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**PROCEEDINGS
OF
*THE INDIAN LEGISLATIVE COUNCIL***

ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS

VOL. LVIII

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GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER
THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.
(S & S Geo. V, Ch. 81.)

The Council met at the Council Chamber, Imperial Secretariat, Delhi, on
Wednesday, the 3rd March, 1920.

PRESENT:—

The Hon'ble SIR GEORGE OWENDES, K.C., K.O.S.I., Vice-President, *presiding*,
and 48 Members, of whom 42 were Additional Members.

QUESTIONS AND ANSWERS.

The Hon'ble Rao Bahadur B. N. Sarma asked:—

11-3 A.M.

1. "What is the number of raids into the North-West Frontier Province from across the border, the number of thefts, the value of property stolen and the number of men carried off during the last one year? How many of them were Hindus and how many have been ransomed?"

The Hon'ble Mr. H. R. C. Debbs replied:—

"The total number of raids and offences committed by trans-border offenders in British districts during the year 1919 was about 507. One hundred Hindus and 281 others were kidnapped, and animals valued at about 3 lakhs and other property worth about 8 lakhs were stolen. Of those kidnapped, ten Hindus and ten others were ransomed, and 37 Hindus were released without ransom.

The above figures are approximate. It is probable that many more persons kidnapped have returned to their homes than the number given, as cases of return of kidnapped persons are often not reported by the local officers."

The Hon'ble Rao Bahadur B. N. Sarma asked:—

2. "(a) Will Government state whether sufficient facilities exist at present for the speedy carriage of food-stuffs by the railway from one locality to another, or whether any inconvenience and delays are experienced owing to

[Rao Bahadur B. N. Sarma ; Sir Arthur Anderson ; [3RD MARCH, 1920.]
 Khan Sahib Shah Nawaz Bhutto ; Sir George
 Barnes ; Mr. Surendra Nath Banerjea ; Maha-
 raja Sir Manindra Chandra Nandi.]

shortage of rolling stock? (b) If sufficient facilities do not exist, do Government propose to provide priority for the carriage of food-stuffs until the deficiency is made up?"

The Hon'ble Sir Arthur Anderson replied :—

"(a) Railways, with their depleted resources, are at present being called upon to handle an abnormal traffic, particularly coal, much of which should ordinarily go by sea, and a certain amount of inconvenience and delay to traffic is inevitable, until such time as the shipping position improves, and the new locomotives and rolling stock now on order have been placed in running.

(b) Every care is being taken to avoid delay to food-stuffs, and whenever it is found necessary to accelerate transport to any particular locality special arrangements are made for this to be done."

The Hon'ble Khan Sahib Shah Nawaz Bhutto asked :—

The Aerial
Mail
Service,
between
Karachi and
Bombay.

3. "Do Government propose to consider the desirability of retaining the Aerial Mail Service which is now carried on between Bombay and Karachi, as a permanent measure?"

The Hon'ble Sir George Barnes replied :—

"The Aerial Mail Service between Bombay and Karachi was only established as a temporary and experimental measure, with a view to ascertaining among other things the cost of running such a service. The Government of India have already decided that this experimental service should be discontinued in consequence of the small amount of support which the public have given to it."

The Hon'ble Mr. Surendra Nath Banerjea asked :—

Export duty
on raw
Cotton.

4. "Do Government propose to consider the advisability of levying an export duty on raw cotton as in the case of raw hides and skins as a part of the financial operations of the coming year?"

The Hon'ble Sir George Barnes replied :—

"As the Hon'ble Member will have observed from the speech of my Hon'ble colleague Mr. Hailey introducing the Financial Statement, it is not proposed to levy an export duty on raw cotton."

The Hon'ble Maharaja Sir Manindra Chandra Nandi
asked :—

Decision to
treat Bengal
as a surplus
Province.

5. "(a) Has the attention of Government been drawn to starred Question No. XIV asked by the Hon'ble Babu Bhabendra Chandra Roy at a meeting of the Bengal Legislative Council held on the 19th November, 1919, in which reference was made to certain conflicting statements of the Government of India and the Government of Bengal in regard to the decision to treat Bengal as a surplus province in the matter of rice last year?"

(b) Did the Government of Bengal repudiate the authority of Mr. Bendel to speak on their behalf in giving an estimate of the rice-stocks in Bengal, as indicated in their reply to clauses (d) and (g) of the question referred to?"

(c) Will Government make a full statement explaining their point of view in the matter?"

[3RD MARCH, 1926.] [Maharaja Sir Manindra Chandra Nandi; Sir Claude Hill; Mr. V. J. Patel; Mr. A. P. Muddiman.]

(d) How far was the estimate given by Mr. Beadel reliable, in view of the statements made by the Government of Bengal in reply to clauses (b) and (c) of the said question, and what steps were taken to test its accuracy before it was acted upon by the Government of India?"

The Hon'ble Sir Claude Hill replied:—

"(a) The attention of Government has been drawn to the question referred to.

(b) The Government of Bengal stated that Mr. Beadel was not requested or authorised to represent the views of that Government.

(c) The Government of India were only concerned to ascertain the amount of rice available for export from Bengal to deficit provinces and they accepted the estimate made by Mr. Beadel in his capacity as Director of Civil Supplies.

(d) The estimate was the best that could be obtained at the time from available sources. In the circumstances it was necessary to act promptly in order to relieve the food shortages in other provinces, and there was no time for detailed inquiries which were subsequently instituted into the position of stocks in each province."

The Hon'ble Mr. V. J. Patel asked:—

6. "(a) Is it proposed to define 'residential qualification' required for candidates and voters in the new constitution in the Bombay Presidency?" Residential qualification.

(b) Under the existing Regulations in Bombay does residential qualification mean merely that a candidate must have a place of residence in his constituency?

(c) Do the recommendations of the Franchise Committee accepted by Lord Selborne's Committee on this question empower the Bombay Government or the Government of India to so define 'residential qualification' as to mean that a candidate must be actually residing in his constituency?

(d) Did the Bombay Government, in submitting their view to the Franchise Committee on this question, merely recommend that a candidate must have a place of residence in his constituency?

(e) Is it a fact that in connection with the preparation of the electoral roll Mr. Seddon, the special officer appointed by the Government of Bombay has already instructed his subordinates to interpret the words 'has a place of residence' to mean actual residence?"

The Hon'ble Mr. A. P. Muddiman replied:—

"(a) The qualifications, including residential qualifications, for candidates and electors will be defined in rules to be made under section 7 of the Government of India Act, 1919; but the Government of India have not yet received the detailed proposals of the Government of Bombay.

(b) The rules relating to the election of members of the Bombay Legislative Council by Municipalities and District Boards provide that the candidate must have a place of residence in the group for which he seeks election. Those relating to election by the Mohammedan Community provide that a person can only be nominated as a candidate for the division in which he resides.

(c) The Government of India do not regard the recommendation of the Joint Committee as imposing any restriction regarding the definition to be adopted.

(d) No. They recommended that a candidate should have had a place of residence in the constituency for 12 months.

(e) The Government of India have no information on the subject."

[Mr. V. J. Patel; Mr. A. P. Muddiman; Sir William Vincent.] [3RD MARCH, 1920.]

The Hon'ble Mr. V. J. Patel asked :—

Seats on the Legislative Assembly to be allotted to Bengal.

7. "(a) Is it proposed to allot to representatives from Bengal the largest number of seats on the Legislative Assembly, as compared with other provinces ?

(b) If so, will Government state their reasons for such a course ?"

The Hon'ble Mr. A. P. Muddiman replied :—

"(a) and (b) In determining the number of seats to be assigned to each province the Government of India have endeavoured to give due weight to all the relevant factors, including population, political development, and commercial importance. They consider that on this basis Madras, Bombay and the United Provinces should be allotted the same number of seats, and that Bengal is entitled to one seat over and above this number."

The Hon'ble Mr. V. J. Patel asked :—

Elective seats on the Legislative Assembly to be allotted to Delhi.

8. "(a) How many elective seats on the Legislative Assembly were recommended for Delhi by the Franchise Committee ?

(b) Did Lord Selborne's Committee make any change in the proposal ?

(c) Do Government propose to consider the desirability of allotting at least two elective seats to Delhi on the Legislative Assembly ?

(d) Do the recent proposals of the Government of India on this question make any provision for the representation of Delhi on the Legislative Assembly ? If not, why not ?"

The Hon'ble Mr. A. P. Muddiman replied :—

"(a) One.

(b) As the Hon'ble Member will see from their report on clause 19 of the Bill the Joint Committee did not deal with questions relating to the constituencies for the Legislative Assembly. They confined themselves to recommending that the members of the Assembly should be directly elected, and that the Government of India should be instructed to work out on this basis proposals, which, as embodied in the draft rules, would be subject to examination by the Committee.

(c) and (d) The Government of India adhere to the view, stated in paragraph 36 of their fifth despatch, that it would be disproportionate to reserve one elected seat for Delhi, the interests of which when necessary, like those of any other minor administrations, could be sufficiently met by nomination."

The Hon'ble Mr. V. J. Patel asked :—

Training of medical students in the vernacular.

9. "What action, if any, has each of the Local Governments and Administrations taken on the Resolution of this Council suggesting the advisability of establishing institutions for the purpose of giving medical students a special course of training in the vernacular so as to qualify them for ordinary medical practice in rural areas ?"

The Hon'ble Sir William Vincent replied :—

"The proposal to establish such institutions was abandoned as Local Governments were unanimously opposed to it. Moreover, the Government of India considered that the object aimed at by the Resolution would be more effectively secured by increasing the number of medical schools so as to provide for more students, by raising the pay of sub-assistant surgeons, and by granting scholarships in medical schools. These measures were suggested to Local Government for adoption."

QUESTIONS AND ANSWERS; DOURINE (AMENDMENT) BILL; 1089
GLANDERS AND FARCY (AMENDMENT) BILL; WORK-
MAN'S BREACH OF CONTRACT (AMENDMENT) BILL.

[3RD MARCH, 1920.] [Mr. V. J. Patel; Sir J. B. Wood; Sir Claude Hill; Sir William Vincent.]

The Hon'ble Mr. V. J. Patel asked :—

10. "Which of the Indian States have introduced free and compulsory primary education, and a system of separation of the Judicial from the Executive in their States?" Compulsory education in Indian States, etc.

