

*Tuesday,
25th February, 1913*

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. LI

April 1912 - March 1913

ABSTRACT OF PROCEEDING

OF

THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA

ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS,

April 1912 - March 1913

VOL. LI



Published by Authority of the Governor General.



CALCUTTA :

OFFICE OF THE SUPERINTENDENT OF GOVERNMENT PRINTING, INDIA.

1913



GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA
ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS
UNDER THE PROVISIONS OF THE INDIAN COUNCILS ACTS, 1861
to 1909 (21 & 25 Vict., c. 67, 55 & 58 Vict., c. 14, AND 9 Edw. VII, c. 4).

The Council met at the Council Chamber, Imperial Secretariat, Delhi, on
Tuesday, the 25th February, 1918.

PRESENT :

The Hon'ble SIR GUY FLEETWOOD WILSON, G.C.I.E., K.C.B., K.C.M.G., Vice-
President, *presiding*,
and 58 Members, of whom 51 were Additional Members.

OATH OF OFFICE.

The President: "Members who have to take the oath will please
come up to the table in the order named by the Secretary."

The following Additional Members made the prescribed oath or affirma-
tion of allegiance to the Crown:—

The Hon'ble Mr. Gopal Krishna Gokhale, C.I.E.
„ Babu Surendra Nath Banerjee.
„ Mr. J. C. Arbuthnott, C.I.E.
„ Major J. C. Robertson, I.M.S.
„ Raja Kushalpal Singh, M.A., LL.B., of Kotla.

QUESTIONS AND ANSWERS.

The Hon'ble Rao Bahadur V. R. Pandit asked:—

"With reference to the statement made by the Hon'ble Sir Harcourt Butler
on the 8th March, 1912, during the discussion on the Hon'ble Mr. Mudholkar's
Resolution relating to the Department of Archaeology, to the effect that the
Government of India were about to forward to the Secretary of State proposals

[*Rao Bahadur V. R. Pandit; Sir Harcourt Butler; Sir Gangadhar Chitnavis; Mr. Gillan; Maharaja Manindra Chandra Nandi; Sir Reginald Craddock; Mr. Fuzulbhoy Currimbhoy Ebrahim.*] [25TH FEBRUARY, 1913.]

for the creation of an Oriental Research Institute, will the Government be pleased to state—

- (a) whether any, and if so what, progress has been made with the scheme for the creation and establishment of such an Institute?
 (b) and whether it is a fact that such an Institute located in some central locality in India will meet a long-felt want in this country?"

The Hon'ble Sir Harcourt Butler replied :—

"The Hon'ble Member is referred to paragraph 58 of the Government of India (Education) Resolution No. 301 C. D., dated the 21st February 1913."

The Hon'ble Sir Gangadhar Chitnavis asked :—

"Will the Government of India be pleased to state whether they propose to publish the official correspondence which passed between the Government of India and the Secretary of State relating to the suspension of sales of certified opium and reduction of uncertified opium?"

The Hon'ble Mr. Gillan replied :—

"The Government do not propose to publish the correspondence referred to, which is of a confidential nature."

The Hon'ble Sir Gangadhar Chitnavis asked :—

"Is Government aware that Indian trade is greatly hampered on account of the present opium policy, and that a large amount of Indian money has been locked up in opium warehouses in Chinese ports?"

"Will Government be pleased to state if it will relieve the strain on the money market by lending money in Banks or their surplus funds to Bankers on Indian Government securities?"

The Hon'ble Mr. Gillan replied :—

"The answer to my Hon'ble friend is in the negative."

The Hon'ble Maharaja Manindra Chandra Nandi asked :—

"Will the Government be pleased to state what scheme, if any, is in contemplation to give some right of representation to the Indian population of the Province of Delhi in the Legislative Council of the Governor General?"

The Hon'ble Sir Reginald Craddock replied :—

"In the Imperial Legislative Council, as at present constituted, having regard to the maximum membership permissible and the claims of the other parts of the country, it is impossible to allot any seat to an electorate to be created at Delhi. While the Council sits at Delhi, the Chief Commissioner of Delhi is an *ex-officio* member, and he is in a position to advise upon any questions of particular interest to his charge."

The Hon'ble Mr. Fuzulbhoy Currimbhoy Ebrahim asked :—

"Will Government be pleased to say whether they propose to publish the correspondence, if any, that has taken place between the Government of India and His Majesty's Secretary of State for India on the subject of the Moslem University?"

"Has any despatch been received from the Secretary of State on the subject of the Moslem University subsequently to the letter addressed by the Hon'ble Member for Education to the President of the Moslem University Constitution Committee in August, 1912?"

[25TH FEBRUARY, 1913.]

[*Sir Harcourt Butler; Mr. Fuzulbhoy Currimbhoy Ebrahim; Sir Reginald Craddock.*]

The Hon'ble Sir Harcourt Butler replied:—

“The Government of India do not propose to publish the correspondence alluded to and are unable to make any statement on the matter which is still under discussion.”

The Hon'ble Mr. Fuzulbhoy Currimbhoy Ebrahim asked:—

“Will Government be pleased to state—

- (a) the total expenditure from State revenues,
- (b) the total number of students, and
- (c) the number of Moslem students,

with reference to—

- (a) Government Arts Colleges,
- (b) Non-Moslem Grant-in-aid Arts Colleges, and
- (c) Each of the Moslem Grant-in-aid Arts Colleges?”

The Hon'ble Sir Harcourt Butler replied:—

“The information as regards Government Arts Colleges is:—

- (a) Rs. 11,64,967; (b) 6,178; (c) 2,803. These figures are for the year 1910-11.

“Reliable information cannot be given regarding non-Moslem and Moslem grant-in-aid colleges, the great majority of such colleges being undenominational and open to Hindus, Muhammadans and Members of other communities alike. It was however reported in 1909 that the Muhammadan Anglo-Oriental College, Aligarh, would be in receipt of grants aggregating Rs. 26,400 a year when the Professor of Arabic reached his maximum salary. This was exclusive of a further fixed recurring grant of Rs. 8,760 for the collegiate school, and of capital grants. Grants have likewise been made for an Islamia College at Peshawar. Local Governments will shortly be addressed on the subject of Muhammadan education.”

THE INDIAN EXTRADITION (AMENDMENT) BILL.

The Hon'ble Sir Reginald Craddock moved, that the Report of the Select Committee on the Bill to amend the Indian Extradition Act, 1903, be taken into consideration. He said:—

“Hon'ble Members will have seen that the Select Committee have proposed a few small additions to the amendment of the law which the Bill was intended to effect, and I will presently explain those proposed additions to the Council; but before doing so, as many members of the Council were not at Simla when the Bill was introduced, I should like to say a few words about the genesis of this Bill. The Bill, as it was introduced, was merely intended to remove a doubt as to the legality of the proceedings of a Presidency Magistrate acting under section 7 of the Act. The Presidency Magistrate had not been specifically mentioned in this section, but it was believed that, since a Presidency-town is a district under section 7, sub-section 4, of the Criminal Procedure Code, the term ‘the District Magistrate of a District,’ used in this Act, would include the Presidency Magistrate. Recently, however, a case arose in Madras in which the Advocate General of that Presidency expressed his opinion that the point was open to some doubt, and although Presidency Magistrates have all these years acted on the belief that they had jurisdiction under section 7 of the Act, it was considered advisable to remove, by specific amendment, any doubts on the subject that may exist, or might hereafter arise. The amendment was thus a purely formal one. It was not intended to introduce any new practice, but merely to legalise the practice already followed. It was therefore no small surprise to the Government of India to find that this harmless little amendment was apparently exciting opposition in Bombay.

[*Sir Reginald Craddock.*] [25TH FEBRUARY, 1918.]

“The Government are quite unable to admit that there is the slightest ground for any apprehension as to the working of this section as amended. During the triennium 1909-11 there were over 3,000 warrants issued by Political Agents and executed by Magistrates in British India. Twenty-one of these warrants were executed by the Presidency Magistrate of Bombay, and since the Act came into force, no less than 144 warrants of this kind have been executed in Presidency-towns. No case of hardship or of improper use of such warrants has ever come to light. All the Local Governments, the Agents to the Governor General and Residents are unanimous on this point.

“The fact that a Presidency Magistrate in Bombay has exercised these powers from time to time without apparently the good citizens of Bombay being actually aware of the fact seems to us to dispel completely all fear of the terrible consequences which the Bombay people seem to imagine would follow the passing of this little amendment. Sir, we are accustomed, when new legislation is under contemplation, to hear all sorts of dire prophesies as to what will ensue ; and it is difficult and perhaps impossible to disprove alleged hardships, or rather anticipated hardships that will occur under any law before the law has come into force ; but general experience is that, if difficulties arise in carrying out an Act, those difficulties refer generally not to matters which were foreseen, but to matters which were not foreseen. In this case, however, we have nine years' evidence before us to show that these consequences have not occurred and do not occur, and the presumption therefore that they will not occur in future is a very strong one.

“I will turn now to the amendments specifically recommended by the Select Committee which have been accepted by the Government. They are not designed to introduce anything new into the Act. They merely include specifically in the law a procedure which could at any time have been followed by the Magistrates under the Act as it stands. Under the existing section 15 the Government of India or the Local Governments have the power to stay proceedings and to cancel any warrant issued by a Political Agent. It has therefore always been open to a Magistrate who executes a Political Agent's warrant to refer any case that presents special features to the Local Government if he considered that this course was advisable. Clearly a Magistrate who sent up a case under that section would only do so either if there was something on the face of the warrant which indicated a mistake or irregularity, or if when the accused person was brought before him, before being made over to the authority issuing the warrant, he made some representation which led the Magistrate to think that the case was of an exceptional nature, and that it should be brought to the notice of the Local Government. Every accused person who was arrested in this way would, in the ordinary course, have been brought before the Magistrate before he was made over, and it was always open to him, and he always had the chance, to make any statements that he pleased. The only thing about the Act was that it was certainly laconic on these points and it left this procedure to be taken for granted as the ordinary kind of precaution which a Magistrate would adopt and the ordinary method by which a case could be brought to the notice of the Local Government for action under section 15 if it thought fit ; but we have thought it advisable, as apprehensions exist, to include specifically this procedure in the Act, and I hope that it will relieve all the anxieties of our Bombay friends. Further than that the Government is not prepared to go.

“I should like to remind Hon'ble Members, however, that the procedure regulating the issue of warrants by Political Agents is governed by rules framed under section 22 of the Act. I do not propose to take up the time of the Council now in explaining those rules, but if any Hon'ble Member should still, by any chance, have any hesitation regarding the procedure that will be followed in giving effect to section 7 of the Act, I feel sure that the Hon'ble Sir Henry McMahon will be only too ready to explain to Hon'ble Members what very ample safeguards these rules contain against any arbitrary and unreasonable procedure under the Act, or any hasty issue of warrants without due precaution.

[25TH FEBRUARY, 1913.]

[*Mr. Fuzulbhoy Currimbhoy Ebrahim; Malik Umar Hayat Khan.*]

"I therefore move that the Report of the Select Committee be taken into consideration."

The Hon'ble Mr. Fuzulbhoy Currimbhoy Ebrahim:—"Sir, we owe it to the conciliatory attitude of the Hon'ble Member in charge, the Hon'ble the Law Member and the Hon'ble Foreign Secretary that the Bill now before the Council contains provisions which, though not meeting the arguments put forward by the Bombay memorialists, are demonstrative of the earnest desire of Government to minimise the chances of abuse of the large powers given to Feudatory States under the Bill. Judging from the spirit shown by Government, the hope is not extravagant that any such abuse in future will move them to undertake a more equitable amendment of the Extradition law. Government are perhaps justified in evincing a reluctance to take seriously alarmist apprehensions of injurious consequences; and when State considerations appear to counsel the extension of the application of the Extradition Act to the Presidency-towns, we should accept the change for the time being, and be thankful for the concessions made. Our acquiescence on the present occasion will give point to our future appeal to Government for a thorough overhauling of the whole law on production of any proof of injustice under the amended Act.

"Sir, the Bill has emerged from the Select Committee with improvements equitable and important enough to secure for it the support of the Council. Hon'ble Members will be pleased to note that sub-clause (2) of clause 2 and clause 3 of the Bill effect a material change in the preliminary procedure. They are intended to be safeguards. Whether their practical effect will be much is another matter; but they are inserted in the Bill by way of compromise. Government is obviously convinced of the necessity of checks, and that is a point gained. I wish more comprehensive changes could have been made in Select Committee, but in the peculiar situation I have had to be content with what I could get.

