

Friday, August 27, 1920

***THE INDIAN LEGISLATIVE COUNCIL***

**Vol 59**

**20 Aug. - 16 Sept.  
1920**

**PL**

# Proceedings of The Indian Legislative Council

Assembled for the  
purpose of making  
Laws and Regulations

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*From April 1920 to September 1920*  
*With Index*

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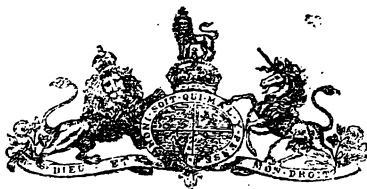
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GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

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**PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER  
THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.  
(5 & 6 Geo. V, Ch. 61.)**

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The Council met at the Council Chamber, Viceregal Lodge, Simla, on  
Friday, the 27th August, 1920.

PRESENT :

His Excellency **BARON CHELMSFORD, P.C., G.M.S.I., G.M.I.E., G.C.M.G., G.C.B.E.**,  
Viceroy and Governor General, President, *presiding*, and 52 Members, of  
whom 44 were Additional Members.

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**OATH OF OFFICE.**

The following Additional Member made the prescribed oath or affirmation  
of allegiance to the Crown :— 11 A.M.

**The Hon'ble Mr James MacKenna, C.I.E.**

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**STATEMENT LAID ON THE TABLE.**

**The Hon'ble Sir William Vincent:**—"My Lord, I lay on the  
table a statement\* showing the procedure adopted by the India Office in connec-  
tion with applications made by Indians for appointments in their gift, which  
was promised in reply to a question asked by the Hon'ble Mr. Patel on the 22nd  
March, 1920.

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\* Not included in these Proceedings.

[*Sir Umar Hayat Khan; Sir William Marris; Mr. Kamini Kumar Chanda; Rao Bahadur B. N. Sarma.*]

[27TH AUGUST, 1920.]

### QUESTIONS AND ANSWERS.

11-1 A. M. **The Hon'ble Major Malik Sir Umar Hayat Khan** asked :—

Franchise for Indian soldiers.

1. “ (a) Is it a fact that under the coming Reforms no particular favour as regards franchise is to be shown to those who have fought during the war ?

(b) Is it not a fact that the majority of those who fought will not be eligible for votes at Council elections under the standards fixed for the franchise ?

(c) Do Government intend to consider the question and take any action in this connection ? ”

**The Hon'ble Sir William Marris** replied :—

“ Under the electoral rules as finally sanctioned the franchise for the provincial legislative councils has been conferred on all retired, pensioned and discharged officers, non-commissioned officers and soldiers of His Majesty's regular forces. The Government of India understand that in adopting this modification of the original proposals Parliament was actuated by the desire to recognise service in the war.

The Government of India are unable to say what proportion of those who fought in the war will be eligible to vote at the coming council elections ; but under the rules referred to any such persons who are not so eligible, will eventually qualify for a vote.”

**The Hon'ble Mr. Kamini Kumar Chanda** asked :—

High prices of food stuffs and cloth.

2. “ (a) Is it a fact that prices of food stuffs and cloth have gone up further causing hardship to men of moderate means ?

(b) Has the Committee appointed on the motion of the Hon'ble Sir Dinslaw Wacha at Simla in last September, submitted any report or made any recommendation about any steps likely to ease the situation ?

(c) Do Government propose to take any measures in this direction ?

(d) Will Government make a statement on the subject ? ”

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

“ (a) As regards foodgrains it is presumed that the Hon'ble Member refers to the level of prices at the time when the Committee on High Prices was appointed on the motion of the Hon'ble Sir Dinslaw Wacha in September last. A statement\* showing the present prices of the principal foodgrains in certain of the most important producing centres as compared with their prices in September 1919 is laid on the table.

It will be seen that the price of all the foodgrains mentioned therein has fallen appreciably, with the exception of *ragi* which is nearly at the same figure as in September 1919. In the case of jowar and gram the fall in prices is large. With regard to cotton cloth, it is a fact that the price of cloth has risen together with the rise in the price of commodities which has taken place all over the world, but I may remind the Hon'ble Member that the effect of this rise has been tempered in India as elsewhere by a general rise in the scale of wages.

(b) The minutes of all the meetings of the Committee on High Prices up to date are laid on the table.

(c) Action has been taken on all the recommendations made by the Committee.

(d) Government have no further statement to make on the subject. ”

\* Not included in these Proceedings.

[27th August, 1920.]

[Mr. Kamini Kumar Chanda; Mr. H. R. C. Dobbs; Mr. Sachchidananda Sinha; Sir William Vincent.]

**The Hon'ble Mr. Kamini Kumar Chanda** asked :—

3. (a) Has Moulvi Rahim Baksh, M.A., Secretary for Mission work to Hazrat Khalifa-tul-Masih Qadian, Punjab, addressed Government on the subject of passports for ladies travelling to foreign countries?

Passports for Indian ladies travelling to foreign countries.

(b) Is it a fact, as alleged by him that all applicants for passports, whether male or female, have to annex their photos to such applications?

(c) Is it not the fact that according to Islam exhibiting photos of ladies is repugnant to every Muslim?

(d) Do Government propose to consider the propriety of modifying the rule requiring photos of ladies with applications for passports as suggested by the Moulvi or in some other way agreeable to Muslim sentiments?

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

(a) The Government of India have received no communication from Maulvi Rahim Baksh on this subject.

(b), (c) and (d). It depends on the destination of the traveller whether female applicants for passports have to affix their photographs to applications. The Government of India are aware that it is repugnant to Indian feeling that Indian ladies should exhibit their photographs, and for this reason they made as long ago as the Autumn of 1918 reciprocal arrangements with the Governments of most of the countries within the British Empire to which Indians travel whereby the attachment of their photographs to passports by Indian ladies, travelling to or from those countries, has been dispensed with. The British Government have no power to control or vary the passport regulations of foreign countries outside the British Empire, and in cases in which the regulations of such countries require photographs to be affixed to passports, it is not possible for the Government of India to exempt persons of either sex from compliance therewith. The countries which have dispensed with ladies' photographs on passports are :—

Mesopotamia, Malaya, the Straits Settlements, the East Africa Protectorate now called (Kenya), Uganda, Zanzibar, Mauritius, the Nyassaland Protectorate and the Union of South Africa."

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

4. (a) Did the Hon'ble Mr. Shafi write any separate minute containing his views on the Majority and Minority Reports of the Punjab Disorders Enquiry Committee?

The Hon'ble Mr. Shafi's Minute on the Majority and Minority Reports of the Punjab Disorders Enquiry Committee.

(b) If so, will Government lay on the table a copy of the said minute?

**The Hon'ble Sir William Vincent** replied :—

"The Hon'ble Mr. Shafi did not write any Minute of dissent on the Government of India's Despatch to the Secretary of State, but desired that his views on certain points, regarding which he differed from his Hon'ble Colleagues, should be embodied in the despatch. The despatch was framed accordingly."

**The Hon'ble Mr. Sachchidananda Sinha** :—"May I ask a supplementary question My Lord? Am I to understand that beyond the reference made to the Despatch by the Hon'ble the Education Member he did not record his opinions on the two reports separately in any document, whether it be called a minute, a note or by any other name. Am I to understand that?"

**The Hon'ble Sir William Vincent** :—"I have nothing to add to my previous reply."

[*Mr. Sachchidananda Sinha ; Sir  
William Vincent.*]

[27TH AUGUST, 1920.]

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

Case of Mr.  
Amir Chand  
Bombwal.

5. "Has the attention of Government been drawn to a leaderette headed 'The case of Mr. Amir Chand' in the *Tribune* of 29th July last, in which it is stated that Mr. Amir Chand Bombwal, an internee under the Defence of India Act, has addressed a telegram to His Excellency the Viceroy making serious allegations against the Chief Commissioner of the North-West Frontier Province ?

(b) Has that telegram been received by His Excellency the Viceroy ? If so, what action, if any, has been taken on it ?

(c) If no action has been taken, do Government propose to take action and enquire into the allegations and direct the release of Mr. Amir Chand Bombwal prading the result of the enquiry ?"

**The Hon'ble Sir William Vincent** replied :—

"(a) Government have seen the article referred to.

(b) and (c) The reply is in the negative."

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

Case of  
General  
Dyer.

6. "(a) What is the exact effect of the orders passed by His Excellency the Commander-in-Chief on General Dyer ?

(b) For how many years longer, would General Dyer have been entitled to serve, but for the said orders being passed ?

(c) Will General Dyer draw from Indian remittances to the India Office on account of pay and pensions to officials, any pay or pension ? If so, how much ?

(d) How much would he have drawn as pay or pension if he had retired now of his own accord ?

(e) Has the attention of Government been drawn to the statement in the extract from an English newspaper, quoted in the *Tribune* of July 30th last under the heading 'Dyer's pay,' that General Dyer 'was in receipt of the retired pay due to his rank' ? Is that statement correct ?

(f) If so, what is exactly the penalty imposed upon General Dyer by Government to mark their sense of disapproval of his conduct ? "

**The Hon'ble Sir Willim Vincent** replied :—

"(a) General Dyer, by his removal from his appointment, forfeited his tenure of command of a brigade which he might otherwise have held until he attained the age of 57 years, i.e., until the 9th October 1921.

(b) Until the 9th October 1921, unless promoted to the rank of Major-General.

(c) General Dyer is residing in England unemployed. Under the new scale of unemployed pay recently sanctioned by the Secretary of State he will draw £701-17-6 per annum from Indian revenues.

On retirement he will be entitled to a pension of £900 per annum which will also be met from Indian revenues.

(d) He has already qualified for the full pension of his rank, viz.:—£900 per annum.

(e) As already stated in answer to part (c) General Dyer is now residing unemployed in England. The statement referred to is, therefore, incorrect.

(f) The answer is contained in the reply to (a) above."

[27TH AUGUST, 1920.]

[Mr. Sachchidananda Sinha; Sir William Vincent.]

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

7. "(a) With reference to the statement of the Government of India in their memorandum presented to the Hunter Committee and quoted on page 81 of the Committee's Report that 'anxiety was also felt in Bihar and Orissa where the British garrison is small, and in the United Provinces', will Government state the facts or circumstances (if any) which justified the Government's statement about 'anxiety' being felt in Bihar and Orissa and also in the United Provinces at the time of the Punjab disturbances last year ?

Bihar and Orissa and the United Provinces at the time of the Punjab disturbances.

(b) Were these facts or circumstances (if any) based upon information supplied by the local Governments of Bihar and Orissa and the United Provinces? If so, will Government lay on the table the said information ?"

**The Hon'ble Sir William Vincent** replied :—

"(a) and (b) The statements made were based on information received from the Local Governments concerned. Government do not consider it to be in the public interest to lay such information on the table."

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

8. "Has the attention of Government been drawn to a statement published in the editorial columns of the *Statesman* that 'Mr. Montagu in response to the demand of Indian politicians and, as we understand, against the wishes of the Government of India, decided to appoint a Committee to enquire into the occurrences in the Punjab'? Is that statement correct in what it alleges about the wishes of the Government ?

Appointment of the Committee to enquire into the occurrences in the Punjab.

(b) If not, will Government state the circumstances in which the Committee came to be constituted ?"

**The Hon'ble Sir William Vincent** replied :—

"Government have not seen the statement to which the Hon'ble Member refers, but if it is to the effect alleged, it is not correct. The Hon'ble Member's attention is invited to the statement on the subject made in His Excellency's speech on the 3rd September 1919 and to the Home Department Resolution No. 2165, dated the 14th October 1919, of which a\* copy is laid on the table."

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

9. "(a) With reference to Government's statement in their despatch No. 2, dated the 3rd of May last, to the Secretary of State for India about the enrolment of special constables, that Government have decided to address local Governments on the question whether the orders now obtaining on the subject require modification or revision, have Government already addressed the local Governments on the subject ?

Enrolment of special constables.

(b) If so, will Government lay on the table a copy of the communication to the local Governments, with their replies, if any, received so far ?

(c) Do Government propose, after receiving the replies, to take any steps in regard to obtaining the expression of non-official Indian public opinion, before carrying out the modification or revision of the rules in force ?"

**The Hon'ble Sir William Vincent** replied :—

"(a) A reference on the subject was made recently to local Governments. (b) No replies have yet been received and it is not proposed to lay any correspondence on the table at the present stage.

(c) After receipt of the replies, Government will consider if any action of the nature suggested is necessary or desirable."

\* Not included in these Proceedings.

[*Mr. Sachchidananda Sinha; His Excellency the Commander-in-Chief; Sir William Vincent.*]

[27TH AUGUST, 1920.]

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

10. "(a) Has the attention of Government been drawn to the report (in the *Pioneer* of Saturday, July 17th, 1920) of a speech delivered at Rangoon by Colonel Frank Johnson?

(b) Will Government inform the Council whether Colonel Johnson was in service when he made the said speech?

(c) Is it not a fact that the speech was in contravention of military service regulations?

(d) If the Colonel was in service at the time, have Government taken or do they propose to take any action against him? If not, why not?"

**His Excellency the Commander-in-Chief replied :—**

(a) "Yes.

(b) Colonel Johnson was not in the Service when he made the speech. He had resigned his commission.

(c) and (d) In view of the answer given to (b), these questions do not arise."

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

11. "(a) Have all the persons convicted in connection with Punjab disturbances of last year been released by now under the terms of the Royal Proclamation or are some of them still serving their sentences?

(b) If the latter, will Government be pleased to state their number and the reason for their continued detention in jail?"

**The Hon'ble Sir William Vincent replied :—**

"1,779 persons were convicted in connection with the Punjab disturbances. Many of the sentences passed were reviewed and reduced or remitted by the local Government; others were later reviewed by two High Court Judges on whose recommendations several prisoners were released. In addition a large number of persons were released under the amnesty of last year. Attention is invited in this connection to paragraph 42 of the Government of India Despatch No. 2, dated the 3rd May 1920. It will be seen that 86 persons still remain in jail. These persons were convicted either for serious offences of violence or injury to property or for encouraging, endangering or causing the loss of human life and it is not proposed to release them."

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

12. "(a) With reference to the Government's statement in their despatch No. 2, dated the 3rd May last, to the Secretary of State for India about the conduct of Lala Sri Ram Sud that 'the minority condemn him on the ground that his intention was punishment and that the firing was, therefore, not justified,' will Government state their grounds for differing from and setting aside the said view and accepting that of the majority that 'Lala Sri Ram displayed promptitude and decision in the discharge of his duties.'

(b) Since accepting the said view of the majority, have Government taken or do they propose to take any steps to suitably acknowledge the said officer's 'promptitude and decision in the discharge of his duties.' If not, why not?"

**The Hon'ble Sir William Vincent replied :—**

"(a) Government decline to make any addition to the statement of their views contained in their despatch.

(b) The local Government has been asked suitably to acknowledge the services rendered both by officials and non-officials in accordance with paragraphs 24 and 43 of the Government of India's despatch and paragraph 10 of the despatch from the Secretary of State."

Colonel Frank Johnson's speech in Rangoon.

Release of convicted persons in connection with the Punjab disturbances.

Conduct of Lala Sri Ram Sud.



[27TH AUGUST, 1920.]

[Mr. Surendra Nath Banerjea; Colonel W. D. Waghorn.]

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

13. "(a) Is it a fact that the East Indian Railway charges fare and freight over the Burdwan-Howrah chord between Burdwan and Howrah for 67 miles although the actual distance between the two stations over this section is only 59 miles ? <sup>Excess fare and freight over the Burdwan-Howrah chord.</sup>

(b) If so, will Government be pleased to state whether such excess charge is not illegal ?

(c) If illegal, do Government propose to direct the East Indian Railway to discontinue the practice and to charge for the actual distance over this section in the case of goods and passengers ?"

**The Hon'ble Colonel W. D. Waghorn** replied :—

" (a) The facts are as stated.

(b) The excess charge is not illegal. The Burdwan-Howrah Chord was constructed on account of the necessity for affording much needed relief for the movement of traffic between Burdwan and Howrah on the East Indian Railway, and was an alternative to quadrupling the main line. The charging of rates and fares on the basis of the mileage by the longer route, *via* the main line, has been sanctioned for the same reason.

(c) In view of the reply above that the charge is not illegal, this question does not arise."

**The Hon'ble Mr. Surendra Nath Banerjea** :—" May I ask a supplementary question?"

" It may not be illegal, but I should like to know whether it is equitable to charge more mileage than is really covered by the running of the trains !"

**The Hon'ble Colonel W. D. Waghorn** :—" It is a question not only of the equity which has to be considered ; but of the point of view of the charges and the cost incurred. In this case there was a new line built."

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

14. "(a) Is it not a fact that the East Indian Railway levies freight and fare over all its sections as over the shortest route between any two stations ? <sup>L levy of freight and fare by the East Indian Railway.</sup>

(b) Is not the Howrah-Burdwan Chord route an exception to this rule ?

(c) If so, do Government propose to direct the East Indian Railway to charge for goods and passengers as over the shortest route over all sections including the Howrah-Burdwan Chord ?"

**The Hon'ble Colonel W. D. Waghorn** replied :—

" (a) The ordinary practice on Railways, not only on the East Indian Railway, is to levy charges on the mileage by the shortest route between any two stations.

(b) The Howrah-Burdwan Chord route is an exception to this rule for the reason which I have just given in my answer to the Hon'ble Member's previous question.

(c) The reply is in the negative."

[*Khan Sahib Shah Nawaz Bhutto*;  
*Mr. W. M. Hailey.*]

[27TH AUGUST, 1930.]

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

Cost and strength of certain services.

15. " With reference to the Hon'ble Mr. Hailey's answer in Council on the 22nd March last to my question regarding the cost of certain services will Government be pleased to state—

(a) What is the All-India strength of each of the following services—  
Imperial and Provincial branches being shown separately :—

Indian Civil Service.	Provincial Civil Service.
Imperial Forest Service.	Provincial Forest Service.
Imperial Educational Service.	Provincial Educational Service.
Indian Medical Service.	Public Works Department. (Provincial.)
Public Works Department.	Provincial Police Service. ?
Imperial Police Service.	

(b) What, over and above that referred to by the Hon'ble Mr. Hailey, will be the cost of the latest improvement of the Public Works Department pay and allowances ?

(c) How many officers of the Indian Medical Service are employed—

- (i) on Military duty,  
(ii) on Civil duty ?

(d) Does the total of 25 lakhs by which the Indian Medical Service benefits in consequence of the recent increases in pay cover the whole service or only that part of it in civil employ ?"

**The Hon'ble Mr. W. M. Hailey replied :—**

" (a) The All-India strength of the services referred to by the Hon'ble Member is as follows :—

Indian Civil Service	...	...	1,295
Provincial Civil Service	...	...	2,099
Imperial Forest Service	...	...	277
Provincial Forest Service	...	...	277
Imperial Educational Service	...	...	264
Provincial Educational Service	...	...	715
Indian Medical Service	...	...	{ 744 permanent.
			{ 532 temporary.
Public Works Department (Old Imperial Service)	...	...	563
Public Works Department (Old Provincial Service)	...	...	253
Imperial Police Service	...	...	700
Provincial Police Service	...	...	549

(b) The cost of the latest improvement in question is Rs. 58,000 per annum.

