

*Tuesday,  
27th February, 1912*

**ABSTRACT OF THE PROCEEDINGS**

**OF THE**

*Council of the Governor General of India,*

**LAWS AND REGULATIONS**

**Vol. L**

**April 1911 - March 1912**

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OF  
THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA

ASSEMBLED FOR THE PURPOSE OF MAKING

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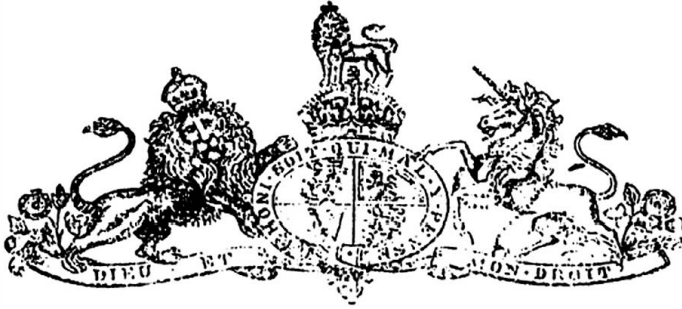
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GOVERNMENT OF INDIA.  
LEGISLATIVE DEPARTMENT.

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 1908 (24 & 25 VICT., c. 67, 55 & 58 VICT., c. 14, AND 9 EDW. VII, c. 4).

The Council met at Government House, Calcutta, on Tuesday, the 27th February 1912.

PRESENT :

The Hon'ble SIR GUY FLEETWOOD WILSON, G.C.S.I., K.C.B., K.C.M.G., Vice President, *presiding*, and 55 Members, of whom 50 were Additional Members.

QUESTION PROCEDURE.

The President : " Before commencing the business of the day on the notice-paper, I would like to throw out a suggestion for the consideration of Hon'ble Members.

" About an hour was taken up yesterday in putting and answering questions. The number and importance of Bills and Resolutions submitted to this Council increase and will continue to increase every session.

" It has crossed my mind that Hon'ble Members might care to consider whether they might not adopt, in regard to questions, the formula which obtains in the English House of Commons, where a member, instead of reading out at length the question standing in his name, merely says :—' I beg to put question No. 26,' or whatever the number may be. And in the case of questions which are broken up into sub-questions, he would say :—' I beg to ask question No. 12 (a), (b), (c) and (d).'

" The questions and answers are all published, so that there would be no question of any information being withheld.

" I wish to say emphatically that there is no question of altering any rule, much less is there any question of my giving any ruling on the subject. I merely throw out the suggestion for the consideration of Members, thinking that some of them, at any rate, may see the advantage of the House of Commons formula.

" We will now proceed with the questions on the notice-paper for to-day."

[Mr. Mudholkar; Mr. Enthoven; Sir T. R. Wynne.] [27TH FEBRUARY 1912.]

QUESTIONS AND ANSWERS.

The Hon'ble Mr. Mudholkar asked :

" Will Government be pleased to state what was the total value of the stores required for the purposes of the different Government Departments and the Railways owned by the State purchased (a) in India, (b) in Great Britain, (c) in other countries, during the years 1907-08, 1908-09, 1909-10 and 1910-11 ? "

The Hon'ble Mr. Enthoven replied :

" I place on the table a statement\* giving the available figures of the expenditure on stores procured by the Director-General of Stores for shipment to India and stores purchased in India for Government Departments and State Railways during the last four years. The Government of India are not in a position to state what proportion of the stores procured by the Director-General of Stores for shipment to India were purchased in countries other than Great Britain. It is necessary to explain that the figures are, for purposes of comparison, of little value, for the following reasons. The figures for stores procured by the Director-General of Stores for shipment to India include purchases for Local Funds and Native States. The Government of India have not readily at their disposal information enabling them to say how much should be deducted on this account. The figures for stores purchased in India do not include purchases for Local Funds and Native States, and are otherwise incomplete; they exclude—

- (a) purchases made under Rule 3 (a) of the Rules for the supply of articles for the Public Service which may extend up to Rs. 3,000 for any one article or any number of articles of the same class purchased at one time;
- (b) purchases of articles which are invariably or by general usage purchased in India, e.g., bricks, mortar, bamboos, etc.;
- (c) purchases of articles of any one kind or description of which the aggregate value in respect of each office or Department does not exceed Rs. 1,000 in a year.

" It would be impossible to give the complete figures for stores purchased in India without an amount of labour which the Government of India consider it unnecessary to undertake."

The Hon'ble Mr. Mudholkar asked :

" (a) Is it a fact that there was net loss to the State on Indian Railways from the commencement of their construction till the end of 1894-95? If so, was the amount of such loss over Rs. 5,184 lakhs ?

" (b) Will the Government be pleased to lay on the table a return showing the net gain or loss to the State during each year commencing from 1895-96 up to 1910-11 ? "

The Hon'ble Sir T. R. Wynne replied :

" (a) The reply is in the affirmative.

" (b) The information covering the period 1895-96 will be found in Section H of the several Finance and Revenue Accounts of the Government of India, copies of which are in the Additional Member's room.

" I would like to point out that the figures quoted in the first part of the question are calculated, if taken by themselves, to give an entirely misleading impression. They necessarily leave out of account the great development of Indian trade, agriculture, etc., attributable to the construction of Railways and the consequent increase in the Revenue to the State which there is every reason to think more than counterbalances the apparent loss."



[27TH FEBRUARY 1912.] [*Raja of Dighapatia ; Sir Reginald Craddock ; Mr. Gokhale ; Mr. Enthoven ; Mr. Sachchidananda Sinha.*]

**The Hon'ble Raja of Dighapatia asked :**

"Will the Government be pleased to state if it is in contemplation to alter the Regulations for the election and nomination of members to the Bengal and Imperial Legislative Councils in view of the announcements made at Delhi, and, if so, is it intended to consult public bodies before their final promulgation?"

**The Hon'ble Sir Reginald Craddock replied :**

"It is obvious that when effect is given to the announcements made at Delhi affecting the existing Provinces of Bengal and Eastern Bengal and Assam, the present Regulations governing the constitution of the local Legislative Councils and the selection of members of the Imperial Legislative Council from these areas will require revision. The Government of India will await the proposals on the subject of the new Local Governments, and pending their receipt, it is impossible to say what procedure will be adopted in disposing of them."

**The Hon'ble Mr. Gokhale asked :**

"(a) Have the Government received any representations regarding the incidence of the annual licence of £3, demanded in Natal, since 1901, under Natal Act 17 of 1895, of all Indians—males, upwards of 16 years, and females, upwards of 13 years,—who, upon the expiry of their indentures, elect not to return to India or to re-indenture?"

"(b) Has the attention of the Government been drawn to the opinion expressed by certain Natal planters, as also by members of the Natal legislature in January 1910, that this tax has driven large numbers of Indian women in Natal to a life of shame, while many men have been compelled on its account either to take to crime or to desert their families?"

"(c) Have the Government noticed the evidence given by certain Natal planters before the Union Commission on Commerce and Industries in 1911, to the effect, that in consequence of the imposition of this tax, not more than 6 per cent. of the Indians, whose contracts were then expiring, could afford to remain free, the rest being forced to leave the Colony or to re-indenture?"

"(d) Will the Government be pleased to state what steps, if any, have been taken by them to procure relief in this matter?"

**The Hon'ble Mr. Enthoven replied :**

"The replies to the Hon'ble Member's questions are as follows:—

- (a) The answer to this question is in the affirmative.
- (b) The Government of India have not seen the opinions referred to in this question, but a reference to them has been made in one of the representations received by them.
- (c) Government have not yet received copies of the evidence taken before the Union Commission. They have, however, seen unofficial statements to the effect indicated in the question.
- (d) Correspondence is still in progress on this matter between the Secretary of State and the Government of India."

**The Hon'ble Mr. Sachchidananda Sinha asked :**

"Will the Government be pleased to state the result of their negotiations with the Government of Canada in regard to the disabilities imposed in that country on His Majesty's Indian subjects?"

**The Hon'ble Mr. Enthoven replied :**

"No further information has been received from the Secretary of State since the reply on the same subject which the Hon'ble Mr. Clark gave to the Hon'ble Member on the 22nd September last."

[*Raja of Dighapatia ; Mr. Syed Ali Imam ;* [27TH FEBRUARY 1912.]  
*the President.*]

### SPECIAL MARRIAGE.

**The Hon'ble Raja of Dighapatia :** " Sir, in spite of the strong opposition that this Bill of Mr. Basu evoked from the stalwart champions of orthodoxy and the regrettable discouragement it received from the Government Bench yesterday, I feel I shall be wanting in my duty if I do not accord my full support to the measure, as I honestly believe it to be the first step towards the social unification of India.

" I am not convinced yet that a permissive measure of this kind is capable of revolutionising and injuring the best interests of Hindu society, and I am sure Mr. Basu—a Hindu himself—could not have brought this Bill before the Council if he thought it would materially harm Hindu cause, nor could I, Sir, in that case accord my support to it. So long as Hindu society retains full power of excommunication, I fail to see how it will be harmed if the parties, contracting marriages under this Act, stick to the religion of their forefathers and avoid declarations contrary to their convictions.

" If Hindu society wants to retain in its ranks men of advanced ideas, sooner or later it will have to countenance marriages under the present measure, and the sooner the society is prepared for it the better it will be for all concerned.

" Apart from all other considerations the question of the protection of the rights of the women of India against Bigamy and Polygamy and also against the inhuman treatment they receive at times (which the Hon'ble mover has already referred to) loudly calls for interference from the legislature.

" If the Government thought it fit in the past to remedy many a social evil when Society was not so much advanced, I fail to see why it should not step in now to redress the just grievances of the women of India, and at the same time recognise the rights of conscience of the advanced class. With these remarks I beg to support Mr. Basu's Bill, and hope the Government would be moved to allow its passage to the Select Committee if it be only to throw it out, after careful examination.

**The Hon'ble Mr. Syed Ali Imam :** " Sir, before I address the Council, I must seek your permission to permit me an opportunity to put in a few words in the way of explanation in respect of any misapprehension or misunderstanding that might have arisen in the minds of Hon'ble Members in regard to some parts of the submissions I made yesterday. Have I your permission, Sir ? "

**The President :** " Yes ; certainly. "

**The Hon'ble Mr. Syed Ali Imam :** " I think it right that I should place before Council my explanation in regard to a misunderstanding that has arisen in the mind of my esteemed friend, the Hon'ble Mr. Mudholkar. Mr. Gokhale yesterday truly understood the reference I made to ' nationalism,' but Mr. Mudholkar has not quite understood the reference that I made in my speech to ' nationalism.' That word might have acquired a bad odour in having been associated with certain aspects of political agitation that are of a reprehensible character. That of course was never for a moment present in my mind ; nor can it for a moment be suggested that the term ' nationalism ' has really been accepted to have that meaning in India, and I hope it will never have that meaning. I only referred to any thing that tends to the unification of the various classes here in my country. Any such step is a move in the right direction so long as it is consistent with the safety of those that have conserved and vested interests, and as such Mr. Mudholkar need have no apprehension whatsoever in regard to what was alluded to by me.

" There is one word of explanation that I think I should like to offer before Council, and that is in reference to what was urged by my Hon'ble friend Mr. Mazharul Haque. In his forcible speech yesterday he expressed some degree of surprise at my having opposed this Bill. I am not in a position to know what the circumstances were which produced that degree of surprise

[27th FEBRUARY 1912.] [Mr. Syed Ali Imam; Mr. Bhupendranath Basu; the President; Mr. Jinnah.]

which was expressed somewhat in an emphatic manner. But I know this much, that before I addressed the Council yesterday, one of my Colleagues, the Hon'ble Sir Reginald Craddock, had already definitely placed before Council the position of the Government, and I, as one of the Members of that Government, put forward the legal objections that struck me would be advanced against that Bill. In the circumstances, I felt some surprise myself that the Hon'ble Member thought that there was anything out of the way in the manner in which I approached this Bill. But at the same time, I would like, with the permission of the Council, to make a passing reference to a quotation that was put forward by the Hon'ble Member Mr. Haque, and the quotation was from a remark of the Right Hon'ble Mr. Ameer Ali, whose authority, and whose authority alone, the Hon'ble Member will accept however high placed any other jurist may be. I have before me the latest edition of his work on this subject, and I find that the principle of the law that I put forward yesterday has been most emphatically accepted by him, and even the quotation put forward by the Hon'ble Member itself is clearly in support of the view put forward by me and so far as the essence of the law is concerned, it has never been for a moment contested. Now referring to this subject, the Right Hon'ble Mr. Ameer Ali, after discussing the law at length of both the schools of Muhammadan law, the Shia law, and the Sunni law, comes to this conclusion, and I am quoting it from page 321 of his book. He says, referring to these schools, 'both schools prohibit a Moslem from marrying an idolatrous female or one who worshipped the stars or any kind of fetish whatsoever. Therefore on that point, there need be no apprehension as to what not only has been the established and considered opinion of all Muhammadan jurists, but is also correct on the high authority of the Right Hon'ble Gentleman whom we are all proud to have as a Member of the Privy Council.

"My Hon'ble friend, Mr. Jinnah, also put forward certain references in his speech in regard to my submission and he said that if the law of evidence, the law of contract and the general criminal law of the Muhammadans could be modified here in India, there was no reason why their law relating to marriage should not be modified. I have no intention whatsoever to snatch a reply to the observations of the Hon'ble Member, but I think as a matter of explanation, it might be urged and urged with a great deal of justice that the law of contract, the law of evidence and the criminal law of the Muhammadans was modified."

**The Hon'ble Mr. Bhupendranath Basu:** "May I rise to a point of order, Sir? My Hon'ble friend got the permission of the Chair to explain a question of personal conduct. I say that he has got no permission to reply to the speeches of Hon'ble Members."

**The President:** "The Hon'ble Member occupies the position of the Law Member of the Executive Council, and that adds considerable weight to any expression of opinion which he may give in regard to the interpretation of a specific point of law. In accordance with the Regulation, I am empowered as a special case to give the Hon'ble Member an opportunity of explaining that he has been misunderstood. My Hon'ble friend asked to be allowed to give an explanatory statement in regard to his exposition of the law, and I was very glad to accord the permission."

**The Hon'ble Mr. Syed Ali Imam:** "I had no intention whatsoever, as I already submitted, to snatch a reply. It is an old trick at the bar. I have no intention at all for a moment to bring that practice into vogue here in this Council. But if an Hon'ble Member of the position of Mr. Jinnah, with his repute as a lawyer, puts forward these views, I with very great respect thought of adopting—"

**The Hon'ble Mr. Jinnah:** "May I rise to a point of order, Sir? May I point out that the Law Member has not correctly stated the facts. He has omitted the reference to the *Lex Loci* Act from the statement I made."

[ *The President ; Mr. Bhurgri ; Mr. Bhupendra-* (27TH FEBRUARY 1912.)  
*nath Basu.* ]

**The President :** " I cannot allow this discussion to degenerate into the bandying of legal opinions. I think that the Hon'ble Law Member was entitled to make an explanation. He has made it and we will now proceed with the discussion on ordinary lines."

**The Hon'ble Mr. Bhurgri :** " Sir, I think the *pros* and *cons* of the Bill now before the Council were fully discussed in the debate which took place yesterday. There seems to be an overwhelming majority of public opinion against it, and for this reason the Hon'ble the Home Member advocates its rejection. May I be permitted to remark within parentheses that I am not quite sure that he would be as ready to recommend the rejection of all Bills which did not have the support of such a majority. Sir, to my mind the proposal made yesterday by my Hon'ble Leader, Mr. Gokhale, is far more commendable. He pointed out that the Bill has a strong intellectual force, backing it, and suggested that it may be left to the Select Committee to see if it could not be so altered as to satisfy all parties. If the Committee proposed by Mr. Basu, which has a preponderance of official members, came to the conclusion that the Bill was unacceptable, it would then be time to throw it out, but to do so at this stage would be to leave in the minds of its supporters outside this Council Chamber the impression that it had not been fully or fairly considered. I therefore join in the appeal made by Mr. Gokhale yesterday to refer the Bill to the Select Committee."

**The Hon'ble Mr. Bhupendranath Basu :** " Mr. Vice-President, I do not think I need take up the time of this Council at any great length in combating the views that have been put forward in opposition to the measure that I have sought to introduce, but I must acknowledge my gratefulness to my friends here, especially those who have been opposed to my views, for the courtesy they have extended to my measure and the way they have dealt with it. That is itself an indication, if no further indication was necessary, that the Bill that I have placed before you commands in the first place the adherence of, what I may call without impertinence, the intellectual aristocracy of my country as well as of those who do not give expression to doubts and difficulties which may render the acceptance of my views difficult to the country. I am especially thankful for the very sympathetic attitude the Hon'ble the Home Member has taken towards the Bill. In his remarks as Chief Commissioner of the Central Provinces, he expressed his fullest sympathy with the object of this Bill, and though now translated to a higher sphere, he has retained that sympathy and has shown it in this Council. What he says makes me feel that if he had his own way, he would have given me permission to have this Bill referred to a Select Committee, but he feels over-weighted by the responsibilities of his office and has laid down two propositions, the conditions of which if I could satisfy, he would be in a position to allow this Bill to be taken to a further stage. The two conditions that he has laid down are that the Government like the Government of British India would allow social legislation to be undertaken if there was an outrage upon some fundamental law of humanity or if there was an overwhelming majority in favour of this legislation.

" I shall deal firstly with the fundamental law of humanity which has been very broadly stated, and it is therefore to some extent difficult to meet. We are dealing now with first principles of legislation. Whatever may be the position of Government in a country, indigenous or alien, if any practice is opposed to the fundamental laws of humanity that practice must be put down. Well, my measure seeks only an expression of freedom of conscience and nothing more, and that is one of the first principles of legislation as well as of ethics. I am quoting from a book which is well-known to students of sociology. Sir Herbert Spencer in his 'social statics' dealing with first principles says 'that every man has freedom to do all that he wills provided he infringes not the equal freedom of any other man.' That is the first and the greatest principle in legislation as well as in ethics. There are, as Herbert Spencer points out, difficulties in application, but difficulties of application do not invalidate the principle : for instance, the bushman can count only up to 3,

[27TH FEBRUARY 1912.] [*Mr. Bhupendranath Basu.*]

from that it does not follow that the law of integral and differential calculus does not exist. If others are not prepared to concede this first principle either through ignorance or through superstition or through prejudice, or through passion, it does not follow that that first principle does not exist. Therefore, I take my stand upon the very ground on which my friend invites me to take my stand, namely, that the law that I seek to introduce is really the basic principle of legislation, that if it is not immoral, if it does not tread upon the privileges of others and if there is a feeling amongst some, that such a law should be introduced, then they ought to be given liberty to have that law. It is not a compulsory legislation—that ought to be borne in mind all through this debate. It is only a permissive legislation, and I am afraid that that feature and that trait of the measure was not kept in view very prominently in the discussions that have gone on in this Council. It compels nobody to marry according to my Code of Law. He may bring in any image worshipped by the Hindus, he may introduce every kind of Muhammadan practices in his marriage if he likes. He may not do it if he does not like. I am not going to refer to the practice of infanticide or of burning widows for they may be defended not on the first elementary laws of humanity but on different grounds as against inhumanity. But two such eminent jurists as Sir Henry Maine and Sir James Stephen, while dealing with this very legislation, laid down this proposition. Sir James Stephen, when introducing the measure that is now under discussion, quotes Sir Henry Maine:—‘I fully admit, moreover, that if the law is so arranged that persons who abandon one of these creeds, and do not adopt another, are by law prevented from marrying, or which comes to the same thing—thrown into a state of uncertainty as to the validity of their marriages, those persons are subject to the most grievous of all disabilities, and, however small their number may be, are justified in regarding themselves as the victims of a crying injustice which we are morally bound to remedy, notwithstanding any objections which may be taken to our so doing by members of the various recognized creeds. If we did not, we should distinctly violate one of the leading principles which we are here to assert.’ These were the words of Sir Henry Maine, and Sir James Stephen says:—‘So far, I entirely agree with my Hon’ble predecessor.’ So, upon that test I hope that I have been able to satisfy the Council and my Hon’ble friend the Home Member.