"I have further been assured in Select Committee that Government will, by rule, expunge the words 'or otherwise' in rule 4 of the rules framed under the Extradition Act of 1903, and make it obligatory upon the Political Agent to satisfy himself that there is a *prima facie* case after a regular judicial inquiry, although it would certainly have been better if provision to that effect had been made in the Bill itself. This is a substantial concession to public opinion for which we are indebted to the Hon'ble Member in charge, the Hon'ble Law Member and the Hon'ble Foreign Secretary.

"But, Sir, after all the safeguards inserted in Select Committee will, in my humble opinion, provide but little protection. In the first place, accused persons, as a rule, hesitate to make statements at the initial stages of proceedings, and that for the best and soundest of reasons. The fact that such statements may be used in subsequent trials outside British India will only inspire greater caution. Few people will in the result avail themselves of the opportunity of submitting explanations before extradition to enable the British Magistrate to move the Local Government for their release. In the next place, it is too much to hope that the British Magistrate will be inclined to go up to Government on behalf of an accused person merely on an examination of the facts as stated by the prosecution and the statement recorded by him under clause 2, sub-clause (2) of the Bill. I have little hope clause 3 will be invoked successfully by the accused to any large extent. All the same, as pointed out above, we must watch developments and allow time to show the reality of the fears entertained by the Bombay memorialists. I accordingly support the motion that the Bill as amended be passed."

The Hon'ble Malik Umar Hayat Khan:—"Sir, with your permission, I should like to offer a few remarks on the Bill under consideration. It was introduced into the Council merely with the intention of removing doubts as to the legality of certain methods of procedure under the Extradition Act in Presidency-towns, and in fact the principle which the Bill enunciates has

[*Malik Umar Hayat Khan; Mr. Jinnah.*]

[25TH FEBRUARY, 1913.]

been followed in practice without any question in at least two Presidency-towns. It has also worked fairly and equitably throughout the rest of British India. When it was referred to Select Committee it was opposed by certain members on the ground that it might operate severely in the Presidency-town of Bombay, and although the Committee were unable to see why residents in Presidency-towns should be vested with any special privileges, yet, in deference to the wishes of the opponents of the Bill, amendments have been introduced which provide ample safeguards in the case of any accused arrested under a warrant under the Act. Personally I hesitated for some time before I signed the Report, because I was of opinion that the safeguards were not necessary, and that the amendments made in the Bill might cause delay, expense and inconvenience, but as I was willing to meet the wishes of the rest of the Committee as far as possible I finally decided that it was not necessary for me to record a minute of dissent. I desire to say, however, that in my opinion the apprehensions of the Hon'ble Member appear to be groundless, and this Council has no evidence before it to justify them in supposing that the provisions of the Bill will be improperly used, nor, as I have said before, is there any reason why residents in Presidency-towns should receive different treatment from other Indian subjects of His Majesty the King-Emperor. The inquiries made show that the law at present has not in any way proved inequitable to those affected by it, and that it has been of use in providing an expeditious procedure for the extradition of criminals. The rules framed by the Foreign Department effectually prevent any abuse of the section, and the fact that warrants are issued by Political Agents is in itself a guarantee that they will only be issued after careful investigation into the facts. It is not correct to say that Political Agents have no judicial training. They are officials who have great experience in sifting evidence and have, further, considerable knowledge of all that goes on in the Native States to which they are appointed. In these circumstances, in my opinion, they might safely be entrusted with the duty of issuing warrants and are more competent judges as to whether a case is one in which extradition should be granted than many magistrates in British India. In these circumstances, my own view was, as I have stated before, that the Bill should have been passed as introduced, but with the amendments now inserted it is certainly not open to the objection raised to it. I therefore desire to support the motion now before the Council.

"Now, Sir, supposing certain witnesses were ordered to go to Bombay which is very very far away. First, one has to go by tonga, then one has to go by train—and the expenses of sending eleven or twelve witnesses to Bombay or to some other Presidency-town are great and have to be borne by some State. It will be very inconvenient for the man who is there, because he will be in the lock-up uselessly, and also for these witnesses, supposing it was at a time when they had to sow their crops or to cut them. If at such a time they were sent to a place thousands of miles away, they would simply be ruined. And that is again one of the causes why it will be exceedingly awkward if these men are made to go to one of these Presidency-towns. So I hope that the motion of before the Council will be passed."

The Hon'ble Mr. Jinnah:—"Sir, I have listened to the speech of the Hon'ble Member in charge of this Bill with very great attention. I am sorry to say that I was not present when this Bill was introduced at Simla, and also that I was not present when the Bill was referred to Select Committee; therefore I do not know the stages through which the Bill has gone, and my position is somewhat difficult. That position is made still more difficult by the remark that fell from the Hon'ble the Home Member that the Government had agreed to certain amendments in Select Committee and that further than that they are not prepared to go, so what little hope I had when I entered this Council-hall this morning, is, if I may say so, almost shattered; but I still venture, Sir, to put my views before this Council, and I particularly appeal to the Government and the Hon'ble Member in charge of this Bill. I still hope that after what I shall presently make clear to the Council, he will please consider those points which I want very earnestly to bring to his attention. No doubt, Sir, this Bill, as it was introduced, was

[25TH FEBRUARY, 1913.]

[Mr. Jinnah.]

certainly not liked in Bombay and the people of Bombay felt that they proposed a change which certainly revolutionized the position of Presidency-towns.

“The Hon'ble Member in charge of the Bill said that when the old Bill was passed into law in 1903, it was intended to apply to the whole of British India, but by some kind of slip which we in Bombay thought to be providential, the Presidency-towns did not come under the purview of that Bill. The advantage was, this: that if a man happened to be in any Presidency-town and if any Foreign State or Native State wanted to extradite that man from any Presidency-town, then a *prima facie* case had to be made out before the Presidency Magistrate. That was an advantage which I can understand any man may, well prize before he is taken away under arrest by virtue of the warrant into a Foreign State, and before he is handed over to be tried by the judiciary of a Foreign State. And here I may point out this with very very great respect for the Native States: there are Native States and Native States; there are judiciaries and judiciaries. Therefore, Sir, it was a very great advantage to the Presidency-towns. Now it is said: ‘But it applies to the districts, and why should a British subject in a Presidency-town have better advantages than other subjects of the British Empire in districts in British India?’ Is that any argument, Sir, that because British subjects in the districts labour under certain disadvantages, therefore you must bring those disadvantages into Presidency-towns that are labouring under no such disadvantages? That is an argument that does not appeal to me. But, says the Hon'ble Malik of Tiwana, why should the people in Presidency-towns enjoy better advantages than people not in Presidency-towns. My answer would be that they can put that right in the districts, but that is no reason why you should put people in the Presidency-towns under a similar disadvantage. That is hardly an argument. The question really is this. It may be that owing to certain exigencies, owing to certain reasons, the Government may desire to introduce this measure, but it seems to me that on principle, and on principle alone, the effect of this measure will be, so far as the Presidency-towns are concerned, to withdraw the security that we have had hitherto, namely, that before a man is taken away to be tried by any foreign judiciary a *prima facie* case must be made out before a competent, fully qualified and efficient judiciary in any of the Presidency-towns. That privilege is going to be taken away from us. Therefore I regret to say that I do not feel satisfied with this measure. But as I said before I am somewhat late in entering this protest here to-day. Therefore, not being satisfied with this Bill as it stands, I would appeal to Government and the Member in charge to alter the Bill so as not to take away any possible advantage given to us before this Bill was introduced. As the Hon'ble Member pointed out, under section 15 of the Extradition Act, Government—either the Government of India or the Local Government—had the power to stay the proceedings and cancel the warrant. That section 15 did not provide the methods or the kind of inquiry which should be made before the Government took that step. Under that section 15 it seems to me that the Government had ample power to deal with this case; but as the Hon'ble the Home Member has pointed out, that power could have also been exercised by the Presidency Magistrate in this way: he could have made such inquiry himself as he may have thought proper and section 15 being quite silent on the point, he could have drawn the attention of Government to the particular case. Under that state of things, it seems to me, Sir, that the Magistrate had much greater powers than the powers given to the Magistrate to-day; because by this amended section 8 A the only power that you are giving to the Magistrate is to record a statement of the accused, if any is made by him, and nothing more: whereas, if I understand the Hon'ble the Home Member correctly, under section 15 there was an implied power, an implied authority given to the Magistrate to make such inquiries as to him seemed proper and to report to Government. It seems to me therefore, Sir, that if that is the correct interpretation of section 15—about which I personally am very doubtful—then by this amendment which is apparently made with a view to improve the position you are cutting down the discretion and the power of the Magistrate only, and cutting it down and reducing it so that he cannot do anything more than record the statement of the accused person.

[Mr. Jinnah.] [25TH FEBRUARY, 1913.]

“ Now Sir, if you are reducing the functions of the Magistrate only to one point, that is to recording the statement of the accused and doing nothing more, I ask, Sir, how is the Magistrate to be in a position to decide whether these cases are to be reported to Government or not. Will the statement of the accused give sufficient material for the Magistrate to make up his mind? Now Sir, what would happen is this. First of all the inquiry will be made in a Native State that wishes this accused person extradited. That inquiry will consist of nothing else but depositions taken down I will say by the Political Agent himself. The depositions will be *ex parte* without having gone through the test of cross-examination and I will take for example that you have half a dozen men who will go and swear on oath before the Political Agent personally and swear to this effect that A has committed a certain offence, namely, Criminal breach of trust. The Political Agent has nothing else before him except the depositions of half a dozen men on oath. The chances are hundred to one I venture to say that the Political Agent will be bound to issue a warrant, because you have the sworn testimony of half a dozen men before you, nothing to contradict it, nothing to test it. And therefore in ordinary cases the odds are a hundred to one the Political Agent will issue a warrant. That warrant now I take it for the purposes of my example goes to Bombay for execution. The accused person, I am calling him A is arrested in Bombay and placed before the Presidency Magistrate, he is arrested under warrant and placed before the Presidency Magistrate to be dealt with under section 7 of the Act. When he is placed before the Magistrate under section 8A, namely that section which is before the Council, the Magistrate will then record the statement of the accused person and that statement, Sir, I venture to say in 999 cases out of 1,000 would be that he is not guilty, that the charge is a false one. How is the Magistrate to decide whether these cases ought to be reported to Government or not? Is he to rely on the mere *ipse dixit* of the accused person and take the responsibility upon himself to report the case to the Government for inquiry? Therefore, Sir, it seems to me that you are not only restricting the powers of the Magistrate which are vested in him under the old Act but I say that you are restricting the powers of the Magistrate in such a way that it will be impossible for him to make up his mind whether a particular case should be reported to Government or not. You must give him something more than the mere *ipse dixit* of the accused person, so as to enable him as a reasonable man, as a Judicial Official, to make up his mind whether this is a case that ought to be reported to Government or not. For this reason, I am not at all satisfied. As regards the concession, namely, that the Magistrate shall record the statement of the accused person, I say ‘leave it out,’ I would rather be without it. If you wish to give a proper concession, if you really wish to have a proper safeguard then I say give the Magistrate further powers to record not only the statement of the accused person but such evidence as he may wish to produce. In that case the Magistrate will not only have the statement of the accused person which, remember, is not on oath which, remember is always discounted and remember Sir, that the accused person is so interested that his statement is always discounted. The accused person is not likely to make a statement and say ‘I am guilty.’ The accused person in each case will say that ‘the Political Agent is my enemy, that the Durbar are maliciously proceeding against me, that the charge is a false one.

“ Therefore I say give the accused person an opportunity if he likes to call such evidence as he may be advised to corroborate his statement. This will give the Magistrate some materials and also provide an opportunity for the accused to argue before the Magistrate those cases that are to be reported to Government for further enquiry. Therefore I would appeal to the Hon’ble Member and I would suggest this amendment of the clause. It would run as follows :—

‘ 8A. Notwithstanding anything contained in section 7, sub-section (2) or in section 8, when an accused person arrested in accordance with the provisions of Section 7 is produced before the District Magistrate or Chief Presidency Magistrate, as the case may be, after the statement (if any) of such accused

[25TH FEBRUARY, 1913.] [Mr. Jinnah; Mr. V. R. Pandit.]

person has been recorded, and after taking such evidence as may be tendered on behalf of the accused, such Magistrate may, if he thinks fit, before proceeding further, report the case to the Local Government and, pending the receipt of orders on such report, may detain such accused person in custody or release him on his executing a bond with sufficient sureties for his attendance when required.'

"I say that the adoption of that would not do any harm to anybody.

"That is my suggestion Sir, and I hope it will be considered and approved by the Council."