(c) The figures are as follows :—

Number of I.M.S. officers employed on Military duty	{ 455 permanent.
	{ 832 temporary.
Ditto ditto on Civil duty	... 289 permanent.

(d) The total of Rs. 25 lakhs given in clause (a) (c) of my answer to the Hon'ble Rao Bahadur B. N. Sarma on the 1st March 1930 covers the whole of the I.M.S., i.e. both the civil and the military branches."

[27TH AUGUST, 1920.]

[Khan Sahib Shah Nawaz Bhutto; Sir George Barnes; Sir Manindra Chandra Nandi; Rao Bahadur B.N. Sarma; Sir Thomas Holland.]

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

16. (a) Are Government aware of the inconvenience experienced both by the Government and the public alike in not having Telegraph offices at Rafodero Mehar, Dokri, Khairpur Nathoshah, Warah and several other Talika Headquarters in the province of Sind ?

Opening of Telegraph office at certain stations in Sind.

(b) When is it proposed to open Telegraph offices at these stations, particularly at Rafodero, Dokri and Mehar ?

(c) Was it decided by the Bombay Government so long back as 27th September, 1919 in their Government Order No. 5843 to open Telegraph offices at these stations ?

**The Hon'ble Sir George Barnes** replied :—

(a) Government are fully aware of the inconvenience experienced owing to the impossibility of opening all the telegraph offices which are required. This inconvenience, it is regretted, is not confined to Sind.

(b) It is proposed to open telegraph offices as material is available. At present it is impossible to obtain sufficient supplies to open all the telegraph offices which are desired.

(c) The Government of Bombay order No. 5843 of the 24th September 1919 contained a priority list of a large number of places where telegraph offices are required. The Government of Bombay desired that the work of opening offices in the Central and Southern Divisions should be pushed on most urgently and that the work in Sind should be begun as soon as possible. The offices mentioned in the first part of the Hon'ble Member's question were included in the list sent in by the Bombay Government and their construction will be taken in hand when material is available.

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

17. "Has the Committee of this Council on high prices submitted its report, or made any *ad interim* recommendations ? If so, what is the purport thereof and what effect has been given thereto ?"

The Committee appointed to report on high prices.

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

"The Hon'ble Member is referred to parts (b) and (c) of the reply I gave to-day to a similar question by the Hon'ble Mr. Kamini Kumar Chanda."

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

18. (a) What is approximately the total quantity of paper usually consumed in India every year, and how much of the same is manufactured in India ?

Consumption and manufacture of paper in India.

(b) What practical steps have been taken by Government to encourage the development of the paper industry in India and increase the output of paper in the near future ?

**The Hon'ble Sir Thomas Holland** replied :—

(a) The average annual consumption of paper in India is estimated at 75,000 tons, of which some 30,000 tons are manufactured in the country.

(b) The following steps have been taken by Government to encourage the development of the paper industry and to increase the output of paper :—

(i) Government purchase the bulk of their requirements of paper in India, the amount of Indian-made paper so purchased on an average during the last five years being more than 11,000 tons per annum. In the year 1918-19 Government purchases of Indian-made paper were more than 9-10ths of their total requirements.

[*Sir Thomas Holland; Sir Manindra Chandra Nandi; Rao Bahadur B. N. Sarma; Mr. W. M. Hailey.*]

[27TH AUGUST, 1920.]

- (ii) To encourage manufacture, concessions in respect of raw materials have been given to a number of commercial firms.
- (iii) Research on the utilisation of Indian raw materials for paper-making has been undertaken by the Forest Research Institute, Dehra Dun, and advice is freely given to enquirers.
- (iv) The Cellulose Expert to the Government of India has been sent to England to purchase plant for the experimental manufacture by Government of pulp and paper at Dehra Dun. The necessary plant is now under construction in England. The results achieved will be made available to the public."

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

Average price of rice in Bengal, and other provinces.

19. (a) Will Government be pleased to make a statement, showing, month by month, the course of the average price of rice in the different provinces since January last :

(b) Is it a fact that the removal of restrictions on inter-provincial movements of rice, was followed by a steady increase in price in Bengal, week after week, up to the end of June last, while the market continued almost steady in most other provinces ?"

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

"(a) The statement\* asked for is laid on the table.

(b) The facts are generally as suggested by the Hon'ble Member. There has, however, been in Bihar and Orissa and Assam a rise in the price of rice similar to that which has occurred in Bengal. There has been a considerable rise of price in those three provinces since the removal of the restrictions in April, but this measure has doubtless tended to prevent a rise of prices in other provinces, and has in fact had the general effect of causing prices over the greater part of India to approximate to equality."

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

Financial position of Provincial Governments under the proposals made by Lord Meston's Committee.

20. (a) Will Government be pleased to make a statement explaining, on the basis of the Budget figures for 1920-21, the financial position of each provincial Government under the proposals made by Lord Meston's Committee showing particularly the total provincial revenue and expenditure, the first year's contribution to the Central Exchequer and the net provincial surplus ?

(b) Is it a fact that on examination of the Committee's proposals with reference to the budget figures for 1920-21, the position of Bengal is found to be far worse than is supposed in the said Committee's report ?"

**The Hon'ble Mr. Hailey** replied :—

"(a) I lay on the table a statement\* showing—

"(1) the revenue in each province according to the Budget estimates for 1920-21 as recast in accordance with the new classification of subjects, (2) the expenditure in each province as settled at a conference with representatives of Provincial Governments held in September-October 1919, (3) the contributions for the first year according to the recommendations of the Financial Relations Committee, and (4) the net surplus for each province.

(b) I lay on the table a similar statement\* in which the figures of Provincial revenue are based on the Budget estimates for 1919-20. The Honourable Member can draw his own conclusions by a comparison of these two statements."

\* Not included in these Proceedings.

[27TH AUGUST, 1920.]

[*Sir Manindra Chandra Nandi; Sir George Barnes.*]

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

21. "(a) Is it a fact that Lower Division clerks of the Calcutta Customs House petitioned His Excellency the Governor of Bengal in 1918 for improvement of their pay and prospects?" Pay of Lower Division clerks of the Calcutta Customs House.

(b) Are Government aware that in a letter to the Government of Bengal, the Collector of Customs, Calcutta, said that very few of the clerks in the Lower Division of his office could hope to be promoted above the Rs. 60 grade before the age of retirement, owing to congestion of grades?

(c) Is it a fact that the revision of the clerical staff which was introduced in 1911 was proposed in 1907 on the basis of the cost of living then prevailing and that since 1911 most of the clerks have not been able to get to the next higher grade?"

**The Hon'ble Sir George Barnes** replied :—

"(a) The answer is in the affirmative.

(b) The Government of India have no information.

(c) The proposals of the Government of Bengal for the last re-organisation of the clerical establishment of the Calcutta Customs House were submitted to the Government of India in December 1910. They have no information as regards the latter part of this question."

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

22. "Is it a fact (a) that the sanction of the Secretary of State has been obtained to the increase of the pay of the preventive officers of the Calcutta Customs House (b) that the initial pay of these officers was four times that of the Lower Division clerks and that they earn handsome overtime allowances, and (c) that the pay of all the employees of the Calcutta Customs House from gazetted officers down to the menials has been increased, with the exception of the ministerial establishment?" Increase of pay of the ministerial establishment of the Calcutta Customs House.

**The Hon'ble Sir George Barnes** replied :—

"(a) (b) and (c). The Government of Bengal have not yet submitted proposals for the revision of the pay of the ministerial establishment of the Customs House. Their proposals relating to the appraisers and preventive establishments were received last year, and these revisions have been carried out."

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

23. "(a) Is it a fact that the Collector of Customs, Calcutta admitted in a demi-official letter to the Government of Bengal that the position of the Lower Division clerks was worse than that of the Preventive Officers?" Position of the Lower Division clerks of the Calcutta Customs House.

(b) Did Government come to the decision that the case for the revision of salary of the Preventive Officers and the appraisers of the Calcutta Customs House was more urgent than that of its Lower Division clerks?

(c) Are Government aware that this preferential treatment has caused great disappointment and discontent among the clerks of the Calcutta Customs House?

(d) Is it a fact that one of the reasons of the Collector of Customs to recommend an increase of the pay of the Preventive Officers, was his apprehension lest they might otherwise incur debts?

(e) Are Government aware that a good number of Indian officers are indebted to the Credit Society of the Customs House?"

**The Hon'ble Sir George Barnes** replied :—

"The Hon'ble Member is referred to the reply to the previous question. The Government of India have received and dealt with the proposals of the Local Government relating to the Preventive establishment. They have not yet received any proposals relating to the ministerial establishments. They are not in a position therefore to give the detailed information asked for in the question."

[*Sir Manindra Chandra Nandi*; *Sir George Barnes*; *Mr. G. S. Khaparde*; *Sir Thomas Holland*.]

[27TH AUGUST, 1920.]

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

Reorgan-  
isation of the  
pay of the  
ministerial  
officers of  
the Calcutta  
Customs  
House.

24. (a) What is the amount of Customs revenue in Bengal since 1914 ?

(b) Is it a fact that Rs. 45,000 was allotted in the Customs Budget Estimate for 1920-21 for the revision of the pay of the ministerial officers but subsequently withdrawn ?

(c) If so, why ?

(d) Has it been decided that the question of the re-organisation of the pay of the ministerial officers of the Calcutta Customs House will be held in abeyance until there is a general Provincial enquiry into the pay of all Departments ?

(e) If answer is in the affirmative, will Government state when the Provincial enquiry will be held ? "

**The Hon'ble Sir George Barnes** replied :—

" (a) A statement\* is laid on the table showing the gross amount of Customs duty collected in Bengal during the six years ending 1919-20. "

(b) and (c) The Government of India have no information.

(d) and (e) The Hon'ble Member is referred to the concluding portion of the reply given to Question No. 22."

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

Method of  
recruitment  
for the  
Calcutta  
Customs  
House.

25. (a) Will Government state—

(a) how clerks are recruited for appointment in the Upper Division of the Calcutta Customs House ?

(b) what percentage of appointments (if any in the Upper Division) is reserved for efficient Lower Division Clerks ?

(c) how many Superintendents there are in the Calcutta Customs House and how many of them are Indians ? "

**The Hon'ble Sir George Barnes** replied :—

" The Government of India have no information on these points. The Customs House for administrative purposes is under the control of the Local Government."

**The Hon'ble Mr. G. S. Khaparde** asked :—

The  
Coalfields  
Committee.

26. (a) What action, if any, has been taken on the recommendations of the Coalfields Committee ?

(b) What will be the probable cost of carrying out the said recommendations ? "

**The Hon'ble Sir Thomas Holland** replied :—

" (a) The Coalfields Committee's Report is at present under the consideration of the Government of India.

(b) As it is not possible yet to indicate which of the Committee's recommendations it will be practicable to accept, no estimate of their cost can be stated."

[27TH AUGUST, 1920.]

[Mr. G. S. Khaparde; Rao Bahadur  
B. N. Sarma; Mr. Shafi.]

**The Hon'ble Mr. G. S. Khaparde** asked :—

27. "(a) Have Government taken any steps or do they propose to take any steps—

(i) for the provision and maintenance of stud bulls or bulls for breeding purposes ;

(ii) for the provision of pasture grounds ;

(iii) for the prohibition of the slaughter of prime cows and calves ;

(iv) for the establishment and maintenance of charitable Veterinary Dispensaries and hospitals ;

(v) for cheapening the cost of transport by railways and steamers of cattle, fodder, milk and milk products from one place to another in India ; and

(vi) for the prevention of adulteration of milk and milk products ?

(b) If any such steps have been taken, or are proposed to be taken, will Government state the same ?"

Provision for maintenance of stud bulls for breeding purposes, etc.

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

"The attention of the Hon'ble Member is invited to the answer which Sir Claude Hill gave to an almost identical question put by the Hon'ble Mr. Kamini Kumar Chanda on the 11th March 1920. The position remains unaltered except that the scheme for the development of cattle-breeding and dairying in India under Imperial control referred to in (a) of Sir Claude Hill's reply has since been inaugurated. The scheme provides for the appointment of an Imperial Dairy Expert, a Physiological Chemist and a Bacteriologist with the necessary subordinate staff. The Imperial Dairy Expert who has already taken charge of his duties will work on the material furnished by the military dairy farms and will undertake breeding operations with a view to improve the milking qualities of Indian cattle. This will be followed later by a scheme of education in dairying. The Physiological Chemist will deal with feeding problems while the Bacteriologist whose headquarters will be at Muktesar will work on the immunization of dairy stock from disease."

**The Hon'ble Mr. G. S. Khaparde** asked :—

28. "With reference to the Government communiqué issued on 12th July, 1919 in relation to the cure of Influenza by using salt, will Government be pleased to state—

(a) whether the salt cure has been tried in any Government dispensaries and hospitals, and if so, with what result ; and

(b) what steps have been taken to bring the salt cure to the notice of the general public, in addition to the communiqué referred to above ?"

**The Hon'ble Mr. Shafi** replied :—

"(a) The question of the Hon'ble Member appears to be based on the assumption that nasal douching with salt solution is a cure for influenza. A reference to the communiqué to which the Hon'ble Member alludes would show that this is not the case and that this douche was suggested merely as a preventive of influenza. The use of salt has no curative value for influenza. The Government of India have accordingly no information as regards the first part of the question and it would not seem to be profitable to call for such information.

(b) Apart from the communiqué referred to above, the Sanitary Commissioner with the Government of India prepared in the spring of 1919 a memorandum dealing specially with preventive measures including the use of salt which was translated into suitable vernaculars and widely distributed to the public."

[*Mr. G. S. Khaparde; Sir Thomas Holland.*]

[27th August, 1920.]

**The Hon'ble Mr. G. S. Khaparde** asked :—

**The Stores  
Purchase  
Committee  
Report.**

29. "Will Government lay on the table a copy of the report of the Stores Purchase Committee and indicate approximately the cost of the creation of the Stores Purchase Department in India?"

**The Hon'ble Sir Thomas Holland** replied :—

"The report of the Stores Purchase Committee, which was received on the 19th of July, has not yet been printed; and, although the report has not yet been examined by Government, or submitted to Secretary of State, it is presumed that there will be no objection to its publication in the usual way.

Since the Government of India are not yet able to say to what extent any particular recommendation of the Committee will be accepted, it is impossible at present to give any indication of the cost of the creation of a Stores Purchase Department in India."

**The Hon'ble Mr. G. S. Khaparde** asked :—

**The report  
of the  
Chemical  
Services'  
Committee.**

30. "(a) Has any action been taken on the report of the Chemical Services' Committee and if so, what?"

(b) Will an opportunity be afforded to this Council to discuss the proposals made by the Chemical Services' Committee before their submission to the Secretary of State for sanction?"

**The Hon'ble Sir Thomas Holland** replied :—

"(a) Certain of the recommendations made by the Chemical Services' Committee are under the consideration of the Government of India. The views of the departments of Government concerned are being obtained.

(b) None of the recommendations made by the Committee are likely to necessitate legislation, but the questions are of general public interest and, subject to the ordinary rules, are open for discussion in the usual way."

**The Hon'ble Mr. G. S. Khaparde** asked :—

**The Indian  
Industrial  
Services.**

31. "Will Government lay on the table a copy of their proposition statement on the organisation of the proposed Indian Industrial Services and state whether an opportunity will be afforded to this Council to discuss it before its submission to the Secretary of State for approval and sanction?"

**The Hon'ble Sir Thomas Holland** replied :—

"No proposition statement in connection with the organisation of the Indian Industrial Service can be prepared until the views of local Governments and Administrations, which have been consulted on the subject, have been received and considered. It is unlikely that the statement will be ready during the present session of the Council."

**The Hon'ble Mr. G. S. Khaparde** :—"With reference to the latter part of my question, whether an opportunity will be afforded to this Council to discuss the statement, will the Hon'ble Member kindly answer that?"

**The Hon'ble Sir Thomas Holland** :—"I have already explained that it is unlikely that the statement will be ready during the present session of Council, but when the statement is ready it will be available for discussion like every other subject of public interest."



[27TH AUGUST, 1920.]

[*Mr. G. S. Khaparde; Rao Bahadur B. N. Sarma; Sir William Vincent.*]

**The Hon'ble Mr. G. S. Khaparde** asked :—

32. "(a) What is the number of Indian candidates selected this year by the Selection Board for appointment to the Indian Forest Service?"

Indian candidates for appointment to the Indian Forest Service.

(b) What are the conditions which the selected candidates are expected to fulfil?"

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

"(a) Four.

(b) A copy of the regulations\* for the appointment, in India, of probationers for the Imperial Forest Service in 1920 is placed on the table."

### THE IDENTIFICATION OF PRISONERS BILL.

**The Hon'ble Sir William Vincent** :—“ My Lord, I move for 11-47 A.M. leave to introduce a Bill to authorise the taking of measurements and photographs of convicts and others.

“ If Hon'ble Members will refer to the Statement of Objects and Reasons attached to the Bill, they will, I think, at once realise the necessity for this legislation. It has long been the practice in India to take such measurements including finger prints and photographs when required, but there is no legal authority for this and we now think it necessary to legalise and regularise that procedure. Indeed we should have undertaken this legislation earlier had any practical difficulties arisen of a serious character and had it not been for our preoccupations during the war. Recently Local Governments have been consulted on the subject and they are unanimous as to the necessity for this legislation. I do not think that I need dilate in this Council on the advantages which are secured by a record of such measurements in the case of criminals and their immense value to those who are engaged in the detection of crime. This is a matter which is recognised over the whole of Europe and indeed in all civilised countries; and if Hon'ble Members take an interest in the matter, I am quite sure that the Director of Central Intelligence will be very pleased to show them over his finger-print office, and they will then at once appreciate how valuable this system of finger-prints is for the investigation and detection of crime. Indeed I hope that some Hon'ble Members may find the time to follow up this suggestion. I myself spent some hours recently in the Calcutta finger-print office with very great interest.

“ The Bill itself is a very simple one and I will not detain Hon'ble Members more than a few moments over it. Clause 3 authorises the taking of measurements of persons convicted of certain offences and also of persons, bound down under section 118 of the Criminal Procedure Code. Clause 4 provides for the taking of measurements of persons in police custody and accused of certain offences. Clause 5 provides for the taking of measurements of a man who has at some time been under arrest on suspicion of his being implicated in certain offences but is not under arrest at the time it is proposed to take these measurements. For instance a man may be arrested in a theft case and subsequently released; further investigation may indicate that it is necessary to take his finger impressions in order to ascertain whether he was implicated in the crime or not but for any action under this clause, i.e., against a man not actually under arrest at the time the order of a Magistrate will be necessary. Clause 6 authorises officers of Government to use reasonable force to secure these measurements. Clause 7 is a very salutary provision which provides for the destruction of photographs and records of measurements of

\* Not included in these Proceedings.

