, I say here that there also it was on account of the Muhammadan votes that I got in and I am here standing. My friend and another gentleman from Lucknow by the name of Babu Sri Ram, they were fighting together, and they could not settle their differences themselves. It was for this reason that all the combined Hindu votes could not go for these two gentlemen; the Hindu votes were divided and I got the Muhammadan votes and I got in. Not only the Muhammadan votes, but I got a Christian vote and two Hindu votes also, and by these votes joined together I got into this Council and I am standing here. My friend probably would not have forgotten another conflict that we had before these rules were framed, when there was an election just a few months before the constitution of the present Council. My friend stood for the Local Council and I also stood for the Local Council in Allahabad. The same controversy was repeated again and all the Hindu votes went to the side of my friend and all the Muhammadan votes were given to me, but as they were in a majority he was elected and I failed. However, all these things show that this mixed electorate was established not because that at that time there was any demand by Muhammadans to establish mixed electorates, but on the contrary there was a demand on the side of the Hindus that we must have mixed electorates, because we want to make India one nation, and if you have separation all through you could never gain such an end. After that has failed, now they are turning round and they are complaining against mixed electorates.

"The next question urged by my friend was that, even in the rules which have been framed on the question of franchise, there is no equality between the communities. But my friend has forgotten that, so far as the Hindu elections are concerned, they are based on Municipal and District Boards. To Municipal and District Boards, members are elected by voters, voters who have much lower qualifications than the Muhammadans have. What they do is, that voters elect members for the Municipal and District Boards, and these Municipal and District Boards select members for the Council. There I see there is no reason that they should complain in any way. So far as we Muhammadans were concerned, when Government saw that no such electorate could be formed for us, therefore they fixed a certain other qualification and that qualification was that we should have an income of Rs. 3,000. Well, if my friends wish that they should have the same qualification for the election of their members for the Council, they are quite welcome to it. But they will find that they will be proceeding to a very difficult position.

"But after all, this question of franchise is a very small question, my Lord. This is a question for Government to decide, and this is a question which after deliberation of all the Local Councils and all the members of this Council Government has decided. If it is the wish of Government to revise the franchise, Government are quite welcome to it and my friends are welcome to it, but so far as separate representation is concerned, I again repeat what I said, if that question was opened out, it would cause a great deal of excitement, it would cause a great deal of bad blood between the two communities all over India again.

"The last complaint urged by my friend about our Local Council was that in this Council we have got two or three magnates, for instance, the Nawab of Rampur, the Maharaja of Benares and the Maharaja of Tehri, and these people in his opinion are not desirable people. But my friend has forgotten that these people are independent princes; they possess very large estates in the British possessions, they are the biggest landlords in the British territories, and they are the people best entitled and best experienced to sit in Council and to assist Government by giving their opinion and their advice on the deliberations of the Council. My Lord, I think that these people who have a stake in the country, people who are landed proprietors, people who know the

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country much better than those who, my friend will pardon me if I say so, are politicians by profession—they are much better suited to assist the Government in their deliberations in the Council, because they have a stake in the country. Their advice will be sincere and their advice will go in order to make the Government in this country more stable and more permanent than the advice of those who have no stake in the country; and therefore it was wise, I say, to have these gentlemen as members of the Council; that they should sit there and they should assist the Government in their deliberations.

“My Lord, therefore I submit that before any step is taken and before this Resolution is carried or any hearing is given to this Resolution, Government will look to all these circumstances which I have submitted, and after all it is only a year's trial we have had these regulations working only for a year; how it is possible that Government will be able to decide of the good and bad effects of these regulations in one year; and therefore, my Lord, I oppose the motion of my friend that a Committee should be formed to discuss and decide upon the complaints which may be in the mind of my friend or may be in the minds of other persons. My friend's Resolution to-day in this Council is most inopportune, and I think, my friend will pardon me to say so, that probably he has moved this Resolution under a feeling of excitement and not after great deliberation. If he would have deliberated over the whole thing, if he would have considered the whole consequences, probably he would not have stood up in this Council and made the remarks which he has made to-day.”

The Hon'ble MAHARAJADHIRAJA BAHADUR OF BURDWAN: “My Lord, it is a great pity that my friend, the learned Pandit Madan Mohan Malaviya of Allahabad, should have brought such a controversial question in the Council to-day. No doubt when new regulations are made, in time many defects are likely to be noticed, and already I know of one Local Government which is moving in the matter of consulting non-officials as well as officials as to whether or not certain changes in the regulations would be necessary by the time the next election comes off. It is a great pity too that the Hon'ble Pandit should have moved his Resolution when he knew that the Local Governments were the best judges to consider any such defects that might exist in the regulations, and I think, Sir, that it is a matter for the Local Governments to bring to the notice of the Government of India, and not for one in the body of this Council to move a Resolution in the form that my friend has presented to-day.

“Regarding the Muhammadans, I have little to say, because I am perfectly well aware that they are fully capable of defending themselves. I need hardly assure all my Muhammadan friends here and elsewhere that they have my fullest sympathy, and knowing what I know of the state of Muhammadans in my Province, I am perfectly convinced that they require special protection.

“Now, my Lord, I turn to what concerns me most—the landholders. The landlords' electorate among a few other bright points is one of the bright things that attracted me in an otherwise dull scheme. My Lord, the Hon'ble Pandit has said that, when the regulations were being discussed, only certain Muhammadan gentlemen and zamindars were consulted, but not the educated public. May I ask the Hon'ble Pandit Madan Mohan Malaviya if the British Government have given him a mandate to say that the landlords and the Muhammadans do not form a part of the educated public? Then again, he goes on to say that those who have the confidence of the public should only come in, and that is one of the reasons that he puts forward that there should be no special electorate. Here again, I ask, do then the representatives of the special electorates not possess the confidence of the public? I do not know whose interests the Hon'ble Pandit Madan Mohan Malaviya is representing in Council to-day. When we take into consideration the fact that he is here not because only, as my friend the Hon'ble Nawab Abdul Majid has pointed out, the non-official Hindus in the United Provinces Council had voted for him, but also because many other non-official interests, including probably the Hindu and Muhammadan landholders, voted him to be their representative of the United Provinces Council in the Imperial Council, I do not see how

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the Hon'ble Pandit can represent in this Council only that educated public or educated community (a nomenclature which he and others of a similar mind have for reasons best known to themselves adopted), which he has in view.

"Now, my Lord, I may say that this recognition on the part of the Government of giving the landholders a special electorate is only a tardy recognition. It has come not a moment too soon. I do not go so far as to say that others have not got a stake in the country; for, as soon as the other friends of mine who rather flourish their trumpets and say that they have no such stake in the country realise that they have also a stake in the country, it would be better for the Government and the enlarged Councils. My Lord, the landholders are certainly very grateful to the Government for the special electorate, but I venture to say that, by creating these electorates, Government will in time find that it is one of the wisest steps that they have taken. I do not wish to set class against class. I would much rather as a matter of fact see the system of crystallization of landholders in this country enlarged. In any case, I am sure the next generation of the family of my friend to the left (*points to the Hon'ble Babu Bhupendra Nath Basu*) will come into the landholders' electorate. That will show the landholders are very catholic; they are all-embracing; they want to get into their folds all sorts and conditions of people so long as these satisfy the landholders that they have a stake in the country and are willing to represent the landholders' interests in the Council. Under these circumstances, I do not see what good the Hon'ble Pandit Madan Mohan Malaviya thinks he can bring about by attacking this special electorate of the landholders.

"Now, my Lord, he has made a reference to the election of the Maharaja of Benares, the Raja of Tehri and the Nawab of Rampur on the United Provinces Council. I think it was a most judicious and wise move on the part of Sir John Hewett to have put these Chiefs on his Council, and I would like to see other Provincial Governors follow that example regarding nominations. There is no reason why they should not be there. It does not follow simply because they do not represent British India that the Government of India or Provincial Governments should not get advice from Rulers who themselves know how to rule and who have perhaps different modes of government; and thus be able to give different views to the British Government which might be well worth copying. Under these circumstances, I think it was a wise move on the part of the Lieutenant-Governor of the United Provinces to have appointed these three magnates.

"Then again, my friend, the Hon'ble Pandit, has said that he cannot get a non-official majority in his Local Council because there is one man who does not speak English. I am afraid, my Lord, if being able to speak English be the only criterion of coming into these Councils, then the sooner these Councils cease to exist the better. I do not see why a man who does not speak English should not be on the Council.

"My Lord, there is one other point and I am done. I am afraid, I have already taxed the patience of some of my official friends here, for there has been a great abundance of oratorical literature in the Council to-day; but a moment more and I shall finish. The learned Pandit has mentioned that the landlords also come through District Boards and Municipalities. May I ask why they should not? Or why the Muhammadans should not come through the District Boards and the Municipalities? Does it not show that those gentlemen who always wish to trumpet about and say that they belong to the educated classes do not always take enough interest in these local bodies? If they come forward, if they get the confidence of the voters, they stand just as much a chance of coming in as does a landholder or a Muhammadan! I think, therefore, this plea to be a very weak one.

"With these few words, I beg to suggest that this Resolution should not be accepted by this Council or the Government."

[24TH JANUARY 1911.] [*Lieutenant Malik Umar Hyat Khan; Maulvi Shamsul Huda.*]

The Hon'ble LIEUTENANT MALIK UMAR HYAT KHAN :—“ My Lord, if it were possible, I should have liked to protest against this Resolution being moved in the Council at all. A certain well-known speech delivered at Lahore, in which such subjects were discussed, created such bad feeling between communities that it might have led to the most serious consequences, had it been delivered elsewhere than in the Punjab, where passions are not easily aroused and where loyalty to the existing Government is very strongly pronounced. The carrying of this Resolution will be not only dangerous, but impracticable. In this country not only are there many religions and castes, but there are many sub-divisions of them, which differ so materially from one another, that there are doubts of their being even sub-divisions of the alleged division. Now that India is comparatively calm, to stir it up so that every class may put forward all sorts of claims, to which there will be no end, would be a thing exceedingly inadvisable. I can emphatically say that at this stage there can be hardly any Committee of officials or non-officials, or even of angels if I may say so, that will be able to cope satisfactorily with the question. It will be impossible to satisfy all classes—any class—and naturally those who are not satisfied will be discontented and even aggrieved at the gains of others. This may in the end go a long way towards setting class against class and perhaps cause hatred towards the Government established by law. The present régime has been in force for some time and has been accepted by the people and things are quiet. To start the matter afresh might result in a widening of the gulf between the different classes.

