

*Wednesday,
4th February, 1914*

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. LII

April 1913 - March 1914

ABSTRACT OF PROCEEDINGS
OF
THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA

ASSEMBLED FOR THE PURPOSE OF MAKING
LAWS AND REGULATIONS,

From April 1913 to March 1914.

VOL. LII.

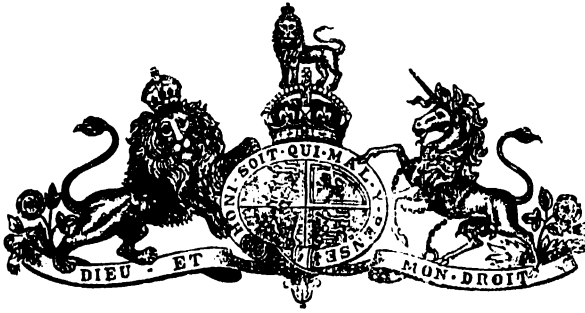
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GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

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

The Council met at the Council Chamber, Imperial Secretariat, Delhi, on
Wednesday, the 4th February, 1914.

PRESENT :

The Hon'ble SIR HARCOURT BUTLER, K.C.S.I., C.I.E., Vice-President, *presiding*,
and 54 Members, of whom 48 were Additional Members.

QUESTIONS AND ANSWERS.

The Hon'ble Mr. Banerjee asked :—

1. "(a) Is it the case, as reported in the newspapers, that it has been decided to appoint a paid Vice-Chancellor for the Calcutta University in succession to the Hon'ble Mr. Justice Sir Ashutosh Mukerji?"

Vice-Chancellorship for the Calcutta University.

"(b) Has any despatch been sent to the Secretary of State by the Government of India recommending the appointment of a paid Vice-Chancellor?"

"(c) If such a despatch has been sent to the Secretary of State, will the Government be pleased to state whether His Excellency Lord Carmichael, Rector of the University, was consulted?"

"(d) Will the Government be pleased to state whether they propose to lay the aforesaid despatch on the table?"

The Hon'ble Mr. Sharp replied :—

"The Government of India are not prepared to make any statement on the question at present."

The Hon'ble Sir Fazulbhoj Currimbhoy asked :—

2. "(a) Has Lord Inchcape submitted any report to Government after his last visit to India?"

Report by Lord Inchcape.

"(b) If so, will the report be laid on the table?"

[*Mr. Clark ; Maharaja Ranajit Sinha of Nashipur ; Mr. Sharp ; Sir Reginald Craddock.*] [4TH FEBRUARY, 1914.]

The Hon'ble Mr. Clark replied :—

"No report was submitted by Lord Inchcape to the Government of India, but the minutes of the various Conference meetings over which he presided were so submitted.

"As I explained in the course of a debate on this subject initiated in this Council by the Hon'ble Mr. Gokhale on the 23rd February, 1912, the Conference was of an entirely informal nature and Government do not think it necessary to lay papers relating to it on the table."

The Hon'ble Maharaja Ranajit Sinha of Nashipur asked :—

Vice-Chancellorship for the Calcutta University.

3. "Will the Government be pleased to state if it is a fact that Government is considering to appoint a paid Vice-Chancellor for the Calcutta University?"

The Hon'ble Mr. Sharp replied :—

"The Hon'ble Member is referred to the answer just given to a similar question asked by the Hon'ble Mr. Surendra Nath Banerjee."

The Hon'ble Maharaja Ranajit Sinha of Nashipur asked :—

Nalhati-Azimgunj Branch.

4. "With reference to the reply given by the Hon'ble Sir T. R. Wynne in reply to my question on the Nalhati-Azimgunj Branch of the East Indian Railway on 6th January last, I beg to ask how many hours it used to take to run from Nalhati to Azimgunj eight years ago?"

The Hon'ble Mr. Clark replied :—

"From inquiries made from the East Indian Railway it appears that eight years ago two passenger trains ran between Nalhati and Azimgunj, the time taken varying from one hour thirty-five minutes to two hours nine minutes.

"Now only mixed trains run at lowest speed.

"The presumption is that the passenger trains were being worked at a loss and the company did not feel justified financially in maintaining the service.

"The East Indian Railway Company will be addressed on the subject and asked if they cannot now arrange for at least one passenger train each day at a better speed than the present mixed train service."

The Hon'ble Maharaja Ranajit Sinha of Nashipur asked :—

Number of second appeals filed and dismissed under Order 41, Rule 11, of Civil Procedure Code.

5. "Will the Government be pleased to lay on the table a statement showing the number of second appeals filed and the number dismissed under Order 41, Rule 11, of the Code of Civil Procedure, Act V, 1908, in the several High Courts and Chief Courts of India for the last three years?"

The Hon'ble Sir Reginald Craddock replied :—

"The Hon'ble Member is referred to the Annual Reports on the Administration of Civil Justice compiled by the various High Courts and Chief Courts, from which the figures he asks for can readily be extracted."

The Hon'ble Maharaja Ranajit Sinha of Nashipur asked :—

Orders in the Memorial from Jogendra Nath Dey, clerk in the office of the Accountant General, Bengal.

6. "Is it a fact that Jogendra Nath Dey was a clerk in the office of the Accountant General of Bengal from 1874 to 1901 and that he was dismissed on the 14th June, 1901, on the grounds of indebtedness and that he submitted a memorial to Lord Curzon on 1st May, 1902, for his re-instatement? If so, will the Government be pleased to state what orders, if any, have been passed on the same memorial?"

[4TH FEBRUARY, 1914.] [Sir William Meyer; Rai Sri Ram Bahadur; Sir Robert Carlyle; Raja Kushal Pal Singh; Mr. Barua.]

The Hon'ble Sir William Meyer replied :—

"Babu Jogendra Nath Dey was a clerk in the office of the Accountant General, Bengal, from September, 1877, to the 14th June, 1901, on which date he was dismissed from Government service. The grounds of his dismissal were that he was heavily in debt, that he had made false statements about his indebtedness, that his work was bad and his conduct generally unsatisfactory. He submitted two memorials to the Governor General, one in August, 1901, and the other in May, 1902. On each occasion the Government of India declined to interfere with the Accountant General's order of dismissal."

The Hon'ble Rai Sri Ram Bahadur asked :—

7. "Are cattle slaughtered in the several major Provinces (excluding Burma) for dried meat exported to Burma?" Cattle slaughtered for dried meat.

"If so, will the Government be pleased to lay on the table a statement showing—

- (a) at what places in such Provinces cattle are slaughtered for this purpose?
- (b) an approximate number of cattle killed at each of these places, in the years 1910, 1911 and 1912?"

The Hon'ble Sir Robert Carlyle replied :—

"The Government of India are aware that dried meat is imported into Burma from India, but they are not in possession of any data which would enable them to supply the further information asked for by the Hon'ble Member."

The Hon'ble Raja Kushal Pal Singh asked :—

8. "Has the attention of the Government been drawn to my remarks on *takkavi* advances made in my budget speech in the Imperial Legislative Council on the 24th March, 1913? Will the Government be pleased to say whether they propose to consider the desirability of reducing the rate of interest from 6½ per cent to 5 per cent as suggested therein?" Reduction of rate of interest takkavi advance.

The Hon'ble Sir Robert Carlyle replied :—

"The attention of the Government of India has been drawn to the remarks made by the Hon'ble Member regarding *takkavi* advances in his budget speech in the Imperial Legislative Council on March 24th, 1913. The recommendation of the Famine and Irrigation Commission that the rate of interest on such advances should be reduced from 6½ per cent to 5 per cent was carefully considered by the Government of India and the reasons for their inability to accept it are given at length in paragraph 3 of Land Revenue Resolution* No. 6-204-16, dated November 30th, 1905, a copy of which was published as a Supplement to the Gazette of India, dated December 2nd, 1905, and is now laid on the table. The Government of India are of opinion that nothing has occurred since the publication of the Resolution to justify a reconsideration of the views expressed therein."

The Hon'ble Mr. Barua asked :—

9. "Will the Government be pleased to lay on the table a statement showing separately (grade by grade) the number of appointments in each branch of the Provincial Services of each of the Provinces of Bengal, Bihar and Orissa and Assam?" Number of appointments in each branch of Provincial Services in Bengal, Bihar and Orissa and Assam.

[*Sir Reginald Craddock; Mr. Barua; Mr. Clark; [4TH FEBRUARY, 1914.] Maharaja Manindra Chandra Nandi.*]

The Hon'ble Sir Reginald Craddock replied :—

"It is understood that the Hon'ble Member's question refers only to the Executive and Judicial Branches of the Provincial Civil Service. A statement* giving the information desired is laid upon the table."

The Hon'ble Mr. Barua asked :—

Appoint-
ment of
whole-time
Sub-Judges
in Assam.

10. "Is it a fact that the Local Government of Assam has applied to the Government of India for sanction to the appointment of whole-time Subordinate Judges in that province?"

"If so, what orders, if any, have been passed on such application?"

The Hon'ble Sir Reginald Craddock replied :—

"A proposal has been received from the Chief Commissioner, Assam, for the temporary appointment of a Subordinate and Assistant Sessions Judge for the Assam Valley Districts. It is at present under consideration."

The Hon'ble Mr. Barua asked :—

Customs du-
ties levied
in India and
the annual
income de-
rived from
them.

11. "Will the Government be pleased to lay on the table a statement showing the different customs duties levied in India and the annual income from each during the last 5 years?"

The Hon'ble Mr. Clark replied :—

"A copy of the Tariff Schedules and a statement,† showing the customs-revenue obtained under each of the principal classes of dutiable imports and exports during the last five years, are placed on the table."

The Hon'ble Maharaja Manindra Chandra Nandi asked :—

Indian Civil
Service.

12. "Will the Government be pleased to lay on the table a statement showing—

- (a) the number of Indians of Indian parentage who have passed the Indian Civil Service Examination since that examination was first thrown open to competition;
- (b) the number of such Indian Civilians employed now or in the past in the Political Department, or accredited to Native States as Residents or Assistant Residents;
- (c) the number of such Indian Civilians employed now or in the past in the Foreign, Home and other Secretariat offices of the Government of India;
- (d) the number of such Indian Civilians employed now or in the past in the Secretariat offices of the various Provincial Governments?"

The Hon'ble Sir Reginald Craddock replied :—

"(a) The number of natives of India (as that term is defined in art. 37, Civil Service Regulations), who have passed the Indian Civil Service Examination since it was thrown open to competition is 94, of whom all but three bear Indian names.

"(b) None.

"(c) One.

"(d) Four, excluding officers employed on temporary or special duties."

* *Vide Appendix B.*

† *Vide Appendix C.*

QUESTIONS AND ANSWERS; INDIAN COPYRIGHT BILL; 417
PROVINCIAL SMALL CAUSE COURTS (AMENDMENT) BILL;
DECENTRALIZATION BILL; INDIAN MOTOR VEHICLES
BILL.

[4TH FEBRUARY, 1914.] [*Sir Gangadhar Chitnavis; Sir Robert Carlyle;
Mr. Rama Rayaningar; Mr. Pandit; The
President; Mr. Porter; Sir Reginald
Craddock; Mr. Wheeler.*]

The Hon'ble Sir Gangadhar Chitnavis asked :—

13. "Apropos of statements made in the Council in reply to my questions about cattle survey, will Government be pleased to state if the provincial cattle surveys are now complete? If so, do Government propose to undertake the preparation of a report for the whole of India on the basis of these reports?" Cattle Survey.

The Hon'ble Sir Robert Carlyle replied :—

"Cattle surveys have not been prepared for all Provinces and the Government of India are making inquiries as to the progress made."

The Hon'ble Mr. Rama Rayaningar being absent, his questions* were not put and answered.

The Hon'ble Mr. Pandit said :—"May I put the questions in the name of Mr. Rayaningar?"

The President said :—"No, Sir, that is not in order."

THE INDIAN COPYRIGHT BILL.

The Hon'ble Mr. Porter presented the Report of the Select Committee on the Bill to modify and add to the provisions of the Copyright Act, 1911.

THE PROVINCIAL SMALL CAUSE COURTS (AMENDMENT) BILL.

The Hon'ble Sir Reginald Craddock presented the Report of the Select Committee on the Bill to amend the Provincial Small Cause Courts Act, 1887.

THE DECENTRALIZATION BILL.

The Hon'ble Sir Reginald Craddock presented the Report of the Select Committee on the Bill to decentralize and otherwise to facilitate the administration of certain enactments.

THE INDIAN MOTOR VEHICLES BILL.

The Hon'ble Mr. Wheeler said :—"Sir, I beg to present the Report of the Select Committee on the Bill to consolidate and amend the law relating to Motor Vehicles in British India. Various interesting opinions have been received on the Bill, and after considering them the Select Committee have made certain changes; these are mostly explained in the Report, but there are one or two which may be mentioned as of general interest. When the Bill was introduced it was specially mentioned that the question of the age limit for drivers was a debatable point, and in the Bill, as first circulated, this was fixed at 16; but in view of the decided opinion of practically

* These questions referred to—

- (1) Increase of supply of sulphuric acid by introducing its manufacture in Jails.
- (2) Deputation of Major Mulvany to England for a study of English Prison administration, and
- (3) Formation of Co-operative Associations of cattle breeders.

[*Mr. Wheeler*; *Sir Fazulbhoj Currimbhoj*.] [4TH FEBRUARY, 1914.]

all the major Local Governments, the Committee propose to raise it to 18, which also is the limit in most of the existing provincial Acts. Another point on which an attempt has been made to meet the opinion expressed is in regard to the registration of cars, which various people desire to see recognised outside the province in which registration was effected. In respect of driving licences it will be possible, under rules to be framed hereafter, to issue such a general licence, and the Committee suggest a similar provision in the matter of registration, which will enable a registration number to be accepted outside the province in which it was given, subject to such conditions and restrictions as the Governor General in Council may impose. Another change that has been made is in respect of penalties. It has been represented that the punishment for reckless driving should be raised, and we have accordingly enhanced the permissible fine from Rs. 200 to Rs. 500; at the same time we have redrafted the general penalty clause and slightly widened it. Lastly, in respect of the powers of the Courts to cancel or suspend licences on conviction, a limit of one year within which such an order would be effective has been inserted in response to a certain amount of opinion to the effect that it is not expedient that, for instance, a Magistrate of the second class should have an unrestricted power of cancellation or suspension."

RESOLUTION FOR FORMATION OF CONCILIATION BOARDS.

