

*Wednesday,
7th February, 1917*

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. LV

February 1917

PROCEEDINGS

OF

THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA

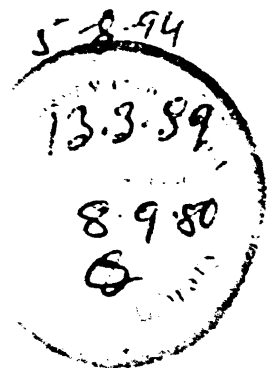
ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS,

1917

VOL. LV

Published by Authority of the Governor General.
Gazettes & Debates Section
Parliament Library Building
Room No. FB-025
Block 'G'



CALCUTTA
SUPERINTENDENT GOVERNMENT PRINTING, INDIA.

1917



GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

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

The Council met at the Council Chamber, Imperial Secretariat, Delhi, on
Wednesday, the 7th February, 1917.

PRESENT :

His Excellency BARON CHEELMSFORD, P.C., G.M.S.I., G.M.I.E., G.O.M.G., Viceroy
and Governor General, *presiding*, and 58 Members, of whom 50 were
Additional Members.

OATH OF OFFICE.

The following Additional Members made the prescribed oath or affirmation
of allegiance to the Crown :—

The Hon'ble Mr. Lionel Davidson, C.S.I.

- „ **Mr. William James Reid, C.S.I.**
- „ **Lt.-Col. Stephen Lushington Aplin, C.S.I.**
- „ **Maung Bah Too, C.I.E., K.S.M.**
- „ **Mr. Alexander Sligo Anderson Westropp.**
- „ **Mr. Francis John Monahan.**
- „ **Mr. Ernest Herbert Cooper Walsh, C.S.I.**
- „ **Mr. Edward Hugh Bray.**
- „ **Mr. James George Jennings.**
- „ **Mr. James Bennett Brunyate, C.S.I.**
- „ **Sir James Houssemayne DuBoulay, K.C.I.E.**

[*Sir Reginald Craddock; His Excellency the President.*] [7TH FEBRUARY, 1917.]

STATEMENT LAID ON THE TABLE.

The Hon'ble Sir Reginald Craddock laid on the table a statement* showing the number of superior (gazetted) appointments held under the Imperial Government by persons belonging to the landholding community in the Punjab, which was promised in reply to a question asked by the Hon'ble Khan Zulfikar Ali Khan on the 27th September, 1916.†

Statement by the Hon'ble Sir Reginald Craddock with reference to his reply‡ to the Hon'ble Mr. K. V. Rangaswamy Ayyanger's question asked at the meeting of the Indian Legislative Council held on the 27th September, 1916, on the subject of Government control over religious institutions.

“As promised on September 27th last, the Government of India have made further inquiries in the matter, and I am now in a position to give the following replies to the questions then asked by the Hon'ble Mr. K. V. Rangaswamy Ayyanger :—

Clause (a).—The answer is in the affirmative.

Clauses (b) to (f).—The Government of India do not see their way to calling for the statistics required from the various provinces in view of the time and trouble that would be required for the collection of the information ; but they suggest that, if necessary, the information asked for regarding the Srirangam Temple and any other particular institution should be obtained from the Local Governments concerned.”

HIS EXCELLENCY THE PRESIDENT'S SPEECH.

His Excellency the President:—“I am glad to welcome you on the opening of another Session. So short a time has elapsed since the last meeting of this Council that I have but little to report to you with regard to departmental activities. There is one matter, however, which I would impress on you with all the earnestness in my power.

“We are still engaged in the momentous struggle which began in August, 1914, and we are realising as never before in India what war means in relation to our public and individual lives. There is scarcely a subject which I shall touch upon to-day which is not affected by the war. Our governmental activities are concentrated on this one object—how best we can help the Empire to achieve victory. I am confident that in this we shall have the united support of you all. I say this in no pessimistic strain. To-day, as six months ago, I am confident of the victory of the allied arms, but victory demands concentration of effort and will. We must be ready to place all our resources at the disposal of the Empire. You have already given evidence of your sentiments in the eloquent Resolution which you passed on 8th September, 1914, and for the sake of those who were not Members of this Council at that date, I will read it to you :—

“That, in view of the great war, involving most momentous issues, now in progress in Europe; into which our august Sovereign has been forced to enter by obligations of honour and duty to preserve the neutrality guaranteed by treaty and the liberties of a friendly State, the Members of this Council, as voicing the feeling that animates the whole of the people of India, desire to give expression to their feelings of unswerving loyalty and enthusiastic devotion to their King-Emperor, and an assurance of their unflinching support to the British Government.

* *Vide* Appendix A to these Proceedings.

† “ page 91 of Council Proceedings of 27th September, 1916.

‡ “ page 74 “ “ “ “ “

[7TH FEBRUARY, 1917.] [*His Excellency the President.*]

'They desire at the same time to express the opinion that the people of India, in addition to the military assistance now being afforded by India to the Empire, would wish to share in the heavy financial burden now imposed by the war on the United Kingdom, and request the Government of India to take this view into consideration and thus to demonstrate the unity of India with the Empire.

'They request His Excellency the President to be so good as to convey the substance of this Resolution to His Majesty's Government.'

"But besides concentration of effort, we must have concentration of will; our purpose must be centred in the one thought, how best to accomplish victory. In saying this, I would not have you think that I minimise the effort that has been made by India, but that effort must be a continuing one. There can be no question of India, to use a current phrase, having 'done her bit.' We shall have 'done our bit' when our warfare is accomplished. In the meantime, our motto must be 'effort and yet greater effort.'

"In this connection there is a matter which I regard as of great importance, and which I wish to bring to the attention of the Members of this Council. Lord Hardinge, in his speech of the 12th January, 1915, appealed to your predecessors in office to abstain from any action which might provoke controversy or bitterness at a time when the Empire was engaged in a death-struggle with a powerful and implacable enemy. That appeal did not fall on deaf ears, and the Council as then constituted loyally and patriotically recognised that, while the Empire was fighting for its very existence, domestic differences must be stilled. I think, however, there must have been many who were present at the meeting in 1915 who cherished hopes that 1917 would find us with peace within our borders, and able to resume the ordinary course of our debates. Unfortunately, that is not the case, and it is as necessary for me as it was for Lord Hardinge to invoke your co-operation in this matter. Though feelings of impatience and discontent are not unnaturally generated when we see matters on which we may feel strongly continuously deferred or postponed, yet prudence and common sense, and above all our deep sense of loyalty to the Empire, must recognise the necessity of such a course in times like these. I do not wish to dwell on this, but it must be evident that in some of the various items of business to be laid before this Council, there is a tendency to press the discussion of what are obviously controversial questions.

"I cannot help thinking that this is due in part to that very natural impatience at the postponement of measures to which I have already alluded, and in part to the fact that this is a new Council, and that new Members are unaware of the unwritten understanding which obtained in the last Council.

"I leave it now with Members, but I hope that you will quite clearly understand that I have no desire at all to check Members in their legitimate desire to obtain information on subjects in which they may be interested. I may assure the Council that I should exercise with extreme reluctance the powers of disallowance in regard to both resolutions and questions which are vested in me by the rules, for I think it should rarely be necessary for me to exercise them. I would also ask Members to remember that there are now a large number of local Councils, and that resolutions which can be discussed and questions which can be answered in those Councils ought not to be brought up here. The whole scheme of the present Council system contemplates the discussion of matters of local interest as far as may be in the Councils which are specially fitted to deal with these questions.

"I turn now to a question of very great importance on which, I think, there is no real difference of opinion between us except on the question of procedure.

"Almost at the close of last Legislative Session, the Hon'ble Pandit Madan Mohan Malaviya gave notice of his intention to move for leave to introduce a Bill to abolish entirely the system of emigration under indenture to labour. The cursory examination that was possible during the short period of notice which the Hon'ble Member gave elicited the fact that the Bill contained provisions which required my sanction under section 67, sub-section 2, of the

[*His Excellency the President.*] [7TH FEBRUARY, 1917.]