The Hon'ble Sir J. B. Wood replied :—

"The Government of India understand that free and compulsory education has been introduced in the Baroda and Kolhapur States. A statement* giving the information on this subject available from the Administration Reports of other States is placed on the table. The Government of India are not aware that any Indian States have introduced a system of separation of the judicial from the executive."

The Hon'ble Mr. V. J. Patel :—"May I ask a supplementary question? Is Government aware that Baroda has already introduced the system of separation of the executive from the judicial?"

The Hon'ble Sir J. B. Wood :—"The Government of India have no information to this effect, so far as I am aware. It may be in some of the papers that we have received, but it is not in the Administration Reports which have been examined."

DOURINE (AMENDMENT) BILL.

The Hon'ble Sir Claude Hill :—"Sir, I beg to move that the Bill to amend the Dourine Act, 1910, be taken into consideration. As no criticisms, suggestions or amendments have been received, I do not think it is necessary for me to repeat the observations I made when moving for leave to introduce the Bill. I hope the Council will accept the motion." 11-13 A.M.

The motion was put and agreed to.

The Hon'ble Sir Claude Hill :—"Sir, I beg to move that the Bill be passed."

The motion was put and agreed to.

GLANDERS AND FARCY (AMENDMENT) BILL.

The Hon'ble Sir Claude Hill :—"Sir, I beg to move that the Bill further to amend the law relating to Glanders and Farcy be taken into consideration. The same remarks apply to this motion as to the last."

The motion was put and agreed to.

The Hon'ble Sir Claude Hill :—"Sir, I beg to move that the Bill be passed."

The motion was put and agreed to.

WORKMAN'S BREACH OF CONTRACT (AMENDMENT) BILL.

The Hon'ble Sir William Vincent :—"Sir I beg, to move that the Report of the Select Committee on the Bill further to amend the Workman's Breach of Contract Act, 1869, be taken into consideration. I do not" 11-14 A.M.

* Vide Appendix.

[*Sir William Vincent; Rao Bahadur B. N. Sarma; The Vice-President.*] [3RD MARCH, 1920.]

think I need address the Council on the Bill now, because the only changes of importance which have been made by the Select Committee are the subject of specific amendments."

The motion was put and agreed to.

11-15 A.M. **The Hon'ble Rao Bahadur B. N. Sarma** :—"Sir, I beg to move as an amendment that to clause 1 the following be added :—

'The Workman's Breach of Contract Act, 1859, as amended by this Act, shall be in force till the 31st March, 1923'

The Hon'ble Sir William Vincent :—"Sir, I rise to a point of order which really involves a principle of some importance. I submit that this amendment does not arise out of the Bill. We have a Bill here amending a permanent Statute in certain minor particulars. An amendment limiting the duration of the whole Act does not in my judgment arise out of the Bill before the Council."

The Vice-President :—"I must rule that the amendment is out of order, as it does not arise upon the Bill before the Council."

11-16 A.M. **The Hon'ble Rao Bahadur B. N. Sarma** :—"Sir, I move as an amendment that in clause 3 the words 'get performed' wherever they occur in new section 2(1) be omitted.

"If my amendment be carried the operation of this Act will be confined to cases where labourers, artificers or workmen receive advances for the purpose of doing work themselves. Under the law as it stands, or as it is proposed should stand, workmen who contract to procure labour in addition to their own and thereby assist in any trade and receive advances can be proceeded against under this Act. Now, the question is, has the time not yet arrived when we should not, prior to repealing the whole Act, greatly reduce and curtail the operation thereof by confining it for the time being to workmen or artificers who may fraudulently and dishonestly refuse to perform the work they have to do themselves? It is a matter for very great regret, Sir, that on account of opposition from certain quarters and the conservative habits of the people in general, who do not assert their rights, the Government have not seen their way to repeal the whole Act or radically modify it. Without disclosing any secrets of the Select Committee, I think it is my duty to state to the Council that I had no reason to complain of the attitude of the Government or of the Hon'ble the Home Member with regard to the many questions which arose in considering the provisions of this new Bill. The real point is as to whether public opinion in India is sufficiently strong to enable the Government to repeal the Act immediately or at the earliest possible moment, or so amend the Act as to reduce the harmfulness of its operations still further. I do not mean that the Government have arrived at any definite conclusion as to whether this Act should be repealed in the immediate future or not; but I think they cannot be averse to doing so if public opinion is strong, and I have ventured to bring forward this amendment to take the opinion of the Council, if the Government should permit such an attitude being adopted by the members of this Council.

"Sir, in these days, when labour is asserting its own, and legitimately so, and is even being enthroned in high places, it is rather awkward that we in India should still insist upon antediluvian restrictions on freedom of labour which might, perhaps, have been justified in the year 1859 when this Bill was passed into law. The point does pertinently arise as to whether it is necessary, in the interests of society, that the performance of certain kinds of contracts which workmen enter into should be safeguarded by penal provisions. My humble submission is, that the provisions of the Penal Code relating to cheating and fraudulent breaches of contract amply safeguard the interests of the public wherever such interests have to be safeguarded. Sections 490, 491 and

[3RD MARCH, 1920.] [*Bao Bahadur B. N. Sarma.*]

492 of the Penal Code make it criminal to break a contract of service during a voyage or journey, to attend and supply the wants of helpless persons and to serve at distant places to which a servant is conveyed at the master's expense. Inasmuch as this clause, as it stands, is defended on the ground that persons may make advances and take people to a distance may be otherwise cheated. I submit the object has been achieved already. I may be permitted to read the scope of section 492, which says:—

'Whoever, being bound by lawful contract in writing to work for another person as an artificer, workman or labourer, for a period not more than three years, at any place to which by virtue of the contract he has been or is to be conveyed at the expenses of such other, voluntarily deserts the service of that other during the continuance of his contract or without reasonable cause refuses to perform the service which he has contracted to perform, such service being reasonable and proper service, shall be punished with imprisonment of either description for a term not exceeding . . . etc.'

and if a person receives money by way of advance promising to perform a contract never intending to do so, he is clearly guilty of cheating and is punishable under section 415. My submission, therefore, is that the Penal Code amply safeguards the interests of the public where such interests have to be safeguarded. Act XIII of 1859 seems to have been primarily introduced into the Imperial Legislative Council at the instance of the Trades Association of Calcutta and to safeguard the interests of the tradesmen in the Presidency-towns. We find that both from the discussion in the Imperial Legislative Council as well as from the preamble to the Act. The wording of the preamble is—

'Whereas much loss and inconvenience are sustained by manufacturers, tradesmen and others in the several Presidency-towns of Calcutta, Madras and Bombay, and in other places, from fraudulent breach of contract on the part of artificers, workmen and labourers who have received money in advance on account of work which they have contracted to perform; and whereas the remedy by suit in the Civil Courts for the recovery of damages is wholly insufficient and it is just and proper that persons guilty of fraudulent breach of contract should be subject to punishment . . .'

"It is only the last section of that Act which provides for the extension of the Act to other places.

'This Act may be extended by the Governor General of India in Council, or by the executive Government of any Presidency or place, to any place within the limits of their respective jurisdictions. In the event of this Act being so extended, the powers hereby vested in a Magistrate of Police shall be exercised by such officer or officers as shall be specially appointed by Government to exercise such powers.'

"Then in the course of the proceedings in the Imperial Legislative Council, we find that the Hon'ble Mr. Currie said:—

'This Bill was introduced at the instance of the Calcutta Trades Association, who had complained of the pecuniary loss to which they were subjected by the fraudulent conduct of their workmen in wilfully failing to perform work for which they had received advances.'

"Mr. Harington said:—

'The amendment proposed by the Hon'ble Member for Bombay, if carried, would greatly change the character of the Bill. If he rightly understood the Bill, the object chiefly aimed at in its introduction was the protection of the tradesmen of the Presidency-towns from pecuniary loss.'

"So I am safe in saying, I think, that the original object of the Bill was to provide for the safety of the tradesmen in the Presidency-towns. I believe, Sir, it might have fulfilled its purpose in the good old days, but I do not think any one from the cities of Calcutta, Madras or Bombay seriously asks for the retention of this clause. It is people elsewhere who, I think, are clamorous about the retention of the provisions of this Act on the Statute-book.

"Then what is it that I ask? I allow that every workman or artificer, who dishonestly refuses to perform the work he has to do himself, may be punished. I am not touching that section, but I am only saying that where a workman receives an advance, hoping or expecting that he will be able to induce his brother-workmen to work along with him and then fails to do so, he should not

be penalised or exposed to the penalties of this Bill. There seems to be an impression in certain quarters that sub-contractors and others can be proceeded against. I believe that the rulings of the several High Courts, including that in 41, Madras, distinctly show that sub-contractors who may have entered into contracts will not come within the purview of this Act, unless they are themselves workmen. Therefore, the real question at issue is, I think, whether we should expose a workman who receives an advance thinking that he would be able to induce his brother-workman to work along with him but fails to do so, to the penalties of this clause. My submission is that we should not encourage that system at all. It is absolutely wrong that these imprudent workmen should receive advances and tie themselves down for considerable periods of time. It is economically unsound and it is economically wrong, I think, for the law to encourage such contracts. I submit that we cannot believe in this vicarious form of punishment. The man himself is willing to work. The man himself may say 'Yes, I have given the money to my brother-workman who has promised to work with me, but he fails to keep up his promise and wants to cheat me. I am willing to work'. Still in such cases he is exposed to the risk of being hauled up before a Magistrate and taken to long distances and punished. Of course, the partial answer may be 'Oh, you cannot expect the Magistrate to be so unreasonable as to convict a man if he can show satisfactorily to the Magistrate that his brother-workman refused to work along with him after receiving an advance'. My submission is, Sir, are we to convert the Criminal Court into a Tribunal for the purpose of settling civil disputes? Are we to ask these workmen, artificers or labourers, who are admittedly ignorant men, to undertake the burden of proving affirmatively that they advanced the money to 20 coolies of whom 12 are ready to come and 8 have refused and that therefore he is not able to fulfil the contract? In the first place, it entails enormous expenditure on a workman to prove that, and secondly, I think, we should not encourage the risk of exposing him to the certainty of a conviction because of his general incapacity to defend himself. The result would be that the Magistrate would have no option but to punish, at the instance of the employer, the workman, though it may be that there is a failure owing to the default of others. Then, again, I do not see why you should punish these workmen simply because they happen to belong to the lower classes and are ignorant men, when a sub-contractor, who occupies a higher social status and who is supposed to be intellectually and morally better fitted to keep his word than a workman, is allowed to escape except in so far as the civil law may prove sufficient.