The Hon'ble Sir Fazulbhoj Currimbhoj said:—"Sir, the Resolution I beg to move runs thus:—

That this Council recommends to the Governor General in Council that a Committee consisting of Hindu and Mohammedan Members of this Council be appointed for the preparation of a draft scheme for the formation of Conciliation Boards at every important centre on the model of Municipal Boards, composed of Honorary Members duly elected by the Hindu and Mohammedan residents of the locality, with statutory powers—

- (1) to arbitrate in all cases of differences between the two communities relating to the time, place and manner of the observance of their respective religious and social ceremonies;
- (2) to take necessary action for the prevention of violence and riots connected with such observance; and
- (3) to adjudicate upon the nature of premises proposed to be acquired by public bodies or companies and claimed by either Hindus or Mohammedans as places of worship.

"It will be seen that the main proposal is for the formation of Conciliation Boards, and the rest of the Resolution deals with their powers and the procedure preliminary to the necessary legislation. The justification for such a motion is clear. Harmony is the natural condition of growth, and according to the leaders of thought, both Indian and European, a cordial Hindu-Moslem *entente* is an essential condition of Indian national progress. The truth has been recognized all along by the general public, Hindu and Mohammedan alike. According to the high authority of the *Imperial Gazetteer*, Hindus and Mohammedans have lived peaceably together. 'By degrees the fervid enthusiasm of the early raiders was softened down; the two religions learned to live side by side.' And not only that: the last Census, as also the previous ones, revealed the fact that in social habits the two communities are to some extent at least indistinguishable. In minor details of every day life the Indian Mussulman has little to distinguish him from the Hindu. Even in matters of prejudice and superstitious beliefs Hindu and Mussulman villagers are on the same level. The *Gazetteer* points out: 'The village Mussulman of the present day employs the Hindu astrologer to fix a lucky day for a marriage, or will pray to the village god to grant a son to his wife.' Sir John Strachey, in his 'India: Its Administration and Progress,' observes: 'The Brahmans have no sort of scruple in accepting Mohammedan saints as proper objects of veneration, and nothing is commoner than to see Hindus taking an active part in Mohammedan ceremonies, and beating their breasts at the *Muharram* like good Mussulmans.' Conditions for the growth of discord

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and uncompromising hostility between the two communities are entirely foreign to such a state of mutual appreciation and brotherly feeling. As a matter of fact, in rural India, ordinarily, the Hindu and the Mussulman live even now, as they have lived for ages past, in perfect amity as members of one family. Even in urban areas, the centres of disorderly and truculent elements, discord is the exception rather than the rule. This natural tolerance as a normal condition of Indian life has been the result of the wise statesmanship of Mohammedan Rulers. I cite only the testimony of Sir John Strachey in proof of the religious tolerance of Mohammedan Rulers: 'The Mohammedan Sovereigns usually treated their subjects, in matters of religion, with great tolerance.' The policy of British Indian Administration has followed the same enlightened lines. It would be strange, therefore, if there were present in the relations between the two communities any circumstance which interposed an unbridgeable gulf and rendered a cordial understanding impossible.

"But, Sir, it would be folly to ignore the fact that, for reasons I need not discuss here, there has been of late some amount of ill-feeling between the two communities at some places. Whether it is a recent growth or not, is a question of little importance, and the past history of the relations between the Hindu and the Mussulman is relevant only in so far as it supplies the foundations for hopes of a better understanding. For our present purposes the deductions from the review of Hindu-Moslem history, both past and contemporary, are all-important. Two facts stand out in broad relief. In the first place, differences in respect of religious observances of Hindus and Mohammedans often lead to serious riots; and in the next place, history shows the relations have not been so strained before. A statistical survey of these religious riots is unnecessary to emphasize facts which are matters of common knowledge. The situation is difficult and promises to become still more difficult in time unless the evil is checked without further delay. These riots are a constant source of trouble to both the Government and the people. In the words of Sir John Strachey, 'the animosity which is so easily aroused between Mohammedans and Hindus is often a cause of serious anxiety.' The desirability of preventive action is therefore obvious. 'Nothing could be more opposed to the policy and universal practice of the Government of India than the old maxim of divide and rule; the maintenance of peace among all classes has always been recognized as one of the essential duties of our 'belligerent civilisation'.' The Government of India has set before itself a higher aim and a higher ideal than this maintenance of peace among the different classes to which Sir John Strachey referred; the whole object of British Indian Administration has been the moral and material and political progress of the Indian Nation. So long as the most perfect understanding is not established between Hindus and Mussulmans this object can never be fully attained. Any rational scheme of promoting good feeling between the two communities should therefore be welcome to Government. It should be equally welcome to the communities themselves. Popular leaders on both sides have sought to impress upon the masses the necessity of a *rapprochement*. Sir Sayed Ahmed, the sage of Aligarh, His Highness the Aga Khan, and the Honourable Mr. Gokhale have all held the same enlightened views on this point. Education is helping the cause among the masses. But something more is necessary to accelerate the pace of progress. The present method of dealing with *Bakr-Id* and other religious riots, even if effective as a means of suppression, has the unfortunate effect of accentuating the differences between the two communities by leaving a trail of bitterness behind, and by perpetuating painful memories of injuries sustained and of punishments undergone. Rigour in such cases is entirely misplaced. It further inflames the passions and defeats its own object. Besides, it is not right that religious sentiment should be treated in the same manner as low passions. In my humble opinion, conciliation is more required in cases of strong differences between Hindus and Moslems than harsh Police arrangements. Man is after all a rational being, and however clouded the reason might be for the time being by religious enthusiasm, the gentle word of caution and compromise from the right quarter will soothe the feelings and restore natural good-will.

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“ Sir, conciliation has been tried with promising results in the West in the settlement of industrial disputes. In the United Kingdom it has secured legislative sanction, and although the previous enactments beginning with 5 George iv, c. 96, and ending with the Councils of Conciliation Act of 1867 (30 & 31 Victoria, c. 105) remained almost a dead letter, the Conciliation Act of 1896 (59 & 60 Victoria, c. 30) has been from all testimony productive of some good. Notwithstanding the fact that registration of Conciliation Boards under the Act is purely voluntary, the results have been so far satisfactory. An appreciable percentage of disputes has been settled, and serious consequences have been prevented. The idea has caught on and is steadily spreading. On the European Continent France, Germany, Switzerland, Italy, and Sweden have all adopted the same methods of settlement of industrial disputes. The *Conseils de Prud'hommes* are reported to be doing excellent work. On the Far West the Wallace Act of 1888 of the State of Pennsylvania has led the way. Canada has her Conciliation Act of 1900 on the model of the United Kingdom Act. But conciliation has attained a fuller development in New Zealand and Australia. The New Zealand Industrial Conciliation and Arbitration Act of 1894 introduced for the first time the element of compulsion, and Australia in her Act of 1904 has profited by the example. The greatest difficulty has been experienced everywhere in the West in the enforcement of the decisions of the Boards; and while the expedient of a guarantee of £100 from the parties has been resorted to in some places and cases, New Zealand has solved the problem by making conciliation compulsory.

“ Now, Sir, if conciliation boards have been to some extent a success outside India in the composition of industrial disputes in which passions run almost equally high, I do not see why the experiment should not be tried in India for the composition of communal differences relating to the observance of ceremonies. If anything, the local conditions are more favourable here than in foreign countries. India is the home of the *Panchayat*, the celebrated Council of Five Elders. From time immemorial people have been accustomed to settle their differences among themselves, without the intervention of the King's Courts; a spirit of compromise and an unquestioning respect for the decision of the elders are ingrained in the Indian mind. I do not speak of the caste *panchayats* alone. The Village *Panchayat* or *Parishad* of Manu still exists in some parts of India. Guzerat, Bundelkhand, and parts of Ohta Nagpur still have village *panchayats*; some villages in the eastern and central parts of the Punjab have them still. ‘ In the hills of the United Provinces, and in Nepal, the only *panchayats* are village *panchayats*’. These conditions would seem to be propitious and would make a assumption of the inefficacy of the suggested Conciliation Boards not only unjust but wholly unwarranted. The desirability of conciliation boards for the settlement of differences between Hindus and Mohammedans has been felt by the leaders. Two years ago an attempt was made by Moslems under the leadership of His Highness the Aga Khan to settle the outstanding differences between them and the Hindus by the arbitration of the representatives of the two communities. Only lately my friend, the Hon'ble Sir Ibrahim Rahimtoola, as President of the All-India Moslem League, emphasized the necessity of such arbitration in his speech: ‘ I feel strongly that in the interests of India as a whole and those of each of the sister communities, it is pre-eminently desirable that representative men chosen by each should meet from time to time and discuss points about which any disagreement or feeling may exist.’ Indications are not wanting that the Hindus have every desire to respond to the call. The ground is thus prepared for the introduction of conciliation in the settlement of the regrettable differences between Hindus and Musulmans. I would begin with the district, or in special cases with the subdivision or the *Tahsil*, for the operation of the Conciliation Boards. Admirable as the suggestion of the Hon'ble Sir Ibrahim Rahimtoola is, I would expand the idea and cover the country with a network of these Boards, instead of leaving the composing influences to work from one central body. Local people would command greater respect and greater confidence and would work with greater regard for local prejudice in these matters than even trusted leaders working as members of an All-India organization. I would also enlarge

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the scope of the arbitration, and would give the boards power to deal with all differences between the two communities other than political. I regard these non-political differences as far more serious than the so-called political differences, and blessed will be the peacemaker who succeeds in composing them.

" Sir, the machinery I would employ for the purpose is a *local* conciliation board, the representative and local character of which is ensured by making the membership elective, by dividing the seats equally among Hindus and Mohammedans, and by insisting upon residence within the locality as a qualification of eligibility for election. Such a body will inspire confidence, and will soon become popular. By respecting local feeling such as no other public body can do, it will secure an amount of public co-operation which will be the best guarantee of success. The board, like the *panchayat* of old, must be permanent, the members only changing periodically, and must have a corporate existence to avoid legal difficulties. The conciliation boards should accordingly be formed on the model of our municipal boards. In my view of the matter, the functions indicated in the several clauses of the resolution are absolutely necessary. But before I examine them in detail I must explain why I want these conciliation boards to be armed with statutory powers. Without a complete statement the suggestion is likely to cause some amount of misconception among Hon'ble Members.

" Sir, Hon'ble Members will note that I have advisedly used the term 'conciliation' instead of 'arbitration', although the principal work that the suggested boards are expected to do is that of arbitration. The reason is that, under the existing law of arbitration a valid reference of matters in dispute by all the parties concerned alone gives jurisdiction to the arbitrator. Once there is such a reference ample legal provision exists for the enforcement of the arbitrator's award. An arbitrator is, as often as not, a lay-man, but the law provides that any award he makes *bonâ fide* is legally valid, and a decree can be passed upon it by the Civil Court at the instance of either party. An arbitrator's award accepted by the Civil Court is final and not appealable. The arbitrator has thus certain legal powers, and no difficulty arises in his case if he happens to be a lay-man. The law has facilitated matters for him by absolving him from the necessity of observing in the proceedings before him any rules of procedure and evidence. I claim similar statutory powers for these conciliation boards so far as the procedure and finality and enforcement of their decisions are concerned. From the necessities of the case conciliation boards must also have statutory powers to take cognizance of disputes upon information, irrespective of the wishes of the people. Hon'ble Members will easily realize that an ordinary reference to arbitration is out of the question in such disputes. For one thing, the inflamed passions of the rival parties will not admit of the adoption by them, unless under pressure, of such a sober course. There is also the insuperable difficulty of getting a valid reference. The disputes are not between two corporate bodies, and the parties claiming an interest in the subject-matter of dispute are indeterminate. If there is therefore to be any arbitration or adjustment of rival claims out of court, it must be by an agency not deriving its power and authority on the particular occasion from the consent of the parties. And this is 'conciliation' as distinguished from 'arbitration'. The board's jurisdiction to intervene must therefore be independent of the will of the parties, and such jurisdiction can alone be secured by law. It is thus one of the essential conditions of success of conciliation boards that statutory powers should be given them for the performance of the duties embodied in the three clauses of the resolution. The fact that lay-men should sit on the board does not, to my mind, interpose any difficulty. We have now working in India various bodies with a large proportion of lay element in them with ample statutory powers. The local bodies are in point. The resolutions of such bodies are enforceable in law. They exercise even the delicate powers of taxation. Yet no difficulty has arisen in their case. The fears that the exercise of statutory powers by conciliation boards of lay people will be attended by extraordinary risk are therefore groundless. Such powers will not weaken the

[*Sir Fazulbhoj Currimbhoj.*] [4TH FEBRUARY, 1914.]

executive either. The boards will be auxiliary to the executive. They will be composed of an equal number of Hindu and Mohammedan representatives. Legal provision must accordingly be made for the appointment of an independent umpire in case of an equal division of the board on any question. In the United Kingdom the Board of Trade sometimes appoints an umpire. Here Government may reserve to itself the right of appointment of the umpire. In actual working the District Magistrate or the Sub-Divisional Officer will act as umpire, and will thus have the final say. The prestige of Government cannot therefore suffer, and the boards will not cause the smallest diminution of the powers of the executive. Besides, in any scheme of legislation safeguards for the maintenance of the prestige of Government can be provided. That is a matter of detail which can be settled by the Committee which I suggest should be appointed to prepare a draft scheme. But an analysis of the situation makes the grant of statutory powers to the boards an imperative necessity.

"Sir, of the functions I would assign to the conciliation boards the settlement of disputes relating to the time, place and manner of the observance of the respective ceremonies of the Hindus and Mussulmans is now practically in the hands of the Police. In every case of difference the executive head of the locality refers the matter to the Police for inquiry and report, and he has perforce to be guided by the Police report. But this report, except perhaps in rare instances, receives colour from the sympathies or the prejudices of the subordinate officer according as he is a Hindu or a Mussulman. This fact not only discredits the report, but is attended with serious consequences. The discomfited party feels a sense of wrong, and takes the law into its own hands. For this unsatisfactory arrangement which prevails at present I want to substitute the agency of the elected conciliation boards, and Hon'ble Members will agree with me that their decisions on the points at issue will command greater confidence and support. The executive authorities will be absolved from blame, and people will have nothing to say against the Police. Hon'ble Members will follow the recommendation incorporated in the clause better when they remember how a satisfactory decision about the place and manner of a sacrifice hurtful to the feelings of local people would prevent friction and riot. In the matter of time too the recent Agra marriage incident has shown that a variation of the time of observance is at times desirable and can be made without any serious prejudice to communal rights.