The Hon'ble Rao Bahadur V. R. Pandit:—"Sir, I desire to associate myself with every word that has fallen from my Hon'ble friend Mr. Fazulbhoy Currimbhoy Ebrahim, and to pay a warm tribute to the Hon'ble the Home Member and his official and non-official colleagues on the Select Committee for the sympathetic consideration given by them to the various objections raised in connection with this little but far-reaching measure.

"As Hon'ble Members know the introduction of this Bill was due to the necessity of placing it beyond doubt that a warrant issued by the Political Agent could under section 7 be executed in a Presidency-town against a British Indian subject or a Native State subject resident there. It caused alarm among this class of persons who having been accustomed to the protection of a highly-developed judicial system probably on account of some bitter experience of the practice hitherto followed and referred to by the Hon'ble the Home Member felt grave apprehensions that the process might be abused and they might be subjected to trial under systems in varying stages of development and by probably less independent and more biassed tribunals. The provision made in the rules framed under section 22 of the existing law whereby any gross abuse of the Political Agent's process may be prevented by his refusing to grant it unless he had previously satisfied himself that there was a *prima facie* case, was felt to be inadequate. It must be admitted that these apprehensions were not wholly unfounded.

"It will serve no useful purpose to consider at present whether the complaints frequently heard of the impatience of law and of the procedure obtaining even in the more expeditious trials of the British Courts in the districts displayed not only by Government officers in Native States having no judicial training, but even by those with long training are well-founded and whether the deficiencies are due to the prejudices imbibed in the course of an unduly prolonged connection with a State—which is unfortunately sometimes the case—or to the small regard entertained for judicial work by reason of the concentration of energies on executive and administrative work. In any case, and particularly in view of the remarks of the Hon'ble and gallant member who has just spoken, it is of great importance that before any person is surrendered, an unbiassed and efficient judicial tribunal should satisfy itself on such materials as are placed before it that a *prima facie* case exists against the accused, and it is satisfactory to find that the Select Committee have introduced such a safeguard and left to the British Courts the discretion of reporting the matter to the Local Government in the event of their not being satisfied on the point.

"I agree with the Hon'ble Mr. Ebrahim that the occasions for the exercise of the discretion allowed to the British Courts by clause 3 of the present Bill as amended will be rare, as they could only arise, for example, when the allegations of the prosecution fail to constitute an extradition offence or when the material before the Court is hopelessly inadequate to make out a *prima facie* case, or in the extremely rare case when the accused is able to adduce unimpeachable documentary evidence which without further evidence will suffice to demolish the prosecution case. Be that as it may, the insertion of the new provisions coupled with the assurance that in the Rules framed under section 22 modifications will be made to ensure that the Political Agent will apply his judicial mind to such cases, make it evident that the Government have been desirous of reducing as far as possible the risks of any possible gross abuse of the power given to the Political Agent.

[*Mr. V. R. Pandit ; Mr. Madhu Sudan Das.*] [25TH FEBRUARY, 1913.]

“The form which the Bill has now assumed shows that the safeguards now for the first time introduced apply equally to the residents in the districts and to those in the Presidency-towns, and for this even handed justice, the Government has earned the gratitude of the silent, less opulent, but no less respectable residents of the districts even more than the enterprising, rich and respectable residents of the Presidency-towns whose cause has been so ably advocated in the Council.

“With these remarks I support the motion before the Council.”

The Hon'ble Mr. Madhu Sudan Das:—“Sir, I did not intend at all to associate myself with the discussion in connection with this Bill. During the discussion it has struck me that there is an assumption that the judiciary employed in the Native States is not up to the mark. Whether that is so or not, whatever may be said with regard to individual Native States, it is too broad a proposition, too general a proposition, to assume such a state of things with regard to all Native States. It has been suggested that there is a difference with regard to the safety of an accused person when he is a resident of a district, and when he is a resident of a Presidency-town. The question before the Council, is not one of equalising advantages or disadvantages. The question is really whether an accused person, when he is residing for the time being in a Presidency-town, is placed in a more disadvantageous position when there is a charge brought against him in any Native State than is any person who is a British subject and is residing in any other part of British India. We have no materials before us to assume that a Political Agent, in every instance, must be a person who is innocent of all law. As a matter of fact, Political Agents mostly are members of the Indian Civil Service, and they are appointed to these posts very often after an experience in India covering a much longer period than is the experience of a person who takes up the position or the office of Joint Magistrate. Now, Sir, a person comes and makes a statement before a Joint Magistrate accusing a person of certain offences. Let us suppose, for instance, that the person thus charged is residing in a Presidency-town at the time. If the Joint Magistrate, on the mere statement of the complainant, is satisfied that process ought to be issued against the person, the process is issued, and if the man be a resident of a Presidency-town, he does not complain of labouring under a disadvantage. Then, Sir, why should we suppose that there is actually, as a rule, miscarriage of justice in these Native States. In doing so, perhaps we are losing sight of the fact that these Native States are to a certain extent under a kind of supervision of Government. Though it is not before this Council, or though it may not be before this Council in the form of evidence, it is well known that the judiciary of Native States are selected or appointed very often with the knowledge and oftener with the permission and consent of Government officials.

“As regards the suggestion that the Magistrate should be allowed to take such evidence as the accused may produce before him, I would submit, Sir, that an accused is as little likely to make a statement as he is likely to show an inclination to produce evidence in support of his defence. I do not think that any lawyer would advise an accused to enter into a defence before he knows what the charge against him is.

“A warrant simply goes for execution. The warrant would not mention anything further than the fact—that the man has been charged with a certain offence. The accused is not in a position to know what evidence there is before the Court to substantiate that charge, and as a matter of fact, in the ordinary state of things, there will be no evidence at that time for the prosecution before the Court. I think the accused who is advised to produce evidence for defence in that state of things would be perhaps putting a halter round his own neck.

“I should not be justified in suggesting any amendment, for I know that I should at once be told I was not in order. I first put in my appearance in this Council when this Bill was introduced for reference to the Select Committee, and considering the withering remarks that the Hon'ble Member in charge made with regard to Orissa—from where I come—my heart sank within me

[25TH FEBRUARY, 1913.] [*Mr. Madhu Sudan Das ; Sir Henry McMahon.*]

and I thought I should not be justified in taking any part in the discussion ; but certain points have been raised, and we are assured that Government is inclined to see that there will be in future no justification for the alarm which has been raised in introducing this Bill in its present form. Let us hope, at any rate, that now that Government is in a position to know that there is a certain amount of alarm, and also in a position to know in what direction that alarm is, and as the States which are mostly concerned in these matters are Native States, let us sincerely hope that measures will be taken not to give any occasion that would give the least justification for the alarm now expressed."

The Hon'ble Sir Henry McMahon :—" Sir, with regard to the various other points that have been mentioned by Hon'ble Members relating to the Bill itself, I leave to the Hon'ble the Home Member to dispose of, and I will only deal with those which treat of Political Agents, the Native States, their Judiciaries, and the rules framed in the Foreign Department under the Extradition Act.

" It has been said by the Hon'ble Mr. Pandit—and we have heard it also hinted at in correspondence and in the remarks made elsewhere on this Bill—that Political Agents have no judicial knowledge or experience. I am glad to have had the support and co-operation of my Hon'ble friend the Hon'ble Mr. Das, who says that Political Agents are of matured judicial experience, that is a correct statement of facts. Political Agents are seldom if ever officers of less than 15 years' Civil service ; they have had all the training of Civilian officers ; they have gone through the same tests, and in most cases they have had very wide judicial experience. They are in regard to these States to which they are accredited, Sessions Judges, in all matters relating to the residuary and other jurisdiction of Government in those States.

" Then, as the Hon'ble Member has said, there are States and States, Judiciaries and Judiciaries ; but he has quite forgotten the fact that Political Agents and Judiciaries are each complementary one to the other. In States where Judiciaries are strong and efficient the Political Agent as a judicial officer exercises his judicial powers very little. The weaker the Judiciary in a State the more the Political Agent has to exercise judicial powers. Each balances the other and thus maintains a constant standard in regard to matters external to the State, such as in respect to the Extradition Act.

" I now come to the rules under the Act, which I regret to say have not received the attention or the mention which they deserve from the Hon'ble Members who have been discussing this Bill. These rules, I need hardly say—under section 22 of the Act—have the force of the Act, and these rules are full of very strong safeguards. I will just allude briefly to one or two of the principal safeguards and I will begin with Article 4.

' 4. The Political Agent shall, in all cases, before issuing a warrant under section 7 of the said Act, satisfy himself, by preliminary inquiry or otherwise, that there is a *prima facie* case against the accused person.'

" Now these words *or otherwise* have been adversely criticised, and as part of this arrangement that we are now making in connection with this Bill, the words ' or otherwise ' will be omitted.

' Rule 5. (1) The Political Agent shall, before issuing a warrant under section 7 of the said Act, decide whether the warrant shall provide for the delivery of the accused persons'

- (a) to the Political Agent or to a British officer subordinate to the Political Agent with a view to his trial by the Political Agent, or
- (b) to an authority of the State with a view to his trial by the State Courts ;

" Many cases are tried under (a) by the Political Agent himself, but if he decide that the case is one to be tried by the State Courts, such decision on his part is further safeguarded by what follows :—

' (2) Before coming to a decision, the Political Agent shall take the following matters into consideration :—

- (i) the nature of the offence charged ;
- (ii) the delay and trouble involved in bringing the accused person before himself ;
- (iii) the judicial qualifications of the Courts of the State ;

[*Sir Henry McMahon; Sir Reginald Craddock.*] [25TH FEBRUARY, 1913.]

(iv) whether the accused person is a British subject or not; and if he is a British (other than European British) subject, whether the Courts of the State, either by custom or by recognition, try such British subjects surrendered to them.

That is a very important provision. Several States do not try British subjects, either by custom or recognition, and these are therefore tried by the Political Agent.

(v) whether the Courts of the State have by custom or by recognition power to inflict the punishment which may be inflicted under the Indian Penal Code for an offence similar to that with which the accused person is charged.

“There are States which have no power to inflict the sentences which may be inflicted under sections under which the extradition is asked for. There again the Political Agent must try the case.

“Then we come to another very important safeguard which has not been given the mention it deserves.

‘7. In the case of an accused person made over for trial to the Court of the State, the Political Agent shall satisfy himself that the accused receives a fair trial—I have seen no reference by Hon’ble Members to this—and that the punishment inflicted on conviction is not excessive or barbarous; and if he is not so satisfied, he shall demand the restoration of the prisoner to his custody, pending the orders of the Governor-General in Council.’

And there is yet another safeguard which comes earlier in the rules and that is that in each case the Political Agent shall consider whether he ought not to certify the case as one suitable for trial in British India.

“Thus it will be seen that the Political Agent has the option of trying each case himself, or allowing it to be tried by the State’s Judiciary under those safeguards I have mentioned, or of certifying it as one to be tried in British India.

“I think you will all admit that these are very strong safeguards, and at the risk of repetition, I reiterate the fact that although this Act has been in force for just under ten years, we have not had, and there is not on our records, one single case of complaint of any abuse under this Act.

“The Hon’ble Mr. Jinnah is kind enough to state his appreciation of what has been done now in the amendments to this amending Bill—but he says the future working of the Bill should be carefully watched. There have been no less than 144 cases of warrants executed without any protest in the Presidency-towns, and in not one of these 144 cases has there been any cause of complaint or instance recorded of abuse, and I feel confident that however closely the Hon’ble Members may watch the working of this Bill, there is not likely to be any greater cause of complaint against its working in the future than there has been of that of the Extradition Act in the past.”

The Hon’ble Sir Reginald Craddock:—“Sir, the motion before the Council is merely that the Report of the Select Committee be taken into consideration. The only opposition to the amendments which have been recommended by the Select Committee have come from the Hon’ble Mr. Jinnah who, somewhat I must confess, to my surprise, endeavoured to show that instead of adding something to the law, we were taking away something from it. This to me appeared to be an entirely novel treatment of the case, for if, as he appeared to contend, the law as it existed already provided for an inquiry before the Magistrate, it seems very strange that all this opposition should have been started in Bombay. The procedure that he contended for — he put it forward as a suggestion — was that the accused might also claim to bring evidence before the Magistrate. But the whole of this Act and the whole of the procedure in such cases are based on the supposition that an accused person is going to be tried by a competent Court which has jurisdiction in the place where the offence is committed, and all that is necessary is that a *prima facie* case should be made out against him. Where such an offence has been committed in a foreign State over the officers of which Government have no supervision, no means of regulating, and no power to control their actions, it may be necessary that the evidence to establish the *prima facie* case should be brought before the Magistrate who is to grant the extradition; but where, as in the case of Native States in India, the

[25TH FEBRUARY, 1913.]