“Coming now to the other test, the test of an overwhelming majority in my favour, I wish it were possible for me to comply with that test also. But I may respectfully venture to submit that that is not a correct test of social legislation. For, take a similar law, the law of civil marriage in European countries which have got an official State religion. Well, in European countries where they have got a State religion they have in spite of the opposition of the majority of the people concerned, introduced into almost everyone of them the law of civil marriage. What is the difficulty in Europe amongst homogenous communities following practically the same faith only in different forms, what is the difficulty of their union under the rituals of the Church. But there have from time to time grown up small sections in European communities animated or inspired by ideals different from existing forms and creeds who have not cared to follow the rites of the Church and for the sake of these very small minorities Dissenters, Protestants rebels against the existing faith of their country maintained by the State, the States have undertaken and passed legislation sanctioning their marriages. Does not that dispose of the argument of my friend that in matters of social legislation Government can only move if there is an overwhelming majority on the side of the people seeking that legislation. I may remind my friend that if there is an overwhelming majority that majority will not wait for the action of Government, but it will force Government to proceed to take action. Because we are in a minority, because those who want to go ahead are always in a minority in every country, that they have to go to Government for a consideration of their position, and if their position is not immoral, if their position is not hurtful to or does not affect the legal rights of others, civilised Governments in all countries have acceded to their prayer. I will now bring to the notice of the Council another piece of social legislation

[*Mr. Bhupendranath Basu ; Mr. Syed Ali Imam.*] [27TH FEBRUARY 1912.]

which England has lately adopted, namely, the right to marry a deceased wife's sister. There again there was a considerable opposition from a large number of people, and I believe there was a large majority against it. But nevertheless they were able to get that legislation passed. Take again my own country. I am referring to the removal of forfeiture in the case of change of religion. There was not only no majority in its favour, there was not only no inhumanity in debarring a man from inheritance who forsook the religion of his fathers, there was not only the strongest injunction of the Hindu Sastras against those men inheriting, there was not only the explicit language of the Koran depriving these men of any benefits of their ancestral property, there was an overwhelming opinion in the country against the Government taking that step, there was a lurking suspicion that it was intended to promote the cause of Christianity, but nevertheless, and rightly I think, the Government felt that every man ought to have liberty of conscience to follow the religion that he thought best and because he had the courage to follow or adopt the religion he thought best, he should not be penalised. The Government rightly indeed introduced that legislation and passed it. That was a piece of social legislation (my friend the Hon'ble Mr. Shafi used the expression Socio-religious legislation), which the Government was able to carry out and for which the Government incurred some odium, and which I venture to think nobody will now dispute the justice of. Therefore I believe I have been able to meet the conditions laid down by the Hon'ble the Home Member.

"I will now proceed to deal with the points taken by my friend the Hon'ble the Law Member. My friend knows that on our side of the House he enjoys the greatest and the utmost deference, for though he may be sitting on Government benches he is one of us in our ideals, one of us in our methods, one of us in our pursuits and we are proud that he is where he is. His utterances are entitled to our most respectful attention. He has started difficulties of a different nature. My friend the Hon'ble the Home Member naturally dealt with the political aspect of the question, the Legal Member dealt with the legal difficulties concerning the question which we are now discussing. It would be absurd for me if I said that no difficulties existed, I believe my friend the Law Member will admit that in every important case that he had undertaken, there were enormous difficulties in his way, but that he was able often times to surmount them successfully. Well, my case also does present some difficulty. But I will appeal to the experience of my friend and all those who have been, like him and me concerned in the work of securing rights for people from whom those rights have been taken away will admit that so far as lawyers are concerned legal difficulties are only to be surmounted, and the legal difficulties that are around this proposition of mine are not so great after all that they cannot be surmounted. My friend has said, 'There is the Christian Marriage Act. What are you going to do with the Indian Christians. Your Act will affect them as well as the Act that they have got'; and that was the reason, he said that both Sir Henry Maine and Sir James Stephens excluded the Christians from the operations of their respective measures. In that view my friend is evidently wrong."

**The Hon'ble Mr. Syed Ali Imam :** "I have never said that, Sir."

**The Hon'ble Mr. Bhupendranath Basu :** "I offer my sincerest apology to my friend if I have misunderstood him. But without ascribing that statement to my friend, I will deal with it as an independent proposition. At the time of Sir Henry Maine the Indian Christian Act had not existed. The Indian Christian Act came into operation in 1872: Sir Henry Maine introduced his great measure in 1869. But he was dealing principally with a class of people in whose interests he thought that the Bill should be introduced, and among that class the Christians were not included. If there is a conflict in legal procedure—and it can only be a conflict in procedure—if my Bill passed into law, if there was a conflict in procedure about the marriages of Christians in India, that conflict can be very easily provided for in the Select Committee, and no one could be able to do it better than my friend the Hon'ble the Law Member. I believe, it is admitted that so far as inter-marriages between different castes of the Hindus are concerned, there is no



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difficulty in law or in status, but when intermarriages take place, as I hope they will take place notwithstanding that my Bill may not pass into law, but when intermarriages take place between Hindus and Mussalman difficulties will arise as regards succession and inheritance and the status of the children. Sir, I believe when my friends either the Law Member or the Hon'ble Mr. Shafi made these statements about the difficulties they had overlooked that amongst the Muhammedans themselves there are very large and numerous communities, Khojas and Memons, who do not follow the Muhammedan Law of succession or inheritance, but who adhere to their ancient and original law of succession and inheritance. These were converts from the Hindu faith some centuries ago. When a marriage takes place between a Khoja or a Memon Muhammedan and a Muhammedan who is not a Khoja or a Memon, how is the succession of the children with regard to the property of their respective parents regulated? That must be well-known to Mahomedan lawyers. It is well known to many of us even on this side of India where there is a considerable settlement of Khoja and Memon Muhammedans. Then again, Sir, this is not a novel feature in Muhammedan life. What do you do when marriages take place between Muhammedans and Jews or Christians. The personal law of the Jew or the Christian is different from the personal law of the Christian or the Muhammedan. What happens to the issue? How is succession governed? How is inheritance regulated? That must be well known to my Muhammedan friends. Many marriages have taken place in Burma between Muhammedans and Burmese following the Buddhist faith. Difficulties so far have not presented themselves at least not such as have been insuperable. Then what happens? It has been said, what will be the fate of the children of such unions? Well, Sir, I have had a varied experience of life, and I have had to draw up settlements in cases of marriage between Mussalmans and non-Mussalmans more than once, and we had provided, with the advice of eminent Muhammedan Jurists, that in marriage contracts, that of the children if the father was a Muhammedan the sons should be brought up in the faith of the father and the daughters in the faith of the mother until they are of age to judge for themselves. The ordinary law, which must be known to all, is that unless and until the children are in a position to judge for themselves they will be taken to follow the faith of the father. That is a clear proposition of law handed down to us from Roman times, and I do not see that there is anything in our legal system which throws any doubt upon that proposition. Then, my friend, the Law Member has dwelt upon the express injunction of the Koranic law, and that law has provided (I will take its interpretation from my friend himself, than whom, so far as I am concerned, no better authority exists) that that law prohibits the marriage of a Mussalman with an idolator. But my friend forgets the idolators with whom the Koran had to deal, the worshippers of the stars. I do not think at the present day the most bigoted opponent of Hinduism will say that Hinduism is a form of idolatry, that we Hindus, in the images that we set up, worship the images and not the divine qualities which are supposed to be embodied in the images. And amongst us Hindus from the highest monotheism, higher than any conception of religion which has been vouchsafed to any other community or creed, we have varying stages according to the capacities of the people concerned, varying forms of faith and of worship. For to us it has been said of old, Never mind what the form is, I shall take you if you come to me in the true spirit. That certainly cannot be pronounced to be idolatry, and therefore that at once provides for a way out of the difficulty which the Koranic injunction lays down. That it is not a fanciful interpretation put by myself is abundantly clear from the writings of my friend the Right Hon'ble Mr. Amir Ali, whose authority rightly my friend the Law Member accepts. He says: 'Nor has there seemed to be any reason why a marriage with a Hindu woman whose idolatry is merely nominal and who really believes in God, should be unlawful.' That the strict letter of the Koranic law has been varied from time to time by Muhammedan jurists themselves, my friend will readily admit. But lest it should be thought that the statement stands upon my authority, I will quote the authority of another friend of mine, an eminent Muhammedan lawyer, Mr. Justice Abdur Rahman,

who has written a very valuable book on Muhammedan jurisprudence. He says, referring to the Ijmas.—practically legislative bodies which have the power of changing Muhammedan law to suit the changing needs of the times,—‘But as laws are needed for the benefit of the community, the divine legislator, that is God himself, has delegated to it power to lay down laws by the resolution of those men in the community who are competent in that behalf, that is the Mujtahids or jurists. The laws so laid down are presumed to be what God intended and are those covered by the definition of law as communications from God.’ I will not go further. That shows that even amongst Muhammedans in their palmiest days when they extended their empire from the Pacific to the Atlantic they well recognised—for they could not live and grow without that recognition—that jurists must be empowered to modify the law according to the changing needs of the times. We indeed are fallen upon evil times, Hindus and Mussalmans, and we are afraid to do what our forefathers and ancestors had done. My friend, while referring to the marriages of the Moghal emperors with Hindu princesses, threw out a suggestion that those princesses were made to pass through a nominal form of Muhammedan faith. He referred me to a footnote in Sir Roland Wilson’s book, but every book that I have been able to consult, Todd’s Rajasthan and other books dealing with Moghal times,—have thrown no light upon that subject. The Right Hon’ble Mr. Amir Ali proceeds upon the assumption that those ladies were allowed to retain their own faith. I do not know what a nominal profession of Muhammedan faith means. I wish my friend the Law Member had expounded that for our benefit. Any profession of the Muhammedan faith must be based upon the reading of the Kulma, and once you have read the Kulma, whether it is nominal or formal you are a Muhammedan to all intents and purposes. Sir, I suppose nearly every member of this Council has visited the splendid ruins of Fatehpur Sikri. If he has seen them, he must have been shown the temple which still exists and which was built for Akbar’s queen, Jodhbai, for her daily worship, and no doubt can be left on the minds of those who have visited these ruins that the Hindu queen was allowed to carry on her Hindu worship, and her son was the succeeding emperor of Moghal India. Then my friend raises another question which is not a legal question, and where therefore I am not prepared to submit to his authority with that same degree of respect and reverence. Why should the Government be asked to force down upon an unwilling people a legislation that they do not want? He has misapprehended, as I am sorry to see, my position. There is no question of force, there is no question of unwillingness. It is only to those who wish for it that you grant this legislation. Others are not bound to follow it. If you are unwilling, you stand outside it, there is no force, there is no compulsion. I believe I have dealt with all the points that were taken by my friend the Hon’ble the Law Member. If I have omitted any of them, it is not from any disrespect to my Hon’ble friend, but because in the hurry of the moment I was probably unable to catch their import.

“Now I shall deal with a few observations of my friend the Hon’ble Mr. Shafi. I hope he will not take it as an impertinence in me to congratulate him upon the effect that he has already produced in this Council. I wish I had his powerful support on my side. From a gentleman of his advanced views I had expected that support. He says that the Mussalmans are against it, so, unfortunately, are the Hindus or rather a large number of them. We are not legislating for those who are against us. We are legislating for those who are for us, who are with us, and we are not legislating against those who are against us. That is my position. My position is not that I am legislating for those who are against us, but we are not legislating against those who are against us. If I make that position clear, and nothing can be clearer than that, I am quite sure that the opposition of my friend Mr. Shafi will be withdrawn. I come now with your permission to some of the points which have been taken by my friend the Hon’ble Pandit Madan Mohan Malaviya. His opinion on questions of Hindu practices are entitled to the greatest weight. It would be a good day for us, people of India, if men of his type were able to rise above the environments of their life. That day is coming, though it may be a little late. He showed the attitude of his mind when he referred to a



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member of the sweeper caste as a sweeper brother. That shows the catholicity of his mind and his spirit, and so far as I am concerned, he has my highest respect and admiration for the expression. But if he had seen the sweeper brother of his as I did see some of a class equally depressed at the Social Conference that was held at Faridpur where the Namiasubras were present, and if he had seen how one of them when he got up to speak, began his speech by a reference to the Brahmin caste, a reference which was not very friendly or very appreciative of the attitude of the Brahmins towards themselves, he would have probably modified that expression. But I can quite believe that the self-abnegation of my friend's mind may be like unto Him who, when his enemies were spitting upon him, said, 'Father, forgive them for they know not what they are doing.' But I may remind my friend that when he speaks of that sweeper brother of his, he is really guilty of self-deception, for what is the bond of brotherhood? If the sweeper brother of his happens to touch him even accidentally, he will incontinently run to the Ganges to have a dip to have himself purified, or take a big dose of cowdung to purify himself from the impurity of the touch."

The Hon'ble Pandit Madan Mohan Malaviya: "I would treat the sweeper brother with as much freedom as the Hon'ble Member."

The Hon'ble Mr. Bhupendranath Basu: "I am very glad to hear that, and I beg his pardon, but he knows that when I am referring to him, I am referring to men of his class, and if the sweeper brother happens to touch his food, it must be thrown into the street. Even if he overlooks the food that he takes, that food must be thrown away. And as my friend has said that just as much as he would refuse to marry his daughter or his sister to one of the sweeper caste, though he would call him his brother, a member of the sweeper caste would as much object to having his women-folk married to Brahmins or Kshatriyas. I do admit that, and I say that it is the only one trait that is good in the sweeper caste, for if every shred and vestige of self-respect has been taken away from him, he is not willing to let his women go to others on terms of concubinage, for there can be no valid marriage between his women and ourselves.

"My friend admits that the references that I have given of mixed marriages in the past are correct, but he says that the past is a very remote past. We live in the present, and must deal with the present. He says that the Hindus were great in spite of their laws in the past. I may remind him, that also was a remote past. Are we not entitled, are we not justified, is it not our bounden duty, to enquire into the circumstances which have led to the downfall of the Hindu, to enquire into the circumstances which have led to his decadence and his degradation? And when we do enquire, do you not find that one of the causes, which has led to his present position, is that the past has been forgotten. And is my friend so sure that we Hindus are so far divorced from the past that the past cannot be a guide to us for the future? Is not every text of law that we rely upon for our marriage, for our inheritance, for our succession, for our contract, for our evidence, based upon the Vedic *suktas* as he well knows? Their origin was in a very remote past, a past so remote that Vedic scholars have said that it was before the days of the glacial period, that the hymns of the Rig Veda were composed in the pine-clad forests of the arctic regions before those regions had become uninhabitable. Then coming down from the Vedas to the Smritis, every rule of conduct is decided by reference to these, and everything is sought to be justified by a reference to these authorities, the Smritis and the Srutis. Just as to the Moslem his laws are based upon the Koran as the direct revelation of God, to us Hindus they are also based upon the direct revelation of God made through the great Rishis in the past. And because through ignorance, it may be through other reasons, that we have forgotten the past that we are at the present moment in the condition in which we are. Sir, my friend has said that the Hindus have not complained, the vast bulk of them have not complained, why do you seek to introduce an element of discord into our life when we do not seek it. The vast mass of non-Brahminical Hindus have not complained. I have said

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enough of the sacerdotal caste in my speech yesterday, and I should be sorry to add anything to it. It was only imperative duty as showing, as dealing with, a sociological question that I referred to it. And now as my friend has referred to the absence of any agitation on the part of those non-Brahmanical classes in favour of my Bill that I am again obliged to refer to one incident. There is no question that the Brahmanical caste had kept by stringent laws the rest of India in ignorance. Well that was, according to some, a great stroke of policy. Not only did they impose their laws and their civilization upon a servile community but that that servility might endure for ever, they kept them in the densest ignorance. Well, Sir, the spirit of Machiavelli himself would have stood aghast at this Brahmanical ingenuity in being able to retain their power over a credulous people by imposing upon them the veil of ignorance through all ages and through all times. We in Bengal are beginning to feel the effect of education upon those depressed communities and they are showing their strength. My friend the Hon'ble Mr. Shafi says we are for evolution, my friend the Hon'ble Maharajadhiraja of Burdwan says, do not have a revolution. If you do not provide for a means of safety, I may tell you that that revolution will come at no very distant date, and I may tell you that it will be a bad day for all those who now sit upon pedestals of privilege and power.

"I come now to deal with the opinion of another very esteemed friend of mine the Hon'ble Maulvi Shamsul Huda. He knows that we Hindus, such of them as have the privilege to be his personal friends, are sincerely pleased at the recognition of his worth by Government. He was brought up, though he is by some years my junior, with ourselves at the Presidency College of Calcutta and not in the prospective University of Dacca, and he knows all our sentiments and feelings on the subject. I am sorry that he took the stand that he did take, namely, that he was here not to give expression to his own independent views, but merely to carry the mandate of his constituency. Well that is a proposition which I think it my duty to the Council to combat and to overthrow. Burke has been tabooed at the present time in our universities. But it was not tabooed in my days, nor I believe in the days of my friend. And I may be excused if I refer to a passage in Burke, in one of his speeches to the electors of Bristol, where he lays down the position of a representative of the people."

**The President:** "I do not think that the Hon'ble gentleman is entitled to go into the question of what is or is not the duty of a representative of the people on this occasion. But if he would kindly address himself to the Bill before the Council, it would be better."

**The Hon'ble Mr. Bhupendranath Basu:** "I accept the ruling of the Chair. My friend's position was this, that he would not press his own views, but the views of his own constituency. We were entitled in fairness to ourselves, to know what his views were on the subject, for it has been laid down by well-known writers of political science that it would not only be improper not to give expression to a man's personal conviction when dealing with a question that arises."

**The President:** "The Hon'ble Member is now doing what I represented to him I did not consider that he was entitled to do. He is perfectly entitled to advance the arguments of his Hon'ble friend, but he is not entitled to discuss whether he is right or not as a representative of his constituency."

**The Hon'ble Mr. Bhupendranath Basu:** "I have not for a moment disputed your dictum, but what I wanted to show this Council was this, that we are entitled to his views, and I am not disputing, subject to the dictum of the Chair, the proposition what my friend's position ought to have been, but I am only saying that by all the recognized canons on political science, a representative should give expression to his own views, even if they were contrary to the views of his constituency. But apart from that subject, even though my friend has not given views of his own, I cannot discuss or oppose views, which come from a constituency in the province of Dacca, except so far that one of such views is to the effect that it will take away from the Muhammodans the right of a polygamous marriage—a proposition which I am glad to find has not had much support from Moslem members in this Council."

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**The Hon'ble Maulvi Shamsul Huda :** "I never said that."

**The Hon'ble Mr. Bhupendnath Basu :** "No, my friend did not say that, but my friend was relying upon the opinion of his constituency, and, as he did not put those opinions explicitly before this meeting, I also rely on opinions which have been circulated to us by the courtesy of the Government of India, and amongst those opinions a prominent place has been given to this aspect of the question from my friend's constituency in East Bengal.