"My submission is, Sir, that if a workman who undertakes to supply labour and to do work is to be punished, then there is no justification in allowing others who break their contracts fraudulently being left unpunished.

"The provisions of the Indian Penal Code extend to all classes alike, and I do not see any basis on which discrimination can be defended.

"My submission is, Sir, that in this advanced age it is impossible to justify distinctions between class and class. Nor do I think that it would serve any useful purpose because we are retaining for the time being the power to proceed against workmen which they have to do and that is sufficient law. If you think the time has not come yet for repealing the whole Act, the law may remain for some time on the Statute-book as modified now. But why extend it to artificers and workmen who are generally unable to prove before a Magistrate that they have really disbursed the advance but failed to perform or complete a contract through no fault of their own?

"I submit, Sir, that I know of several people speaking on behalf of the Public Works Department—I do not propose to make this question a racial one—who feel that this Bill enables the check to the present system to be removed. The time has come for that system to shape itself to more reasonable surroundings, and rather than that a workman should be tied down by this advance being made, it is better, I think, that we should not do so.

"May I submit, Sir, that we are not dealing with the question of planters in the various parts of Assam. They have got Acts of their own bearing on

the question of planting, and I submit that these points should be borne in mind when we come to a decision in determining what our attitude ought to be as regards the Workman's Breach of Contract Act.

"I, therefore, hope the Council will agree with me that this part of the clause should be amended in the manner I propose."

The Hon'ble Sir William Vincent:—“Sir, the Government have 11-34 A.M. decided to accord to all officials absolute freedom in the matter of voting and speaking on this amendment. I think I have already made that clear to various members of this Council. I now turn to the merits of the amendment. The Hon'ble Member began his speech by an attack on the whole Act, a very justifiable attack, I dare say, from his point of view, but, as it seemed to me, a little outside the scope of the particular amendment he was introducing. I believe indeed that two-thirds of his speech was directed against the general principle of the Act as a whole, and theoretically I dare say there is much to be said for this view and that the repeal of the Act would be an ideal proposition. I hope the Hon'ble Member will believe that I have a great deal of sympathy with him on this matter. But we must look at the facts from a practical point of view.”

“We are dealing here with very large interests and I feel my responsibility in regard to this Bill to-day to be greater, because two members who could have given us very great assistance from their knowledge and experience of the working of the Act, the Hon'ble Mr. Allen and the Hon'ble Mr. Crum, are unfortunately unable to attend this Council to-day owing to illness. I will, therefore, ask the Council to bear with me if I give some figures which have been supplied to me by Mr. Allen about the tea industry which is so much affected. He has pointed out to me that the population affected is considerably over a million altogether. The number of actual labourers in Assam is 552,000 as opposed to a quarter of a million in all the cotton mills. The area affected is about 406,000 acres.

“I do not know how far this particular amendment which the Hon'ble Member proposes would necessarily affect this industry. The point I want to make to the Council is this, that this amendment, which is of great importance, has never been ventilated or submitted to the public.

“I hope the Hon'ble Member will not think that I am betraying a confidence if I repeat what I said when he proposed the amendment in Select Committee, namely, that if he liked to bring forward a separate Bill on this point he might do so; but that it was unwise to delay the passing of a beneficial measure by introducing at the last moment new matter which would render it necessary for the Government to reconsider its position, in respect of the Bill and might further delay the passing of the Bill which we have before the Council and which, I believe, will be of great benefit to all workmen and labourers concerned. The Hon'ble Member suggested that plantors in Assam have a separate Act of their own which protects plantors against breach of contract by labourers. So far as I am aware, there is no law on this point in force in Assam, except Act XIII of 1859. I speak subject to correction. The question which the Hon'ble Member has raised, namely, the exemption from the provisions of the Act of all persons who contract to get work performed, is one of great difficulty. When he suggested, however, that what we are doing at present is to penalise civil breaches of contract by such persons, it is my duty again to point out to this Council that this is not so. The only person who is penalised in any way under the Act is the person who breaks a contract fraudulently. Otherwise the person who has taken an advance does not come within the mischief of the Act at all. He cannot be penalized for the default of others, but only if he acts fraudulently himself. It is not, therefore, a question merely of civil disputes as he alleges. He has suggested further that the Government have acted wrongly in not including sub-contractors within the scope of the Act. Now, Sir, the answer is very simple . . .

[*Rao Bahadur B. N. Sarma; Sir William Vincent; [3RD MARCH, 1920.]*
Mr. G. F. S. Christie.]

The Hon'ble Rao Bahadur B. N. Sarma :—“ May I rise to a point of order ? I am not complaining ; I simply stated facts.”

The Hon'ble Sir William Vincent :—“ The suggestion was that the Government acted unfairly in including within the scope of the Act, persons who get work done because sub-contractors are not also so included. I believe that he is correct in his interpretation of the law, and that sub-contractors do not come within the mischief of the Act unless they are also labourers or workmen themselves, but the reason for not extending the scope of the law to other sub-contractors is very simple. The Government is anxious in every way not to extend the provision of this Act but to restrict it as far as possible.

“ All the Members who sat on the Select Committee will bear me out when I say we have done so. Again I should like to invite the attention of the Hon'ble Member to the different opinions that have been expressed on this particular amendment. Here is one very important opinion from Bombay in which it is said :—

‘ Large advances are given by the contractors for these works to their workmen, and I understand that in many, if not in most, cases Rs. 300 would be much below the advances demanded and granted. Without these advances workmen or groups of workmen (and it may be noted that the Act has been held to apply to contractors to supply the labourers when the contractor is a workman) will not come to the works, while if such are given of an amount exceeding Rs. 300, the remedy provided by the Act is lost.’

“ There are some similar observations in the opinions from Madras. Therefore there are certain Local Governments who would have to be consulted on this particular amendment if it was accepted by the Council, before the Bill could be passed, and that would mean delay in the passing of the present Bill. I hope, therefore, that the Council, although I have given freedom to officials to vote as they like, will not delay a beneficial measure in order to introduce a new amendment of this kind. As a mere technical point also, I was a little surprised to find that the Hon'ble Member, who is a lawyer, proposed to omit these words from one section of the Act, but is oblivious of the fact that the same words appear in two other sections. He has studied the previous proceedings with great care, but has apparently omitted to examine the rest of the Act itself ; if he had done so, he would have seen that the same words occur in section 1 and section 3. What the exact effect of omitting the words from the one particular section as he has proposed would be I do not know, but I could not accept responsibility for a Bill so drafted. The acceptance of this amendment would mean that I should be unable to proceed further with the Bill at present, not only for this reason however, but for the more important reason that the amendment which he proposes has never been adequately considered by the very large interests affected.”

11-32 A.M.

The Hon'ble Mr. G. F. S. Christie.—“ Sir, it is with great hesitation that I venture to address this Honourable Council. Correspondence shows that each province has its own difficulties in connection with this Bill, and it is with the special object of discussing its bearing on my own particular province that I now venture into this arena. I may add that it has seemed in some quarters that the voice of Burma has recently been hardly sufficiently audible. The great trouble that we feel, and always have felt, in Burma is the want of an adequate supply of labour. Though we have been able to induce people to go over from India for a couple of years or more, and in some cases to settle down with their wives and families in the country, we have never yet been able to secure an adequate amount of labour. The statistics show that the average number of persons who migrate from Calcutta to Rangoon in the year is about half a million, and the Committee which was appointed recently to inquire into the conditions of accommodation provided by the British India Steamship Navigation Company showed the very great hardships that coolies had to endure in their passage. If we could only induce

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men to settle down in the country in Burma, we could provide that factor which is so vital and necessary to the development of our province, we could abolish all this inconvenience, this hardship, and this expense consequent on the constant journeys backwards and forwards from Calcutta to Rangoon, and we could secure for the province the wages which at present are taken away and distributed elsewhere outside our province. The supply of labour is artificially restricted, labourers are bound down to the soil and to the place in which they were born and if we intend to liberate them from their fetters, we must provide them with adequate means for migration; not a temporary migration where a man can be taken from one province to a distant province under another master, to serve out his term and pay off the advance which he obtains, and then return to his own province, to his old master to continue a further term of servitude, but a permanent migration, a permanent migration, Sir, to a land which, if it does not flow with milk and honey, at all events provides a standard of comfort and an abundance of foodstuffs which are not dreamed of in his philosophy. It is this dependence on the maistries and this system of advances which prevent the free employment of labour and deprive it of its proper remuneration, and, if we could only do away with these, the price of labour would be determined in the ordinary way, as my Hon'ble friend Mr. Sarma said, by the laws of supply and demand, and we should enable men to stay in the place where they are really wanted instead of being taken away to dwell in a place to which custom, aided by legislation, has decreed that they are permanently to return. Certain industries, Sir, are artificially fostered, and we have land very much congested in India, while there are immense areas in Burma which are crying aloud for labour for their development. There are in one district in Bengal, (Dacca), 3,000 square miles with a population of about three million. Mergui District in my division has an area of 10,000 square miles with a population of barely 100,000 people. This Act, Sir, is one which Pericles would have condemned as one of expediency, which is economically unsound and one which fosters the idea that if people can work, there is no necessity for them to save; and we know that the human tendency is that a person when he is in good health imagines that he will be able to work for an indefinite term.

"For these reasons I hope that the Act will be repealed in the not very distant future, but I recognise that this course would be attended at present with the greatest danger and would imperil the economic structure. Labour cannot go forward where it is wanted at present without initial advances, and there are industries, and many of them, which owe their prosperity to an adequacy of labour, and these industries would be crippled and in many cases compelled to close down altogether if this supply was withdrawn. I would, therefore, suggest that we follow the very sage advice which was given by the Hon'ble Home Member the other day in discussing the Hindu Marriage Law, '*festina lente*,' he said. One of the essential products of the Empire during the war and one of the key industries is wolfram, the largest supply of which in the Empire comes from the Tavoy District of the Tenasserim Division. In the year 1916 and part of 1917 we imported over 5,000 Chinese coolies and a large number of men from Hazaribagh and other places in India. In the year 1918, there were upwards of 92 cases under the Workman's Breach of Contract Act, and in the year 1919, there were upwards of, so a telegram which I have just received says, 870 cases, besides those cases which were withdrawn before they came to a Magistrate, and though in only one case out of those 92 was an order passed against the respondent, yet Deputy Commissioners have been unanimous in their opinion that without this Act, the output of wolfram would have been very considerably diminished.