“ There are so many distinct communities that if they were to be represented on the Councils and elsewhere numerically, they could claim only, say, one-tenth of a man as a member, and unless any fresh orders for such a portion of a man were placed before the Divine Power or until science has so far advanced as to be able to devise means for such division, it would be impossible to produce a so easily divisible being. Instead therefore of dividing atoms, it will be far better, in my opinion, that discretion should rest with the Government, who may, by rotation or otherwise, go on appointing members sometimes from one class and sometimes from another. And this, my Lord I think, is the only possible solution.

“ Though it is not in the wording of this Resolution, yet one may perhaps see its purpose and know which community it may be calculated to injure. But we are here not to look after the interests of one class but to represent the whole Indian community in general. I, therefore, not only oppose this Resolution, but strongly object to it.

“ Now, my Lord, I want to say a few other words, and they are that it is a source of great regret to me that my friend the Hon'ble Pandit Madan Mohan Malaviya put this Resolution before this Council, with the result that the feelings of Muhammadans and Hindus in this Council, which were not strained before, are now strained. And if this subject had been discussed outside this Council, I think most people would either have left or hissed. If in our own Council such a thing is done, I do not know what cannot be done outside. I think if this speech is published in the papers, it will create very bad feeling just at a time when things are getting on all right and so put back the clock. By this Resolution we have simply made some of our Muhammadan friends go against our friends the Hindus. This would not have happened if the Resolution had not been moved. With these few remarks I move that the Resolution should not be accepted.”

The Hon'ble MAULVI SHAMSUL HUDA : “ My Lord, I share the regret of my Hon'ble friends who have spoken before me that this Resolution should have been brought forward by my Hon'ble friend, Pandit Madan Mohan Malavia. If any argument were needed to justify separate representation of the communities, the Resolution brought forward by my friend, and the spirit which animated the speech which he delivered, would, my Lord, furnish that argument. It is all very well to say that Hindus and Muhammadans must be one and that religious differences should not form the basis

[*Maulvi Shamsul Huda.*] [24TH JANUARY 1911.]

of representation in Council. My friend may be right that most of the questions which arise in Council do not affect specially any particular community; but that is not, I submit, the test by which the question should be judged. It should be judged by the sentiments of the people who claim separate representation. The question is not whether, if this Council were composed entirely of Hindu members, Muhammadan interests would or would not be safeguarded, but the question rather is, would that satisfy the sentiments of the Muhammadan community; and I am here to say most emphatically that in the present state of feelings it would not satisfy their sentiments. I do not desire to enter into the question of the importance of the community. That is a question that has been discussed threadbare and Government have come to a decision on that question, and it will not improve the situation that has been created by the Resolution moved by my friend if this question were discussed in detail. But I would leave it to the Imperial Government to judge to what extent the Muhammadans form an asset in Imperial concerns and what their importance is in this Council as well as in the country. And I say, my Lord, that it is not safe nor just to apply the population test in these matters. And even if the population test were to be applied, I would ask the Imperial Government very strictly to define what the word 'Hindu' means. My Lord, if that question is raised, it will be open to the Muhammadans to ask in what sense the highly educated Hindu gentlemen living in towns like Calcutta really represent the so-called Hindus of the Naga Hills and the Lushai Hills, and the Kukis living in the district of Tippera. It is very convenient for my learned friend to say, only so many are Muhammadans and the rest are all Hindus. But if the matter is looked into a little deeper the question will arise how far persons who do not worship Hindu gods, who are not allowed to enter into Hindu temples and whose touch is considered by highly sacred Brahmins as pollution, are Hindus whom my learned friend is entitled to represent better than the Muhammadan members of this Council. My Lord, I come from the Province of Eastern Bengal and Assam, and there the Muhammadans form nearly two-thirds of the entire population. If the test by which my learned friend wants to regulate representation to the Councils is applied to Eastern Bengal and Assam, we would distinctly gain by such a method. At present, my Lord, there are two Muhammadan members elected from Eastern Bengal and one Hindu member, but as regards the two Muhammadan members the election of one was a mere matter of chance. The votes being equal, it was by casting lots that he was elected. Well, supposing the result had been against the Muhammadan, what would have been the case? In a Province where two-thirds of the population are Muhammadans there would have been one Muhammadan against two Hindus. But, my Lord, we do not grudge that. We do not ask in Eastern Bengal and Assam that representation to the Council should be governed by the test of population only. We consider the importance of the various communities, and in Eastern Bengal we have conceded that our Hindu friends have greater importance than their numerical ratio justifies. And in the same way, my Lord, as we have disadvantages in Eastern Bengal and Assam, the situation is advantageous in the United Provinces. There the Muhammadan population is much smaller than the Hindu population, but in point of education, culture and stake in the country they are as important as the Hindu community. Therefore, my Lord, I submit that the population test is not the right test to be applied. My learned friend no doubt feels indignant that there should be so many Muhammadans in this Council, but before, my Lord, the Reform schemes came into operation, in the Provincial and the Imperial Council there were only one or two Muhammadans, all the rest of the seats were monopolised by our Hindu friends. My friend's conscience was not roused then; it is roused now. My Lord, as many of my friends have said, it is extremely regrettable that this Resolution should have been brought forward, and after all, my Lord, what is the experience which we have gained? It is barely a year that the Reform scheme has come into operation. My Lord, my friend no doubt is a very ardent reformer, but he cannot force the millenium in 24 hours. You must wait and see how the present scheme works. No doubt, there may be mistakes, oversights which may be

[24TH JANUARY 1911.] [*Maulvi Shamsul Huda ; Mr. Madge ; Raja of Mahmudabad.*]

corrected ; but I submit it would be too early to ask the Imperial Government to go back on any question of principle. I think, my Lord, this question of separate representation of the Hindus and the Muhammadans was a question which, for the present at least, had better have been buried. But I am sorry that my learned friend should have considered it necessary at this juncture to bring forward this question which will have the undoubted effect of creating bad feeling between the Hindus and the Muhammadans. My Lord, as I have submitted, the Muhammadans had before this suffered a great deal by neglect, and they had not justice done to them, and what has been done now is that justice has been done, and if there are now more Muhammadans than my friend would wish for, that does not show that the same proportion would remain for all times to come. For instance, my Lord, in the Province of Eastern Bengal, where the Muhammadan population is almost two-thirds of the entire population of the country, even now, in the last election, a number of Muhammadans got into the Local Council from the mixed electorates not because there was a Muhammadan majority but because our Hindu friends boycotted the Local Council, and that is a matter, my Lord, as to which I can appeal to the official representative from Eastern Bengal. My Lord, I strongly oppose the Resolution that has been moved by my Hon'ble friend."

The Hon'ble MR. MADGE: "My Lord, I am afraid that the Hon'ble mover of this Resolution will doubt the sincerity of the opinion that I have sometimes expressed for his earnestness when I proceed to give some reasons for remarking that this Resolution, if it does not exactly want some of the elements of good taste, certainly wants some of the principal elements of sound judgment.

"I had no intention of speaking on this Resolution till I heard the reasons advanced in support of it, and I should like to say that it reminds me of the decisions of the colonial judge whose decisions were always upheld until he began to give his reasons for them. I expect, my Lord, that this is the last place into which any question of race feeling ought to be introduced. I think that there is nothing so likely to embitter feeling amongst the numerous classes in this country as anything that revives racial antagonisms that are known to exist outside. In fact this Council is a sort of crucible into which all antagonisms of that kind come to be crystallized into some really good feeling, and this is the one place in which that kind of good feeling can be crystallized and its results flow out into the country all round us. I think it is rather dangerous at this early stage to bring up race feeling, because at the present stage in which this country is, all of us seem to occupy different standpoints, and until these are harmonised by such friendly discussions as Your Lordship has graciously recommended at our first sitting, it would be premature to run any risk. It does seem to me that our standpoints are so different just now that they are like two squinting eyes turned into a stereoscope; the picture cannot possibly be made to blend from the standpoints from which different races regard different things. But if friendly discussion here takes the place of race feeling outside, the time will probably come when we may be able to harmonise all these points. I think it is a great pity that any obstruction should be thrown in the way of that kind of harmony."

The Hon'ble RAJA OF MAHMUDABAD: "After having the conference of alliance almost all of us thought that since then we will not bring any controversial subject for discussion before the Council; but I am extremely sorry to find that we are dragged to that position.

"As regards the Resolution itself, I think it is not the duty of this Council to abolish or amend the principle of separate electorates without the permission of the Home Government. Of course this Council can appoint a Committee to make the Council regulations more effective if the Government thinks it necessary to have any change in the present regulations.

"In my opinion election under the new regulations cannot be treated as a fair trial of the regulations. They should be left as they are at least for two elections more.

[*Raja of Mahmudabad ; Mr. Gokhale.*] [24TH JANUARY 1911.]

"My Lord, I think the position of Muhammadans is more clear and safe than ever, and I earnestly hope that your Government will realise our position and will consider most favourably our request for the separate electorate on the Municipal and District Boards.

"I am not going to say a single word about our political importance ; when we say so it is meant only for those who open-mindedly and justly appreciate and recognise it."

The Hon'ble MR. GOKHALE : "My Lord, I intervene in this debate with some reluctance because the discussion has taken a somewhat unfortunate turn and the subject is of such a character that no matter how carefully or guardedly one may express oneself one is apt to be misunderstood by somebody or other. At the same time, now that this discussion has been raised, I think it my duty to those whose views I share that I should state what my position in this matter is. My Lord, I am by birth a Hindu, but for many years it has been the earnest aspiration of my life to work for the advancement of this country only as an Indian ; and it was in that spirit, two years ago, when this discussion had taken a somewhat acute form and the Muhammadan community were agitating for special electorates in connection with the new Reforms scheme, that I supported their claim in this Council, and thereby, if I may mention it, incurred to some extent the displeasure of my Hindu brethren throughout the country. The position at that time was this. Under the Indian Councils Act of 1892 there were only general electorates, and the actual working of that Act resulted in a great preponderance of Hindu members in Councils throughout the country. There was no question about this fact ; and whatever might have been the explanation of this, this was a sore point with the Muhammadan community, and it was no use saying to them that in the interests of that nationality for which they were all striving they should accept such a position. We had to recognise the actual situation and therefore it was necessary to find a way out of the difficulty. What the Government used to do in those days was that, after the general elections had taken place, such inequality as was noticed was redressed by means of Government nomination. Therefore, every time in all the Provinces the Government used to appoint a certain number of Muhammadan members of the Council by nomination. Now it was justly objected to this arrangement by the Muhammadan community that it was unfair to them that they should come in only by nomination, and they urged that what they wanted that instead of coming in by nomination they should come in by election, such election being confined to their community.