60 THE IDENTIFICATION OF PRISONERS BILL; THE INDIAN  
WIRELESS TELEGRAPHY (SHIPPING) BILL.

[*Sir William Vincent; Sir G. S.  
Barnes; Mr. A. H. Froom.*]

[27<sup>TH</sup> AUGUST, 1920.]

a man if he is subsequently acquitted or discharged, i.e., if he is found to be innocent of the offence of what he was suspected or accused. This will include the case of a man acquitted on appeal. Clause 8 is merely a rule-making power, but I draw Hon'ble Member's attention in particular to one power, and that is the power to make rules respecting the taking of photographs of persons. This will allow local Governments to impose such restrictions as may be necessary in the interests of any class of persons in the case of whom there are reasonable objections to the taking of such photographs.

"I do not think there is anything else in the Bill to which I need draw attention. It follows very largely the principle of English legislation and I am sure that it will commend itself to this Council."

The motion was put and agreed to.

**The Hon'ble Sir William Vincent:**—"My Lord, I beg to introduce the Bill, and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

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**THE INDIAN WIRELESS TELEGRAPHY (SHIPPING)  
BILL.**

**The Hon'ble Sir G. S. Barnes:**—"My Lord, I move for leave to introduce a Bill to provide for the installation of Wireless Telegraphy on ships registered in British India and for other purposes. The essential part of this Bill is to be found in clause 3, which provides that every sea-going British ship registered in British India, being a passenger steamer or a ship of sixteen hundred tons gross tonnage or upwards shall be provided with a wireless telegraph installation of the prescribed description. There is a proviso to this clause empowering the Governor General in Council by notification to exempt from the obligations imposed by the Act any ships or classes of ships if he is of opinion that having regard to the nature of the voyages on which the ships are engaged, or other circumstances, the provision of a wireless telegraph installation is unnecessary. The kind of case to which this proviso is intended to apply is that of ships which do not go out of sight of land. The next important clause to which I must draw the attention of Hon'ble Members is clause 5 which provides that the Act shall, as from a date three months after the commencement of the Act, apply to ships other than British ships registered in British India while they are within any port in British India in like manner as they apply to British ships registered in British India; that is to say, the Bill applies to foreign ships when they are in Indian ports. The present position, as explained in the Statement of Objects and Reasons, is that under the two Acts of Parliament mentioned in the Statement, compulsory provision of wireless telegraph installation on certain classes of ships registered in the United Kingdom is required. Clause 5, as I have pointed out, makes compulsory provision of wireless telegraph applicable to foreign ships when they are in Indian ports. Speaking generally the object of the Bill is to secure as far as possible the safety of passengers and crews of ships starting from or arriving in India, and the avoidance of risks which might be obviated. I move for leave to introduce the Bill."

**The Hon'ble Mr. A. H. Froom:**—"My Lord, there is little doubt, I think, that this Bill, which has for its object the additional security of passengers and crews travelling on vessels registered in British India, will commend itself to all the members of this Council. This Bill, however, has been before us but a short time and there may be one or two points of detail

THE INDIAN WIRELESS TELEGRAPHY (SHIPPING) BILL; 61  
THE INDIAN PATENTS AND DESIGNS (TEMPORARY  
RULES) AMENDMENT BILL.

[27TH AUGUST, 1920.]

[*Mr. A. H. Froom; Sir G. S. Barnes;  
Sir Thomas Holland.*]

which require careful investigation and possibly may necessitate the introduction of one or two minor amendments of a non-contentious character. I venture therefore to suggest, my Lord, that when determining the date for the introduction of this Bill for the consideration of Council the Hon'ble Member-in-charge should allow sufficient time for any suggestions to reach us from the various parts of this country after the Bill has been published in the Gazette of India."

**The Hon'ble Sir G. S. Barnes:**—"My Lord, I am prepared to meet the Hon'ble Member, but I should like to inquire from him what time would in his opinion be sufficient for the enquiry he desires to make. I move for leave to introduce the Bill."

The motion was put and agreed to.

**The Hon'ble Sir G. S. Barnes:**—"My Lord, I beg to introduce the Bill and move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

THE INDIAN PATENTS AND DESIGNS (TEMPORARY  
RULES) AMENDMENT BILL.

**The Hon'ble Sir Thomas Holland:**—"My Lord, I move for  
leave to introduce a Bill to extend the operation of the Indian Patents and  
Designs (Temporary Rules) Act, 1915. 11-57 A.M.

"The Act of 1915 was passed especially for the purpose of extending, during the war, the powers of the Governor General in Council to make rules under the Indian Patents and Designs Act of 1911. The action taken here in 1915 followed the war measure adopted by Parliament in August 1914, except that the English Act was indefinite in duration, whilst the Indian Act, in conformity with other war legislation, was for the period of the war and only six months after.

"One of the powers thus granted, enabled the Governor General to make rules for extending the time within which formalities should be completed under the principal Act of 1911; and among the Rules thus made, one provided for extensions of time to those applicants or patentees who, by reason of absence on active service or from other circumstances arising from the war, were prevented from complying with the usual formalities with regard to the registration of patents and designs.

"Now, under Article 307 of the German Peace Treaty, German nationals are given a minimum of one year after the coming into force of the Treaty to complete patent proceedings which were started before or during the war, and effect has been given to this Article by the Privy Council Order of last July. A similar agreement was made afterwards by Article 259 of the Peace Treaty with Austria.

"But, as I have said, our temporary Act of 1915 expires six months after the termination of the war, and with it, all privileges granted to our own nationals who have been granted licenses to work enemy patents, or who, because of the war, have obtained extensions of time regarding their own patent formalities.

"In consequence of the delay in settling peace treaties with other enemies, it is desirable to extend the Temporary Rules Act for another year, and this is provided for in the second clause of the Bill, which I now move for leave to introduce."

The motion was put and agreed to.

[*Sir Thomas Holland.*]

[27TH AUGUST, 1920.]

**The Hon'ble Sir Thomas Holland:**—"My Lord, I beg to introduce the Bill and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

### THE INDIAN PATENTS AND DESIGNS (AMENDMENT) BILL.

**The Hon'ble Sir Thomas Holland:**—"In 1919 a Bill was passed through the English Parliament revising the Patents and Designs Act of 1907, and several improvements in the patents law were then adopted as the result of lessons learnt by the war.

"We have, in the same way, been examining our Act of 1911, with the assistance of the new Controller, Mr. Lough, who came out from the English Patents Office at the end of last year.

"Mr. Lough is not prepared, without further experience of Indian conditions, to advise on all the new points raised.

"Some of the changes also in the English Act are sufficiently novel to be regarded as experimental; and we want to know how these will be received and how they will be worked before bringing our law into line with them. But the Controller has drawn our attention to the urgency of taking advantage of a slight verbal change in the English Act, which enables us now to obtain for applications filed in India the privileges of provisional protection in other parts of the Empire.

"Sub-section (5) of Section 91 of the English Act of 1907 runs as follows:—

Where it is made to appear to His Majesty that the legislature of any British possession has made satisfactory provision for the protection of inventions, designs and trade marks.....it shall be lawful.....to apply the provisions of this section to that possession."

"But in India we have no Trade Marks Act, and the investigations of the Industrial Commission showed that commercial conditions are not yet ripe enough to require one; by the change, however, of the word 'and' to 'or' in the English Act, we are now able to secure the benefits of this section as regards *patents and designs*, without regard to *trade marks*; for the English Act now provides for reciprocal arrangements with Dominions which have made satisfactory provision for 'the protection of inventions, designs or trade marks.'

"The Bill which I ask leave to introduce, adopts the formula of the English Act, and thus secures for India the privileges obtained by other Dominions, in securing for 12 months, protection for patents granted here. Conversely, British patents have hitherto been unable to obtain this protection in India, and their utilisation in industrial processes has been correspondingly discouraged. From the industrial point of view, naturally, the utilisation of a special process is generally more important to the country than the royalties obtained by the holder of patent rights; for a special process or special piece of apparatus may be an essential part of a large industry.

"Provisional protection, also, carries with it another important advantage; for our law, like all civilised patent laws, requires that the invention shall be novel, and to be novel within the meaning of the Act, the invention should not have been publicly known in any part of British India before the date of application for the patent. By taking advantage of the inter-imperial reciprocal arrangements now proposed, an application will not be invalidated in future by reason only of the publication of a description or use of an invention, or by the exhibition of a design. This subsidiary point is covered by clause 78A, (2) of the Bill, which I now ask for leave to introduce."

The motion was put and agreed to.

**The Hon'ble Sir Thomas Holland:**—"I now introduce the Bill and move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

THE REPEALING AND AMENDING BILL ; THE ROUBLE 63  
NOTE BILL.

[27TH AUGUST, 1920.]

[*Sir George Lowndes ; Sir William Vincent.*]

**THE REPEALING AND AMENDING BILL.**

**The Hon'ble Sir George Lowndes:**—"My Lord, I move for leave to introduce a Bill to amend certain enactments and to repeal certain other amendments. This is a small Bill of a character with which the Council is familiar. The amendments we propose are explained by marginal notes in the Schedule. If there is any matter that any Hon'ble Member desires to have explained I shall be glad to discuss it with him." 11-61 L.S.

The motion was put and agreed to.

**The Hon'ble Sir George Lowndes:**—"My Lord, I have the honour to introduce the Bill and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

**THE ROUBLE NOTE BILL.**

**The Hon'ble Sir William Vincent:**—"My Lord, I move for leave to introduce a Bill to prohibit the possession and import of rouble notes. 11-62 L.S.

"Many Hon'ble Members are probably aware that a couple of years ago the import of rouble notes into India increased very largely, in fact it looked as if the whole country was about to be flooded with a large number of these notes issued by the Soviet Government—if indeed it is a Government. There is no security behind these notes. They are what is called I believe a fiduciary issue and they are issued in enormous quantities whenever the requisite paper and presses are available. They have in consequence a rapidly decreasing value. We had also reason to believe that large quantities of these notes were being introduced to promote Bolshevik ideas and to foster disaffection in this country. To stop this import of these notes was at first prohibited under the Sea Customs Act but it was later found necessary to supplement that action by Ordinance No. VII of 1919. The effect of that Ordinance was to compel any person who held rouble notes either to deposit them with the Government or to export them from the country within a fixed period. That Ordinance was in operation for six months and was followed later by an Ordinance of a somewhat different character, No. II of 1920. The new Ordinance legalised the retention by Government of notes already deposited and also prohibited imports, besides raising certain presumptions as to illegal import in the case of notes found in the possession of any individual in India. The provisions of this law will however expire in a very short time and it is necessary to supplement it by legislation in this Council. Hon'ble Members who read the Bill will find however that the law we now propose to enact is not intended to be in force permanently. It will remain in operation in the first instance for a period of one year, but we have thought it advisable to take power to enable the Governor-General in Council to extend its operation for a further period of one year if such a course should be found necessary in the public interests. I am sure the Council will accept the view that it is very undesirable that large quantities of these Bolshevik notes should be allowed to be imported and possessed in this country without restriction to promote Bolshevik propaganda. As a matter of fact also these notes are not of any real value. I received information the other day that a thousand of them were only worth one rupee. So I do not think we are doing any harm to the public by this Bill. We are indeed protecting ignorant people from danger of accepting these notes as of any value. The Bill which I now ask for leave to introduce follows the lines of the second Ordinance and provides for the continued detention of notes in deposit and also prohibits import and possession of these notes. Government retain the power to facilitate export of notes in deposit and to grant further concessions to the holders of such notes if our relations with the Soviet Government improve.

64 THE ROUBLE NOTE BILL; THE POST OFFICE CASH CERTIFICATES (AMENDMENT) BILL; THE AUXILIARY FORCE BILL.

[27TH AUGUST, 1920.]

[*Sir William Vincent; Mr. W. M. Hailey; His Excellency the Commander-in-Chief.*]

"I hope that the Council will accept this measure as necessary for the protection of the people who might otherwise be tempted to accept those notes as valuable consideration and also as a reasonable means of preventing the dissemination of Bolshevik propaganda."

The motion was put and agreed to.

**The Hon'ble Sir William Vincent** :—"My Lord, I introduce the Bill, and move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

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**THE POST OFFICE CASH CERTIFICATES (AMENDMENT) BILL.**

11-45 A.M.

**The Hon'ble Mr. W. M. Hailey** :—"My Lord, I move for leave to introduce a Bill to amend the Post Office Cash Certificates Act, 1917. The objects of this Bill are so clear and there is very little to evoke controversy, that the Council will, I am sure, be satisfied with a short explanation. The first point is this, that according to the existing law, if it is desired to transfer a Post Office Cash Certificate from one person to another the sanction of the Post Master General is required. We propose to give power to the Post Master General to delegate that authority to officers in charge of post offices or sub-offices.

"The second point is this, that at present a Post Office Cash Certificate cannot be paid without the intervention of a court if its value exceeds Rs. 3,000. We now propose that, on the analogy of the provision in the recent Securities Act, the value should be raised to Rs. 5,000. These are the only two provisions of the Bill, my Lord, and I now beg leave to introduce it."

The motion was put and agreed to.

**The Hon'ble Mr. W. M. Hailey** :—"My Lord, I introduce the Bill, and move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

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**THE AUXILIARY FORCE BILL.**

11-46 A.M.

**His Excellency the Commander-in-Chief** :—"My Lord, before asking leave to refer this Bill to a Select Committee, I propose to make a few remarks in regard to the object and scope of the measure which was introduced about two months ago by publication in the Gazette of India. As Hon'ble Members are aware, we found it necessary in 1917 when we entered into the critical stage of the war to pass the Indian Defence Force Act, which substituted for the long-established volunteer force recruited on a voluntary basis an Indian Defence Force in which service was compulsory. Our principle object in carrying out this measure was to increase our man power in India so as to release as many British troops as possible for active service in the various theatres of war. The Indian Defence Force Act was therefore essentially a war measure, and, as such, will cease to operate a year after the date fixed as the official termination of the war. We have therefore to provide some suitable organization to replace it. We can, of course, fall back if necessary, on the Volunteer Act of 1869 which is at present unrepealed. But this enactment is quite out of date, and cannot give a force trained and organized according to present day requirements. Under the Volunteer Act no definite personal obligation could be enforced in the matter of service or training. The general

[27TH AUGUST, 1920.]

[His Excellency the Commander-in-Chief.]

standard of efficiency was low and differed widely in different units. It is now proposed to remove these defects in the Bill now under discussion by imposing definite liabilities. The principle upon which our proposals have been framed is, that the European and domiciled communities being employed for the most part in the public services or in commercial and industrial occupations of importance cannot be regarded as available for any but purely local service. Further, that the standard of military training laid down, which is the lowest compatible with efficiency shall be reached in the earlier years of service. It is recognised, however, that conditions differ greatly in different localities, and for this reason it has been found desirable to provide for modifications in the matter of training to suit local requirements. It is recognised for instance that training conditions which may be found convenient in large towns such as Calcutta or Bombay may not be found applicable to planting districts such as Assam or Belhar. To provide for these varying conditions our system must be in the highest degree flexible. It will be seen from the Bill that provision is made for this adjustment through the agency of the Advisory Committees which will be created in every military area and which will have the power of varying the training and the period of service to suit individual cases. It will be noticed that we propose to limit the obligations of members of the new Force to local service, that is to say, it will be quite exceptional for an auxiliary force unit to be called out for duty anywhere except in the military area to which it properly belongs. It will be seen that no term of service is specified, but any member of the force desirous of being discharged during the first six years of service will be required to satisfy the local Advisory Committee as to the validity of his reasons for desiring to leave the force. After completing six years' service, however, he may be discharged at any time on application being made to the Commanding Officer and in such cases no reference to higher authority will be required.

"The scale of training laid down in Schedule I of the Bill has been prepared with great care and must be regarded as the minimum requisite to attain a useful standard of efficiency. The preliminary training in the case of infantry consists as a maximum of 32 days' drill and a course of musketry; for other branches it is 40 days and a course of musketry or gunnery. The periodical training varies according to classes for men of the Active Class, that is to say those under 31 years of age, it consists of 16 days' drill in each training year and the firing of a musketry course. For men of the first class Reserve, that is to say, men of from 31 to 40 years of age, it consists of 6 days' training in each year, exclusive of musketry, while for those of the second class Reserve, which will consist of men who have completed their service in the first class of the Reserve or are over 40 years of age, it is limited to the firing of an annual musketry course. A man can enrol himself in the Force any time after attaining the age of 16. From 18 to 31 he will belong to the Active Class, and up to 40 he will be in the first class Reserve, and after 40 in the second class. It will be permissible, however, for any member of the Reserve to undertake, from year to year the liabilities imposed on those belonging to a higher category of the Force. This provides for the case of zealous and efficient members of the Force who do not wish to have their obligations reduced merely because they have reached a certain age. Members of the Force will be subject to the provisions of the Army Act only when called out and when embodied or when attached to, or training with, any part of the Regular Army.

"This is the rule which applies, in similar circumstances, to the Territorial Force in England.

"Owing to the large number of the members of the Indian Defence Force who were granted commissions during the Great War, a special organisation will be necessary to utilise to the best advantage their practical training and experience. This will be provided for by the creation of an Auxiliary Officers' Corps, from which we hope to draw our future Reserve of Officers. This Corps will be composed of those who have been permitted to retain their rank in the Army after relinquishing their temporary commissions. Where possible, special units will be formed, for which a special scale of training will be adopted, consisting normally of special courses, schools of instruction, regimental tours, and the like, carried out under the orders of local Commanders; the aim of this

[His Excellency the Commander-in-Chief.]

[27th AUGUST, 1920.]

instruction being the exercise of the mind rather than of the body. The more irksome details of drill will be omitted as being unsuitable in the case of men who have graduated in war. These Officers' Corps will serve more than one purpose. Firstly, they will be available, as are other units of the Auxiliary Force, for local service; secondly, they will constitute a source of supply of trained officers for other units of the Auxiliary Force; and, thirdly, in the event of a Reserve of Officers being constituted in India they will form training centres for such of those officers as are unable, for business or other reasons, to undergo the periodical training with a regular unit which will probably be laid down for the Reserve of Officers in general.

"In lieu of the old system of capitation grants, which resulted in considerable waste of money and gave no personal incentive to efficiency, it is proposed to grant pay and allowances on a definite scale to persons enrolled in the Auxiliary Force who complete the specified periodical training. No rates have been finally determined, and any rates proposed will, of course, require careful consideration in Select Committee. It has, however, been recommended that pay should be Rs. 2 per diem for Privates, Rs. 3 for Corporals and Rs. 4 for Sergeants. A day is to be reckoned as four actual drill or instruction and may be made up by fractions of a day not exceeding four in number. Any person, in whatever class he may be placed, would be able to earn pay up to the maximum number of days specified for the Active Class, viz., 16 days in the case of Infantry, and 20 days in the case of other arms. All persons of the Active Class completing the full number of days' training and the required musketry course, would, it is proposed, receive in addition to pay a bonus equivalent to the pay thus earned. A Reservist of either class completing his training and the required musketry course, would receive a bonus equivalent to 50 per cent. of the pay that could be earned by completing the training laid down for that class, viz., 6 days in the Infantry and 10 days in the other arms. It is proposed that the pay and bonus thus earned should be additional to travelling allowance, for which provision will be made on scales to be fixed locally. Similarly, officers holding commissions in the Auxiliary Force would, for the statutory period of training, receive pay of rank on the scale laid down for the Regular Army. Mounted officers and men, provided they complete the training required, would receive horse allowance at the rate of Rs. 30 per mensem. When attending camp, all ranks, except officers, would receive free rations as for the British Service or an allowance in lieu. An officer on appointment would receive an outfit allowance of Rs. 300, and other ranks would be given their uniform free.