"Sir, I would also place preventive action in the hands of the board. The initiative should come from the board. Once the board comes to a decision, the executive should enforce it as best they can, and in the precautionary measures they may take they should be guided by the counsels of the board. The executive and the board must co-operate with each other in this matter of prevention, the responsibility being shared by the board. In practical working in this scheme much avoidable friction between the Police and the people and much loss of life will be prevented.

"The third function proposed for the conciliation boards will not require much elucidation. The recent events at Cawnpore, for a statesmanlike treatment of which all India is grateful to His Excellency the Viceroy, have shown how an initial misunderstanding about the nature of a property sought to be acquired for a public purpose might lead to disastrous consequences. An agency is clearly wanted for the settlement of disputes about the character of the property at the preliminary stages, and an elected local conciliation board constituted on the lines indicated above appears to have the best claims to consideration. They will prove far more satisfactory than the Civil Court. Independently of this resolution Government will be well advised to undertake legislation for the prevention of acquisition of land and buildings used as places of worship either by Hindus or Mohammedans. But even if such legislation is introduced, these conciliation boards will be of invaluable help in the determination of the difficult questions of title involved in the claim. They will provide a check upon frivolous and absurd claims.

"Sir, no more point remains to be discussed and I commend the Resolution to the acceptance of this Council."

[4TH FEBRUARY, 1914.] [*Maharaja Manindra Chandra Nandi; Khan Bahadur Mir Asad Ali Khan.*]

The Hon'ble Maharaja Manindra Chandra Nandi of Kasimbazar said :—" Sir, since this Resolution is calculated to maintain and promote amity between the Hindu and Mohammedan communities of India, I have pleasure in supporting it. These two great communities have lived side by side in this country for centuries, and it is of the first importance that peace and goodwill should subsist between them. This Resolution recommends that Conciliation Boards composed of honorary members elected by the Hindu and Mohammedan residents should be established in different localities and should have statutory powers to arbitrate in certain specified cases in which differences leading occasionally to outbursts of regrettable violence between the two communities are of not infrequent occurrence. With the powers conferred by law will come a sense of responsibility, and the efforts of these Conciliation Boards will have the effect of preventing serious misunderstandings and breaches of the peace. Sir, in the Murshidabad district in Bengal, of which I am a resident, there is a large population of Hindus and Mohammedans who have lived at peace with one another; and I am happy to say misunderstandings which might have led to violence or breaches of the peace have been from time to time averted by the arbitration of influential Hindus and Mohammedans. A scheme of this kind deserves legislative sanction, and since it has the additional recommendation of broadening and strengthening the base of local Self-Government, it is entitled to the support of the Government."

The Hon'ble Khan Bahadur Mir Asad Ali Khan said :—
 " Sir, in rising to support my friend, the Hon'ble Sir Fazulbhoy Currimbhoy, I desire to make a few observations. The Resolution before the Council makes a request for the appointment of a Committee to prepare a draft scheme for the formation at every important centre of Conciliation Boards with statutory power to arbitrate in all cases of differences between the Hindu and Mussalman communities. This request is evidently made with a view to adopt practical measures for the prevention of riots, such as have of late occurred rather frequently in different parts of the country. I do not know if this simple request too will be regarded as an innovation, as a departure from the established practice, as was recently observed by the Hon'ble Member for Commerce in regard to my friend's previous Resolution on the Mail Service.

" The Resolution, Sir, has described the nature and composition of Conciliation Boards and indicated in general the lines upon which such Boards should work. It has properly left all matters of detail to the proposed Committee. I wish the Hon'ble Mover had gone further and asked forthwith for the appointment of Conciliation Boards with such statutory power as the Government may deem fit to allow them. Personally, I would like to extend the scope of the Resolution to all the important communities of India.

" Sir, after what has been so ably said by the Hon'ble Sir Fazulbhoy Currimbhoy, I have not much to say. Nor is this the occasion for me to go into the details of this question. Suffice it to say that the need for Conciliation Boards is keenly and widely felt by many of the leading representatives of the two great communities. That there have been several instances of racial ill-will and bitter opposition largely due to religious disputes between these communities is a matter of common knowledge. In my province there occurred some time ago riots at Kumbakonam and Nellore, mainly due to religious disputes between Hindus and Mussalmans. There was also a serious riot at Tinnevely, the parties concerned being Hindus and Christians. Strange to say, these riots occurred in spite of the fact that the mutual relationship between the different communities in the South is far less strained than in the North. It is high time that the serious consequences of such riots are fully recognised and early steps taken to prevent the recurrence of these deeply regrettable incidents in the future. This question should be considered more from the point of view of the public peace than from any social or religious standpoint. Friendly relations between the different communities should ever continue to exist for the successful administration of this country.

[*Khan Bahadur Mir Asad Ali Khan; Sir Gangadhar Chitnavis; Rai Sita Nath Ray Bahadur.*] [4TH FEBRUARY, 1914.]

It is no less the duty of the Government than that of the Indian public to help to promote by all possible and practical means friendly relations between them. As for the acquisition of lands held to be sacred by Hindus and Mohammedans there is no better way of dealing with it than by the appointment of Conciliation Boards. In this connection I venture to submit that had there been at Cawnpore a Conciliation Board such as is now contemplated, the Machhli Bazar mosque affair would not have taken the unfortunate turn it did. To take the public into the confidence of the Government is one of the political maxims of farsighted statesmanship. With the loyal aid and active co-operation of the leaders of Indian thought the Government should, by means of effective legislation, be able to prevent any serious outbreak of riots, whether amongst Hindus or Mussalmans or Christians. Considering the modest nature of my friend's request, I feel sanguine that the Government, which cannot fail to sympathise with the object of the Resolution, will be pleased to accept this Resolution, even at least in an amended form, if not in its entirety."

The Hon'ble Sir Gangadhar Chitnavis said :—" Sir, my sympathies on this occasion are in a large measure with the Hon'ble Mover. No one will doubt for a moment the supreme necessity of a cordial understanding between the several communities that inhabit this vast country, especially between the two great communities, Hindus and Mussulmans. Any move which presents reasonable hopes for the attainment of this noble object must have the whole-hearted support and co-operation of the sober elements of all the communities. It will not be right to form any exaggerated ideas of the results, but the scheme of the Hon'ble Mover is well worth a trial. Properly constituted Conciliation Boards may perhaps be useful. Government is keenly desirous of promoting good feeling between Hindus and Mohammedans, and these Conciliation Boards may strengthen its hands. I do not say anything about the details as the Hon'ble Mover himself wants them to be fully examined by a representative committee of this Council; but I must point out that Government has already prohibited the acquisition of places of worship, and, as a rule, they are not acquired even though the claim is of doubtful validity and the acquisition is imperatively necessary from hygienic or aesthetic considerations. These Conciliation Boards, as the Hon'ble Member has rightly pointed out, may provide a check upon frivolous claims. My long connection with one of the progressive Municipalities has convinced me of the necessity of some such check. Sir, I think also that some such Boards, if permanent and really influential, are likely to be of even still greater service in settling points of difference between the two communities before they lead to riot and violence. Prevention is better than cure, and it is always preferable that these differences should be adjusted before passions are roused. Government officers at many places follow in practice some of the principles advocated by the Hon'ble Mover; and because the Resolution seeks to introduce formally principles that already largely influence official action and to secure uniformity of practice, I beg to support the Resolution."

The Hon'ble Rai Sita Nath Ray Bahadur said :—" Sir, I indulge in no vain compliments in saying that the time seems to me to be peculiarly opportune and propitious for the discussion of a question like this, when we have got at the head of the Government of the country, a personage, who has, since the assumption of his exalted office, invariably pursued a policy of sympathy and conciliation and who has exhibited, in more instances than one, the courage of his conviction in carrying out that policy to its legitimate consequences.

" Now, Sir, this Hindu-Mussulman question is a national question, which has been agitating the minds of the public from a very long time; and its final solution is therefore a matter of vital importance not only in the best interests of the two great communities which form the bulk of the population of this great Empire, but also in the interests of the peace and prosperity of this

[4TH FEBRUARY, 1914.] [*Rai Sita Nath Ray Bahadur.*]

Empire as a whole. I think I voice the feelings of the whole Council, nay, of the larger public outside this Council Chamber, when I say that we cannot be too grateful to His Excellency for allowing this subject to be discussed here. I also congratulate Sir Fazulbhoj Currimbhoy for having taken the initiative in bringing this matter to the forefront.

"Considering the very important and far-reaching issues involved in this question, I hope the acceptance of the principle of this Resolution will be whole-hearted, spontaneous and unanimous.

"Sir, while whole-heartedly accepting the principle of the Resolution, I hope my Hon'ble Colleague will not take it amiss if I were to add a few words in partial modification of his Resolution. The fact is that I wish to have this Committee or Commission made more comprehensive and broad-based. It should not only include some of the prominent members of this Council, but also some of the leading members of the two great communities outside this Council Chamber, such as, His Highness the Aga Khan, the Nawab Bahadur of Dacca, the Maharaja Bahadur of Durbhanga, the Maharajadhiraja of Burdwan, Sir Gurudas Banerjee, and others of the same character; who, from their position and influence, are sure to command the confidence of the public, and whose words would carry great weight with them. The change which I propose making in the wording of the Resolution is as follows:—

That a Committee or Commission consisting of prominent Hindu and Mohammedan gentlemen, to be selected partly from this Council and partly from the outside public, with a high Government official, as its President, be appointed for the preparation of a draft scheme for the formation of Conciliation Boards at the headquarters of every district with the Magistrate-Collector or any other senior officer as its President, on the model of Municipal Boards, composed of honorary members duly elected by the Hindu and Mohammedan residents of the district, with statutory power as proposed in clauses (1), (2) and (3) of the original Resolution.

"The reasons for having a high Government official as President of the proposed Committee or Commission and also for having the Magistrate or any other senior officer in the district as President of the proposed Conciliation Board are too obvious to need any explanation from me.

"There is no doubt that some may question the propriety and utility of this Resolution being raised and discussed in this Council Chamber. They may think that if we were really in earnest the matter could have been settled amongst ourselves. But I beg to assert that it is not so easy of solution as it may apparently seem to be. There is bigotry and fanaticism on both sides; and when the feelings of the masses are roused, it is not very easy for the so-called leaders to keep them under proper control. The matter from various reasons has become so intricate, and is often-times attended with such serious consequences, ending not unoften in bloodshed, that it is of the utmost importance that the matter, in the interests of peace and order, should be boldly tackled; and we appeal to the Government, in spite of its commendable attitude of religious neutrality, to lend its powerful and helping hand in the peaceful solution of this vexed problem.

"It may not be out of place to state here, more explicitly, the reasons why I think it essential that the proposed Conciliation Board, in order to be safely invested with statutory powers as proposed in the Resolution, should have the Magistrate of the district as its Chairman. Further, I fear that the deliberations of the Board, in the frenzy of heated religious discussions, may either sometimes end in fiasco or may sometimes lead to friction, unless they are regulated and guided by the controlling authority of the District Magistrate, whose presence, to my mind, would have a sobering effect on the deliberations of the Board.

"Before concluding I beg to say that there is a special necessity for the formation of these Boards to adjudicate upon the nature of premises proposed to be acquired by public bodies or companies and claimed by either Hindus or Mohammedans as places of worship. There is nothing about which the people of this country, whether Hindus or Mohammedans, are more sensitive than in the matter of their religion and places of worship and as such the acquisition, for public purposes, of places which are supposed to be places of

[*Rai Sita Nath Ray Bahadur ; Rai Sri Ram Bahadur ; Raja Kushal Pal Singh.*] [4TH FEBRUARY, 1914.]

worship often furnishes occasions for excitement, specially amongst the lower classes of the people. It is therefore extremely desirable, in the interests of peace and order, that the question whether a place is a place of worship or not should be left to the decision of a Conciliation Board.

"With these few words I beg to give my humble support to the Resolution which has just now been moved by my Hon'ble friend."

The Hon'ble Rai Sri Ram Bahadur said :—"Sir, I beg to give my hearty support to the principle of the Resolution moved by my friend the Hon'ble Sir Fazulbhoj Currimbhoj, which touches a question of the gravest importance to our country.

"As a representative of the provinces where unfortunately, of late, religious differences have, at certain places, given rise to very serious disturbances, I would heartily welcome the formation, at all important centres, of Conciliation Boards, constituted of respectable Hindus and Mohammedans of the locality. These Boards ought to have some legal powers, and their awards to be declared enforceable by local authorities. It is unfortunate that people of very low social position begin the quarrel, and it is to their interest to foment the disturbances. I have never heard of any of such quarrels originating from either Hindus or Mohammedans of respectable position in society. The ball of strife is set a-rolling by men of straw, and respectable people of both classes are afterwards entangled in it. My own belief is that if, at the outset, men of influence of both religious persuasions, take up the matter in earnest and put their heads together, they might devise and adopt conciliatory measures which can surely allay the disturbed feelings of their co-religionists and pave the way for maintenance of peace and order.

"Sir, the frequent occurrence of these religious disturbances is a problem which has occupied the minds of our Rulers in the past also, but with no result. I need hardly say that its solution requires the most thoughtful attention of the Government and the most tactful handling. The unfriendly feelings generated in consequence of these disturbances do, in no small degree, lead to the contraction, in those localities, of social intercourse between the members of the two communities and affect to a great extent the amenities of life between them.

"We hope that some permanent and satisfactory solution will be arrived at and efficient steps will be taken for the prevention of these internecine quarrels between the followers of the two great religions, who form the great majority of the population.

"Reverting again to the Resolution which is before the Council, I must say that I am not at present speaking anything as to the constitution of the proposed Conciliation Boards or the procedure to be followed by them, nor as to method of enforcing their awards. These are matters which will be thought of and settled after the principle involved in the Resolution has been accepted by the Government."

The Hon'ble Raja Kushal Pal Singh said :—"Sir, the need of Conciliation Boards suggested by the Hon'ble Mover is nowhere more felt than in the United Provinces of Agra and Oudh, where relations between Hindus and Mohammedans are becoming more and more strained day by day. As a proof of this assertion I quote the testimony of no less an authority than Sir John Hewett, late Lieutenant-Governor of our provinces, who said :—

The last advice which I have to give—perhaps it should have been the first—will take the form of an appeal to the leaders of the two great communities, the Hindus and the Mohammedans, to compose their differences. A little more than a year ago I had hoped that something might be attempted towards effecting a reconciliation between the two great communities. But circumstances arose which rendered this impossible, and things have been going from bad to worse, with the result that now, when I am about to leave India, I grieve to see that the differences are more acute and the feelings more bitter between the two communities in this province than they have been at any time during my residence here.