"Now I come to my friend who sits next to me, the Maharaja Jadhviraj Bahadur of Burdwan and may I say, 'If thou beest he, how fallen from him'; for if I remember right, my friend was the esteemed colleague, not a long time ago, of eminent Brahmo gentlemen such as Pandit Siva Nath Shastri and my friend Heramba Chandra Maitra in the promotion of the theistic movement in Bengal. Those were days to which my friend, I am sure, looks back with pleasure, though I am afraid he has not profited by them. He reminds us of that great nobleman whom Dryden has depicted, 'Stiff in his opinions always in the wrong, was everything by starts and nothing long.' I will not go on with that quotation. My friend is very wrath with me that I have introduced such a revolutionary measure. I have tried to explain that my measure is not at all revolutionary. He says I am troubled by my solicitude for the Brahmans, but the Brahmans include Christians, Moslems, Europeans. I believe he referred to Zulus. I do not know if there are any Zulu Brahmans. There may be and I hope there may be in the interests of the Zulus themselves. But it was not for these Zulus or non-Zulus that I was concerned I was concerned for those Hindu brethren of mine who had not adopted the Brahmo faith, who wanted to marry according to Hindu tenets, Hindu rites between different castes of the Hindus themselves. My friend has felt alarmed at the laws, at the confusion of the laws, which might upset inheritance, succession and adoption. I may assure him that there is not sufficient ground for his fears. I come now to my friend Sir Gangadhar Chitnavis. He is will to wound but afraid to strike. He would give me his support if he felt that victory would be sure. He says that it is desirable in theory, but not in practice. Why not in practice to those who want it? If it is desirable in theory, why should, I ask it as a matter of principle, why should human conduct be divorced from the end that is desirable in itself. If that were so, if that were a doctrine which we adopted, practical life would be divorced from the highest region of theory and religion would be at an end, whether Hindu, Moslem or Christian.

"There are no doubt difficulties. My friend the Law Member, I am sorry to say, is afraid of these difficulties. Where is my friend's courage? 'Extremity is the trial of spirits, when the sea is calm all boats alike show mastership in floating,' is a passage which I commend for consideration of my friends. 'I invite you to come out with me into the open, it may be to a rough and tempestuous sea. Will you come with me? I invite you not to a pleasure excursion on the placid bosom of the Hooghly. I invite you to undertake the task of social reform. Are you afraid? If you are, I bid you good-bye. I want trusted men who will stick to me whether I float or whether I sink. But the difficulties, such as they are, are not great. What I seek to introduce, I again repeat, is not an innovation, for, if the Christian in India can marry whomsoever he pleases without any change of faith on the part of either party, if that has wrought no havoc in its train, and that is a legislation which stands in our Statute Book since 1872, why should you fear that this will work havoc in its operation? If the past is any guide to the future, if experience has any value, why should you be afraid? My friend, Sir Gangadhar Chitnavis says it is good in theory. Take courage, my friends. A measure like this has not done you harm in the past: it will not do you harm in the future, I feel it will do you good, but certainly it will not do you harm. The real opposition is from a certain orthodox class of Hindus, and I am sorry to say from certain classes of Moslems. The opposition is from a feeling that there may be a dividing or crossing of the boundaries on both sides. It has been said that if my Bill became law, it would give occasion to the baser passions of humanity to find room for action. I deny that charge most indignantly. It is rather in the direction of higher morality that my Bill points, and I say that if there is any foundation for such a fear, that fear exists fully in the present laws that we have got, for when people

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are moved by passion, a mere profession will not stand in their way, and so far as the Hindus are concerned, they have got their safeguards. The Widow Remarriage Act was passed into law nearly fifty years ago. The last Census has shown that there are millions of widows between the age of 1 and the age of 9. How many of these have been remarried? Hindu society, as my friend the Raja Bahadur of Dighapatia has pointed out, has got in it the power of ex-communication—a power which it uses very freely when occasion arises, a power which has been used even in such an advanced City as Calcutta within very recent times over the marriage of a Hindu widow. Hindu society is well able to protect itself against such innovations: Hindu society stands in no fear. Must we Hindus and Mussalmans of India live in practical isolation for ever? Must there be no tender and intimate relationship between the communities? Faith is the greatest of our possessions, and it is because I believe that the present Act compels the denial of faith, and thereby keeps the communities asunder, that I have ventured to introduce this legislation. We must take a broader view of life, a more serious view of our duties to ourselves and to our country. If by keeping our respective faiths, we can join in the highest and holiest relationship of life, why should we not do so? Must we for ever range ourselves in rival camps, in water-tight compartments as the Honourable the Law Member said? And must we look on helplessly without being able to render each other assistance, while members of our community are being sweep down the current of time? I am sure that is not the feeling of educated India—Hindu or Muslim—and if I provide a bridge which the venture some might tread, will you prevent my putting up the first prop? You may do so, but yours will be the responsibility. Your names will answer to posterity. And as for the Government, would it go back upon its own declared policy of justice to all and injustice to none? I have shown in the language of your own legislators, legislators greater than whom have not sat within the precincts of this Council, as to what the attitude of the Government ought to be. If it is justice to some, to a class, who think they ought to be allowed this liberty, why should you withhold it from them. In Christian countries, Civil marriage has been introduced and adopted notwithstanding the dominant faith of the State. Why not in mine? I admit there are matters for adjustment, matters which I do not regard as insuperable difficulties. I frankly said that they should have the most careful consideration. I have suggested a Select Committee in which Government predominates, and where the opponents of my measure are very strongly represented. Let it go. I ask the Government let the Bill go to the Select Committee. Let us see if we cannot evolve a Bill out of our conjoint labours which will meet the wishes of the more advanced and not violate the sentiments of the more orthodox. If we cannot, there is no harm. If we may, we leave a legacy for our children greater than any earthly kingdom. We shall begin the writing of a new page in Indian History. We shall have forged the first link of a new bond for Hindus and Moslems. We shall have laid the foundations, well and truly, of a great national structure, and, Sir, yours will be the glory, yours the credit, for you will be the master-builder, we but humble labourers. For God's sake, tie us not to the dead and unyielding roots of fossilised customs, while we see the stream of life recede from us, "what custom wills in all things should we do it, the dusty antique times will lie unswept, and mountainous error will be too highly heaped for truth to o'erpower."

"Let us rise above custom and follow truth."

The Council divided :

*Ayes—11.*

The Hon'ble Raja of Dighapatia, the Hon'ble Mr. Bhupendranath Basu, the Hon'ble Mr. S. Sinha, the Hon'ble Mr. Haque, the Hon'ble Mr. Gokhale, the Hon'ble Mr. Mudholkar, the Hon'ble Mr. Madge, the Hon'ble Mr. Dadabhoy, the Hon'ble Mr. Jinnah, the Hon'ble Mr. Blurgri and the Hon'ble Sir V. D. Thackersey.

*Noes—43.*

His Excellency the Commander-in-Chief, the Hon'ble Sir Robert Carlyle, the Hon'ble Sir Harcourt Butler, the Hon'ble Mr. Syed Ali Imam, the Hon'ble

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Sir Reginald Craddock, the Hon'ble Major-General Sir M. H. S. Grover, the Hon'ble Mr. MacLagan, the Hon'ble Mr. Porter, the Hon'ble Mr. Sharp, the Hon'ble Mr. Enthoven, the Hon'ble Mr. Wheeler, the Hon'ble Mr. Brunyate, the Hon'ble Pandit Madan Mohan Malaviya, the Hon'ble Nawab Abdul Majid, the Hon'ble Maulvi Shamsul Huda, the Hon'ble Mr. Lyon, the Hon'ble Maharajadhiraja of Bardwan, the Hon'ble Mr. Saunders, the Hon'ble Sir James Meeson, the Hon'ble Mr. Gordon, the Hon'ble Mr. Fremantle, the Hon'ble Mr. Todhunter, the Hon'ble Surgeon-General Sir C. P. Lukis, the Hon'ble Mr. Vincent, the Hon'ble Mr. Carr, the Hon'ble Raja of Kurupam, the Hon'ble Mr. Arthur, the Hon'ble Mr. Fyfe, the Hon'ble Mr. Armstrong, the Hon'ble Sir G. M. Chitnavis, the Hon'ble Mr. Phillips, the Hon'ble Mr. Meredith, the Hon'ble Mr. Muhammad Shafi, the Hon'ble Khan Zulfikar Ali Khan, the Hon'ble Malik Umar Hayat Khan, the Hon'ble Maung Mye, the Hon'ble Mr. Gates, the Hon'ble Mr. Slacke, the Hon'ble Sir Charles Stewart-Wilson, the Hon'ble Mr. Dempster, the Hon'ble Sir P. R. Wynne, the Hon'ble Mr. Konrick and the Hon'ble Mr. Kesteven.

So the motion was negatived.

### LIFE ASSURANCE COMPANIES.

**The Hon'ble Mr. Enthoven:** "Sir, in the unavoidable absence of the Hon'ble Mr. Clark, I beg to present the Report of the Select Committee on the Life Assurance Companies Bill. The Report contains a detailed statement of the amendments which the Committee recommend, but it will perhaps be convenient if I briefly call attention now to one or two of the more important. The first of these relates to the initial deposit which is required from Life Assurance Companies. In the Bill as introduced, this deposit was fixed at one lakh. This amount has been criticised on both sides, both as an unreasonably large sum to put down all at once, and as too small a sum to afford an efficient security. The Committee on our suggestion have now recommended that in place of a lump sum of one lakh, there should be an initial deposit of Rs. 25,000 followed by a deposit of one-third of the gross receipts of a life assurance business until the total reaches one lakh, and thereafter of one-third of the net profit derived from life assurance business until the total reaches two lakhs. That is to say, instead of a deposit of a lump sum of one lakh, the Bill now provides for an initial deposit of Rs. 25,000 working up to two lakhs. We think that this is the fairest way of meeting the difficulty. It secures the eventual deposit of a substantial sum and at the same time does not impose an excessive burden on the smaller companies which though small may at the same time be perfectly sound.

"The next amendment of importance is in the note to clause 5 which lays down that nothing in section 5 shall be deemed to require the investments of any life assurance fund to be kept separate from the investments of any other fund. This provision is not very clearly worded. What is meant is that there is nothing in the section to require any life assurance fund to be invested in separate investments from any other fund, and this has now been made clear in the note. We have also provided in the note for a separate balance sheet to be kept in respect of a life assurance fund. The important thing is to show what the investments of a life assurance business really are, and this we hope to secure by means of a separate balance sheet. The balance sheet will be shown in very full detail, but I will refer to this when I mention the amendments made in the Schedules.

"The next amendment of importance is in clause 15, where we have introduced a general provision that the accounts of every life assurance company shall be audited in such a manner as the Governor General in Council may prescribe. This provision is intended to secure a competent audit, which is admittedly necessary for the accounts of a life assurance company. The Bill originally made this provision only in the case of companies not registered under the Indian Companies Act, but, in view of the fact that the existing Companies Act does not make any provision as to the qualifica-

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tions of the auditors to be employed, it seemed desirable to extend the provision to all companies whether registered under the Companies Act or not.

"Another amendment of some importance is that we have introduced a provision giving the Governor General in Council power to extend the exemption accorded in clauses 32 and 33 to companies carrying on life assurance business in the United Kingdom, to companies operating under the laws of foreign countries or British Colonies, in cases where the Governor General is satisfied that the laws are equally stringent and equally well administered as the laws of the United Kingdom. This provision speaks for itself. In the interest of people who insure their lives in India, it clearly should not be our policy to throw unnecessary obstacles in the way of companies controlled by satisfactory laws.

"In clause 38 we have extended to policy-holders possessing a pecuniary interest in a company of not less than ₹25,000, the right which the Bill previously conferred on shareholders only of applying to the Governor General in Council for the appointment of inspectors to examine into the affairs of a life assurance company. This provision requires no explanation or defence.

"With a view to making the administration of the Bill more elastic and making it easier in future to deal with hard cases which may arise, we have given the Governor General in Council a general power for exemption of any life assurance company from any of the provisions of the Act—a provision which has been taken from some of the Colonial Life Assurance Acts. We have also provided powers of delegation to Local Governments, but I should add that there is no intention at present of decentralising the administration of the Bill when passed into law. There are strong reasons for thinking that the scrutiny of the returns and reports received will be better done at head-quarters, and in this connection I may perhaps mention, though it is not a matter which has been necessary to provide for in the Bill, that the Government of India are in correspondence with the Secretary of State in regard to securing the services of a Government Actuary. We do not think it necessary, as has been suggested by some authorities, to create a separate department for the administration of this Bill and the Provident Societies Bill, but we are convinced that the various accounts and returns could not be satisfactorily scrutinised and tested without expert actuarial assistance.

"Considerable amendments have been made in the first and third Schedules, that is, the Annual Revenue Account and Balance Sheet. In the Life Assurance Account, we have omitted the separation of the assets and liabilities into 'Those in British India' and 'Those out of British India.' We agree with the Bombay Chamber of Commerce that the distinction would cause more trouble than it is worth. On the other hand, we have added to the Revenue Account a statement showing in some detail the actual business done in India by each company, and the total investments of the life assurance and annuity funds held by the company in India. In the Revenue Account also, we have elaborated in detail the items which make up the expenses of management. In the Third Schedule, both in the General Balance Sheet and in the Balance Sheet of the Life Assurance Fund, we have modified considerably the items of investments to be distinguished, and have required a separation of those held in India and those held out of India. We also require a separate statement of the amount of investments with any uncalled liability and a statement of all loans, other than on policies within their surrender value, made to directors or officers of the company or to any other company in which the said directors or officers hold the position of director or officer. These alterations, I think, add considerably to the value of the information given in these annual returns."

#### PROVIDENT INSURANCE SOCIETIES.

**The Hon'ble Mr. Enthoven:** "Sir, I beg to present the Report of the Select Committee on the Provident Insurance Societies Bill. The Select Committee, while preserving the main principles of the Bill, have made considerable alterations in its details; and to some of the more important of these I desire now to call attention.



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" We have, in deference to the views of a number of authorities, introduced the definition of terms referred to in the Bill into the Bill itself, instead of providing for them by a reference to the definitions contained in the Life Assurance Companies Bill. We have also, as in the case of the Life Assurance Companies Bill, and for similar reasons, provided for a general power of exemption, to be exercised in this case by the Local Government, of any society or class of society from all or any of the provisions of the Bill. This provision is likely to be found useful in connection with the private or semi-private provident funds of railways, mercantile firms, etc., referred to by the Bengal Chamber of Commerce, which Local Governments may not desire to bring under regulation.

" We have given power to Local Governments to extend the operation of the Bill to societies dealing with incidents other than births, marriages and deaths. At the present time these three incidents cover practically the whole field in which these societies operate, and practically all the societies of which we have information deal in insurances on one or more of these incidents. We have extended this clause, in deference to the view of the Government of Madras, where the greater number of the present societies exist. The advantage of the extension is that it will tend to prevent societies undertaking insurances of a different kind merely with a view to avoid the restrictions of the present Bill.

" In the definition of Provident Society in clause 3 of the Bill, we have introduced some important alterations. We have, in the first place, abandoned the distinction which made a society subject to the Life Assurance Companies Bill if it had a nominal share capital exceeding Rs. 25,000. We felt that the distinction by amount of share capital is not scientific, and that the proper criterion should be the nature of the business undertaken. At the same time, we have reduced the amounts of the undertakings to pay and of the contributions which are admissible in the case of Provident Societies to one half in each case. We have also definitely provided that previous contracts shall not be considered in determining whether a society is a life assurance company or not. A certain number of the societies at present existing do business in excess of the amounts now prescribed. It will be open to these societies to reduce the scale of their future business to the limits allowed by this Bill, if they wish to avoid being classed as Life Assurance Companies. We consider that the amounts recommended by the Select Committee, which have the support of the Bombay Chamber of Commerce, are fair, and that a society exceeding these limits must be required to submit to proper regulation as a life assurance company.

" In connection with clause 4, which deals with the question of insurable interest, a suggestion has been made that the Bill should intervene to restrict insurances on the lives of children. We have not seen any evidence of abuses of this class of insurance in India hitherto, but we recognise that such abuses are liable to occur. We have therefore required in clause 15 that every society shall maintain in the prescribed form a record of every insurance effected on a life other than the life of the person insuring and shall deliver annually a copy of such record to the Registrar. In this way Government will have before it evidence of the extent to which such insurances are being undertaken, and will be able to decide whether there are grounds for more detailed enquiry or for preventive legislation.

" In clause 5, which deals with the rules of the Society, we have introduced several alterations. We have modified rule 5 (b) so as to require the rules of the Society to prescribe the proportion of the annual income derived from premiums or contributions which may be disbursed for the expenses of management. The original draft of this clause endeavoured to effect the same result in a negative form, which was less satisfactory. We have recommended the deletion of clause 5 (d) (ii) as we consider that in certain circumstances, for instance in the case of a defalcation or in the case of other sudden and accidental expenses falling in a single year, the provision made in this sub-clause would not be a fair one to impose upon a dividing society, and that in any case such

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a society's position cannot be estimated fairly by the result of a single year's working.

"In clause 17, which deals with the enquiry that may be held by the Registrar into the solvency of a society of the conduct of its business, we have provided that the Registrar must make such inquiry if application is made by ten members or policy-holders of the society. Abuse of this provision is, however, safeguarded by the fact that the applicants will be required to make out a *prima facie* case to the satisfaction of the Registrar, and to deposit security for the costs of the proposed inquiry. We have in the same clause provided in greater detail for the powers exercisable by the person holding such inquiry and for the communication of the results of the inquiry to the society and to the applicants (if any).

"We have, in agreement with the views of several of the Local Governments and authorities consulted, provided for an appeal to the Court against the orders of the Registrar refusing to register a society or its rules or amendments of its rules or cancelling the registry of a society. The powers exercisable by the registrar under this Bill are wide, and we consider it desirable that there should be a safeguard against any arbitrary action. We have also provided for an appeal to the Court against the order of a liquidator and for the trial of all cases under this Bill by a Court not below that of a Magistrate of the first class."

#### DISTRICT COUNCILS.

The Hon'ble Mr. Gokhale : "Sir, I beg to move that this Council recommends to the Governor General in Council that steps should now be taken to bring district administration into closer touch with the people by creating, as far as possible, in every district in the different Provinces a District Councils, composed of not more than nine members, partly elected and partly nominated, whose functions should be merely advisory, to begin with, and whom the Collector should ordinarily be bound to consult in all important matters.