"*Communiqués* have been published, copies of which have issued to Hon'ble Members, giving in greater detail particulars in regard to the various matters to which I have referred. These will be considered by Select Committee and, in due course, Hon'ble Members will receive their report in regard thereto. I may add that in preparing this Bill great pains have been taken to ascertain the views of the various interests affected. Two Staff officers from Army Headquarters toured all over India last cold weather to consult representative bodies, such as Chambers of Commerce, Trades Associations, Planters Associations, and other public organisations representing various communities, and every endeavour has been made to produce a scheme which will be sufficiently elastic to meet these very divergent interests and at the same time satisfy the irreducible military requirement. I hope that with this explanation the Bill will prove generally satisfactory to the communities concerned and that it will succeed in providing us with a Force which, as its name implies, will serve as a valuable auxiliary to the Regular Forces. I hope also that it will produce, on a voluntary basis, a strength not inferior to that which was reached under the compulsory system imposed by the Indian Defence Force.

"With these remarks I beg leave to move that the Bill be referred for report to a Select Committee consisting of the Hon'ble Sir George Lowndes, the Hon'ble Major-General Sir Alfred Bingley, the Hon'ble Sardar Sundar Singh, the Hon'ble Raja Sir Rampal Singh, the Hon'ble H. R. Allen, the Hon'ble Mr. Morhead, the Hon'ble Mr. Pilon, the Hon'ble Mr. Murray and the Hon'ble Mr. Froom with instructions to report or before the 9th September, 1920."



[27th AUGUST, 1920.]

[*Sir Umar Hayat Khan ; Mr. Sastri.*]

**The Hon'ble Sir Umar Hayat Khan** :—“ My Lord, as this Bill has been delayed such a long time in spite of protests from many quarters, it is gratifying that it has been introduced at last, but I am sorry that it is not in the form in which it would have been more beneficial for the European British subjects. It would have been far better if compulsion had been resorted to as that force would have been more efficient and of great value not only to the community itself which has got so many vested rights in the country, but also with the object of guarding their belongings, and in an emergency, their families and children. It would have also been a great asset to loyal Indians who have got a stake in the land. As the present policy of transferring the British Government into the hands of a small oligarchy of agitators is to be inaugurated and 98 per cent of the martial classes and others will be also in those hands the country cannot remain tranquil for long. It is for this reason that European subjects should regard this bill in the light of conscription and flock round the colours not only for their own sakes but for the sake of the masses and loyalists in the country. As to the other provisions of the bill I think they are excellent. With these few words, my Lord, I heartily support the Bill before the Council.”

12-5 P.M.

**The Hon'ble Mr. Srinivasa Sastri** :—“ Your Excellency, when three years ago the Bill to constitute an Indian Defence Force for the purpose of the war was discussed in this Council, it was the painful duty of some of us, non-official members, to draw attention to certain racial discriminations that were made in the Bill. On that occasion, we were put off because it was alleged that the Bill under consideration was an emergency measure, and that the principles which we proposed to discuss could only be settled satisfactorily when the war was over.”

12-7 P.M.

“ His Excellency the Commander-in-Chief in replying to our observations said—

‘ We have had to take up an attitude of *non possumus*, it has been forced on us by the inexorable circumstances of the war. We feel we cannot embark on questions some of which relate really to very high imperial policy and are visions into the future. We can only deal with the present and that is hard enough.’

“ Your Excellency in closing the session observed, in referring to these matters—

‘ The Act is confessedly a war measure and therefore temporary. Do not ask us at such a moment as this to give answers to problems which will have to be solved at a time when there is more leisure. When that time arrives then criticise, as you will, the Government in respect of its policy, but for the moment I would assure you that all the subjects of your criticism are engaging our most sympathetic consideration.’

“ We have a right my Lord, to complain if after the conclusion of the war when it is proposed to place these measures on a new basis, those very high questions of imperial policy we then raised, still remain as if nothing had been said on those measures. I am sorry to observe that the matter of great significance to which we then drew attention remains exactly where it was, and in the opening speech of His Excellency the Commander-in-Chief I failed to observe the slightest trace of reference to that controversy. Neither in his speech nor in the communiqué issued on this subject, nor in the Statement of Objects and Reasons is any reason put forward for differentiation between Europeans or Anglo-Indians on the one hand and Indians on the other for constituting an Auxiliary Force under that specific name for the benefit of Europeans and Anglo-Indians and a Territorial Force, about which His Excellency the Commander-in-Chief will speak presently, for the benefit of Indians.

“ Why is it impossible to make the Auxiliary Force open to all Indian subjects of His Majesty the King ? Why is it impossible to make the Territorial Force open to all subjects of His Majesty ? The reason for this has now to be made clear ; it has not been so far. I implore His Excellency the Commander-in-Chief, who is about to lay down his office, to tell us, the public of India, whether it is intended by the Government of India and by the Secretary of State and his advisers in England that in the new *regime* upon which we are about to enter with the object of placing India in a position of equal partnership with all other parts of His Majesty's Empire, whether it is seriously intended to perpetuate measures of this kind which involve racial differentiation of the most objectionable type.

[Mr. Sastri; Mr. K. K. Chanda.]

[27th AUGUST, 1920.]

"Your Excellency, there are very many points of difference of a deep and radical nature between the provisions embodied in the Bill now under consideration and the Bill about to be introduced by His Excellency the Commander-in-Chief. Subject to Your Excellency's ruling on the subject, I propose to enter into detail on those differentiations when the second Bill is under discussion. For the moment, I wish only to draw attention to one provision in this Bill, that contained in clause 33, which provides that any person accused of an offence under this Bill should be tried only by Magistrates of a certain grade of authority. If His Excellency the Commander-in-Chief is unable to satisfy us that that discrimination is essential, it will be our painful duty, when the occasion arrives, to move an amendment for the excision of that clause.

"Other features of this Bill I could notice, but, my Lord, it is quite enough for me to refer for some enlightenment to an article published in the 'Pioneer' the Commander-in-Chief and by the *communiqués* issued by the Government of India. That article goes in great detail into the reasons which underlie the differentiation hitherto established and proposed by His Excellency to be perpetuated for the future. My Hon'ble and gallant friend from the Punjab has referred in no ambiguous terms to some of the reasons to which the article in the 'Pioneer Mail' also makes definite allusion, and that is that the Auxiliary Force is especially meant for the protection of the lives and property of the European and Anglo-Indian subjects of His Majesty, which seem to lie under a special risk from insurgent bands of Indians. Is that so? We often have to look for unsupplied reasons to the columns of the Anglo-Indian journals. If that is the case, the Auxiliary Force remains shut, as the Volunteer Force previously was, to subjects of His Majesty of pure Indian extraction for the mere reason that it is from that class of people that danger is most apprehended to His Majesty's European subjects. I have a misgiving that there may be something in it, but I have no right to assume it until I have it on the authority of His Excellency the Commander-in-Chief, that this either does or does not form part of the *raison d'être* of the differentiation. My Lord, it is absolutely necessary for us to be enlightened on this subject as it will determine our conduct not only with regard to this measure in its final stage, but it will enable us to find out precisely what amendments we should seek to introduce into this Bill in order to make it completely satisfactory to the self-respect of the Indian people."

12-16 P.M.

**The Hon'ble Mr. Kamini Kumar Chanda** :—"My Lord, I do not desire to give a silent vote on this motion. At the same time I do not wish to take up much time during this Council. I wish only to submit one or two remarks.

"In the first place, my Lord, referring to the racial discrimination which undoubtedly is disclosed in clause 4, I have only to associate myself with the weighty remarks of my esteemed friend the Hon'ble Mr. Sastri.

"In the second place, my Lord, Your Excellency in your opening speech the other day foreshadowed the creation of these two forces as a second line of defence and in doing so Your Lordship was pleased to sound a note of warning with reference to the recommendations of the Esher Committee. My Lord, I submit we are entitled to know what the recommendations and the findings of that Committee are in reference to these two Forces as well as in reference to other matters, and I respectfully submit that the report of the Committee ought to be published, if not to the general public at least to the members of this Assembly.

"My third submission, my Lord, is with regard to the cost. His Excellency the Commander-in-Chief has not given us any idea as to what this Force and the other Force, with regard to which a Bill will presently be introduced, will cost. That, my Lord, I submit, is a most important consideration. As it is, our military expenditure has more than doubled itself and in the last Budget debate I believe almost all the Indian Members with the exception possibly of my Hon'ble and gallant friend Colonel Sir Umar Hayat Khan—I am surprised to find he is still styled 'Major' though he is now a Lieutenant-Colonel—condemned the growth of the military expenditure. My Lord, Your Lordship was also pleased to forecast a prospective growth in that expenditure. This is a very serious matter. His Excellency the Commander-in-Chief calls upon us to

[27TH AUGUST, 1920.]

[*Mr. K. K. Chanda ; Mr. G. S. Khaparde ; Mr. S. Sinha.*]

give a blank cheque indirectly by sanctioning by legislation the creation of these two forces. My Lord, that is very important. I submit we ought to get an idea of the cost of these two Forces, firstly, to see whether the country can afford it, and, secondly, to see whether we shall get the value of this money out of these two Forces.

"With these observations, I do not oppose the motion now before the Council."

**The Hon'ble Mr. G. S. Khaparde** :—"My Lord, I did not originally intend to speak on this part of the Bill, but the observations which my Hon'ble friend Colonel Sir Umar Hayat Khan has made induce me to say a few words. In his speech he said that the policy of making over the Government of India to agitators, to the detriment of loyalists, is being pursued, or words to that effect. I am rather sorry to see that these reforms, co-operation and all these things which we have been talking about, are reduced in a sense to this, that the Government of India is being made over to the agitators and that the loyalists are being sold to the extremists. I suppose that is what he means.

12-30 P.M.

"But the reason which I wish to urge on this part of the Bill is that I believe the British Empire is going to be a great partnership and we are also members of that partnership. If that is so, then protecting any part of that partnership, or the property of that partnership, is the duty of each member : it is as much the duty of the Indians as of the Europeans to protect every part of India ; just as it is, I think, the duty of every Indian and every Englishman to protect any other part of the British Empire and every other part of the British Empire. If that is so, then why this discrimination and why these two Acts for carrying out only one purpose ? The purpose is that the British Empire has to be protected from foreign aggression and from internal commotion. Now it is the duty of every member of the partnership to look after themselves and to see that there is no internal trouble and that every foreign invader is repelled. Why these two acts for carrying out one and the same object ? I submit that a measure could be devised which would make it the duty of every Indian and every European here to protect every part of India as also every part of the British Empire, and there would be no difficulty as far as I can see in doing this.

"The further objection we have to this Bill is still more strong. I see it is said that this Auxiliary Force is the development or an evolution of what originally was a Volunteer Corps, or Volunteer Army, I suppose. Well, I remember the time when this Volunteer Army was formed, and I was then another person to what I am now, and we applied for permission to enrol in that Army. They said, if the members of the Army choose to take you, we have no objection. That is, our names had to be submitted and balloted about in the Corps which we wished to join. Those were the circumstances in which people got enrolled, and then afterwards, for some reason or other, they dropped out and they never came again. So this objection I raise is not even conceived to-day but has been there for the last thirty years or upwards.—To my own knowledge, from the time that the Volunteer Corps came into being, we always thought this was a grievance and a kind of reflection on our loyalty and our ability to protect our own shores, our own property and our own homes.

"I am sorry that the Government have brought forward these two measures, and I would submit that they should be consolidated into one Bill, with rights equally given to Europeans and Indians."

**The Hon'ble Mr. Sachchidananda Sinha** :—"My Lord, I am sorry to find that His Excellency the Commander-in-Chief has chosen to bring into this Council two separate Bills dealing with the same kind of organization. It had been a complaint of long standing with the educated Indians that the Indian Volunteer Act enabled only the European subjects of His Majesty the King Emperor to be enrolled and not His Majesty's Indian subjects. As the Hon'ble Mr. Sastri has pointed out, at the time the Indian Defence Force Bill was enacted in this Council, a number of non-official Members—amongst whom I find were also the Hon'ble Mr. Sarma, who has now crossed the floor and Dr. Tej Bahadur Sapru who will do so very soon—offered strenuous opposition to that Bill being enacted on the ground that it would intensify racial discriminations

12-34 P.M.

[*Mr. S. Sinha; His Excellency the  
Commander-in-Chief.*]

[27TH AUGUST, 1920.]

and distinctions. The Hon'ble Mr. Sastri has quoted the observations of His Excellency the Commander-in-Chief and of Your Excellency on that occasion, when both Your Excellency and the Commander-in-Chief were pleased to point out that that particular measure was a war measure and that therefore we should not look for any indication of policy in it. But Your Excellency was pleased to promise that after the war was over and when the whole thing came to be revised, the question of policy would be given favourable consideration. Now that the occasion has arisen, I am sorry to find that I do not see anywhere liberal policy introduced into either of these two measures. I think it is a very serious matter that even after the war is over and when so much is heard of co-operation among all classes of His Majesty's subjects in this country, the Government should have brought forward two separate measures based on racial distinctions dealing with the same matter. My submission is that even now it is not too late for His Excellency the Commander-in-Chief to consolidate the two Bills into one.

" My Lord, I associate myself with the Hon'ble Mr. Sastri and the Hon'ble Mr. Khaparde in regard to what they have said in reply to my esteemed and gallant friend the Hon'ble Malik Sir Umar Hayat Khan. I have been in this Council one of his oldest colleagues and I know how to take his reference to the educated Indians as a band or an oligarchy of agitators to whom the Government of India is being transferred. The Hon'ble Mr. Sarma will, no doubt, take the compliment in that light and we do not resent it. That is how the Hon'ble Malik Sahib likes to put things in his own blunt soldier-like fashion and we make no complaint at all.

" I shall have more to say later on with regard to the Indian point of view. My present submission is that in my humble opinion it is a serious mistake for the Government now to pursue a policy of continuing and keeping up these racial distinctions between the two classes of His Majesty's subjects, Europeans and Indians; and I hope His Excellency the Commander-in-Chief will allow the two measures before us to be consolidated into one even now."

(12-37 P. M.)

**His Excellency the Commander-in-Chief:**—" My Lord, in dealing with the observations which Hon'ble Members have made on the Bill which with your permission I introduced in this Council, I beg leave to say that opportunity will be given in the Select Committee for any Hon'ble Member to make representations to the representatives of the Government and of Army Headquarters on that Committee as to any changes which they may consider necessary. There is very little else, I think, I need say on an occasion of this kind. It has been a matter of profound regret to me that the Hon'ble Mr. Sastri should have introduced a spirit of rancour and bitterness into the discussion to-day. If enquiry is made as to what has been done by the Government of India during the last four years for the benefit of the Indian Army, I think that most fair-minded men who are in this Council will agree that a very great deal has been done and done in times of great stress. It is needless for me to enumerate here everything that has been achieved: my colleagues in this Council know it; but in every detail connected with the Indian Army and with the welfare of the Indians composing it, there has been a degree of progress of which, in vacating my position here as Commander-in-Chief, I do not feel in the least ashamed; and my colleagues who have been associated with me both in the Government of India and at Army Headquarters have always had the same end in view. The reception of my words here leads me to believe that the carping bitterness of spirit in which this Bill has been received by the Hon'ble Mr. Sastri is not shared by this Council generally. I will leave it at that, for I have no desire to introduce any heat into the discussion. I can assure him that in every Force in which we considered improvements and ameliorations necessary, our aim has always been how to increase the efficiency and safeguard the interests of the Army in India. But Army re-organisation and changes in the Army must move slowly.

" Faults which are created by want of consideration and hasty action are apt to react far, and when we are told that this Bill is another example of racial preference, I would remind Hon'ble Members that we only began two or three years ago to take measures which will, we hope, in time—I cannot speak for my successors or the future Government of India—we have, I repeat, taken measures which will lead in the direction which many Hon'ble Members desire now. I refer

## THE AUXILIARY FORCE BILL; THE INDIAN TERRITORIAL FORCE BILL.

[27TH AUGUST, 1920.]

[His Excellency the Commander-in-Chief; Mr. Sastri.]

to the measures that we have introduced providing for voluntary military training in the universities of India, a measure which is having a very considerable degree of success; and we hope, now that the war is over, and we are able to devote more money, more men and more material to that development, we hope that this training may lead to results which will be fraught with advantages to India. To introduce changes of this kind straight off is a very easy thing for the outside and irresponsible critic to put forward. It is a very different thing for those who have to administer the Army and to administer it within a certain fixed Budget. If we are going to develop the proposed Territorial Force throughout India and if we may presume that the members coming forward for enrolment will be considerable. I should like to know how I am to approach my friend, the Finance Member, the Hon'ble Mr. Hailey to find the money required. We have to create an Army and maintain it at the least possible expense and at the highest degree of efficiency. The task is not an easy one, but we are moving in that direction. We hope, as I have told you just now, that we shall be able, through the Universities Cadet Corps, to develop the spirit which the Hon'ble Mr. Sastri desires. We hope, also, through the Territorial Force Bill which I am going to introduce now, to provide means for the expansion of the man power of India in case of necessity, so that the country may, should necessity arise—which God forbid—have at call anyhow a very large proportion of the manhood of India. My Lord, I have said enough. I desire again to repeat that, in introducing this Bill, the racial feeling which we all deplore never entered my mind, nor did it enter the minds of the Government of India. It may be that the case may have been imperfectly presented, but anyhow the intention is very different from what has been suggested by my Hon'ble friend, Mr. Sastri."

**The Hon'ble Mr. Srinivasa Sastri:**—"Your Excellency, just one word of personal explanation. I did not intend in my remarks to withhold my appreciation of the great sympathy and consideration that His Excellency the Commander-in-Chief has always shown to any representations made by me or by others regarding the Indian section of the Indian Army."

The motion was put and agreed to.

## THE INDIAN TERRITORIAL FORCE BILL.

**His Excellency the Commander-in-Chief:**—"Before asking for leave to introduce a Bill to constitute an Indian Territorial Force I should like with Your Excellency's permission, to make a few introductory remarks. In 1917, when our military resources were severely strained, India was asked to develop her man-power to the utmost, and so assist the Empire in carrying the war to a victorious conclusion. With that object it was decided to form the Indian Defence Force. This force consisted, as Hon'ble Members are aware, of two portions, viz., the European portion formed from the old Volunteer Force, which it is proposed to continue under the designation of the Auxiliary Force, and the Indian portion which will I hope become part of the permanent Indian Forces of the Crown, under the designation of the Indian Territorial Force. Our object in creating the latter force is to respond to the aspiration of those Indians who desire to see the formation of a second line to the Indian Army, whereby in time of need the almost unlimited man-power of India may be utilised to strengthen the military forces of the country on a scale commensurate with its vast population. With that object we have framed the Bill which I am about to introduce. It aims at creating an Indian Territorial Force for service in India, but not overseas, on the model of the Militia in England, which the Home Government with all the experience of the recent war to guide them, have now decided to revive.