"I am very glad to see that a distinguished leader of the Mohammedan community has taken the initiative and come forward with practical

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suggestions. It is a happy sign of the times—and it is hoped that this deplorable state of things will be put a stop to at an early date. It is no doubt true that generally speaking persons who are guilty of offences against public tranquillity are those who are not amenable to reasonable advice—and it is very difficult to restrain them from committing acts of violence. This became quite manifest during the recent disturbances in Agra, where the District authorities displayed the utmost solicitude to bring about an amicable settlement of differences through the leaders of both communities; but all their efforts proved ineffectual. I am sure though that, if statutory recognition is accorded to the position of leaders by Government, their influence over their co-religionists will increase and be exerted on the side of law and order. There will be the further advantage that the creation of Conciliation Boards will obviate all that might needlessly give rise to misrepresentation and odium, for if anything which is not in consonance with general feeling were to be done, public opinion would hold the members of such boards responsible. All that the Hon'ble Mover asks for is that a Committee consisting of Hindu and Mohammedan members of this Council be appointed for the preparation of a draft scheme. There can be no valid objection to the appointment of such a Committee. It will be open to the Government to accept the scheme either *in toto* or in parts. At all events the appointment of the Committee and their deliberation will be attended with beneficial results.

“With these few words, I beg to support the Resolution before the Hon'ble Council.”

The Hon'ble Srijut Ghanasyam Barua said:—“Sir, in associating myself with this Resolution I beg to submit that in view of the riots that take place every year in some part of India or other in connection with rival Hindu and Mohammedian ceremonies, the Resolution moved by my Hon'ble friend deserves the good consideration of the Government. At first sight a proposal of this nature is likely to call forth adverse criticism. It may be urged that it is a misnomer to call the proposed Committees, Boards of Conciliation at all, if they have to be backed by statutory powers; that it will be difficult to apportion the number of members between the two communities, for if they are unequal, the Boards will not be accepted as reliable by the party whose representation is in the minority, and if they are equal similar difficulty may arise with regard to the casting vote. But, Sir, these are difficulties which, as my Hon'ble friend the mover of the Resolution has shown, are soluble and by the developed goodwill of both the communities are sure to be effectively overcome in the course of time. These difficulties are common to all representative bodies, and have been always overcome by means of some conventional rules of procedure. The difficulty of two or more contending parties to come to a good understanding, especially in matters like these, lies primarily in getting a fair common ground, a fair field for deliberation and for learning rational and conciliatory ways of thinking. When such a field is given, these apparent difficulties may be expected to vanish of themselves, and perhaps the need for statutory powers which are now sought to give the proposed Boards a life and standing will in time come to a minimum.

“It may also be argued that in some instances the aid of the leaders of the two communities were sought by the Executive authorities without any appreciable result. A little reflection will, however, show the fallacy of basing any conclusions from those cases. The reason of the failure in those cases is palpable and failure in such cases is, I think, inevitable. The aid was sought when matters had already come to a pitch, and the points of dispute had already been put on fanatical ground, where all reason and good counsel had to give way before a feeling of rivalry and competition.

“In such cases, moreover, the leaders whose help is availed of generally happen to be either self-offered leaders whose voice is really feeble with their adherents or, if appointed by the people, appointed not for cool judgment and advice nor for settlement of the dispute, but only on the condition or with the desire of keeping their own point at any cost. At this stage, Sir, arbitration is bound to fail; time is required to allay the inflamed sentiments of quarrel

[*Srijut Ghanasyam Barua ; Major Blakeway.*] [4TH FEBRUARY, 1914.]

and strife ; but that time is no longer available them. If, however, the members are elected in a period of peace and the board is a standing institution for settlement of such matters, all things will be deliberated upon and settled in ample time to prevent the popular feelings on either side being wounded or enraged ; and there is every reason to hope that the results will be far better than those achieved in the efforts which have now and then been made in improper season.

“Sir, it is essential to the good of India, to the good of the Government and to the good of the two communities forming the bulk of the Indian population that the most amicable relations should subsist and be established between them. The Resolution, suggests a practical method of trying to bring about such relations. We may not be able to be assured of its entire success at once. But when set to working, the defects will be discovered in course and rectified from time to time until a wholly effective method is arrived at. My Hon'ble friend does not lay down any details himself. He asks the Governor General in Council to appoint a Committee with members from both communities to formulate a scheme of which only the broad outline he suggests. The matter is one which concerns only the Hindus and Mohammedans of India. And if the non-official members of these two communities agree to the proposal it may be taken as an offer from both, and I think it will only be right to give it a fair chance and not to throw it out at this stage. I hope, therefore, that in the interest of peace between the two communities the Council will be prepared to accept the Resolution and give the proposal a fair trial. But I may say that I am at one with the Hon'ble Rai Sita Nath Ray Bahadur in holding that not only members of this Council but some representative leaders from outside this Council should also be included in the Committee.

“With these few remarks I commend the Resolution to the favourable consideration of the Council.”

The Hon'ble Major Blakeway said :—“Sir, the Resolution which is now under the consideration of the Council has been inspired by the estimable desire that the unhappy tension, which exists in many important places between the Hindu and Mohammedan communities, should be mitigated and its evil effects averted. There is also an intention on the part of the Hon'ble Mover that these communities through their representatives should be invested with certain powers as regards places of public worship. It is with regard to the two former objects that I should like to make some remarks based on my executive experience.

“It appears to me that the establishment of any Statutory Bodies with the powers of arbitration contemplated in the Resolution would scarcely appeal to the public mind in the manner intended by the Hon'ble Mover.

“The Resolution amounts to a confession that the good sense of the communities, stimulated and aided by the growth of education, cannot be depended upon for reducing sectarian animosities and promoting friendlier feelings. The Resolution implies also that the leaders of the two communities, unless formally enrolled, officially labelled and given seats next each other on a Board, are unable to meet and discuss frankly and calmly matters which may threaten the maintenance of the peace on any grounds connected with their religious or social ceremonies. It further indirectly affirms that the powers of advice and guidance wielded by the principal men on either side have, in these days of progress and improvement, been found wanting, and that the influence which should be inherent in all popular leaders must be supplemented or replaced by legal authority. The Resolution in fact, if it were to receive the support of the Council, would accentuate the existence of a line of cleavage and not only reflect unfavourably on the educational uplifting and enlightenment of the two great communities to which it relates, but also decry to some extent the efforts for an amicable understanding, which are, I believe, honestly and spontaneously made in the great majority of instances by leading residents in localities liable to outbursts of popular passion or prejudice. It must be recollected that these labours are not published to the world generally, and that for one breach of the peace which occurs owing

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to the failure of endeavours to compose a difference twenty unfortunate episodes may have been successfully avoided. On general grounds, therefore, I consider that the Resolution as it stands is undesirable, and, without wishing to qualify for the position of an official optimist, I hold the view that it does not give adequate credit to the advance in moral and social responsibility of the Indian public which has been made and is being made.

“The Hon'ble Mover only proposes that his scheme shall be considered by a Committee and he is in a position therefore to say that it is not final but that such amendments as may be necessary can be subsequently introduced. He has however given us three main heads for the duties of the Boards which he wishes to bring into being, and he has stated that he desires these general functions to be performed, whatever shape may be afterwards given to the scheme.

“Now to take the first head—that of arbitration on a conciliatory basis, as distinguished from the purely judicial act of deciding a question affecting rights. The decision of a dispute can of course be already sought by individuals or communities under the existing law and can be enforced. The object of the Hon'ble Mover on the other hand is that the differences of the two communities should be composed and if a dangerous state of feeling has been aroused that it should be made to give way to more reasonable views. The primary necessity however for the success of any attempt to bring about an amicable settlement is that the rival parties should themselves be disposed to submit their claims to discussion and negotiation. Unless this condition be satisfied I very much fear that the investigation of opposing claims and the announcement of a decision on such claims by a body armed with powers of compulsory arbitration, even if such body be assisted by its attractive title of ‘Conciliation Board,’ will not relieve a strained situation. Rather such procedure may emphasize it, if the Board's proceedings be conducted in public with opportunities for the assertion and re-assertion of the demands of both sides; while if the proceedings be *in camera* there are of course other objections of weight.

“Another and important consideration is that the members of a Board elected for a definite period—whether long or short—might through no fault of their own be incompetent to deal with a particular situation. Let it be granted that the authority of each Board will be limited to a special centre and that those objections based on ignorance of local conditions, which were advanced in this Council to the formation of Advisory Boards for the Assessment of Income Tax, will not be sustainable. We have however all had experience of the sudden rise to fame and influence of gentlemen with a power of inflammatory oratory. In fact without specifying names I may say that an instance has very recently occurred in England of the rocket-like rise and fall of a public character with this questionable ability. In such a case the authority of the natural leaders of the people—or at all events those representatives who had been elected to the Conciliation Board—might be entirely eclipsed; yet the executive authorities would be debarred from going outside the Board and seeking the aid of the men of the moment to quiet a threatened storm of public feeling.

“Again can we be certain that members of a Board, who had gained their seats under the stress of public election and by a competitive process, would be accorded general support by their own party, and can we be assured that their opponents in their own community would see eye to eye with them in policy at a time when feelings on every side would be unduly excited? It would not only be possible, but probable, I think, that, even if a settlement were reached between the representatives of the two communities, it would not always be observed in such circumstances by those whom I may call their respective constituents. Overt action would follow on the part of the dissentients, compulsion would be necessary, and the hopes of a settlement by agreement would vanish.

“Lastly, supposing that formal and public reconciliation, under certain defined procedure, were to be tried and were to fail, can there be any doubt that a difficult situation would be aggravated and made more difficult and that

[Major Blakeway; Maharaja Ranajit Sinha of Nashipur; Mr. Surendra Nath Banerjee.] [4TH FEBRUARY, 1914.]

further measures to bring the two communities together would be much embarrassed?

"These, Sir, appear to me to be some of the principal objections to the constitution of formal Boards or Assemblies to carry out the objects of the Hon'ble Mover in the way of arbitration between the Hindu and Mohammedan communities. But though I have been urging the impracticability of their constitution I hope I shall not be understood as depreciating the value of informal Assemblies convened according to the needs of the moment. We frequently have evidence of the assistance given to the executive power in times of religious or social disturbances by the leaders of the people. I should think, indeed, that no case ever occurs in which it is not invoked by Government officers when a serious difference between the two communities has occurred or is apprehended. But it is essential that a District or Sub-Divisional or other Local Officer should not be hampered in his selection of the men best suited to help him at times of popular unrest or actual disturbance by the existence of a Standing Committee. This, as I have endeavoured to show, might be entirely ineffective at any particular crisis and its inefficiency might have serious and dangerous results. I am unable therefore to support the Resolution."

The Hon'ble Maharaja Ranajit Sinha of Nashipur said:—"Sir, much has already been said on the subject in support of the Resolution which has just been moved by my Hon'ble friend Sir Fazulbhoy Currimbhoy, and, though I have some objection to the wording of the Resolution, I offer my cordial support to the principles involved therein. The Resolution says 'that this Council recommends to the Governor General in Council that a Committee consisting of Hindu and Mohammedan members of this Council be appointed for the preparation of a draft scheme.' I should think, Sir, that not only members of this Council should form the Committee, but that leading members of both the societies should be appointed to constitute it. My friend Sir Fazulbhoy Currimbhoy has done a public service in bringing forward this Resolution, and if it be accepted with modifications by the Government I am sure it will do immense good to both Hindus and Mohammedans, who form the bulk of the population. It is an earnest desire on the part of the Government to promote good feelings between the different sections of the community, and it is also the desire of the leaders of both communities that they should live in harmony as friends and brothers for the good of the country in which they live. But, Sir, we find that sometimes some men being persuaded by religious enthusiasm commit breaches of the peace, which result in serious consequences. The leaders of both parties try to intervene, but sometimes they do not succeed. If a Conciliatory Board be appointed I am sure that it will command the respect of the people of both communities; and the people will respect the advice of those men who will be elected by themselves.

"Many of us remember the riots that took place in Calcutta some three years ago, at the *Bakr-Id* festival, in which several lives were lost; many houses were looted and several persons were injured; and it is not uncommon to hear of such disturbances now and then in various parts of this vast empire. So it is necessary that something should be done to check these occurrences, and I think if a Board consisting of Hindus and Mohammedans, elected by the people themselves, with an official as President, be formed, it will be of great help in checking such affrays and riots.

"With these few observations I beg to support the principles of the Resolution moved by my Hon'ble friend."

The Hon'ble Mr. Surendra Nath Banerjee said:—"Sir, I think I speak the sense of my Hindu colleagues in this Council chamber when I say that we are all deeply grateful to the Hon'ble Mover of this Resolution for introducing it and placing it before the Council. I thoroughly associate myself with an observation which fell from my friend Raja Kushal Pal Singh, that it is a significant sign of the times that a prominent leader of the Mohammedan

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community should have introduced a resolution like this. Sir, to my mind it is an index,—an infallible index—of the growth of friendliness and solidarity of feeling between the Hindu and Mohammedan communities; upon which, I venture to add, the best prospects of Indian advancement so largely depend.