"My Lord, this was on the whole a reasonable position, and I thought it my duty at that time to support the scheme in this Council. I think, at our present stage, special electorates cannot be avoided, and what I have said about the Muhammadans also applies to some extent to the landlord community. In no country throughout the world is it attempted to lay down that elections should be confined to those who represent education. Take England ; for a long time property was the basis of all representation. Gradually the basis has been extended and you now have the democracy in its present form, and now we find the educational centres, forming, so to say, special constituencies. All property, in its largest sense, must certainly have a fair share of representation in this country. I do not think, therefore, that any useful purpose is served by objecting to the special representation that has been given either to the Muhammadans or to the landlord classes. Where, however, a legitimate question may be raised, is in regard to the proportion of representation that has been given to those classes, and I think on this point there is no doubt that the bulk of the community have serious reason for complaint. My Lord, the question having been raised, I think it my duty to state that under the existing arrangements the Muhammadan community is over-represented in all the Councils. I think many of our Muhammadan friends admit it themselves when the question is put before them in that way. But here it is well to remember that the fault in this matter is not that of the Government of India. I think the original scheme of the Government of India was an eminently fair scheme. Under that scheme Government

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proposed to give to the Muhammadans such representation partly by mixed electorates and partly by special electorates that the total should be in accordance with their position in the country.

"A great deal has been from time to time said about an expression which the late Viceroy used in his reply to the famous address from a Muhammadan deputation, four years ago, namely, that the political importance of the Muhammadan community must be adequately recognized. I think that all along that expression, so far at any rate as it was used by Lord Minto, has been to a great extent mis-understood. I do not think that the late Viceroy intended to convey that the Muhammadans were politically more important than the Hindus; what he wanted to convey was that the Muhammadans occupied a position of importance in the country. They were so numerous, they had such traditions, they represented such past culture, they had a stake in the country, that it was not desirable to leave them without adequate representation. I do not think that, looked at in that way, any objection need be raised to the statement that the Muhammadan community was a politically important community in the country. They are a minority, but they are the most important minority in the country, and therefore it was necessary that representation should be conceded to them in accordance with their importance.

"In recognizing this importance, however, there is no doubt that the Government have gone too far and that over-representation has been granted to the community; but the responsibility for that, as I was pointing out, is with the Secretary of State and not with the Government of India. The original scheme of the Government of India, as I have already said, was eminently fair. The Secretary of State, no doubt from the best of motives, sought to substitute in its place another scheme theoretically perfect but practically, I believe, rather difficult of application in this country; and when that scheme came to be hotly criticised in England, owing to the exigencies of debate in the House of Lords, he not merely threw it overboard but he also threw over the Government of India's proposals and himself went much further than the Government of India had even intended. This is the whole position, and the question now is, what can be done? You cannot take away from the Muhammadan community to-day what you gave them only yesterday, and I would say to my Hindu brethren, make the best of the situation in the larger interests of the country.

"My Lord, so far then as the proportion of representation is concerned, I think that there is real ground for complaint, but the matter is not easy to deal with, at any rate for some time. As regards the other points in this Resolution, I think my Hon'ble friend Pandit Madan Mohan Malaviya stands on solid ground. There is no doubt that many of these differences in franchise and qualifications for candidates were perfectly unnecessary, and I am quite sure that when the Government come to revise these regulations they will have no difficulty in removing them if they want to do so. The same thing applies to an elected majority in the Provincial Councils. I think an elected majority in the Provincial Councils would be quite safe. If it is found safe in Bengal, where the relations between the Government and the people have not been quite cordial, there is no reason why it should not do equally well in other Provinces. Such an elected majority will consist of composite elements. There will be the Chambers of Commerce men representing the European community, there will be the landholders, there will be the Muhammadan members, and there will be representatives of the general population; and therefore I do not think that there is any danger even from the official point of view in an elected majority in the Provincial Councils. Moreover, if the Government wanted to pass a law for any Province, and the Provincial Council made any difficulty about it, there is a reserve of power in this Council where there is a standing official majority and where Government will always be able to pass any measure that they please. On these points, therefore, I think that there is a good deal to be said, and when the Government come to reconsider these regulations I hope that something will be done to meet them. My Lord, having said this, I would now make an appeal to my friend the Hon'ble Pandit Madan Mohan Malaviya: I earnestly hope that he will not press his Resolution to a division.

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My Lord, after all we have got to take a large view of this matter. What does it really matter how many Hindus and how many Muhammadans sit in this Council? The more important question is how many of us work and in what spirit we work here? The numbers would matter on some future occasion when probably questions will have to be carried here by the weight of numbers; to-day we certainly do not propose to carry our points by the weight of numbers. As a matter of fact, whether we are many or few, it is only to the moral influence that we exercise on the Government that we have to look at the present stage. Why, my Lord, even if I could defeat the Government to-day I would not do it. I would not do it for this reason; the prestige of the Government is an important asset at the present stage of the country and I would not lightly disturb it. Therefore the question about the numerical representation of Hindus and Muhammadans may be left over for some time. Other points are upon a footing on which I am quite sure that most Muhammadan members here will be willing to join hands with my Hon'ble friend.

"My Lord, before concluding I must express my cordial concurrence with what has been said by my Hon'ble friend Mr. Madge. It is not my good fortune to be often in agreement with my friend, but I most heartily and cordially support what he has said about leaving these questions alone for some time. If a question like this may be raised here, then cow-killing, or the question about Hindu and Muhammadan riots and such others may be raised by somebody else in other places; and then that harmonious co-operation between the two communities which we hope to promote by this Council, and which we hope to see gradually extending all over the country, would most unfortunately be disturbed and the interests which my Hon'ble friend Pandit Madan Mohan Malaviya himself has so well at heart would be seriously jeopardised. With these words I again earnestly appeal to my friend not to press this Resolution."

The Hon'ble MR. MAZHARUL HAQUE:—"My Lord, I extremely regret that my Hon'ble friend Pandit Madan Mohan Malaviya has thought it fit to bring forward this Resolution to-day. At the same time, I, as a representative of the special electorates of the Muhammadans, do most heartily thank the Hon'ble Mr. Gokhale, who has struck the right note in this Council. My Lord, the situation in the country with regard to the Hindu and Muhammadan question is a very serious one. Your Excellency must be aware of the fact, to which my Hon'ble friend Nawab Abdul Majid has referred in this Council, that at Allahabad we had a conference of almost all the leading Muhammadans and, I may say, of all the leading Hindus, to bring about a reconciliation between the two important communities of India. That old and veteran lover of our country, Sir William Wedderburn, was President of that conference; our leader, His Highness the Aga Khan, was present; the Maharaja Bahadur of Darbhanga was present. Almost all the leaders of both communities were present there. We are also aware, my Lord, that Your Excellency, in your utterances before you landed in this country, and in reply to the deputation which we of the Congress presented to Your Excellency, laid stress on the point that we should solve this Hindu-Muhammadan problem. These are earnest attempts that are being made by both Hindus and Muhammadans as well as by the Government to bring about feelings of amity, friendship and brotherliness between the two communities of India. My Lord, I am sorry to say that the Resolution that has been moved to-day will set back the hands of the clock and will certainly be an obstacle in our way in achieving our object. I am afraid that my friend the Hon'ble Pandit Madan Mohan Malaviya, for whom I have very great respect, has done a distinct disservice to this country, which he loves as well as we all do.

"My Lord, my views as regards the special electorates are known to the whole of India. I have never made a secret of them. I am not enamoured of the principle of special electorates. I have said that on the Congress platform, and I have not the least hesitation here before Your Excellency and my colleagues of the Council in saying that I do not believe that the principle is a sound one. My Lord, those lovers of India who are think-

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[*Mr. Mazharul Haque.*]

ing, perhaps dreaming, of a united India, however distant that time may be, cannot but believe that, as an abstract principle, this representation of Muhammadans by special electorates cannot but to a certain extent retard that consummation. So much as regards abstract principle. But there are some people in this country who ride a principle to death, who do not take into account the circumstances of the country, but go on harping on one string. My Lord, have my Hindu friends ever considered the question, why the Muhammadans demanded this special electorate? Surely it was not a gratuitous demand on their part, surely there must have been some reason for this extraordinary demand, and the answer has been given, and very correctly given, by the Hon'ble Mr. Gokhale, that in all cases barring a few exceptions here and there, in most of these elections either in the Legislative Councils or the municipalities or District Boards the Muhammadans were absolutely nowhere. Why? As I have said elsewhere, the reason is that both Hindu and Muhammadan candidates came forward as candidates not on the ground of any difference of principle in their views. No. They all trotted out their religion as the chief reason for the support of their constituents. The Hindu candidate said that because he was a Hindu they should vote for him, and the Muhammadan candidate said that because he was a Muhammadan, the constituency should vote for him. The result was that the Muhammadans, being in the minority, were defeated. That was the chief reason, my Lord, why the Muhammadans went up with a deputation to Your Excellency's predecessor and demanded special electorate. Well, we have to take these circumstances into consideration in coming to a right conclusion as regards this matter. As my friend the Hon'ble Mr. Gokhale has said, you must recognize these privileges which the Muhammadans have received at the hands of the Government; they are not going to give them up easily; they will fight and they will fight for them to the very bitter end. Then where is the necessity of raising this question in this Council? Here we ought to be friends. If we are lovers of our country, as I believe the Hon'ble Pandit Madan Mohan Malaviya is, we ought to eschew all these contentious matters; we ought to come here with open mind and with feelings of brotherhood that we may serve our country in the best manner possible. My Lord, I believe that the principle of mixed electorates, which is recognized in these regulations, is really the ultimate principle upon which India, and the Indian Parliament of the future, will work. My Lord, it was only a couple of years ago that when this principle of mixed electorates was being fought out by the Hindus and Muhammadans, I had the pleasure and honour of working in the company of my then leader, the Hon'ble Mr. Ali Imam (I cannot call him my leader now, he has gone over to the official side) and, Sir, we fought and fought amidst abuses and anathemas for this principle of mixed electorates, because I believed that the time will come, and it will soon come, when Hindus and Muhammadans will join hands and work together. Then there will be no class distinction, there will be no sectarianism in the country, and there will be no room for these special electorates. But I hope and trust that my Hon'ble friend Pandit Madan Mohan Malaviya will carefully consider the present situation, and abstain from bringing such matters here in this Council. Perhaps in this Council it does not matter much as we are all one here; but the thing that does matter is the views of the people outside this Council. Last Christmas when I was at Allahabad I was surprised, I may say I was amazed, to find the bitterness of feeling between the Hindus and Muhammadans. In the early nineties I was in the United Provinces myself, and know of the friendship that then existed between them; but unfortunately something has happened, and now they are on the brink of boycotting each other. I hope that this bitter feeling will not spread to other parts of the country. In my own Province of Behar, my Lord, I am proud to say that Hindus and Muhammadans work hand in hand; we never work in the spirit of antagonism to each other. If there arises any difference of opinion, the leaders sit together, and decide in a few minutes. I think, if that spirit, that feeling of which I have spoken, should ever prevail in the whole India, the fate of my country is sealed. Here in this Council it is our duty not to bring forward such Resolutions, which