"Sir, one of the most important and at the same time one of the most difficult problems connected with the Government of this country is how to liberalise the character of our district administration and to bring it into closer association with those who are affected by it. Leaving our local bodies for the time out of account and taking a broad survey, the fabric of our Indian administration may roughly be said to have the district administration for its base, the Provincial Governments and Administrations, in some cases with Executive Councils, in most with Legislative Councils, for the centre, and the Government of India with its Executive and Legislative Councils for the top, the Secretary of State with his Council standing behind all and above all, representing Parliamentary sanction, Parliamentary initiation and Parliamentary control. To put the same thing in another way, Sir, one might say that the immediate responsibilities of day to day administration rest on district officers, while the larger responsibilities of the administration, including the work of guidance and control, as also of initiating policies and developing them, belong to the Provincial and supreme Governments and to the Secretary of State. Now, Sir, before the reforms of the last five years were introduced, the character of this administration was frankly and almost entirely bureaucratic. I use the term in no offensive sense, but simply to mean that it was administration by officials conducted with the aid of official light, and under merely official control. There was no provision in the whole machinery of administration, from top to bottom, for the direct and responsible representation of what might be called the Indian view of things, if one may speak of such a thing as the Indian view, in spite of our numerous differences among ourselves at any set of authority; and there was no responsible association of our people with any portion of the administration. The reforms of the last five years, however, by admitting Indians to the Secretary of State's Council, and to the Executive Councils of the Governor General and of Provincial Governments have, in the first place, provided for the direct and responsible representation of the Indian views at the principal seats of authority. Next, Sir, by enlarging the Councils, room has been found on those bodies for the representation, inadequate and



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unsatisfactory as it is, of different interests in the country, and lastly and above all, by the expansion of the functions of these Councils and and in particular by the power of introducing Resolutions, which has been conferred upon members, we have been enabled to raise discussions on matters of public interest face to face with responsible officials; and this has on the one hand given a new sense of responsibility to the critics of the administration, and on the other it has ensured a proper and careful examination of our suggestions and our grievances at the hands of the Government, such as was not possible or was not deemed necessary before. Of course, we are yet a far way from having a real, effective voice in the administration, leave alone the question of exercising a direct control over it; but what the recent reforms have achieved is that they have started a system, which tends more and more to substitute an administration conducted in the light of day, and under the eye of public criticism, for an administration conducted in the dark and this undoubtedly is a great step in advance. So far, therefore, as the centre and the top are concerned, the administration now be said to be considerably liberalized, and we must all recognise that the fullest possibilities of these changes will have to be worked up to before the necessary momentum is gathered for a further advance. Our district administration, however, continues to be where it was not only five years ago, but, if we leave out of account the small measure of local self-government given by Lord Ripon, it continues to be where it was more than a hundred years ago. It is true that the position of the Collector—and I use the word 'Collector' to represent the head of the district, though in non-regulation provinces that term is not used—has been considerably modified as regards his relations with other officials during the last 100 years and more, first by the creation of Commissionerships (that institution is itself three-quarters of a century old); secondly, by the multiplication of central departments; and thirdly, by the gradual evolution of a uniformity of administration which has rendered strong secretariat control both necessary and possible. But while the old position of the Collector in relation to other officials has thus been considerably modified so far as the people are concerned, there has been no improvement in the situation: if anything, the position has grown worse. This fact was freely admitted by witness after witness before the Decentralization Commission, and those who appointed the Commission were themselves fully alive to it, because one important object of the enquiry was stated by them to be how the district administration could be brought into closer touch with the people. There is no doubt that the present position of the Collector, so far as the people are concerned, is, in one sense, much weaker than it used to be. In the first place, owing to excessive secretariat control, he is unable any longer to grant redress on the spot. Secondly, owing to the multiplication of numerous central Departments, harassing departmental delays have become inevitable in the disposal of matters which, properly speaking, in the interests of the people, should be disposed of on the spot under the authority of the Collector. Thirdly, owing to the spread of English education in the country and other causes, there is not the same mastery of Indian languages now attempted by Collectors that they used to acquire before. Fourthly, the writing work of the Collector has increased enormously; he is thus tied largely to his desk, and therefore unable to acquire that same acquaintance with the requirements of the people that his predecessors were able to acquire. And, lastly, his back has been stiffened by the growth of political agitation in the country, and he has been, so to say, driven more within himself. All these factors have tended to affect his position for the worse, so far as administering the district in the interests of people is concerned. The Decentralization Commission, which freely admits the existence of these defects, and which was appointed to suggest a remedy, was, unfortunately, so constituted that its eye was fixed more on official remedies than on non-official remedies. There was only one Indian member on it, and he too was an official. But he was one of our foremost men and he was in favour of the proposal which I have laid before the Council to-day. All the members, with the exception of two, belonged to the Indian Civil Service, and the two out-

siders had no knowledge of the country. The Commission therefore started with what I would call an official bias, and it did not seriously enquire into those remedies who may be called non-official remedies for the state of things which I have already described. The Commission suggested a large measure of delegation of powers from higher authorities to the Collector—an official remedy, pure and simple. However, as the mischief is admitted by everybody, the Council will recognize that it is desirable that the question should be examined from every standpoint, and any non-official remedies that can be suggested fully and discussed: and it is because, Sir, I think that the proposal, contained in my resolution is such a remedy,—a remedy which seeks to associate non-officials with the work of administration that I have brought forward the matter before the Council to-day.

“ Sir, there are those who regret that the old order has passed away, that the old autocracy of the Collector is no longer possible. It is significant, however, that some official witnesses themselves do not share this regret, and recognise frankly that the past cannot be recalled. The past really never returns, and in this matter, even if the past could return, I think it would not be desirable that it should return, for things are not where they were a century or even half a century ago. There is a new element introduced into the situation by the growth of an educated class in the country—an educated class that is entirely the creation of British rule. Now, by the educated class, I do not merely mean, what many of the witnesses before the Commission meant, namely, lawyers and other members of the learned professions. Sir, it is a pity that so many officials adopt an attitude of sneering particularly towards lawyers. Such an attitude, for one thing, is singularly inappropriate from the representatives in this country of a nation, which has at the present moment for its Prime Minister, for its Chancellor of the Exchequer and for its Minister for War, three lawyers in England. Sir, however some officials may sneer at the lawyer element in India, the non-official public will always recognize—and I can make this acknowledgment with the less hesitation because I am no lawyer myself—that we owe a debt of gratitude to the lawyers for the manner in which they have built up the public life of this country. But though our lawyers are still our most independent element in public life, they are not the only persons who came under the category of the educated class. It is not only the lawyers or the school-masters or the editors that constitute that class; the educated men of the land-owning or mercantile class are also included in the description; men like my Hon'ble friend Sir Gangadhar Chitnavis who sits behind me, or my friend Sir Vitaldas Thackersoy who sits on my left. Surely men, like these gentlemen, who have come under the influence of Western education in the same way as others, are as much included in the educated class as any others. It may be that the special peculiarities of their position impose special restrictions on the way they express themselves. That is another thing. But we know for a fact that they hold more or less the same views as other members of the educated class. It cannot indeed be otherwise. Now, Sir, it is a matter of regret that the attitude of many official witnesses towards the educated class should be what one finds it in the evidence given before the Decentralization Commission. It is true that that was four years ago, when the atmosphere in the country was considerably heated, and one should not recall those things more than can be helped in these days, when the sky is clearer and the atmosphere cooler. However, as this is a matter of some importance, I deem it necessary to make one or two observations before I leave it. Sir, there is no doubt whatsoever that the incessant criticism to which some members of the educated class subject the administration of the country, often tries the temper and exhausts the patience of the official class—especially when that criticism is ill-informed as it sometimes is, and takes the form of an indiscriminate denunciation of the official class. But when expressions of impatience and annoyance are used towards the educated class or ebullitions of temper are permitted in official documents intended for publication, all I can say is that such a thing serves no good purpose whatever. Of course these are things to which an exaggerated importance must not be attached, but the plain fact has got to be recognised that mere impatience on the official side cannot now

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abolish the educated class, just as indiscriminate attacks by non-officials cannot abolish the official class. The fact of the matter is that the two sides have got to get on together in this country for the good of the country; and it is to be hoped, now that the atmosphere has been largely cleared, thanks, among other things, to the King-Emperor's visit, and under the new influences that one feels on all sides that there will be less and less of this impatience on the one side and of indiscriminate denunciation on the other. Well, Sir, I was saying that the growth of this educated class introduced a new element into the situation which makes a return to the old autocracy of the Collector now absolutely impossible. You have got to give an interest to this class in the administration of the country. It is not enough now that the administration should be carried on efficiently and honestly by the officials; it is further necessary that representative Indians of education and position should be associated with the administration. These men have grown up with ideas about Government different to those with which their forefathers were brought up. If you keep them out of the administration, they will become mere critics of the administration. Now, the limits of fair criticism are soon reached, after which there can be only unfair criticism. If you have a large section of the community in the position of mere critics, fair criticism being soon exhausted and unfair criticism having set in, each succeeding critic tries to go one better than each preceding one and thus the criticism passed tends daily to become more and more unfair. In the interests of the administration itself, therefore, it is necessary to admit the educated class of the country to a share in the responsibility of administration and to give it an interest in that administration. Therefore, Sir, there can be no more a return to the past. If that is accepted, and if the state of things is as I have already described it to be, what is the remedy? That is the next question. Let us recapitulate again the requirements of the situation. Those requirements, to my mind, are three. In the first place, we want more government on the spot, and more expeditious government. These departmental delays and this excessive reliance upon the secretariat—from these the District Officer ought to be freed. More expeditious government, more government on the spot; that is the first requirement. The second is, an interest in the administration must now be given to the educated class that has come into existence; an educated class with which the official class must, moreover, learn to get on; and the third is that provision must be made for the grievances of the district being ventilated in a responsible manner in the district itself. This is an aspect of the question to which I attach great importance. If these grievances have to be taken to the provincial administration, and have to be brought up for discussion in the Provincial Councils, what happens is this. The grievances from the whole province gather together, and come in one stream, so to say, before the Provincial Government;—in one stream, when a meeting of the Legislative Council happens to be held; and that conveys an altogether erroneous idea about the whole administration, as though things were wrong here, there, everywhere. What is necessary is that as a grievance arises it should be dealt with, as far as possible, on the spot. There should be opportunities available to the people to bring it in a responsible manner before the head of the district and have it removed. Then it ceases to be a subject of discussion in so many homes. Then it ceases to breed that poison which gradually comes to fill the air and does infinite mischief both to the Government and the people. These, then, are the three requirements of the situation. Now my proposal is that the Government should take steps to create in each district an Advisory Council, constituted on the lines I have indicated. Of course, the suggestions are only tentative, and the actual details will have to be carefully worked out before a change of this magnitude is introduced by the Government. But I should like an Advisory Council in each district, partly elected and partly nominated. Supposing it is a Council of 9, I should have 6 members elected, and 3 nominated. Or if it is a Council of 12, I should have 8 elected and 4 nominated. I should leave the power of nomination into the hands of the Collector, who will then be able to appoint men who do not care to stand for election, but whom it is desirable to have on the Council. But a majority of the Council must come in by election because it is the only way, known to modern times, by which you can give

responsible representation to different interests. A Council then, should be created in every district, as far as possible, of which two-thirds, or any other proportion more than half, should be elected, and the rest, less than half, nominated. This Council, to begin with, should have only advisory functions, though they need not always remain advisory if the experiment proves a success. In this country in our exceptional situation we can progress only tentatively, and from experiment to experiment as each experiment succeeds. If the proposed experiment proves a success, more responsible powers could certainly be entrusted to the councils in due course. It is necessary that the Advisory Council should be a small body, in order to meet the objection that has been raised by some that it might otherwise degenerate into a talking body. A body of nine or ten members, sitting round a table with the Collector, assisted by other district officers, meeting once a month, would be able to dispose of a lot of business on the spot, which at present involves endless delays and indirectly to get rid of a lot of poison which now gathers in a district from day to day, and which tends to vitiate the air in a manner, truly regrettable. This is roughly the proposal that I am putting forward. I may mention that there is an analogy for this in Western countries. On the Continent of Europe I find in several countries bodies like the Council that I am proposing, only possessing more responsible powers. I will mention one case—that of Prussia. Of course, I have no personal experience of the matter, and my knowledge is derived entirely from books. But this is what I find to be the state of things in Prussia. I am quoting from Woodrow Wilson's *State* :—

'The government district in Prussia is not an area of self-government, but it is exclusively a division of State administration.'

'A district in Prussia is nearly the same in area as a district in India. The average district in Prussia is about 3,800 square miles; the average district in India is about 4,100 square miles.'

'Its functionaries are the principal,—it may even be said the universal,—agents of the central Government in the detailed conduct of administration: they are charged with the local management of all affairs that fall within the sphere of the Ministries of the Interior, of Finance, of Trade and Commerce, of Public Works, of Agriculture, of Ecclesiastical and Educational Affairs, and of War, exclusive, of course, of such matters as are exceptionally entrusted to officers specially commissioned for the purpose. In brief, they serve every ministry except the Ministry of Justice.'

'These functionaries of the district are called the 'Administration' and they work through boards. I need not trouble the Council with details. The President of this body, who corresponds to our Collector, and who is the special representative of the Ministry of the Interior, works alone. All the other departments work through boards. This is how the position of the President is described :—

'The President of the Administration is the most important official in the Prussian local service. Not only does he preside over the "Administration," the general and most important Agency of Local Government; he is also equipped for complete dominance. He may, upon occasion, annul the decisions of the "Administration" or of any of its Boards with which he does not agree, and, in case delay seems disadvantageous, may himself command necessary measures. He may also, if he will, set aside the rule of collegiate action and arrange for the personal responsibility of the members of the "Administration" whenever he considers any matter too pressing to await the meeting and conclusion of a Board, or, if when he is himself present where action is needed, he regards such an arrangement as necessary. In brief, he is the real governing head of local administration. The jurisdiction of the "Administration" covers such matters as the state taxes, the churches, the schools, and the public domain, etc.'

'Now comes the analogy. There is a district committee associated with this officer. It is described by the author as follows :—

'Although, as I have said, the Government District is not an area of self-government, a certain part in the oversight of governmental action in the District is given to lay representatives chosen by the Provincial Agents of the people. A District Committee (there is a long German name which I dare not pronounce), composed of two professional members (one of whom must be qualified for judicial office, the other for the higher grades of the administrative service) appointed by the King for life, and of four members chosen by the Provincial Committee for a term of six years, is allowed an oversight of such matters as it has been thought best to put under lay supervision. The President of the Administration is *ex officio* a member of the Committee and usually presides over its sessions. All orders or arrangements which he wishes to make with regard to local police are subject to its confirmation, and all

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questions regarding the control of subordinate local authorities fall to it. More important than its administrative functions are the judicial functions with which it has been recently invested.

“ But that refers to matters which do not concern the present discussion.

“ Here then we have an analogy which in many respects is useful for our purpose. I find that in some other countries too, there are similar bodies. So the idea may well be taken up and worked out.

“ I may mention that I ventured to submit my proposals on this subject to the Decentralization Commission, before which I gave evidence, and if the Council will bear with me, I would like merely to repeat briefly here what I said there, as regards the principal details of the scheme. Roughly I would divide the functions of the Collector into four categories. First must come matters, which are urgent and confidential, in regard to which, of course, he must have the power to do what he thinks proper without consulting the Council. Secondly there would be matters which he must refer to the Central Government for final disposal, whether there is a Council or not, but in regard to which he would express an opinion or make a recommendation. Here the opinion of the Council should also be ascertained by him and forwarded to Government along with his own opinion. The third division—and here is what would make a great difference to the people—would be of matters, which the Collector should be empowered to dispose of on the spot, if he is able to carry his Advisory Council with him, but which he must otherwise refer, as at present, for orders to the Central Government. This is what will really constitute in some respects the distinctive feature of the scheme, freeing the Collector from the present excessive secretarial control, and associating with him a small body of non-official representatives to prevent his being a mere autocrat and giving the people some voice in the disposal of their affairs. What I would like to see is that the Collector should be the head of an Executive Board, consisting of the Engineer, the Educational Inspector and other officers belonging to the other Departments in the district. And he should have in addition an Advisory Council like the one I have outlined. With the assistance of the Executive Board, he should carry on the general administration of the district and many matters, which he at present has to refer to the Central Government, he should be empowered to decide on the spot with the assistance of his Advisory Council. The last division will be of matters, in which the Collector, though bound to consult his Council, should be free to act as he deems best, taking or rejecting the advice of the Council, as he likes.

“ In my evidence before the Decentralization Commission, I stated briefly what matters should belong to the different categories. The lists were prepared with much care and thought and with the assistance of men who had spent their lives in the work of administration; so it could not be said that the proposals had emanated from men who did not know anything of the administration of the country. In making these lists, I necessarily had in view the type of administration which prevails on the Bombay side, but substantially they might be made to apply to other provinces as well. Leaving confidential matters alone, and taking the second category, I would include in it (1) Legislative proposals, (2) proposals of revision settlements, (3) revision of water rates, (4) recommendations about remissions of land revenue, (5) creation of new Municipalities, (6) extension of the operation of Acts to new areas, (7) imposition of punitive police, and (8) creation of new posts. All these matters must go to the Central Government in any case, but the Collector should ascertain the opinion of his Council and send that opinion along with his own. In the third category, which concerns the most important part of my scheme, I would have matters, which, as I have already explained, the Collector should dispose of finally if he is able to carry his Council with him, but which he must otherwise refer to the Central Government. If the Council does not agree with the Collector on any question, nothing will be lost, as the matter will go to the Central Government as at present; but where the Council agrees with the Collector, he should be freed from the control of the Secretariat, and the matter decided there and then. Among such matters would be (1) opening, location and abolition of liquor shops, (2) suspensions of land revenue, (3) levy of building lines, (4) city survey

proposals, (5) organization of local supply from forests, (6) opening of new and closing of old schools, (7) establishment of village Panchayats and Unions, (8) suspension of Taluka Boards, Municipalities, Panchayats and Unions, (9) creation of Benches of Magistrates, (10) rules regulating fairs, processions, etc., and (11) assumption of property under the Court of Wards Act. Lastly would come those matters which the Collector may decide as he deems best, even against the opinion of the District Council, such as (1) urgent precautionary measures against plague, cholera and other epidemics, (2) measures for preservation of peace, (3) measures of urgent famine relief, and so forth.

"I have endeavoured to give the Council an idea as to what I have in my mind in bringing forward to-day's resolution. If this proposal is taken up by the Government for serious consideration, the details will necessarily have to be carefully worked out by men qualified to deal with the question. But what I have said should suffice to convey to any one a sufficiently clear notion as to what I would like to see established in every district, as far as possible. In addition to the matters enumerated by me, the members of these Councils should have the power to discuss grievances relating to the administration of the district at their meetings, which should be held, say once a month.

"Sir, it is necessary to state that the idea of Advisory Councils formed in a general way the subject matter of a good deal of evidence before the Decentralization Commission. Unfortunately the Commission did not take up the question seriously. If you look at the cross-examination of witnesses on this subject, you will find that there is hardly any cross-examination worth the name. The Commission simply did not care to go fully into the matter. However, that need not deter us from bringing up the question before this Council, whenever a proper opportunity presents itself. The fact has to be noted, however, that the question was before the Decentralization Commission. And on analyzing the evidence given by official and non-official witnesses, Englishmen and Indians, we get the following results. About 68 English officials gave evidence on this subject. Of them, 10 were favourable to the idea of Advisory Councils, nine being in favour of District Councils and one in favour of Divisional Councils only. Among the nine, were two gentlemen, who were members of this Council, the Hon'ble Mr. LeMésurier and the Hon'ble Mr. Quin. I am sorry neither of them is now in the Council, else I should have expected to be supported by them. Nine Members of the Civil Service in favour of this as against 58 against the proposal,—leaving out the late Sir Herbert Risley, who was in favour of Divisional, but not of District Councils—may appear to many to be a small proportion. But, considering that the Civil Service in this country is the standing Conservative party in Indian administration, more firmly rooted in absolute power than the Conservative party in England, I think nine out of sixty-seven is a much more satisfactory proportion than that of the Liberal Peers in the House of Lords who were in favour of Parliamentary reform last year. To my mind, therefore, it is a hopeful thing, that on the first occasion of a proposal like this coming up for consideration, nine members of the Civil Service should be found to be favourable to the idea,—I am not surprised that the rest were against it. Then four non-official Europeans gave evidence on the subject and it is significant that all four were in favour of the proposal. Further of the 84 non-official Indian witnesses who gave evidence, 71 were in favour. Some of them wanted the Council to be more than merely advisory—but, in any case, all in favour of constituting Advisory Councils—and only 13 non-official Indians were against it. When we remember how many public men in this country—I will not say, take their case from officials, but I will say have such humility about them that they distrust their own opinion about any matter, when it comes into conflict with official opinion, it is really surprising that the number of those that went against this proposal was not larger than it was. Finally fourteen Indian officials gave evidence on this question, and of these seven were in favour of the proposal. This too was not unsatisfactory, taking into account the nervousness of many Indian officials in expressing opinions not likely to find favour with their superiors. Thus the overwhelming weight of evidence on the non-official side was in favour of this proposal; and it had also the support of a small but important minority among the official witnesses.



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[Mr. Gokhale].