Government of India Act, 1915, and the Hon'ble Member was so informed. He subsequently made a formal application for that sanction, and I think I should explain to the Council my reasons for refusing to comply with his request. I do not propose to enter into the legal ground which rendered my sanction necessary, as I do not base my decision on that aspect of the case or on any technical grounds. I am aware that this is a subject which has attracted great public attention, and I fully appreciate the high motives underlying the Hon'ble Member's action. In the first place, I may say emphatically that there has never been any intention, either on the part of the Secretary of State, of the Government of India, of departing from the pledges made by Lord Hardinge on behalf of the Government of India. Lord Hardinge made it perfectly clear that the object he had in view was the eventual abolition of the existing system. He made it equally clear that the existing system of recruiting must be maintained until the new conditions under which labour should be permitted to proceed to the Colonies should have been worked out in conjunction with the Colonial Office and the Crown Colonies concerned; until proper safeguards in the Colonies should have been provided, and until these should have had reasonable time to adjust themselves to the change. At the same time, he expressed his confidence that every one would agree that, as the policy of the abolition of this system had now been definitely accepted and would be carried out, India could afford to accept this delay in a reasonable and generous spirit. Lord Hardinge's speech was delivered on the 20th of March, 1916, and, having regard to the magnitude of the issues and interests involved, I cannot help feeling that my honourable friend in his earnest desire to forward the matter which lies close to his heart, and which in fact is of the deepest concern to us all, has been betrayed into some impatience in his action in endeavouring to introduce a Bill which, I fear, can only tend to prejudice the cause which he desires to serve. This Bill as framed provided not only for the abolition of indentured labour, but also for the absolute prohibition of the departure of any Native of British India by land or by sea out of British India under, or with a view to entering into, an agreement to labour for hire in any country beyond the sea, other than Ceylon and the Straits Settlements. It thus went beyond the scope of the Hon'ble Member's own Resolution of last year, and in fact beyond anything that the Government of India have been asked to agree to or have undertaken to consider.

" I myself in my speech of the 5th September last explained that the abolition of the existing system cannot be effected by a stroke of the pen, or by the simple fiat of a statutory enactment, but that it entails considerable inquiry and investigation in order to guard against the danger of a bad system being succeeded by a worse. I rather think that what is at the back of the Hon'ble Member's mind is that the Government of India have been sleeping over their pledges. I assure him that this is not the case. The matter has not been allowed to rest either in India or the Colonies. It has been necessary to obtain the views of Local Governments who are primarily concerned with details of recruitment and with the conditions under which this should be conducted in future. Their replies are being received. A special mission has been despatched to Ceylon and the Federated Malay States, where labour is chiefly employed under short-term contracts which give the labourers frequent opportunities of changing their employers, to ascertain whether the system in force there can be purified of its defects and adapted for employment in the other Colonies. The report of this mission is expected towards the close of this month (*i.e.*, February). It is intended that a Conference will meet in London as soon as is practicable thereafter, probably in May next, consisting of representatives of Indian and Colonial interests, and it is hoped that this Conference will be able to formulate a scheme embodying conditions acceptable to both parties. At the same time, I may say that our decision that the present form of emigration must cease has been wholeheartedly accepted by the Colonial Office, and that they are busily engaged not merely in improving the conditions of labour in the interval, but in making ready for the great change which has to take place.

[7TH FEBRUARY, 1917.]

[*His Excellency the President.*]

"The Colonies concerned have on their part shown the utmost readiness to co-operate in removing the features of the present system which are regarded as objectionable. In 1915, even before the Government of India had decided to recommend the abolition of the indenture system, the Fiji Government prepared a draft Bill to give effect to the more important recommendations made by Messrs. McNeill and Chimman Lal, including the abolition of imprisonment as a penalty for labour offences. During last year again, on receipt of intimation from the Secretary of State for the Colonies that the indenture system was definitely to be abolished as soon as possible, the Government of British Guiana, Trinidad and Jamaica immediately initiated legislation to provide for the changes that would be necessary. Further legislation in the Colonies will be undertaken after the close of the ensuing Conference as soon as the precise character of the reforms to be introduced is decided. Meanwhile, we have been definitely informed that imprisonment as a substantive punishment for strictly labour offences has been expunged from the laws of all four Colonies. Both the Colonial Office and the Colonies which they represent are therefore entitled to full recognition of the spirit in which they have met us and to generous consideration in the many difficulties they have to meet, and I should deprecate most strongly any display of suspicion of their good faith or any failure to acknowledge the real difficulties which they have to confront.

"I may add that any law restricting emigration to other countries must obviously affect far wider interests than the mere internal politics of British India, even though these may be the most important considerations involved. It appears to me, therefore, to be essential that any legislation on the subject should be introduced by the Government of India as a Government measure. I have no hesitation in telling the Council that, as soon as ever the necessary preliminaries can be got through, the Government of India will themselves undertake whatever legislation may be required in a wholly sympathetic spirit, and I appeal with confidence to all my honourable friends in the Council to be satisfied with this assurance, the fulfilment of which will, I hope, not be long delayed.

"Much has been said lately in the Press with regard to the moral evils of the present system. I can assure the Hon'ble Member, Pandit Madan Mohan Malaviya, whose unselfish zeal in this matter we all admit, that I deplore with him the undoubted evils which exist in this respect, and that if by a stroke of the pen I could abolish these evils, I would gladly do so. In the meantime, I will endeavour, and I can say no more, with the help of the Hon'ble Sir George Barnes, to see whether some amendment of the sex ratio prevailing among emigrants cannot be devised.

"I should like now to make a brief reference to the Report of the Royal Commission on the Public Services in India which has just been published. The recommendations in the Report cover a very wide field, and comprise many important and urgent proposals. In view of this fact and of the time that has elapsed since the Report was signed, it has been decided, with the Secretary of State's approval, to accelerate its consideration as much as we possibly can. We intend first to examine the general principles that the Commissioners have laid down, and next to proceed to a discussion of the detailed proposals. This should make both for expedition and for consistency. And instead of following the usual lengthy procedure of exhaustive correspondence with Local Governments, we propose to set out the definite issues which arise in connection with each Service or Department, and to discuss all except unimportant cases in conferences with representatives nominated by the Local Governments. From this I trust it will be clear that Government intend to deal expeditiously and in a practical spirit with the Report, but in all our deliberations, we shall make it our special endeavour to regard the different questions in their proper perspective, so that the redress of pressing grievances is not postponed to less urgent reforms, and so that major questions, among which the increased employment of Indians in the higher branches of the public service is one of the most important, are not prejudiced or delayed by lesser problems which are easier to solve.

[*His Excellency the President.*] [7TH FEBRUARY, 1917.]

"Hon'ble Members are aware that shortly after the close of the last Session a Memorandum was presented to me on behalf of 19 elected Members of this Council embodying a list of reforms which they considered should be undertaken with reference to the present constitution of the Government of India. The suggested reforms in the 19 Members' Memorandum have, I observe, since received endorsement by resolutions passed at the National Congress which met at Lucknow.

"Gentlemen, let me assure you that the expediency of broadening the basis of government, and the demand of Indians to play a greater part in the conduct of the affairs of this country, are not matters which have escaped our attention. I think the decision to publish the report of Lord Islington's Commission is a clear indication of our policy in this respect. Until the report of the Commission had been examined, it would have been impossible for us to formulate our policy on the important question of the further employment of Indians in the public services. But on the general question of political reform, as I have already declared in public, progress must be circumspect and on well-considered lines. Subject to these considerations, which are considerations of political prudence inherent in good government, you may rest satisfied that we shall respond sympathetically to the spirit of progress which exists.

"I may state officially to-day, what is, I believe, a matter of common knowledge, that the Government of India addressed a Despatch to the Secretary of State on this subject in the autumn of last year. From May to October, that is to say, before the Session of the Legislative Council which produced the Memorandum to which I have referred, we were engaged in considering it. You will not expect me to give any indication as to the nature of our proposals, as the matter is now before His Majesty's Government, but I would sound this note of warning. His Majesty's Government have at the present moment their attention entirely occupied by affairs relating to the war, and it is idle to expect them to give a speedy answer to our Despatch. If, gentlemen, after reading your morning newspaper, you pause for a moment to consider the vital and urgent questions which day by day engage the British Cabinet at the present juncture, I am sure the thought uppermost in your mind will be one of sympathy for the men engaged on the almost superhuman problem of mobilising the resources of our huge Empire in its gigantic task, and that you will not be disposed to cavil at the fact that the consideration of certain constitutional issues affecting a portion of that Empire has to yield place for a time in the presence of such vast responsibilities.

"I will not anticipate Sir William Meyer's budget speech by any detailed remarks on financial questions; but there are two matters of lively public interest on which I propose to touch. First, as regards the exchange crisis; on this subject I need hardly do more than refer to the announcement which we published on the 5th January after the Finance Member's discussions in Calcutta. We fully appreciate the difficulties of the situation, and shall continue to do all that is possible to remedy them, and afterwards to prevent their recurrence. But, as was announced in the press communiqué the situation is one necessitated by the peculiar conditions created by the war, and the inconveniences which it may entail, though I do not under-rate them, are merely the counterpart of an essential service which India is rendering to the Empire in finding funds on this side for war expenditure in Mesopotamia and elsewhere.