[*Mr. Mazharul Haque ; Nawab Saiyid Muhammad* [24TH JANUARY 1911.]
Sahib Bahadur ; Babu Bhupendra Nath Basu.]

will wound or embitter the feelings of any of the two communities. That is the true work of a true patriot in these days, my Lord. I may say one thing more, my Lord, and that is that if my Hon'ble friend had not moved this Resolution in the spirit in which he has done and attacked his Muhammadan brethren in the language in which he has done, perhaps I would have supported him in this Resolution, because I believe there is necessity for a revision of these regulations ; there are very many inconsistencies, and there are real and legitimate grievances. I will give one example about which there is a certain amount of feeling in my own Province. In the Local Councils we have got what is called double-distilled representation. There are voters who vote for certain men called delegates, and these delegates vote for the candidates. The result is that practically (I could give names but I abstain from doing so) we find that some of the candidates who had really got a large number of votes in the electorates have as a matter of fact been defeated, because the delegate who had been nominated to vote for a certain candidate turned round and voted for some one else or for himself. There have been cases of this kind. Such grievances should be remedied. My Lord, had not my friend moved this Resolution in the spirit in which he has done I would have supported him ; but after the speech which he has made, I cannot conscientiously support his Resolution, and with these few remarks, I oppose him, and most strongly oppose him."

The Hon'ble NAWAB SAIYID MUHAMMAD SAHIB BAHADUR : "My Lord, when I came to this Council this morning, I had no intention of taking part in the discussion, but after hearing the speech of my Hon'ble friend Pandit Madan Mohan Malaviya, I think that I ought to say a word or two on one or two points raised in the speech. My friend Mr. Malaviya spoke at considerable length about the special representation granted to Muhammadans ; but at the end of his remarks on this subject he said that he had no objection to communal representation and to any number of Muhammadans getting into the Councils by the general electorate, and I shall not therefore say anything on these points. But he went on to say that if this special representation is kept up, the provision which allows Muhammadans to take part in the general elections should be done away with. I am sorry to say that I cannot agree with my Hon'ble friend, and I hope I shall not be misunderstood if I say so. I gather from the speech of my Hon'ble friend that his object in advocating general elections is to unite the two communities of India, and if the provision that allows Muhammadans to take part in the general elections is taken out, the object which he has in view will certainly be defeated, because that is the only existing link between the two communities so far as representation on the Councils is concerned. And I greatly regret that he has brought up this question at a time when efforts are being made to adjust differences between Hindus and Muhammadans, an object which has Your Lordship's hearty support and which Your Excellency was pleased to give expression to while replying to the deputation headed by Sir William Wedderburn which waited on Your Excellency the other day. And I join with my Hon'ble friend Mr. Gokhale in making a personal appeal to Pandit Madan Mohan Malaviya to be good enough to withdraw this Resolution."

The Hon'ble BABU BHUPENDRA NATH BASU : "My Lord, though there is something to be said for the view that the Resolution had better not be brought up before Your Lordship's Council at the present moment, there is also much to be said on the other side that it is not to the interest of the body politic that the widespread discontent that is felt in the country should not be voiced in Your Lordship's Council. I do not think that those of my friends in this Council who have for very good and sufficient reasons deprecated further discussion on this subject to-day will deny that there is considerable feeling on this subject in the country ; and I conceive it our duty to place that feeling before Your Lordship, and I go further and I say that we should be false to ourselves and false to our position in Your Lordship's Council if we kept back from Your Lordship's knowledge what was passing through the mind of the country. My Lord, Your Lordship was not in India when

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the reform scheme was first announced by the despatch which came from England over the signature of Lord Morley. There was rejoicing throughout the land. Every community, all shades of opinion were agreed that since the history of British India began no such measure had been inaugurated and that the reform scheme promised a bright future for India; and, my Lord, for the first time I think in the history of British India also, men of various creeds holding opinions widely divergent, all joined together in offering their congratulations to Your Excellency's noble predecessor. That was the feeling of the country when the first announcement was made. Then, my Lord, came the regulations. They spread a deep sense of disappointment over the whole country. I will speak more definitely about my own Province, the Province of Bengal. There, my Lord, some of the leading men in Bengal (I do not say that they consisted of all the leading men, for in that case my Hon'ble friend to my right, the Hon'ble Maharajadhiraj Bahadur, would at once get angry), some of the leading men in Bengal, whose opinions have carried great weight among my countrymen, who have been in the forefront of the political life of this country, in all India, who had been honourably known as leaders of moderate thought, as exponents of moderate ideals of reform, they went to the length of drawing up a statement showing in what way the regulations had dealt unfairly with the aspirations of the people. My Lord, there is such a thing as how to do a thing well and how to do a thing in time. I mean no disparagement to the community, the class which my Hon'ble friend to my right represents, or to the community which is so ably represented here by my friend to my left, the Hon'ble Mr. Haque, and his colleagues. What I say, my Lord, is this, that the great middle classes of India, I shall not say the educated community, for that would give great offence to my friend to the right who and his class have carefully held themselves aloof, have been fighting for these reforms for the last 25 years, and they have been fighting, my Lord, under great obloquy, under great disadvantage; they had been at one time in the early days stigmatised as rebels, and sedition-mongers, as enemies of British rule. My Lord, one of your distinguished predecessors compared them to that presumptuous person who tried to hold in his hands the reins of Phebus and upon whom came the thunderbolts of Jupiter. My Lord, we have been in the shade and in the cold for these 25 years. We have suffered every inconvenience that a small body in India of growing influence has to suffer because it ventures to dictate to an all-powerful bureaucratic Government the principles upon which civilized government should be carried on, because we have had the presumption in the past to tell the Government that all its ways were not of the best, and among the manifold blessings and advantages which this Government had brought to the country there were great defects and drawbacks to which the bureaucracy were subject. Your Lordship coming fresh from England can easily appreciate our position for the last 25 years and more. And, my Lord, when this reform comes, may I ask my Hon'ble friends who have been characterising the Resolution of the Hon'ble Pandit Malaviya as inopportune, what is the position of this class who have been fighting for these reforms for the last 25 years and more under such adverse circumstances as I have just placed before Your Lordship; and may I ask where do the middle and the professional classes, I shall not say the educated community, find a place? The reform scheme has given a special status to our Muhammadan brethren. I for my part do not grieve over it though we have much to say about the methods by which that status has been secured and the disproportionate recognition there has been given to it. My Lord, if the future of India is ever to be realized, it will be through the agency and through the help of my Moslem brethren. My Lord, to them was said that all mankind was equal; their great lesson in the past has been the absolute equality of man against man; and the sooner the Hindus realize that lesson, the better it will be for them.

"My Lord, the Muhammadan community of India have got special representation. The landed interests, which certainly must have a potent voice in the Councils of the Empire, have got a direct recognition. May I ask my friend Mr. Gokhale and others where is the recognition accorded to the middle class of

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India? Somewhere, my Lord, very faintly amongst the musty pages of the Government Gazettes, it has been said that the Local Councils will afford to the middle and the professional classes an opportunity of getting into the Supreme Council. My Lord, it is probably not known that the franchise which the Local Councils exercise is by no means confined or restricted to any particular class. I will take the example of my own Council, the Local Council of the Government of West Bengal. That I am here to-day in Your Lordship's Council is by a mere accident, because, my Lord, my Hon'ble friends who represent the aristocracy of Bengal made a great tactical blunder, because they put three of themselves forward to contest the seat, and the result was, my Lord, that when they were three of them fighting, I stole in. That is how I have come in and my friend Mr. Sachchidananda Sinha; he was only two votes removed from one of the members of the aristocracy. Therefore I say, my Lord, that it is a legitimate grievance to us that these noblemen, who have got their own special constituencies, who can come here by direct representation elected by members of their own classes, have also the privilege of fighting us when we seek election from the Local Councils. And, Your Lordship, even to-day in the twentieth century, it is not necessary for me to point out the great and preponderating influence which wealth, position, ancient lineage possess in these matters. It is very difficult for middle class men without the adventitious aid either of wealth or of lineage or of social status and position to fight these great magnates. That, my Lord, I think is a legitimate grievance. Then take the Local Councils themselves. There we have got the representatives of the landed classes, of the Muhammadan community, but none given specifically to the middle class. My Lord, I do not complain of the landed classes either. No Council in my country would be perfect but for their presence; a Council would be poor indeed if it missed the picturesque phraseology and the imposing presence of my friend to the right. I freely concede to him the position he has claimed as one of the natural leaders of the country. But, my Lord, taking his class in the Bengal Council, with which I am familiar, and where we have got 26 elected members, we have got, in the first place, five of the landed gentry elected by themselves. Then, my Lord, our District Boards and Municipalities are so constituted that three landlords have come in as representatives of District Boards or of Municipalities; so that out of a total number of 26, we have got eight gentlemen representing purely and solely landed interests of the country. On the top of that, my Lord, we have got two gentlemen of the same class nominated by Government, so that out of the 26, we have got 10 men belonging to the landed class. I again have had the great favour of a nomination as representing the middle classes in the Local Council, but for which I should have been disqualified.

"And now I come to another question which my friend, the Hon'ble Pandit Madan Mohan Malaviya, has raised—the equality of franchise. On this side, I do not think that my Muhammadan friends will raise any complaint. Whereas a Muhammadan graduate of five years' standing can seek election, my Lord, the gentleman who occupies at present the position of Vice-Chancellor of the Calcutta University with such distinction and ability is disqualified. So it might be said of the gentleman who was until lately the Vice-Chancellor of the Allahabad University, Mr. Sunder Lall. That is our position. Are these not legitimate subjects of grievance to us, the middle class people of India? And now, my Lord, that the question is going to be discussed, is it not right and proper that we should bring this matter to the notice of this Council, to the notice of Your Lordship and to the notice of the country? These are the things of which we have been complaining.