"We regard these words 'get performed' as unnecessary. The conditions under which labour is maintained on the plantations in Madras and other places are set out in the letter received from the Government of Madras, which has been received since the meeting of the Select Committee. With these conditions I have no personal acquaintance, but I would point out that if the words be retained, Burma will continue to suffer for want of labour, and it will be impossible for employers to engage their own servants if

[*Mr. G. S. F. Christie; Rao Bahadur B. N. Sarma; Sir William Vincent.*] [3RD MARCH, 1920.]

the place of contractors. So far as Burma is concerned, we do not need this. But it has been alleged that Burma will suffer very much if this Bill becomes law. The principal firms, who have been consulted, say that they are in the habit of making large advances of upwards of Rs. 2,000 (very much above the limit which was suggested by my Hon'ble friend Mr. Crum in a paper which I have received). Messrs. McGregor and Company say that even now the Act is of no use to them and that it needs strengthening and not weakening in the interests of employers. The Bombay-Burma Trading Corporation—these are two of the biggest timber firms in Burma—referred to the Act as one intended to secure them in their dealings with petty contractors, but the Act, as has already been pointed out, refers to artificers, workmen and labourers, and there is no mention of vicarious employment.

“As to the rulings quoted by the Hon'ble Mr. Sarma, I think I have them in my mind. One is the case of *Cairam v. Chengappa* and the other is the case of *Devappa Ramappa Naik v. King Emperor* and in these cases it has been laid down that the Act does not apply in the case of petty contractors unless there is a guarantee to render personal labour. There is no justification, therefore, for supposing that this Act will apply to petty contractors in the same way as to ordinary labourers.

“I, therefore, agree that this Bill proposed by the Hon'ble the Home Member should be passed, and it has my wholehearted support.”

11-52 A.V.

The Hon'ble Rao Bahadur B. N. Sarma:—“Sir, I understand that the attitude of the Government will be that they are indifferent to the fate of this particular amendment but that they are not in a position to proceed with this Bill finally if the amendment should be carried by the free vote of this Council. . . .

The Hon'ble Sir William Vincent:—“May I explain, Sir, I should rather put it in this way that I should have to consider my position further in regard to this Bill if the amendment is carried. I may have put it too strongly before.”

The Hon'ble Rao Bahadur B. N. Sarma:—“Certainly. Of course the Hon'ble the Home Member must be very cautious in the employment of his language and I can readily appreciate it, but I know where it will lead to, and I do not want that any benefit which workmen may receive under this Act should be indefinitely postponed on account of any particular clause. The Hon'ble Member has promised to favourably consider the introduction of another Bill or rather to facilitate the progress of any Bill that may be introduced for the purpose of modifying or repealing this particular Act, and with that assurance I think we must rest satisfied.

“Sir, may I just point out one or two things before I sit down. The Hon'ble the Home Member referred to Coorg and Madras as places where opinion does not seem to be very favourable to me. Of course, with regard to Coorg, one can readily understand their anxiety to have this labour force even if considerable inconvenience be caused to labour. I do not think the same can be said of Madras. I hold the Madras opinion to be that the Planters' Act is agreed to be repealed in case the Workman's Breach of Contract Act is modified in a way suitable to the wishes of Madras planters. So that has really no bearing now upon the present controversy, and I do not think the view of Madras can be quoted against me at all.

“Then, there is another point. The Hon'ble the Home Member said that I was assuming in a way that if this Bill should include workmen contractors, it should also include others. I never suggested its expansion and I shall fight against it. What I said was that there is no reason by which we can defend its application to one class if we exempt another class. Inasmuch as a large class of sub-contractors who may dishonestly commit a breach of contract are exempted from the operation of this Act, and rightly, too, I hope that the Hon'ble the

Home Member may see his way to bring in another Bill himself to get the whole Act repealed or modified in a substantial manner.

"Sir, I shall not take any risks and I shall not, therefore, press my amendment."

The amendment was, by leave of the Council, withdrawn.

The Vice-President:—"The next amendment in the list, No. 8,* stands in the name of the Hon'ble Mr. Crum. As I am informed that Mr. Crum is absent owing to illness, I propose to adjourn the final discussion of this Bill in order to give him a chance of moving his amendment. He returned from Calcutta for this purpose, and I imagine the Council would like to hear him. I will, therefore, go on with Mr. Sarma's amendment and finish the Bill as far as it is possible, leaving this one amendment over."

The Hon'ble Rao Bahadur B. N. Sarma:—"Sir, I beg to move that in clause 3 to the proviso to new section 2 (1) the following be added at the end:— 11-30 A.M.

'Or (c) if the artificer, workman or labourer tenders the amount advanced and an additional sum of fifty per cent. of the said amount for payment to the complainant.'

Clause 3 (2) would read thus:

The Magistrate may proceed and pass orders under clause 2 (1)

'Provided that no such order shall be made—

- (a) unless the complaint was brought within three months of the neglect or refusal; or
- (b) if it is proved that the complainant has, on any previous occasion, obtained an order under this sub-section against such artificer, workman or labourer; or
- (c) if the artificer, workman or labourer tenders the amount advanced and an additional sum of fifty per cent. of the said amount for payment to the complainant.'

"I submit, Sir, that the modification I suggest is an extremely reasonable one and I hope the Hon'ble the Home Member will not be compelled to assume the same attitude towards this amendment as he was on general considerations obliged to assume towards the previous amendment. You accuse a man of taking an advance and not doing the work. You say he has committed fraud in promising to do a certain piece of work and then not doing it. You give the Magistrate the option of directing either the performance of the work or the payment of the money advanced. My position is that you may give him that option, but if the workman or the workman sub-contractor comes forward and says 'Look here, I am not able to do the work; I am willing to repay the advance and I am willing also to pay a penalty in order to escape the rigour of this Act; kindly let me go', you ought to permit him to go without any trial. I would ask what is the peculiar quality of work which a labourer can be compelled to perform against his wishes under this clause 2 (1) which the policy of the Act requires that he should be compelled to perform, although he is prepared to return the whole of the advance and also pay a certain amount by way of a penalty. Fraud consists in a man receiving the money and running away without repaying the advance, and, inasmuch as in some cases the men are poor, if you ask that the employer should go to a civil court, he may be without any remedy. I make a provision for that. I say there can be no question of fraud whatsoever if the labourer or sub-contractor himself comes forward and repays the advance with a heavy penalty. All that you can say is that the man is unwilling to work for some reasons which he may not be able satisfactorily to explain to the court. The master may have ill-treated him or there may have arisen circumstances which he cannot disclose to the court or which he cannot prove to the court and which might aggravate his offence if he were to suggest them in court. Therefore he says 'I cannot work; let me off,' and what I submit is, why should you give the discretion to the Magistrate in such a case to compel the man to go to work.

* The Hon'ble Mr. Crum to move as an amendment that in clause 3, proviso (b) to new section 2(1) be omitted.

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"There is no use telling me that a Magistrate would not be so foolish in passing orders when he could understand that the workman is reasonably unwilling to work. As I have suggested, although it may be said to the credit of the magistracy that they are able in a good many cases to hold the scales even between the employers and the labourers, it is not surprising that in some instances, and not in a few, people have no confidence and they think that the employers on account of friendship or other causes will be able to secure their own in some courts. Now, why should you expose the Government and the magistracy to this unnecessary charge when the men themselves are willing to say 'We will repay the amount'? In the case of a workman contractor, who undertakes to bring a large number of coolies, but who is unable to bring in the whole—in 39 Mad. I think he undertook to bring 18 and brought only 8—he may be sent to jail. Well, the man says 'I will pay back the advance'. Why don't you allow him to do so? I know it has been suggested that 50 per cent. would be really no remedy because in some cases these employers will have spent per coolie much larger sums than the 50 per cent. additional may cover. My submission is that we are immediately introducing into the discussion the question of proprietary right for a period in the labourer, that is, that the employer has got a proprietary right to the extent of say Rs. 300 or 200 which he must have incurred by way of general expenses on the labourer, and consequently it should not be 50 per cent. but the amount per head which the employer may be considered to have expended upon the whole labour force as a class. That is one of the grounds that was urged against the acceptance of this amendment. My submission is that there is absolutely no force in that we cannot recognise any proprietary right, full, semi, or partial, or any semblance of a proprietary right in labour. It was suggested that this had nothing to do with labour in Assam. I find, subject to correction, that since 1901 the Act is in force in Assam subject to certain modifications, and the Madras Act I of 1903 is in force, as modified, in Madras. I am not sure whether that is so or not; but, if so, there would be no need for us to consider those questions dealing with this particular amendment; but even assuming for a moment that they have a bearing, remote or present, upon that question, my submission is that the workman should be allowed to go free without being harassed by a trial if he can bring the money into court and tender it before a Magistrate."

12-1 P.M.

The Hon'ble Sir William Vincent:—"Sir, the Hon'ble Member began by asking me whether I would oppose this amendment on the same general considerations that weighed with me in the case of the previous amendment. I cannot say on this occasion that there are consequential amendments of the same nature as those to which I referred in the last case. Though, if I may be allowed to refer to those for a minute, I cannot remember that in his reply the Hon'ble Member gave us any explanation of his reason for omitting to consider the consequential amendments which I mentioned, but that is, perhaps, scarcely relevant to the present discussion, in which official members will, as before speak and vote as they like.