“ Sir, the trend of the debate has left us no doubt as to the drift of Indian public opinion upon this question. Speaker after speaker has risen from his place in this Council and has, making allowance for a note of dissent here and a note of dissent there in regard to unimportant particulars, accorded whole-hearted support to the Resolution of my Hon'ble friend. Sir, we are all in strong sympathy with the principle underlying the Resolution, and, I may add, also with the operative part of it. The principle of the Resolution seems to me to be—brushing aside all minor details—the creation of Conciliatory Boards in areas where there is a likelihood of a breach of the peace taking place owing to the outbreak of religious fanaticism. That, Sir, I take it, is the principle of the Resolution. The operative part of it is that this principle should be embodied in the law of the land, according to the wisdom of the Government and the wisdom of this Council. Sir, there have been piling up, for the last few years, facts upon facts which lend countenance—I was going to add strong support—to the principle of this Resolution. In 1909 a serious disturbance of the peace took place at Titaghur, within the limits of the Barrackpore subdivision, about 13 miles from Government House in Calcutta. The disturbance was a very serious one, and Government felt it necessary to convene a conference of representative men. The conference was held at the office of the Commissioner of the Presidency Division. I had the honour of being present at that conference. It was presided over by the Presidency Commissioner himself. At that conference a resolution was proposed that conciliatory boards be formed in areas which are likely to be disturbed as the only solution of these difficulties, and, Sir, that resolution was unanimously accepted by that conference. Among those who were present at that conference, was a large number of officials. The Presidency Commissioner was there, the Magistrate and Collector of the district was there, and there were other Government officials. It was the unanimous sense of that conference, consisting of the highest officials of the land, of representative Hindus and Mohammedans, that the formation of conciliatory boards was the only solution of the problem that confronted the Government every year on the occasion of the *Bakr-Id* festival. But, Sir, that resolution remained more or less a pious hope, a dead letter, for in December 1910, within twelve months of that time, Calcutta was exposed to a terrible outbreak of religious fanaticism, to which reference has already been made, and there were Hindu and Mohammedan leaders in Calcutta who would have gladly acted as members of a conciliatory board; but the Government declined to call such a board. I am certain that if a conciliatory board had been formed according to the terms of the resolution which had been accepted the previous year, consisting of men who were willing to act—I have it upon their personal testimony, men like the Nawab Bahadur of Murshidabad, like the Maharaja-adhiraja of Burdwan, like Maharaja Sir Prodyot Kumar Tagore, and others—I am convinced in my mind that the riots would either have been averted or at any rate their proportions very much minimised. Therefore I lend my whole-hearted support to the second part of my friend's Resolution. We must not only accept the principle, but we must embody it in the law of the land. It should not be left discretionary to the Government to say 'yes' or 'no' to the formation of a conciliatory board: the law should make it obligatory upon the Government to form such boards when the occasion for them arises. And, Sir, let us look for a moment on the other side of the shield. In the same year, 1910, there were menaces of an outbreak in the vicinity of Allahabad—at Daraganj, if I remember the place aright. What did the Magistrate do? He went down to the spot, he called a *panchayat*—a conciliatory board—and the riot was averted. There were some persons of bad character, the board suggested their arrest; these men were arrested, and there was no riot at all.

“ My Hon'ble friend over there—the Hon'ble Major Blakeway—has raised difficulties to the formation of these conciliatory boards. He must have noticed the trend of Indian opinion on the subject, and, Sir, I am entitled to

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hold that in a matter like this, affecting the religious interests of our communities, the united opinion of Hindus and Mohammedans ought to be decisive of the issue. If we, Hindus and Mohammedans in this Council Chamber and outside this Council Chamber, are united in the opinion that these conciliatory boards form the only and ultimate solution of the problem, then I say it is not open to anyone to contest that view. We know our community best; we know how to deal with them; we know their strong points and their weak points; we know how to approach them; and I venture most respectfully, but most emphatically, to assert that, having regard to the views expressed in this Council Chamber, to the views expressed outside the Council Chamber, to the triumph of conciliatory boards wherever they have been tried, the question no longer is within the range of speculation; but that such boards ought to be formed, and they ought to be formed by legislative authority.

"My friend the Hon'ble Mr. Sita Nath Ray has made suggestions which are in the nature of an amendment. I do not think that under the rules an amendment at this stage is admissible. If the rules permit it, I would certainly cordially support it, namely, that if a committee is to be formed, it ought to be formed not only of members of this Council, but of gentlemen outside this Council; and honoured names have been mentioned, who would be an ornament on a committee like this.

"Sir, my friend, unfortunately for the success of his Resolution, has loaded it with details about a scheme being formed, about the nature of the constitution of the Boards, and so on and so on. I think, Sir, our duty here, as members of this Council, is to formulate the principles, and having formulated those principles, it is for the Government to embody them in the law of the land. My friend has, with sufficient distinctness, with sufficient emphasis, formulated his principles; they are the creation of conciliatory boards; secondly, that those Boards should be created by legislative authority. These are the outlying features of his Resolution. Then there are a mass of details. For the moment let us brush aside the details; if the Government will give us the assurance that they will favourably consider the project of forming these Conciliatory Boards and further that they are prepared to embody those principles in the legislature of the land, I do not think my friend need further press the Resolution to a division.

"With these words I strongly support the Resolution of my friend."

The Hon'ble Sir Reginald Craddock said:—"Sir, the Hon'ble the Mover of this Resolution invites the assent of the Council to the appointment of a committee consisting of Hindu and Mohammedan Members of this Council to prepare a draft scheme for the formation of Conciliation Boards at every important centre on the model of Municipal Boards.

"As the Hon'ble Mr. Banerjee has pointed out, the Hon'ble Mover has, in addition to the mere principle of conciliation, put into his Resolution certain details, and it is quite possible for Hon'ble Members to support the general principle of conciliation without supporting the Resolution as moved by the Hon'ble Sir Fazulbhoj Currimbhoj. The Conciliation Boards are to be composed of honorary members duly elected by the Hindu and Mohammedan residents of the locality, and they are to have statutory powers. All this is laid down in this Resolution, which further goes on to particularise what the statutory powers are to be. They are—

- (1) to arbitrate in all cases of differences between the two communities relating to the time, place and manner of the observance of their respective religious and social ceremonies;
- (2) to take necessary action for the prevention of violence and riots connected with such observance; and
- (3) to adjudicate upon the nature of premises proposed to be acquired by public bodies or companies and claimed by either Hindus or Mohammedans as places of worship."

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“ Now the underlying idea that has inspired the Hon'ble Mover and those who have supported him is, that these unfortunate differences between different religious communities, which only too frequently have led to most deplorable affrays, rioting and sometimes loss of life and property, should be amicably composed by discussion and settlement between the responsible leaders. That is an idea which must command and does command our respect and our fullest sympathy; it is an idea which must command the respect and sympathy of every Government that has regard to the interests of its citizens and to the maintenance of peace and order. To settle such matters by pre-arranged agreement between the heads of religious communities has been the aim and object of every Local Government, every Commissioner and every District Magistrate in India. To try and hold the balance even between the conflicting claims of the various religious denominations in this country has been the policy that has inspired the Government and its officers from the earliest times, and no man could do anything but welcome the enormous assistance which can be given to him by an agreement between the heads of the religions concerned. It would make his path much smoother, where it is now difficult; it would relieve him at once of all charges of lack of consideration, of partiality, of favouritism, which may always be levelled at him now by dissatisfied men. There is no more difficult and harassing position than that in which a District Magistrate or police-officer finds himself when religious festivals have to be celebrated and there is imminent risk of the public peace being broken. We can in such circumstances only try our best to get leaders to agree to the times and routes of processions, to the playing or stoppage of music at particular places, and to the performance or non-performance of sacrifices. We have all of us had experience of these difficulties. The first three years of my service in this country at Jubbulpur were years in which the important religious ceremonies of the *Mohurram* clashed with the Hindu *Dassehra* festival. I can remember very clearly how we all strove to establish some form of settlement between the two communities and what anxious days and nights we passed in averting, I am glad to say successfully, any open conflict. Again it fell to my lot later in my service, when Commissioner of Nagpur, to compose a difference regarding the question of music being played before places of worship, and I remember very well how, after giving the leaders of the communities concerned time and every encouragement to arrive themselves at a reasonable compromise, I was at last obliged, in the absence of such an arrangement, to issue instructions on the subject, which were the fairest that I could devise, but which were not the outcome of agreement. I am sure, Sir, that among the Honourable Members of this Council there must be many officials and non-officials (among the officials men who have been Commissioners or District Magistrates) who can testify to the efforts made, sometimes successfully and sometimes unsuccessfully, to arrive at a reasonable settlement of these disputes and to tide over the time of difficulty and trouble when there was a conflict between different religious communities. I feel sure that if any legislation that we could frame would secure such agreements and would put an end, once and for all, to such unfortunate and deplorable incidents as have marred the orderly celebration of so many festivals, both of joy and mourning and the peace of many great cities and towns, we should every one of us join most heartily in that legislation. But there is the difficulty. We can all of us agree on a preamble, but when it comes to a substantive measure, then we find the path bristling with obstacles and dangers. I feel sure the Honourable Mover will not take it amiss if, while I cordially echo on the part of the Government the underlying wish and thought that agreements should be arrived at in these cases of dispute, I yet find it necessary to explain the very cogent reasons why it is not possible for the Government to accept this Resolution. I quite admit that among the Honourable Members who are supporters of the Resolution, there are some who have themselves pointed to particular features of his scheme, which they consider impracticable, but I do not think it is possible for us to vote on this question simply on the general principle whether conciliation is desirable or not and to ignore the machinery and the procedure which the Hon'ble Mover has sketched for us.

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"In the first place the Hon'ble Mover is asking us to take an unconstitutional step in appointing a committee of this Council to draft or devise legislation. The function of the Council is to discuss and pass, amend or reject, Bills which have been introduced either by the Government or by a non-official Member. So far as Government measures are concerned it is the Executive Government which takes the initiative, for with them rests the responsibility. So far as any non-official Member is concerned, he can consult informally any one whom he likes either on the Council or outside the Council before framing a Bill which he desires to introduce; but no formal instructions to a Committee of its own body can be given by this Council to devise or frame legislation. It does not possess the powers which the Resolution asks it to exercise. That is the preliminary constitutional objection which I have to take to the course recommended to us by the Hon'ble Mover.

"But the Hon'ble Member goes further than this in his Resolution. He does not merely ask for a Bill to deal with religious disputes of the kind contemplated by means of Conciliation Boards, but he goes on to indicate the nature and constitution of the Boards to be brought into existence. He desires to give them statutory powers, and he lays down particular duties to which these statutory powers should apply. In some respects the instructions that he would embody are vague; in others they are more definite. He would extend these Boards to important centres; but unhappily disputes of this nature are not confined only to the larger cities and towns. There may be rioting and violence in many of the smaller towns and larger villages with results that are equally deplorable.

"Again, he would model these Boards on Municipal Committees; but there is no standard Municipal model, and whatever may happen in the future there is as yet no type of Municipal Committee in existence which conforms to the plan that he sketches, and consists wholly of elected non-official members.

"Again, these Hindus and Mohammedans who would form the Board are to be elected by the residents of the locality; but we do not know what sort of franchise there would be; whether it would be in strict numerical proportion to those professing the religions represented; whether the qualifications should be educational, or of property, or of payment of taxes; and whether the electorates would consist mostly of those who try to keep the peace or should also consist of those who are most apt to break it.

"In a town where the Hindus or Mohammedans were in great numerical disparity to each other, if the members of these two denominations on the Board were equal in number, as I understand the Hon'ble Member to intend, it would be complained that the relative interests of the two communities in the town were ignored. If the representatives were in numerical proportion to the distribution of the religions, then one religion might have a large majority over the other on the Board. Neither of these circumstances would be conducive to an agreement, or to an agreement which would be accepted by the persons affected. Yet, again, religious disputes are not confined to Hindus and Mohammedans only; there are Sikhs, Parsees and Christians to be considered in some parts of India, there are also Jains and Buddhists, while some of the bitterest disputes that have occurred have not been between different religions, but between different sects of the same religion. Not only this, but the Hon'ble Member contemplates social as well as religious ceremonies, and Boards qualified to deal with religious ceremonies may not be equally competent to deal with all the social ceremonies that might be in question.

"Again, the whole idea of arbitration suggests the submission of disputes to arbitrators, all or most of whom are in no way interested in the matter in dispute. This feature would be entirely lacking in the proposed Conciliation Boards which the Hon'ble Mover desires. The award must, in the nature of things, be either wholly in favour of one party, or wholly in favour of the other, or be in the nature of a compromise. In either of the two former cases one party is aggrieved, and in the third case both are probably dissatisfied. I do not deny that mutual agreement has on occasions been arrived at by the heads of religious communities anxious to avoid disputes; but their statu-

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Can tory appointment and the bestowal upon them of statutory powers in no way facilitates the arrival at such agreements. These agreements are arrived at and put into effect only when there are at the time and place men on both sides of sober and calm judgment combined with commanding influence; the sober judgment which brings them into concord out of discord, and the commanding influence which enables them to enforce obedience or secure acquiescence from their own co-religionists. The existence of such men of the requisite character and personality depends upon the time and place; they cannot be created if they are not there, and no electoral machinery and no legislative sanction can bring them into existence.

“The Hon'ble Mr. Banerjee has referred to the recommendation made when the Titagur riots were under consideration, and I think I understood him to say that it was unanimously agreed that Conciliation Boards of this kind should be formed. I have here the proceedings of the discussion which took place, and I find that there was considerable difference of opinion on that occasion. The Commissioner in summing up the discussion said that, as far as he had been able to gather, the general sense of the meeting was not unanimous as to the suggestion of the Hon'ble Mr. Surendra Nath Banerjee. It was probable that the time was not yet ripe for the appointment of a Central Committee of Hindus and Mohammedans to deal with religious disturbances. The majority of the meeting were in favour of the appointment of local committees of both religions where disturbances were possible or at least that the co-operation of the leaders of either community should be invoked on such occasions.

“That is not going nearly as far as the Hon'ble Mr. Surendra Nath Banerji—”

The Hon'ble Mr. Banerjee said:—“Of course, I was speaking from memory. You have the advantage of me in having the case before you.”

The President said:—“Order, Order!”

The Hon'ble Sir Reginald Craddock said:—“These are the difficulties regarding arbitration. But it is when the Resolution goes on to detail the action that the Boards will have to take in order to enforce their agreements, that the difficulties become still more formidable, and I was unable to grasp from the Hon'ble Mover exactly what procedure he thought ought to be followed. The Magistracy and the Police acting under the authority and guidance of the Executive Government are charged by the legislature with the prevention of violence and rioting. It is surely impossible to take away these statutory powers from the Magistracy and Police and hand them over to these Boards. At the same time the Hon'ble Member has suggested that the Boards shall share these responsibilities with the Police and the Magistracy. But the Boards have no executive to carry out their decisions, and it is impossible either to set aside the machinery of the State or place it under the direction of newly created authorities of a novel kind, drawn from two communities only, armed with powers with which no municipal body in the world is entrusted. There would be hopeless confusion and chaos if responsibility were divided in the way—not perhaps the way in which the Hon'ble Member himself intends—but the way that would result if these statutory powers were to be given to the Boards.