[*Sir Reginald Craddock ; Mr. Jinnah.*]

rules and regulations under which extradition is to be obtained are within the control and powers of the Government and a British officer is specially accredited to see that all due precautions are observed, then it is no more necessary for the Presidency Magistrate to take evidence in the case which comes from a Political Agent, than it would be if he were merely executing a warrant which had issued from any District Magistrate or any other Magistrate in India. It appears to me, Sir, that there has been a good deal of being late in connection with this case. To begin with, the citizens of Bombay have been nine years before they submitted any representation, and Mr. Jinnah quite overlooks the point in his speech that this procedure has already been in force all this time; that from time to time accused persons have been arrested in Bombay and have been handed over to the authority mentioned in the warrant; that no untoward consequences have arisen and no complaint has ever been made, and that none of those hardships upon which so much stress is laid have ever occurred. The Presidency Magistrates have regularly executed warrants issued under this section when they received them.

"Then when this Bill was put forward, it was published and again no representation was made. It was only at the eleventh hour that Sir Vithaldas Thackersey came post-haste to inform us that it was causing great excitement. From that time to this no memorial was received, until a few days ago, and even that memorial does not contain reference to a single case of hardship which has ever arisen under these proceedings. In the present instance, the Hon'ble Mr. Jinnah put forward a suggestion, but again he has given no notice of any specific amendment: and under these circumstances, I must maintain the position that the amendments which the Government have agreed to are the utmost that they are willing to concede. To do otherwise would be to destroy the whole procedure of the Act and to run in complete conflict with the principles on which that procedure is based.

"Under these circumstances, Sir, I have nothing further to say except to ask that the motion be put."

The motion was put and agreed to.

The Hon'ble Sir Reginald Craddock:—"It seems to me hardly necessary to make any more remarks upon these amendments. They have been sufficiently discussed, and, as far as I have been able to gather the opinion of the Council, there is no serious opposition to them. The Hon'ble Mr. Fuzalbhoy, who, upon Select Committee, put forward strongly the opinions of the citizens of Bombay, has expressed his satisfaction that the additions made to the Bill will remove at least some of his apprehensions. The Hon'ble Sir Henry McMahon has explained to the Council what careful precautions exist for the guidance of Political Agents, and those members who have spoken, with the exception of the Hon'ble Mr. Jinnah, who had merely some suggestions to make, all appear to me to be in favour of the Bill. In these circumstances, I will merely move that the Bill to amend the Extradition Act, 1903, as amended, be passed."

The Hon'ble Mr. Jinnah:—"Sir, I quite agree with the Hon'ble the Home Member that I have not given the notice that is usually given under the rules. But the simple reason why I have not done so is quite clear. There is no use giving notice of an amendment when it is entirely in the hands of Government to accept it or not to accept it, and under the rules also I am entitled to move an amendment at any time, provided no member has any objection at all to it, and I shall point out that rule Sir, with your permission. Therefore, really it is entirely a question now for the Government to consider whether it is an amendment which ought or ought not to be accepted in the interests of Justice.

"Under the rule to which I have just drawn the attention of Council,—I think it is rule 28,—when a Bill is taken into consideration by the Council, any Member may propose any amendment to such Bill."

[*The President; Malik Umar Hayat Khan; Mr. Jinnah; Sir William Vincent; Sir Reginald Craddock.*] [25TH FEBRUARY, 1913.]

The President :—" I am not challenging the Hon'ble Member's statement with regard to the rules, and I think it is unnecessary for him to read the rules. It is undoubtedly open to him to move an amendment, and it is open to anybody to oppose the amendment. It is for me to state the rules."

The Hon'ble Malik Umar Hayat Khan :—" I as a Member object to his moving the amendment."

The Hon'ble Mr. Jinnah :—" Well, Sir, this is rather a surprise to me. However, I am not going to stand on my rights; but I appeal to Government and I do maintain—I still maintain in spite of what the Hon'ble the Home Member has said—that the point is this; if you give a specific power to the Magistrate and stop there, you certainly debar him from any other power. He can exercise that power and no more. Whereas under section 15 as it stood no specific power is given: therefore he has got general powers. Once you have a Statute giving specific power to the Magistrate he cannot go beyond that. The clause runs in this way: 'as the case may be and the statement (if any) of such accused person has been recorded such Magistrate may, if he thinks fit,' etc., etc."

"Therefore he will have no power to do anything more except to record the statement of the accused. All I suggest is this, that my amendment should be accepted by Government as a suggestion."

The Hon'ble Sir William Vincent :—" I rise to a point of order. The Hon'ble Member is moving an amendment. Another Member has objected to it, and unless the rules are suspended, he is not entitled to move the amendment."

The President :—" I do not understand that the Hon'ble Member is moving an amendment."

The Hon'ble Mr. Jinnah :—" I am not, Sir, at present. I am only pointing out this suggestion for acceptance. With regard to the objection of the Hon'ble Malik Umar Hayat and the point of order raised by the Hon'ble Sir William Vincent, I entirely agree that the ruling stands in this way: if any Member objects to my amendment being moved, then certainly it is out of order. It is entirely for you Sir, to exercise your power in any way that is proper; but I do not ask or invoke the ruling that rules should be suspended and I once more appeal to Government and ask them to consider my suggestion that I have made."

The Hon'ble Sir Reginald Craddock :—" Sir, I must take exception to any amendment being moved without due notice. As I before stated, there has been ample opportunity for any persons interested in this measure to move any amendments they liked and to give due notice of them. It is therefore unnecessary for me to discuss the suggestions that the Hon'ble Mr. Jinnah has made. But viewing the matter merely as a suggestion and not as an amendment, I would like to point out that the power of the Magistrate to make a reference to the Local Government remains as it was, and the sole effect of this amendment is that it gives an accused person, if he so desires, the option of making a statement. Some Hon'ble Members have suggested that it is very likely that an accused person would prefer to reserve everything he has to say until he comes to be tried before a Court. That is a matter entirely for him to consider. The point of the amendment was that, if an accused person wanted to make any representation on his own behalf before the Magistrate who was executing the warrant, the law should specifically provide that such an opportunity should be given; and, as I have explained already, this added nothing to what a Magistrate would ordinarily do when an accused person was brought before him, but it did specifically include this provision in the law. I ask therefore that the motion that the Bill be passed should now be put."

The motion was put and agreed to.

[25TH FEBRUARY, 1913.]

[*Mr. Syed Ali Imam.*]

THE OFFICIAL TRUSTEES BILL.

The Hon'ble Mr. Syed Ali Imam moved that the Report of the Select Committee on the Bill to consolidate and amend the law constituting the office of Official Trustee be taken into consideration. He said :—

“When moving for leave to introduce the Bill, I drew attention to its main principles and at the time of its reference to Select Committee I placed before the Council some of the more important criticisms that this measure has received. Since then it has been carefully considered in the Select Committee which has made some alterations but not of such a character as to require re-publication. The material alterations have been fully explained in the Report of the Committee, which was presented at the last sitting of the Council and has, I have no doubt, been examined by Hon'ble Members. The Committee may congratulate itself on its efforts, as I find that no proposals suggesting any amendments of the Bill as altered by that Committee are entered on the List of Business to-day. I do not, therefore, propose to enter into the details of the changes made by the Committee, and will rest contented with alluding to a few that may call for notice.

“Clause 3 has been added to clearly set forth the jurisdiction of the High Court at a Presidency-town over the whole of the presidency for the purposes of the Bill. Under clause 7 (5), we have made it possible for the Official Trustee to accept a trust for a religious purpose under such conditions as may be provided by any rules made under the Act. Similarly, under sub-clause 6, he may administer the estate of a deceased person if expressly appointed sole executor of, and sole trustee under, the will of such a person. Clause 10 has been amended by the omission of a sub-clause conferring certain powers on the High Court to remove existing trustees and appoint the Official Trustee in their place. We have in this respect made no change in the existing law, but have added a provision that the Trustees and Mortgagees' Powers Act of 1866 and the Trusts Act of 1882 remain unaffected by the Bill. There are some other changes which need not be pointed out just at present. I should, however, like to draw attention to a few alterations that are common to this Bill and the one that deals with the office and duties of Administrator General. Hon'ble Members are aware that the Select Committee Report of the other Bill is also to be taken up for consideration to-day. It will perhaps save repetition if I mention some of these changes that are common to both the measures. As the preparation of the necessary rules and schedule for fees may take some time, the date of the commencement of both the Acts is left to be notified by the Government. The powers of Auditors to summon witnesses, the determination of the cost of audit, the amendment of clause 59 so as to restrict it to the Presidency of Bengal and the saving of the provisions of the Indian Registration Act of 1908 are some of the common features.

“The motion, Sir, is a motion that deals with a Bill that is not likely to arouse that amount of criticism that has been bestowed upon the measure that the Council has just passed. Therefore in all modesty I put forward these observations. I have placed before the Council a measure that will be of the utmost use to India and arouse no excitement.”

The motion was put and agreed to.

The Hon'ble Mr. Syed Ali Imam moved that the Bill, as amended, be passed.

The motion was put and agreed to.

THE ADMINISTRATOR GENERAL'S BILL.

The Hon'ble Mr. Syed Ali Imam moved that the Report of the Select Committee on the Bill to consolidate and amend the law relating to the office and duties of Administrator General be taken into consideration. He said :—

“The history of this Bill is very much the same as of the one that has just been passed, and to which it bears a strong family resemblance. The Report of

[*Mr. Syed Ali Imam; Mr. Sita Nath Roy.*] [25TH FEBRUARY, 1913.]

the Select Committee explains the various alterations that have been effected. Some only of these I propose to notice at present. The duty of the Administrator General to apply for letters of administration for the estate of persons other than exempted persons under clause 9 has been made subject to any rules framed by Government.

"This is a useful provision as there may well be cases in which application to the Court would serve no useful purpose. These cases will be provided for under the rules. Under clause 16 as amended the valuation of the estate of a person subject to the Army Act is to be made on the date on which its administration is handed over to the Administrator General. In clause 23, provision has been made for probates and letters of administration granted by the Old Supreme Court to the Ecclesiastical Registrar, as our information is that some estates of that kind are still administered by the Administrator General in the Presidency of Bengal. Clause 21 has been so amended as to bring it into greater accord with the existing law, and a further provision has been made for the appointment of the Official Trustee to be under an instrument in writing. A sub-clause to clause 29 has been borrowed from clause 13 of the Official Trustees Bill, and makes the important provision that the entry of the name of the Administrator General in the books of a company shall not constitute notice of a trust. In clause 31, a useful and important change has been effected by removing deposits in Government Savings Banks, or such as are governed by the provisions of the Provident Funds Act of 1897 from the calculation of the value of the assets for the grant of certificates under that section. Another important change falls under clause 32 where authority is given to the Administrator General to administer petty estates of exempted persons within the Presidency-towns and any other areas notified by the Government in this behalf. This provision is particularly necessary in the case of deaths that occur in the suburbs of Calcutta, but outside the original civil jurisdiction of the High Court. Clause 40 of the Bill has been amended so as to remove all doubts as regards the right of secured creditors under the operation of that clause. Clause 53 has been modified to give effective protection to persons claiming assets transferred to Government by leaving option to the claimant to move the High Court by a petition without prejudice to his right to take any other proceedings for the recovery of the assets claimed by him under the said clause. I consider it unnecessary to take any more time of the Council in detailing more changes, as some of them have already been noticed to-day when the Official Trustees Bill was considered and passed."

The Hon'ble Rai Sita Nath Roy, Bahadur:—"Sir, I desire to make an amendment in section 3(2) (b) of the Bill. I beg to add after the words 'High Court' the words 'a banker or merchant.' I think that the field of selection should not be confined to the members of the legal profession alone. Some of them have not the necessary qualifications and experience required in the management of large estates as, for instance, zemindaris in the mofussal. What I humbly beg to suggest is that there may be provision in the Act whereby merchants and bankers might occasionally be appointed as Administrators General, and it is for this that I suggest the addition of the words which I have proposed. The selection will be in the hands of the Government, and if Government thinks fit, it may, if necessary, appoint a banker or merchant as Administrator General. That is what I have to suggest, and it is for the Council to say whether it will accept the amendment or not."

The Hon'ble Mr. Syed Ali Imam:—"The Hon'ble Mr. Sita Nath Roy was a little too late when the last Bill was passed. He will permit me to say that in regard to the present Bill he is a little too soon. The motion before the Council is that the Report of the Select Committee be taken into consideration."