"Secondly, a further opportunity of service has now been offered to India by the announcement of a general War Loan to be raised by His Majesty's Government and an Indian War Loan to be floated under our auspices and which, as already announced, will be launched very shortly. I cannot exaggerate the high importance both to the Empire as a whole and to India herself of a worthy response to this appeal. I feel sure that the Princes and nobles and the wealthier commercial institutions and individuals in this country, who have obtained such signal material benefits from British rule, will realise

[7TH FEBRUARY, 1917.] [*His Excellency the President.*]

the patriotic duty of contributing amply towards the prosecution of the war and the triumph of the arms of the King-Emperor. But I would not have it supposed that the appeal is confined to the wealthier classes. The obligation of patriotism rests on us all. Let me ask, then, for the universal support of a united India.

“Some of you perhaps, while anxious to help, have been feeling a difficulty as to which of the two loans should secure your preference, and a word or two on this point may be helpful. The position in regard to the Home loan is that it was framed primarily to suit Home conditions, though there is nothing in its terms to prevent or discourage subscriptions from India. On the other hand, our war loan has been designed with special reference to Indian conditions and with the special object of enabling India, as a whole, to render a notable and definitely measurable war service. The natural course then for us in India, I would suggest, is to subscribe to the loan issued by our own Government, since it will be paid over to the Home Government and contribute directly towards assisting in the prosecution of the war. I think we should all like to see the sum subscribed by India reach as large a total as possible, and so I would appeal to all those who are jealous of India's credit to do all in their power to assist the Government in making our loan a real success.

“Let me now say a word about our foreign affairs.

“Here in India, isolated from the cruel realities of the war, many quite intelligent persons, Indian and English alike, are inclined to take for granted the peace and security in which they are living.

“Everyone, of course, realises that our sea-power has secured India's shores, and is ready to admit India's immense debt to the Navy; but many are apt to forget that India has also a vulnerable land-frontier. This land-frontier—with portions of its immense line combustible at all times and doubly inflammable in the presence of this world-wide conflagration; coterminous with many different States and many heterogeneous communities—offered a field for intrigue, of which our enemies were not slow to avail themselves. German emissaries were flung broadcast towards our frontiers from all directions; in the Far East, and specially in Siam, they toiled to enmesh disaffected Indians in a conspiracy to raise trouble on the borders of Burma and within India itself; others in the west traversed Persia right up to our frontiers; and a Turco-German Mission actually succeeded in making its way into Kabul, confident in the expectation that its arrival would drag Afghanistan into the war.

“That a campaign of intrigue, so laboriously planned and carried out at such expense and with such determination, should everywhere have been foiled, argues much for the skill and resolution of those who have had the safeguarding of India's frontiers in their keeping. And to our various frontier administrations—untiring in their vigilance, unsparing of patience and tact, when patience and tact sufficed, but resolute in action when action was called for—India owes a debt of gratitude which the public is perhaps apt to overlook. Indeed, I cannot speak too highly of the work of our frontier officers during these months of uncertainty and anxiety.

“Much too does India owe to the happy co-ordination of our naval, military and criminal intelligence, which has linked together the multifarious information regarding the far-spread machinations of our enemies, and has thus not only enabled us to bring to justice many disaffected persons who thought themselves secure to plot against India from the imagined safety of remote and inaccessible places, but also to forestall the attempts of our enemies and to bring to naught the many nefarious schemes against India's security.

“Great too is the debt which we owe to our military forces—to the salutary deterrent afforded by our known military preparedness on the frontier, to the promptness of our troops in quelling local tribal ebullitions along our borders, and to their activities, in conjunction with our Russian Allies, in dealing with such German parties as ventured within their reach. Above all, however, we ought to realise more fully the full significance of the part played

[*His Excellency the President.*] [7TH FEBRUARY, 1917.]

by our forces in Mesopotamia. Of the purely military value of that campaign I do not propose, nor have I the qualifications, to speak. But I do suggest that—when this phase of the world-wide war comes to be recorded by the dispassionate historian in the cold light of the distant future—emphasis will be laid on the supreme strategic and political value of these operations; and the peace and security of India will, in no small measure, be attributed to the steadying effect on the Middle East exercised by the presence of our great army in Mesopotamia.

“Nor must we forget our great obligations to neighbouring States. On the west, the Persian Government, at one time sorely pressed by German intrigue but throughout assured that Great Britain, her best friend in the past, would remain her best friend in the future, have maintained a benevolent neutrality, and have welcomed and furthered our co-operation in the slow and laborious process of building up an effective force under British officers to cope with the chronic disorder in her southern provinces. On the east, His Majesty the King of Siam, true to his obligations as the Ruler of a neutral State, has resolutely crushed the endeavours of our enemies to turn his country into a focus of intrigue against India. On the north, that wise and far-seeing Statesman, His Majesty the Amir of Afghanistan, has steadfastly upheld the neutrality of Afghanistan in the face of many difficulties. In days to come his people will realise how much they owe him for his persistent refusal to listen to wild hot-headed counsels, thereby saving his country from the miseries of a profitless and disastrous war. On the North-West frontier, where the Amir's calm and sagacious policy has exercised a steadying influence, the only discordant elements are the Mahsuds, whose intolerable lawlessness dates back long before the war; and the Mohmands. The measures taken to keep the former in check are slowly growing more effective; their full meed of punishment must, however, wait until we are at leisure to deal conclusively with them. The latter are already paying for their misdeeds by a close blockade which will not be lifted until they have been brought finally to their knees, and we have full guarantees for their future good behaviour.

“As matters stand at present, therefore, we have every reason to be satisfied with the political outlook. Germany's many-sided intrigue against India, it is true, has left its aftermath in Persia and elsewhere, but that too we may hope shortly to see cleared away. Its only mature fruit as yet has been the fruit of bitterness to those who were false and foolish enough to join with India's enemies.

“Turning home, my presence in this Chamber recalls to my mind the last occasion on which I presided in this Chair.

“On the 30th October last, a memorable gathering took place in this Chamber, when no less than 40 of the more important Ruling Princes and Chiefs assembled together to discuss and advise the Government of India on certain important matters affecting themselves, their States and their people. These matters were not such as can appropriately be referred to in detail in this Council, but you will be glad to learn that the debates were full of interest, and that the results of the Conference promise to be of real and practical value, both to the States and to the Government of India. I trust that it may be found possible to hold similar gatherings in future years, and so to develop among the Ruling Princes and Chiefs a still livelier interest in the progress of their States and a broader conception, if that is possible, of their responsibilities as colleagues and partners in the business of the Empire.

“If evidence were necessary of the cheerful acceptance of their responsibilities by the Ruling Princes and Chiefs, I would point to the speeches delivered at the Conference and to the devoted and loyal assistance given by Their Highnesses towards the prosecution of the war. The flow of contributions and offers of services from their States still continues unabated; and among numerous recent offerings I may mention specially a further contribution of ten lakhs from His Highness the Maharaja of Mysore, the further gift of Rs. 45,000 a month by His Highness the Rao of Cutch towards the maintenance for a third year of an Indian Infantry regiment at the front, the gift of

7TH FEBRUARY, 1917.] [*His Excellency the President.*]

Rs. 4,51,200 by the Princes and people of Itajputana and Ajmer-Merwara towards the purchase of air-craft and machine guns, the raising of three additional companies of the Bikaner Camel Corps by His Highness the Maharaja of Bikaner, and the further gifts of one lakh by His Highness the Gaekwar of Baroda, one lakh by His Highness the Maharaja of Jhind, Rs. 50,000 by His Highness the Maharaja of Jaipur, and Rs. 50,000 by His Highness the Maharaja Holkar of Indore towards the Imperial Indian Relief Fund. To the list of Imperial Service Troops, which have received the honour of being sent on active service, must now be added the Imperial Service Transport Corps from Mysore and a Mountain Battery from Kashmir, whose troops have already rendered distinguished service in the field. The Prime Minister and Government of Nepal, not content with their previous subventions, have recently placed at my disposal a further donation of Rs. three lakhs for the purposes of the war. For all these gifts and services I should like to offer once more the cordial acknowledgments of the Government of India and of this Council.

"I now pass on to military affairs, and will preface my remarks by well coming the Commander-in-Chief, who makes his appearance in this Council-day for the first time.

"You are all familiar with the details of Sir Charles Monro's distinguished career. He came to us fresh from the battlefields of France and Gallipoli and commenced his term of office by visiting Mesopotamia, thus acquiring a personal knowledge of the conditions of service in that country which has already proved invaluable.