“ Sir, I will now say a few words about the more important objections that have been urged against this proposal. I have carefully gone through a great deal of this evidence and I may say that the objections resolve themselves under five heads. In one brief sentence, they really come to this. The officials say:— We do consult people at present, and will continue to consult them; but we will consult whom we please, when we please, and how we please; we do not want to be bound in these matters! The five objections are, first, that informal consultation is better than formal consultation; secondly it is difficult to know who are the really representatives of the people, and it is difficult to get properly qualified representatives for the work; thirdly, the efficiency of the district administration will suffer; fourthly, an Advisory body may be desirable, but there are already District Boards and Municipalities which might be utilized for the purpose; why multiply these bodies? And, lastly, there is the objection which is a standing argument in this country against all advance, namely—the time has not yet come! Now I will deal briefly with these five objections, and then will bring my remarks to a close. As regards the value of informal consultation, well, it is all very well to say that you do not want to be formally tied down, that you like to be free, and that you will go about among the people and find out things for yourselves. On the one side you complain that you are tied to your desks, you are slaves to reports and returns, that you cannot find time to move among the people, and on the other hand you do not want to be bound to consult anybody, you must be free to consult whom you please! Again, Sir, we have plenty of experience of what this informal consultation means, and in this matter we can speak as no English official can, because they have no experience of our side of the Shield. Under the present system of consulting “whom we please,” we often find men of straw, men of no character, insinuating themselves into the favour of officials and back-biting innocent people and exercising a pernicious influence. In the end, these things are generally seen through, but that takes time, and meanwhile a good deal of harm is done. And with the frequent transfers of officers that now takes place, we are exposed to this risk far too often. But apart from this, without putting it on that low ground, I say that while the officials may continue to consult whom they please—and my proposal does not come in the way of their doing this—all we want is that they should be bound to consult a body of representative Indians, properly constituted. We want a sense of responsibility to attach to the man who is consulted on our behalf; he must not be an irresponsible, self-seeking person, going to the Collector and expressing views which would just suit the particular mood of the Collector at the moment; he should feel the responsibility of his position and should know that he has a responsibility towards the people. To me, Sir, this argument of informal consultation appears to be the weakest argument that has been advanced against the proposal. Some say that it would be better to hold periodical Durbars than to have a standing Advisory Council. Now we all know what these Durbars are. A large number of people assemble—a hundred or so—and you cannot consult them in that definite manner in which you can do at a small Board meeting. The second objection is that it is not possible to know who are the real representatives of the people. Well, Sir, it is too late in the day now to start an argument of that sort. The Government has accepted the principle of election for ascertaining who should represent different interests in various deliberative bodies, in Legislative Councils, in Municipal Boards, and in district and other Boards. That principle, after all, is the only open test available for testing the representative capacity of a given person. I have already said that the results of election should be supplemented by keeping a certain reserve of seats in the hands of the Collector, and that by nominating deserving persons to those seats, he may redress any inequalities as regards the representation of different interests. And I agree with the opinion expressed by the Hon'ble the Home Member—I do not know what line he will take to-day, but I agree with the opinion expressed by him as Chief Commissioner of the Central Provinces—that if an Advisory Council comes into existence, it must grow out of the present District Boards and my own opinion is that the District Board should elect the major portion of the members of the Advisory Council.

"Sir, the third objection urged against my proposal is that efficiency will suffer. But why should efficiency suffer? I do not propose that the ordinary routine of the Collector's administration should be at all interfered with by the Advisory Council. The Council will meet once a month, and if the efficiency of the Government of India does not suffer by the discussions that take place in this Council—though some officials may think that the time of the Council is wasted by these discussions—or if the efficiency of the Local Governments is not diminished by the discussions that take place in the local Legislative Councils, I do not see why the Collector should want to be more absolute in regard to his charge than the Government of India or the Local Governments. As a matter of fact, I think the efficiency of the District administration will increase and not diminish on account of the association of a body of popular representatives with it.

"The fourth argument against my proposal is that there are already District Boards and Municipalities in existence. Why not use them for Advisory purposes as well? But, Sir, the Municipalities are concerned with particular towns only. As regards District Boards, my own view is that the districts are really too large as areas for the purpose of local self-government, and I should like to see local rural self-government entrusted almost entirely to Taluka or subdivisional Boards and to village panchayets, the District Boards confining themselves to work of a general character only. If this were done and the constitution of the District Boards modified, I should not mind entrusting those Boards with the functions, which I have in view, for Advisory Councils. But that is a different question and I do not want to complicate matters by going into it just now. The District Boards at present look after education, sanitation and roads. If the Government is prepared to widen their scope of work, and entrust other functions to them in addition, I have no objection. Lastly, we are told that the time for such a reform has not yet come. That, Sir, is an argument with which we are only too familiar. In the opinion of some officials, the time for *any* reform never comes, and yet somehow it does come and reforms do take place! And, Sir, what has happened in the past about other matters will happen in the case of this also; and in spite of official opposition the time for this reform will come.

"Sir, one word more in conclusion, and I have done. I contend that the association of a Council, such as I propose, with the work of district administration will, instead of impairing the efficiency of that administration, greatly increase it. For it will bring to it that higher efficiency, which results from the responsible participation of the people in the management of their own affairs, and which can never be attained by a purely bureaucratic administration, however like a machine it might move. District administration, moreover, is the real ground of contact between the bulk of the people and the British Government, and our Legislative Councils, expanded as they are, will not fully serve the end, for which they have been reformed, unless that reform is supplemented by the creation of Advisory District Councils and their association with the officers in charge of districts. Sir, I have already urged at some length that in the interests of the administration itself, the educated classes of this country should be given an interest in the work of that administration. What they feel is, if I may quote what I said before the Decentralization Commission, that the car of administration should not merely roll over their heads, but that they should be permitted to join in pulling at the ropes. This is a perfectly legitimate aspiration, which, I am convinced, the Government must recognise, if not to-day, at least in the near future. Sir, in a most remarkable article which recently appeared in the *Times of India*, on the Royal visit, that paper said that British rule in this country owing to its inherent necessities must be a continuously progressive principle. That, I think, is a profound truth, a truth which should be kept constantly in view by those who are responsible for the administration of this country. It is only by doing this that the Government will be able to adjust itself to the growing complexities of the situation. Thus and thus only, will the Government equip itself for overcoming the difficulties that are bound to gather in its path from time to time. Thus and thus only will the better mind of India be justified in the trust that it has always felt in the higher purpose



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of British rule ; thus and thus only will the people of this land—ancient races to whom the world owes a good deal of its civilisation—be able to advance with slow but sure and steady steps to a place in their own country, worthy in accordance with modern ideas of the self-respect of civilized beings.”

**The Hon'ble Sir Gangadhar Rao Chitnavis :** “ Sir, I have heard with great interest the very eloquent speech of my friend, and I thank him for the compliment he has paid to my class and myself. I had hoped I would be able to change the attitude which the terms of his Resolution induced me to assume. I am sorry, however, with all respect for his opinion and arguments, my views still remain unchanged. I regret I have to oppose this motion. This subject was fully examined by the Decentralization Commission, and the considered opinion of that body was against the scheme of Advisory Councils. The question was again discussed in connection with Imperial and Provincial Administration in 1908, but the idea of Advisory Councils did not find much favour with the Secretary of State. Very weighty reasons must be present to induce Government to reconsider the position. The Legislative Councils have only recently undergone considerable expansion, and non-official members have been given larger powers of interference in the Government of the country. It is too early yet to draw any general conclusions about the influence of the “ reforms ” upon the administration. A further advance in self-government of the nature contemplated in my friend's Resolution so soon after the reconstitution of the Legislative Councils will be an ambitious experiment which will stand for its justification not upon any success already attained, but upon abstract principles which can only be successfully applied to more advanced conditions of social existence. I believe in no country is the District administration carried on by a body of Councillors. In a democratic government all power lies undoubtedly in the hands of the people, but the executive work of every-day administration must be, from the necessity of the situation, left to officers who are responsible for their actions to the Provincial Council on which the representatives of the people rule. We must seek to influence the general policy of the administration, and correct individual lapses by interpellation and, if need be, by Resolution in the Legislative Councils. With greater public spirit, self-assertion and devotion to duty the opportunities now afforded us should be sufficient to enforce the popular will even upon the District Officer. However autocratic and unsympathetic a District Officer may be, he cannot go violently and systematically against the expressed wishes of the people of the district. His isolation would be intolerable if he does not leaven his administration with them. Everybody wants to be popular ; that is a human weakness which supplies a corrective for absolute autocracy. Despotism has its limits, and cannot afford to persistently disregard the wishes of the citizen.

“ The difficulty now arises from a deplorable absence of broad-minded citizenship, of an enlightened and altruistic interest in the woe of the community and of spunk among the people. The best devised system of representative government will fail in such circumstances. We want the right sort of material to interpret correctly, and enforce upon the administration the will of the people more than any additional machinery.

“ Sir, three considerations appear to me to discredit the suggested scheme of district administration. The inevitable division of responsibility, while hampering the District Officer, would secure him an immunity from blame which is highly undesirable. It is conceivable that a tactful District Officer, if he is so minded, can use the Advisory Council as a buffer, and may indulge in the fullest autocracy with the apparent sanction of the people's representatives. On the other hand, the best plans of Government may be wrecked by unintelligent and shortsighted local opposition. In the present state of social development such contrary results are incidental to the proposed arrangement, and are imminent dangers of which note must be taken now. My long and intimate association with municipal and rural administration has given me an insight into administrative details of the district, and I am impressed more than ever with the necessity of maintaining intact the District Officer's authority. An Advisory Council, without having any good practical

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results will be a clog in the district administration. Any District Officer who is worth his salt would under any conditions seek the advice of local leaders. As a matter of fact, District Officers do consult these. But the formation of Advisory Boards on a constitutional basis would be subversive of the present wholesome arrangement, and would give the members an opportunity to interfere and obstruct which is likely to lead to friction and delay. Besides, where are the men who would take an intelligent interest in the business? It is notorious that on Municipal and District Councils the members in many places do not evince that amount of public spirit as can make them a success. The reason ascribed is that they have no *real* power. A purely Advisory Council cannot have greater attractions. It is premature to think of giving District Advisory Councils any *real* power. The Hon'ble Mr. Gokhale does not even suggest that they should have any powers beyond offering advice to District Officers. How many members in such circumstances would take any *real* interest in administrative matters on which their advice is sought? Nothing has happened to induce me to change the opinion about these Advisory Councils I expressed before the Decentralization Commission. The experiment should be made in the division. The Divisional Commissioners may be given such Councils in selected areas, where the culture and enlightenment of the general public justifies the hope that the Councils will be something more than lifeless bodies. Mr. Gokhale has suggested that a Council of nine members may be appointed which should hold its meetings once a month or so, and give the benefit of its advice to the District Magistrate whenever he seeks it. But such Councils formed on an elective basis will have the inevitable result of destroying social amity, and of fostering among the people not yet far advanced in education a factious spirit which can do little good. Already there is a good deal of party feeling; it will be unwise to increase its volume. The present machinery of the Municipal and District Councils even now serves the purpose mentioned by my Hon'ble friend, and their advice in many matters is even now availed of by some District Magistrates where such consultation is thought necessary and desirable.

"With these few words, I beg to oppose the Resolution."

**The Hon'ble Mr. Mudholkar:** "Sir, it is with some surprise that I listened to the speech of my friend, Sir Gangadhar Rao Chitnavis. It was only yesterday that I refreshed my recollection of the evidence which he gave before the Decentralization Commission—evidence which was given when I was present and which I considered was in favour of the general idea of Councils. I am extremely surprised by what he has just said and must say that what according to my recollections he then urged is opposed to what he now says. I have refreshed my memory by reading his whole evidence and I find that he was then distinctly in favour of the idea of an Administrative Council. The idea underlying the Resolution is that the responsibility of officers, who come below the provincial Governments, (both the responsibility and the heaviness of the charge), has increased so much, and work of such delicate and important a character is now being assigned to Divisional Officers and to District Officers, that it is necessary that they should receive some relief and that they should also receive popular co-operation. With that view of the thing he was then in agreement. It is true that he considered that the best form in which popular co-operation could be got would be in a Divisional Council, but whether it is a Divisional Council or a District Council is a more matter of detail and not a matter of principle. The question is, are we to carry further the principle of associating the people in the government of the country. What is pleaded on behalf of this motion is that circumstances have so changed, that the complexities of administration have increased so much, that for the mere efficient performance of duties, it is necessary for the Government to have the advice and help of men belonging to the country. It is on this principle that the present motion is made. It was on this principle that the enlargement of Councils was advocated. It is on this principle that provinces which have not got a Legislative Council have been asking for a Council. In the agitation which has been going on for a Legislative Council for Central Provinces and Berar nobody in the Central Provinces took keener interest than my friend

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[ Mr. Mudholkar. ]

Sir Gangadhar Rao Chitnavis. He presided at one time over the Central Provinces and Berar Provincial Conference, and one of the chief matters which was dealt with in his interesting address was the creation of a Legislative Council for Central Provinces and Berar. Now why was that demand made? That demand was based on the ground that government without the help of the people was very often government carried on in the dark. With the best wishes, with the sincerest intention of doing nothing but good to the people, officers, howsoever well-informed they might be, are apt to commit mistakes. They must have the popular view and some true indication of what the people's ideas and aspirations in the matters which come before them are; and it is an advantage to them to know these things. That was also the basis on which, according to my recollection, my friend put the case for a Legislative Council for Central Provinces and Berar. Well, that same principle applies here now. We have got the Supreme Legislative Council; we have got in the other provinces Provincial Legislative Councils; and in our own province, God willing, we shall have a Provincial Legislative Council before this year closes. Now, the same reason the same necessity which required the establishment of a Provincial Legislative Council, that same necessity of the advice and local knowledge of men belonging to the people should also be at the disposal of Government. We can also take a still higher stand and that stand is that what we demand is in consonance with the very fundamental principles of British government; fundamental principles which have only the other day been emphasised to us in a manner in which few things have been emphasised. We had in the Delhi Proclamation the assurance given to us in the noble words of our Gracious Sovereign that the people will have to be associated more and more with the work of Government. Now, that was not certainly meant to be a mere lip assertion. It is what his great predecessors have also said and what is the deliberate policy of the British Parliament and of the Government of India. Now, it is that great principle on which we have a right to take our stand. It is necessary for us to place our case on both these points, namely, the question of principle and also the ground of expediency. We say that this is a thing which is good both for the Government and the country, because it would carry out the assurances and the pledges which have been given by three Sovereigns, by the Parliament and by the Government of India. Now, the question is asked, will it do any good, will any useful purpose be served by creating such a Council. In regard to that, let us see what is the position of the present District Officer. The present District Officer has now far greater powers than his predecessors of the sixties had, and yet it was in the sixties that the foundations of Municipal Government were laid. This step was taken because the Government considered that the duties which lay upon the District Officer were so multifarious, so complex and, at times, of such a delicate character, that he must have greater time for carrying out those duties; and this could only be done by relieving him of the work of an ordinary detailed character, pertaining to localities, to the towns and villages of his district. Those are the circumstances under which Municipal Government came into existence, namely, to afford relief to District Officers. Along with that consideration the idea also existed that it was necessary to enlist the co-operation of the people of the localities in the management of their parochial affairs. It was thus that municipal life was introduced into India, and it is on this same principle that the rural boards were constructed. A further development and carrying out of this idea, the carrying a step further of the principles on which local institutions originated, is the principle of election. The principle of election was introduced in these bodies on the very obvious ground that when you want to find out a representative of the people, the most effective way in 99 cases out of 100, is to ask the people who have to select a representative to make a selection for themselves. A man acting for himself is in the majority of cases more likely to be right than others desirous of acting for him. That was the basis on which the principle of election was put and that was the *raison d'être* of the policy carried out in the years 1882 to 1885 under which we have our enlarged District and Municipal Boards. Now, these bodies do give a voice to the people in the management of some of their local affairs, and in them under supervision

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exercised by the District and Divisional Officers and by the local Government they are enabled to carry out some of the work of their towns and villages. But there are matters of far greater importance which remain to be touched. Here in the Imperial Legislative Council matters belonging to the whole country about the revenues to be raised and the laws to be enacted and so on are dealt with. In the Provincial Council are dealt with matters in which the districts of the province generally are concerned. But there are subjects in which the district is vitally interested. And in regard to these the whole power, the whole responsibility and the whole burden has to be thrown on the District Officer alone. Sir, in the evidence which was given by the Chief Secretary to the Central Provinces Government it was pointed out that the idea of the Central Provinces Government was that the District Officer was to be the pivot of administration. Now, that represents an aspect of the proposal that Mr. Gokhale has brought to the notice of the Council. He says that by the very exigencies of the situation the District Officer is becoming far more important than he ever was. Sir, if he is to be the pivot of administration and if the activities of the different departments of the district are to centre round him, how is it possible for him to carry out all these things without help. I do not wish to relate all the instances which were given in the course of the examination of the Chief Secretary to show exactly what he meant. He showed that in regard to matters entrusted to the Public Works Department, matters belonging to Excise and Forest administration, to Sanitation and to Education; in regard to all the activities in the district the District Officer was to exercise a general superintending and controlling power, and that no important steps were to be taken without his consent. Among other things, what was complained of was this—that a certain number of roads were noted as necessary for a division or a district. Generally, the officers of the Public Works Department consulted either the Commissioner or the Deputy Commissioner. But it often happened that a work was entered in the programme one year, next year it was found that the programme was altered and the work out for the year. Now it is on these grounds that they consider that the District Officer who knows more of his district, who has the interest of his district more at heart, who looks at every question from a general point of view and not merely from a departmental or a technical point of view, it is for that reason that a District Officer is to be given the commanding position that the Central Provinces Government pleaded for. And if that position is to be accorded to him, as in my opinion also must be under the circumstances which have arisen;—because we now find that therewith delegation of several powers by the Imperial Government to the Provincial Government, and from the Provincial Government functions will have to be delegated to the District Officer if the District Officer is to be the pivot of the administration—then it has become incumbent and necessary more than ever that he should have not only relief in regard to purely routine matters, but that he should have assistance, co-operation, help and advice, from persons belonging to the different departments, as also from persons who represent the wishes, the desires and the aspirations of the people. The very essence of the British Government is the improvement of the Indian people. It is for the good of the people that all the various functions which are assigned to the District Officer are to be carried out. And as in all these matters it is now an accepted principle that the wishes of the people should be ascertained, that it is an advantage to have the opinion of the people on such matters, and that the most effective way of obtaining an expression of their views is to give them an opportunity of selecting their representatives for themselves; and if all these principles are admitted in the matter of provincial and imperial interests, I fail to see how the same necessity does not exist in the matter of district affairs. If anything, I think it is more necessary. There are numerous matters of an executive character on which even now the District Officers have to consult non-officials, and what we urge is that, instead of advice being taken from irresponsible persons who, for aught we know, may not be qualified, it is best that he should have responsible advisers on all matters requiring consultation and advice.

“With these words I strongly support the Resolution.”

[ 27TH FEBRUARY 1912. ] [Mr. Muhammad Shafi.]

The Hon'ble Mr. Muhammad Shafi: "Sir, as all the Hon'ble Members are well aware, the proposal embodied in the Resolution moved by my Hon'ble friend was one of the subjects of enquiry by the Royal Commission on Decentralization. The Hon'ble Mr. Gokhale has given us to-day an analysis of the evidence then recorded and I venture to think that that analysis forms an excellent index of public opinion in this country with reference to the proposal put forward by him. So far as my Province of the Punjab is concerned, I think I am justified in saying that there was an absolute unanimity of opinion so far as the non-official evidence as recorded by the Decentralization Commission in that Province is concerned. Among the supporters of the proposal were ranged aristocratic ultra-loyal land-owners like my friend the Hon'ble Captain Malik Umar Hayat Khan, politicians of the Congress school like Mr. Harkishen Lal, Barrister-at-Law, and moderate liberals such as the Hon'ble Mr. Shah Din (now Mr. Justice Shah Din) of the Punjab Chief Court, who was then President of the Punjab Moslem League. And, if I may venture to include myself among the class to which Mr. Shah Din belongs, when examined before the Commission as a witness on behalf of the All-India Moslem League, I too gave my hearty support to the proposal embodied in this Resolution. With your permission, Sir, I propose to read to you the opinion I then expressed with reference to the establishment of District Advisory Councils.