"Turning to the particular point, which was raised by the Hon'ble Member, I must confess that when he proposed this amendment, as he will remember, in Select Committee, I was at first prepared to consider it favourably; and it was only when the real dangers of it were exposed by those unfortunately not present to-day, who have very much more knowledge than I have, at any rate, of the conditions of labour in Assam and of the working of the Act, that I saw where the mischief of the proposal lay; and I think that all Hon'ble Members of the Select Committee, except perhaps Mr. Sarma, whom it is always difficult to convince, were satisfied of the validity of the reasons which led the Government to refuse to accept this amendment. The real point is this, that if you allow the labourer the option of repaying the advance made *plus* 50 per cent., you encourage what is the most dangerous of all practices, this traffic in labour. If there has been

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one thing, as I understand, more injurious to the tea industry than another, it is this process of enticing labour from one garden to another. What the Hon'ble Member's amendment presupposes is that the amount of money which labour costs to get to a garden is limited to the advance which a labourer receives. It is not so at all according to my information. The advance to the labourer, *i.e.*, money that he gets in his pocket may be a very small sum, say Rs. 20 or 30; but to take a labourer to Assam costs his employer something like, I am told, Rs. 140 to Rs. 180; and I want Council to consider what the position of the planter would be, if the amendment was accepted. This is not a question of European or of Indian planters. Indeed Indian planters, I may say, are very much stronger in their opposition to this amendment of the Act than many Europeans. What is the position of the planter? He has imported a man up to Assam to work for a certain period, and the man is perfectly willing to fulfil the contract; the employer has spent Rs. 140 or Rs. 180, of which Rs. 20, or possibly Rs. 30, has been given to the labourer as an advance. The labourer is deliberately enticed away to another garden by a dishonest employer next door, and he can do so if this amendment is passed by paying Rs. 40 *plus* Rs. 50 per cent. or Rs. 20, a total of Rs. 60, thus securing for his garden a labourer who has cost the original employer Rs. 140 to Rs. 180. If this amendment is accepted, it would, I should think, involve the money spent in getting up a labourer now given free, being all put down to advance, because the planter will say 'I am not going to give you anything which you will not repay by working for me.' Indeed, it might be that the whole cost of importing a labourer would be treated as an advance. In such circumstances, the amendment would be to the injury of the labourer. It has, therefore, two definite disadvantages. It would definitely encourage enticement of labour from one employer to another, and if there has been one thing that is more fatal to the tea industry than another it is that. In the second place, it would tend to more money being debited against the labourer as an advance than is at present the custom. The Hon'ble Member has put before us a somewhat lurid picture of the way in which the Act is administered. But I am assured by Mr. Allen that in Assam at least the Act is worked very leniently; that nearly all the amendments which we have suggested in our Bill have been anticipated in practice by the magistracy there. The figures which the Hon'ble Mr. Christie produced before the Council now also, I think, support that view. A contract can only be enforced under this Act if it is broken fraudulently, or to use the language of the Act, wilfully and without reasonable cause; and I cannot see why a labourer, who has entered into a deliberate contract of that kind and afterwards fraudulently breaks it, should not be made to perform that which he has undertaken to do. The Hon'ble Mr. Sarma suggests that it would be quite sufficient to make him repay merely the advance that he has taken *plus* 50 per cent., *i.e.*, to give him this option for the Magistrate can now order a labourer to repay the advance and escape any penalty under the Act. That is really to deprive the Magistrate of all discretion to make this man perform the solemn contract into which he has entered. For these reasons I hope that the Council will not accept this amendment.

"There is only one point more which I would like to mention, and that is, the Hon'ble Member's reference to the Assam Immigration Act of 1901. That there are certain penal provisions in that Act I am well aware but, to the best of my recollection, the enforcement of those provisions was abrogated in that province many years ago, I believe."

The Hon'ble Rao Bahadur B. N. Sarma.—"Sir, I am sorry ^{12-12 P.M.} the Hon'ble the Home Member has not seen his way to accept this amendment. I am fortified now more than ever that it would be rather difficult for the Government to weigh the advantages of the people as against the advantages of the planters. Let us look at the arguments adduced. The argument is, a man is brought into Assam or into the unhealthy climate of Wynad from a distance on various representations made to him and a sum of about Rs 150 on

the average is expended on him. If he is permitted not to do work paying Rs 20 or Rs 30 advance which he may have actually received, there is a danger of freedom of labour movement within Assam and Wynad. The labourers will not be tied down like the Panchamas in Madras to the estates to which they have been wedded. There is a danger of other planters enticing those who have been taken there perhaps on extremely cheap terms. Let us analyse the position further. If the labourer on an estate is paid his rational wages, I mean the wages prevailing in that neighbourhood or which can be paid by the tea planters consistently with enormous profits to their business, how can his brother planters entice away the labourers without suffering loss. It is because this abnormal system of assisting these planters by artificial help is enforced that some planters perhaps are able to make more profits than is legitimately their own, and the labourers will not get their wages to which they are reasonably entitled. How can a brother planter entice this labourer unless the latter is paid more. The labourer will not be a fool to go to a neighbouring estate unless he is given a much larger wage than he was promised in the former case, or unless the treatment in the former case was absolutely unsupportable. Then I submit, Sir, in cases where labourers are ill-treated, there must be some chance of escape for them; and where he can get a larger wage consistently with his returning the advance, he should be permitted to do so, and labour will come in its own in the province of Assam as elsewhere. We are asked as to whether there is not the danger of these Rs. 150 also being tacked on to the advance given to the labourers. We seem to have here the repetition of the Indenture system which the Government of India have tried to abolish in other places enforced here with a vengeance. Cannot the law ensure to the poor labourer that only such advance as he receives yearly would be credited to his account and not the average cost to the planter by reason of disbursing the whole expenditure on his establishment amongst the coolies. I submit, Sir, that is an absolutely meaningless argument. I submit there is no such real danger to the coolie if the law would take care of the coolie. Of course, if the law does not take care of the coolie so long as these Acts are in force, then certainly there may be a danger. But if the law does take care of the coolie so long as this semi-indenture system continues, I submit there is no harm.

"I am glad to hear that the penal provisions under the Assam Labour Act have been abolished or rather they have been suspended by notification, and I can see, therefore, the anxiety on the part of the planters to tighten up this Act as much as possible. Of course the Government wish to meet them as much as possible. I can quite realise that, and that is a reasonable attitude also. But my submission is, do not make the whole of India suffer by these provisions which cannot be defended either by arguments on principle or by expediency; do not let the whole of India suffer simply because you must have special provisions with regard to some particular tract for some years to come. If you want to have the Workman's Breach of Contract Act applied to particular tracts, like the Nilgiris and Wynad, I have not the slightest objection to those provisions being limited to those particular localities. But I submit, Sir, that on general principles the labourer must be absolutely free to dispose of his labour in any way he chooses at the best possible market-rate and on returning the advance that he takes, and that he should not be tied down by any law to being compelled to serve for a particular period. On the essential question as to what type of labour it is which Government wish to guard and which cannot be procured otherwise than by tendering proper wages, the Hon'ble Member in charge has given no answer. If the labourer can be offered sufficient wages to attract him in the normal course of things, it is well and good, but if it is to be at the expense of sweated labour, I think it is time for the legislature to interfere, and I submit, Sir, the labourers in Assam and Wynad must have absolute freedom to leave the estates so long as they do not cheat their masters of the advances which they receive."

The motion was put and negatived.

WORKMAN'S BREACH OF CONTRACT (AMENDMENT) BILL; 1101
INDIAN RED CROSS SOCIETY BILL.

[3RD MARCH, 1920.] [*Rao Bahadur B. N. Sarma; Sir Claude Hill.*]

The Hon'ble Rao Bahadur B. N. Sarma :—“ I ask for a division, Sir.”

The motion was put and the Council divided as follows :—

<i>Ayes—11.</i>	<i>Noes—32.</i>
The Hon'ble Mr. S. Sastri.	His Excellency the Commander-in-Chief.
„ Mr. R. Ayyangar.	The Hon'ble Sir Claude Hill.
„ Mr. B. N. Sarma.	„ Sir George Lowndes.
„ Mir Asad Ali, Khan Bahadur.	„ Sir George Barnes.
„ Mr. V. J. Patel.	„ Sir William Vincent.
„ Raja Sir Rampal Singh.	„ Mr. Shafi.
„ Raja of Kanika.	„ Sir Arthur Anderson.
„ Chaudhri Mohamed Ismail Khan.	„ Sir Thomas Holland.
„ Sir Zulfiqar Ali Khan.	„ Sir Gangadhar Chitnavis.
„ Mr. K. V. Reddi.	„ C. F. De la Fosse.
„ G. S. Khaparde.	„ Mr. A. H. Ley.
	„ Sir William Marris.
	„ Major Genora Sir Alfred Bingley.
	„ Mr. E. Burdon.
	„ Sir Sydney Crookshank,
	„ Sir John Wood.
	„ Surgeon General W. R. Edwards.
	„ R. B. L. M. Chatterjee.
	„ Mr. H. Moncrieff Smith.
	„ Mr. A. P. Muddiman.
	„ Mr. C. A. Barron.
	„ Mr. N. E. Marjoribanks.
	„ Sir Dinsbaw Wacha.
	„ Mr. N. F. Paton.
	„ Mr. K. C. De.
	„ Mr. L. F. Morhead.
	„ Khan Sabib Shah Nawaz, Bhutto.
	„ Mr. P. J. G. Pison.
	„ Mr. H. A. Casson.
	„ Mr. A. E. Nelson.
	„ Mr. G. F. S. Christie.
	„ Mavng Bah Too.

The amendment was accordingly rejected.

INDIAN RED CROSS SOCIETY BILL.

The Hon'ble Sir Claude Hill :—“ Sir I beg to move for leave to 12.27 P.M. introduce a Bill to constitute an Indian Red Cross Society.”

“ In laying this motion before the Council, I wish very specially to ask for the indulgence of the Council, because I am in a peculiarly unprotected position. Though I am a Member of the Executive Council, this is a private Bill, and I am, therefore, in the same position as any private member of this Council, and it is up to me to justify before the whole Council the merits of the motion which I have to submit.

“ The position might perhaps be described as being that of the big boy who is accustomed to discipline others of a lesser size within the sanctum of his

studio and who finds himself on the play-ground surrounded by a very large number of smaller boys and entirely at their mercy. I therefore hope to be able to appeal to this Council and to ask that they will support the motion to introduce this Bill entirely on its merits. In view of the novelty of the nature of the proposed legislation, as well as the novelty of the circumstances in which it is introduced, the Statement of Objects and Reasons attached to it has been drawn up at considerable length and much more fully than is usual. At the same time, I am afraid I must supplement what is stated in the Statement of Objects and Reasons by giving to the Council, as briefly as I can, the history of the circumstances that led up to the preparation of this Bill.