"I am glad to say that he was able to report that these conditions were rapidly improving. The difficulties which arose in the earlier phases of the campaign have been gradually overcome by the increase of our transport resources, and great improvements have been effected during the last six months in regard to the housing, feeding and equipment of our soldiers as well as in the care and evacuation of the sick and wounded. The health of the troops has improved in a marked degree, and the army in Mesopotamia is now, we hope, one of the best equipped and organized of the many Expeditionary Forces serving in the field. The climate is no doubt a trying one for part of the year, but no trouble or expense has been spared to mitigate its effects and to improve the amenities of life.

"These gratifying results are largely due to the untiring efforts of the military authorities at Home and in India, who have worked together in the closest co-operation. They have been actively assisted by the Railway Board which, besides constructing two lines of railway in that country in little more than six months, has been of the greatest help in pushing forward the construction of river-craft, as well as the manufacture of munitions. These services have been cordially acknowledged by the Army Council, and I take advantage of this opportunity to thank the members of various firms and administrations concerned, as well as the officers of the Railway Department, for the energy and resourcefulness which they have displayed in bringing about these results.

"We have now at work on the rivers of Mesopotamia a flotilla which will soon be amply sufficient to meet all military requirements. The conveying and towing of these vessels round India and across the Indian Ocean and Persian Gulf to Basrah has been carried out with skill and promptitude by the Royal Indian Marine, and the comparatively small number of vessels lost, despite boisterous weather and other difficulties, testifies to the efficiency of that service.

"We have, with the assistance of the Bombay Government, carried out various measures for the better control of the Docks at Bombay, and have improved the organisation of the embarkation staff both there and at Karachi.

"The necessity of developing our man-power to the utmost, in order to counter the great efforts made by the Central Powers to augment their forces in the field, has led in the United Kingdom to the introduction of compulsory service. Following the example thus given them, the Governments of the

[*His Excellency the President.*] [7TH FEBRUARY, 1917.]

Straits Settlements and Ceylon have made service in their Volunteer Forces compulsory for European British subjects during the war. The time has now arrived for the adoption of somewhat similar measures in India, so as to enable us to release, for service in the field, British units which would otherwise be employed on garrison duty.

"Hon'ble Members are no doubt aware that I have during the last few days issued an Ordinance to provide for the compulsory registration of all European British subjects in India, and it is probably an open secret that this is only a preliminary step towards compulsory service. It may seem strange to some Hon'ble Members that I should have thought it right to proceed by Ordinance within a few days of the assembling of this Council, and I think that I should explain to you why this was done, and should foreshadow to some extent the legislation which it is proposed shall follow.

"The necessities of the war have made it imperative that an Indian Defence Force should be organised with the greatest urgency, and we had hoped to have been able to bring our whole scheme into being before the commencement of the new year. The matter has been in train for some months past, but the details of the organisation have necessitated long and anxious consideration, and their final settlement has been delayed almost from day to day. The first preliminary was obviously to get a complete register of all available European British subjects in India, and this, it is thought, can be effected in about four weeks. The issue of the Ordinance, therefore, will, it is hoped, have the ground cleared and the necessary preliminaries effected by the time that the Bill, which will be introduced in this Council, can be carried through and brought into operation, and very valuable time will thus have been saved.

"By the Bill to which I have referred it is proposed to enact that all European British subjects in India between the ages of 18 and 41 shall be liable to general military service in India, while those between the ages of 41 and 50 will be compulsorily enrolled for local military service, and youths between 16 and 18 for military training. In adopting compulsory measures, we are only following in the steps of the Home Government, and I am confident that our action will be whole-heartedly endorsed by the community directly concerned. I recognise that there will be hardships and some disorganisation of business, but this is inseparable from such a measure, and I have no doubt that they will be cheerfully endured in so great a cause. We shall endeavour to introduce the system with as little immediate inconvenience as possible, and I look confidently to a loyal response throughout India to the Empire's call.

"But we have no intention of confining the Defence of India Force to European British subjects. We also propose to enrol Indians in their own units for general military service in India for the duration of the war. In their case, considering the numbers available and the possible limitations upon our powers of training and equipment, we are satisfied that it will be sufficient, for the present at all events, to give Indians the opportunity of enrolling themselves for service as an integral part of this Force. The desire of Indians to serve their country has been so widely expressed and so ardently acclaimed, that I may feel confident that a great response will be made to this call, and that within the six months which we propose to allow for their enrolment as many men will offer themselves for service as the military authorities can deal with. But it must be borne in mind that, though the services of this Force will be confined to the limits of India, it is intended to be and will be essentially serious military service under strictly military conditions. To them, no less than to the others, the call is their country's and the service they are asked to undertake the service of the Empire.

"His Majesty's Government, as you know, have decided to convene a special War Conference in London in order to consider urgent questions affecting the prosecution of the war, the possible conditions on which in agreement with our Allies, we could assent to its termination, and the problems which will then immediately arise. As Members are aware, His Majesty's Government have invited the Secretary of State for India to represent India,

HIS EXCELLENCY THE PRESIDENT'S SPEECH; QUESTIONS 153
AND ANSWERS.

[7TH FEBRUARY, 1917.] [*His Excellency the President; Mr. Kamini
Kumar Chanda; Sir Robert Gillan.*]

and the Secretary of State has appointed, in consultation with the Government of India, three gentlemen to assist him at that Conference.

"Criticism has been made of the method of representation and the manner of selection of India's special delegates. I think our critics have misapprehended the nature of the Conference and of the representation. The Conference is of the Mother Country, the Dominions and India. Each Dominion is represented by its Prime Minister, and has but one voice in the Conference, but the Prime Ministers are permitted to bring with them such other Ministers as they may desire, and may invite these Ministers to speak on behalf of the Dominions on any particular question. It is obvious that in the case of India, so long as the Secretary of State is directly responsible to Parliament for the policy of the Indian Government, the Secretary of State must be the head of the Indian delegation, and the policy propounded by India must be the policy of the Secretary of State in Council, but I have the Secretary of State's assurance that he will be glad to leave his colleagues from India to speak, whenever possible, on behalf of India.

"The Conference then being a Conference of Government, it follows that the responsibility for the choice of the representatives must rest with the Government. No Government could divest itself from that responsibility, and so in the case of India, the Secretary of State, in consultation with the Government of India, has chosen the three gentlemen whose names you know. The choice in fact goes beyond the promise made by Lord Hardinge in his speech of 22nd September, 1915, to which I would refer Hon'ble Members.

"I am sorry to think that the enormous importance of the decision taken by His Majesty's Government stands in danger of being minimized and discounted by hasty and not very well-informed criticism. As the French proverb has it—'It is the first step which counts'—and India has been admitted to-day for the first time to a place of honour at the Council table of the Empire. It marks a point in the history of India, which, though it may not be seen in its true perspective to-day, will, I have no hesitation in saying, be the beginning of a new Chapter in India's history under the Imperial flag.

"Our three representatives have been chosen. They embark shortly. They are, I think you will all agree, men who will rise to the height of India's opportunity, and do India credit on the new stage to which she is summoned.

"May they so bear themselves that from these early beginnings may spring a full and generous interpretation of India's future within the Empire! I have every confidence that by their talents they will establish India's claim to retain at the Council of Empire the place which was first won for her by the loyalty of her people and the gallantry of her soldier-sons when the Empire lay under the shadow of the Great War."

QUESTIONS AND ANSWERS.

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

1. "Will the Government place on the table a statement showing:—

(a) the appointments in the higher branches of the railway service with the salaries attached thereto in the different lines respectively; and

(b) such of these appointments as are held by Indians and the salaries drawn by them respectively in each line?"

Appoint-
ments in the
higher
branches of
the Rail-
way Service.

The Hon'ble Sir Robert Gillan replied:—

"A statement* (with annexures) giving the information required by the Hon'ble Member is placed on the table."

* *Vide* Appendix B.

[Mr. Kamini Kumar Chanda; Sir Robert Gillan.] [7TH FEBRUARY, 1917.]

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

Holiday
concessions
for third
class
passengers.

2. "(a) Is it a fact that the bulk of coaching receipts of Railways is contributed by 3rd class passengers ?

(b) If so, will the Government consider the question of extending to them the concessions now granted to 1st and 2nd class passengers during the Durga-puja, Christmas and other holidays ? "

The Hon'ble Sir Robert Gillan replied :—

" The great bulk of the coaching receipts of Indian railways is contributed by 3rd class passengers. It does not follow that concessions granted to 1st and 2nd class passengers should necessarily be allowed in favour of 3rd class passengers; due weight, for instance, must be given to the fact that in relation to the maxima fixed by Government, ordinary 3rd class fares are much lower than fares for the 1st and 2nd class. The Railway Board have, however, recently had under consideration the question of holiday concessions in favour of 3rd class passengers, but the reduction of passenger train services which has recently become necessary has involved the withdrawal of all holiday concessions, and the consideration of this question has consequently been postponed."

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

Over-crowd-
ing of 3rd
class rail-
way car-
riages.