"The establishment," I said, "of District Advisory Councils, would, in my opinion, be a step in the right direction. If properly constituted, these Councils would prove a source of immense benefit to the proper administration of district affairs. The functions of the Council would of course be purely advisory and consultative and the liberty of action of the District Officer would in no way be hampered or curtailed, but he would, through the medium of these Councils, keep himself fully acquainted with the local circumstances as well as with the views and feelings of the people as regards any administrative measure which may be contemplated. Moreover, the district officer will be in a position to make use of this agency for the purpose of removing any misapprehensions that might exist in the minds of the people with regard to the intentions and motives of Government in connection with proposed administration or other reform. These Councils should be so constituted as to be thoroughly representative not only of all the dominant agricultural and other interests, but of the various communities as well. Thus constituted, the Council may be consulted by the District Officer in questions relating to sanitation, education, police arrangements, plague measures and other matters concerning the general administration of the district."

"This was the opinion I then ventured to express with reference to the proposal which has been put forward in this Council to-day. Over three years have passed since then, and further experience of public affairs, and a closer study of the political conditions in this country, has more than ever confirmed me in that opinion.

"Sir, in the cadre of the Indian Civil Service, to my mind, there is no office of greater importance—of importance not only to the welfare and contentment of the people, but of importance to the popularity and the good name of the British Government as well—as that of the head of a district. He is in the eyes of the people of the district the ostensible symbol of a great and invisible *sircar*, and the people of the district look up to him as their *ma-bap*. A complete understanding on his part, therefore, of the wishes and the feelings of the people, and the existence of a complete understanding between him and the people in his charge, is an essential element in the proper administration of the affairs of this country. On the other hand, it is principally on his reports that the Government ultimately arrive at a decision with reference to any administrative measure that may be in contemplation, and it is upon the reports which he sends up as to the wishes and the feelings of the people, as to the necessities of the situation and as to the requirements of the public, that ultimately the policy of the Government is moulded. In those circumstances it is absolutely essential that his knowledge of the prevailing conditions amongst the people in his charge should be of the closest and the most intimate description. I can conceive of no better means of bringing about such results than the establishment of District Advisory Councils. Properly constituted, these Councils can be of the utmost advantage to the proper administration of the affairs of this country. I

have no doubt if the Government comes to accept the Resolution, whether now or hereafter, it will take particular care that these Councils are properly constituted; for, to my mind, these Councils can be of use to the District Officer in the proper administration of the affairs only if all the various important elements in the population of the district are properly represented, and it is in view of this most essential feature, this most essential requirement, that I think the manner in which the Hon'ble Mr. Gokhale has worded his Resolution with reference to the number of the members thereof, seems to me open to objection. I could have well understood if he had stated that a Council should be constituted of not less than a certain number of persons; but I cannot understand the logic of putting it in this way, "not more than 9 persons." It seems to me that the number of members of this Council must vary in proportion to the number of population of a district, the number of interests which are to be represented in these Councils, and various other essential requirements of the situation, and, in consequence, to lay down a negative limit of that kind, "shall not exceed" a certain number, seems to me to be a wrong way of dealing with the question. Well, Sir, when a new member of the Civil Service comes to a district for the first time, he is absolutely ignorant of the existing conditions of the district which has been placed in his charge. The existence of an Advisory Council will place at his disposal a ready-made machinery through the means of which he can acquaint himself with the conditions of the district of which he has been, for the first time, placed in charge, within a comparatively short time. Under the existing conditions experience shows that it takes him several years to acquaint himself thoroughly with the prevailing conditions, and probably before he has thoroughly acquainted himself with the circumstances of the district and the wishes and the feelings of the people, he is transferred to another district, and the result is that the efficient administration of district affairs is impaired in this manner. Sir, there are in various parts of the district, in villages, feuds between different classes of the people: there are men who are habitual receivers of stolen property; there are men who are habitual offenders. As you know, corruption prevails amongst the subordinate officials. Well, this District Advisory Council would be very useful indeed to the Collector in removing these evil effects and in taking proper action in order to bring about the desired state of things. To say that the Collector, even in the existing circumstances, does consult a certain number of leading persons, I submit, is no answer to the proposal. Who are the persons whom he does, in the existing circumstances, consult? Those who are thoroughly acquainted with what goes on in the districts know full well that the persons consulted by Collectors do not really represent either the needs or the wishes of the people or the class of persons whom really the Collector ought to consult. It seems to me that in more cases than not the persons who are consulted by the Collector probably have been recommended to him by the tehsildar or perhaps their names have been mentioned to him by the superintendent of his vernacular office. He sends for these and talks over matters with them. Well, I venture to submit that these are not really the class of persons who can give expression to the real needs and feelings of the people, and, in consequence, I am thoroughly in sympathy with the proposal that a portion at least of the members of these Advisory Committees should be the elected representatives of the people of the district. I am not prepared to go so far as to say that two-thirds of the members should be elected. I think that as an experiment, a portion only—and that portion to be determined by rules to be framed hereafter with due regard to the circumstances of each district—a portion only should be elected and the rest should be nominated. But here again I differ slightly with the Hon'ble Mr. Gokhale. I do not think that the nomination should rest in the hands of the Collector, but that on his recommendation the Commissioner should nominate the members. Because, if the nomination also is vested in the hands of the Collector and the Collector alone, possibly the nominated members will not be able to express their opinions with that independence with which they will if nominated by a higher authority. It seems to me, Sir, that looked at from every point of view, the establishment of these Advisory Councils will be conducive not only to the welfare of the people themselves, but conducive also to the popularity and good name of the British



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Government amongst the masses. And it will bring about, between the ruler and the ruled that complete sympathy, that mutual understanding of each other's motives of action which is in the highest degree beneficial to the prosperity of the people and to the good name of the Government itself."

**The Hon'ble Pandit Madan Mohan Malaviya** :—" Sir, I beg to support the motion which has been put forward by my esteemed friend Mr. Gokhale. I think, Sir, it will be conceded that there can be no objection in principle to the motion. The principle of associating representatives of the Indian people in the executive administration of the country has been rightly and wisely established by the Government. The Secretary of State was first pleased to appoint two Indian gentlemen as members of his Council; then a member representing the Indian community was appointed to the Executive Council of the Government of India; and now in the provincial Governments of Bombay, Madras and Bengal, we have members representing the Indian community associated with the European members of the Executive Councils in carrying on the administration. The Legislative Councils were constituted to allow people to give expression in open Council to the wants and wishes of the people: but the association of Indian members in the Executive Councils and executive administration throughout these higher grades, is evidence of the fact that the Government recognise the value of the principle that Indians should be taken into the confidence of the Government in the innermost recesses of administration. That this wise policy has been deeply appreciated by the people, it is not necessary for me to say. I am sure that the Government will agree that the gratitude that has been felt for this measure throughout the country cannot be exaggerated.

" The question then, Sir, is whether the policy which Government have found it useful to adopt in relation to higher executive administration should not also be adopted even in the limited way, in the district administration. The district administration is a very important unit,— it is the most important unit of the administration in the country. The provincial governments deal within the administrative affairs of the whole of their respective provinces in a general way. The Commissioners are also officers who supervise; they are channels of communication between the district officers and the provincial governments; but the district officer is the representative of His Majesty in the district whom the people best know, and it is the action of the district officer which most impresses the people of the district. In many matters the acts of omission or of commission by which people benefit, or of which they complain, proceed from him and generally have to be regulated and determined by him. The responsibility which rests upon his shoulders cannot therefore be exaggerated; and the question before the Government raised by this resolution is whether it would conduce to make the district administration more beneficial and more popular if a few chosen persons are associated with the district officers in administering the executive affairs of the district. I submit, Sir, that the principle not being objectionable by the nature of the case and being supported by the reforms which the Government have been pleased to adopt, the only question that arises is, whether the measure proposed will be a beneficial one, beneficial in the interests of the Government and beneficial in the interests of the people. I venture to think that it will be beneficial in the interests of both. There is absolutely no question of prestige involved in this matter. When the Government of India have representatives of the people associated with them in this and their Executive Council, it cannot be said for a moment that it will take anything away from the prestige of the Collector or the Magistrate if he has some Indians—but not necessarily Indians only—some non-official representatives of the people of different classes associated with him in the work of administration. It will on the other hand make his work more efficient. There are questions which often arise in which the Government hold that the Collector ought to consult the representatives of the people in his district. The Decentralization Commission recognised the utility of this course. They noted with evident approval that several Collectors

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did consult representatives of the people on public questions. One member, Mr. Meyer, wanted this practice of consulting the representatives of the people to be made general; another member of the Commission strongly recommended the creation of Advisory Councils so that such consultations should be held in a systematic and regular manner. It is unquestionable that among the matters which come before district officers there are many in which the advice of the representatives of the people must be very helpful. The practice which is followed at present is that of consulting some members of the district boards or some other persons whom the Collector may in a haphazard manner select. The proposal put forward before the Government will if accepted, make it possible for him to have a carefully selected body of individuals always available to him for consultation on matters on which he may consider it advisable to consult them. It being admitted that there are many matters in which the advice of the representatives of the people would be useful, I submit, Sir, that there ought not to be any difficulty in recognising that it is better to have a regularly selected council or committee available for consultation than that consultation should be had from members selected for the occasion without any regularity, without any rule.

"It has been said that informal consultation is the best. I fail to appreciate the value of this argument. If consultation is desirable, it seems to be best that it should be had with the best persons available in the district. Now, how is the Collector to know who are the best persons for the purpose? It has been said that he can choose his men from the Durbar lists—it is so suggested in the Minute recorded by the Lieutenant-Governor of my province—and from among members of the District Board. I submit, Sir, that in such cases though it is possible that some of the persons selected may be very good men whose advice would be valuable, it is equally possible that they may not be men who would speak out their mind independently to the Collector; they may not be able to give proper expression to the views of the people—I do not say that they will necessarily not be able to do so—and, therefore, Mr. Gokhalo has proposed that at least two-thirds of the Council should consist of elected members. The number may be varied if Government does not consider it proper, but, not less than half the number of the council should be elected by the people, and not more than half should be nominated by the Government. If such a committee is constituted, I submit that the consultation which is admittedly desirable will be had in the best circumstances and with the best possible results. It is no reflection upon any of the Collectors when I say that when difficult questions arise in the solution of which no help or guidance is provided for them they are not unoften hard put to it to decide what is the right course to follow. I know instances in which Collectors have been led into serious blunders for which the Government have come in for much blame, and which blunders would surely have been avoided if there were a committee of responsible men to advise the Collector as to what course he should have followed. In such matters secrecy cannot always be preserved regarding the action of Collectors. In these days of the newspaper press and the institutions which the Government has been pleased to foster, secrecy is practically out of the question. One mistake made in a district gets into a dozen papers, a question is put in the Imperial or Provincial Council, and the whole thing is laid bare before the public. If you have a certain number of responsible men to advise the Collectors, I agree with my Hon'ble friend that many of the matters which find their way into papers and Councils at present would never be heard of beyond a limited circle in the district, and that, I submit, Sir, will be a great gain to the administration. Mistakes committed will be easily rectified. As matters stand at present sometimes people have to write a good deal to the papers about a mistake made, to agitate and to have questions put in the councils, and even then redress does not come. The matter having gained publicity there is a certain amount of feeling that the Collector must be supported publicly even if a reprimand is administered to him in a demi-official. Now, that creates a bad impression, and Government has come in for unfavourable criticism owing to its desire to protect an act which has been done by an officer *bona fide*, and owing to the desire not to punish an officer



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who has clearly erred. But if the course recommended is adopted, such mistakes will be avoided or easily cured by the co-operation of the district council.

So far, then, as the Collector is concerned, it will be a distinct gain to have this regular body provided. So far as the people are concerned, it will also be a great gain. The grievances which might arise—an administration is after all a human administration and blunders must now and then take place—the blunders that might arise will speedily be rectified, the people will feel that they have got some gentlemen in the Council who, if they knew the facts, can easily and formally represent them to the Collector, and that the question would be soon considered and satisfactorily disposed of. I think, Sir, that it will give greater popularity to the Administration than any other course that can be adopted. For those reasons I strongly commend the resolution to the acceptance of the Council."

**The Hon'ble Sir Vithaldas D. Thackersey :** "Sir, I beg to support this resolution. I entirely agree with what the Hon'ble Mr. Gokhale has said that what we most require is 'government on the spot'. I will not deal with the general question of the advantages of having a representative body associated with the Collector because those advantages have been so very strongly urged and so very ably backed up by the previous speakers. I will put before the Council only one aspect of this question, which I consider very important, *viz.*, the advantages which our villagers and people in the district will gain in actual practice by the creation of this advisory council. I was touring about for some months in the Deccan in connection with my work of Cooperative Societies, and what I found there was that whenever the villagers have any grievance, whether about the police, about their land, about irrigation and so on,—there are several grievances of these small people—and if they think that the Collector is a person who cannot be approached, they have to go to the Sherestadar, to the head clerk, to the Karkuns, and all those underlings; they were practically in the hands of such people who took full advantage of their ignorance. Now if these villagers and the ignorant people in the districts, could go to some representative men in the advisory body, who could carry their grievances to the Collector, they would acquire some confidence, they would go to their own trusted men and practically speaking such occupation of the underlings would be gone. People would get more and more confidence and the difficulties that have been often placed before us about police administration and so on will to a great extent disappear. We are told that these people are very ignorant, that when a small peon or police sepoy tries to take advantage of them, they give way instead of standing or opposing him as in other countries. Well, here, if villagers have their own representatives, the work of the Government will be much more easy in actual administration, I will not take up the time of the Council. I have only put forward this one aspect of the question."

**The Hon'ble Sir Reginald Craddock :** "Sir, in opposing this Resolution I wish to lay very particular stress on the terms in which it has been couched. Mr. Gokhale desires that district administration should be brought into closer contact with the people. I do not quarrel with that desire. In fact I have the greatest and fullest sympathy with it. I come from a Province in which close touch with the people has always been regarded as the greatest desideratum of the administration, and that not only among district officers but for all officers of the Government. It is when I come to the means that Mr. Gokhale indicates by which he would attain this desired end that I find that I must totally join issue with him. Mr. Gokhale's scheme, as you have heard, is as follows: He desires to provide every Collector with a Council of nine whose functions should be merely advisory to begin with—I shall refer to that phrase 'to begin with' later on—and whom the Collector should ordinarily be bound to consult in all important matters. Some of these Councillors—he has indicated about two-thirds—should be elected, he has not stated by whom, and some should be nominated, he said, by the Collector; but other Hon'ble Members who have spoken suggested that the Collector could not be trusted to nominate them, for

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if the Collector nominated them, they would be too much afraid of the Collector to give an independent view. Well, that is Mr. Gokhale's scheme. It sounds very pleasant and very attractive. It is a very pretty picture that he has drawn for us, and it seems to have captivated the imagination of many of the Hon'ble Members of this Council who have spoken so far. Now I am very sorry, sympathising as I do with Mr. Gokhale's object, that it should fall to my lot to do my very best to shatter this pretty picture that Mr. Gokhale has presented.

"Now, Sir, to begin with, there is a radical misconception about the whole suggestion. There is no analogy whatever between the work done in the Imperial and Provincial Councils and the work done in the Collector's office. They are on entirely different planes; the two former Councils, dealing with large questions of policy, with measures which will affect the people for weal or woe, should be as far as possible impersonal and disinterested. The Collector's work is totally different from that. He is an executive officer. It is not for him to determine policies but to carry them out. He has to apply those policies to concrete times and places, to concrete cases and concrete individuals; and the deliberations which would take place in his Council would be of a different character to those which take place in this Council or in a Provincial Legislative Council.

"Before I proceed to go further into the possibilities and the practical aspects, of constituting Councils which Mr. Gokhale has suggested, I would just like to refer to some of the objects that according to him would be gained by these Councils. He is unable I may remark to give me any particular instance in any other country in which any person corresponding to the Collector has a Council of this description. I quite admit that he has referred to the case of Prussia. He has no knowledge of the affairs of Prussia beyond what he has gained by books, and I have no knowledge either. Well, Sir, I did not gather from his perusal exactly how matters stood in Prussia. I am not quite sure whether the Prussian Collector is associated with a special Council merely to advise him or whether he is simply working with local bodies. But I noticed one thing, that Mr. Gokhale suddenly changed the subject and put the book down, when he came to what appeared to be a strong combination between the judiciary and the executive in the Council in Prussia. Now the objects to be gained, he says, are that things should be done on the spot. The term 'on the spot' might mean a great many different things. To the Secretary of State we are on the spot in Calcutta, at present at all events. To us in Calcutta the Lieutenant-Governor of whatever Province it may be is on the spot at the headquarters of the Province. To the Provincial capital the headquarters of a district is 'on the spot,' but I emphatically disagree with the statement that the headquarters of a district is "on the spot" for the purposes of these matters that we have to discuss. One of these advantages which the Hon'ble Mr. Gokhale has put before us is therefore wholly illusory. His Council of educated men, on the spot are not on the spot in 99 out of 100 cases dealt with.

"Next the Hon'ble Mr. Gokhale refers to greater expedition. Well, Sir, it may be that owing to Secretariat demands and correspondence and so on, a Collector has been of late years unduly hampered, and one of the great objects of Government and of the various administrations has been to reduce as far as possible the impediments and delays which result from interference or too much correspondence from the Secretariats. But I appeal to any Hon'ble Member of this Council to tell me whether he thinks that the provision to the Collector of a Council with whom he has to meet every month,—that is the time he has mentioned—(and if they are to deal with the business, they will have to meet much more often), that the time taken in discussion with them, in talking them over, in recording their decisions and sending them up to Government with a strong note saying why he disagreed with them, whether all these delays inseparable from a Council of that kind, would have the desired effect upon which Mr. Gokhale has laid so much stress—greater expedition.

"Then, Sir, there is another point. The Hon'ble Mr. Gokhale talks to us about the sympathies of the educated classes. He seems to think that this Council of nine would bring into play the sympathies of the educated classes which are now, he says, practically non-existent.

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“There is nothing that surprises me so much in all the speeches that I have heard as the apparent contempt with which the speakers have referred to such bodies as District Boards (I call them Boards and not Councils, because Mr. Gokhale has appropriated the term District Councils) and the Members of District Boards and Municipalities. They have said it is true that the Collector may find advisers in these bodies, but that they cannot be trusted to represent the people. Where then is the man to be called their own man that could be entrusted with such responsibility? I should like to remind you that the solitary supporter that I have at present, the Hon'ble Sir Gangadhar Chitnavis, is a man who has served for many years as President of the Municipality and District Board, and who has been for many years a Member of the Imperial Legislative Council; and if there is any man in this room who has served his own Province as well as Sir Gangadhar has served the Central Provinces, then I say he may well be proud of it. I know well that Sir Gangadhar Chitnavis has not merely served the interests of Government, he has also served in the very best sense the interests of the people, and local bodies should have upon their Boards men of the character of Sir Gangadhar Chitnavis, and I may add the Hon'ble Mr. Mudholkar, who is a leading member of the Amroli Municipality. If they have members like these, they are perfectly well fitted to give such advice to the Collector as they may desire on all local matters upon which he may want it at head-quarters.