"This is the stage when the Hon'ble Member would be perfectly justified in making any comments that may strike him as useful, so far as the Select

[25TH FEBRUARY, 1918.] [*Mr. Syed Ali Imam; Mr. Sita Nath Roy.*]

Committee's Report goes. But any suggestion in the form of a definite amendment I venture to think is, at this stage, premature. Therefore, with your permission, Sir, at this stage I do not propose to meet the suggestion that has been put forward, as I have no doubt, if the Hon'ble Member is in time, he will put forward his amendment later on but before I move the motion that stands in my name next. With that reservation, I pray that the motion that the Select Committee's Report be taken into consideration be put to the Council."

The motion was put and agreed to.

The Hon'ble Mr. Syed Ali Imam moved that the Bill to consolidate and amend the law relating to the office and duties of Administrator General, as amended, be passed.

The Hon'ble Rai Sita Nath Roy, Bahadur :—" I beg to move that in clause 3, sub-section (2), after the words 'High Court', the words 'a banker or merchant' may be added.

" I believe it is not necessary for me to reiterate the few arguments that I have just now adduced. I therefore request that the Council will be pleased to accept the amendment. I do not see that there can be any reasonable objection to the acceptance of this little amendment, as the selection will be entirely in the hands of Government. What I beg to suggest is, that these words should be added in order that the Government may not be shut out from appointing, if it thinks fit, a banker or merchant as Administrator General."

The Hon'ble Mr. Syed Ali Imam :—" Sir, I find that the Hon'ble Member, Mr. Sita Nath Roy, stands in the same difficult position that was occupied not long ago by the Hon'ble Mr. Jinnah. Mr. Jinnah did not give notice under rule 29 of the amendment that he proposed in reference to the Extradition Bill and the Hon'ble Member, the gallant Tiwana, at once objected as soon as the amendment was considered as a possible evasion of the rules. I find that such an objection as this has not been raised by any Hon'ble Member as against the amendment that has been proposed by the Hon'ble Mr. Sita Nath Roy. As a member of the Government I consider it an exceedingly painful thing to put forward any technical objection to the moving of amendments on behalf of any member who chooses to do so. But whereas I have no desire whatsoever that, in the present circumstances, any observation that I am putting forward on the subject may be considered as an objection on technical ground, I do wish to express before the Council my earnest desire that, as far as it is possible, we should all adhere to the strict observance of the rules of business. Disregard of the ordinary rules can only be allowed where any extraordinary circumstances arise. I do not for a moment think that those circumstances are existent in the present case. At the same time, out of deference to the Hon'ble Mr. Sita Nath Roy who wishes his amendment to be considered, I do not propose to take protection under rule 29 of the Rules of Business.

" I will, therefore, Sir, proceed at once to put forward the reasons why it was that in the Select Committee we unanimously rejected the insertion of the words that have been suggested by the Hon'ble Mr. Sita Nath Roy. The suggestion is that the appointment of Administrator General may be thrown open to bankers and merchants. The Hon'ble Member who so worthily represents a commercial community has, I have no doubt, some plausible ground for putting forward his amendment. But on the other hand, Sir, I have got my own reasons for saying why it is almost impossible for Government to open the door of selection so wide as is implied in the amendment of the Hon'ble Member. The Council is aware that the field of selection has already been enlarged by the amendment that we have proposed. Originally the appointment could go only to a Barrister. We have extended that field of selection by including Advocates, Vakils of the High Court and Attorneys. But beyond that we have found ourselves unable to go, and the reason is that those who are acquainted with the work of the Administrator General are fully

252 ADMINISTRATOR GENERAL'S; WHITE PHOSPHORUS MATCHES
PROHIBITION BARONETCY.

[*Mr. Syed Ali Imam*; *Mr. Sita Nath Roy*; [25TH FEBRUARY, 1913.]
Mr. Clark; *Mr. Ghuznavi*.]

aware how necessary it is for him to have a close acquaintance with law. His work is not of a kind in which the genius of commerce necessarily comes in, but to a very large extent he has to be a man who has a knowledge of the law, and I think that on reflection the Hon'ble Member, Mr. Sita Nath Roy, will see that it is not the desire to keep bankers and merchants out of this office which has prompted us to limit the selection to lawyers. On the contrary, it is a necessity of the case. The duties of that office demand that he should be a lawyer, and therefore I regret that I find myself on behalf of Government absolutely unable to accept the amendment that has been proposed by the Hon'ble Mr. Sita Nath Roy."

The Hon'ble Rai Sita Nath Roy, Bahadur :—" Sir, I beg to express my thankfulness to the Hon'ble the Law Member for kindly permitting me to move this amendment and for not having raised any objection to it. At the same time I beg to remark that I do not see anything unreasonable in the amendment that I have brought forward. Very often big zemindaris and other large estates are placed in the hands of the Administrator General or Official Trustee for management. In such cases the Government ought not to be shut out from the advantage of having the benefit of trained men like bankers or merchants. The selection will be entirely in the hands of Government. No one can force Government to give preference to any one in particular. While you have been good enough to admit a Vakil or Attorney, I do not see any reason why bankers or merchants should be shut out altogether. I therefore beg to suggest that these two words might be taken in and added to this sub-clause."

The Hon'ble Mr. Syed Ali Imam :—" I do not desire to make any further remarks. I have already spoken on the amendment which I am unable to accept."

The motion was put and negatived.

The Hon'ble Mr. Syed Ali Imam moved that the Bill to consolidate and amend the law relating to the office and duties of Administrator General, as amended, be passed.

The motion was put and agreed to.

THE WHITE PHOSPHORUS MATCHES PROHIBITION BILL.

The Hon'ble Mr. Clark presented the Report of the Select Committee on the Bill to prohibit the importation, manufacture and sale of matches made with white phosphorus. He said :—

"The Council will observe that the Hon'ble Sir Charles Armstrong's name does not appear among the signatories to the Report. I should explain that Sir Charles Armstrong was unable to attend the meetings, and the Report consequently was not submitted to him for consideration and signature."

THE SIR CURRIMBHOY EBRAHIM BARONETCY BILL.

The Hon'ble Mr. Syed Ali Imam moved that the Bill to settle the endowment of the Baronetcy conferred on Sir Currimbhoy Ebrahim be taken into consideration. He said :—

"At the time I introduced this Bill I placed before the Council the various points involved in that Bill, and therefore do not feel justified in taking the time of the Council any more in detailing the provisions of that Bill now."

The Hon'ble Mr. Ghuznavi :—" Sir, I have much pleasure in according my whole-hearted support to the Bill to settle the endow-

BARONETCY ; MUSSALMAN WAKF VALIDATING ; PRIMARY 283
EDUCATION.

[25TH FEBRUARY, 1913.] [*Mr. Ghuznavi ; Mr. Syed Ali Imam ; Mr. Jinnah ;
Mr. Gokhale.*]

ment of the baronetcy conferred on Sir Currimbhoy Ebrahim which has been just placed before this Council by the Hon'ble the Law Member for our consideration. Since we met last, some of us have been very actively engaged in considering in Committee a certain other Bill relating to endowment for Mussalman families, I mean the Wakf Bill, which my friend the Hon'ble Mr. Jinnah is trying to pilot skilfully over shoals and reefs to a safe harbour. Our labours in Committee with regard to that Bill on the question of endowment have put some of us into such a happy frame of mind that we do not feel the least difficulty in giving our unstinted support to another Bill for endowment such as this. If the Declaratory Act with regard to Mussalman family wakfs which it is proposed to enact had already been in existence I do not know whether there would have been much need for a Bill of this kind. But since it has not yet been passed and our own law of endowment was still in a precarious condition it is only meet and proper that a Bill of this nature should be passed, to uphold the dignity of the hereditary title so graciously conferred by His Majesty on our illustrious co-religionist Sir Currimbhoy Ebrahim ; and I therefore feel bound to offer my sincere congratulations to Government for bringing in this measure. Any community would be proud to possess within its ranks a member such as Sir Currimbhoy ; the more so our community as it cannot boast at the present day of an abundance of merchant princes as it could in days of yore. Apart from the distinct impetus that Sir Currimbhoy has given to commerce and industry in this country, his large-hearted munificence and princely donations are a household word throughout the length and breadth of India. A Bill of this nature, therefore I presume, cannot but enlist our unanimous support.

The motion was put and agreed to.

The Hon'ble Mr. Syed Ali Imam moved that the Bill be passed.

The motion was put and agreed to.

THE MUSSALMAN WAKF VALIDATING BILL.

The Hon'ble Mr. Jinnah presented the Report of the Select Committee on the Bill to define the rights of the Mussalman subjects of His Majesty to make settlements of property by way of *wakf* in favour of their families and descendants. He said :—

“ At this stage, Sir, I do not wish to say anything at all in regard to this Bill, and I merely present the Report of the Select Committee to the Council.”

RESOLUTION REGARDING EXTENSION OF PRIMARY EDUCATION
IN INDIA.

The Hon'ble Mr. Gokhale moved the following Resolution :—

“ That this Council recommends to the Governor General in Council that all papers, including correspondence between the Government of India and the Secretary of State on the one hand and between the Government of India and Provincial Governments and Administrations on the other, relating to the scheme outlined by the Under Secretary of State for India in the House of Commons last July, on the subject of the extension of Primary Education in this country, be laid on the table of the Council.” He said :—

“ Sir, under the rules of this Council notice of this motion had to be sent to the Secretary more than a fortnight ago, and therefore, when I drafted that motion, I had not before me the Resolution on the subject of Education which the Government of India have just issued. If I had had that advantage at that time, I should probably have worded the motion somewhat differently, though in essence it would have come to the same thing. Before I proceed to deal

[Mr. Gokhale.] [25TH FEBRUARY, 1913.]

with this motion, I would like to take this opportunity to offer my sincere congratulations to the Hon'ble Member in charge of the Education Department and to the Government of India on this Resolution. It is a declaration of educational policy which to my mind is easily the most important that has been made in the course of the last 30 years. Of course education is a subject that bristles with controversial points, and on such a subject no one can expect absolute unanimity of opinion, and I am sure the Hon'ble Member himself will not be surprised if he finds that some parts of the policy which he has enunciated encounter serious criticism, and even opposition, in the country. Some of us may also consider that his policy, even where it is free from objection, is not adequate. But whatever our views may be on these points, I am sure all will be united in recognising the high purpose, the clear and comprehensive gaze and the enthusiasm for education which are displayed in this Resolution. And I go further and say that, if this policy is adequately financed and if it is carried out in the right spirit, by which I mean in a purely educational spirit only, without importing into it political considerations or political bias—and this is a matter which does not rest with the Hon'ble Member alone, it is a matter which rests even more largely with Local Governments, and in the last resort with the various officers through whom Local Governments have to work—if, I say, these two conditions are fulfilled, namely, if the policy is adequately financed, and if it is carried out in the right spirit, I have no doubt it will have far-reaching results, and this Resolution will come to be regarded as the third great land-mark in the educational history of our country, the despatch of 1854 being the first and the Educational Commission's Report of 1883 being the second. It is a curious coincidence that these pronouncements should have come after an interval of 30 years in each case. The Education Commission's Report was submitted about 30 years after 1854, and this comes 30 years after 1883.

“Sir, this is a new Council. It is a new Council not only in name, but very largely in reality, for I find that of those non-officials who sat in the last Council, only six or seven have come back to this Council. I think therefore that I may be permitted to refer very briefly to the important discussions on this subject of primary education that took place in the last Council in the three successive years from 1910 to 1912. The first discussion took place when a Resolution suggesting that elementary education should be made compulsory and free or rather that a beginning should be made in that direction, was submitted to the judgment of this Council in the year 1910. I well remember the surprise with which some of the proposals that were then elaborated were regarded by the official member in charge of Education. There was no separate Minister for Education then, and Education rubbed shoulders with Police and Jails and various other departments in the comprehensive charge of the Home Member. And I well remember the surprise with which the Home Member of that time, Sir Harvey Adamson, regarded some of the proposals which were then elaborated in the course of the discussion. That was the first discussion that took place on the subject in the last Council. The second discussion took place when a private Bill was introduced in 1911 embodying the principal proposals that were brought forward in the year 1910.