3. "(a) Will the Government be pleased to state if there has up to now been any prosecution of any Railway servant of any Railway administration, under section 102 of the Indian Railways Act, 1890 (IX of 1890), for compelling or causing any passenger to enter a compartment which already contained the maximum number of passengers exhibited therein or thereon.

(b) Is any public servant entrusted with the duty of prosecuting under the said section ?

(c) Is over-crowding in third class railway carriages a notorious fact ?

(d) If so, will the Government be pleased to consider the desirability of providing a more deterrent penalty than a fine of rupees twenty under the said section ? "

The Hon'ble Sir Robert Gillan replied :—

" The form of the Hon'ble Member's question seems to imply some misconception of the position. To force a passenger into a compartment already containing the maximum number of passengers would be on the part of a railway official an infraction of rule which would render him liable to departmental punishment far more severe than a fine of twenty rupees; and it would be the duty of the Station Master or superior Traffic Officer in charge to report his action to the proper authorities. No legal provision is required to enable railways to enforce observance of their rules. The object of section 102 of the Railways Act is to give passengers aggrieved by the action of a railway servant a remedy. From inquiries the Railway Board have made, it appears that two cases of this kind are known to have been brought before the Courts. It does not appear that any advantage would be gained by entrusting a public servant with the duty of prosecuting under this section, nor does it seem necessary to provide a more deterrent penalty.

With regard to the general question of over-crowding, the Railway Board asked some time ago that a general census should be taken on all railways. The result of this census was certainly to show that in a not inconsiderable number of cases over-crowding had occurred, and the Railway Board have brought the matter to the attention of administrations. It must, however, clearly be borne in mind that railways have been unable for some time to obtain rolling stock, and they have consequently been placed at a great disadvantage. The real remedy for over-crowding is an increase in rolling stock ;

[7TH FEBRUARY, 1947.] [Sir Robert Gillan; Mr. Kamini Kumar Chanda; Mr. G. R. Lowndes; Sir Reginald Craddock; Dr. Tej Bahadur Sapru.]

this cannot be hoped for immediately, but in a forecast which they are making of requirements after the war, the Board are giving the matter their careful attention."

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

4. "Will Government be pleased to consider the desirability of extending the right of putting supplementary questions in this Council to Members other than the Member who put the original question?" Supplementary Questions.

The Hon'ble Mr. G. R. Lowndes replied :—

"The Government of India, after fully considering the matter, are satisfied that it is not desirable to extend the right of putting supplementary questions as suggested by the Hon'ble Member."

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

5. "(1) Is it not a fact that there is no separate Provincial Judicial Service in Assam, and that consequently members of the Provincial Executive Service are (except in the permanently settled district of Sylhet) vested with powers not only of Criminal Courts but of Civil Courts too, officers who have received no legal training sometimes doing the work of munsiffs?" Provincial Judicial Service in Assam.

(2) If so, will the Government be pleased to consider whether the time has not arrived for sanctioning a separate Provincial Judicial Service for the Province, or directing that Civil Courts in Assam shall be presided over only by members of the Judicial Service?"

The Hon'ble Sir Reginald Craddock replied :—

"The information which the Hon'ble Member desires should be obtained by a question in the local Legislative Council."

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

6. "(a) Are any 'listed' posts open to members of the Provincial Service in Assam?" Throwing open of listed posts to members of the Provincial Service in Assam.

(b) If the answer to (a) is in the negative, will the Government be pleased to consider the expediency of throwing open some of these posts to the members of the Provincial Service in Assam?"

(c) In what other Provinces are members of the Provincial Service not eligible for such appointments?"

The Hon'ble Sir Reginald Craddock replied :—

"(a) & (b) One listed post is open to members of the Provincial Civil Service in Assam.

(c) Members of the Provincial Civil Service are eligible for appointment to listed posts in all the major provinces."

The Hon'ble Dr. Tej Bahadur Sapru asked :—

7. "(1) Is a Conference to be held shortly in London regarding the system of recruitment of labour under indenture in India?" Recruitment of labour under indenture.

(2) If so, is it intended to publish the proceedings of the Conference and the report of the inquiry of Messrs. Marjoribanks and Marakayar before any steps are taken to substitute an alternative system for the present system of recruitment of labour?"

[*Sir George Barnes; Dr. Tej Bahadur Sapru; Sir Reginald Craddock; Rai Bahadur Bishan Dutt Shukul; Sir Claude Hill*] [7TH FEBRUARY, 1917.]

The Hon'ble Sir George Barnes replied :—

" An Inter-departmental Conference between the India Office and the Colonial Office is to be held in London in the middle of May next. There is no objection to publishing the report of Messrs. Marjoribanks and Marakayar as soon as it is received, and the new conditions agreed upon at the Conference will be telegraphed by the Secretary of State to His Excellency the Viceroy for publication in India as soon as the Conference is ended. The Government of India have no information as to whether it is intended to publish the proceedings of the Conference as well as the result."

The Hon'ble Dr. Tej Bahadur Sapru asked :—

Emigration
of Indians to
British
Colonies.

8. " Will the Government be pleased to state how many Indians, men and women, proceeded to Fiji, British Guiana, Trinidad and Jamaica, respectively, during the years 1914, 1915 and 1916, (a) under contract of indenture, and (b) as free emigrants ? "

The Hon'ble Sir George Barnes replied :—

" Statements * showing, respectively, the number of emigrants indentured and free, who proceeded to British Guiana, Trinidad and Fiji during the years 1914 and 1915 are laid on the table. There was no emigration to Jamaica during these two years.

The Government of India are not yet in possession of figures for 1916."

The Hon'ble Dr. Tej Bahadur Sapru asked :—

Publication
of the Despatch relating to
post war
reforms.

9. " (a) Have the Government of India sent any Despatch to the Secretary of State relating to post war reforms?

(b) If so, when was it sent and when may its publication be expected ? "

The Hon'ble Sir Reginald Craddock replied :—

" The Government of India have sent a Despatch to the Secretary of State on the subject referred to, but regret that they can give no further information about it at present."

The Hon'ble Rai Bahadur Bishan Dutt Shukul asked :—

Agricultural
Educational
National
Conference at
Pusa.

10. " (a) Did the Government of India address a circular letter to Local Governments inviting opinions on the proceedings of the Conference on Agricultural Education held at Pusa in February, 1916, and have any replies been received from Local Governments ?

(b) If so, will Government be pleased to lay on the table the whole correspondence on the subject ? "

The Hon'ble Sir Claude Hill replied :—

"(a) The answer is in the affirmative, and replies have been received from the majority of the Local Governments consulted.

(b) The Circular of the Government of India, No. 757, dated 25th August, 1916, together with the Proceedings of the Conference on Agricultural Education have already been made public, and I shall be happy to supply the Hon'ble Member with a copy of these papers; but pending the receipt and consideration of all replies from Local Governments, it is not proposed to place the later correspondence on the table."

[7TH FEBRUARY, 1917.]

[Khan Bahadur Saiyed Allahando Shah; Sir C. Sankaran Nair; Sir Reginald Craddock; Rao Bahadur B. N. Sarma; Sir William Meyer.]

The Hon'ble Khan Bahadur Saiyed Allahando Shah asked :—

11. " Will Government be pleased to state what expenditure has been incurred annually during the last ten years on Muhammadan education in India in the shape of scholarships, grants-in-aid, etc. ? "

Expenditure incurred on Muhammadan education.

The Hon'ble Sir C. Sankaran Nair replied :—

" The information asked for is not available, and it would give considerable trouble to collect it. Attention is, however, invited to the statistics on this subject which were laid on the table on 17th of March, 1915, and which will possibly supply the Hon'ble Member with the information which he desires. A copy of those statistics will be given to the Hon'ble Member."

The Hon'ble Khan Bahadur Saiyed Allahando Shah asked :—

12. "(a) Is it a fact that Mussalmans employed in all Government offices in the Bengal Presidency are allowed to attend Friday prayers in their mosques ?
(b) Will Government be pleased to state what is the practice prevailing in Sindh in that respect ?"

Leave to Mussalmans to attend Friday Prayers.

The Hon'ble Sir Reginald Craddock replied :—

" The Hon'ble Member's attention is drawn to the answer given to Mr. A. K. Ghuznavi at the meeting of this Council on 11th March, 1913. In accordance with the promise then made, the attention of all Local Governments was drawn to the desirability of giving facilities to such Muhammadan employes as desire it for saying their Juma prayers. A copy of the resolution* issued by the Bombay Government on the subject is laid upon the table. The Government of India have no reason to suppose that Sindh is excluded from its scope, but would suggest that any further inquiry in the matter should be addressed to the Bombay Government."