"Then, my Lord, as regards our Muhammadan fellow countrymen, as I have said, I always recognise that they are a great asset to the country, to the Government and to ourselves. I do not propose, I have not the time, to discuss the question of separate electorates; many of us believe that these separate electorates can only do harm. But I do not think my Muhammadan friends will deny that their position in these Councils is much stronger than what justice demands should be in reference to the other communities. My

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Lord, I can do no better than quote Your Excellency's noble words: 'special privileges to one community mean disabilities to another.' I shall be the last person, and my friends who are in sympathy with me will be the last persons, to see that proper representation is not given to the Muhammadan community. But I believe all fair-minded Muhammadans will agree that their numerical position in the Councils is far from justifiable. My Lord, in some Provinces special electorates have been created for the Muhammadans, because they are in a minority. In others again special electorates have been created for them because they are in the majority. In Eastern Bengal, for instance, the Muhammadans have a majority of nearly 2 against 1. They form a majority of the Members of the District Boards. My friend from behind, the Hon'ble Mr. Huda, says that it is not so. I understand, my Lord, though they are in a minority in the Municipalities, they are in the majority in the District Boards. But apart from that, if they are in a minority, it has been owing, I will not blame them, to the lack of education and enterprise in their own community for which they are rapidly making up. I believe, my Lord, that these are points which should be borne in mind when we are considering the revision of the regulations. There are besides matters of detail apart from questions of principle which should well be considered.

"There is another matter, my Lord, about the qualification of candidates. Such qualifications have limited them to members of District Boards and Municipalities. My Lord, what would be the House of Commons in England if every Member were to be a member of a County Council? That has been felt as a great grievance and it has been felt to debar many distinguished and able men from coming into Your Lordship's Council or into the Local Councils. These are the few observations that I venture to address to Your Lordship. They are matters of great importance and ought to be seriously considered. I ask my colleagues to put away from their minds all questions of feeling. It is a serious matter in which large interests are involved and ought to be very seriously considered. We are in the position of judges, or, if not of judges, at least of jurors, and we ought to put away from our minds all questions of prejudice, all questions of feeling and all questions of passion, and we should consider this matter calmly and dispassionately, in the best interests of the country."

The Hon'ble Mr. JENKINS: "Your Excellency, after the reply to the question which was asked at the Council meeting which was held on the 3rd of this month I think the Hon'ble Pandit Madan Mohan Malaviya can hardly have expected that Government would be able to accept his Resolution. I suppose therefore that his object was to have the subject discussed in Council, and, if that was so, his object has been fully attained. I am afraid, however, that it is not likely to have any further result at present. In these matters the Government of India are bound by the law. Under section 6 of the Indian Councils Act of 1909, the regulations which are made by the Governor General in Council are subject to the approval of the Secretary of State. That means that we are not able to give our assent to any amendments or alterations to the regulations until we have assured ourselves that the Secretary of State will support us. In fact we are not able to make promises which we may be unable to perform. In the second place regulations under this section 'shall not be subject to alteration or amendment by the Legislative Council of the Governor General.' Now it is evident that if Hon'ble Members, without moving a definite amendment, make proposals or suggestions for the amendment of regulations in this Council, and if the Government of India should signify their assent thereto, that would practically be an amendment of the rules and regulations, and to this extent it would, in my opinion, be a deviation from the very salutary provisions of the law. I need hardly point out that the object of this provision is clear. One of the first requisites of a sound constitution is that it should at any rate possess some degree of stability, and it would be intolerable if every few months or every year it was within the power of any Member of this Council to throw the whole constitution into the melting pot in order to attempt to recast it. Our present constitution has been in force for hardly more than a year. It is barely yet in working order, and the necessity

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for a provision of this kind such as is contained in section 6 of the Indian Councils Act of 1909 has been most clearly shown by the course of the debate to-day. To-day we have had proposals made here not for amendments in matters of detail in these regulations, not merely for the moderate reform of them, but proposals for complete revolution. Now it will readily be understood that in these circumstances I am unable to commit Government to any declaration whatever upon many of the proposals and suggestions which have been made. There is however one point upon which I am authorised to make a definite declaration, and that is the question of separate representation for Muhammadans. Government have given the fullest and clearest pledges to Muhammadans that they should have separate representation. Whether these pledges ought or ought not to have been given may be a matter of opinion, but they have been given and I am sure that the strongest opponent of the arrangement which was made will realise upon reflection that the Government of India cannot honourably recede from their undertaking unless and until the Muhammadans themselves come forward and say that they no longer require the privilege. It will be the duty of the Hindus, assisted perhaps by the Hon'ble Mr. Mazharul Haque, to convert them. I am sure I do not know how long the process of conversion will take or whether it will be effected at all. After the course which the debate has taken in Council, I feel it is hardly necessary for me to say very much more upon the subject. There is one statement which was made by the Hon'ble Pandit Madan Mohan Malaviya which I should like to correct. The sooner mistakes of facts are corrected the better. He complained that under the present regulations a Government servant who is dismissed for what reason whatever the cause of dismissal may have been is for ever disqualified from sitting in the Legislative Council. Now that is not the case. If it were so I would agree that it would be absolutely unjustifiable, but as a matter of fact the Local Government or the Government of India, as the case may be, possess the power to waive that disqualification, and I have no doubt that disqualification would be waived in any suitable case.

"The Hon'ble Pandit has objected to the separate constituency for the landlords. It occurred to me at the time, why should he stop at the landlords? Why should he not go on to the special constituency representing Commerce and Industry? The one is just as much a special constituency as the other. And why not go on to the Universities? If his theory that every subject of His Majesty is entitled to an equal right of representation no more and no less, then the University seats are absolutely indefensible. Then again the question was raised of the exclusion of Muhammadans from general constituencies. I should like the Hon'ble mover to consider whether that would really be to the advantage of the cause which he has so much at heart, and whether their exclusion would not really tend to intensify the separation which he so much deploras.

"I should have wished to be able to deal with, or to be able to touch upon, the observations made by the Hon'ble Babu Bhupendra Nath Basu in his very eloquent appeal on behalf of the down-trodden middle classes of India. I am precluded from so doing, because I really do not know what he means by the great middle classes of India. He evidently means a body which is quite different from anything that is intended by the term middle class anywhere else. In England or in any country in Europe the middle classes are to be found scattered among the landowners, the Universities, certainly in commerce and industry, and certainly throughout the Municipalities and throughout all local bodies; and until I am more closely acquainted with what he really means by the great middle class, I regret to say that I am entirely unable to deal with any of his propositions. I hope, my Lord, it will not be thought that because at the present moment we are unable to accept the proposal, that means that we are altogether inaccessible to any advice or suggestions. On the contrary, we very readily welcome suggestions from whatever source they come, and I can assure the Hon'ble mover that all that has been said in Council to-day will receive the fullest attention and will be very carefully considered when these regulations come up for revision."

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The Hon'ble PANDIT MADAN MOHAN MALAVIYA: "My Lord, after the remarks which have fallen from the Hon'ble the Home Member, it is not necessary for me to press this Resolution upon the acceptance of Government; but I feel it my duty to make just a few observations in order to explain the situation a little more clearly than perhaps I did before, because I see from many remarks which have been made that there has been a great deal of misapprehension caused by this Resolution. My Lord, I do not think I yield to any friend of mine in this Council in the desire to see that discussions on public questions in this Council and elsewhere should be conducted in a spirit of amity and goodwill towards our fellow-subjects. But I think that many will agree with me that that object cannot be gained by concealing the real facts of the situation and by pretending to accept matters which are not really making for amity and goodwill as establishing goodwill and promoting good feeling among the people. Now, my Lord, ever since these regulations were passed, as has been pointed out by my Hon'ble friend Babu Bhupendra Nath Basu, there has been a great deal of public opinion in this country against the regulations. By memorials addressed to Your Excellency's noble predecessor, by resolutions passed by the Indian National Congress, by resolutions passed at the Provincial Conferences, the attention of Government has been repeatedly drawn to the dissatisfaction which is felt by a large body of non-Mussulman subjects of His Majesty in this country, and my Lord,—I may be wrong,—but I think that I have done my duty in bringing this matter to the notice of the Government in view of the announcement that the regulations are shortly to be revised.

"My Lord, a great deal has been said—in fact not a little high falutin' has been indulged in—as to the feelings which have been excited by my Resolution. I appeal to Your Excellency and to every member of this Council to say whether there was anything in the remarks which I made which should have given rise to angry and excited remarks and to offensive talk which should never have been indulged in in the presence of Your Excellency in this Council. My Lord, I shall not follow the evil example set by some of my critics and will abstain from indulging in retort. We ought all to remember that we are all subjects now of one Government. It is our duty to represent the grievances of all sections of His Majesty's subjects. It is undeniable that there is a large body of public opinion in the country, with which I am in touch, which is dissatisfied with the existing regulations. The only way to remove that dissatisfaction is to bring the causes which have given rise to it before the Government, in the earnest hope that they will be removed as they ought to be removed.

"Now, my Lord, I am glad that this opportunity has occurred of having a free discussion on this question. Many points have been made clear; for instance, the declaration of the Hon'ble the Home Member has made it clear that the Government considers itself bound to adhere to the principle of separate electorates for the Muhammadans until the Muhammadans themselves have been educated by the efforts of Mr. Haque and other persons into recognising that separate electorates are an evil and that they do not make for amity and goodwill.

"But even so, the question yet remains whether the provision of communal representation by the exact methods which have been provided is the right course to follow, and whether the evil of it cannot be minimised; and I hope that, when the regulations are being revised, this aspect of the case will be taken into consideration by the Government. My Lord, I am fully aware that the regulations could not be amended without a reference to the Secretary of State. It was therefore that I took care to suggest that the Government should be pleased to appoint a Committee to consider and report what changes should be made in the regulations. And I hope, my Lord, that the discussion to-day has shown to the Government what changes should be made in order to remove some at least of the causes of dissatisfaction.

"In view of what has fallen from the Hon'ble the Home Member I do not press this Resolution, but I resume my seat in the confident hope that the inequalities which have been pointed out and many others which exist in the

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regulations will be removed in spite of the evident wish of some persons that they should not be removed; and I hope that, when these inequalities have been removed, much of the cause of the soreness of feeling which exists at present will have been removed."

The Resolution was withdrawn.

EXECUTIVE COUNCIL FOR THE UNITED PROVINCES.

The Hon'ble MR. SACHCHIDANANDA SINHA: "My Lord, the Resolution which I have the honour to submit to this Council runs in the following terms:—

'That with reference to section 3, sub-section (2), of the Indian Councils Act, 1909 this Council recommends to the Governor General in Council that action may be taken by him with a view to the creation of a Council in the United Provinces of Agra and Oudh, for the purpose of assisting the Lieutenant-Governor in the Executive Government of the Province.'