“ Now in August, 1914, when the great war broke out, India, of all the countries belligerent on that occasion, found herself destitute of any machinery of a humanitarian character with which to supplement the carrying out of measures, ameliorative measures, connected with the sickness and suffering arising out of the war. It was necessary to improvise everything that should be done, and the late Sir Pardey Lukis—and India has never had a better friend—devoted himself to the task of that improvisation. He took the only organisation which existed in India at the time, namely, the St. John's Ambulance Association, and on the model of what was being done in England he grafted upon that an organisation designed to resemble the organisation of the British Red Cross Society, and brought into being a branch of the Joint War Committee in England. With that organisation, which of necessity was largely official in character because, as I say, India had had no machinery before to deal with such a crisis as had then arisen, with that machinery Sir Pardey Lukis managed to organise arrangements by which he was able to discharge, or rather the Joint War Committee in India, was able to discharge, as agents of the English Joint War Committee the task of alleviating sickness and suffering arising out of the war. But, on the financial side, in spite of the generous response from time to time made by individuals in the cause of providing money for the relief of suffering, to a very large extent India had to rely upon the moneys transmitted from the British Joint War Committee, and administer them out here through the agency of the Joint War Committee. It was not till December the 12th, 1917, that India took her proper place in respect of administering this relief. As a result of an appeal made by His Excellency the Viceroy and with the ‘ Our Day ’ organisation administered by Mr. Buck, there was an enormous response, a great rally in India to the cause of the relief of sickness and suffering arising out of the war. The provinces co-operated in the most hearty manner and as a result of the appeal initiated by His Excellency a sum of over a crore of rupees was collected to the credit of the Joint War Committee for purposes analogous to those administered by the British Red Cross Society. From the 12th of December 1917, which can be taken as our day of emancipation in India, India was able not only to administer the Red Cross work in her own borders, but to take over the Red Cross Commission in Mesopotamia and to assist Red Cross operations in Egypt, Palestine and elsewhere, wherever Indian troops were employed. Now, one has never had an opportunity before publicly of recording the obligation which, I think, India owes, and which certainly the Government of India feel, to those who had so generously responded to His Excellency the Viceroy's appeal and to those who worked so hard to develop the organisations, Provincial as well as at Headquarters, for the proper administration of the funds so collected, and I am very glad to have this opportunity of expressing the appreciation which the Joint War Committee themselves feel for all that has been done, and the generous response which India made in that matter. It would be inappropriate here to mention the names of the living; they are in fact far too numerous to mention, but I do believe this Council would wish that I should on their account endeavour to place on record the appreciation which we must all feel for the efforts, the self-sacrificing efforts of our late friend Surgeon-General Sir Pardey Lukis, who unquestionably hastened his end by his self-sacrificing labours in the cause of humanitarianism in India.

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[Sir Claude Hill.]

"Now with an access of funds it became necessary for the Joint War Committee to re-organise itself, if possible, on a more popular basis, and also to visualise the future. This process was undertaken during the year 1918. The constitution of the Joint War Committee itself was liberalised and very largely Indianised, the methods of procedure and work were altered so as to give provinces a greater degree of autonomy, and as far as possible there was no interference with the procedure which provinces chose to adopt in administering the funds which they themselves had collected and which were at their credit; and, with reference to the future, after August the 8th, 1918, when it became apparent that we were going to win the war within a reasonable limit of time, the Joint War Committee began to consider what should be done with such balances of the funds collected on 'Our Day' which might remain to their credit at the cessation of hostilities. In connection with that question it became imperative (because it is to be remembered that we were still, and are still to-day, technically a branch of the English Joint War Committee) to refer the question home to London. In doing this the Joint War Committee suggested to Headquarters in London that the proper course would be to tie up the capital sum which might be at the credit of the Joint War Committee at the end of the war, ensuring that it should only be expended in the ways originally desired by the donors to that fund, namely, for the purpose of relief of sickness and suffering in time of war. But it was also felt that, particularly in order to keep in being the organisations which had been created during the war for the relief of suffering and for helping the humanitarian work generally, in order to keep that organisation in being, it would be well to have a perpetual activity, which should be financed by the interest accruing from the capital sum which might stand to our credit at the close of the war. This suggestion was put to London, and it was very gratifying to find not only that they approved of our suggestion, but that it tallied in all respects precisely with what was happening in England. The Joint War Committee in England simultaneously came to the same conclusion that we had come to, and determined to re-organise the British Red Cross Society as to enable it, primarily an organisation for war, to undertake philanthropic work during peace times, and to expend upon that civil philanthropic work the moneys which had been collected for the relief of sickness and suffering during the war. With this end in view the British Red Cross Society took steps to have its charter altered and amplified, and I shall have occasion directly to refer to the revised terms of that charter.

"But the outstanding event of the year 1919, so far as my present purpose is concerned, is this that in that year, at the instance of the British Red Cross Society primarily, there was brought into being the International League of Red Cross Societies, which League, immediately on its formation, issued an invitation to India to join as an affiliated member in all respects on a par with, and with the same authority and autonomous independence as, the British Red Cross Society. That invitation was issued at a time when I happened to be in England and the Joint War Committee out here, with His Excellency's approval, telegraphed authorising me on their behalf to accept the invitation on behalf of India. Well, I think, this Council will agree that it was a very satisfactory position, from the point of view of India's pride, in which India found herself. India found herself recognised, in respect of this Red Cross work, as being in all respects on a par with other nations so far as Red Cross work went. But with that sense of pride must necessarily follow a sense of responsibility, and as soon as that invitation had been provisionally accepted at the instance of the Joint Committee out here, it became obvious that we must take steps to create an Indian Red Cross Society which did not till then exist. On the 29th of November last, with this end in view, I issued what I am afraid was a very long letter, with His Excellency the Viceroy's approval, to all provincial centres explaining, much as I have endeavoured to explain to this Council, the steps which had led up to the project for inaugurating a Red Cross Society, and inviting their opinions upon the organisation which was most proper for carrying it effectively into being. The replies received were most encouraging; there was not a dissentient voice

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from the whole of India or from any provincial branch. All were agreed that legislation was desirable to give effect to the project of linking India up on a level with the other nations in respect of this great work. With my letter of the 19th of November I was able to issue to Local Governments also a letter from Sir Arthur Stanley to County Associations at Home in the course of which he shows what the purposes are which the British Red Cross Society intends to further during peace time in the future, and they include the following:—

“The matters which we hope to bring under the immediate attention of the Joint Council are—

- (1) the care of the sick and wounded men of His Majesty's Forces whether still on the active list or demobilised ;
- (2) such care as may still be necessary for prisoners of war ;
- (3) the care of those suffering from tuberculosis, having regard, in the first place, to soldiers and sailors whether they have contracted the disease on active service or not ;
- (4) child welfare ;
- (5) work parties to provide the necessary garments, etc., for hospitals and health institutions in need of them ;’ (I wish to lay particular stress on that) ;
- (6) assistance required in all branches of nursing, health and welfare work, ancillary to the Ministry of Health ;
- (7) Red Cross War and Peace Hospital Library ;
- (8) Home Service Ambulance work.’

Simultaneously, also I was able with that letter to circulate an agreement which had been come to in England between the British Red Cross Society and the Order of St. John of Jerusalem by which the Order of St. John of Jerusalem agreed to co-operate with the Red Cross Society in their enlarged sphere of activity. To any one who knows the rivalry which existed at the commencement of the war between those great societies, it is impossible to exaggerate the significance of the agreement arrived at between them, and those who were sufficiently interested to read my letter of November the 29th, which was published in the press, will have seen that the whole of the organisation suggested to provinces is based on the supposition that there will be the same co-operation out here in India between St. John's Ambulance Association and the future provincial branches of the Red Cross Society.

“Now, Sir, I would ask Members of Council to turn for a moment to section 7 of the draft Bill before the Council, which has been so drafted as to endeavour to give effect to the purposes I have described. It says:—

‘Notwithstanding anything contained in any appeal for subscriptions or gifts, to or for the purposes of the Committee, the Managing Body of the Society may in its discretion apply—

- (a) either the corpus or the income or any part of such corpus or income of any property vested in it under clause (b) of section 6 for the relief of sickness, suffering or distress caused by the operation of war in India or in any other country in which Expeditionary Forces from India may from time to time be employed and for purposes cognate to that object and in maintaining Red Cross Depôts for military purposes ;
- (b) in accordance with the provisions of section 8 the income only of any such property but not the corpus or any part thereof for the relief of sickness or suffering in India, whether due to the operation of war or not, or in pursuance of any of the objects set forth in the First Schedule.’

“If Hon'ble Members will turn to the First Schedule of the Bill they will see that there is a remarkable resemblance between the objects to which the funds of the Society may be applied, as specified there, and those which I have read out from Sir Arthur Stanley's letter to County Committees.

“I now, Sir, turn back for a moment to the title of the Bill which is ‘A Bill to constitute an Indian Red Cross Society.’ Now, I am aware that it has been suggested, and in some quarters apprehended, that that title possesses a sectarian character and possibly a sectarian significance, and, since that is not the case, I have thought that it would be well to explain precisely what the Red Cross in reference to the Red Cross Society really connotes. I have no doubt that many members of this Council are aware of

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the circumstances under which, after the Geneva Convention, which followed upon the Battle of Solferino, the Red Cross Societies first came into being, and are familiar with the fact that, in taking the Red Cross as their emblem, they were taking the emblem of the Republic of Switzerland, and that the Red Cross Societies were in fact christened Red Cross Societies because of the Red Cross which was the Swiss national emblem, and thereby recorded the fact that the convention had been arrived at at Geneva. That was the whole of the significance of the Red Cross title assumed by the Society. But, since that may not be held to be a complete reply to the suggestion, I have been furnished with an extract from the Encyclopædia Britannica, 11th edition, from which I would like to read a short extract :—

'From its simplicity of form the cross has been used both as a religious symbol and as an ornament, from the dawn of man's civilisation. Various objects, dating from periods long anterior to the Christian era, have been found, marked with crosses of different designs, in almost every part of the old world. India, Syria, Persia and Egypt have all yielded numberless examples, while numerous instances, dating from the later Stone Age to Christian times, have been found in nearly every part of Europe. The use of the cross as a religious symbol in pre-Christian times, and among non-Christian peoples, may probably be regarded as almost universal, and in very many cases it was connected with some form of nature worship.'