The Hon'ble Khan Bahadur Saiyed Allahando Shah asked :—

13. "(a) Will Government be pleased to state whether the Haj and Barawafat are included in the list of holidays sanctioned by Government ?
(b) If not, will Government be pleased to state why these holidays are not so included ? "

Haj and Barawafat holidays.

The Hon'ble Sir Reginald Craddock replied :—

" The Haj is understood to correspond with the Id-uz-Zuha, or Bakr-Id. This is a holiday either gazetted under the Negotiable Instruments Act, or observed under executive orders, in every province in India. The Barawafat is, similarly, a holiday in every province excepting Burma and Coorg."

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

14. " Will the Government be pleased to state the value of silver purchased by the Government during the year 1916-17 for coinage purposes, and the price paid per tola ? "

Silver purchased during 1916-17.

The Hon'ble Sir William Meyer replied :—

" The Government of India will be glad to give exact information in due course, as was done in the reply given to a similar question asked by the

[*Sir William Meyer; Khan Bahadur Mian Muhammad Shafi; Sir Claude Hill; Sir Reginald Craddock; Babu Bhupendra Nath Basu; Sir George Barnes.*] [7TH FEBRUARY, 1917.]

Hon'ble Sir Ibrahim Rahimtoola on the 15th February, 1916. It is not, however, expedient to enter into details of silver purchases while such purchases are actually proceeding, or have recently taken place and may be resumed. I would ask the Hon'ble Member, therefore, to await the general statement on this subject which I propose to make on the 1st March in introducing the Financial Statement."

The Hon'ble Khan Bahadur Mian Muhammad Shafi asked :—

Amendment of the Land Acquisition Act. 15. "Do the Government propose to introduce a Bill to amend the Land Acquisition Act, 1894, so as to allow appeals to the Privy Council in land acquisition cases above the value of Rs. 10,000?"

The Hon'ble Sir Claude Hill replied :—

"The answer is in the negative."

The Hon'ble Khan Bahadur Mian Muhammad Shafi asked :—

Legislation to prevent the use of Civil Courts for realization of the usurious demands of money-lenders. 16. "With reference to the Home Secretary's letter No. 1032-1063 (Home Department) ^{Judicial}, dated the 6th July, 1914, addressed to all Local Governments, inviting opinions regarding legislation to prevent the use of Civil Courts as an agency for the realization of the usurious demands of money-lenders, will the Government be pleased to state :—

- (a) if replies thereto have been received from all Local Governments,
- (b) whether the replies received favour such legislation, and
- (c) if so, whether Government propose to introduce a Bill in this connection at an early date?"

The Hon'ble Sir Reginald Craddock replied :—

"(a) & (b) The Answer is in the affirmative.

(c) The question is still under consideration, but no final decision has as yet been arrived at, and there is therefore no prospect of legislation being taken up this Session."

The Hon'ble Babu Bhupendra Nath Basu asked :—

Indian Industrial Commission. 17. "(a) Do the Indian Industrial Commission intend to submit a preliminary report to Government as to the measures which, in their opinion, should be immediately adopted for the industrial advancement of the country?"

(b) If not, will Government be pleased to consider the advisability of recommending to the Commission that they submit such a preliminary report as early as possible?"

The Hon'ble Sir George Barnes replied :—

"As the Hon'ble Member is aware, the Government of India have found it necessary to utilise the services of Sir Thomas Holland, the Chairman of the Commission, for urgent matters connected with supplies for the war, and in these circumstances the Commission have suggested to the Government, and the Government have adopted their suggestion, that they should go into recess somewhat earlier than had been intended. The present intention is that the sittings of the Commission should be resumed at the beginning of the next cold weather.

[7TH FEBRUARY, 1917.] [Sir George Barnes; Sir Reginald Craddock;
Mr. G. R. Lowndes.]

The work on which Sir Thomas Holland will be engaged will be the provision in India of as many as possible of the supplies which are at present imported in a manufactured state from England. This work will result in the immediate encouragement of industries in India, and the greater utilisation of indigenous resources. It will of course be much facilitated by the evidence already collected by the Commission and the facts relating to the existing Indian Industries obtained by Sir Thomas Holland during his monsoon tour.

With regard to the last part of the Hon'ble Member's question, the Government do not at present know whether there are any points on which the Commission could at once usefully report before they have heard all the evidence, but the Commission are fully aware that it is the earnest wish of the Government that the report should be presented at as early a date as possible, and it is a matter for their discretion to decide whether an interim report is feasible in the present circumstances."

DESTRUCTION OF RECORDS BILL.

The Hon'ble Sir Reginald Craddock :—" My Lord, I move for leave to introduce a Bill to consolidate and amend the law providing for the destruction or other disposal of certain documents in the possession or custody of Courts and Revenue and other public officers. I do not propose to take up the time of the Council by making any remarks on this Bill which is of a purely formal character; the Statement of Objects and Reasons explains this, and the only clause I would refer to is clause 5, which will make it clear that nothing in this Act shall be deemed to authorise the destruction of any document which, under the provisions of any law for the time being in force, is to be kept and maintained."

The motion was put and agreed to.

The Hon'ble Sir Reginald Craddock :—" 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.

INLAND STEAM-VESSELS BILL.

The Hon'ble Mr. G. R. Lowndes :—" My Lord, I beg to move that the Bill to consolidate the enactments relating to Inland Steam-vessels be taken into consideration. The Council are aware that this Bill has been before the public for some time past. It has been circulated to all Local Governments and no criticisms upon it have been received, and we have had no notice of any amendment in this Council. The Bill is, as the Council are aware, a purely consolidating measure, and I therefore move that it be taken into consideration."

The motion was put and agreed to.

The Hon'ble Mr. G. R. Lowndes :—" My Lord, I beg to move that the Bill be passed."

The motion was put and agreed to.

RULES FOR THE CONDUCT OF LEGISLATIVE BUSINESS.

The Hon'ble Mr. G. R. Lowndes:—"My Lord, I desire to lay before the Council, with Your Excellency's permission, certain amendments which it is proposed to make in the Rules for the Conduct of Legislative Business. A copy of the proposed amendments has already been circulated to all Members of Council, and I therefore take it that they are aware of the terms of the proposed amendments. Objects and Reasons have been attached to the amendments, and I take it that the general purpose of the amendments is also before the Council. It is, however, desirable that I should refer in detail to the larger amendments. The first amendment of importance refers to notice preliminary to a motion for leave to introduce a Bill, and I say frankly that this amendment will affect private Members' Bills possibly more than Government Bills, though the rule will apply in identical terms to both. Under the existing rule 16 of the rules for the Conduct of Legislative Business, the only condition precedent to moving for leave to introduce a Bill is that three days' previous notice of the title and object of the Bill shall have been given to the Secretary to the Council. Now, under section 67 (2) of the Government of India Act, 1915, a certain limitation is laid upon the introduction of Bills by Additional Members into the Council. It is laid down by the Statute that it shall not be lawful, without the previous sanction of the Governor General, to introduce at any meeting of Council any measure affecting certain specified subjects. Now, it will be obvious to Hon'ble Members that some time, I do not say for the moment how much, must elapse before the question can be determined, in the first place, whether an Additional Member's Bill requires sanction under that section, and in the second place, whether such sanction can be given; and, I think, it will be equally obvious that such consideration cannot be very hurried. As a matter of fact, in most cases, it would be necessary, if sanction was required, to consult the Secretary of State. I think it is obvious, therefore, that the three days' notice in the first place which at present is prescribed is wholly inadequate. In the second place, I think that Hon'ble Members will see that it is impossible to consider whether sanction is required to a Bill unless you have the Bill before you. Under the rule as it stands, if an Additional Member wishes to introduce a Bill, he has not to furnish the Secretary with a copy of the Bill at all, but only with a statement of the title and object of the Bill, and it is obvious that no man, whatever his powers may be, can consider whether a Bill infringes certain specified particulars under the Government of India Act unless the Bill is before him. Therefore, the two branches of the amendment which I propose to Council in this connection are, first, that a copy of the Bill should be furnished with a Statement of Objects and Reasons, and, secondly, that a longer time should be allowed for consideration of the question I have referred to. That in the first place; but there is possibly an equally important consideration apart from the question of sanction, for it seems to be obviously desirable that the Government should have time to formulate their own position with regard to a Bill which it is proposed to introduce, and here again it is perfectly clear, I venture to think, that three days is a wholly inadequate time to allow Government to consider the question, more particularly as Hon'ble Members may be aware that in all important cases, it will be necessary to communicate with the Secretary of State. We think, therefore, that it is eminently desirable that, in the case of all Bills, the Government should have sufficient time to come to some conclusion as to the attitude which they propose to adopt towards a Bill.