“Now I come to the third function of these Boards. The last function which the Resolution assigns to the proposed Boards is of an entirely different nature, and has no relation whatever to the previous functions proposed for them. It would give the power to these Boards to determine whether any premises which it was desired to acquire for any public body or company, were places of worship or not. The composition of the Board in this case is not appropriate to the decision, for the Hindus on the Board would not be qualified to adjudicate upon the sanctity of a Mohammedan building, nor could

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the Mohammedan members determine the sanctity of Hindu buildings. If under the law the question had to be decided between local bodies or companies desiring to acquire a building and the community claiming that building as a place of worship, the only authority that could decide it would be a court of law. Under the law, however, no such decision is required, although as announced by His Excellency the Viceroy in Cawnpore every consideration will always be shown in respect of any building in which the public are interested, and which Government or any authority may wish to acquire, so as to avoid the acquisition, if it can anyhow be avoided, consistently with other important public interests that may be involved.

"In fact, Sir, the Hon'ble Mover in his laudable desire to avoid these lamentable religious disputes, a desire which we all share, has tried to devise a machinery which will give what are purely Conciliation Boards powers which would be in the one case executive and in the other judicial. If such Boards could succeed in arranging a compromise to which the leaders bound themselves and which the followers would obey, they would be doing all that could be expected of them. Everything else would be left to the ordinary judicial and executive authorities. But it is of no avail to cry 'peace, peace, when there is no peace.' If the heads of the communities concerned can arrive at an agreement they need no formal constitution or statutory powers. If they cannot, then no formal constitution or statutory powers will give them that agreement which is the one thing needful. No officer charged with the duties of maintaining the peace at a time of religious excitement would ever despise or reject co-operation of any kind from the responsible leaders of the people in securing peace. But we want the help of the wiser and cooler heads; hot-heads are not likely to be of service. Yet what guarantee will there be that the electorate will not elect the hot-heads? And were this to be the result, the discussions of the Boards might tend to exacerbate rather than allay excited feelings.

"Remember it is not questions of facts or deductions from facts that are to be submitted to arbitration under the Hon'ble Mover's scheme: it is rather questions involving religious belief, religious fervour, and it may be religious passion. If agreements are to be attained—a result which we most fervently desire and in respect of which the Hon'ble Mover has our warmest sympathy—it must be through voluntary efforts of the heads of the religious bodies concerned, strongly supported by our responsible officers; and if the Hon'ble Mover's Resolution and this debate should lead to such voluntary efforts being made in our cities, towns and villages, and to the adoption of a policy of mutual give and take, none would welcome it more than the Government. We recognize and we applaud the earnest desire of the Hon'ble Mover and his supporters to secure conciliation, though, for the reasons that I have explained, we cannot accept his Resolution.

The Hon'ble Sir Fazulbhoy Currimbhoy said:—"Sir, I would have been satisfied if the Hon'ble the Home Member had assured us that the Government would consider the proposal. There are many difficulties, it is true, but there is nothing impossible; and the Government can solve the difficulties and establish conciliation boards with powers to arbitrate on differences. Sir, let me give an example. In Bombay, six or seven years ago there were, for two or three years continually, *Mohurram* riots. At last, the Government decided that a committee of the leaders of the Mussulmans should be appointed and that the whole organization of the *Mohurram* procession should be entrusted to their care, the police assisting. That year there were no *Mohurram* riots; everybody was satisfied and everything passed off well. That shows that conciliation boards, or what are called advisory boards, have done good work. The boards not being of a permanent character were dissolved, and again for two years we had riots, and for the last two years the *Mohurram* has been nearly stopped. In this case, if we had an advisory board, I assure you the *Mohurram* would be carried out more peacefully.

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“ Sir, some Hon’ble Members and the Hon’ble the Home Member have criticized the details of my scheme. I would have made my Resolution more simple, but I thought I would give Hon’ble Members my views on every matter connected with the scheme. If the Government had accepted my Resolution, I would have omitted some of the things to which they object; but I think the Hon’ble the Home Member is not willing to accept my Resolution. He thinks that the statutory power I propose is too much and that it is too premature. I will accede to his request and ask for a little if he will give it, and that is, that he will assure me that the Government will consider the advisability of appointing advisory boards at different centres to settle disputes, and that he will assure me that Government will consider—it is only for consideration I ask—the advisability of undertaking legislation in regard to the acquisition of places of worship. If he gives me these assurances, I will withdraw my Resolution. I ask for nothing but the Government’s consideration, and I think the voices of the non-official Members who have spoken have been all in my favour. I hope, and I appeal to Government, that they may accede to the request of the non-official Members.”

The Hon’ble Sir Reginald Craddock said :—“ If the Hon’ble Mover would formulate exactly what it is that he wants the Government to undertake to consider, I shall be in a better position to reply.”

The Hon’ble Sir Fazulbhoy Currimbhoy said :—“ Will the Government agree to consider the proposal of having advisory boards at every important centre for advising the Government on the matters which I have proposed, and will they also consider the proposal of undertaking legislation for the prevention of acquisition of land and buildings used as places of worship either by Hindus or Mohammedans.”

The Hon’ble Sir Reginald Craddock said :—“ There are two proposals which the Hon’ble Mover makes. One is that the Government should consider the advisability of having advisory boards. That is what I understand him to say.”

The Hon’ble Sir Fazulbhoy Currimbhoy said :—“ Yes: advisory boards without statutory powers.”

The Hon’ble Sir Reginald Craddock said :—“ The Government might consider the possibility of forming advisory boards, but they could not consider the advisability of forming compulsory advisory boards.”

The Hon’ble Sir Fazulbhoy Currimbhoy said :—“ I do not want them to be compulsory.”

The Hon’ble Sir Reginald Craddock said :—“ They will consider the desirability of having advisory boards in places where religious disputes have taken place, but of course they could not accept any proposal by which the formation of these boards should be made compulsory.”

“ As regards the second proposal, would the Hon’ble Member kindly state it exactly again ? ”

The Hon’ble Sir Fazulbhoy Currimbhoy said :—“ Will the Government also consider my proposal for undertaking legislation for the prevention of acquisition of land and buildings used as places of worship either by Hindus or Mohammedans.”

The Hon’ble Sir Reginald Craddock said :—“ This is absolutely outside the scope of the Resolution, and I am afraid I cannot give any undertaking on the subject.”

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The Hon'ble Sir Fazulbhoy Currimbhoy said :—" Mr. President, I accept the proposal and ask your permission to withdraw the Resolution."

The Resolution was, by permission, withdrawn.

The Council adjourned to Tuesday, the 24th February, 1914.

W. H. VINCENT,

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

DELHI:

The 12th February, 1914.

APPENDIX A.*(Referred to in the Answer to Question 8.)*

No 6—204-16.

GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE AND AGRICULTURE.

LAND REVENUE.*Calcutta, the 50th November 1905.***RESOLUTION.**

THE Government of India have had under consideration the system in force for the advance of loans from State funds to assist in the development of Agriculture, whether under the Land Improvement Loans Act, 1883, or under the Agriculturists' Loans Act, 1884. The recommendations made on the subject by the Famine Commission of 1901 were referred for opinion to Local Governments, and after consideration of their replies and of the recommendations made on the same subject in the report of the Irrigation Commission of 1903, the Governor General in Council is now in a position to lay down the principles on which he considers that such loans should be made and to offer certain suggestions with the view of making their operation more effective. He agrees with both Commissions that the system is a very valuable one, both in ordinary times and times of drought; that it should be the policy of the State, as supreme landlord and as the guardian of the people against famine, to promote with reasonable liberality the execution by private persons of works which will add to agricultural efficiency and increase the total produce of husbandry; and that loans for the purpose of purchasing seed and cattle and for other agricultural objects not covered by the Land Improvement Loans Act should not be limited to times of special stress, but should, like those made for the improvement of the land, form a part of the ordinary revenue administration. The consideration which has now been given to the subject has led him to the conclusion that in most Provinces the existing rules might safely and properly be revised, so as to secure greater simplicity, liberality and elasticity in the working of the system, and thus increase its popularity and the advantages derived from it by the agricultural population.

2. This Resolution will first deal with loans made under the Land Improvement Loans Act on ordinary conditions, and then with loans on special terms and advances made under the Agriculturists' Loans Act; and it will be convenient to consider land improvement loans chiefly in connection with the construction of wells, though it should be understood that the principles enunciated also apply, so far as may be, to tanks, water-courses, embankments, and other works for the improvement of land.

3. As regards the rate of interest to be charged on ordinary advances under the Land Improvement Loans Act, the present practice is that in Madras, Bombay and Burma the rate levied is 5 per cent. and that in all other Provinces it is $6\frac{1}{2}$ per cent. Both the Famine Commission and the Irrigation Commission suggested that the rate might with advantage be made 5 per cent. in all Provinces, though the latter Commission admitted that a rate of $6\frac{1}{2}$ per cent. is not in itself excessive, and that the people regard it as extremely liberal. The general opinion of the Local Governments of Northern India however is that there is no good reason for reducing the present rate of $6\frac{1}{2}$ per cent.; and with this opinion the Governor General in Council concurs. This rate is very much less than that warranted by the custom of the country and

charged by village money-lenders, and it does not seem probable that a reduction of the rate of interest from $6\frac{1}{2}$ to 5 per cent. would have any appreciable effect in increasing the demand for loans, as the ordinary borrower would not be likely to have any clear idea of the benefit he would derive from the reduction. The Governor General in Council agrees with the Irrigation Commission that loans under the Land Improvement and Agriculturists' Loans Acts need not be made a source of direct profit to the State; and he considers that where the present rate of interest is found to result, after taking into account all classes of transactions (including remissions) under both Acts, in a net profit to the Local Government, this margin of profit should be utilised, not in giving a reduction in the general rate of interest charged to all borrowers, but in granting special concessions to those borrowers who stand in need of them, and thus rendering the system more elastic. He would regard the margin between the rate paid by Government on the loans it raises and that charged by Government on the advances made to agriculturists as an assurance fund against risks and a sinking fund to cover losses, such as may be expected to occur in individual cases. For these reasons the Government of India agree with the Local Governments of those Provinces in which the rate of interest is at present $6\frac{1}{2}$ per cent. that there is no good reason for a reduction of that rate, and would ask the Governments of Madras, Bombay and Burma to consider whether the rate at present charged in those Provinces might not with advantage be raised to $6\frac{1}{2}$ per cent.

4. Under the present rules it is usual to levy penal or compound interest on over-due instalments, and the Irrigation Commission recommend that such interest should be exacted only in very exceptional cases. In this recommendation they are supported by several Local Governments, and more especially by the Lieutenant-Governor of the United Provinces, who points out that the failure to pay interest when due must be owing either to contumacy or to poverty, and that in the first case coercive process to enforce payment should be taken without delay, and in the second the question is whether some remission should not be granted, and not whether more interest should be exacted. The Government of India are unable to accept this argument without modification, as, even when the delay is due to contumacy, it is impossible in practice to levy the arrear at once, and it is equitable that a delay so caused should involve a penalty, if only as a lesson in punctuality. They agree, however, that Local Governments should be prepared to remit or reduce compound and penal interest in cases in which they are satisfied that the failure is due to inability to pay and that the levy of such interest would be productive of hardship.

5. Under most of the present sets of rules the maximum ordinary term fixed for the payment of a loan is 20 years. The Famine Commission suggested that this period might be extended, and the Irrigation Commission recommended that no maximum period for re-payment should be prescribed, or that the maximum term should be fixed at 50 years. Local Governments being empowered to prescribe maximum periods for different tracts and districts and for different classes of works, having regard mainly to the durability of the work for which the loan was granted. After full consideration of these suggestions, the Government of India are of opinion that in the case of ordinary improvements a twenty years' term for repayment is generally sufficient for the following reasons. An examination of interest tables drawn up to show the amount of the annual or half-yearly instalments require to discharge within different periods a loan of R100 at $6\frac{1}{2}$ or even at 5 per cent. will prove that to extend the period of repayment beyond twenty years effect no substantial reduction in the amount of the annual or half-yearly instalment; so that such an extension affords no great immediate advantage to the borrower, while it burdens him for a longer term with the duty of making repayments. A still stronger reason is to be found in the consideration that the amount of funds available for making such loans is limited, and that the rate at which fresh loans can be made depends to a large extent on the rate at which the money already out on loan is repaid to Government, so that it may be utilised by being re-issued in the form of further loans. Thus to extend the term generally adopted for repayment would reduce the

number of improvements which could be aided by means of the total sum available, and render it less effective for the purpose in view. The Government of India therefore are of opinion that the ordinary term for repayment of loans should not exceed 20 years; but they have no objection to a Local Government's taking the power to grant a longer term in special cases.

6. In fixing the actual term of repayment in individual cases some consideration should no doubt be paid, as recommended by the Irrigation Commission, to the probable durability of the improvement, with the view of arranging that the whole of the loan shall be repaid before the improvement ceases to be of use; but this is a matter in which the convenience of the borrower may well be consulted, and the Government of India recommend the following procedure, which has already been adopted in some Provinces. A specimen table appended to this Resolution shows to the nearest anna the amount of equated yearly or half-yearly payments that would be required to discharge a loan of ₹100 with interest at $6\frac{1}{4}$ per cent., in periods of 10, 15 and 20 years, respectively, from the date of the first instalment, assuming that this is paid at the end of three years* from the date on which the loan is drawn. Similar tables should be drawn up for other amounts and periods and should be explained to the borrower, it being left to him to choose, subject to the approval of the lending authority, which table of payments he will adopt. The borrower will then easily understand how many instalments of so many rupees each he will have to repay, and will be able to select the scale which best suits his convenience. As regards the date from which the repayment should commence, the Finance Commission suggested that a more careful adjustment of the payments might be made to the time when profits begin to accrue. On this point also the Government of India think that within reasonable limits the convenience of the borrower may be consulted, and that the object should be to ensure that payment, either of principal or interest, is never exacted before the date when, by the exercise of such due diligence as may reasonably be expected of an Indian peasant, the profits of the improvement might be expected to cover the payment. This period of grace should not, however, exceed $2\frac{1}{2}$ years in any case, and interest should be charged during its currency: this will be allowed for in the tables above mentioned. The Government of India are not prepared to agree to the suggestion that the borrower might be allowed to repay instalments of the loan only so long as the well endures, as this would involve enquiries which would be accompanied by some trouble everywhere, and might often prove impracticable owing to insufficiency of staff or of records.