“The Bill was allowed to be introduced by the Hon'ble Member in charge of Education. By that time the Education Department had come into existence, and the present Member was then in the Council as the Member of Government responsible for education. He allowed the Bill to be introduced: he was in no hurry to slay it and he referred it to Local Governments and to local bodies for their opinion. During the whole of 1911 there was a continuous discussion in the country on the principles of that Bill. And the Bill came up again before the Council last year, 1912, for its next stage, namely, the reference to Select Committee. By that time, however, the Hon'ble Member had made up his mind to oppose the Bill and of course at his instance the Bill was thrown out. But it was not all labour lost, because we had from the Hon'ble Member on the occasion a declaration, which in many respects was a striking declaration coming from a Member of Government. It committed the Government for

[25TH FEBRUARY, 1913.] [Mr. Gokhale.]

the first time in the history of education in this country to a policy which ultimately would lead to free and compulsory education for the country. This is what the Hon'ble Member said at that time :—

'I say at once, My Lord, that I am really sorry to find myself in opposition to the Hon'ble Mr. Gokhale and those who support his motion. We are all really working for the same object. I should rejoice no less than they to see a condition of things in India in which elementary vernacular education could be free and compulsory. The Government of India are deeply concerned to bring about such a condition of things. We are convinced of the necessity of breaking down illiteracy in the country ;'

and he closed his speech with a statement which evoked great enthusiasm among many non-official members of this Council. He said :—

'Though our views may differ as to means, we are all united as to the end—the Government of India, the Local Governments, the Departments of Public Instruction and enlightened public opinion are single-eyed as to the end in view. We are determined, resolutely determined, to combat ignorance through the length and breadth of this ancient land, up and down, and to and fro, and though the struggle may be long and arduous, I do believe, My Lord, with all my heart I do believe, we shall prevail.'

"After this we naturally expected that an early opportunity would be taken to publish the definite proposals which the Government had in their mind when the Member in charge of Education made that statement. Nothing further was however heard in the matter till the Indian Budget came up for discussion before the House of Commons, when a further stage was reached and some indication was given to us as to what those proposals were, and that was in the speech of Mr. Montagu, the Under Secretary of State for India. Mr. Montagu endorsed for the most part the arguments of the Hon'ble Member against the Bill which had been thrown out. I will not trouble the Council with that, but he also endorsed the view expressed by Sir Harcourt Butler, that education was bound to be free and compulsory in this country as it had been free and compulsory elsewhere, only, he said, the time for that is not yet. This is what he said :—

'Universal and free education in India must come as it has come in all other countries, but the time is not yet, and I am confident that the Government of India has a policy dictated for the present by the same hopes and aims as the hopes and aims of Mr. Gokhale. We have no attitude of hostility towards the principles which inspire his Bill. We and he are working for the same end, the breaking down of illiteracy in India ;'

and he proceeded, in his speech, to give an idea as to what the Government had in view as their policy. He spoke of it as the alternative plan of Government, and he concluded as follows :—

'The programme which we hope to work up to in time is as follows. We desire to increase the total number of primary schools by 90 thousand, or 75 per cent., and to double the school-going population. The schools will cost £25 each per year, and they will be placed in villages and other centres of population which are at present without schools. We are going to improve the existing schools which now only cost about £10 a year, and the cost of these will probably have to be doubled.'

"Briefly speaking, the scheme of the Government, as announced by Mr. Montagu, came to this. There was to be both expansion and improvement. The expansion was to be with £25 schools. The improvement was to work up the £10 schools that existed in the country to about £20 schools. There were to be trained teachers as far as possible, and no teacher was to receive less than Rs. 12. This, however, was in two important respects quite vague. There were two essential gaps, and a prominent member of the Opposition, Lord Ronaldshay, asked the question in what time the Government proposed to carry this out—a most pertinent question ; to that Mr. Montagu merely replied :—

'I cannot give the period. As I am going on to say, it must take *very considerable time.*'

"Well, Sir, one expected that after this statement by Mr. Montagu in the House of Commons the Government of India would lose no time in publishing their proposals in this country. We however waited and waited ; but, till the time I had to send notice of my motion, nothing had appeared. I thought, therefore, that the best thing to do was to ask for these papers, namely the correspondence between the Secretary of State and the Government of India

[Mr. Gokhale.]

[25TH FEBRUARY, 1913.]

on the one hand, and between the Government of India and the Local Governments on the other. I did this because it was quite clear from the speech of Mr. Montagu that a programme of expansion had been definitely drawn up, though its details were carefully withheld from the public. Now if there was a programme, it must have received the sanction of the Secretary of State, which meant that it must have been sent up by the Government of India to the Secretary of State; if it was, therefore, to be found anywhere, it must be in the correspondence between the Government of India and the Secretary of State. At the same time I thought that such a programme as this would not be submitted by the Government of India to the Secretary of State without consulting the Local Governments, because education is a charge which has been made over to Local Governments and Administrations. Therefore, it appeared to me to be the best plan to ask for correspondence between the Government of India and the Secretary of State on the one side, and the Government of India and the Local Governments on the other. Since notice of this motion was given, however, as I have already observed, the new Resolution of the Government on the subject of education has been given to the public. When I saw this Resolution in the train the other day on my way here from Calcutta, I turned naturally with the utmost eagerness to the portion referring to primary education in the hope that the gaps, the most important gaps in the speech of Mr. Montagu, would be found supplied in this Resolution. And I must say that I was greatly disappointed. Precisely the same reticence that characterised Mr. Montagu's speech on those points also characterises this Resolution. In certain respects the Resolution is undoubtedly fuller. In enunciating the principles underlying the policy of the Government in regard to primary education, this Resolution is fuller than the speech of Mr. Montagu, but in regard to the programme to be worked up to, it goes no further than Mr. Montagu. It repeats the figures which Mr. Montagu gave but keeps us still in the dark as to how those figures have been arrived at, and in what period the proposed results are to be achieved. Now, Sir, I want this programme. I think the country is entitled to know what it is. This is a matter in regard to which we are entitled to be taken into confidence. If the programme is to be carried out, let us know really how the Government mean to carry it out. Let us know what are the resources which the Government propose to devote to this programme so that it might be achieved. If the Hon'ble Member will give us this programme and point out how he proposes to achieve it, I shall not press him for the publication of the correspondence between the Secretary of State and the Government of India, or between the Government of India and the Local Governments. Sir, during my 25 years' study of public questions, I have had to wade through piles and piles of official correspondence, and I have not much appetite left for it. I am not unduly curious about official correspondence: it is not always interesting reading; it is not always even profitable reading, and, therefore, I am not particular whether this correspondence is published or not. If only the Hon'ble Member will give us the programme—and we are entitled to have this programme, if he will tell us in what time he will carry it out, well I will not press for the publication of these official papers. Sir, let the Council look at the language which the Hon'ble Member employs in this Resolution as regards the time in which this programme is to be achieved. He says that it is the hope of the Government of India that in the not distant future the number of schools and of the school-going population will be doubled. He does not put it any stronger than that it is the *hope* of the Government.

“Now, it is obvious that unless you definitely say in what time you are going to double your schools and your school-going population, the declaration may conceivably come to nothing. Sir, this country is advancing and will continue to advance, and in 40, 50, 80, or 100 years, the school-going population may double itself and even more than double itself, even if no special efforts are made. Therefore, if you merely say that at some future time—the exact words are, ‘in the not distant future’ but they are perfectly vague—if you say that at some time not far removed from the present the school-going population will be doubled, those who are keen on the spread of education in India will not find

[25TH FEBRUARY, 1913.]

[Mr. Gokhale.]

much comfort in that. Sir, this is an ancient land, with its roots going far back into the past, and in the opinion of some, a few decades one way or the other may not matter. I therefore want to know what the idea of the Hon'ble Member is as to this not very distant future. What is this not very distant future of which the Hon'ble Member speaks? I think we are entitled to be told what it is. Whether the policy of Government is adequate or not will really depend on what is the period in which the Government proposes to accomplish this object. It is the same about the finance of the scheme. Nowhere do we find any definite statement. Here and there there are no doubt hints as to what the cost of this scheme is going to be. These hints I have pieced together, and I have been able to form some idea of what must be in the mind of Government as to the cost. It seems that the cost of the programme will be at least about 6 crores a year for the primary education of boys and girls. I arrive at that in this way. Mr. Montagu speaks of doubling the cost of existing schools, the average cost being raised from £10 a school to about £20 a school. The present cost of boys' primary schools from all sources is roughly a million. This is to be doubled, which means two millions—that is, another extra million or a crore and a half must be found for existing schools. Again as to new schools; there are to be 90,000 more at a cost of £25 each school. That comes to $3\frac{1}{2}$ crores for new schools and $1\frac{1}{2}$ crores for the existing schools, or 5 crores in all. Then there must be some provision for training teachers for inspectors, etc. There must also be the increased cost in connection with the improvement and expansion of girls' schools. I do not know what figures are contemplated under these heads, but if we put all that at a crore at the least it comes to about 6 crores and probably more. If I am wrong in this, I hope the Hon'ble Member will correct me. Thus so far as the cost of the programme is concerned, one can form some idea. But the most important question is in what time are you going to reach this expenditure of 6 crores a year? If you propose to reach it in 40, 30 or even 20 years, I say there is not much in that. If you are going to reach it, say, in ten years, that I admit, will be something. I tried to calculate this morning how long it would take at the present rate of progress to have our schools and school-going population doubled, and the results were very depressing. Taking the figures on which the Hon'ble Member and his Department have been priding themselves most, namely, the figures for the last four years, we find that the progress of education has been at the rate of about (taking boys' schools only) 130,000 boys a year—not 240,000 as the Hon'ble Mr. Sharp incorrectly said last year and as Mr. Montagu, following Mr. Sharp, stated in the House of Commons. In 1906-07 there were 34 lakhs of boys in primary schools. In 1910-11 there were 39.2 lakhs. The increase was 5.2 in four years. That means an annual increase of a lakh and thirty thousand. Now, the hope of the Hon'ble Member is to see the present school-going population doubled, that is, instead of $4\frac{1}{2}$ millions he would like to have 9 millions—another $4\frac{1}{2}$ millions. This will require more than 30 years if the annual rate of increase is 130,000 which is the rate for the last four years. Again, if we turn to the number of schools, we find the number has risen at the rate of about 1,250 schools a year during the last four years, and if we are to wait for the 90,000 additional schools to be reached at this rate, we shall have to wait for 75 to 80 years. There is not much comfort to be found in these figures, and I once again earnestly ask the Hon'ble Member to publish his programme to the country. Sir, I ask that this should be done because I feel strongly on the subject. I feel, that, unless the Hon'ble Member and his Department definitely commit themselves and commit the Government to a programme published in the full face of the country, this scheme, promising as it is, may come to very little after all. We have experience of this kind of thing happening in the past. When Lord Ripon's Government issued their famous Resolution in passing orders on the recommendations of the Education Commission of 1882, we all thought there was going to be an immense expansion of education. And yet in a very short time there was a complete change of policy. Frontier affairs assumed a threatening aspect, increased military preparations, the invasion and conquest of Upper Burma—fall in the exchange value of the rupee—all these things followed in quick succession, with the result that instead of increased subventions to Local

[Mr. Gokhale.]

[25TH FEBRUARY, 1913.]

Governments which Lord Ripon's Government had promised for the extension of education Lord Dufferin's Government actually issued orders calling upon Local Governments to cut down their educational expenditure. Unless therefore the Hon'ble Member definitely secures growing resources for education, unless the educational expenditure of the country is put on the same level as say, military expenditure, so that money must be found for it whether finances are good or bad, whether there is famine or no famine, whether the opium revenue is in existence or not in existence, unless the Government are prepared to find this money for education in the same way as they find money for military expenditure, I am afraid that it will not be possible for us to place much reliance on the scheme. I of course mean no offence to the Hon'ble Member or his Department in saying this, and I am sure the Hon'ble Member knows I mean no offence; but the Hon'ble Member will not be in charge of this Department always, and more than that, there are changes in so many directions taking place that unless the thing is actually put down in black and white, and the Government accept it as a definite responsibility in the face of the public, I fear the Government may find itself unable in spite of its wishes to carry out this programme. My request therefore to the Hon'ble Member is to definitely give us information on four points. First of all, what are the revenues that the Hon'ble Member has secured, or, if he has not actually secured them, he expects to be able to secure from the Government. If he says he only expects to be able to get certain revenues, that of course will not be so satisfactory as if he said that he had got them, but still it would be something. But he must tell us what the financial provision is going to be. It is clear it must be a growing provision—something like a series in an arithmetical progression, because you are going to cover the field in a certain number of years. And I want to know how the Hon'ble Member is going to find this money. With the opium revenue nearing extinction, he certainly will have very considerable difficulty in doing so.

"The second point on which I want information is the period in which the programme is to be carried out. What is to be the period—the two things—period and finance—really go together—what is to be the period? The Hon'ble Member may say this is in no man's hands. You may take a horse to the stream but you cannot make him drink. You may open schools, but you may not necessarily be able to fill them. That, however, only confirms my view, namely, that without a resort to compulsion in some form, you cannot push on elementary education very far in this country. But we are just now considering the Hon'ble Member's policy of increased efforts on a voluntary basis. If you want to try that policy, by all means try it; but then be definite about it and tell us in how many years you expect to be able to achieve your programme.