"So far as the Province of Agra is concerned, the subject-matter of the Resolution, which I am submitting to this Council, dates back to a time far distant from now—as far back as 1833. In that year a Charter Act was passed. Under section 56 of this Act it was laid down that the then Bengal Presidency was to be divided into two Governments, the Presidency of Fort William and the Presidency of Agra, each to be administered by a Governor and a Council composed of 3 members. Two years later, however, in 1835, another Act of Parliament was passed by which the provisions of section 56 of the earlier Act of 1833 were suspended and held in abeyance and the Government of India were authorised to appoint a Lieutenant-Governor for the Presidency of Agra; and this was done. Similarly, my Lord, in 1853, when a new Charter Act was passed, it was provided that a Government in Council should be established in the Lower Provinces, *i.e.*, in the Presidency of Fort William, with 3 members. This, however, was not carried out at the time, so that, as the Report of the Decentralization Commission points out, it is quite clear from these earlier Acts of 1833 and 1853 that 'the original intention was, that as large separate Provinces were called into being, this form of administration should be applied to them also.' Now, my Lord, the provisions of these Acts have not been repealed and are only held in abeyance. Later, in the course of the discussions in 1867 and 1868, in connection with the Orissa famine, the question of presidency government or council government as against personal government, came up for discussion before the Government of India, and the discussion was published at the time in the *Gazette*. I find from a reference to it that such distinguished administrators and jurists as Sir Henry Maine, Sir Bartle Frere and Sir William Grey, the last the Lieutenant-Governor of the Lower Provinces at that time, were in favour of a council government for the Lower Provinces. Lord Lawrence, the then Governor General, was however opposed to it and so also was Sir William Muir, who was, I believe, the Finance Minister at the time. But even Sir William Muir, though he was opposed to a Council being established, recorded his opinion as to the advantages of a council government over personal government as follows:—

'Where (he said) the whole power of Government vests in a single individual, it is never safe to relax a certain measure of oversight. For, however good a thing it is to have the personal activity and responsibility proper to individual action, you are at the same time liable to personal idiosyncrasies, to an over-zeal or activity in some particular direction, and, sometimes, also, to the prevalence of a crochets, or (but this rarely) to remissness or unwillingness to grapple with some special question or perhaps to neglect altogether some special department. Therefore, a certain degree of control is indispensable.'

"Later, in connection with Sir Charles Aitchison's scheme for the reconstitution of the public services in 1888, this matter was again taken up and discussed, but nothing came of it. Finally, my Lord, three years ago the question was taken up and threshed out by the Royal Commission on Decentralization. The Commission visited all the important centres in the country, went about from

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place to place, collected a mass of valuable evidence, sifted it, analysed it, and ultimately submitted a report recommending the establishment of Council Government in all the important Provinces of the country. The whole subject is discussed in Chapter X of their luminous report, but I may read out to the Council two short passages :

‘ With the development of administration in all its branches, the growth of important industrial interests, the spread of education and political aspirations and the growing tendency of the public to criticise the administration and to appeal to the highest executive tribunal, the Lieutenant-Governors of the larger Provinces are clearly overburdened.’

“ The Commission went, however, much further than that. They not only recommended the establishment of council governments in the larger provinces on the ground of strain to or overwork on the part of the Lieutenant-Governors, but they based it on much higher ground. They said :—

‘ Further, even if a Lieutenant-Governor could dispose of all the work demanding consideration at the hands of a Provincial Government, we think that such powers are too wide to be expediently entrusted to one man, however able or zealous.’

“ The recommendation of the Commission was practically accepted by the Government of India, who in their Despatch (dated the 1st October 1908) to Lord Morley, on the Reform Scheme, embodied it in the following passage :—

‘ In conclusion, we have one more observation to make. We recognize that the effect of our proposals will be to throw a greater burden on the heads of Local Governments, not only by reason of the actual increase of work caused by the longer sittings of the Legislative Councils, but also because there will be considerable responsibility in dealing with the recommendations of those councils. It may be that experience will show the desirability of strengthening the hands of Lieutenant-Governors by the creation of Executive Councils..... and assisting the Governors of Madras and Bombay, by enlarging the Councils which now exist in those Presidencies.’

“ The provision, my Lord, was ultimately embodied by Lord Morley in his India Bill of 1909, and members of this Council are aware that no feature of the Reform Scheme had given the people of this country greater satisfaction than the embodiment of this principle of the constitution of presidency government or council government in the India Bill. When the House of Lords deleted section 3 of the Bill, which authorised the establishment of such governments in the different provinces, there was very great agitation all over the country for the restoration of clause 3 of the Bill, and in that particular matter, my Lord, I am glad to say, such was the unanimity of feeling in India that Hindu and Muhammadan leaders came on the same platform to protest against the deletion of that clause. In Calcutta a very important meeting was held, presided over by the Nawab of Dacca, and in that meeting and, in fact, throughout the whole discussion of and agitation on the subject, the most important and patriotic part was taken by the Hon'ble Mr. Ali Imam, who made speeches at different centres advocating strongly that this clause 3 should be restored by the House of Commons, so that it might be possible for the Government to establish council governments in the larger provinces. Unfortunately, my Lord, that was not done, and the provisions were embodied in the Bill in the House of Commons in a form which was not quite satisfactory to the people of this country. In the form as it now stands it rests with the Government of India to create councils in the larger Provinces (except the Lower Provinces) by Proclamation, and if the Proclamation lies on the table of the House of Commons and the House of Lords for 40 days and no objection is taken, then a Council Government can be taken to be established.

“ So much, my Lord, for the history of the measure. In regard to the advantages of a system of council government, I do not think that it would be justifiable on my part to address this Council at any length. These advantages are summarised under four heads in the Report of the Royal Commission on Decentralization. Speaking briefly, the point is that a council government ensures stability and continuity of policy as against fluctuations in it, and as against the operation of personal views, and may be of personal idiosyncrasies in the Government. These are very important considerations. As happily put by Lord Morley, the advantage is that the judgment of the Governor or the

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Lieutenant-Governor is 'fortified and enlarged by two or more competent advisers with an official and responsible share in his deliberations.' But apart from that I find a reference to the subject in Mills' book on *Representative Government*, written with special reference to council governments in India as established in the Presidencies of Madras and Bombay. This is what Mill wrote :—

'This mode of conducting the highest class of administrative business is one of the most successful instances of the adaptation of means to ends which political history, not hitherto very prolific in works of skill and contrivance, has yet to show. It is one of the acquisitions with which the art of politics has been enriched by the experience of the East India Company's rule.'

"My Lord, I do not think it is necessary for me—after this whole-hearted appreciation of Mill—to dwell on the advantages of a council system of Government. The Government of India have already accepted the principle and carried it out in the Lower Provinces of Behar, West Bengal, and Orissa. My prayer now is that the same system be established in the United Provinces of Agra and Oudh, and I think I am justified in pressing their claim. Writing in 1867-68, in the first edition of his standard work called *Indian Polity*, Sir George Chesney discussed the question of the establishment of council government both in the Lower Provinces as they stood in those days and the Province of Agra. Sir George Chesney was of opinion that whereas a council government was necessary even in those days in the Lower Provinces of Behar, Bengal and Orissa, no such system of administration was called for at the time in the then North-Western Provinces. Writing, however, 25 years later, in the last edition of *Indian Polity*, Sir George Chesney, who had just retired from the post of the Military Member of the Executive Council had modified his opinion so far as to advocate the establishment of council governments for the United Provinces. It may be stated that during this long interval the area and population of the Province of Agra had been largely augmented by the amalgamation with it, in 1877, of the Province of Oudh. This is that Sir George wrote in 1895 :—

'In regard to administration, the charge (the United Provinces) is as important as Bengal. It comprises 49 districts as against 47 in the latter (this has reference to the number of districts in the Lower Provinces before the partition) nearly twice as many as in Bombay, and more than thrice the number of districts in Madras, and every consideration which makes for styling the head of the Bengal Government a Governor, applies equally to this great Province. Here also, as in Bengal, the Governor should be aided by a Council. The amount of business to be transacted here is beyond the capacity of a single administrator to deal with properly, while the Province has arrived at a condition when the vigour and impulse to progress which the rule of one man can impart may be fully replaced by the greater continuity of policy which would be secured under the administration of a Governor aided by a Council. So far from the head of the administration losing by the change—not to mention the relief from the pressure of work now imposed on a single man, and that a great deal of business which has now to be disposed of in his name by irresponsible Secretaries would then fall to be dealt with by members of the Government with recognised authority—it would be of great advantage to the Governor if all appointments and promotions in the public service of this Province, a much larger body than that in Madras and Bombay, were made in consultation with and on the joint responsibility of colleagues, instead of at his sole pleasure.'

"I submit, my Lord, that this opinion of Sir George Chesney should carry great weight with members of this Council. Sir George was not an irresponsible non-official, but one who held one of the highest appointments in the Executive Government of this country and was in intimate touch with the Government of the land. It is now 16 years since Sir George so emphatically recorded his opinion, and during this period there has been remarkable progress in the United Provinces in all directions. I submit that, judged by any reasonable test, the United Provinces are now entitled to have a council government—whether we take into account the number of districts as remarked by Sir George Chesney or whether we take the test of population. We have 48 millions in the United Provinces against 19 millions in Bombay, 38 millions in Madras and 51 millions in the Lower Provinces. After the Lower Provinces it is the next largest Province in population. Taking another test, that of the amount of land-revenue, we pay—as I showed in my Budget speech

[24TH JANUARY 1911.] [*Mr. Sachchidananda Sinha ; Lieutenant Malik Umar Hyat Khan.*]

last year—a much larger amount than any other Province except Madras. Our Provincial Legislative Council is quite as large as that of the Lower Provinces, while our University has under its jurisdiction educational institutions no less in number than the University of Calcutta. That being so, I submit, my Lord, that a large Province of 48 millions, revelling in the luxury of two highest judicial tribunals, the High Court at Allahabad consisting of 7 Judges, and the Judicial Commissioner's Court at Lucknow—as against only one High Court which the Lower Provinces share jointly with Eastern Bengal and Assam—is entitled to have a Council government.