"The creation of such a Force must of necessity be experimental at the outset, and the success of the experiment will depend on the response made by the people of India, and more especially by those classes which have at present no military traditions to the opportunities of service which the Force will offer

15-25 P.M.

[His Excellency the Commander-in-Chief; Mr. S. N. Banerjee]

[27th August, 1920]

them. The essence of the scheme lies in the training of men by means of an annual embodiment for a short period in successive years. This is the system which has stood the test of centuries in England, and it is believed that with the modifications required to suit local conditions it should prove equally suitable to India. We hope in this manner to give the Force such preliminary training in peace as will enable it after a comparatively brief term of intensive training to take its place side by side with the Regular Army in time of war. In a tentative Bill of this character it is not possible to include complete details as to the conditions of service and training; these must be elaborated to suit the requirements of the Force as the latter takes shape. I can say this much, however, that it is our intention to provide Indian Territorial Units with suitable training staffs of their own, thus removing one of the defects of the original scheme. Our project has been examined by the Esher Committee whose recommendations are in accord with the proposals now put forward. Working on the English model, it is proposed that men from 18 to 30 years of age should be enlisted for a period of 6 years, and that after such preliminary training as may be found necessary, each provincial unit should be embodied annually for 26 days continuous training, under a supervising staff of regular British and Indian officers. The scheme will provide for the training of the officers of the Territorial Force, so that they may be rendered efficient in the performance of their duties, and fitted for the ultimate attainment of higher rank. With that object, facilities will be afforded to officers of the Force to train for short periods with regular units, to attend various schools of instruction, and to qualify themselves for promotion in accordance with the standards of proficiency prescribed for corresponding ranks of the Regular Army.

"The widening of the activities of the present Indian University Corps, so as to turn them into Officers Training Corps, would form an integral part of the scheme. With that object, special regulations and a special course of training would be laid down for them. These would be generally on the lines of those already in force. It is obvious that in the case of an University Corps, training cannot be concentrated into a single short period, as this would interfere with the ordinary studies of the Cadets. It is hoped that these University Corps may, in course of time develop into a valuable recruiting ground from which to recruit some at any rate of the future officers of the Territorial Force. It is recognised that the elaboration of all the details necessary to render the force efficient will take time, and will require very careful consideration. The present Bill does not profess to do more than lay the foundation of a structure which will be built up gradually. It is introduced mainly with the object of affording scope for the martial aspirations of those classes of Indians who, from the nature of their avocations in civil life, do not as a rule take service in the Regular Army. The development of the scheme must depend upon the nature of the response made to the offer now held out to them. If the Militia idea is approved means will be found to extend its provisions and to meet the desires of those interested in the measure, with a view to increasing its popularity and efficiency. The publication of the Bill which I am now about to introduce will I hope serve to elicit public opinion on the subject, and give Government the means of judging whether there is any real desire for military service on the part of classes which have hitherto not been recruited, and whether there is any reasonable prospect of creating a Territorial Force on popular lines, which, as a second-line Army, would prove a real addition to the defensive power of India, and make a new departure in the organisation of her armed forces. If the proposals now outlined meet with approval, as I hope they will, leave will be asked in due course for permission to refer the Bill to a Select Committee for report, but if it is considered that the scheme put forward requires further examination, Government will be prepared to defer action in respect of the Bill until the next session of Council.

"With these remarks I beg leave to introduce the Bill."

At this stage His Excellency the President left the chair, which was taken by the Hon'ble the Vice-President.

12-42r x

**The Hon'ble Mr. Surendra Nath Banerjee:**—"Sir, I think it is unfortunate that there should be two Bills in regard to practically the same matter. All the same I feel that I must extend my wholehearted support to this Bill for

[27TH AUGUST, 1920.]

[Mr. S. N. Banerjee.]

the creation of an Indian Territorial Army. The creation of an Indian Territorial Army has been a long outstanding demand of the educated community in India. It has been my privilege from my place in this Council again and again to urge this matter upon the attention of the Government. On the last occasion when we had the Budget debate I ventured to plead for the creation of an Indian Territorial Army, His Excellency the Commander-in-Chief unfortunately was not present in his place in this Council when I made that appeal. Although I was quite sure of his sympathy I did not receive any expression of his personal assurance in that behalf. However that may be we feel, I am speaking on behalf of the educated community in India, we feel that self-government and self-defence must go together. We feel that self-rule comotes self-defence, that the rights of self-government involve the obligation of self-defence. It cannot be that we should undertake the government of the country and that others should mount guard for us. It is this aspiration to bear arms in the defence of the Empire that lies at the root of the movement for the creation of an Indian Territorial Army. I am sure that every right-minded man, every right-minded citizen of the Empire, no matter what may be the character or the complexion of his political creed, no matter to what race he may belong, will sympathise with an aspiration so just, so righteous, so helpful to the solidarity of the great Empire to which we all belong. I therefore, Sir, welcome this Bill, but in this connection I must say that there is no use disguising the fact, and it is only right and proper that I should mention, that a profound sense of disappointment was created in Bengal, and I venture to say among all sections of the Indian community, and I may add among members of the European community who were in complete sympathy with us, at the news of the disbandment of the Bengali Battalion. When the Government wanted to recruit in Bengal, after a century and a half of utter inaction, an amount of enthusiasm was created a parallel to which I myself have never witnessed. I was present at 40 recruiting meetings and had the honour of addressing them. I appealed to my young friends, to my young countrymen to enlist, and I am sure, my Hon'ble friend Mr. De, the Commissioner of the Chittagong Division, will testify to the enthusiasm that was then created. Naturally, when the fiat went forth that the Bengali Battalion was to be disbanded there was keen disappointment. I ventured to appeal for its maintenance, I appealed to His Excellency the Commander-in-Chief and also to His Excellency the Viceroy and I must say in justice to those exalted functionaries that I did not plead in vain. I did not get all that I wanted—I am afraid in life we do not get all that we want—we have to be satisfied with compromises, satisfied often with only half of what we want in the firm conviction that if we are right and just the full measure of our expectations will be realised. It was only a partial concession, and I gratefully acknowledge it, that was made to us. The Bengali Battalion was to be disbanded but the cadre was maintained, consisting of 156 men and 6 officers who are to be absorbed in the Territorial Army that is now about to be created. Well, Sir, I am glad that this will be done and I trust that the Indian Territorial Army will grow and expand. We are told in the Statement of Objects and Reasons that the Bengali Battalion was not much of a success. The popular view is different. At the Budget Debate I read a letter from a Commanding Officer which testified to the pluck and courage and endurance of the Company while operating in Kurdistan. There may be another side of the shield, I do not dispute it, but admitting for the sake of argument that the Bengali Battalion was not much of a success, has British statesmanship ever been deterred by the failure of first experiments? Is it not through failures that we mount to success and have we not a right to demand of our rulers that they should look to the whole experiment, with sympathy and good-will? I rejoice that this Indian Territorial Army is to be formed but I desire to raise a note of warning. His Excellency the Commander-in-Chief has been pleased to ask us, the representatives of the people, to accord a cordial response to what is now being done. The measure of our response will depend upon what is done. The whole movement is one of patriotism and self-respect. I hope and trust that the conditions under which the Territorial Army is to be formed will appeal to the self-respect and patriotism of our people above all, that there will be absolute equality of status as between the recruits of the Indian Territorial Army and the soldiers of the European Auxiliary Force. Without this I cannot promise that the measure of success which we hope will attend the movement will be secured. It is necessary that there should be absolute

[*Mr. S. N. Banerjea; Sir D. P. Sarbadhikari.*]

[27TH AUGUST, 1920.]

equality of status. If the rules and regulations are so framed as to ensure this result then the response will be warm and enthusiastic. With these observations I desire to support the Bill."

15-50 P.M.

**The Hon'ble Sir D. P. Sarbadhikari:**—"Sir, I desire to associate myself whole-heartedly with the welcome that my esteemed friend opposite has accorded to this Bill. Whether this and the Bill for which leave was obtained earlier could be taken together is a highly technical matter upon which I offer no observations.

"But I am sure, however, in dealing with this Bill, as with the other, every possible care should be taken to see that racial distinctions should be done away with.

"Sir, to me it is a matter of great gratification that pointed reference has been made to the very considerable degree of success as His Excellency the Commander-in-Chief was pleased to put it, which attended the University Corps, and frequent reference has been made to it both in the Statement of Objects and Reasons and in the speeches of His Excellency. I desire to take this opportunity of conveying to His Excellency and to all who worked with him our very deep obligations for the ready and willing help they were pleased to give us for the formation of a corps that was brought into existence almost out of chaos. On behalf of my own University and of others in different parts of the country who had the great privilege of showing what their young men without Military traditions or training could do, I desire to express very grateful thanks to His Excellency and to accord welcome to a Bill which proposes to place that movement on a more satisfactory and permanent footing.

"It might not be amiss to recall the circumstances under which the University Corps came into existence. Within literally a few hours of the outbreak of the war and before definite steps for organising Medical resources could be taken, medical graduates of my University—worthy successors of the Pioneers of the British Indian Empire—offered their services through their accredited Association for forming an Ambulance Corps and a voluntary medical service if need be. The wildest of dreams could not imagine that the Bengalee could do that or that their offer could or would be accepted, and if accepted, they would be able to give a good account of themselves. Within literally a few hours of the outbreak of the war however that was an accomplished fact, and all the time that elapsed between the offer and the achievement was due to the necessary official procedure and delay. Sir, that led to the formation of the Bengalee Ambulance Corps, preceded by the unfortunate ambulance vessel the 'Bengalee,' which came to grief. A second Bengal Ambulance Corps was ready when the authorities called for it, but for reasons that I shall not attempt to enter into here, its services were dispensed with. I came up to Simla, interviewed all that I could from the Viceroy downwards and impressed upon them all the facts, that if the enthusiasm that had been roused for the Ambulance Corps was allowed to damp, the opportunity for responding to the reviving martial aspirations of Bengal, at all events, would be gone for all time. The authorities were pleased to take this into consideration and the formation of the Double Company was sanctioned, from which the Bengalee regiment grew. This is no time, Sir, to go in detail into the reasons for which the Bengalee regiment could not give as good an account of itself as was expected it should. The recruitment was restricted, the facilities for training were not all that could be expected owing to reasons some of which have been mentioned in the Statement of Objects and Reasons, and there were other difficulties with regard to educational and social status of the recruits which stood in the way of full accomplishment of objects that we had in view. That could not, however, be said of those who volunteered for the University Corps when it came into existence later. We had many more applicants than we could enlist. We have them still; many more than we could train, many more than we could provide outfits for. The result was a very small Force which, within six days of arms being given to them, afforded a splendid guard of honour to their Chancellor, in a way that excited admiration from those who are accustomed to criticise that class of work.

"Sir, when the question of the Officers' Training Corps was first mooted by us we were told somewhat bluntly that that was not the objective with which



[27TH AUGUST, 1920.]

[Sir D. P. Sarbadhikari ; Mr. Sastri.]

the University Corps was formed. Later, however, wiser counsels prevailed, and we were allowed to hope that the University Corps would in time afford the recruiting ground for officers' training, as His Excellency the Commander-in-Chief has been pleased to say to-day. We have our difficulties, as has been stated by His Excellency. The traditions are against us. For 150 years we have not been accustomed to these things, and to me it was a wonder that our men accustomed only to books, would respond so heartily and scions of noble and wealthy families readily undertook fatigue duties and even sanitary menial duty. Within a few weeks of commencement of their drill they could form themselves into companies that the military authorities had reasons to be pleased with. We offered their services in connection with the Calcutta riots and worked hard as delivery peons when postmen struck work. I believe His Excellency the Commander-in-Chief saw what they were like ; the Chancellor of our University himself a military man had nothing but admiration. We had every reason to be gratified with the results, and now what we want is that the corps should be placed on a permanent footing and that it should not be confined only to students and teachers so long as they happen to be connected with the University. Sir, I can assure you that it is a great disappointment to those who have been in the corps to have to leave it as soon as their University career comes to an end. Only a limited number could be trained and in Rajshahi, Mymensingh, Dacca and other districts the enthusiasm was great but at none of these places would we afford any facilities for training. Only in Calcutta the thing was fairly well done. It is a matter of great gratification to be permitted to hope that permanence is coming.

" I am, however, disappointed to hear from His Excellency the Commander-in-Chief that this measure may stand over till the next session and that the other measure will be pushed forward. The reasons for expedition apply to both. The Bengalee regiment, or rather the remnants of it, is waiting. As His Excellency the Commander-in-Chief was pleased to inform the Hon'ble Mr. Banerjea if and when the Territorial Force came, the Bengalee regiment would find itself absorbed in that. The Bengalee Regiment stands on a somewhat different footing and it would not be the same as the University Corps. The Bengalee regiment would be a part of the Army and should be dealt with on a different basis. What can be done, should therefore be done during the present session, unless there are serious technical difficulties about which I do not know.

" I am quite in sympathy with the Hon'ble Mr. Chanda that the expenditure should be kept down as much as possible but there are things which should be excepted, and I think that this is one of those things and no considerations of finance should be allowed to stand in the way of the formation on a permanent footing of a Force promise of which in parts of the Empire, particularly Bengal, has helped to bring back martial aspirations and traditions.

" I have been comparing notes and to my regret and surprise I found that in parts of the Empire where the martial aspirations and traditions were the greatest, the University Corps were about the worst, probably because people preferred to join the regular Army. That might not however apply to the educated classes there ; the educated classes in Bengal have taken a very deep interest in the movement here and every opportunity should be given not only for the establishment of a University Corps, but also for amplification and expansion of what is to be the great Territorial Force."

**The Hon'ble Mr. Srinivasa Sastri:**—" Sir, this Bill, for the introduction of which leave has been asked, is, in comparison with the previous Bill, a very small measure—a measure of very restricted scope. If it had been on the same level as the other Bill my welcome would have been quite as hearty as the welcome given by my friends the Hon'ble Mr. Banerjea and the Hon'ble Sir D. P. Sarbadhikari. As it is, I am sorry that it falls very far short of the expectations that would have been roused in these spacious times by a perusal of the other Bill.

" If I make any criticisms I wish to disavow as far as possible any element of bitterness, and certainly of personal imputation against him who holds the command of the Indian Army. If, in spite of myself, a tone of bitterness is occasionally discernible I wish to ask my Hon'ble colleagues to put that down to the effects of the abnormal situation.—I am considering and not merely to the

[*Mr. Sastri.*]

[27TH AUGUST, 1920.]

spirit in which I am considering. Let my remarks be accepted as mere suggestions leaving behind no sense of bitterness which I do not mean, but which sometimes unconsciously perhaps, is visible.

"In the first place, I wish to commend to His Excellency the Commander-in-Chief and to his advisers a very careful perusal of a pamphlet published by Sir P. S. Sivaswamy Aiyer, an ex-member of the Executive Council of Madras and President of the Committee for the promotion of recruitment among Indians to the Indian Defence Force in the Madras Presidency. He was in charge of the operations which brought into existence the Indian Defence Force movement in that Presidency. He has published a narrative complete in every detail of the way in which the work was done. That pamphlet will disclose, I think, to His Excellency the Commander-in-Chief, innumerable directions in which the vigilance of his Department has to be exercised if the new attempt made is to be more successful than its predecessor. In one place Sir Sivaswamy Aiyer goes to the length of saying that for anything the Military authorities knew or cared, young men for whom he was responsible might have perished of starvation. I think the conditions varied even more with regard to the classes of Indians likely to be recruited under this Bill than they do with respect to the classes of people who are comprised in the former Bill. I would, therefore, beseech His Excellency the Commander-in-Chief to consider whether it is not necessary to establish an Advisory Committee in reference to this Bill as well as with reference to the Auxiliary Force Bill. We are all at great disadvantage by not being in possession of the views and sentiments of the recommendations of the Army in India Committee upon which it is alleged that this Bill has been more or less cast.

"This Bill, I would ask my Hon'ble colleagues to remember, does not enable those who are recruited thereunder, by express words, to enter any branch but the infantry branch of the Army. That I think is a capital defect, it goes to the very root of the matter and would justify opposition to the Bill in the later stages if not now.

"Then you will observe at a glance when you look at clause 11 how ill-developed this Bill is in comparison to the Bill we have just had under consideration. Under clause 11 the Governor General in Council is empowered to make rules for various purposes, amongst others for the discipline of the Force, for the creation of offences and for the way in which they should be punished. At the end of the clause there is a sub-clause which reads—

'Rules made under this section may provide that any contravention thereof or of any order or notice issued under the authority of any such rule shall be punishable with imprisonment which may extend to two months, or with fine which may extend to Rs. 200, or with both.'

"This means that not merely the rules but orders and notices issued by subordinate officers may be such that any infraction thereof shall be visited with imprisonment. What is the corresponding provision in the other Bill? There are two of three clauses which fully develop this point. Offences are specifically created in the Bill and acts that would constitute offences are all mentioned in clause 24 and they are divided into two classes. The first class is punishable only with fine; the second is punishable with fine or imprisonment or with both and it is not notices or orders issued by subordinate officers under these rules the infraction of which becomes an offence, but it is only the rules themselves. I will only read the relevant part—

'Any person committing any of the offences specified in clauses (2), (3), (8) and (11) of section 24 shall be punishable with fine which may extend to two hundred rupees and any person committing any other offence specified in section 24 shall be punishable with imprisonment which may extend to two months or with fine which may extend to two hundred rupees or with both.'

"The particular offences are themselves named in the Bill and it does not state that when orders and notices are issued by subordinate authority any infraction thereof would also be visited with imprisonment. Then under clause 27 of the former Bill we have this provision—

'Provided further that no summary punishment shall be inflicted in any case in which the accused claims to be tried by a criminal court.'

"But under the Bill we are now considering there is no such option allowed to the offending party.

"Then, Sir, I have only to make one further observation, having said so much by way of making good by general criticism that this Bill is much more restricted than the other Bill.

[27TH AUGUST, 1920.]

[*Mr. Sastri ; Rai Sahib Seth Nathmal ;  
Mr. S. Sinha.*]

“ The reception of this Bill in the country is to me a matter of the utmost consequence. The two Bills will be read together by people and compared in the most meticulous fashion, clause by clause, and provision against provision. It seems to me a great pity that there should be so many points of difference between the two Bills. In the first place, the former Bill is advanced by one stage so that, if all goes well, we shall be soon considering the final enactment of that measure before this Council expires. This Bill that we are considering is going to be deferred for further consideration in the new regime. That makes a great difference the had effect of which can only be mitigated if the public find that the two Bills run on parallel lines, that persons included in the two Bills will work under the same conditions, that they will have the same advantages and be treated in almost the same way. Differences undoubtedly will have to be made, but I implore His Excellency, I implore the Government of India, to see that no more differences are made than are absolutely necessary. The creation of a Territorial Force is in itself, I grant a very great principle conceded to the people of India and will reach the hearts of our people and commend itself to them with fulness in that complete measure which can only follow if the provisions of the Bill are clearly and obviously on all fours with the provisions of the other Bill. But, in spite of every desire to make allowances for differences, in spite of every desire to profit by the admonition which I have just received from His Excellency the Commander-in-Chief, I cannot allow that two Bills have been conceived in the same liberal spirit or that this Bill will convey to the people of India the satisfaction to which they are entitled, when, for the first time, a Bill giving them the benefits of a citizen Army is being introduced.”