"The third point on which I want information is in what proportion are you going to distribute the funds that may be available between expansion and improvement? Sir, that is a very important point. The figures I have estimated for boys' schools are, roughly, 1½ crores for improvement and 8½ crores for expansion. Well, in what proportion are you going to devote the additional revenues? Do you propose to take in hand improvement first? If you do that, the additional funds may be swallowed up by improvement for several years to the practical exclusion of expansion. Personally I am more anxious for expansion than for improvement in the present state of the country, but in any case I should like to know in what proportion the Hon'ble Member proposes to allot funds to these two objects.

"Lastly, what are the actual steps you have taken or are going to take to overcome the difficulty which was so often brought up against the Bill of last year, namely, the absence of trained teachers? In this Resolution mention is made of the fact that at the present moment about 11,000 teachers are being annually trained, and that the supply is not adequate for existing requirements. At the Allahabad Conference which was held at the beginning of 1911 under the presidency of the Hon'ble Member which I was invited to attend as a member, the question was carefully considered and certain suggestions were

[25TH FEBRUARY, 1913.] [Mr. Gokhale; Babu Surendra Nath Banerjee.]

made and adopted I should like to know whether effect has been given to those suggestions, and if so, to what extent.

“ Sir, these are the four points on which definite information is necessary. These four points must be provided for in your programme, if the programme is of any value. I ask the Government therefore to publish the programme. The only reason I can think of for the withholding of the programme from the public is the fear that you may not be able to carry it out. But that, if I may be permitted to say so, would be a somewhat half-hearted way of proceeding about the business. I know that description does not apply to my Hon'ble friend, for he has his whole heart in the scheme. Perhaps there is a difficulty in his path, which he cannot remove. Can it be the dragon of another department or is it the dragon of a higher authority? I do not know; but if some such difficulty exists, the country is entitled to know what that difficulty is.

“ One word more and I have done. You have stated that ‘in the not distant future,’ it is your hope to see some 91,000 more primary schools for boys added. That figure again, by the way, shows that there is a programme, for if you had expressed yourselves merely in a way, you would have mentioned the figure 100,000, and not 91,000, which must be the total of smaller figures. You say it is your hope to have 91,000 more schools in some indefinite time. But since it is a matter of merely hoping and no definite time is mentioned, why not go further? Why not make an announcement that will cover the whole field? Sir, I rejoice that in the very forefront of this Resolution have been placed the words, the gracious words of the King-Emperor—words, warm with life and hope, which stirred all hearts in the country when they were first uttered. I rejoice that these words have been placed in the forefront of the Resolution. But your programme, even when fully worked up to, will fulfil those words only partially, for you will then have reached only 40 to 50 per cent. of the population. Now the King-Emperor does not say that he wants the homes of only 40 to 50 per cent. of his subjects to be brightened by education; he wants the homes of all his people to be so brightened. Then why stop where you do? Why not have a scheme that will cover the whole area? What I would suggest is, set aside certain steadily increasing revenues for education, and then leave it to time to work the thing out. This is the only way to tackle the problem on your own lines. The Hon'ble Member cannot hope to tackle it successfully, unless he starts on his mission fully and not partially equipped. And he will never be fully equipped unless he has resources at his disposal which are independent of chance and circumstance. If a definite programme is announced to the country, it would go to strengthen the Government in moments of weakness. If a time of difficulty arose and they were likely to feel that this expenditure was somewhat inconvenient and that it should be cut down, a definite promise given would stop them from yielding to the temptation and they would have to go on with the work just the same, even by resorting to increased taxation, if necessary. And then only will the programme have a proper chance of being realized. I trust that the Hon'ble Member will consider all this and see his way to publishing the programme which he undoubtedly has submitted to the Secretary of State. If he will offer to do this, I will not press for the publication of the correspondence. If not, I shall have to press my motion to a division.”

The Hon'ble Babu Surendra Nath Banerjee:—“ Sir, I desire to associate myself with the appeal which has been made by my Hon'ble friend for the production of papers set forth in the Resolution. In matters educational I take it there can be no secrets and diplomatic issues are altogether out of place. In the sacred Temple of learning political considerations are well kept out of sight. Sir, the watchword of the present Government is co-operation, and it is a policy which has been acclaimed with enthusiasm by the people. I venture to say that no Department of the State save and except perhaps in the case of Sanitation, in no Department of the State is co-operation so indispensable to success as in the Department of Education. But co-operation presupposes confidence, and I have no hesitation in asserting that public

[*Babu Surendra Nath Banerjee; The President; [25TH FEBRUARY, 1913.]*
Sir Gangadhar Chitnavis; Sree P. Rama Rayaningar
Venkataranga Bahadur.]

confidence is likely to receive a rude shock by the non-publication of the papers which my Hon'ble friend wants and not laying before the public the programme of work which he insists upon. My friend has referred to the history of compulsory education as discussed in this Council. Sir, his motion for reference of his Bill to the Select Committee was rejected last year. That does not mean, however, that the supporters of the Bill or the public have abandoned the measure, or that they have lost sight of the great and important issues which it has raised. The principles of that Bill have struck a firm root in the public mind, and the advocates of mass education resolutely adhere to them in the firm confidence that sooner or later, and perhaps sooner than later, the Government will be converted and the Bill will be placed among the Statutes of the land. Sir, we are sufficiently familiar with the evolution of parliamentary measures to know that even projects of enduring beneficence do not always receive prompt and immediate acquiescence.

"They have again and again to be brought forward in one form or another, again and again pressed upon the attention of the public and of legislative bodies. The public is very slow to move, and legislative bodies are even slower in their movements. Sir, I beg to invite attention in this connection to what Sir Henry Maine has told us with regard to the duties and functions of legislative bodies. That great authority says that it should be their aim and their endeavour to bridge the distance between law and public opinion and make legislation more and more conformable to the requirements of an advancing public opinion. Our appeal to this Council is that it should act in accordance with this principle, so far as this matter is concerned. Sir, I claim for Mr. Gokhale's Bill—in fact this is a side issue of that Bill—that, barring a note of dissent here or a note of dissent there, it has received the unanimous and enthusiastic support of public opinion,—not a manufactured public opinion, but a real and genuine public opinion."

The President :—"I am sorry to interrupt the Hon'ble Member, but the Hon'ble Mr. Gokhale's Bill is not before the Council. What is actually before the Council is the motion for papers. Therefore I do not think the Hon'ble Member can discuss the merits or demerits of Mr. Gokhale's Bill."

The Hon'ble Babu Surendra Nath Banerjee :—"I bow to your decision, Sir. Well, if Mr. Gokhale's Bill is not before the Council, at any rate it is very clear that the information which the Hon'ble the Minister for Education may have to lay before us will perhaps enable us to decide the question as to whether it is necessary that compulsion should be an indispensable instrument in the diffusion of mass education; and it was because I was anxious to elucidate that point that I was making the observations, which you, Sir, have ruled out of order."

"I once again associate myself with my Hon'ble friend Mr. Gokhale in the request that the programme which the Government wants to carry out in this connection be laid before us, and that the papers which he has called for should be submitted for consideration to this Council. We could then be in a position to know what progress the Government want to make, and if further pressure of public opinion is needed, we shall not be wanting in our duty."

The Hon'ble Sir Gangadhar Chitnavis :—"Sir, I beg to support the motion. The expansion of Primary Education, I gather from the Hon'ble mover's speech, might raise questions of taxation. The Hon'ble Mr. Gokhale has referred to the financial aspect of the question. Irrespective of my views about the unsuitability of compulsion in the present stage of our development, I, as one of the public, naturally feel interested in the inquiry as to how Government proposes to raise the additional revenue required for any large expenditure. I therefore support the Resolution."

The Hon'ble Sree P. Rama Rayaningar Venkataranga Bahadur :—"Sir, I do not wish to record a silent vote on this occasion. The motion before the Council is in the form of a simple request—a request intended

[25TH FEBRUARY, 1913.] [Mr. Sree P. Rama Rayaningar Venkataranga Bahadur ; Mr. Madhu Sudan Das.]

to enable Hon'ble Members to have access to the papers relating to the scheme outlined by the Under Secretary of State for India *anent* Primary Education. I have therefore no doubt that the motion will find ready acceptance with the Council. It is true there is difference of opinion as to the merits of the Hon'ble mover's scheme for mass education. Of course, Hon'ble Members reserve to themselves full liberty of criticism on the subject. But to my mind, Sir, it seems a difficult position to maintain even for the most uncompromising critic that the adoption of the Resolution before the Council would be prejudicial either to Government or the public. Neither party can be adversely affected by a course which by its reasonableness cannot fail to command the support of all interested in the cause of education. Sir, I do not wish to embarrass the Government, but I feel sure the Government has no secrecy to maintain in a matter like this. On the contrary, the publication of the correspondence will ensure to it a moral advantage. It is the best and most effective way of silencing uncharitable criticism of Government policy. The recent publication of the Government Resolution cannot be a reason for rejecting the motion. The Resolution of the Government is certainly an elaborate statement of their proposed benevolent educational policy. The statement is welcome and we feel deeply grateful to Government, but the people are left to speculate about the reasons and considerations underlying that policy. The conclusions are there without the premises, and this course is least calculated to relieve the anxiety of those interested in the subject. Hence I am of opinion that, notwithstanding the recent publication of the Government Resolution, the motion before the Council has its own importance. I, therefore, cordially support the motion."

The Hon'ble Mr. Madhu Sudan Das :—"Sir, I rise to associate myself with the motion by the Hon'ble Mr. Gokhale. The Government Resolution which has just been published mentions His Gracious Majesty's name, and it is also said there that it was in furtherance and pursuance of His Gracious Majesty's wish that the Government adopted this Resolution. During His Majesty's visit to this country there was evidence, unmistakably clear evidence, to show the feelings of the people towards their King-Emperor. The Indian has been brought up and accustomed to look upon his King as God's Viceroy on earth. The Resolution associates the programme laid down with the King's wish. It is a Resolution which touches the interests of hundreds of millions, and especially the mass population. I have not the slightest doubt that the information with regard to mass education contained in that Resolution will soon filter down to the masses, and it will raise very high hopes of an improved state of things amongst the poor dumb millions, and this hope will associate itself naturally in the minds of these dumb millions with their ideas of divinity which they attach to their King-Emperor. Those being the circumstances under which the Resolution has been published, I think it is very desirable that the people should know exactly how Government wishes to give effect to the promises made in this Resolution. I saw this Resolution in the train. I must confess that I have not been able to study it with the attention which the Hon'ble mover has devoted to it and which perhaps is characteristic of his public life, but this much is clear that it is a Resolution which requires actually a definite statement on the part of Government. I have just learnt from the Hon'ble mover's speech that expressions such as 'at no distant date,' and other similar expressions have been used with reference to the time when the Resolution will be given effect to.

"Time Sir, always flies and carries on its wings even Government officials from their offices. Consequently it would be much better if we did not depend upon time, but had dates and years to depend upon. Mortal as we are, we like to have more definite things. Then Sir, Education is a subject which embraces the most important questions that are of interest to a foreign Government. Sir, very often measures started with the most benevolent motives by Government are misunderstood by the common masses, and this is simply due to their ignorance ; and unless this darkness of ignorance is penetrated by the light of knowledge, I fear there will not be that co-operation between the Government

[*Mr Madhu Sudan Das ; Sir Harcourt Butler.*] [25TH FEBRUARY, 1913.]

and the people which is certainly desirable, most desirable and essential, in the interests of good government—in the interests both of the Government and of the people. If anything is likely to bridge the gulf between the two races or nations, and if India is ever to realize fully the benevolent intentions of a foreign Government, it must be at a time when mass education has permeated throughout this land; and consequently, being such an important matter as this, it ought not to be left indefinite, and the people ought to be in a position to know when their hopes are actually to be realized. As it is, it would be much better if the Hon'ble Member, or if Government would tell us (and it is a very happy circumstance that the Hon'ble Member in charge of the Revenue and the Hon'ble Member in charge of Education are sitting together and consequently it can be easily settled) how much of the local revenue can be earmarked for this purpose. On these grounds I beg to support the motion."

The Hon'ble Sir Harcourt Butler :—"Sir, I must first of all thank the Hon'ble Mr. Gokhale for his kindly references to myself and to my Department, and for the warm terms in which he spoke of the Resolution on educational progress and policy that appeared in last Saturday's Gazette. I value those words the more because we are separated on a cardinal principle of policy. Mr. Gokhale would rely for the progress of education on the introduction of the principle of compulsory attendance. We think that it is premature to consider the introduction of such a policy, and we prefer to rely on the extension of the principle of voluntary attendance.