7. In some Provinces the rules regarding the nature of the security to be required for a loan is granted for the improvement of land seem to be unnecessarily strict. Under section 7 (1) of the Land Improvement Loans Act, all loans granted under the Act, as well as the interest chargeable thereon, may be recovered from the borrower as if they were arrears of land revenue due by him, and out of the land for the benefit of which the loan has been granted up to the extent of the interest of the borrower in that land, including the interest of mortgagees on, or persons having charges on, that interest. Where therefore the borrower's interest in the land to be improved is sufficient security of itself to cover the loan, no further security should be demanded. The Madras rule on the subject lays down that no loan should be granted unless the value of the security offered exceeds by at least one-fourth the amount of the loan applied for. The Government of India are, however, of opinion that this rule may be relaxed with safety, and are inclined to suggest that where the amount of the loan does not exceed three-fourths of the value of the land after the improvement has been carried out, no collateral security need be required. Where the interest of the borrower in the land to be improved is not sufficient of itself to ensure the repayment of the loan, it is necessary to require further security, which may consist of other lands belonging to the applicant, or of land belonging to other persons who are willing to

*As stated further on in this paragraph, the period of grace contemplated is not to exceed $2\frac{1}{2}$ years; but three years has been taken in the table to cover the results of unpunctualities which will probably occur in the repayment of the instalments.

become his sureties, or of personal security. It is for the Local Government to satisfy itself that the security offered, in whatever form it is given, is sufficient to guarantee the repayment of the loan, and where it is of opinion that security other than land is sufficient, there is no objection to such security being accepted. Indeed, the Government of India strongly endorse the opinion recorded by the Irrigation Commission that the joint personal security of several persons may often be accepted as sufficient to ensure the repayment of a loan and recommend for the consideration of Local Governments the rule now in force in Madras to the effect that when a loan is applied for by the members of a village community or by a group of cultivators on their joint personal security, the Collector may, at his discretion, advance on such security an amount not exceeding five times the annual assessment of the land held by the applicants. In this connection it may be mentioned that in some Provinces great delay is caused by an enquiry into previous encumbrances on the land offered as security; although, seeing that under the Act, the existence of mortgages or other charges on the interest of the borrower does not lessen the security for the loan, it would seem unnecessary to make elaborate enquiries regarding previous encumbrances on the land to be improved; and the Government of India trust that Local Governments will provide that such an enquiry shall not be carried further than is necessary with due regard to the security of the loan. The Irrigation Commission have called attention to the difficulty of advancing money for improvements to tenants in some Provinces owing to their having no transferable rights in their holdings, and Local Governments will be separately addressed on this subject. Meanwhile the Government of India desire to express their concurrence in the recommendation of the Commission that where the personal security of a tenant or the joint security given by several tenants is sufficient to ensure the repayment of the loan, the experiment of making advances to tenants on such security ought to be freely tried. In some Provinces a rule exists forbidding the granting of a loan to any borrower who is in arrears for land revenue or for a previous loan; but the Government of India are of opinion that this in itself is no sufficient reason for refusing a loan, if the security offered is otherwise satisfactory, and recommend that Collectors should be given the discretion of granting loans to persons in arrears, when they are satisfied as to the security offered.

8. The rules in force in some Provinces regarding the procedure in granting loans might also be revised with the object of affording greater facilities to persons wishing to borrow. Arrangements might be made for the supply free of cost of printed copies of a form of application, to be presented to any revenue officer, and all revenue officers might be required in the case of an oral application to cause it to be recorded in the prescribed form by some official. It is usually sufficient in the case of an application for a small loan to refer it for local enquiry to an officer not below the rank of revenue inspector or field kanungo, though where the loan applied for exceeds R500, it would be advisable to prescribe that the local enquiry should be conducted by an officer of a rank not lower than that of a deputy tahsildar. In Madras tahsildars have the power to sanction loans not exceeding R250, while Divisional Officers can sanction loans up to R500, and Collectors up to R1,000; and other Local Governments are requested to consider whether similar powers to sanction loan could not safely be delegated to subordinate officers, so as to obviate the delay of a reference to higher authority. In the case of a large loan it is advisable to advance the money in instalments, the second instalment not being granted until the lending authority is satisfied by local inspection that work to the value of the first instalment has been executed; but care should be taken that this condition does not lead to delay, and reports of trustworthy subordinates as to the progress of the work should be accepted, subject only to such check as is considered necessary. Great importance should be attached to the principle that the advance should be sufficient to cover so much of the total outlay required to construct the work as the borrower is unable to provide from his own resources, as it is often better to refuse altogether an application for an advance than to sanction it in part only, leaving the applicant to borrow elsewhere to complete the work.

9. The Government of India concur with the irrigation Commission as to the importance of elasticity in the collection of instalments for the repayment of loans, and approve of their recommendations that suspension should be given without hesitation, whenever from causes beyond the borrower's control his crops fail to such an extent as to render the payment of the instalment unduly burdensome to him; that whenever suspensions of revenue are granted on a large scale over a wide area they should carry with them automatically suspensions of the *takavi* instalments which may be due the same year; that the officer who has authority to grant the loan should also have authority to grant suspension; and that the suspended instalment should not be made payable in the ensuing year with the instalment of that year, but that the effect of suspension should be to postpone for one instalment period the payment of all remaining instalments due on the loan. When a man borrows money he should be required to repay the loan with interest; but time should be given him to make those repayments in such a manner as will not be ruinous to him. As regards remissions, the Government of India are of opinion that it is a sound principle not to remit repayment of a loan so readily as remissions of ordinary land revenue are granted, and that as a general rule the risk of the failure of an improvement should be borne by the borrower, as this affords the best guarantee that the money will be judiciously applied; but they will have no objection to a Local Government's remitting outstanding instalments or a part of them, when a work fails from causes beyond the borrower's control and when recovery of the loan in full would occasion serious hardship; and they are prepared to consider proposals for the delegation of the power of granting such remissions to local officers.

10. The foregoing paragraphs have dealt with the treatment of ordinary loans under the Land Improvement Loans Act. The Irrigation Commission have made certain proposals with the view of encouraging irrigation in specially precarious tracts. They recommend that in selected areas, which have suffered severely in recent famines and have not since obtained by irrigation or otherwise protection sufficient to guarantee them against the recurrence of similar calamities, landowners should be encouraged to apply for loans on ordinary conditions sufficient to pay for a portion of the cost of the contemplated improvements, and that Government should make a free grant of the remainder of the cost, the proportion of the free grant to the total cost depending on the property of the applicant and the marginal profit from irrigation, the suggested maximum being half the total amount required up to a limit of Rs500. The Government of India have no objection to free grants being made under such circumstances, *i.e.*, when they are applied to works the success of which is calculated to reduce future expenditure on famine relief; but under present circumstances they must be debited in the same way as actual famine outlay and charged to Provincial Revenues. The Government of India will consider separately whether such grants-in-aid might not be specially charged against the Famine Insurance Grant, as Protective Irrigation expenditure to be met from Imperial Funds. This course would, however, require the sanction of the Secretary of State, and it is subject to the disadvantage that the sums so spent would reduce the amount available for outlay on ordinary Protective Irrigation works and on Protective Railways. Such free grants cannot in any case be charged to the loan account, but it is advisable to provide that they may be recoverable as an arrear of land revenue, should the money be spent otherwise than in accordance with the conditions of the gift, and it will be for Local Governments to consider whether this can be provided for under the existing law or whether further legislation on the point will be necessary.

11. Advances made in ordinary times under the Agriculturists' Loans Act for the purchase of seed, fodder, cattle, and other requirements of agriculture are undoubtedly of the greatest advantage to poor cultivators, and often enable them to sow their lands or preserve their cattle without getting into hopeless debt; and where funds are available, liberal advances should be made for this purpose. In some Provinces loans of this character are made free of interest or at low rates of interest; but the Government of India are of opinion that, as a general rule, it is good policy to require a borrower who is given a direct loan to

pay a fair interest for it, and that, save in very exceptional circumstances, the same rate of interest should be charged as is charged on loans made for the improvement of land. The principles already enunciated regarding land improvement loans are generally applicable to advances made under the Agriculturists' Loans Act, but as such loans are usually of small amount individually, and are often required to be disbursed in large numbers and with as little delay as possible, it is still more important in this case to simplify and expedite the procedure by such measures as empowering subordinate officers to sanction loans and accepting joint or personal security. In accordance with the recommendations made by the two Commissions the Government of India have already authorised a system of employing selected officers to take lump sums with them into camp and disburse loans on the spot on the receipt of the borrowers. This system has been authorised as regards advances to be made under both Acts, but is specially applicable to petty advances made for the purchase of seed and fodder. The Government of India also approve of the suggestion made by the Famine Commission that, where available, non-official agency might be employed to aid in making enquiries and disbursing loans; and where the number of such loans is large, it will often be found advisable to make the necessary enquiries well beforehand and to arrange for the immediate disbursement of the money when the loan is actually required, as for instance, when rain falls at seed-time.

12. The foregoing considerations are applicable to the case of loans made in ordinary times, and it remains to consider the case of loans made to agriculturists in anticipation of scarcity or during the currency of famine. As regards such loans the Government of India agree with the opinion expressed by the Famine and Irrigation Commissions that loans to agriculturists are especially required in the very early stages of famine as a measure of moral strategy and to put heart into the people, and that a system of advances when made in good time and with prudent forethought is a most efficient form of relief, and one which can to a very great extent be freed from the pauperizing influences of State charity. These principles have been incorporated in the revised Famine Codes and will no doubt be acted upon when occasion arises. It has been usual in most Provinces to make advances in famine times on low interest or free from interest altogether, and to remit them with great generosity. The Government of India however agree with the Famine Commission that this is mistaken charity, likely to demoralise the people. They are of opinion that these advances should always carry interest at the usual rate, and that while due regard should be paid to the subsequent seasons and the circumstances of the borrowers, repayment of these loans should take precedence of the recovery of arrears of land revenue. If it is necessary to grant some remission, it should take the form of a remission of land revenue, and the loan with interest should be recovered; or if this will involve great hardship, a portion of the loan itself, and not merely the interest, should be remitted. In times of famine in place of granting loans free of interest, the system of making free grants in addition to repayable loans, already alluded to, may be freely utilised. Advances may be made to land-owners for the construction of private works to enable them to give employment to the poor, a portion of the advance being made in the form of a loan repayable with interest on ordinary terms, and the remainder in the form of a free grant-in-aid from famine funds, to be spent on the employment of labour in accordance with the system of "Aided Village Works," for which provision has been made in the revised Famine Codes. In such times a similar system may be adopted as regards advances for the purchase of seed, fodder, or cattle.

13. The Government of India agree with the Irrigation Commission that the system of loans to agriculturists would be rendered more popular, both with the subordinate revenue officers and with the borrowers, if the procedure and the system of accounts could be simplified. The chief difficulty in effecting an improvement of this character is the necessity of distinguishing between repayments of principal and interest. Under the system of equated payments mentioned above, it would be unnecessary to show in the account made over to the borrower the distinction between capital and interest, as all that he need be told is the number of even rupees to be paid by him at each instalment and

the number of instalments he will have to pay; and the Government of India will consider separately whether it will be possible to relieve the subordinate revenue establishment from the necessity of keeping up for each borrower's account details of principal and interest. In any case, however, it will be necessary to maintain these details in the Account Offices.

14. As regards the source from which funds may be obtained for increasing the amount available for advances under the two Acts, the present system is that funds are provided by the Imperial Government and advanced to Local Governments under the Provincial Loan Account, which includes not only advances to agriculturists, but also loans to Municipalities, District Boards, and landed proprietors. Interest at $8\frac{1}{2}$ per cent., is charged to the Local Government on the mean between the outstanding balances at the commencement and at the close of the year, and Provincial Revenues are credited with the full amount of interest realised on the loans granted by the Local Government, and are debited with any sums which it may be necessary to write off as irrecoverable. The sums recovered by way of repayment of previous loans are available for making fresh advances, and should any further sum be required by the Local Government, it is found, so far as possible, by the Imperial Government from its resources for the year. The amount outstanding on the 31st March 1904 on account of advances to cultivators under the two Acts was over $2\frac{1}{2}$ crores, and the average amount of loans made during the last ten years has been 86 lakhs per annum, or excluding the four famine years, 57 lakhs per annum. While the Government of India agree with the Irrigation Commission that it is very desirable that the supply of funds for this purpose should be continuous and sufficient to meet all reasonable demands, they are unable to accept their recommendation that the amount available for such loans should be greatly increased and should be provided continuously without being liable to interruption in years of financial stress, the money being obtained from loan funds if necessary; seeing that the additions to the Provincial Loan Account are made from the cash balances of the Government of India which are necessarily limited according to the circumstances of the year. They however recognise that, should the system of loans to agriculturists be improved in accordance with the suggestions already made, the demand for such loans is likely to increase gradually, and so long as it is kept within reasonable bounds and is a natural and not an artificially inflated demand, they will endeavour to meet it to the extent to which funds may be available from time to time.

15. In this connection the Governor General in Council thinks it necessary to utter a word of caution against what he considers to be a very real and practical danger, namely, the danger of creating, by too active a policy, a forced and spurious demand for these advances. Even under the most favourable circumstances irrigated cultivation requires, at all events in the case of wells, more capital than dry cultivation; and in many parts of the country, where the wells are costly and their results uncertain, and where physical conditions make it possible to irrigate only a small area from each well, only the highest form of cultivation, which entails very considerable annual expenditure, is likely to be profitable. In such a case it is worse than useless to encourage a peasant to contract a debt for the construction of a well, the profitable working of which is beyond his resources; and the Government of India, while they are anxious to see the system of advances administered in a sympathetic spirit and made as simple and liberal and elastic as possible, trust that no excessive inducements will be held out to individuals to apply for loans which they may find it difficult to repay, and that any increase of demand will be spontaneous and therefore healthy.

16. Under the Provincial Loan Account system any profits or losses that may occur on these loans are credited or debited to Provincial Revenues, and the Government of India would suggest to Local Governments that, as recommended by the Famine Commission, an administrative account should be maintained for the loans under the two Acts, showing on the one side the profit made by the Local Government by charging to borrowers a higher rate of interest than it pays to the Imperial Government, and on the other the cost of

remissions and of other expenses connected with these loans ; and that where, on an average of years, the net profits of the Local Government are large, measures should be taken to reduce them, not by a reduction of the rate of interest charged, but by more liberal treatment of those cases in which the borrower has met with misfortune, or by providing expenditure for such purposes as maintaining a staff for well-boring or other aids to land improvement, or for an extension of the system of free grants-in-aid. It must, however, be clearly understood that expenditure on such establishments or grants though it may be justified by profits on loan transactions, is entirely distinct therefrom and must be separately debited in the Local Government's current expenditure.