"I think that Hon'ble Members will recognise that, if such time is not to be afforded in all cases, there are only two possible alternatives; supposing that leave is asked to the introduction of a Bill which the Government of India have had no notice of, or practically no notice of, as three days is practically no notice, the only two alternatives are either to move the adjournment of the debate at once, or to ask the Council to reject the motion. Both of these alternatives seem to me, in the interests of the Council generally,

[7TH FEBRUARY, 1917] [*Mr. G. R. Lowndes; Mr. Bhupendra Nath Basu.*]

to be most undesirable, and it is therefore really, in the interests of the Council as a whole, that we are asking that this rule should be amended. Now assuming that three days, as I think all my Hon'ble colleagues will agree, are wholly inadequate for the consideration of such questions, the point arises as to what is a reasonable time. We have come to the conclusion and suggest to you that a reasonable time in all cases but very exceptional ones, which I will deal with presently, is two months. It is quite possible that in exceptional cases where no sanction is required and the Bill is of a simple nature, it can be dealt with in less than two months; there will be, on the other hand, many cases in which two months will be wholly inadequate to deal with a subject of great complexity and great importance. We suggest, however, that two months is a reasonable time to fix in all such cases. I think it is to be borne in mind in this connection that two months is also the period prescribed by the Standing Orders of Government for all Provincial Governments' Bills. If a Bill is introduced by a Provincial Government in a local Council under the Standing Orders, they give us two months' notice before proceeding with it. It has been found to work without inconvenience in the past; indeed the time is frequently, as you may imagine in important and complex cases, too short to deal at length with a Bill; it is never, or very seldom, too long. The next point in connection with this period of two months that the Council will like to know is that a similar provision has been made in the rules of all local legislatures, except the local legislature of Madras, who are proposing now to make the same alteration that I am proposing here. In all the Provincial Councils, with this exception, two months has been accepted as a reasonable period of notice, and I believe, has been accepted without any objection.

"For these reasons, which I may summarise :—

- (1) that it is a reasonable period;
- (2) that it is a period which has worked well for many years as regards the relations between the Government of India and Local Governments, and
- (3) because it is a period which has been accepted by all Local Governments I think I may say, without demur,

it is for these reasons, that I suggest that two months is a reasonable period to take. I will now pass on to the only other amendment of importance. * * *

The Hon'ble Mr. Bhupendra Nath Basu :—"May I ask what is the time allowed to Members of Parliament to bring in private Bills?"

The Hon'ble Mr. G. R. Lowndes :—"In terms of one of our rules, I think I may say that I should be glad to have notice of this question. If I had any personal experience of Parliament, I might be in a position to give the information, but I have no doubt it can be ascertained and I will give it to the Hon'ble Member if I can. In this connection it may be as well to remind Hon'ble Members that I am not asking that the Council should take up the question now and pass the amendments. What we are proposing, and I think this will not be unacceptable to all Members, is that the details should be discussed in Committee, and my Hon'ble friend will be on the Committee. I was just going to refer to the only other question of importance under these amendments, the provision which we propose to insert that a copy of every Government Bill shall in ordinary circumstances be furnished to Hon'ble Members 24 hours before the motion for leave to introduce is made. It is understood that many Members have felt it an inconvenience to have to discuss a Bill of which they have had no definite notice, and we are only too glad to afford facilities for consideration and discussion of any matters we bring forward. It will be understood, of course, that there are some Bills which it will be out of the question to give notice of beforehand. It is our recognised practice, and the recognised practice of every legislature, that fiscal and financial Bills cannot be disclosed until the moment that they are to be put before the Council. They will no doubt ordinarily be exceptions. The provision which

[*Mr. G. K. Lowndes; Mr. Bhupendra Nath Basu.*] [7TH FEBRUARY, 1917.]

will cover the fiscal and financial cases to which I have just referred, will cover equally all measures where a Bill by a private Member or by Government is of an urgent nature, in connection with which it is impossible or undesirable to have to give the ordinary two months' notice. Hon'ble Members will observe that this rule prescribes definitely that the President shall have power to direct in effect that less notice shall be sufficient, and I think Hon'ble Members may be confident that that power will be exercised as sympathetically by our President in respect of private Members' Bills as it will be in respect of Government Bills. I should like to add with regard to the question of introducing Bills, that I have gone very carefully through all the Bills that have been introduced into this Council during the last six or seven years, and I cannot find among them one which would have suffered or would have been prejudiced if two months' notice had been given of them. In fact I may say that in every case practically two months' notice was given of them. We are only too glad in the Department over which I preside to assist and help Members with respect to any Bills they may wish to introduce. It has been the practice, and I hope it will continue, for Hon'ble Members who have Bills on the stocks to consult us freely, and we hope to be able to afford them all possible assistance with regard to their Bills. I may say that in almost every case we have been consulted on Bills quite two months beforehand. Therefore, we think that, under the circumstances, there will really be no disadvantage in thus dealing with the Bills they wish to introduce.

"My Lord, I now move that the amendments which are referred to in the Agenda paper in the Rules for the Conduct of the Legislative Business of the Council of the Governor General be referred to a Select Committee, consisting of the Hon'ble Sir Reginald Craddock, the Hon'ble Mr. O. H. Kesteven, the Hon'ble Sir Ibrahim Rahimtoola, the Hon'ble Mr. Dadabhoj, the Hon'ble Mr. A. P. Muddiman, the Hon'ble Khan Zulfikar Ali Khan, the Hon'ble Mr. Bhupendra Nath Basu, the Hon'ble Mr. L. Davidson, and myself."

The Hon'ble Mr. Bhupendra Nath Basu:—"My Lord, I fully sympathise with the object which my learned and Hon'ble friend has in view in introducing this Resolution. We ourselves have felt that it would be unfair to the Department over which my Hon'ble friend presides, and unfair to the Government if we spring upon it a Bill on three days' notice. In the first place, such occasions are very rare so far as private Members are concerned. In the second place, all private Bills, as Your Lordship must be aware, require some amount of private consultation amongst Members, and therefore we lose nothing in having that rule changed. But there is another aspect of the question, and that, My Lord, is this. Our life in this Council is for a very limited period, and sometimes the publication of a Bill—the mere bringing it up in the Supreme Council—and its publication helps to form public opinion either for or against it, and thus in a great measure tends to a solution of the question as to whether that Bill should be further pressed or not. If, My Lord, a Bill which takes some time to frame, is lost or is kept confined in the Department over which my Hon'ble friend presides, and then is brought forward and published for general information, then opinions from local bodies and Local Governments are elicited, then all this is arranged and again placed before the Council for their discussion, on some occasions a great deal of precious time may be lost. That is an aspect which I hope my Hon'ble friend will bear in mind. He says that even now with the almost summary power that we private Members enjoy of bringing in a Bill, the Council has the power of either adjourning the discussion or rejecting the Bill altogether. Well, My Lord, as I have said, the adjournment of the discussion does serve some useful purpose in making the principles and the objects of the Bill known throughout the country. Of course, as regards the rejection, we have nothing to say; we stand the chance, we must face the risk. Then as regards the

[7TH FEBRUARY, 1917.] [*Mr. Bhupendra Nath Basu; Mr. Mahomed Ali Jinnah.*]

sanction of the Government under section 67, clause (2) of the Government of India Act, my friend knows that it is only a special class or classes of Bills which require that sanction. I believe my friend referred in the course of his speech to the fact that the Government of India has got to take the opinion of the Secretary of State on such Bills, and that alone takes a long time. I do not for a moment wish to suggest that the Government of India should not, in matters of great importance, consult the Secretary of State, but, My Lord, we have felt that the Government of India has allowed itself to be too much under the leading strings of the Secretary of State, and we have always entertained the hope that sooner or later the Government of India will rid itself free of unnecessary control in its internal affairs by the Secretary of State. Taking the fact that we have only got to get the sanction of the Governor General of India in Council, that ought not to take such a long time as two months to deal with internal questions.

“ My friend said that in many cases the President of the Council has the power to relax the rule and to allow the Bill to be introduced at once. I have not much hope, speaking from my own experience, that to Bills introduced by private Members, either in this Council or in the local Councils, that indulgence is likely to be very freely granted, and that for a very obvious reason, namely, the Government has got to make itself acquainted with the bearing of these Bills upon questions which they profess to deal with. I make no complaint at all, but I say it would be absurd to expect the Government to grant its sanction at once to a measure, the full bearing of which it may not have considered.