“My Lord, the opponents of this reform—about which I assure You Lordship there is a very strong feeling in the United Provinces amongst educated Indians of all classes, Hindu and Muhammadan—say that we Indians in this matter are actuated more or less by sentimental considerations, as, it is said, we think that if a Council government be established, at least one of the members will be a Native of India. My Lord, I am far from denying that sentiment plays a very important part in this matter, but at the same time the reasons why we desire the establishment of Council government and the admission into it of Indians are not based purely on sentimental grounds, but because we honestly believe that the admission of Indians into Executive Councils is a great safeguard; for, before any measure can be brought forward in a Legislative Council, the Government will have been in a position to appreciate and come to know and realise the feelings of the Indians through their Indian representative in the Council. The introduction of Indians into the Executive Councils in other Provinces, and particularly in that of the Government of India, has been a success, as was testified to by Your Lordship's predecessor, and I do not think there is any reason why we should not have the same privilege extended to us in the United Provinces. On these grounds, my Lord, I think the United Provinces should be given the benefit of a more progressive and a more liberal administration than that provided for in one-man rule, by being endowed with an Executive Council.”

The Hon'ble LIEUTENANT MALIK UMAR HYAT KHAN: “My Lord, the present Resolution of my Hon'ble Colleague seems to be like his curious questions. While living in the extreme east of India, he shows himself to be an authority on the affairs of the extreme west like the North-West Frontier Province and the Punjab. I must, however, congratulate him this time on dealing with the politics of a Province which, though not his own, is somewhat nearer. But this delight is somewhat tempered with the regret that he has overlooked the claims of Eastern Bengal which once formed a part of his own Bengal Government. I am also sorry for my poor Province which has been lost sight of in the present Resolution. But as we are connected with it, I most respectfully beg to ask that this Resolution may be postponed till I have brought up a similar Resolution for the Punjab and other Hon'ble Members for their respective Provinces so that the claims of all may be equally considered. Otherwise, I would beg to ask permission to move that all Provinces should receive this benefit, if it be so, as I can not see why one Province should enjoy a privilege which is denied to others when their claims are equal.

“My Lord, the administrations of the Punjab and the United Provinces are carried with equal efficiency, and though my Hon'ble friend wants to force such a Council on to the latter, I doubt whether it will be received favourably by the administration or the public concerned. I think that before even moving this resolution those connected with the Provinces should have been thoroughly sounded and opinions of officials and non-officials taken.

“This Resolution, my Lord, as well as any other Resolutions which may involve expenditure, should, in my opinion, be postponed until the Budget is presented, and then, if the Budget permits, we may indulge in such luxuries, if an Executive Council can be considered a luxury, though, in my opinion, it would be neither a luxury nor a necessity. Sub-section (2) of section 3 of the Indian Councils Act requires the drafting of a proclamation which has to be submitted to the British Parliament before anything can be finally

[*Lieutenant Malik Umar Hyat Khan ; Mr. Sinha ; [24TH JANUARY 1911.]*
the President ; Pandit Madan Mohan Malaviya.]

decided. Of this no mention has been made in the Resolution. But if such a proclamation, after being drafted, has to remain under consideration for at least sixty days and most probably for the next session of Parliament, it can very well await the presentation of the Budget in this Council.

"Another objection of mine, my Lord, is that during the last five years the United Provinces have received an enormous sum of money from Imperial revenues, while the Punjab has received hardly anything in comparison. If this Resolution be allowed to be carried and an Executive Council is to be created for the Provinces of Agra and Oudh, it will make the Government of these Provinces more expensive, and it may involve the payment of some contribution from the Imperial revenues. In this way other Provinces will suffer in general, and the Punjab, whose claims are often overlooked, will suffer in particular.

"My Lord, about sixty years ago we did a great service to the United Provinces as many Punjabis were serving there to protect their inhabitants. We, therefore, deserve more consideration at the hands of the Government of India than those Provinces. I was so glad to read in one of my Hon'ble colleague's favourite papers that he takes more interest in the Punjab than the Punjab members.

The Hon'ble MR. SINHA :—"My Lord, I rise to a point of order. I submit that the fact of my taking or not taking more interest in the Punjab than the Punjab members is not at all relevant to the debate."

His Excellency THE PRESIDENT :—"I feel sure the Hon'ble Member did not mean to say anything that would hurt or give displeasure to Mr. Sinha. I trust the Hon'ble Member will bear out what I say."

The Hon'ble LIEUTENANT MALIK UMAR HYAT KHAN : "I did not mean to hurt his feelings at all, but if his feelings are hurt I beg his pardon and I hope that he will kindly ask the Government of India to give the money, that may be spent on the Council, to the Punjab, for which we will be very thankful."

The Hon'ble PANDIT MADAN MOHAN MALAVIYA : "My Lord, I have much pleasure in supporting the Resolution which has been moved by the Hon'ble Mr. Sinha. The case of the United Provinces has been very ably put by my friend, and I do not think that I need take up the time of the Council by speaking at any great length. There are just a few points to which I wish to draw Your Excellency's attention. The United Provinces have been very unfortunate in not having been given a Council Government during all these 70 years. In 1833 it was enacted by the Charter Act of that year that there should be constituted a separate Presidency for Agra, with a Governor and an Executive Council; but as my friend has pointed out, two years later it was resolved, mainly on the ground that the measure would involve an increase of expenditure, to postpone action under the Act. It was made permissible by another Act passed two years later for the Governor General to appoint a Lieutenant-Governor for the Province for such time as the provision of the Act of 1833 was not brought into force. It was contemplated that a Council Government should be established even when the Charter Act of 1853 was passed. The provisions of the Act of 1833 have never been repealed, and it is nothing but a misfortune of the Province that, as a matter of fact, a Council has not so long been established there. The revenues of the Government of the United Provinces have vastly increased since 1833; the population has also increased; the large Province of Oudh has been annexed to it, and the administration has become much more complex and difficult during the several decades that have passed. Our brethren of the Madras Presidency have been enjoying the benefits of a Council Government all these hundred years, and so also the people of the Bombay Presidency; and now, my Lord, our friends in Bengal have also been given the advantage of a Council Government. There seems to be no reason why the same benefit should not be extended to the United Provinces now.

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“The advantages of a Council Government have been well dealt with by the writers whom my friend has quoted, but I will invite Your Excellency’s attention to the practical results of the want of such a Government in my Province. I will refer only to recent events : the Lieutenant-Governor of our Province, the Hon’ble Sir John Hewett, had, owing to ill-health, to take six months’ leave last year. He has now been deputed by the Government of India to attend to the arrangements for the Coronation Durbar. On both these occasions, my Lord, a temporary appointment has had to be made. And I mean no disrespect to the gentleman who has been appointed to officiate on both these occasions, when I say that under the existing system, during the time of the absence of the permanent incumbent of the office of the Lieutenant-Governor, it is mostly mere routine work that is carried on, no new measure is likely to be initiated and much progress cannot be achieved. If we had a Council Government where two senior members of the Civil Service were associated with the Lieutenant-Governor in his work, the gentleman who officiated would feel naturally more freedom and more confidence in pushing on the progress of the Province. This, my Lord, is only one recent instance of the disadvantage of a single-man rule. Besides this, we have found that progress has been much more satisfactory and much greater in the Provinces of Madras, Bombay and Bengal. We in the United Provinces have contributed, as a reference to the Government Gazette or the Budget Statements year after year would show, more in the shape of land-revenue than any other Province in India ; and yet, my Lord, in all matters which directly affect the people in the matter of education, in the matter of sanitation, in the industrial development of the Provinces, we are nowhere compared with the Provinces of Madras, Bengal and Bombay. Now, my Lord, it seems to us that if we had a Council Government the progress of the Province would be much better assured, there would be a continuity of policy and greater systematic progress all round ; and for these reasons, I earnestly support the Resolution of my Hon’ble friend, and hope that Your Excellency will be pleased to take steps to secure to us the benefit of a Council Government at an early date. I may mention that when the Indian Councils Act was being considered in the House of Lords, one of the arguments advanced by Lord Curzon against the creation of an Executive Council for my Provinces was that he did not feel sure how the Taluqdars of Oudh would like the change. But there can be no doubt that even they would like it. Several of the Taluqdars have expressed themselves openly in favour of the establishment of an Executive Council in the United Provinces, and many other members of the Provincial Council have expressed themselves in favour of the change. And, my Lord, now that a Council has been established in Bengal, the injustice of the existing arrangement has become more glaring ; the people of the United Provinces strongly feel that they should not be kept out of the benefits of a Council Government any longer when the sister Province of Bengal also is enjoying these benefits. There is absolutely no reason for withholding such a Government from us any longer. The population of Bengal is only three or four millions more than that of the United Provinces, and in every other respect ours is not a less important Province than Bengal. I hope the Resolution will commend itself to Your Excellency’s Government, and that they will take steps at an early date to establish a Council Government in the United Provinces.”

The Hon’ble MR. HOLMS : “My Lord, as the official representative of the United Provinces it is perhaps desirable that I should say a few words regarding the Resolution which has been brought forward with great moderation by my Hon’ble friend on the right, of whose connection with the United Provinces I am well aware. I do not propose to follow him into the historical aspect of the case nor into his discussion on the relative advantages of a council government and government by an individual. The recommendations of the Royal Commission on Decentralisation in this matter have been given effect to in the Province of Bengal. There was no representative among the members of that Commission of the northern Provinces of India, and possibly had there been a representative of those Provinces the recommendations of the Commission, in certain particulars at all events, might have been of a less general character and might have

[Mr. Holms ; Mr. Mazharul Haque.] [24TH JANUARY 1911.]

recognised more fully the particular needs of particular Provinces. What is suitable for Bengal is not necessarily suitable for the United Provinces. But apart from any question of the merits of government by council, which cannot be treated as a generally accepted article of political faith in India, we have now going on in the Province of Bengal the object lesson to which reference has been made. The experiment, however, has been treated as a completed experiment, as if the object lesson were over and the results shown on the black board. This experiment has only been in force for a few months. The Hon'ble Member treats it as a chemical experiment which has been completed and of which the results are well known. The ingredients have been got together, the materials are there, the crucible is ready, and the ingredients have been mixed. All chemical experiments take some period of time, whether long or short, to evidence their results. We have still to wait for the results of this experiment. It is possible that all may come well ; that the experiment may be successful. It is possible that there may be some defect in the material, defect in the crucible, defect in the ingredients or defect in the mixing of the ingredients, and that there may be an explosion. But still, whatever the result of the experiment, I think it will be a wise policy for us to wait and see what happens. I have only one other point to refer to. My Hon'ble friend has mentioned that the educated opinion of the United Provinces is entirely in favour of council government. I have reason to believe that this is not altogether the case ; there is a considerable body of educated opinion, the opinion of men of standing and position, which recognises the advantages for the present of a more personal form of government. I only wish to mention this to correct the somewhat sweeping statement of my Hon'ble friend, and I would again suggest that it would be wise to wait for the result of the experiment in Bengal before extending this measure to the Province which I have the honour to represent."