17. Seeing that the financial responsibility for this loan system rests with the Local Governments, the Government of India are prepared to relax the present law, under which the previous sanction of the Governor General in Council is required for any modification of the rules in force, and will take steps to have the necessary change made in the existing Acts. Local Governments will then be empowered to revise their rules at their discretion subject only to the control of the Imperial Government; but whenever it is proposed to make any change which is not in accordance with the principles enunciated in this Resolution or which materially affects financial arrangements, previous reference should be made to the Government of India; and in all cases copies of the notifications effecting changes in the rules should be sent to the Government of India for their information.

ORDERED, that the above Resolution be communicated to all Local Governments and Administrations, to the Finance Department, to the Foreign Department, for communication to the Chief Commissioner, Ajmer-Merwara and to the Honourable the Agent to the Governor General and Chief Commissioner in Baluchistan, and that it be published in the Supplement to the *Gazette of India*.

The Government of Madras.
 " " of Bombay.
 " " of Bengal.
 " " of the United Provinces.
 " " of the Punjab.
 " " of Burma.
 " " of Eastern Bengal and Assam.
 The Honourable the Chief Commissioner, Central Provinces.
 The Chief Commissioner, Coorg.
 The Honourable the Agent to the Governor-General and Chief Commissioner, North-West Frontier Province.

J. WILSON,

Secretary to the Government of India.

Specimen table referred to in paragraph 6 of Resolution.

Table showing the amount of equated yearly or half-yearly payments required to discharge a loan of ₹100 with interest at 6½ per cent., assuming that the first instalment is actually paid at the end of three years from the date of the drawing of the loan, and that interest for this period is taken into account in calculating the instalments. That is, the total amount outstanding at the end of the second year would be ₹112.89, and the equated payments have been calculated on this figure. Interest for the third and subsequent years follows the ordinary calculations.

Period of repayment.	Amount of equated yearly payment.		Amount of equated half-yearly payment.	
	₹	a.	₹	a.
10 years	15	8	7	11
15 "	11	13	5	14
20 "	10	0	5	0

APPENDIX B.

(Referred to in the Answer to Question 9.)

Statement showing separately (grade by grade) the number of appointments in each branch of the Provincial Civil Services of each of the Provinces in Bengal, Bihar and Orissa and Assam.

PROVINCIAL CIVIL SERVICE (EXECUTIVE BRANCH).

Grades	Number in Bengal.	Number in Bihar and Orissa.	Number in Assam.
1st grade on ₹ 800	5	4	1
2nd " " " 700	7	5	1
3rd " " " 600	16	13	8
4th " " " 500	40	37	10
5th " " " 400	72	55	14
6th " " " 300	74	57	15
7th " " " 250	80	60	16
Total	303	231	60

PROVINCIAL CIVIL SERVICE (JUDICIAL BRANCH).

Grades.	Number in Bengal and Assam.	Number in Bihar and Orissa.
<i>Subordinate Judges.</i>		
1st grade on ₹ 1,000 per mensem	7	2
2nd " " " 800 " "	14	6
3rd " " " 600 " "	27	11
Total	48	19
<i>Munsifs.</i>		
Special grade on ₹ 500 per mensem	25	...
1st " " " 400 " "	49	14
2nd " " " 300 " "	66	20
3rd " " " 250 " "	70	22
4th " " " 200 " "	85	12
Total	245	68
GRAND TOTAL	293	87

APPENDIX C.

(Referred to in the Answer to Question 11.)

Gross amount of customs duty collected in British India on imported merchandise in the five years ending 1912-13.

Articles.	1908-09.	1909-10.	1910-11.	1911-12.	1912-13.
	₹	₹	₹	₹	₹
APPAREL, including haberdashery and millinery	10,49,834	10,19,731	13,23,830	15,05,749	15,43,780
ARMS, AMMUNITION, AND MILITARY STORES	5,21,749	4,82,063	5,00,007	5,17,614	6,30,022
ART, WORKS OF	21,832	20,338	24,356	33,363	25,715
BRUSHES AND BROOMS	21,393	21,262	23,214	25,484	30,902
BUILDING AND ENGINEERING MATERIALS	3,09,110	2,98,075	3,46,225	3,22,825	4,67,907
CABINET-WARE AND FURNITURE	86,781	87,059	1,05,374	1,14,055	1,11,026
CARRIAGES AND CARTS, AND COMPONENT PARTS THEREOF	4,64,279	4,23,507	5,07,767	6,87,854	8,27,894
CHEMICAL PRODUCTS AND PREPARATIONS	4,41,225	4,50,887	4,75,776	5,31,994	5,35,035
CHINESE AND JAPANESE-WARE	6,138	7,908	5,896	6,711	4,114
CLOCKS, WATCHES, AND OTHER TIME-KEEPERS, AND PARTS THEREOF	96,268	94,583	1,01,924	1,22,917	1,22,985
COFFEE	14,665	11,261	7,663	6,823	6,357
CORDAGE, ROPE, AND TWINE MADE OF ANY VEGETABLE FIBRE	66,362	53,357	60,296	59,323	78,465
COTTON, ARTICLES MADE OF—					
Piece goods—					
Grey (unbleached)	52,20,078	60,02,440	59,90,571	66,99,450	87,17,668
White (bleached)	27,12,401	26,73,950	33,55,187	38,19,737	45,00,137
Coloured, printed and dyed	33,18,966	30,93,416	40,70,947	43,94,995	51,56,075
Hosiery, and all other manufactured cotton goods	5,65,021	6,15,736	7,60,691	8,02,219	8,59,501
TOTAL	1,18,12,366	1,23,83,542	1,41,77,396	1,54,16,401	1,92,33,381
DRUGS, MEDICINES, AND NARCOTICS (excluding opium and its alkaloids and tobacco	3,52,732	4,25,891	4,37,610	4,66,338	5,05,303
DYING AND TANNING MATERIALS	5,43,033	5,76,938	7,43,036	6,50,903	8,07,155
EARTHENWARE, china, china clay, porcelain, and imitation or false coral	2,01,370	2,02,088	2,13,974	2,45,337	2,39,209
FIREWORKS	22,469	21,504	47,585	40,181	44,904
FLAX, AND ARTICLES MADE OF FLAX	1,35,324	1,08,677	1,23,591	1,42,345	1,62,699
FRUITS AND VEGETABLES	5,42,738	5,14,317	5,63,113	5,35,209	5,95,102
GUMS, GUM-RESINS, AND ARTICLES MADE OF GUM OR GUM-RESIN	1,73,499	2,01,565	2,40,510	2,98,450	3,50,164
HARDWARE AND CUTLERY, including ironmongery and plated-ware	16,40,351	15,59,109	18,37,504	19,67,212	22,41,871
HEMP, AND ARTICLES MADE OF HEMP	36,627	42,086	45,492	53,897	49,516
HIDE AND SKINS	51,509	54,496	52,569	64,475	74,268
INSTRUMENTS, APPARATUS, AND APPLICATIONS, AND PARTS THEREOF	6,00,469	5,49,026	6,09,103	6,79,663	7,77,168
IVORY, AND IVORY-WARE	85,801	1,57,201	1,47,427	1,11,512	1,06,471

Gross amount of customs duty collected in British India on imported merchandise in the five years ending 1912-13.—contd.

Articles.	1908-09.	1909-10.	1910-11.	1911-12.	1912-13.
	₹	₹	₹	₹	₹
JEWELLERY and jewels, including plate and other manufactures of gold and silver	92,441	1,06,933	1,19,123	1,53,599	1,57,476
JUTE , articles made of	39,123	34,527	43,435	51,593	57,337
LEATHER , and articles made of leather including boots and shoes, harness and saddlery	2,93,216	2,63,042	3,18,046	3,66,600	4,41,700
LIQUORS —					
Ale, beer, and porter	5,25,772	5,43,507	7,93,028	7,96,716	8,83,231
Cider and other fermented liquors	1,756	2,002	1,334	2,956	2,544
Spirits and liqueurs	95,26,881	95,57,087	1,06,87,535	1,10,83,337	1,11,31,246
Wines	3,96,698	4,12,197	5,70,905	5,75,830	5,80,046
TOTAL OF LIQUORS	1,04,51,107	1,05,14,793	1,20,53,892	1,24,58,879	1,25,97,067
MALT	403	503	221	1,433	354
METALS, UNWROUGHT AND WROUGHT, AND ARTICLES MADE OF METALS —					
Brass	8,47,235	8,08,901	9,53,399	8,02,600	8,52,137
Copper	6,21,187	6,04,221	9,07,916	6,08,756	3,23,624
Iron	5,39,429	5,72,759	5,57,468	6,06,315	6,85,733
Lead	36,325	36,805	30,486	33,861	39,440
Quicksilver	17,607	17,257	23,998	20,088	22,453
Silver	63,64,131	53,46,980	1,62,40,213	97,85,746	1,06,46,309
Steel	4,93,005	4,44,203	4,65,400	4,93,250	5,22,522
Tin	2,49,647	2,34,448	2,15,607	2,43,140	2,34,314
Zinc or spelter	79,276	89,838	93,958	1,02,723	1,22,006
Metals, unenumerated	1,80,958	2,16,243	2,12,703	2,42,223	2,71,051
TOTAL OF METALS	94,28,910	83,71,204	1,97,06,238	1,39,43,703	1,39,30,599
OILS —					
Petroleum	53,25,734	46,37,334	60,63,542	75,69,385	70,26,523
All other kinds	1,35,017	1,24,236	1,38,540	1,16,179	1,61,254
TOTAL	54,61,651	48,12,190	62,02,082	76,85,564	71,87,777
OIL-CLOTH AND FLOOR-CLOTH	29,432	36,107	44,329	42,323	52,666
OPIUM AND ITS ALKALOIDS	3,550	3,579	7,504	6,423	6,943
PAINTS, COLOURS, PAINTERS' MATERIALS, AND COMPOSITIONS FOR APPLICATION TO LEATHER, WOOD, AND METALS	3,62,346	3,51,453	3,39,120	4,32,384	4,59,730
PAPER, PASTEBOARD, MILLEBOARD, AND GANDBOARD OF ALL KINDS, AND ARTICLES MADE OF PAPER AND PAPIERMACHÉ	5,30,833	5,75,312	6,43,332	6,64,537	7,63,327
PERFUMERY	13,387	13,215	19,365	20,413	21,377
PITCH, TAR, AND DAMMER	54,410	53,112	57,360	56,355	63,220

Gross amount of customs duty collected in British India on imported merchandise in the five years ending 1912-13—contd.

Articles.	1908-09.	1909-10.	1910-11.	1911-12.	1912-13.
	₹	₹	₹	₹	₹
PROVISIONS, oilman's stores, and groceries	9,57,766	9,45,206	9,94,518	10,75,987	12,72,970
SALT—					
From foreign ports	1,86,49,886	1,41,46,836	1,28,83,142	1,41,19,967	1,31,03,320
„ Indian ports	18,281	20,742	15,916	17,588	18,730
TOTAL OF SALT	1,86,68,167	1,41,67,578	1,28,99,058	1,41,37,555	1,31,17,050
SALTED FISH, wet or dry	1,87,184	1,23,721	90,646	88,216	92,470
SEEDS	72,345	43,009	45,324	45,111	34,597
SHELLS AND COWRIES	17,542	17,255	12,261	12,908	17,902
SILK, AND ARTICLES MADE OF SILK	16,88,623	16,57,722	18,09,969	18,43,721	24,36,592
SOAP	2,03,739	2,33,841	2,67,286	3,13,728	3,58,254
SPICES	7,97,783	6,75,229	7,70,968	7,85,856	7,81,742
STATIONERY	1,92,705	2,09,461	2,28,061	2,42,449	2,92,414
STONE AND MARBLE, AND ARTICLES MADE OF STONE AND MARBLE	43,323	42,721	40,461	36,495	40,404
SUGAR { duty at 5 per cent	51,56,069	56,76,409	62,87,713	52,33,588	73,20,792
{ additional duty	378	559	946	256	10,750
{ further additional duty	379	288	575	192	161
TALLOW AND GREASE, including stearine	66,987	52,808	60,092	86,214	92,872
TEA	1,52,385	1,43,024	1,48,094	2,09,285	1,57,725
TEXTILE FABRICS NOT OTHERWISE DESCRIBED	345	2,148	1,061	1,496	6,938
TOBACCO	3,52,733	5,21,681	29,94,859	26,88,088	27,41,896
TOILET REQUISITES NOT OTHERWISE DESCRIBED	65,323	74,622	79,216	85,054	99,924
TOYS, INCLUDING TOY-BOOKS, AND REQUISITES FOR ALL GAMES	1,53,968	1,69,442	1,87,622	1,96,643	2,04,524
UMBRELLAS	97,659	79,323	99,408	1,09,725	1,18,265
WALKING AND OTHER STICKS, WHIPS, FISHING RODS AND LINES	21,898	20,504	20,718	26,055	23,881
WOOD AND TIMBER, AND ARTICLES MADE OF WOOD	3,85,719	3,37,946	4,33,379	3,94,274	3,29,415
WOOL, ARTICLES MADE OF, INCLUDING FELT	14,69,638	10,32,671	14,94,791	16,93,882	15,18,908
ARTICLES (NOT SPECIFIED) IMPORTED BY POST	4,99,370	5,92,318	8,37,909	8,36,933	10,97,208
ALL OTHER ARTICLES, MANUFACTURED OR UNMANUFACTURED	12,05,507	12,37,145	15,53,181	16,09,963	17,94,858
GRAND TOTAL { INCLUDING SALT	7,34,76,586	7,31,26,860	9,27,60,067	9,14,23,542	9,92,79,276
{ EXCLUDING SALT*	5,98,08,418	5,89,59,782	8,08,61,009	7,72,85,987	8,61,62,326

Gross amount of customs duty collected in British India on exported merchandise in the five years ending 1912-13—conold.

Articles.	1908-09	1909-10	1910-11	1911-12	1912-13
	₹	₹	₹	₹	₹
GRAIN AND PULSE—					
Rice (in the husk)	1,57,219	2,73,700	1,88,068	2,94,541	2,64,061
Rice (not in the husk)	80,22,019	1,01,87,992	1,28,97,108	1,33,27,404	1,44,86,447
Rice-flour	1,823	1,941	2,322	1,257	1,994
TOTAL	81,80,861	1,04,63,693	1,30,87,498	1,36,23,202	1,47,52,502