"But, after all, I prefer to rely upon the *facts* connected with the Red Cross Societies, as at present universally in being, rather than upon any encyclopædic description. And what are the facts? Every civilised country in the world has a branch, in nearly all cases utilising the name of Red Cross Society, and every civilised country has as members of that Red Cross Society, or whatever it is called, countless numbers of members of all races, creeds and religions throughout the world. There is nothing to cavil at either in regard to the title or to the operations of the Red Cross Society. And I would remind Council of what was said in a report, which many members may have seen, by a Committee which was despatched to Mesopotamia to investigate the operations of the Red Cross Commission. At the end of their report they observe :—

'To the Red Cross a sick man is a sick man,'

thereby implying that it was catholic in all respects. I think, therefore, that the Council will agree that the question of the title of the Bill is subsidiary to the main humanitarian purpose for which this Bill is framed, and in regard to that purpose I have no doubt whatever as to the sympathy of this Council and of India at large. Proceeding now to clause 2 of the Bill, it is provided that the first members of the Society 'shall be nominated by persons who immediately before the commencement of this Act were members of the Joint War Committee Indian Branch of the Order of St. John of Jerusalem in England and the British Red Cross Society at a meeting to be summoned and held for that purpose in accordance,' etc. Well the reason for that is very simple. It is that they are the body of persons who are responsible as a matter of fact to the original subscribers of the Our Day Fund, and it is on them, in the first instance, that the responsibility for initiating the indianisation of the Indian Red Cross Society must lie.

"Under clause 4 it will be seen that within six months rules and regulations have to be made by the managing committee dealing with certain obvious requirements.

"I do not think I need go in detail through all the other sections, but under clause 8 provision is made for the constitution in the various 'provinces, States and other parts of India' specified in the Second Schedule branch committees consisting of members of the Society and 'subject to the requirements of the managing body of the Society for the purpose of clause (a) of section 7 and any provision for expenses of management,' the income of the property which has been vested in the Society under clause (b) of section 6 shall be distributed annually among such branch committees in the proportion shown in the said Schedule, to be expended by them at their discretion upon all or any of the objects referred to in clause (b) of section 7. Those proportions, I wish to

explain, as is clear from the Statement of Objects and Reasons, have been arrived at on a consideration of the precise sums contributed to the Central Fund by the different provinces in the first instance, and it is proposed to give back precisely in that proportion the annual income, as a matter of right, to the contributing provinces.

"I think it may be relevant and will interest the Council if I read an extract from the new Charter of the British Red Cross Society. After reciting the reasons for enlarging, adding to and varying the ordinances of the said charter, it proceeds:—

'We are graciously pleased to grant, ordain and declare as follows, namely:—'In addition to the primary object as defined in the said charter the objects and purposes of the said Society shall include the improvement of health, the prevention of disease and the mitigation of suffering throughout the world.' It also gives to the Society power 'to affiliate to the said Society any Society or organisation which is carrying on in any part of the world, work similar to any work for the time being carried on by the said Society or any local Branch of such Society or organisation, and to enrol members, etc.'

"I think it will be agreed that the breadth of the objects of the Charter of the new Red Cross Society in England are so extensive that our Bill cannot be said to go too far.

"I should like also, if I may, to say that in the preparation of this Bill I have been greatly assisted by an informal committee of Hon'ble Members of this Council who have been of the greatest possible help. They have represented the various provinces interested in the development of this scheme; they have all given their cordial support to it, and they concluded their second meeting by agreeing unanimously that 'the Bill with the amendments proposed would be suitable for the purposes in view and should be passed into law.' Further, I am happy to be able to say that I had an opportunity when the Princes' Conference was held here last November of consulting some of the Princes as to the possibility of extending Red Cross activities in the States of India; and I had the most satisfactory response from them. I was invited to meet them and an informal meeting of the conference recorded its sympathy and intention to support the movement as soon as it was inaugurated.

"I may now summarise the main purposes which we have in view. They are threefold:—

firstly, the preservation of the capital sum subscribed in response to the 'Our Day' appeal for war work and its reservation for expenditure on the relief of sickness and suffering arising out of the war;

secondly, to give authority for the extension of the purposes to which the interest on that fund may be expended on general humanitarian work and improvement of civil hospitals throughout India, and

thirdly, to bring into being, or rather to secure the continuance of those organisations which have come into being, during the war, and which we hope will not be allowed to relapse into non-existence during peace, but which we hope will divert their energies to an interest in hospital conditions, civil as well as military, throughout India.

"For the benefit of provincial representatives, I should like to say that the Bill has been drawn with a full appreciation of the desire of provinces to have autonomous control of their own funds, and the informal committee to which I have referred gave me the greatest possible assistance in altering the Bill in such a way as to secure that it should be free from the criticism or suggestion that the Central Indian Red Cross Society desire in any way to interfere with the discretion of provincial branches when this scheme comes into existence. I suggest, Sir, that this Bill should appeal to this Council as one bringing into being an organisation in all respects consonant with India's aspirations for self-realisation, that it will bring into existence a body, essentially Indian, controlled in India, and operating as an equal member with similar bodies representing the Dominions and Great Britain, and that as

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such it should appeal to the *amour propre* of India, and receive the cordial support of representatives of India.

"I shall not have another opportunity, Sir, and I hope therefore the Council will bear with me if I take this opportunity of expressing my personal thanks to all those members of the Joint War Committee, and the many helpers outside the Central body of the Joint War Committee, for the assistance they have rendered in the very difficult task of administering the work of the Joint War Committee during the past two and a half years. Again, it is impossible to mention individuals by name; they are too numerous; but I cannot let this occasion pass without making the Council acquainted with how much India owes to the efforts of Colonel Ross and Major Coldstream who, for various periods have officiated as Secretaries of the Joint War Committee, and who during the great war and again during the Afghan War were instrumental in rendering help of the very greatest value, as has been testified to by General Officers Commanding, to Indian troops in the field.

"I have very nearly done, Sir, but there is one question that may be asked and to which I would suggest an answer. It may be asked 'Well, why should this Society enter upon the campaign of ameliorating civil hospital conditions and of alleviating sickness and distress not due to war?' Conditions are very different in India in this respect from conditions in England. In England the magnificent hospitals which are available for the treatment of sufferers are preponderatingly private institutions subscribed by private philanthropy. In India, on the other hand, medical relief is very largely and preponderatingly supplied by Government, and hitherto there has perhaps been less interest taken non-officially in the administration of medical relief from the philanthropic side than has been the case in most countries. But it is hoped that by this Bill an organization will come into being which will remedy this defect and will automatically bring about an interest on the part of the non-official public in the amelioration of hospital conditions throughout the country. That these conditions need amelioration hardly requires argument. I take it that I am not alone in this Council in being familiar with the conditions obtaining in the average up-country civil hospital. Now I do not for a moment suggest a reflection either on Local Governments or on medical officers. It is not. Obviously, Government have their limitations, financial and otherwise, in regard to the amount which they can spend upon medical relief and upon the strength of their establishments. Nevertheless, the facts are that, leaving aside the large civil hospitals at the district headquarters, the average civil hospitals in smaller centres, taluka headquarters and so forth, can only be described in many cases as repellent institutions. They have been described to me as consisting of 'four walls and a charpoy,' and not a single comfort of any sort, kind or description is to be found within those four walls. Now the aim of the Indian Red Cross Society, when established, should be, and I hope, through provincial branches, will be, to bring into being Presidency, Provincial, Divisional, District and Tahsil Committees of the society, whose interest it will be not only to visit and organize comforts for the inmates in the hospitals, but to familiarise their fellow-subjects with the need for uplift in this respect and for facilitating the collection of money in aid of developments of this character for the provision of greater comforts to sufferers. We want to get over the state of affairs in which it is possible for people, as it is possible at present in some places upcountry, to prefer to die quietly in their homes rather than go to the hospitals, and that is essentially the reason why the Joint War Committee are so anxious that this Bill should speedily become law in order that action in that direction may be taken with the least possible delay. Sir, this Bill is the direct outcome of the War, and may we not say with Tennyson and share his trust that 'somehow good may be the final goal of ill.'"

The Hon'ble Mr. Surendra Nath Banerjea:—"Sir, I desire to assure the Hon'ble Member that this Bill which he has introduced does appeal, and very strongly appeals, to the sympathies of this Council and that for

[*Mr. Surendra Nath Banerjee; The Vice-President; Sir Dinshaw Wacha.*] [SRD MARCH, 1920.]

several distinct reasons. In the first place, it is a humanitarian measure. The object of this Bill, I take it, is to place upon a sound and legal footing an organization which had done admirable work during the crisis of the war. It seeks to do something more. It seeks to prolong the beneficent activities of that organization by placing it upon a legal basis. That, in itself, would appeal to all Indians. For, Sir, we are all partial to institutions of charity, beneficence and philanthropy. That has been the immemorial characteristic of our people from the dawn of human history, and that instinct is not yet dead. Therefore, I do say that upon the ground of humanity the Bill does appeal very strongly, and it also appeals to us for another reason which is of modern origin I understand, as the Hon'ble Member has told us, that this institution is to be a part and parcel of the League of Red Crescent Societies all over the world. Sir, we have been admitted and India is a member of the League of Nations, and we desire also to have a place in this League of Red Crescent Societies, and this League will spread the blessings of humanity, charity and beneficence throughout the world

The Vice-President:—"The Hon'ble Mover said Red Cross Society."

The Hon'ble Mr. Surendra Nath Banerjee:—"And this is to be a branch, a part of the Red Cross League.

"Then, Sir, lastly, my Hon'ble friend has assured us that the provincial organizations will all be autonomous in their character. That again is in conformity with one of those instincts which have been developed in us within the last few years. For these reasons, I am perfectly certain that this Bill will meet with the unstinted sympathy and support of this Council and I desire to commend it to the acceptance of my countrymen at large, subject to the consideration of the details of the Bill. And, Sir, the objects of the society will not be confined to operations which are organized during war time, but the society will continue its activities during times of peace for the improvement of health, for the relief of suffering and the mitigation of sickness. Therefore, on all these grounds, I desire to commend this Bill to our people.

"Sir, before I sit down I think it is my duty as a member of this Council and as representing my Indian friends that we should express the gratitude and the admiration that we feel for Sir Claude Hill whose retirement is now approaching. His great ability, his deep sympathy with Indian aspirations, of which a notable illustration is afforded in the evidence that he gave before the Joint Committee, his grasp of details, his rare capacity for solving difficulties had made him, I venture to say, not only one of the most useful members of the Executive Council of the Government but also of this Council. I am sure his retirement will not only be regretted in this Legislative Council, but also by his numerous friends and admirers, and in the course of time when the secrets of the Executive Council come to be known, by an admiring, and grateful posterity, and I feel it my duty to give expression to these sentiments not only on behalf of myself, but also on behalf of my Indian friends."

1-10 P.M.

The Hon'ble Sir Dinshaw Wacha:—"Sir, I cordially welcome the Bill which Sir Claude Hill has introduced this morning with so much lucidity and fulness of detail and which, I think, will commend itself to all members of this Council.