**The Hon'ble Rai Sahib Seth Nathmal :—**“ Sir, I rise to accord my wholehearted support to the motion that is now before us, and rather than go into the provisions of the Bill I would like to give my assent to the principle involved, which is a most laudable one, namely,—we have in this Bill constituted a Territorial Force and provided for the enrolment therein of persons other than European British subjects. This measure, when passed into law, will satisfy a longstanding want and India will ever remain grateful to the present Commander-in-Chief for this measure.

1-14 P.M.

“ With these few words I accord my full and wholehearted support to the motion before us now.”

**The Hon'ble Mr. Sachchidananda Sinha :—**“ Sir, grateful as I always am even for small mercies from the Government of India, I desire to accord my support to the measure before the Council, and I welcome it so far as it goes. But I do, Sir, feel that, as my Hon'ble friend Mr. Sastri has pointed out, it is a measure in the first place of a very limited scope and character, and, secondly, the differentiation made between the two Bills both in the matter of procedure and also in the general provisions will certainly go a long way in affecting public opinion on the matter. I was glad to hear from my venerable leader, the Hon'ble Mr. Bauerjea, that he also thinks that there need not have been two Bills dealing with the same matter ; I was very gratified to hear this. At the same time he is disposed to take, and so is the Hon'ble Dr. Sarbadhikari, a more enthusiastic view of the Bill than I am. Personally, I think it would have appealed to the country in a larger measure if His Excellency the Commander-in-Chief had agreed to take exactly the same course in this particular measure as he has done in the other, namely, that it should be referred to a Select Committee. What he said in effect was, that the Government will consider the matter, see what response the country makes, and if they feel that the Bill is too much advanced for the time, then they may reconsider it, modify it, and may even not bring it forward at all. It is, therefore, that not knowing what view His Excellency's successor will take, I am not so sanguine that it will necessarily be passed in the next Session of the Council. Personally, I would have welcomed the measure all the more if we could pass it in this Session and I hope the Government of India may even now see their way to reconsider the matter. It is there where I differ from the optimistic vein running through the Hon'ble Mr. Seth Nathmal's speech, in that I fear that the measure may not be passed at all. There are so many ifs and buts, that if the view of the Government of India be that the response is not sufficiently great that it will then not be enacted. Therefore, I think, on the whole, it

1-15 P.M.

[*Mr. S. Sinha; His Excellency the  
Commander-in-Chief.*]

[27TH AUGUST, 1920.]

would be far better if, in this last session of the Council under the old *regime*, this measure be placed upon the Statute Book during the time of His Excellency the Commander-in-Chief.

"With these words, Sir, I certainly welcome the measure before the Council."

1-17 P.M. **His Excellency the Commander-in-Chief:**—"Sir, I will endeavour to explain, before we proceed any further, the position in which we stand in bringing forward this Bill; possibly the words to which I gave utterance were not fully understood. I concluded the few observations I made with these words—

"If the proposals now outlined meet with approval, as I hope they will, leave will be asked in due course for permission to refer the Bill to a Select Committee for report, but if it is considered that the scheme put forward requires further examination, the Government will be prepared to defer action in respect of the Bill until the next session of Council."

"That is the position in which we are in. So it is for the Council itself to decide as to the action which should be taken."

"Sir, perhaps you will now permit me to make a few observations in respect of the kindly reception which this Bill has had from the Hon'ble Members who have spoken. I fully appreciate the Hon'ble Mr. Banerjea's disappointment in regard to the Bengalee regiment. He has been an enthusiast over this particular regiment and perhaps he will allow me to say that I have always tried to support him in his endeavours to promote its welfare and efficiency. But the situation in which we in the Army are now placed is this. We have to work to a fixed Budget and, in determining the composition of the Army, we must endeavour to ensure that we get the most efficient units that we can secure within our limited resources. I am not going to be led into making any criticisms of the Bengalee regiment. Criticism is a very easy process; achievement is another thing. It is more difficult, much more difficult. Let me then remind the Hon'ble Member that we, as an Army, are restricted to a fixed Budget; in fact a great many people think we already spend a great deal more than we ought to. That being the case, it is obvious that we must get the best material available, and, therefore, when we consider the Bangalee regiment, I do not want to be flippant, but I would remind my Hon'ble friend Mr. Banerjea of an old saying which we used to quote when I was a child—

"Malaga raisins are very good raisins, but some raisins are better."

"I will just leave it at that. Therefore, with every desire to meet him, I am afraid that I can hold out no promise that we can do more than what we are doing at present. We are confronted, at every turn, with suggestions of all sorts and kinds, and we cannot take them all into consideration. Let us hope that at some future date the Bengalee Regiment will be incorporated in a Territorial Force after they have had more training, more practice, and when the younger generation is better educated in such matters. I hope that we shall then see my Hon'ble friend still taking the same interest in the military aspirations of his fellow countrymen and perhaps leading them on to the efficiency which he so much desires."

"I thank my Hon'ble friend the Vice-Chancellor very much for what he said. We are indeed very anxious that the University Corps should flourish. Owing to the war, personnel was so short, material was so short, trained men were so short, when we first started this Corps that we were working at an infinite disadvantage. Now that we have turned the corner and times are more quiet, we hope that officers and everybody else will make it their personal interest to encourage this Corps to develop their spirit and to create gradually, as is our aim, a body of officers, well trained and ready to take their share in leading troops, whether in the Territorial Force or in the Regular Army, or wherever it suits them to take up positions."

"Before I sit down I should like to assure my friend the Hon'ble Mr. Sastri how much I appreciate the kindly spirit in which he criticised this Bill. I am not quite certain—I would suggest that Army Headquarters might be able to explain it to him—whether he appreciates the difference between a local corps of volunteers, who are men trained at odd times and for very short periods, and the proposed second-line Army which would be moulded so as to form part, eventually, of the Regular Army. For that purpose, the discipline must be stricter, and it must conform to what is required in the Regular

THE INDIAN TERRITORIAL FORCE BILL; THE ALIGARH 79  
MUSLIM UNIVERSITY BILL.

[27TH AUGUST, 1920]

[His Excellency the Commander-in-Chief; The Vice-President; Mr. Shafi.]

Army. We could not differentiate between second-line troops and the Regular Army. If it is to be an Army which can at short notice be expanded and trained so as to take its position alongside the Regular Army, then its traditions of training will have to be the same,—the traditions, the discipline and the military doctrine must be the same. But in respect to other details, whatever is brought forward by Hon'ble Members will be sympathetically considered, not only by the Government of India and Army Headquarters, but if it is the desire of the Council that the Bill should be considered this session, then after what is the prescribed period—probably my Hon'ble friend knows better what it is than I do—I think it is a fortnight—the Select Committee, on which will be appointed representative members of this Council, will consider all the details which my Hon'ble friend advocates. I can assure him I have read the pamphlet by the gentleman of Madras to which he referred, and I regret the shortcomings it mentions very much; but I don't suppose it is quite appreciated how extremely short we were of everybody and everything during the war, especially of officers and others who are experts at bringing men together and appreciating local requirements. I am extremely sorry that there was any hardship, and certainly if this Bill comes into operation I hope we shall profit by the mistakes we have made in the past and be more successful in the future.

“In respect of the Esher Committee, the position is this: we have asked the authorities in England that the Report of that Committee should be published.

“With these few observations I will now resume my seat. Sir, I don't quite know what the situation is: I suppose my position is now to ask leave to introduce the Bill and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published.”

**The Hon'ble the Vice-President:**—“I shall first have to put the motion for leave to introduce; after that, Your Excellency will have another opportunity to move on the introduction of the Bill.”

**His Excellency the Commander-in-Chief:**—“Well, with the concluding observations I have just made I move for leave to introduce the Bill.”

The motion was put and agreed to.

**His Excellency the Commander-in-Chief:**—“Sir, I beg to introduce the Bill and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English.”

The motion was put and agreed to.

The Council adjourned till 3 p.m.

### THE ALIGARH MUSLIM UNIVERSITY BILL.

**The Hon'ble Mr. Shafi:**—“Sir, I beg to introduce the Bill to establish and incorporate a teaching and residential Muslim University at Aligarh, and to move that the Bill be referred to a Select Committee consisting of the Hon'ble Sir George Lowndes, the Hon'ble Sir William Marris, the Hon'ble Raja of Mahmudabad, the Hon'ble Mr. Sharp, the Hon'ble Mr. Asad Ali, the Hon'ble Khan Sahib Shah Nawaz Bhutto, the Hon'ble Nawab Nawab Ali Chaudhuri, the Hon'ble Mr. Richey, the Hon'ble Mr. Hopkins, the Hon'ble Mr. Mahomed Ali and the mover, with instructions to report on or before the 9th September 1920.

“Sir, having, after a careful study of the Indian political conditions, arrived at the conclusion that the backwardness of his community was due to their neglect of modern education, that self-less patriot, the late Sir Sayed Ahmad Khan, organized a committee to devise means for the educational regeneration of Indian Mussalman. This devoted band of Muslim workers held a series of meetings, the last of which took place on 15th April 1872, in which it was decided to establish a Muhammadan College, and, on 12th

[Mr. Shafi.]

[27TH AUGUST, 1920.]

May that year, a society-called 'The Muhammedan Anglo-Oriental College Fund Committee' was started for collecting subscriptions for the realization of that end. The result of their patriotic activities was the establishment of a school, the opening ceremony of which took place in 1875 on the birth-day of Her Late Majesty Queen Victoria, i.e., 24th May, the school classes being actually started on the 1st June. His Excellency the Earl of Northbrook, who was then at the helm of the Indian Government, demonstrated his generous interest in the welfare of that infant institution by subscribing a sum of Rs. 10,000 from his own pocket towards the fund. In 1876, High School classes were opened and on 8th January 1877 His Excellency Lord Lytton visited Aligarh and laid the foundation-stone of the College which, in due course, was destined to become the centre of the Muslim educational movement in India. The Address, which was presented to Lord Lytton on that occasion, contained the following passage, clearly descriptive of the ultimate aim which the great founder of this institution had in view from the very beginning :—

"And looking at the difficulties which stood in our way; and the success which has already been achieved we do not doubt that we shall continue to receive, even in larger measure, both from the English Government and from our own countrymen, that liberal support which has furthered our scheme, so that from the seed which we sow to-day there may spring up a mighty tree whose branches, like those of the Banyan of the soil, shall in their turn strike firm roots into the earth and themselves send forth new and vigorous saplings; that this College may expand into a University whose sons shall go forth throughout the length and breadth of the land to preach the gospel of free enquiry, of large-hearted toleration, and of pure morality."

"Sir, those of us who have had the privilege of sitting at the feet of that great man know full well the deep faith which Sir Sayed Ahmad Khan placed in the residential system. Being a student of ancient Muslim History, he knew that the great Universities of Baghdad and Cordova, which shed the light of culture far and wide, were founded on that very system. He had, with his own eyes, seen its benefits in Oxford and Cambridge. The residential system, therefore, was the principal feature of the Aligarh College from the very days of its birth. Indeed, it is but a truism to say that this College was the pioneer of the residential system in this country. Moreover, he was convinced that, in order to bring into existence another Oxford or Cambridge in India, it was essential that the staff of the new institution should include some of the best products of those Universities. Firm in his belief that the future destinies of his country and of his community were bound up with those of the British Empire, he had implicit faith in Indo-British co-operation. The result of these profound convictions on his part was that where he secured for the Aligarh College a number of Muhammedan Professors, he, at the same time, had a Theodore Beck at its head, a Theodore Morrison and an Arnold, a Walter Raleigh and a Harold Cox, and a Chakravarti on its staff. It is not my purpose to-day to occupy the Council with even a brief account of the development of this Institution. It is, however, interesting to note that the first graduate of this Muhammedan College was a Hindu gentleman of the name of Eshri Prashad Sahib who rose to be an Executive Engineer in the Central Provinces; and, my friend the Hon'ble Sayed Muhammad Ali, now the elected Secretary of the Board of Trustees and of the Muslim University Association, whom I have great pleasure in welcoming to this Council, was one of its earliest graduates, having taken his Degree in 1886. Before the death of its founder on 27th March 1896, the Aligarh College had come to occupy a position of its own in the educational world of India. At the end of that year, the Muhammedan Educational Conference was held at Lahore and at that Conference the scheme for the establishment of a Muslim University was unfolded to the public and it evoked an enthusiastic response from all parts of India. The first step, however, was to make up the heavy financial loss which this Institution had had to bear owing to certain embezzlements of its funds. Meanwhile, the movement for the establishment of a Muslim University continued to gather strength. Resolutions in that behalf were carried at several meetings of the All-India Muhammedan Educational Conference; and, finally, having ascertained informally that in addition to the then existing valuable assets of the College, a large endowment fund would be required as a guarantee of its stability before Government would agree to the establishment of a Muslim University, His Highness the Aga Khan took the lead and headed a deputation which, early in the year 1911, visited the

[27TH AUGUST, 1920.]

[Mr. Shaif.]

various Indian centres in order to collect the necessary endowment fund. Such was the generous response of the Muslim community throughout India, that within a few months the deputation secured realization or promises for the necessary fund of 30 lakhs of rupees. To carry on negotiations with the Government on behalf of the community, a Muslim University Association was organized with my friend the Hon'ble Raja Sir Muhammad Ali Muhammad Khan of Mahmoodabad as its President.

"On the 10th June 1911, the Government of India communicated to the Secretary of State the desire of the Muslim community and recommended that sanction might be given to the establishment of a Teaching University at Aligarh. The Secretary of State, on the 18th July, approved the principle of the establishment of such a University, subject to reservation of adequate control and provision of adequate funds; and, while reserving his own freedom of action, sanctioned the proposed negotiations with the Association. The Press Communiqué, announcing this decision, was issued on the 2nd August. The result of these negotiations was a despatch from the Government of India to the Right Hon'ble the Secretary of State in the month of November of that year, embodying the various provisions of the scheme which had been settled between the Government of India and the Muslim University Association. After describing the outlines of the scheme, the Government of India, in the final paragraph of that Despatch, observed as follows:—

'Such in outline is the scheme which we recommend to Your Lordship. It represents the result of considerable discussion and of somewhat long negotiations. The spirit that has animated both parties to the negotiations has, we are glad to be able to inform Your Lordship, been excellent and we trust that Your Lordship in sanctioning a University at Aligarh will share the hope, which we confidently entertain, that this new and interesting educational experiment supported by the confidence of the Government and the Muhammedan community will be the source of enlightenment and prosperity to that community and will fitly crown and carry on the noble work and the lofty hopes of Sir Sayed Ahmad Khan.'

"The Secretary of State for India, in his Despatch of February 1912, while expressing his cordial sympathy with the movement for the institution of a University at Aligarh, insisted on certain alterations in the draft scheme and expressed an earnest hope that the said alterations in the draft will not lead to any insuperable difficulty in arriving at a final agreement between the Government and the promoters of the movement. The decision of the Secretary of State was communicated to the Muslim University Association by the Hon'ble Sir Harcourt Butler, the then Education Member, in a demi-official letter addressed to the Hon'ble Raja of Mahmoodabad on 9th August 1912. But the scheme which had hitherto progressed smoothly, at this point encountered obstacles on which it is not now necessary for me to dwell. Meanwhile, the Hindu leaders, who too had, in their turn, approached the Government of India with a scheme for the establishment of a Hindu University at Benares, guided by that practical spirit which is one of their characteristics, accepted the conditions laid down by the Secretary of State, with the result that a Bill for the establishment of the Benares University was prepared and, after having passed through the Imperial Legislative Council, received the assent of the Governor General on the 1st October 1915. An undertaking was at that time given by Government to the Hindu leaders that the University to be granted to the Muslim community would also be on the lines of the Hindu University Act. This position was clearly explained to the Muslim leaders, and the Government of India have all along been ready and willing to act up to that undertaking. But, as the Arabic proverb says: '*Kull-o-shayan marhoonin ba auqate ha'*' (all things happen at the appointed time), the controversy in Muslim circles about certain questions connected with the scheme continued to take varying turns until the middle of last year when wiser counsels began to prevail and public opinion amongst the Indian Mussalmans took a happier turn. From August 1919 till the end of November, Muslim representatives belonging to the various Indian provinces, having pressed for speedy legislation, the Government of India, towards the beginning of December last, invited the attention of the United Provinces Government to certain points which had, till then, been left unsettled, and asked for an early communication of their views. Negotiations between certain leaders of the

[Mr. Shafi.]

[27TH AUGUST, 1920.]

Muslim University Association and His Honour Sir Harcourt Butler, and subsequently between an accredited Deputation of the Muslim University Association and the Department of Education in the Government of India on the one hand, and between the two Governments on the other, have finally resulted in the preparation of the Muslim University Bill which, with the previous sanction of the Secretary of State, was published in the Gazette of India, dated the 31st July last, and has now been introduced in this Council.

" Sir, it is unnecessary for me to take Hon'ble Members through the various provisions of this Bill. Having had ample opportunity of studying its provisions since its publication, I have no doubt, they have made themselves familiar with the scheme as embodied therein. The Bill is, in its essentials, founded on the Benares Hindu University Act. But, since the passing of that enactment, two events of the utmost importance have taken place, which have, very naturally, necessitated certain modifications in the frame-work of the present scheme. The Chelmsford-Montagu Scheme of Reforms, as embodied in the Government of India Act of 1919, has brought about material change in the functions to be hereafter discharged by the Imperial and Provincial Governments; and certain of the recommendations of the Calcutta University Commission, which have already been accepted by the Government of India as well as by this Council and embodied in the Dacca University Act, have introduced new and important features in the constitution of our Unitary Teaching and Residential Universities, such as the Aligarh Muslim University is intended to be.

" Hon'ble Members are aware that Education, including University Education, has, in the past, been a provincial subject. Legislation regarding the Benares University was framed in consonance with that state of things and all official control, in consequence, reserved to the Provincial Government. Recognizing the all-India character of the Benares and Aligarh Universities, the Rules framed under the new Government of India Act have now proposed that these two Universities should be a central subject and the responsibility in connection therewith will, henceforward, rest on the shoulders of the Government of India. At the same time, the Calcutta University Commission have commended the foundation of Universities of the unitary, teaching and residential type and have proposed that Universities generally should possess greater autonomy in the administration of their internal affairs than has been the case hitherto. As a necessary consequence of this constitutional development and of change of policy, various modified provisions have been introduced in this Bill which, I venture to think, constitute what will be recognized by Hon'ble Members as distinct improvements. In forming their own judgment regarding this claim, I would ask Hon'ble Members to bear three fundamental and, in my humble judgment, indisputable principles in mind. In the first place, no Government—be it purely British, exclusively Indian or a combination of both—can reasonably be expected to deprive itself absolutely of all control over education. The real test of the liberal character of a measure like this lies in the nature of the agency and extent of control proposed to be exercised. In the second place, in the new conditions upon which India is now entering, official control no longer means what it did in the year 1915. With the introduction of a popular Indian element, in the Provincial as well as Imperial Government, official control will, in the future, have an entirely different meaning. In the third place, the substitution of control by a constitutional authority consisting of a number of persons for individual authority is, on the face of it, a step in the right direction.