“Then, Sir, another point to which the Hon'ble gentleman has referred is the fact that the Collector has naturally at his hand no educated adviser to give him help in interpreting the wishes of the people. I cannot for a moment believe that these Hon'ble gentlemen really mean what they say. I do not think they have considered sufficiently the interpretation which follows on statements of the kind they have made. They have absolutely and completely ignored that the whole class of men who fill the posts of the Provincial Service are educated. Are they totally unfit to interpret the educated views of the people to the Collector? And if they are to be set aside, then where are these men who are not subject to these disabilities to be found? In the Imperial Legislative Council there are men who are capable of giving advice and are advising Government on large policies. But they will probably not be available for serving on the Council of the Collector. Thus it appears to be urged that there are some mysterious persons somewhere between, who can neither find their way either on the Imperial or Provincial Legislative Council, nor are they to be found on Municipal Committees and District Boards. These mysterious persons are really the men who are at all times ready to advise the Collector and from whom presumably the Hon'ble Mr. Gokhale would wish to constitute his Council.

“Now, Sir, let us come to the practical step of choosing these nine Councillors. Before the Decentralization Commission, Mr. Gokhale indicated that they could be found in Poona and he had some hesitation about other places, though he thought that he would probably get the right sort of man in time. That is the general purport of what he said, and supposing now that we take him with us to some of the smaller towns, supposing Mr. Gokhale and I had agreed that we should go to some of these smaller towns, and select our Council of nine. Well, I suppose that we shall have to put three lawyers on that Council; they are, as he said, the most enlightened members of the community. I am not quite sure that he said it, but that they are among the enlightened members of the community no reasonable man can deny, and they are a class of people who are probably more often available, because their time is not always taken up on the District Boards and Municipal Committees, so that probably about two or three of them would have to be drawn from that class. Then we must certainly have two or three of the landowners' class, because these are the most important interests represented. I feel perfectly certain that Muhammadans would ask for one or two members; and the interests of education which the Hon'ble Mr. Gokhale has so much at heart would make it expedient that there should be one member thoroughly conversant with the subject; a schoolmaster or professor who is not in the service of the Government would be required. When you have got these, you have exhausted the vacancies in your Council if it is restricted to nine as Mr. Gokhale has suggested, and

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you will still find that numerous other interests have yet to be represented. It is impossible to find places for those men and we shall have to come to the conclusion that their only representative on the Council would be the Collector himself. I am not sure that that is not an entirely correct view of the matter. I think it is very often the Collector himself who represents in the strongest sense all those large communities which do not and are not able themselves to appear in Councils. Well, Sir, then there is another point. Mr. Gokhale has said that the Collector can have as much free consultation as he likes and that these Councillors would not interfere with that. But the whole essence of his Councils are that these persons shall be representatives to interpret the feelings and opinions of the people of the district. Well, Sir, if I am the Collector and if I can go and talk to the raiyat, if I can go to the raiyat himself, if I can go and talk to the weaver or to the artisan or any class you like to mention within the district, why should I go and employ some other people to go between and get their answers to me and put my questions to them. I go straight to the spot myself and make these inquiries. For years I have kept up this practice myself and I know there are many district officers who make it a practice of consulting people on the spot, not the spot indicated by the Hon'ble gentleman, but the spot from the point of view of the headquarters of the district.

"And where would he obtain those Councillors from? Would they be drawn entirely from headquarters? Or would they be drawn from the district? Now I think I have indicated to the Council that to obtain them wholly from the headquarters would be a mistake, and the Hon'ble Mr. Gokhale has himself indicated how it would be difficult to draw them from the district. For he has said that the district is too large an area for the District Board. The position then is that although in the case of the District Board, the area is too large for the people to deal with it, although these people are drawn from that district and presumably have a considerable amount of information and are interested in local matters and have local knowledge and come to the headquarters to meet, yet while the district is too large for them it is not too large an area for the nine persons who have been associated together and are found, from I know not where, to fill this Collector's Council.

"Then, Sir, I am sorry to take up the time of the Council, but I am bound to confess that in all the speeches I have heard so far, there has been no attempt whatever to go to the bed-rock of actual facts and details. Every one has talked about how nice it would be to have a Council like that and how nicely improvements would be brought about, but, with the exception of Mr. Gokhale, not a single person has yet indicated the details of business. I think it is very important, considering that all those speakers who have gone before me have argued about this Council in such detail, that I should take them with me through the details which Mr. Gokhale alone of all speakers has discussed. These details are to be found in his statement before the Decentralization Commission. And I may add that it is hardly correct for him to say that the Decentralization Commission took a biased view of the matter. It was very prominently before the Decentralization Commission. The Hon'ble Mr. Gokhale himself indicated that there were many witnesses and that the subject was pretty fully threshed out, and what was not indicated and what I know to be a fact, there were two members of the Decentralization Commission, who started on their inquiry with a strong predilection in favour of Advisory Councils and were led to drop them, and to have nothing more to do with them, as a result of their detailed inquiries, and as a result of the inability of the witnesses to explain to them what it was that these Councils were to do. The only explanation that I have received and the only attempt at detail in the whole of the speeches or elsewhere is to be found in Mr. Gokhale's own statement which is printed in this book (Decentralization Commission Report). Well, first there are *legislative proposals*. But, Sir, it seems to me that as regards legislative proposals, it is already open to any one to express his opinion. He can send it through the Collector if he pleases, or through the Commissioner or through the Local Government. He can use his representatives in the Provincial Legislative Council or here. He can send up his proposals and he has every opportunity

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of having his voice and opinions heard, and no useful purpose whatever can be served by attempting to thresh out these legislative proposals in the Council of the Collector. The Collector has a great many other things to do than to spend long days in discussing legislative proposals in his Council, when the whole matter with the various suggestions and criticisms which may be put forward before his Council may all be treated as waste paper in another place.

"Then there is a group of three subjects which it is proposed the Collector should discuss in his Council, *viz.*, *the revision of settlements, the revision of water-rates and recommendations about remissions of land-revenue.* Now all these three subjects require most intimate local knowledge—local knowledge which is to be obtained on the spot. You have to ascertain at first hand in the villages the opinions of the raiyats and landowners who live in the locality to which these remission proposals, or these water-rates or whatever it may be, relate. You cannot get any useful criticism from persons who live in the headquarters of the town, and, for aught we know, possibly know little or nothing about agriculture or irrigation.

"*Creation of new Municipalities.*—This is a matter which is properly left by the law to the inhabitants of these towns to move in or to make their representations, and there is no more reason why these nine persons at headquarters should be able to form a better opinion as to whether there should be a municipality in a particular town which none of them may ever have visited than the Collector himself or his trustworthy officials whom he may have deputed to inquire. Then there is *the extension of the operations of Acts to new areas.* This is such a very general term that it is impossible for me to say definitely what is meant by such a class of business. It may be something which is absolutely beyond the ken of this District Council or it may not; I cannot say. But it is highly improbable that these particular nine men should be generally capable of forming a definite opinion upon such a point. Then we come to the *imposition of punitive police.* Well, Sir, I am astonished at this suggestion. The Collector, as Mr. Gokhale himself said, should have very full power in the matter of keeping the peace, and if there is a question of placing a punitive police in any particular locality, the proper method of doing it is not to consult the few persons at headquarters who have never been to that locality and know nothing whatever about it, but to examine the record of crimes that come from that locality, to consider the reports of the police if necessary and to depute a Magistrate to that spot to make an inquiry, or, if you are not satisfied with these, to go yourself and make inquiries in that town from neighbours of that town and get your information direct. What you could possibly gain by asking these nine persons at headquarters as to whether a punitive police force should be established at a place fifty miles from headquarters, I cannot imagine.

"Then there are other matters which Mr. Gokhale would have the Collector dispose of himself if he could carry his Council with him—*the opening and location and abolition of liquor shops.* Well, Sir, we are making certain experiments, and feeling our way on the question of local option. There is no doubt about what local option means. It means that, in any town or village, persons who live in that town or village should be consulted as to the location of their liquor shops or as to whether there should be a liquor shop or whether there should not be. All this is embraced in the proper significance of local option. Is it possible for the few persons at the headquarters of the district to tell whether or not a liquor shop should be placed in a particular village? Their opinions may be described as local option at the actual headquarters of the town, and in these cases we are instituting a special committee for that purpose and are inviting the opinions of the local municipalities. Then there are other matters such as the *levying of building fines or city survey proposals.* Well, these are matters which the municipalities are able to deal with, and I do not suppose that the Collector himself would be able to deal with them except in individual cases and in carrying out actual rules; if it is a matter of framing rules, it will have to go to the higher authorities. What is the good of asking these nine persons to frame them?

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"Then I notice among the subjects *the opening and closing of schools*. Well, this point was put before the Decentralization Commission and it was fully agreed that if these powers were not reserved for the Collectors they should be left to District Boards. "But if these powers were reserved in the Collector's hands and if he is to seek the advice of anybody, then he must have the advice of District Boards, who are charged with the general supervision of education in rural areas.

"In the case of the *suspension of municipalities and of panchayats and unions*, it will be necessary for the Collector to send the case up for the orders of the Commissioner or the Local Government. He is very seldom likely to have the power of suspending bodies of this sort; but there is one thing that I am very certain of; that if Mr. Gokhale's proposal were to be carried out, the Municipalities or the Taluka Boards which would be suspended would strongly resent the authority of these nine people, if they thought that it was owing to these nine persons that the municipality had been suspended. Then as regards *rules regulating fairs and processions* I need not trouble the Council with these. Fairs, processions and matters of that sort are very urgent matters and they often give rise to bad blood and partizanship. You cannot avoid those. You must have a Collector independent for matters of this kind. Then there is the *assumption of management by the Court of Wards* which is one of the Collector's duties, and which he does under supervision from above. I cannot think how this proposed Council could advise him in such matters. We are now dealing with individuals, and whether the law should be applied in individual cases. There may be many interested persons opposing the application. Will the Advisory Council of Mr. Gokhale be in a position to give advice as to these individual cases, and will not that advice be resented? Many of these individual cases are urgent matters, and can these cases be kept over for the Council and solemnly voted upon? I think it is out of the question and impossible.

"Then, Sir, there is another objection, and this is in fact a very grave danger that attaches to Mr. Gokhale's proposals. Supposing that we have this Council and that we have got just ordinary men, such as we could pick up in a Municipal Committee at headquarters, and supposing we have a very strong Collector, I feel fairly sure that the Hon'ble Member would deprecate altogether a Council which merely registered the Collector's decrees. No advantages would be gained by a Council of that kind. Suppose however that we have a weak Collector and that his Council, or what is much more probable two or three members of it, obtain an ascendancy over the Collector; or, what is still more likely, are believed by the people to have obtained such an ascendancy. Do not the Members of the Council see what dangers lurk in such a contingency? I appeal to any Hon'ble Member in this Council who is in any way acquainted with the atmosphere that prevails in a mufassal town to bear me out when I say that that Council—I will not mince words—would become a hot bed of intrigue, and the consequences on district administration too appalling to contemplate.

"Now, Sir, I have attacked with considerable vigour the Hon'ble Mr. Gokhale's proposal, and I have shown why I consider that neither are the men available nor the subjects of business which could fitly be entrusted to the men; and why I consider that dangers lurk at every turn to the good administration of the district if this scheme were adopted. I am a firm believer in the Collector seeking advice of the people, and the people understanding the Collector. To secure this touch he must be mobile; he must be able to select advisors on the hundred subjects from every class and every locality where they are best available. He wants to get the opinion not of this Council round the table on which Mr. Gokhale sets such great store, but the opinion of men in the street, opinion of men in the village, and sometimes even the opinion of men in the jungle. These are real opinions obtained from first-hand knowledge, and these are the opinions that he will not find procurable at the round table which the Hon'ble Mr. Gokhale contemplates. But I should like this Council to understand fully that I value enormously the advantages of corporate responsible opinions in their proper places. Here in this Council we have the opportunity of recording the opinions of the educated classes. This is the place where they



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can advise on our policy. This is the place where they can be of immense good to the country—in Imperial matters it is from the members of the Imperial Council, in Provincial it is from the members of the Provincial Council; but we come down to the district and to the Collector; if we are going to look for help from corporate collective advisers, it must be from the District Boards and Municipalities that we must look for it. We shall get our help from the men most concerned by constantly going among them, but if we are to consider opinions recorded after deliberation, we must seek for it from Municipalities in all urban matters and from the District Board in all rural matters. These are the institutions that I should like to develop; these are the plants that we should water and tend, and that is the right way to develop fully the local self-government instituted now nearly thirty years ago by Lord Ripon's Government. That is the path which we should follow and not be led away on to side-roads however attractive they may be made by the Hon'ble Mr. Gokhale's persuasive eloquence.

"Sir, the Hon'ble Mr. Gokhale has quoted me in support of his Resolution. Four years ago as Chief Commissioner of the Central Provinces, I put a note before the Decentralization Commission. I may state that when I wrote that note, it was not intended for publication. I was stating my opinion and to some extent my prophecy as to how things might develop. The question of Advisory Councils of all kinds was in the air, and the District Councils to which I referred in that note were not the District Councils of Mr. Gokhale's scheme, but those District Boards that we have already established and of which the foundations have been laid. These were to be the sources from which eventually, if ever, Advisory Councils were to spring, but I contemplated rather that these Boards should themselves become not the Advisory Councils which Mr. Gokhale contemplates, but the agency for doing things themselves and not for advising the Collector how they should be done. And that is what I still think will be the future development, not by giving a number of advisers—very often irresponsible—to executive officers like the Collector, but as time goes on for the Collector to divest himself of various functions and hand them over to responsible bodies like the Municipalities and District Councils. That is the line on which as far as my humble opinion goes affairs will develop.

"Well, Sir, as the Hon'ble Mover himself has said, he only wishes this Council to be advisory to begin with. This Council of nine men when we come to look to Mr. Gokhale's proposals we find that so far from being advisory to begin with, they are very largely Administrative Councils, and that is the view which has been taken by many Hon'ble Members of this Council—they want not Advisory but Administrative or Executive Councils. Well, Sir, I have said enough to show that Collectors and executive officers will not be rendered more efficient by a Council of this kind; but that if local matters are to be referred to any body, it must be local bodies and that the hope lies in them; but in case this Council desire to pass this Resolution in agreement with the Hon'ble Mr. Gokhale, I should like it to feel not only what this Collector's Council might be to begin with, but what it might become to end with. I fear myself that the nine Councillors intended by the Hon'ble Mr. Gokhale as nine muses to inspire the Collector would end by becoming nine millstones round his neck. If that should come to pass, we might as well do away with the unfortunate Collector altogether. Now, Sir, the Hon'ble Mr. Gokhale has not repeated what he has said in his evidence before the Decentralization Commission, and it may perhaps interest you to know before you agree to his Council of nine. Under his scheme you would already have succeeded in abolishing the post of Commissioner, and there would be no one left between the Local Government and the Collector.

"If I have been able to convince Hon'ble Members here that the Collector would also go, I should very much like to know what the opinion of the Council will be. I hardly suppose that the Hon'ble Mover himself contemplates this result absolutely with equanimity. I do not think that the Council will do so either, and I am perfectly sure that any such idea as the elimination of the Collector or the emasculation of his power would be viewed with the utmost consternation and concern by the masses of the people, to whom the impartiality of the Collector,

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and I may add, his independence, is the very sheet anchor of their trust in British administration. As far as Government is concerned, I can only say that if this proposal, as devised by the Hon'ble Mr. Gokhale, were carried out and carried to its logical conclusions, it would undermine the executive power of the Government, and it is quite impossible therefore that the Government of this country can contemplate for a moment its executive powers being undermined."

**The Hon'ble Mr. Madge :** "Sir, I wish to speak very briefly on the initial stage of the proposal for Advisory Councils. It seems to me to be an attempt to extend into the executive administration a process that is on its trial in the courts of justice. I am not so sure that the system of assessors who merely give their opinion has proved an entire success,—I have heard some very experienced officers declare against it as one of the farces of judicial administration; but, even if it had been a success in judicial trials, that would have proved no ground for extending the same system to the executive administration. After all that has already fallen from the Hon'ble the Home Member I have very little to say about the elective system and about the analogies drawn from foreign countries, but I think that I should emphasise the fact that analogies drawn from foreign countries are inapplicable to India for reasons which it is astonishing to find have been entirely overlooked in the discussion to-day. The district officer in this country stands as an umpire between a number of divided interests such as do not exist in any other country in Europe, where you have homogeneous populations and self-government naturally developed under no such difficult circumstances as those existing here.

"It is because there are divided interests that have not been reconciled that the district officer is an umpire who is thoroughly trusted on all sides. Those who have any special knowledge of the mufassil know that he is sometimes a single European standing between hostile parties.

"Then, Sir, it is said that Government is pledged to the elective system. The Hon'ble the Home Member has pointed out the true line of development for local self-government and most thoughtful minds will agree with him that that is the only safe line to be taken. Whether the elective system is the wisest way of securing representation is fairly open to question. I have heard a popular Chairman of the Calcutta Corporation, which may be said to represent election in its most advanced state, say, when a commissioner was boasting of being a representative of rate-payers—that some "representatives" were simply representatives of garriwalas, because it was found that in the course of one election a man was actually returned by not more than a carriage stand. Generally, the rate-payers do not take any interest in what is going on. I do not say, Sir, that we have not able men either in the Corporation or elsewhere, but I believe that first class men have been brought by accident or by Providence to the front, in the mufassil as well as in Calcutta. So far as the elective system goes, in my humble opinion, it is one of the most defective means of helping the Government in the country. What should be substituted in its place I cannot say. I do feel very strongly that in the mufassil as in Calcutta the elective machinery ought to be very quietly watched before we extend this system of election which it has been shown to be in some cases a perfect sham.

"Then, Sir, our attention has already been called to the first-hand knowledge of the district officer. He possesses an intimate knowledge of every part of his district. I very much fear that the system of scientific rule has developed among the educated classes of this country a new class of foreigners who are really cut off from the masses. I confess that I firmly believe in the principle that it is the interests of the ignorant and the helpless masses that have to be considered first of all; and so far as the district is concerned, I do not know that any man is better acquainted with the poor in the remote villages than the district officer. There are many Indian gentlemen who live at head-quarters stations but have probably never visited the interior, and even where they have gone they are not invested with the authority of the district officer who has unequalled opportunity of acquiring first-hand knowledge.

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In speaking last year about the danger of separating the judicial from the executive, I tried to show in my humble way what valuable knowledge the district officer acquired within the first 10 or 12 years of his experience in his joint capacity of executive and judicial officer by knocking about and coming to know the least known places as they are never known and never seen by persons at a distance. I think, Sir, that I have said enough to show that there is a great deal of danger in the new experiment and no sufficient grounds have been shown why it should be carried out."