"This Bill is really one of the beneficent outcomes of the war, and I suppose we must congratulate not only the original Red Cross Society in London, but also its Branch here for the good work they contemplate to accomplish. So far as the proposed legislation is concerned, we hope that the future administration of the Red Cross Society in India will prove a great success.

"After all the elaborate arguments and reasons which have been put before us I have nothing particular to say; but I also wish to heartily associate myself

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[*Sir Dinshaw Wacha; His Excellency the Commander-in-Chief; Mir Asad Ali, Khan Bahadur; Raja Sir Rampal Singh.*]

with my friend Mr. Banerjea on the views he has expressed about the admirable manner in which Sir Claude Hill has introduced this Bill. I am quite sure that even in times of peace, the Red Cross Society now instituted, or which is going to be instituted, will be a most beneficial instrument for good for the relief of suffering humanity in respect of which India, I regret to have to say, is at the present time very backward.

"Influenza and plague epidemics and other fatal diseases have distressed us for a very long time, and I fully believe that this Society will prove a beneficent harbinger of India's good health in the future.

"My friend, the Hon'ble Mr. Banerjea, has paid a deserving compliment to my Bombay friend, Sir Claude Hill, and I, as a Bombay-man, cordially join in the appreciation that has been expressed by him before this Council in reference to the arduous, useful and most honourable work which Sir Claude Hill has performed from time to time not only in Bombay, but in this Council for the last five years with credit to himself and to the Government to which he belongs.

"With these few words, Sir, I heartily commend this Bill to all the Members of this Council, and I hope that it will be passed without delay so that we may begin to reap those benefits which it intends to confer on the country."

His Excellency the Commander-in-Chief:—"Sir, although ^{1-18 P.M.} this Bill has been introduced by my Hon'ble colleague, Sir Claude Hill, it is really a private Bill, and as the Member in Charge of that Department with which it is chiefly concerned, it falls to me to support the views of the Government in regard thereto.

"As the Bill will be published in the Gazette of India with a view to eliciting public opinion, I am prepared to support its introduction on the understanding that in their eventual attitude towards the Bill, the Government must be guided by the opinions of those interested in the measure.

"I am also authorised to say that it is really a private Bill and the official Members of this Council will be free to speak and vote in regard to it as they please, and if, Sir, at this moment I may introduce a few personal words I desire to say how whole-heartedly I support this measure, as brought forward by my Hon'ble friend Sir Claude Hill. I wish it all success and I believe that in time to come we shall all wonder how it was that India was for so long unprovided with any organization of the kind and, consequently, lacking in the opportunity, which the proposed Indian Red Cross Society will give us, of showing sympathy for those less fortunate than ourselves, and of rendering personal and practical service in the alleviation of sickness and suffering by the systematic improvement of our hospitals."

The Hon'ble Mir Asad Ali, Khan Bahadur:—"Sir, ^{1-15 P.M.} with your permission I beg to welcome this measure on behalf of the Muhamadani Members of this Council and of the community. I may also be allowed to join with my friends, Mr. Banerjea and Sir Dinshaw Wacha, in the expression of appreciation which they have accorded to the Hon'ble Sir Claude Hill in connection with this Bill. I do so, also on behalf of Madras."

The Hon'ble Raja Sir Rampal Singh:—"Sir, in the absence ^{1-16 P.M.} of my brother colleagues, the representatives of the United Provinces the pleasant duty of accordng my cordial and most enthusiastic support to the Bill which has been introduced by my Hon'ble friend Sir Claude Hill falls upon me.

"Sir, there can be no two opinions about the desirability of constituting a Red Cross Society, and putting it on a legal basis. It would not be out of place to say that we are under a deep debt of gratitude to the Joint War Committee whose activities in affording relief to the people in need have been most praiseworthy. It is a matter of great gratification that India responded

[*Raja Sir Rampal Singh ; Sir Gangadhar Chitnavis ;* [3RD MARCH, 1920.]
Mr. K. V. Reddi ; Sir Claude Hill.]

to the appeal of this War Committee in a generous way, and it is a matter of great pride to me, Sir, that the United Provinces headed the list when the 'Our Day' Fund was opened. I have every hope that my Province will try its best to maintain its position in this philanthropic work. With these few words I most cordially support the Bill and the motion that has been put before the Council."

1-17 P.M.

The Hon'ble Sir Gangadhar Chitnavis:—"Sir, I beg to support the principles of the Bill for which leave to introduce has been asked by Sir Claude Hill. I am sure it will be the means of continuing in times of peace the good work done during the war by the Red Cross Society. I would also like to associate myself, on behalf of the Central Provinces, with the sentiments expressed by the Hon'ble Mr. Baurjca in his eulogy of the work performed by Sir Claude Hill in this Council and outside and our regret at his approaching departure."

1-18 P.M.

The Hon'ble Mr. K. V. Reddi:—"Sir, I wish to join in the support that has been given to this Bill, on behalf of the non-Brahmin community of Madras. By this Bill, Sir, the non-Brahmins of Madras are twice blessed, because they are members of the Army that is supplied from that part of the country, and also because among them are included the lower classes who mostly suffer from epidemics and diseases to which this country is subject. To them therefore it is a double blessing.

"I should also like to associate myself with the just meed of praise that has been offered to Sir Claude Hill. We know the support that has been given to us non-Brahmins of Madras in the famous despatch to the Secretary of State in which the Government of India supported our demand for separate representation. We know that if it had not been for Sir Claude Hill and other members of the Government of India, we should never have had that concession given to us, so easily.

"In any case, as a Member of the Government of India, I thank Sir Claude Hill on behalf of the non-Brahmins of Madras, and I cordially join in the praise that has been given to him."

The motion was put and agreed to.

1-19 P.M.

The Hon'ble Sir Claude Hill:—"Sir, I feel, in view of the kind words that have fallen from the lips of various members, that I need say but little on the Bill itself; and even from my friend, His Excellency the Commander-in-Chief, the topidity of the water which has been thrown officially on the Bill is more than made good by the warmth of his personal support. But I was totally unprepared to find that the present occasion would be made one for so much kind reference to myself and I feel, Sir, that I may perhaps be allowed to say how grateful I am to the very kind friends who have referred to me personally in connection with this Bill.

"I beg to move the motion which stands in my name that the Bill, together with the Statement of Object and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

The Council then adjourned to Monday, the 8th March at 11 o'clock.

A. P. MUDDIMAN,

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

DEEM:

The 12th March, 1920. }

APPENDIX.

[Referred to in Answer to Question No. 10.]

Statement showing the States which have introduced free and compulsory education.

Name of State.	Education free and to what extent.	Education compulsory and to what extent.	Education free and compulsory.
<i>Bombay.</i>			
Aundh . . . . .	.....	Compulsory	
Bajana	Free . . . . .	.....
Bausda	Free . . . . .	.....	.....
Bariya	Primary and secondary education free.	.....	.....
Bhor	Primary education free . . . . .	.....	.....
Cambay	Free in village schools. Girl schools, Madrasahs and Sanskrit schools also free.	.....	.....
Chhota Udepur	Free . . . . .	.....	.....
Chuda	Primary education free . . . . .	.....	.....
Dapblapur	Free . . . . .	.....	.....
Dharampur	Primary and secondary education free.	.....	.....
Dhrangdhara	Free . . . . .	.....	.....
Gondal . . . . .	.....	Primary education for girls compulsory.	.....
Har	Free . . . . .	.....	.....
Jankhandi	Primary education free . . . . .	.....	.....
Janjira	Education free up to III standard.	.....	.....
Jasdan	Free . . . . .	.....	.....
Jath	Free . . . . .	.....	.....
Jawhar	Free . . . . .	.....	.....
Kolhapur . . . . .	.....	.....	Free and compulsory.
Kurandwad (Senior)	Free . . . . .	.....	.....
Do. (Junior)	Free . . . . .	.....	.....
Lakhtar	Primary and secondary education free.	.....	.....
Limbdi	Free throughout	Primary education made compulsory in most of the village schools.	.....
Mauvadar	Primary and secondary education free.	.....	.....
Miraj (Junior)	Primary education up to standard IV, free.	.....	.....
Morvi . . . . .	.....	Compulsory . . . . .	.....
Madhol	Primary education free . . . . .	.....	.....
Muli	Ditto . . . . .	.....	.....
Navanagar	Free . . . . .	.....	.....
Phaltan	Primary education free	Compulsory in the municipal areas . . . . .	.....
Rajkot	Except in the city proper primary education is free.	.....	.....
Rasodurg	Primary education free . . . . .	.....	.....
Sachiin	Free . . . . .	.....	.....

Name of State.	Education free and to what extent.	Education compulsory and to what extent.	Education free and compulsory.
Savantwadi	Only one free primary school. Boys and girls belonging to the depressed classes are taught free.	.....	.....
Sunth	Free . . . . .	.....	.....
Tan-Lakhtar	Primary and secondary education free.	.....	.....
Wadhwan	Free . . . . .	.....	.....
Wankaner	Primary education free throughout the State.	.....	.....
<i>Bengal.</i>			
Hill Tippera	Free . . . . .	.....	.....
<i>Central India.</i>			
Ali Rajpur	Free . . . . .	.....	.....
Barwani . . . . .	.....	.....	Free and partially compulsory.
Chhattarpur . . . .	.....	Compulsion is limited to certain classes, and is in reality nominal.	.....
Nagod	Free . . . . .	.....	.....
Narsingarh	Free . . . . .	.....	.....
Ratlam	Elementary education free.	.....	.....
<i>Madras.</i>			
Pudukkottai	Except for the boys at the capital, elementary education is free throughout the State.	.....	.....
<i>Punjab.</i>			
Bahawalpur	No fees are charged in village primary schools.	.....	.....
Kalsa	Free . . . . .	.....	.....
Kapurthala . . . . .	.....	Scheme for compulsory education sanctioned.	.....
<i>Rajputana.</i>			
Jhalawar	Free . . . . .	.....	.....
Karauli	Free . . . . .	.....	.....
Shahpara	Free . . . . .	.....	.....
Sirohi	Free . . . . .	.....	.....
<i>United Provinces.</i>			
Rampur	Free . . . . .	.....	.....
<i>States in direct relations with the Government of India.</i>			
Biroda . . . . .	.....	.....	Free and compulsory.
Jamru and Kashmir .	Primary education entirely free.	.....	.....
Mysore . . . . .	.....	Education compulsory.	.....