" A glance at Sections 6 (2), 17 (5), 18 (5) and Statutes 8 (1), 10 (1) and 19 (1) of the Benares Hindu University Act will make it clear to Hon'ble Members that the Visitor, i.e., the Lieutenant-Governor of the United Provinces, is the main agency of control in the case of the Benares University. In the present Bill, in consonance with the central nature of the subject, much of that control is transferred to the Governor General in Council—an authority which, under the Government of India Act, will, henceforward, include three Indian Members. Under the Benares Hindu University Act, all new Statutes or additions to Statutes or amendments or repeals to Statutes other than those providing for the instruction of Hindu students in Hindu religion, require the



[27th AUGUST, 1920.]

[Mr. Shafi.]

previous approval of the Lieutenant Governor who may sanction, disallow or remit for further consideration, except Statutes affecting the constitution of the University authorities which require the previous sanction of the Governor General in Council : in this Bill, that power is proposed to be vested in the Governor General in Council. Moreover, the Governor General in Council will, when exercising the power so vested in him, have before him the opinion of the Visiting Board which will include the Ministers, one of whom will himself be in charge of education, so that the Government of India will be in possession of the views of this popular authority when exercising their own powers in this connection. Similar arrangements are also proposed with reference to Ordinances. And, though it has been considered advisable to reproduce in the present Bill the provision contained in the Benares Act giving certain powers of supervision to the provincial authority in order to secure that the proceedings of the University shall be in conformity with law, the agency even for the exercise of this power is changed from the Lieutenant-Governor to the Visiting Body. Election of successors to the first Vice-Chancellor is subject to approval by the Lieutenant-Governor under the Benares Act ; while, in the present Bill, such election is made subject to the approval of the Governor General in Council. In the Benares Act, the Senate consists of 50 members, of whom 5 members are nominated by the Lieutenant-Governor. In the case of the Aligarh University, the corresponding body, to be called the Academic Council, will consist of 30 members, of whom 2 only shall be nominated not by the Lieutenant-Governor but by the Visiting Board constituted in the manner I have just described. Hon'ble Members will thus see that this brief comparison between the two agencies of control in the case of the two Universities constitutes sufficient indication of the liberal character of the present Bill.

"Turning now to the extent of official control provided for in the case of the two Universities. A comparison between the provisions of Section 19 of the Benares Act and Clause 13 of the present Bill will make it perfectly clear to Hon'ble Members that the law in this respect has, generally speaking, been brought into line with the provisions of the Dacca University Act and constitutes a substantial improvement upon the Benares Act.

"Apart from the provisions of the Bill relating to official control, it may be pointed out that the proposed University will, following the example of the Dacca Act, be a unitary teaching and residential University, and the stage of admission to the University will be the Intermediate Standard instead of the Matriculation,—the University, however, having the power to establish Intermediate Colleges and Schools of its own at Aligarh. Instead of Faculties as in the Benares Act, there will be Departments of Studies in the new University. The Pro-Vice-Chancellor, according to the Bill as at present drafted, will, at Aligarh be an academic and not, as at Benares, an administrative officer. In the matter of appointments to the teaching staff, the action of the Executive Council will be subject to the general control of the Court. The conditions of service will be improved by insistence on written contracts and the establishment of a Tribunal to adjudicate cases of dispute as in the Dacca Act, as well as by the institution of a Provident or a Pension Fund. Moreover, a useful provision has been added for the institution of a Tribunal to settle cases of dispute as to what is an administrative and what an academic question.

"There are other matters of more or less secondary importance in which there are differences between the Benares Act and the present Bill, but I do not propose to weary the Council by referring to them in detail. A careful consideration of those I have just described will, I venture to think, convince Hon'ble Members of the improvements which, in consonance with the new conditions and in pursuance of the policy laid down by the Calcutta University Commission, the Government of India have introduced in the constitution of the new University.

"Sir, I do not claim that the Bill placed before Hon'ble Members is a perfect measure. Following the wishes of the deputations which discussed the Bill with us, certain characteristics have been introduced calculated to reproduce features of the existing constitution of the Muhammadan Anglo-Oriental College.

[*Mr. Shafi; Khan Bahadur Mir Asad Ali Khan.*]

[27TH AUGUST, 1920.]

It is questionable whether these features, suitable as they may be to a College, are suitable to a University. Again, certain points have arisen since the deputation of March last placed its draft Bill before us. These are new points which have arisen in the course of drafting and the Government of India are not certain of the wishes of the community upon them. These two classes of points will have to be further discussed in Select Committee. What I have mainly spoken about now is the provision for Government control—a subject which, though not the most important element in a measure of this sort, always evokes an almost undue measure of interest.

“In conclusion, I have great pleasure in announcing that, should the authorities of the Benares University so desire, the Government of India will be prepared to take steps to amend the Benares Act on the lines of the Aligarh Bill. Hon'ble Members will also be glad to hear that the Government of India hope to be able to give substantial financial assistance to the proposed Muslim University in order to mark their own good-will towards an institution which they earnestly hope will be a source of immense benefit to the India Mussalmans.”

5-30 P.M.

**The Hon'ble Khan Bahadur Mir Asad Ali Khan** :—“Sir, in heartily welcoming the Bill to establish and incorporate a teaching and residential Muslim University at Aligarh, I may be permitted to offer both on behalf of the Muslim community of the Southern Presidency and on my own behalf our heart-felt congratulations to the Government of India and to the Hon'ble Member in charge of Education upon the maturity of the scheme. Though we were first in the field in launching out a scheme for a teaching and residential University on denominational lines, our sister community which started much later the Benares scheme achieved their object much sooner than we ourselves. But the long delay in our case has only succeeded in giving us a better Bill to-day than what was originally anticipated. While at this stage I do not propose to enter into the details of the Bill, some of which no doubt require modification, I feel confident that the Select Committee on the Bill will render justice to legitimate Muslim claims.

“By the introduction of this Bill we are adding to-day one more University of a teaching and residential type. University education on modern lines will prove to be a great boon to the Indian Muslim community. The Aligarh University, when it is ushered into existence, will undoubtedly be an epoch-making event in the history of the progress of Indian Muslim education. With the door of universal knowledge wide open to Muslim young men in a University of their own, the intellectual progress of the Muslim community is assured. With the imparting of Muslim religious education to Muslim young men and the direct encouragement of Oriental and Islamic studies, their moral and spiritual progress is assured. In one important respect the proposed University at Aligarh will differ from the existing Universities of a teaching and residential type in that it will not, as recommended by the Calcutta University Commission, include intermediate classes. So greater concentration will be given to the development of the cultural side of higher liberal education.

“While a few years ago the Hindu University Bill was introduced by a Hindu Member, the Muslim University Bill is now introduced by a Muslim Member in charge of the same portfolio. When he lays down the reins of office, the Hon'ble Mr. Mian Muhammad Shafi may well be proud of two great achievements in his high official life, namely, the introduction of the Dacca University Bill and of the Aligarh University Bill. Notwithstanding their divided attention between the Khilafat movement and the non-co-operation scheme, Mussalmans all over India will have cause to rejoice at the introduction of this timely measure, which is fraught with incalculable good to the community. Let me hope and trust that in the proposed University at Aligarh, the East and the West will meet together, as they never did before, and that a healthy combination of the best elements in the two cultures will produce a new race of intellectual Muhammadans who will be the pride of their adopted country and the glory of Islam.

“With these words, Sir, I accord my heartiest support to the introduction of the Bill before the Council.”

[27TH AUGUST, 1920.]

[Sir D. P. Sarbadhikari.]

**The Hon'ble Sir D. P. Sarbadhikari** :—“ Sir, I congratulate my Muslim fellow subjects upon ‘the appointed time’ having arrived, upon the approaching materialisation of an educational organisation of their own for which they have long been waiting. I rejoice that their old differences are finally at rest and that the cause for advancement of which Sir Syed Ahmad lived and died, is at last about to triumph. It is no use regretting now that the achievement was deferred and that it might have been earlier, and on better terms. 3-25 1921

“ His Exalted Highness of Hyderabad has set the example in the south and Muhammadans of the north cannot be long in following. Frankly speaking I have never been wholly in favour of what has come to be called a denominational University, for I do not believe in what the well-known Bengal adage calls ‘the golden stone cup.’ A broader outlook of education than would be implied by a purely denominational institution may well be demanded in the university stage if it is to be really an ‘University’ and it was not without struggle and sacrifice that this came to be realised and recognised in Europe only in recent times. When however denominational Universities came to be deemed and conceded as necessary for communal requirements, it became the duty of everyone loyal to education to merge their differences and to co-operate for the stability and efficacy of the new class of institutions. When therefore Lord Hardinge laid the foundation-stone of the Benares University Buildings which are now going up, I was charged by my University to convey, as Vice-Chancellor, a special message of good-will and felicitation which was alike my privilege and delight to deliver ; and I have been trying ever since in my small and humble way to do what is possible for its advancement, as a member of the Court and the Council. It was my privilege also to send an equally hearty message of welcome and felicitation on behalf of my University to Patna. I mention this, Sir, to show that the parent University has never been jealous of multiplication on sound lines, and I have no doubt that my successor in office will do the same to Dacca and Aligarh as evidence of the gratification that the University feels in ramification of branches of useful work in territories which have been so long her proud privilege to administer, than which there can be no more eloquent testimony of the value of her pioneer work under great difficulties. From Peshawar to Prome, with Nagpur and Ceylon down south thrown in, it was the jurisdiction of my Alma Mater when I matriculated, and from a Matriculate to Vice-Chancellor it has been my equally proud privilege to see healthy daughters of the great mother grow up in Lahore, Allahabad, Benares, Patna and Dacca and last but not the least, at Aligarh. To Sir Harcourt Butler, late Education Member of the Government of India, and a worthy scion of a worthy family of Educationalists some of whose hearty hospitality at Cambridge and Harrow I had the honour of enjoying, will soon have the unique record of having four Universities in the Province over which he rules ; and Agra and Cawnpore may soon claim and succeed. The Aligarh University might have come into existence, as the Hon'ble Member in Charge has pointed out, earlier, and certainly at the same time as her sister at Benares ; but what has been lost in time I hope will be made up in merit and efficiency.

“ The Aligarh University will comē into existencē at a time of great excitement and upheaval of public feeling and to it one may look for furnishing one of the enlightening agencies of the day for quietening down things. One cannot help congratulating oneself that the University will come into existence when good feeling among Hindus and Muhammadans is once more restored and we verily hope and believe is broad based for all time. At such a time one would have thought, Sir, that a broader and more Catholic outlook would be possible and that it would not be necessary to enact that no non-Muslim shall be a Member of the Court of the University, which, fortunately is prepared to admit non-Muslims as students, teachers, donors, patrons and members of the different other authorities detailed in the Bill. There may have been a precedent in favour of this needless exclusiveness ; but what may have been considered necessary in the past with regard to Hindu Benares can hardly in the spirit of the times, now be suitable for Muslim Aligarh. There are various considerations that arise on a detailed examination of these parts of the provisions of this Bill, which I shall have no time to go into, but I should like to

[Sir D. P. Sarbadhikari.]

[27TH AUGUST, 1920.]

urge one plea and that is that for critical methods of the study of oriental languages—particularly Arabic and Persian—we have now to go to non-Muslim Europe and America. Muslim teachers kept the torch of learning burning in the European dark ages and it is but meet and proper that grateful Europe should be yielding back with interest the riches of the past, of which they have proved worthy custodians.

“ I question the desirability of excluding from the supreme authority of the University non-Muslims who, on account of their necessarily small number, can do no harm but who, as experts or persons interested in Islamic studies and advancement, can do some good. And the strangeness of the situation would be intensified by a non-Muslim Lord Rector or Visiting Board dominating the Court from which non-Muslims are excluded. Non-Muslims have however not been excluded from the Select Committee, though on the questionable Benares precedent again, and by a reverse process—somewhat on the analogy of the Hindu using one side of the plantain leaf for his plate while the Muslim uses the other—the Hindu has here been excluded. I hope the non-Muslim Members of the Select Committee will be able to see some of the points of view that I am trying to put, and set matters right.

“ Not merely my general interest in education, but my keen and special interest in Muhammadan education throughout, compels me to draw attention to a few matters of seeming detail, but which really involve more or less important questions of principle. Since the work of pioneer workers like Nawab Bahadur Abdul Latif came to an end, it has been my privilege in Bengal to press and plead for the advancement of Muhammadan education on special lines. But I have never been able to persuade myself that however much special treatment may be necessary in the lower stages for the time being, at the University stage special treatment of a marked character is necessary or desirable, for the Muhammadan left to himself does as well as any other student. I believe, Sir, that rough contact with outside elements is essential and nothing can be more hurtful in the domain of education than self-contained and self-contented exclusiveness, as has been proved alike in the east and the west. Sheltered and protected existence does not spell for strength, either in the educational or any other world, nor water-tight communal compartments. The advancement of India, and not merely of any particular community or province, must be the objective, as really conducive to strength; and anything that tends to the contrary is bound to be hurtful in the end.

“ It is such an India, without whose active co-operation the world's advancement, scientific or otherwise, as Sir Jagadish Chunder Bose has been telling the convinced scientists in Paris would be impossible. And, in order that the crescograph of the future, recording growth of the kind that I indicate, with its novel shock-absorbing apparatus, may behave magnificently, as Sir Jagadish's invention did at the recent Paris Conference, the inventor must be prepared for, nay invite, as Sir Jagadish did, all the scientific and unscientific thumping and jumping on the floor of the laboratory that honest criticism or dishonest obstructiveness may be able to devise or imagine.

“ I cannot therefore agree with some of my friends who have spoken to me since I came to Simla that the non-Muslim need not interest himself much in what has been practically agreed upon by representatives of Muslim interests, for it is none of the non-Muslim's affair. This is a kind of detachment not of the holy *Nishkama* order that our sacred books teach, but is more the result of pique and irritation, that is much to be deprecated. It is our duty to make submissions, the rest is in the hands of the Council to which we can but appeal.

“ The first thing that strikes one is the complex nature of the machinery, though I am free to admit, as has been pointed out by the Hon'ble Member in charge of the Bill, that there is an advance on the Benares machinery. There may be safeguards in this complexity which I have probably insufficiently understood, but judging by the Benares experiences one may well apprehend whether the machinery at Aligarh, which still continues to be complex, will not interfere with quick, effective and sound work. We miss of course the familiar Senate, Faculty, Syndicate and Board of Studies which have done good work elsewhere, but the new machinery under a different name will probably answer

[27TH AUGUST, 1920.]

[Sir D. P. Sorbadhikari.]

as well. The Committee of Appointment here is not the complex and Board of Appointment at Benares or the Dacca Committee of Selection in the United Kingdom, for the matter of that. But it has not been laid down clearly whether the Executive Council is limited to the appointments recommended by the Committee or whether it has independent judgment and initiative. This has led to serious questions of interpretation in Benares to my certain knowledge and should be made clear. Certain useful powers have not been taken, the lack of which has been practically felt at Calcutta and Benares. When in Calcutta we wanted to start a sort of Employment Bureau, such as there is in Universities abroad, for the benefit of their *alumni*, whom the bread and butter question must always sorely exercise. Objection was taken on the ground of legality and the objection was upheld by the Advocate-General of Bengal, Mr. Gibbons, and Mr. Langford James. Similar questions arose in regard to matters like drill, physical education, contribution to the Calcutta University Corps Fund, and so on, regarding which it was found that the University had no legal powers. In Benares again, when they wanted to contract with the Electric Corporation of the city for supply of power, which would enable them to have a more efficient and profitable workshop, doubts and difficulties were raised which, I believe, have not yet been set at rest. Though clause 19 of the draft Statutes speaks of the possibility of the addition of Departments, it will be open to doubt whether a Department of Study like Agriculture, Commerce or Indigenous Medicine, which may well be added, can be added without special power being taken. Similar objections will not apply to Technology, for it is distinctly mentioned in the Bill, though prominence, to it has not been given in clause 19 of the Statute. One should have expected that in these days of advancing industrial progress, that should have been done. It would certainly be a much more necessary and desirable addition to the present working list than Law, which may be left to existing institutions.

“ While on the subject of Departments of Studies, it may well be considered whether English Language and Literature may not be bracketted together, and whether subjects like Botany and Zoology and Persian and Urdu may not be separated, and whether Islamic Theology outside the great but general *Sunni* and *Shia* schools—the *Sufi* and *Bahai*, for example—may not also receive attention.

“ The time at my disposal will not permit me examining even cursorily many of the technical matters of importance that can be dealt with only in Select Committee or later on by amendments. I must content myself with drawing attention to some of the more outstanding matters such as the large and almost concurrent powers of the Lord Rector and the Visiting Board for which great merit has been claimed, I think with some justice, by the Hon'ble Member in charge of the Bill.

“ I would draw attention also to the comparatively unimportant part assigned to the Court, and the large powers of the Governor General in Council in addition to those of the Lord Rector and the Visiting Board. I would also comment upon the absence of the Pro-Vice-Chancellor from the Court, although under present arrangements he will be an academic officer and not a mere administrative officer. I would also draw attention to the want of definition in the powers and functions of the Convener, absence of provision for supervision of hostels when halls become insufficient for residential purposes, as I sincerely hope they will soon be. I would also draw attention to the want of provision for supervision of schools and intermediate colleges, in addition to those maintained by the University. And here, Sir, in passing I desire to say one word about intermediate colleges. Although in a place like Aligarh, which is just growing or Dacca, which has been created, the absence of intermediate colleges may be tolerated, it will not be tolerated in places where they have grown and are an integral part of the University. A very thin partition indeed divides intermediate colleges from the University colleges at Aligarh, for they are for all practical purposes part of the same integral unit. The Vice-Chancellor here is not a whole-time officer, yet he gets an allowance; but he has to reside at Aligarh and to get himself elected or re-elected—a somewhat strange situation and certainly a departure from what we have been accustomed to. The Court has no power of initiative about statutes, nor of amendment and the Visiting Board or any of its members may make orders without the safeguard of the

[27th AUGUST, 1920.]

[Sir D. P. Sarbadhikari.]

the University being represented on the enquiry, as in the case of an enquiry at the instance of the Lord Rector. It makes its orders first and practically calls upon the University to show cause afterwards. Then, Sir, the Court has no control with regard to framing or working of regulations; the Vice-Chancellor has nothing to do with them. When there is a difference of opinion between the Executive and the Academic Council, the Visiting Board appoints the tribunal and not the Court. The Arbitration Board I think will do exceedingly good work, but the Executive Council has also been given concurrent jurisdiction with regard to the redress of 'grievances,' and I miss the much needed Board of co-ordination which has found place in the Dacca Bill, which I think would be very useful to have here.

"Then considering the magnitude of the Court, the Executive Council consists only of 18 members, of whom only 10 really represent the various interests out of the possible 250 members who may in time constitute the Court. Not knowing the status and constitution of the Old Boys' Association, I speak with diffidence regarding its large powers of representation and I do not know to what extent and for what length of time that will be retained.