"I look upon the Hon'ble gentleman as an ally, a rather troublesome, I may say a prodding and a goading ally, but an ally and I am very sorry that I have on this occasion to refuse him the information, or most of the information, for which he asks. What he asks is this: He says, if the programme is to be achieved, tell us how and when it is to be achieved, and he asks—what do you mean by such expressions as 'a not distant future.' Bad finance or good finance, he says, we must have money for Education.

"I do not think that I need argue at any very great length on the financial difficulties of laying down a policy now which will commit posterity. That, Sir (to President), would be your province; but I must make some general observations on the points which would render any such action imprudent from the financial point of view. By a merciful dispensation of Providence, we have had a succession of good years. But fat years are often succeeded in India by lean years, and occasionally a bad famine devastates the land, and all the energies of Government have then to be devoted to the rescuing of human life and to the mitigation of human suffering. The country is still in the main dependent on agriculture. In your words, Sir, 'the Budget is a gamble on rain.' Hon'ble Members have sometimes short memories in matters of finance, but only in the year 1908-09, that is five years ago, the Budget anticipated a surplus, and we had to face a deficit of 3½ millions sterling. Again, there are very special reasons at the present time why it is not possible to commit posterity. We have sitting at Simla Field Marshal Lord Nicholson's Committee on military expenditure. The recommendations of that Committee we do not yet know. Then there is sitting in Delhi at the present moment a very important Commission presided over by Lord Islington, of which the Hon'ble Member is a member—and I may say how very glad we all have been, the Government of India have been, to meet that Commission at Delhi. It is impossible for us to disregard the possibility that the recommendations of that Commission may eventuate in a demand for a very considerably increased expenditure on the public services of India. Then we have an obviously ambitious, but wholly undeveloped, sanitary policy ahead. We hear from other sides large demands for increasing expenditure on railway development; and I should like to say that I look upon the railways as one of the greatest educators of the country. They cause a stir of ideas and a protest against illiteracy which is hardly inferior to the provision of schools.

[25TH FEBRUARY, 1913.]

[*Sir Harcourt Butler ; Mr. Gokhale.*]

“Also, as practical men, we must recognise that the extension of organization takes time. We have not the staff at present to carry out any very rapid extension of education. At the present moment I think I am correct in saying that of the grants given for the last two years, some 71 lakhs, or £500,000 sterling have not yet been disposed of. Now, of course, the Government of India and the Local Governments are looking to the matter, and are preparing for a great advance; but, at the present moment, we cannot really spend at once all the money that we can get. It does not mean that the Education Department has abated its zeal or its demand one jot or tittle; it does not mean that the Finance Department under you, Mr. Vice-President, will not do all it can to assist the Education Department in carrying out the policy. But we must recognise that we have a right to ask for a little time before we elaborate a definite policy, and that we cannot as prudent financiers commit posterity to a scale of expenditure which the reformers with whom I sympathise, with whom we all sympathise, desire.

“I may say incidentally that the progress of education is really more rapid than Right Hon'ble gentlemen would have us believe, and I shall be giving figures to the Council within a few days which will show that in the year 1911-12 there was an increase of 385,252 children in primary schools in India. I think that that is a figure of annual increase much higher than any which has yet been realized, and I hope that members of this Council will believe that that is the beginning of a period of progress. The Hon'ble Member has referred to the statement made by His Most Gracious Majesty the King-Emperor. His Excellency the Viceroy who has returned to-day to Delhi—and you will all be glad to hear that he is now convalescent—has charged me to tell you that his interest in Education is unabated and insistent. The Government of India and all the Local Governments now fully appreciate the need for a great move forward. The Hon'ble Mr. Surendra Nath Banerjee makes an appeal for the publication of papers, because, he says, if these papers are not published, there would be a feeling of want of confidence on the part of the educated public. I am sorry that so ordinary an official procedure as the refusal to publish papers with another and a higher authority should leave the Government open to any suspicion of want of confidence. I can only assure the Hon'ble gentleman that there is no want of confidence, and I can only refer him to the Resolution which states the results of the correspondence in a form which, I think, is clearer than you could get out of the correspondence itself. But I do not rest the refusal on that. I rest it on the ordinary official ground, that such correspondence is not usually published. There is no secrecy in the matter. I hope before very long—in the course of next year or so—to be able to publish definite proposals from Local Governments for a course of expansion in primary education over the next three years. A good deal of material has been collected, but so far it is not in a form in which it can be recorded. The Government of India are anxious to carry the public with them. They consider that that Resolution, issued on Saturday last, shows a desire to co-operate with the people. It was certainly in that spirit that it was written. I ask the Council, and outside the Council I ask the parents in India, to believe that that is an honest and sincere Resolution, and that the Government is determined, is anxious and earnestly and intently desirous to make a big move forward with steadfast gaze and unflinching footsteps until they are able, in the distant future, it may, but in the future—and we keep our eyes upon the goal, to provide for the sons and daughters of India, the same opportunities and facilities for education as are available for the sons and daughters of the Western world.”

The Hon'ble Mr. Gokhale:—“Sir, I had hoped to hear that the Hon'ble Member was prepared to meet my request in a more substantial manner than he has chosen to do, and I must say that, on the whole, I am greatly disappointed with what has fallen from him. Why, Sir, what was only a faint suspicion in my mind before has been confirmed into a strong suspicion by the Hon'ble Member's remarks. I did fear that there was no definite finance behind the scheme, and when the Hon'ble Member proceeded to mention the

[*Mr. Gokhale.*]

[25TH FEBRUARY, 1918.]

difficulties of the Finance Department,—not his own,—when the Hon'ble Member mentioned the difficulties of the Finance Department which had to be taken into consideration in considering this question, he made it quite clear that nothing definite had yet been secured in the matter of resources. The Hon'ble Member mentioned three or four circumstances which, in his opinion, advised caution. He said the country was liable to periodical famines; the Nicholson Committee which had lately sat to consider the question of military expenditure had not yet submitted its report; an important Royal Commission on the Public Services in India was taking evidence, and how he came to have the idea I do not know, but he somehow seems to anticipate that its recommendations will result in a large increase of expenditure; and, lastly, he spoke of the necessity of pushing on railways which, from the educational standpoint, he thought to be quite as important as schools. Well, Sir, if the expansion of primary education is to depend upon all these factors, then I for one have not much hope that anything very substantial will be achieved.

“ Unless the Government are going to find the money for education in good years and bad years alike, I decline to have much faith in this scheme. The Government does not proceed in this manner when it wants more money for the Army. During the last thirty years the expenditure on the Army has been increased from 15 to 31 crores,—an increase of 16 crores,—and whenever an increase in the expenditure on the Army was required, the Commander-in-Chief simply said,—‘ I want so much more money ’ and the money had to be found and provision had to be made. If the existing revenue of the country was insufficient for the purpose, increased taxation was resorted to. When Lord Kitchener introduced his reorganization scheme, we had to find special sums of money required for several years running. Unless the Hon'ble Member is going to fight for his scheme in the same spirit and with the same determination,—I do not know what is passing behind the curtains,—but unless he is going to take up his stand like that publicly, I do not know that much will come from the scheme. Sir, the Hon'ble Member spoke of the recommendations of the Royal Commission on Public Services resulting in a large increase of expenditure. As I have already said, I do not know how he knows this, but are we seriously to believe that in the opinion of the Hon'ble Member the demands of the Civil Service for increased pay, better prospects and higher pensions are to take precedence of educational expansion in the country, that the expansion of primary education is to be subordinated to the satisfaction of those demands? Sir, the cause of primary education, which is all-important, cannot be made and must not be made subsidiary to such claims, and I certainly am surprised that the Hon'ble Member should say that the provision that has to be made for education will have to depend upon what this Royal Commission recommends. Again, as regards railways, railway expenditure is met out of borrowings and I do not know that that has any connection, as long as there is no net loss, with the current revenues out of which provision for primary education has to be made. Of course if the railway finance results in losses, then the losses have to be made good out of current revenues; but that is now a somewhat remote contingency, and, therefore, I think, for our present purposes, we may well put railway expenditure out of account.

“ As regards the Nicholson Committee, if that Committee's labours are going to lead to an increase of military expenditure instead of leading to its reduction, as we had all hoped it would, that, again, is a matter which will have to rest on its own basis. My contention is that the question of primary education is second to no other in importance, and if you are firm in your desire to find money for it you must do so independently of the money you may require for the Army, and for other purposes. Lastly, as to the country being liable to periodical famines. Of course we are constantly liable to famines in this country. And we never can say when there will be no famine. We never can have that sense of security, but that does not prevent the Government from pledging the country to expenditure in advance in other directions. If the Government do not wish to publish their programme because that would commit them definitely to certain expenditure, I say they had no right and I say they had no business to make public

[25TH FEBRUARY, 1913.]

[*Mr. Gokhale ; Division.*]

use of that programme for their own purposes. I say Mr. Montagu had no right to make use of this programme in his budget speech, and the Hon'ble Member had no right to put all those figures in the Resolution that has just been issued. The result of the procedure adopted has been to produce a misleading impression. Men in England are easily satisfied about Indian affairs. They do not much and I fear they care even less. They will now think that the Government of India has embarked on a policy which will soon result in doubling the school-going population. This is quite enough for their purposes. There are many men in this country too who do not understand the deeper intricacies of public affairs, and who too will now merely repeat the same cry and feel satisfied. I must confess that I am disappointed that the Hon'ble Member has declined to publish the programme. He offers us instead some details for the next three years. That will not suffice, and I have therefore no option but to divide the Council."

The Council divided :

Ayes—19.

The Hon'ble Mr. Ghuznavi, the Hon'ble Maharaja Mamindra Chandra Nandi, the Hon'ble Raja Sir Muhammad Ali Mahammad Khan of Mahmudabad, the Hon'ble Raja Kushalpal Singh, the Hon'ble Mr. Chakravarti Vijayaraghavachariar, the Hon'ble Sree P. Rama Rayaningar Venkataranga Bahadur, the Hon'ble Khan Bahadur Mir Asad Ali Khan, the Hon'ble Mr. Gokhale, the Hon'ble Mr. Fuzulbhoy Currimbhoy Ebrahim, the Hon'ble Babu Surendra Nath Banerjee, the Hon'ble Maharaja Ranajit Sinha of Nashipur, the Hon'ble Mr. Madhu Sudan Dass, the Hon'ble Maharaj Kumar Gopal Saran Narain Singh of Tikari, the Hon'ble Mr. Qunrul Huda, the Hon'ble Rai Sitanath Roy, Bahadur, the Hon'ble Mr. Jinnah, the Hon'ble Raja Jai Chand, the Hon'ble Rao Bahadur Pandit and the Hon'ble Sir Gangadhar Chitnavis.

Noes—37.

The Hon'ble Sir Guy Fleetwood Wilson, the Hon'ble Sir Robert Carlyle, the Hon'ble Sir Harcourt Butler, the Hon'ble Mr. Syed Ali Imam, the Hon'ble Mr. Clark, the Hon'ble Sir Reginald Craddock, the Hon'ble Mr. Hailey, the Hon'ble Sir T. R. Wynne, the Hon'ble Mr. Saunders, the Hon'ble Sir Henry McMahon, the Hon'ble Mr. Wheeler, the Hon'ble Mr. Enthoven, the Hon'ble Mr. Sharp, the Hon'ble Mr. Porter, the Hon'ble Sir E. D. Maelagan, the Hon'ble Mr. Gillan, the Hon'ble Major-General Birdwood, the Hon'ble Mr. Michael, the Hon'ble Surgeon-General Sir C. P. Lukis, the Hon'ble Mr. Gordon, the Hon'ble Mr. Maxwell, the Hon'ble Major Robertson, the Hon'ble Mr. Kenrick, the Hon'ble Mr. Kesteven, the Hon'ble Mr. Kinney, the Hon'ble Sir William Vincent, the Hon'ble Mr. Carr, the Hon'ble Mr. Macpherson, the Hon'ble Raja Saiyid Abu Jafar, the Hon'ble Mr. Maude, the Hon'ble Mr. Arthur, the Hon'ble Major Brooke Blakeway, the Hon'ble Mr. Meredith, the Hon'ble Mr. Walker, the Hon'ble Mr. Arbutnott, the Hon'ble Mr. Eales and the Hon'ble Maung Myé.

The Resolution was rejected.

The Council adjourned to Saturday, the 1st March, 1913.

W. H. VINCENT,

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

DELHI;

The 28th February, 1913