**The Hon'ble Mr. Mazarul Haque:** " Sir, I do not want to detain the Council after four o'clock, which is the statutory limit of our sitting. But, I should be failing in my duty if I did not say a few words in support of the Resolution of the Hon'ble Mr. Gokhale. I have carefully followed the treatment, rather exhaustive treatment, of this Resolution by the Hon'ble the Home Member, but I must say that I remain thoroughly unconvinced. Sir, if this Resolution be accepted by the Government (which, of course, we all know will not be accepted, as perhaps hardly any Resolution has any chance of being accepted in this Council so long as it is constituted on present lines) it would be of great help to District administrations. It would greatly help the district officials,—many of whom are very well-meaning people, excellent men for whom I have great admiration and great respect and with some of whom I am proud to say that I am on intimate terms of friendship. These gentlemen, when they come to a district, are absolutely ignorant of its conditions and sometimes fall (I do not say always) into the hands of people who are not quite desirable advisers. I shall give an instance which can be borne out by some members of the Civil Service who were then at Chapra to show that if the district officer who was new to the district had really good and reliable advisers, he would not have fallen into the serious error that he did. At that time, I think it was about 7 or 8 years ago, plague was raging fearfully in the town of Chapra. The Civil Surgeon was dead against allowing the people who had died of plague to be buried in the town. On sanitary grounds he was perhaps absolutely correct. As this matter principally concerned the Muhammedans, the District Magistrate asked two of the Muhammedan gentlemen of the town to take the opinion of the Muhammedan gentry and give their advice. Well, these two gentlemen, knowing the views of the Civil Surgeon, gave their opinion that all the burial grounds of the town should be closed at once, and the Muhammedans should bury their dead on the sandbanks of the river Gogra. An order was passed accordingly. Immediately there was a commotion in the town, and the situation was becoming very, very serious indeed. Well, Sir, in those days I was in the bad books of the district authorities, inasmuch as in a plague riot case I had appeared professionally as Counsel for the accused who were alleged to have burnt plague huts, thrashed doctors, and done all sorts of mischief. I had cross-examined the learned District Magistrate rather severely and won my case on the strength of that cross-examination. Well, I was not consulted, but fortunately there was a Joint Magistrate who had been in the district for some time and was a friend of mine. He asked me to go over and see him. I went and he took me to the District Magistrate (I am glad to say that we became very good friends afterwards). I gave him the advice that the order should be at once withdrawn, otherwise there would be grave rioting and serious trouble. Sir, I have given this instance to show that if the Collector had an Advisory Council of the nature proposed by the Hon'ble Mr. Gokhale, there would have been no trouble at all. He would have had independent advisers who would have said to him ' Look here, this is a very serious matter, and you should not act in the manner you are acting'. Unfortunately the two Muhammedan gentlemen wanted to please the Civil Surgeon, and did what they did. My firm conviction is that this Advisory Council will be of immense good to those well-meaning officials who are newly posted to a district, are ignorant of its conditions and therefore are liable to commit mistakes.

" It will also do good, Sir, to another class of officials who are called the strong men of the service. I must say I have never had much admiration for these strong men. They go to an absolutely peaceful district, and by their behaviour

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disturb the whole administration. The Advisory Council will control these strong men of the service, and they will not act in the irresponsible manner that they do at present.

"Again, Sir, I strongly support this Resolution, because I have always been of opinion that there is no salvation for my mother-country unless officials and non-officials co-operate with one another. This aloofness which we see now is bad for the Government. It is bad for the people. There should be hearty and sincere co-operation between the officials and non-officials and between the different classes and communities of India. The creation of these Advisory Councils will be a step forward in that co-operation for which I have all along been pleading. Sir, with these few remarks, and I may say that my friend the Hon'ble Mr. Sinha, the other representative from Bihar, also joins me in them, I support the Resolution of my friend the Hon'ble Mr. Gokhale."

**The Hon'ble Mr. Gokhale :** "Sir, I must say a few words now by way of reply to the speeches which have been made in the course of this debate. I will begin with my friend, the Hon'ble Sir Gungadhar Chitnavis, who, however, I hope will forgive me for not dealing at any length with his remarks, because I have only a few minutes at my disposal which I must devote to the Hon'ble the Home Member; and, secondly, with all respect to him, I must say that there was not much in his speech which needs a reply. Sir, it is somewhat inconvenient that members of this Council should make up their mind to oppose a motion and come to the Council with ready written speeches before hearing what the person who brings forward the motion has got to say. Necessarily, when this course is adopted, much of the opposition loses its force, and as my friend, Sir Gungadhar Rao, did not think it necessary to show me the courtesy to listen to what I had to say before making up his mind, that is an additional reason which absolves me from taking any lengthy notice of his remarks. I will just take note of two things that he said: first, that reforms have only recently been granted, and that we should not ask for more now. My friend really seems more anxious to maintain the conservative and non-progressive character of our administration than the authors of recent reforms themselves, because it is well known that those who initiated the recent measures of reform, also had in mind associating the people with the administration down to the bottom; in what form this was to be done, they left to the Decentralization Commission to recommend. If my friend will only look at the terms of the reference that was made to the Decentralization Commission, he will find that the Secretary of State did ask the Commission to recommend what measures could be adopted, whereby the people of this country should be brought into closer touch with the administration throughout. My friend thinks that perhaps the utmost that might be tried, is to have Divisional Councils in a few selected Divisions. Even here he has modified his position as compared with what it was before the Decentralization Commission, because his proposal about Divisional Councils had no such qualifications then, as he has today sought to add. My friend does not see why there should be District Councils. Sir, a district is the unit of administration in this country and not a Division. A Divisional Council will only be a smaller edition of the Provincial Council and will not meet any of the requirements I have mentioned. We want a Council to be associated with the officer, who is primarily responsible for the affairs of a district. My friend expressed a fear of some members proving obstructive. Now in bodies that are purely advisory, no great harm can be done even if anybody is obstructive. The utmost that may happen is that the time of the Board will be to some extent wasted; but we might, I think, well depend upon the common-sense of the other members to see to it that that sort of things does not last for long. There might occasionally be a little obstruction; if you will only assume average reasonableness on the part of the men, elected or selected, this fear of obstruction need not trouble us. I will now turn to the speech of the Hon'ble the Home Member. Sir, the Hon'ble Member spoke, no doubt, as he has himself told us, with great vigour, but whether he spoke with convincing vigour I must leave to the Council to decide. Personally, Sir, I am not at all convinced by what he said. On the contrary, I must say I am puzzled, I am

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surprised—indeed, if I may use the word which he himself used—I am astounded at the line he has adopted in the course of his reply. The Hon'ble Member began by promising to smash, to shatter, the pretty, pleasant picture which he said I had drawn up for the amusement of the Council. The Hon'ble Member has certainly smashed many pictures, but they were not of my drawing; they were fancy pictures of his own. Sir, I feel bound to say—I think I am entitled to make the complaint—that from one in the Hon'ble Member's responsible position we expect more care to be taken as regards the accuracy of the statements which he attributes to others. He attributed to the supporters of this motion all manner of statements which none of us had ever made. I, for one, never made any of the statements that he attributed to me, so far as I can recollect. He said we spoke in terms of the utmost contempt of District Boards and Municipalities. Now I assert that I did not say a single word about these bodies that could be construed into any kind of contempt."

**The Hon'ble Sir Reginald Craddock :** "I beg the Hon'ble Member's pardon. I never said a word about contempt. What I said was that the way they omitted any references and put them aside as being unworthy of consideration almost amount to contempt."

**The Hon'ble Mr. Gokhale :** "Well, Sir, that is because the Hon'ble Member has not really cared to understand our proposal. The Municipalities exist for certain specific purposes; the District Boards too exist for certain similar specific purposes. We propose to bring into existence another body for certain other purposes. It is true that I referred very briefly only to Municipalities and District Boards. But that was because we have all to speak within certain time limits here—and, as a matter of fact, I was speaking against time when I came to that part of my speech—and so, though I had intended saying more on the subject, I could not do so for want of time. But surely because we did not speak at great length about Municipalities and District Boards, the Hon'ble Member is not justified in calling our attitude an attitude of contempt or one bordering on contempt. Then, Sir, the Hon'ble Member spoke of our saying that there were no educated advisors available to the Collector; but who ever said such a thing? We all know that there are Deputy Collectors and others under the Collector. They are all men now of good education. And none of us said that educated men were not available for consultation. What I said at the beginning, what I said in the middle, what I said at the end of my speech was that what we wanted was non-official association with the Collector. There are plenty of officials to advise him, and he depends daily upon their reports; that, in fact, is our complaint, namely, that the whole administration is bureaucratic in character, based upon reports received from below and carried on under orders received from above. Now we want things to be less like a machine working automatically, and more like an institution which concerns itself with human beings, who have to be interested in the work that is done. I frankly stated in my speech that one of the objects that I had in view in bringing forward this question was to give some sort of interest to the people of the district in the administration of the district, so that, as one result, unfair and irresponsible criticism might become less and less. Sir, the Hon'ble Member, in referring to a quotation which I had made from Woodrow Wilson, said that I had abruptly stopped quoting, probably because what followed was inconvenient to me. Well, Sir, the Hon'ble Member might have adopted a little more charitable attitude towards me. He saw that I was speaking against time, and he might have assumed that I stopped where I did, because what followed did not concern my argument. However as the Hon'ble Member has thrown doubt on what I did, I will, for the edification of the Hon'ble Member, read the portion which I did not then read. I will read that portion, and will then, if he likes, pass the book on to him, so that he may verify the quotation. The portion is as follows:—

'More important than its administrative functions are the judicial functions with which it has been recently invested. Since 1883, the District Committee has been the administrative Court of the District. When acting in this capacity, the Committee is presided over by its judicial member, and the President of the administration does not sit with it.'

"This is all that I had left out, because, as the Council will see, it does not concern the President of the administration, whose position we were considering.

"Now, Sir, I will deal with some of the arguments brought forward by the Hon'ble Member in the course of his speech. Here again it is largely a question of the standpoint from which we approach this question. The Hon'ble Member gave us an idea as to how he approaches this question when he said: 'Well, if I were a Collector, I would go out in the district among the people and I would ask those people what they wanted personally. Why should I have anybody between me and the people?' As though the men who will 'come' between him and the people do not belong to the district and have no interest in its administration! This is exactly the attitude of mind, Sir, which must be given up, if district administration is to be improved. You must create in the minds of all classes in the district some sort of interest in, some sense of responsibility for, your administration. It would not do for a man to say, 'I administer this district; it is for me to give orders; the people exist only to obey!' The higher purpose of British rule, as we understand it, is to associate us slowly but steadily with the administration of the country, so that in course of time the administration should really become ours. Sir, the Hon'ble Member referred, towards the close of his speech, to a proposal which I had made before the Decentralization Commission but to which I made no reference today, viz., the abolition of Commissionerships. I did not refer to this—again I must say—because there was no time to do so; I was speaking against time. My view, however, is the same as it was, when I placed it before the Decentralization Commission, and it is this:—You must free the Collector largely from the present excessive secretariat control. After all, he is a member of the same Civil Service from which also the secretariat officials are drawn. In many cases—I have heard this complaint from Collectors again and again—he is a fairly senior officer of that service, whereas some Under Secretary, who is generally a junior man, very often passes orders in the name of the Government on the reports that go from him, frequently after keeping them a good long time in the pigeon-holes of the Secretariat. Now what is the value of this kind of thing? Free the man from this; he belongs to the same service so Government Secretaries. He is qualified just as well as Secretariat officials to deal with these matters,—perhaps better. He is, moreover, on the spot and knows more about the business. Only do not make him an absolute ruler. Free him largely from Secretariat control, but substitute for such control a certain amount of non-official association; and for this associate with him some of the best men in the district, whose advice he should be bound to take so that, in any case, due deliberation may be ensured, and there may be no hasty action. If the Collector cannot spare one day in the month for this purpose, well, I really must say that the ideas that some gentlemen have on the subject of the administration of this country are extraordinary. If you like—it is only a question of funds—give him another assistant so that he may be further freed from his ordinary routine work. But it is a matter of the utmost importance to the people that they should be associated in some manner with the administration of the district, and enabled to feel that it is their own administration. Then the people will criticise the administration less and less; a greater sense of responsibility will come to them; and both parties to this transaction will, in the end, profit by it. If you free the Collector from a large part of the present Secretariat control, I certainly do not think that any harm will be done. If you do this, you will not require the intermediate agency of the Commissioner. Many distinguished men have taken the view that Commissioners are really superfluous. Even the Hon'ble Sir Reginald Craddock refers to that view in his minute. He says he does not want the Commissioners to be mere 'post offices,' or 'a fifth wheel to the coach'. Both these expressions we have heard again and again, and they have come from men who have held responsible positions in the administration of the country. If you have a strong central Government laying down policies, issuing general instructions, having Inspectors-General to go about and inspect district administration from time to time, and supplying expert advice to the district officers when necessary, then district officers, with the assistance of Advisory Councils, might very well carry on the administration of their districts.



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[Mr. Gokhale.]

Sir, it is easy for members of the Government to describe the suggestions coming from us non-officials as not practicable. It all really depends on whether you are in a position to try them or not. The Hon'ble Member is in a position to try any experiment which he takes it into his head to try, while we are not in that position. Therefore, I suppose, his ideas are always practicable, whereas ours may be brushed aside as impracticable! Sir, I certainly hold that Commissionerships are unnecessary and should be abolished. But from that—from the proposal for the abolition of Commissioners to the abolition of Collectorships—well, I do not see that there is any transition whatsoever. The Hon'ble Member says, if Mr. Gokhale proposes the abolition of Commissionerships, he may also propose the abolition of Collectorships; and if that is done, what is to happen? He might as well ask, if Government ceases to exist, what is to happen! It would never enter the head of any sane person to propose that Collectorships should be abolished. If you argue in that way then I really must say that that is not a fair way of dealing with a proposal like this. I regret I have no time to deal with all the specific objections that he has urged against the outlines of my scheme. But I will deal with as many as I can. The first I would take is about the imposition of punitive police. He said that he was astounded that I should suggest that the Collector should discuss this with men sitting with him round a board. By the way, I may state that though I have suggested nine as the maximum number of members of the Council, it need not be necessarily nine and no other. If nine will not do, increase it to any other that is reasonable. That will be my answer to the Hon'ble Mr. Shafi, whose support I am very glad to have in this matter. All I want is that the Council should be a small body, and that it should discuss things as we do at a municipal managing committee or standing committee meeting—in a more or less conversational manner and not by means of speeches. Now, Sir, if you want to impose punitive police on an area or a section of the people, you depend at present upon official reports only. But that is exactly our grievance. For you sometimes throw the whole burden on a wrong class; sometimes it is distributed among classes some of whom have not offended. Now if you consult your Council on these questions you will first of all have to place your reports before them. If you admit them to a participation in the administration, then the subordinates' reports must be available to them, as papers are laid before Committees that work with a Chairman. If you are prepared to assume that these people will be reasonable beings, that they will not necessarily be afflicted with some extra curse, then they may be depended upon to show a reasonable regard for the requirements of the administration. It is the present secrecy of administration which, unless circumstances are exceptional, must be removed. The British Government in this country must be our Government, not a Government keeping us at arm's length, but really associating us in a responsible manner with the administration, so that we may feel that it is our Government. At present you act on reports from the police. We all know what that means. Everybody's reputation is in the hands of the police. Many of us have suffered from that. I speak in this matter from personal experience.

“If you are going to punish a whole class of men—that is what you do by means of punitive police—you can surely explain the reasons to ten or twelve men. If you cannot carry these men with you, rest assured that there is something wrong with your policy. Then, Sir, the Hon'ble Member objects that my proposal about liquor shops really amounts to asking for local option. Well, Sir, I am a very keen advocate of local option. I have advocated it in the past and will continue to advocate it till it is granted. But my present proposal does not amount to local option, for the Council is only advisory, and if the Collector does not carry it with him, the matter can go as at present to the Government. The function is merely an advisory function, and if he carries the Council with him, a great deal of bother is saved. Again, as regards the suspension of local bodies, the Hon'ble Member is afraid that the members will become unpopular, if they vote for suspension. He is strangely anxious that these Councils, which he is doing all he can to prevent from coming into existence, should not become unpopular! Well, even if they are not willing to face unpopularity at once in regard to

a Municipality which requires to be suspended, after a time at any rate the fibre of these men will be strengthened and they will discharge their responsibilities as other Indian officials do at present. Then the Hon'ble Member says that the framing of rules may be an urgent matter. If so, you may have an extraordinary meeting of the Council; ordinarily, however, the framing of rules is a matter for deliberation. If you are not going to associate non-officials with you in a matter of this kind, I do not know in what else you will associate them with you. The Hon'ble Member fears that the Councils might become a hot bed of intrigue. In what way can a mere advisory body become a hot bed of intrigue? He says two or three men might get an ascendancy over a Collector. But such things happen now, and under my scheme, the evil will tend to grow less and not more. A strong Collector generally takes care of himself, and the chances of two or three unscrupulous men getting an ascendancy over a weak Collector's mind are far greater when you have no Advisory Council than when you have such a Council. Again what about providing for the responsible ventilation of grievances in a district? Is there no value to be attached to this? I can only express my view that if you provide some outlet for such ventilation, a great deal of bitterness which arises at present will be prevented. The Hon'ble Member must surely have experience of such matters. Wrong things are sometimes done even without the knowledge of the Collector, by some police officer or some one else. At present the grievance has simply to take its course. As my friend Pandit Madan Mohan Malaviya has pointed out, questions are asked about it in the Provincial Council drawing the attention of the whole Province to it. When the complaint does not belong to the Collector's own Department, the matter has to be referred to one or another of the numerous central departments with which the country has been flooded in recent years. Well, these departments have their own procrastinating methods of doing work. If there is more government on the spot and if these matters are brought to the notice of the Collector, will not much harm be prevented? It is a point of the greatest importance that this kind of harm should be prevented—I do not mean by going to the Collector privately and putting things before him in an individual capacity, for there is no sense of responsibility in that. Sir, the Hon'ble Member asks, what will be the end if you begin like this? I will tell him what the end will be. The end will be better and better administration! The end will be that the people will feel that the administration is theirs. The end will be that the gulf that at present yawns between officials and the public will be steadily bridged: good administration in the interests of the people, the people feeling a responsibility for it and an interest in it, and things moving generally much more smoothly than they do at present—this will be the end if my proposal is accepted!

"Sir, I am sorry that I have trespassed on the attention of the Council longer than I should have. I must leave the other points now alone, and I must ask that this resolution be put to the vote."

The Council divided:—

*Ayes—14.*

The Hon'ble Pandit Madan Mohan Malaviya, the Hon'ble Raja of Diglhapatia, the Hon'ble Mr. S. Sinha, the Hon'ble Mr. Haque, the Hon'ble Raja of Kurupam, the Hon'ble Mr. Gokhale, the Hon'ble Mr. Mudholkar, the Hon'ble Mr. Dadabhoy, the Hon'ble Mr. Shafi, the Hon'ble Khan Zulfikar Ali Khan, the Hon'ble Malik Umar Hyat Khan, the Hon'ble Mr. Jinnah, the Hon'ble Mr. Bhurgri, and the Hon'ble Sir V. D. Thackersey.

*Noes—32.*

The Hon'ble Sir Robert Carlyle, the Hon'ble Sir Harcourt Butler, the Hon'ble Mr. Syed Ali Imam, the Hon'ble Sir Reginald Craddock, the Hon'ble Major-General Sir M. H. S. Grover, the Hon'ble Mr. Gordon, the Hon'ble Mr. Porter, the Hon'ble Mr. Enthoven, the Hon'ble Mr. Wheeler, the Hon'ble Mr. Brunyate, the Hon'ble Sir A. H. McMahon, the Hon'ble Mr. Lyon, the Hon'ble Mr. Saunders, the Hon'ble Sir James Weston, the Hon'ble Mr. Fremantle, the Hon'ble Mr. Tadhunter, the Hon'ble Surgeon-General Sir C. P.

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Lukis, the Hon'ble Mr. Sharp, the Hon'ble Mr. Carr, the Hon'ble Mr. Arthur, the Hon'ble Mr. Madge, the Hon'ble Mr. Armstrong, the Hon'ble Sir G. M. Chitnavis, the Hon'ble Mr. Phillips, the Hon'ble Mr. Meredith, the Hon'ble Mr. Gates, the Hon'ble Mr. Slacke, the Hon'ble Sir Charles Stewart-Wilson, the Hon'ble Mr. Dempster, the Hon'ble Sir T. R. Wynne, the Hon'ble Mr. Kenrick, and the Hon'ble Mr. Kesteven.

So the Resolution was rejected.

The Council adjourned to Wednesday, the 28th February 1912.

W. H. VINCENT,

*Secretary to the Government of India,  
Legislative Department.*

CALCUTTA ;

*The 8th March 1912.*