"I recognise, I repeat, that on the Benares scheme there has been considerable advancement which I appreciate. I thank the Hon'ble Member-in-charge for his announcement that the Benares Act may be amended on Aligarh lines, but a good deal more will be needed. It is impossible to say that with all the treble safeguards that have been provided for Aligarh, local self-government in University matters will be considerably fostered by the by no means Lilliputian strings of bondage that have been piled up in the Bill. One feels hesitation of course in criticising the swaddling-clothes and leading strings, not knowing the history and not knowing to what extent Government stands committed to them, or what understanding has been arrived at. But this piling up of Government powers is certainly not in accordance with the recommendations of the Sadler Commission in their broader aspects or of the Montagu-Chelmsford scheme, both of which have been mentioned by the Hon'ble Member. I can only hope, Sir, that the Aligarh University which is about to be set on its feet will survive all this paraphernalia and will grow from more to more in spite of them. The great thing, I recognise, is to give it its long delayed start and in spite of all seeming handicap we wish it Godspeed. I am quite at one with the Hon'ble Mr. Asad Ali Khan and our hearty congratulations and felicitations must go forth to the Hon'ble Mr. Shafi that it should have been given to him to give this start to his fellow-religionists, for which they were so long waiting.

"From what one can make out about the Department of Islamic and Oriental Studies in the Punjab University, the expectations raised there have not been fulfilled. The Hyderabad University, which has Urdu for its medium of instruction, is a novel experiment which will be watched with anxiety and interest in and outside the premier Indian State. The burden and obligations on Aligarh, as it is being constituted, will be great, and Islamic studies must be one of its strong features.

"These studies on modern lines are now claiming and having large attention in all Universities, not from the merely Moslem point of view but also from the broader point of view of culture and practical politics. I claim for my University that we have taken some effective first steps and Professor Khuda Bux has been doing useful work in this direction, of which the latest instalment is just before the public. He speaks of the political and social questions which arose in, agitated and wrecked the Moslem Empire. He speaks of the strength and weakness of Islam, pays a tribute to its inherent religious force, and vitality—a hope and a prophecy. He speaks of the political history of Islam as the history of shattered ideals of the system founded by the Prophet and maintained by his successors—a system impossible of complete realisation or of long endurance in a world of imperfect conditions. He speaks of the slow and steady decline and eventual disappearance of that purely ideal system of love, brotherhood and equality, inaugurated by the genius of the Prophet and sustained by the unswerving loyalty of his two successors. And the learned Islamic Professor's one hope is 'that the outlook on questions Islamic should be enlarged', for as he truly observes 'there is no greater need of the times than mutual understanding and mutual sympathy, a larger outlook and broader toleration'. May not,

[27TH AUGUST, 1920.]

[*Sir D. P. Sarbadhikari; Mr. S. N. Banerjea.*]

therefore, narrow minded exclusiveness give way to some of the breadth of outlook for which Professor Khuda Bux so eloquently pleads? For in Goethe's words, that he quotes—

“Delight, pleasure and sympathy alone call for reality: all else is empty and vain.”

“Sir, His Majesty the King Emperor in speaking recently of the high value he attaches to national Universities (such as the Aligarh University is going to be) refers to the strong hold that it is necessary for them to have upon the imagination of the people. ‘Where there is no vision, the people perish’, reminded His Majesty his Swansea audience and when he did so he did not raise the laughter that I see on the other side of the house. He reminded them that the future prosperity, nay, existence of commerce and industry would depend upon the high standard of training and intelligence in all who direct University operations, for the race now is to the highly trained and the battle to the well equipped. At the same time His Majesty deprecated the neglect of what are known as Art subjects, forming so important a part of liberal education, from a plethora of which India is supposed to suffer. And he appealed for not only throwing the doors of the University wide but also for help in bringing new opportunities for serious studies to the very doors of the people, as a safeguard against the danger of one sided and material outlook, as a preparation for life and an enlargement of human spirit,—with minds attuned to high ideals open to the rich and varied interest of modern life—and steadfastly set towards the service of one's fellows.”

“Conceived and worked in this spirit, and not with a mere over-abundance of brake-power, will the latter-day reagents for human development and progress—our educational institutions—such as the new University I hope will be,—yield the solution for evolving the promised Spacious Day, for which His Excellency the Viceroy and Mr. Montagu have been so loyally, and so thoroughly, working in the past?”

**The Hon'ble Mr. Surendra Nath Banerjea.**—“Sir, speaking as a representative of the Hindu community we desire to welcome the Bill which has been introduced and also to congratulate the Hon'ble Member in charge of it on the admirable speech which he has made in introducing it. That, I think, represents the attitude of the Hindu community. This University it to be a unitary and residential University, and it is to represent an advance upon the type of Universities, which has been established in Dacca and in Benares. All that is welcome, not only from the Muslim, but also from the general and the larger stand-point. Sir, having listened to the very elaborate, the careful, the exhaustive criticism of my friend behind me—Dr. Sarbadhikari, it strikes me that his name should be added to the Select Committee, and with the consent and approval of my Hon'ble friend in charge I venture to move that as an amendment subject to your approval, Sir. I know the difficulty that stands in my way. There is a precedent against it, but, Sir, may I remind this Council that we are advancing, broadening from precedent to precedent. Yes, there is that precedent which will exclude my Hon'ble friend, but who created it? We did it; and is it not open to us to alter it, to modify it, to expand it, to enlarge it, to broaden it upon the lines which we have been consistently following in this Council? We are on the eve of responsible government, of a new era. Old precedents must be modified in the light of new conditions and circumstances. I am sure my proposition meets with the assent of Muslim members of this Council, and I trust it will meet with the approval of my Hon'ble friend in charge of the Bill. We are very fortunate in having an ex-Vice-Chancellor as a member of this Council; and having him here I think we ought to take the fullest advantage of his presence. He has favoured us with an elaborate, and exhaustive criticism of the Bill. And let me here point out a danger too. Suppose you do not have him on the Select Committee, he will move endless amendments at a later stage. Sir, is it not wise to take the gas out of him in Select Committee? There he will have an opportunity of discussing the whole matter in camera; you will exercise a restraining influence which you will never be able to exercise in this Council; and therefore looking at the matter from all points of view I trust that with the assent of our Muslim colleagues and of the Hon'ble Member in charge his name will be added to the Select Committee, and I move that as an amendment.”

[*Raja of Mahmudabad.*]

[27TH AUGUST, 1920.]

6-1 P.M.

**The Hon'ble Raja of Mahmudabad** :—“Sir, on behalf of the Muslim Community I beg leave to offer our grateful thanks to His Excellency the Viceroy and the Hon'ble Member for Education for giving to the proposal for the establishment of a Muslim University at Aligarh a tangible shape.

“Sir, ever since the days of the foundation of the Aligarh College it has been the heartfelt desire of the Muhammadan community to found a University centre which should be a source of moral and material blessings to the community. Aligarh was the first residential institution which introduced into the country the life of English public schools and it is that institution which is going to be raised to the status of a University. As early as 1911 active steps were taken for the establishment of a University. There was a wave of enthusiasm in the country and funds poured in from all directions. Meetings were convened, conferences were held and local, provincial, and all-India institutions passed resolutions year after year asking the Government for the early establishment of a University at Aligarh. The movement passed through a series of stages, and draft after draft of the constitution was prepared, but there was never a complete understanding between the promoters and the Government. The scheme at one time looked like dying. Enthusiasm gave place to despair and zeal and hope to discontent.

“Sir, since then a great deal has happened. The Benares Hindu University came into existence in 1915. The fact that the sister community did get a University but the Muhammadans who were the first in the field did not, gave the people to think. The Benares experiment has to a certain extent familiarised people with the working of a denominational University under a limited popular control. Then came the Sadler Commission's Report which changed the entire outlook as far as University education is concerned and set up ideals both as regards the administration and the academic control of Universities. Simultaneously there was His Excellency the Viceroy's well-considered Reforms Scheme and it was correctly pointed out therein that the check to the hopes entertained of a great Muhammadan University had depressed the minds of many honest Moslems to a sense of their inefficiency.

“For a time, Sir, the movement lay lifeless but the visit of Sir Harcourt Butler to Aligarh last November and the steps taken by the Education Department of the Government of India revived the lagging spirit of the promoters and infused fresh life into the movement. It is a matter of much gratification to us that the proposals for the establishment of a University at Aligarh have met with the ready sympathy and support of Sir Harcourt Butler who as Educational Member of the Government of India first gave some definite shape to the various proposals launched by the Muslim University deputation.

“Sir, this will be the second denominational University in this country. Like the great founder of the Muhammadan Anglo-Oriental College at Aligarh, who compared Hindus and Muhammadans of this country to the two eyes of a fair maiden, I am convinced that the establishment of this University would, instead of perpetuating differences between them, lead to closer and more intimate contact and to friendliness and solidarity of feeling between them which will grow from day to day. Knowledge and learning bring better mutual understanding and we trust that it will be through Universities that the highest aims of mankind will be realised. The spread of knowledge will not increase any alienation of feeling between the various communities but will bring these sister communities closer together in those bonds of friendship, goodwill and amity upon which the best prospects of Indian advancement depend. And with equal emphasis it may be said that the proper working of this University will lead to closer co-operation between the Government and the Muhammadans. It is safe to predict that the expansion of education among the Moslem community and the radiation of higher ideals from a central place like Aligarh will in the fulness of time lead to greater mutual understanding appreciation.

“It is true that in certain respects the Bill is not what it ought to be and that it is capable of improvement as has been pointed out by my most learned and Hon'ble friend, the Vice-Chancellor of the Calcutta University. A University to fulfil its highest functions must, Sir, be free and autonomous; free to develop along the lines that experience demonstrates; and autonomous



[7TH AUGUST, 1920.]

[*Raja of Mahmudabad; Saiyid Mahomed Ali.*]

in the sense that it should have the means and power to carry out what appears to its governing body the most suitable method of enlarging its utility. It is hoped that when the Bill emerges from the Select Committee it will meet with the general approval of the community."

"As regards the appointment of a Hindu member to the Select Committee as suggested by my learned friend, Dr. D. P. Sarbadhikari, the proposal has my cordial support. I should be personally delighted so have either Dr. D. P. Sarbadhikari or Hon'ble Mr. Sastri. I would appeal to the Government to consider the point."

**The Hon'ble Saiyid Mahomed Ali** :—I beg to congratulate <sup>4-12 P.M.</sup> the Government on the introduction of the Bill to-day. I also offer my cordial congratulations to the Hon'ble the Education Member for the very able speech with which he has introduced the Bill and traced the history of the movement. It has already been pointed out that the illustrious founder of the Muhammadan Anglo-Oriental College, Aligarh, from the very day of inception of the scheme for the foundation of the college had hoped to see the infant institution raised to the dignity of a great University. This will be evident from the vast scale on which the buildings were planned and designed. It is nearly ten years ago that the Muhammadans were first promised their University. Ever since the middle of the last century Aligarh has been the centre of Muhammadan hopes and the delay which occurred in the scheme assuming a material shape is deplored by every well-wisher of the Muslim Community. Various events, avoidable and unavoidable, pleasant and unpleasant, have happened in the meantime and the growing impatience during the past few years has, owing to the deferred hopes, made the heart grow sick. In the meanwhile Aligarh has not been idle. It has expanded and expanded in such a way as to make the establishment of the University easier. Already it is educating no less than 1,000 students through a staff consisting of over 40 professors including a considerable number of Western-trained men.

"A good deal is being talked about the new conceptions of University education introduced by the Sadler Commission. A University, they pointed out, must be a national organisation calculated to subserve the various and varying needs of the different communities, their cultural genius and their industries and their trades which are to be served by it. The Commission, it will be remembered, laid down three requisites as being what they called the essentials of a modern university organisation. They recommended that the universities should be unitary, teaching and residential and should include Faculties of Arts, Science, Medicine, Engineering, etc. Sir, Aligarh was the first institution in this country which followed the best residential system of the public schools of England. It has always been unitary and, under the new constitution, it is to be a uni-collegiate centralised University. As for the teaching part, up to the present we have been controlled through the pernicious system of examinations by an external body but it is hoped that on the establishment of the University, we shall control the teaching as well. It is true that at present we are starting with only two faculties but as funds become available we hope to be able to add other faculties, which we consider essential for our progress. The proposed constitution of the University has been described as a cross between the Benares and Dacca Acts. Sir, it is a matter of history that the Benares constitution was modelled on the lines of the proposed constitution for Aligarh and that the Dacca model does not introduce any new ideas except slight changes in the nomenclature.

"It may be permissible to say that ever since the first definite proposals for the University were made the whole controversy has mainly centred round two points; the extent of jurisdiction of the University and the extent of the Government control. About the former the Muslim community has felt compelled to accept the latest academic opinion that there is no room in future for an affiliating type of a University and that the best interests of education will be served by a local University. Regarding the latter, the community has reluctantly accepted the limitation of the control imposed by the Government. The Sadler Commission has pronounced in favour of autonomous Universities. The principle of academic freedom, the liberty of the university authorities to manage their own affairs, to arrange their own curricula, to promote

[*Saiyid Mahomed Ali; Sir Umar Hayat Khan; Rai Sahib Seth Nathmal.*]

[27TH AUGUST, 1920.]

students from stage to stage and, in fact, to govern the internal affairs of the University according to their own conditions is recognised everywhere and recommended for this country. The community naturally desires a large measure of independence so as to enable them to do the fullest justice to the great work in which they will be engaged: for, Sir, without real power, there can be no sense of responsibility and without responsibility there can be no efficiency. However, we have full trust in the good faith of the Government. No doubt the Bill permits a certain amount of autonomy but there are restrictions. It is hoped that as years pass the Government control will be withdrawn and the University allowed the full degree of freedom. It is a matter of gratification to feel that the delay has led to several improvements in the constitution. A reference to them has already been made by the Hon'ble Member and it is hoped that the community will fully appreciate these improvements.

"I should like to draw attention to another important point. The Muhammadans have always felt the need of secular education being supplemented by religious instruction. They have always felt that nothing can be more deplorable, more subversive of discipline, more detrimental to the development of true manhood and character than to train and educate the youth of the country in Godless education. It is therefore a matter of satisfaction that the promoters of the scheme have made religious and moral instruction the bed-rock of education. The Bill provides that students of all classes and creeds would be admitted to the University and it is hoped that the University will be a means of better mutual understanding between the various communities of the country.

"I do not propose to enter into a discussion of the provisions of the Bill. The time for it is not yet. It is hoped that the Select Committee would send back the Bill in an improved form and settle everything amicably.

"I do not think, Sir, that I need take up more time at present. I beg again to express the gratitude that I am sure all my countrymen feel towards His Excellency's Government and personally towards His Excellency and towards the Hon'ble Mr. Muhammad Shah for the introduction of the Bill in the Council."

6-19 P.M.

**The Hon'ble Sir Umar Hayat Khan** :—"Sir, as representing the Punjab Muhammadans, I welcome the Aligarh Muslim University Bill. As a large amount of money was subscribed by the Punjabees, they have passed many anxious years in watching the deadlock in getting the University scheme launched. Their own local institutions were badly in need of funds, while the money subscribed by them for the above institution was lying idle. They could neither use it for their own purposes nor utilise it for the purpose subscribed for. Had the University been established 8 or 9 years ago perhaps private subscriptions coupled with Government aid and that of various Native States would have amounted to many lakhs of rupees, apart from the benefit which would have been derived by the youth of the community. However now that the Bill has been introduced, we will soon have the University for which we have been longing. I hope we will soon have in the Punjab, a University of which we have long been thinking.

"Sir, if yesterday the date of the Council meeting was not changed, we would have had the Muslim University Bill on the 1st day. So I hope you will convey to His Excellency the thanks of all of us, especially the Muhammadan Members, for his very kindly allowing us to say our prayers and to perform our sacrifices which we have to do on the 1st day.

"Sir, when Government has been kind enough to give us a University and kind in various other ways, I was sorry to hear that some Muhammadans had murdered a British official. I hope all will join me in denouncing this dastardly crime, but I hope we will not all be alarmed at this because as somebody said in England, all these things die their natural death. Perhaps after a few hundred have been killed it will die its natural death, but I think the best thing will be to keep our slate clean even if it was broken for us."

6-23 P.M.

**The Hon'ble Rai Sahib Seth Nathmal** :—"Sir, I am afraid there is no Muhammadan representative of the Central Provinces in this Council, and I hope I shall not be going beyond my mark in offering my cordial congratulations to the Hon'ble the Education Member and welcome whole-

[27TH AUGUST, 1920.]

[*Bao Sahib Seth Nathmal; Mr. Shafi.*]

heartedly the motion before the Council that the Bill be referred to a Select Committee. I think the Muslim population of India ought to feel very grateful to the Government not only for such a measure as this, but also for the promise of financial assistance which they have just received. I hope the Muhammadan population of the Central provinces also will rejoice at the establishment of this University, and more so because the special features of this University will be the imparting of Muslim religious education to Muslims and the inclusion of departments of Islamic studies. With these words I support the motion that the Bill be referred to a Select Committee.'

**The Hon'ble Mr. Shafi:**—"Sir, I am deeply grateful to Hon'ble Members for their cordial reception of the Bill and also for their kindly references to myself in that it has fallen to my lot to introduce the Muslim University Bill in this Council to-day. I do not propose to follow my Hon'ble friend Sir Deba Prasad Sarbadhikari into the labyrinth of criticism which he has built up to-day in connection with this Bill. I will meet him in a different manner, more than half way, by agreeing to his substitution on the select committee in the place of the Hon'ble Nawab Saiyid Nawab Ali Choudhri. The Hon'ble Nawab Saiyid Nawab Ali Choudhri is absent from this session as you are, Sir, aware, and I think the best solution of the difficulty,—perhaps I am not right in calling it a difficulty—the best solution I think is to agree to the substitution of the Hon'ble Sir Deba Prasad Sarbadhikari in his place. I hope that we will derive considerable benefit by his presence on the Select Committee."

The following motion was then put and agreed to:—

"That the Bill to establish and incorporate a teaching and residential Muslim University at Aligarh be referred to a Select Committee consisting of the Hon'ble Sir George Lowndes, the Hon'ble Mr. Shafi, the Hon'ble Sir William Marris, the Hon'ble the Raja of Mahmudabad, the Hon'ble Mr. Sharp, the Hon'ble Mir Asad Ali, the Hon'ble Khan Sahib Shah Nawaz Bhutto, the Hon'ble Sir Deba Prasad Sarbadhikari, the Hon'ble Mr. Richey, the Hon'ble Mr. Hopkins, and the Hon'ble Mr. Mahomed Ali, with instructions to report on or before the 9th September 1920."

The Council adjourned to Tuesday, the 31st August, 1920,

A. P. MUDDIMAN,

SIMLA;

*Secretary to the Government of India,*

*The 9th September, 1920.*

*Legislative Department.*

**Appendix.**

*Statement showing the gross amount of customs duty collected in Bengal during the 6 years ending 1919-20.*

<u>Year,</u>		<u>Duty collected.</u>
1914-15	. . .	2,85,51,615
1915-16	. . .	2,70,86,250
1916-17	. . .	5,00,15,130
1917-18	. . .	6,89,18,416
1918-19	. . .	7,55,74,068
1919-20	. . .	10,10,54,447