The Hon'ble MR. MAZHARUL HAQUE :—"My Lord, although I do not belong to the United Provinces, and although my Hon'ble friend the Malik Sahib will take exception to my speaking on that ground, as he has done to my Hon'ble friend Mr. Sinha's moving such a Resolution, I think I ought not to sit quiet and support this Resolution with a silent vote.

"My Lord, there is not the least doubt, and I do not think that there will be very many politicians who will disagree with me, that the principle of government by Council is to be preferred to that of government by one individual. There are advantages which I need not dilate upon in this Council ; but the greatest advantage that would accrue to the United Provinces Government would be, as pointed out by my Hon'ble friend Mr. Sinha, that, if following the precedence of the Bombay, Madras and Bengal Governments, they have an Executive Council, they are sure to have an Indian Member in it. At present, my Lord, the United Provinces Government (I am speaking without meaning any offence to anybody) is merely obsessed by official ideas and it requires some Indian opinion by which it should be leavened. I have had connection with the United Provinces and I know the Provinces very well. As a matter of fact, the moment we from Behar pass out of our boundary into that of the neighbouring Province we think that we have come into a different country. I know, my Lord, I have got that feeling, and on many occasions that I had to go there I came away with the idea that we of Behar could not possibly live happily in the United Provinces ; there the official bureaucracy being all-powerful. The excuse given by the rulers, who do not want to give any right to any community under their rule, is that the people are not prepared for it. That is an excuse that we always hear from official lips. My Lord, it may be said of any people that they will never be prepared for the right unless they get it. I submit that that excuse ought not to be indulged in now as regards the United Provinces. It has been sufficiently long under the British administration to deserve a Council of its own.

"My Lord, my friend, the Hon'ble Malik Sahib, has said that this Resolution ought to be postponed until he brings in a Resolution for Council government for his own province. I promise my Hon'ble friend that if he brought such a Resolution, he will have my vote. I do not see any reason why the Punjab should not have a Council, if it is fit for Council government.

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" My Lord, the time has come in my humble opinion when Government should take us a little more into its confidence. Of course a happy beginning has been made by the reforms, but another step should be taken by giving an Executive Council to the United Provinces. The people are absolutely ripe for it. I have no doubt any number of eminent men, able men, will be forthcoming who will be able to do the work in the Council. The United Provinces are too unwieldy a jurisdiction, and I am afraid, if Your Lordship does not give them a Council, there will be a partition of that Province on the lines we have seen in Bengal, and there will be agitation, and most likely there will be another Babu Bhupendra Nath Bose (I do not mean *our* Babu Bhupendra Nath Bose, but some one of his position) who will get up, and then there will be a scene in the Council. There is no doubt that the Province has become too unwieldy for one man to govern it, and I do not think that he can govern it properly. On these grounds, although I am an outsider (I belong to the province of Behar), I most heartily support the Resolution of my Hon'ble friend Mr. Sinha."

The Hon'ble RAJA OF PARTABGARH: " My Lord, I am the only member of this distinguished assembly who does not know English and am, therefore, afraid that Your Excellency and the Hon'ble Members may not appreciate my speech. But I feel it my duty to support the Resolution so ably moved by my Hon'ble friend Mr. Sinha as I have every reason to believe that the establishment of an Executive Council in the United Provinces is in my humble opinion an urgent necessity."

The Hon'ble MR. JENKINS:—" My Lord, I do not propose to enter into the question of the merits or demerits of Council Government or Government by a Lieutenant-Governor or Chief Commissioner. The arguments are perfectly well known to all those who take some interest in the question. Now I have been brought up, all my service has been put in, under a Council Government, and I might naturally be supposed to have some predilection for it. At the same time I cannot say that I have that confidence which has been expressed by some Hon'ble Members in absolute superiority of Council Government. It seems to me that it depends, like most things, altogether upon the conditions. I am not blind to the merits of Government by a Lieutenant-Governor. In that case the source of power is more evident, more accessible, and that is a very great thing indeed in this country. The criterion which I would apply is this. If the work of a Province is neither so heavy nor so complicated as to be beyond the ability of one man, then I say on all grounds of economy and good administration it should be one man's charge—there should be a Lieutenant-Governor or a Chief Commissioner. But the moment the work becomes such a burden that one man cannot properly discharge it, cannot properly look after it, and he has to delegate his functions to irresponsible subordinates, when, in plain English, that form of Government becomes a sham, then it is time to give it up and have resort to Council Government. The question therefore is whether this stage has been reached in the United Provinces. As far as we are aware, in the present time and under the present administration certainly not. The Lieutenant-Governor, Sir John Hewett, is not only a man of supreme ability, but he possesses marvellous powers of dealing quickly and efficiently with business. In this I think it is probable that he has very seldom been surpassed. Well, he himself states that he does not want a Council ; and his administration is universally approved and has found universal acceptance. Then, again, we have to consider the inexpediency of imposing a Council upon a reluctant Lieutenant-Governor, which is a very serious thing to do. It is absolutely essential to the success of Council work that the head of the Province and his colleagues should work in cordial co-operation. If they do not, I am not at all certain that at such periods the Council form of Government may not be one of the worst possible. Therefore, we have come to the conclusion that as long as Sir John Hewett continues to be Lieutenant-Governor of the United Provinces, we should take no action towards the provision of a Council. After that we shall see."

[Mr. Sachchidananda Sinha.] [24TH JANUARY 1911.]

The Hon'ble MR. SACHCHIDANANDA SINHA: "My Lord, I shall confine myself to the observations of the Hon'ble Home Member, as it does not seem to me necessary to notice the remarks of the Hon'ble Mr. Holms. The Hon'ble Mr. Jenkins has not chosen to go into the debatable points in regard to the excellence or otherwise of Council Government. He has contented himself by saying that, so far as his information goes, such conditions have not arisen that the Lieutenant-Governor cannot cope with the work. His view seems to be that a Local Government must first pretty well come to a deadlock before the proposal of an Executive Council can be entertained. I wonder if this test was applied in the case of the Lower Provinces in endowing them with an Executive Council. I doubt if it was so. My Lord, in my opening remarks I was careful enough studiously to avoid any personal reference to Sir John Hewett. If I am now driven to make any personal references, it is only because the Hon'ble Member has imported into the discussion the Lieutenant-Governor's name. In the United Provinces and the Punjab the whole work is done by the Lieutenant-Governor with the aid of a number of Secretaries, and although technically, in name, it is all done by the Lieutenant-Governor, I do not think I am going beyond the facts in saying that a good deal of the work is done by the Chief Secretaries and Secretaries, who, of course, purport to do the work on behalf of the Lieutenant-Governor. That in substance, I contend, is work done in Council with the aid of two or three colleagues; only the disadvantages are that whereas in Councils the colleagues are of equal position, fully competent men, senior officers and thoroughly qualified, in the other case the Secretaries are comparatively junior officers, and they have all the power and do all the work, but without the responsibilities which attach to Executive Members of Council. And to my mind therefore this is a distinction without a difference. I therefore submit that the Home Member's argument does not satisfy me. I shall be the first person to testify to the vast energy and indefatigability of Sir John Hewett. My point however is that Sir John Hewett is shortly going to Delhi and soon after that he will probably be retiring, so that we cannot discuss this Resolution with Sir John in view. And I say it without any disparagement to the members of the Civil Service, for whom I have great respect, that there are not many Sir John Hewetts in that body. The question, therefore, of Sir John Hewett being a ceaseless, untiring and indefatigable worker does not at all arise. The principle for which I contend is wholly independent of personalities, and I think I have made out a case for the Home Member to concede to us this privilege."

The Council divided:—

Ayes—18.

The Hon'ble Nawab Saiyid Muhammad; the Hon'ble Mr. Subba Rao; the Hon'ble Raja of Kurupam; the Hon'ble Mr. Gokhale; the Hon'ble Mr. Mudholkar; the Hon'ble Mr. Chitnavis; the Hon'ble Mr. Dadabhoy; the Hon'ble Sir Vithaldas Thackersey; the Hon'ble Pandit Madan Mohan Malaviya; the Hon'ble Nawab Abdul Majid; the Hon'ble Raja of Partabgarh; the Hon'ble Raja of Mahmudabad; the Hon'ble Maulvi Shams-ul-Huda; the Hon'ble Raja of Dighapatia; the Hon'ble Mr. Ghuznavi; the Hon'ble Maharajadhiraja of Burdwan; the Hon'ble Babu Bhupendra Nath Basu; the Hon'ble Mr. Sachchidananda Sinha; the Hon'ble Mr. Mazharul Haque.

Noes—40.

The Hon'ble Mr. Andrew; the Hon'ble Mr. Quin; the Hon'ble Mr. Birkmyre; the Hon'ble Mr. Madge; the Hon'ble Mr. Grahalm; the Hon'ble Mr. Monteath; the Hon'ble Sir Sassoon David; the Hon'ble Mr. Phillips; the Hon'ble Mr. Gates; the Hon'ble Maung Bah Too; the Hon'ble Malik Umar Hyat Khan; the Hon'ble Khan Zulfikar Ali Khan; the Hon'ble Kour Sahib of Patiala; the Hon'ble Lieutenant-Colonel Davies; the Hon'ble Mr. Slacke; the Hon'ble Mr. Stewart Wilson; the Hon'ble Mr. Dempster; the Hon'ble Sir Douglas Haig; the Hon'ble Sir T. R. Wynne; the Hon'ble Mr. Kenrick; the Hon'ble Mr. Jenkins; the Hon'ble Mr. Carlyle; the Hon'ble Mr. Butler; the Hon'ble Mr. Syed Ali Imam; the Hon'ble Sir G. F.

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[*Division.*]

Wilson; the Hon'ble Major General Sir Robert Scallon; the Hon'ble Mr. Earle; the Hon'ble Sir Lionel Jacob; the Hon'ble Mr. Porter; the Hon'ble Mr. Robertson; the Hon'ble Mr. Brunyate; the Hon'ble Mr. Wood; the Hon'ble Mr. LeMcsurier; the Hon'ble Mr. Holms; the Hon'ble Mr. Meston; the Hon'ble Mr. Fremantle; the Hon'ble Mr. Todhunter; the Hon'ble Surgeon-General Lukis; the Hon'ble Mr. Graves; the Hon'ble Mr. Macpherson.

So the resolution was rejected.

The Council adjourned to Wednesday, the 25th January 1911.

J. M. MACPHERSON,

*Secy. to the Govt. of India,
Legislative Department.*

CALCUTTA;

The 3rd February 1911. }