“ Passing from this aspect of the question, and suggesting to my friend that a lesser period than two months would probably meet the requirements of the case, I go on to another subject, My Lord, namely, the presentation of Government Bills which in many cases have been placed in our hands just as we were entering this Council Chamber or sometimes afterwards. It places us in a very difficult position in dealing with these Bills. My friend, bearing in mind a complaint which was made to Your Lordship at the last Session of the Council at Simla, has been good enough to relax that practice and he gives 24 hours' time. Well, My Lord, I am not able to speak of Members of Government, but we who come from a distance to this Imperial City generally the day before the Council meets do not find its amenities very helpful in making our arrangements within 24 hours, and naturally it takes us much longer time to be able to find suitable opportunities for studying the papers that are sent to us. Sometimes, My Lord, they do not reach us till very late at night, and therefore I would suggest that, in cases of Government Bills where there is no particular urgency, at least three days' time may be given to Members to study them. They may or may not take advantage of that time. As regards exceptional Bills or Bills of an exceptional character dealing with finances and questions of money, I have nothing to say. But I am very glad, My Lord, to support my friend in amending this rule so that reasonable facilities may be given alike to Government and to the Members of Your Lordship's Council for examining the provisions of the Bill proposed to be introduced.”

The Hon'ble Mr. Mahomed Ali Jinnah :—“ My Lord, it has already been pointed out that we do not get the copies of Bills before 24 hours, and my position is this, that last night when I arrived here, I happened to get a copy of this proposed amendment, and therefore I have not been able to study it as well as I should have liked to. The proposed changes are two. Mr. Lowndes suggested that a private Member should not be allowed to introduce a Bill without two months' previous notice, save and except with the permission of the Governor General. Now Mr. Lowndes himself has admitted that during the last six or seven years that this Council has been working, practically no private Bill has been introduced without Government getting roughly two months' or more than two months' notice. What is, therefore, the reason of this change? I do not know, and the Hon'ble Member has not

[*Mr. Mahomed Ali Jinnah; Rao Bahadur* [7TH FEBRUARY, 1917.]
B. N. Sarma.]

explained to us what is his reason for the proposed change, but what I want to point out is this. We have, My Lord, only two Sessions—one is in the cold weather at Delhi and the other is in September at Simla. A private Member when he comes to Delhi, may have thought of introducing a private Bill. He arrives in Delhi, and when he comes to Delhi it is only then that he has the opportunity of meeting his colleagues from different parts of India, and naturally I take it that no private Member would venture to introduce a Bill without consulting some of his colleagues at least.

“When he arrives in Delhi he consults his colleagues and he makes up his mind to introduce that Bill, and, if two months are required for that purpose, he cannot possibly introduce the Bill during the Delhi Session and that time has gone, and therefore the Bill must be introduced at the next Session in Simla. I ask the Hon'ble Member to bear this fact in mind that that will put private Members in a very, very difficult position, because they will certainly lose one Session if you require two months' notice. I, therefore, respectfully point out to the Hon'ble Member in charge that two months is too long a period to fix. Of course I grant all his difficulties, and I think that he is entitled to say, as head of the Legislative Department, 'I must know what your Bill is before that Bill is introduced so as to enable the Government to make up their mind as to what position they should take up.' But surely, My Lord, for that purpose ordinarily you do not require more than a few weeks, perhaps a week or a fortnight. On the other hand, My Lord, what is the Hon'ble Member's proposal with regard to the Government Bill in relation to the private Member's? He expects us to be quite ready to deal with the Government Bill within 24 hours. Well, surely the Hon'ble Member with his great forensic abilities and the staff that he has behind him, if we, the non-official Members, are expected to be ready within 24 hours to deal with a Government measure, does not require more than 24 hours himself! I at once grant that fair and reasonable opportunities should be given to both sides, to Government as well as non-official Members. Therefore, I would urge that the period which he calls a reasonable period in favour of the Government is unreasonable, and the period which he calls a reasonable period in favour of non-official Members is also unreasonable, and these are the suggestions which I bring to his notice, and I have no doubt that in Select Committee they will be threshed out.”

The Hon'ble Rao Bahadur B. N. Sarma:—“The only observations I wish to make, My Lord, are that in Madras the Government have been able to find opportunities for giving Members of Council ample notice with regard to their Bills, and have felt no difficulty whatsoever there. I know the Government of India have got very onerous duties to perform, and therefore cannot find the same time as the Government of Madras have been able to find, and besides that, urgent legislation may have to be introduced here, but still, My Lord, I feel that one day's notice is far too short.

“The other observation I wish to make is with regard to the two months' notice. In Madras, we have been getting on fairly well with six days' notice. There have been occasions when it has been found necessary to deal with urgent matters in recent times, and six days' notice was found amply sufficient to enable the Government to meet any criticism. I refer to the recent agitation in Madras with regard to medical registration. Public opinion ran very high, and Members of Council found it absolutely necessary to ask for leave to introduce a Bill to allay public opinion and in order to elicit the Government view in the matter and leave was asked to introduce a Bill and Government allowed the motion and all that could be done within six days. Such occasions may arise, My Lord, in this Council also, and I think if a hard-and-fast rule exists that two months' notice has to be given, it would be difficult for private Members to bring to the notice of Government by means of private Bills public opinion on important questions.

“Then I support the Hon'ble Mr. Jinnah in his request that the time may be so arranged that a Bill may be introduced during a Session of this

[7TH FEBRUARY, 1917.] [Rao Bahadur B. N. Sarma; Mr. G. R. Lowndes; Mr. Mahomed Ali Jinnah.]

Council. We meet for a month in September. If we give notice of a Bill at an early stage, the Government ought to find it easy to enable us to make the motion before the Session closes, and, similarly, in the cold weather Session. I hope these remarks will be borne in mind when the Select Committee sits and discusses the measure, and a proper Bill will be brought before the Council."

The Hon'ble Mr. G. R. Lowndes :--" My hon'ble friend Mr. Jinnah made an excellent point which he might have pointed still further with the old proverb of 'what is sauce for the goose is sauce for the gander.' I only dispute that it is a case of goose and gander at all. If my hon'ble friend Mr. Jinnah says that, before he considers whether he will vote against a motion for leave to introduce a Government Bill, he would desire to consult the Secretary of State, it may be quite reasonable for him to say that 24 hours is too little for him to do so. The Hon'ble Mr. Basu suggested that it was very desirable that we should *not* consult the Secretary of State. This may be an excellent proposition, but unfortunately the Secretary of State is a statutory authority who has power to interfere in all our measures. The millenium will no doubt come when the Secretary of State's control over our internal affairs will be relaxed. It may come by degrees, it may come soon, it may come late, but all I would say is that at the moment we are bound to consult the Secretary of State. The Hon'ble Mr. Jinnah on his part is not bound to consult the Secretary of State. If I alone had to make up my mind whether I would vote as a Member of the Government for a motion for leave to introduce a private Member's Bill, I should not ask 24 hours to consider it. I should have no hesitation in saying that if I could not make up my mind on a subject of that sort in 24 hours, then I was not fit to sit on the Council. But it makes all the difference in the world if you have got to consult your own Government, consult your Local Governments, consult your Departments and consult the Secretary of State, and for that I frankly admit that the three days we have got now is hopelessly inadequate. It will, of course, be considered in Committee whether two months is the right period, or whether it is not. That is a question of detail. And it will be for the Committee to discuss whether 24 hours is sufficient for us to bind ourselves to for giving Members advance copies of our Bills. That is again a question of detail which, I imagine, will be discussed and considered in Committee, and therefore I do not propose to answer my hon'ble friends on these points at any length. But I would like to say this in answer to the arguments that have been used here, that if it is only when one of my hon'ble colleagues comes up to Delhi, or comes up to Simla, that his brain is sufficiently stimulated with the desire to consult his fellow members of Council as to whether he should introduce a Bill or not, with all deference to my hon'ble friends, I would suggest that that is a somewhat hurried method of undertaking legislation. My hon'ble friend Mr. Jinnah"

The Hon'ble Mr. Mahomed Ali Jinnah :--" If I may interrupt the Hon'ble Mr. Lowndes. I never suggested that the idea takes birth when a man comes up either to Delhi or Simla. What I said was that a Member may have got a particular Bill ready and may have made up his mind to introduce it, but he does not finally take that step unless he consults his colleagues, and that opportunity he gets generally either at Delhi or Simla".

The Hon'ble Mr. G. R. Lowndes :--" My Lord, I may have misunderstood my hon'ble friend, thinking that he was dealing with the period of birth of his Bill. He may be really dealing with the period when his Bill emerges from long clothes and can be passed about to other members of the family".

[*Mr. Mahomed Ali Jinnah*; *Mr. G. R. Lowndes*; [7TH FEBRUARY, 1917.]
Sir C. Sankaran Nair]

The Hon'ble Mr. Mahomed Ali Jinnah :--“ Quite so.”

The Hon'ble Mr. G. R. Lowndes :—“ Here, again, I would suggest that it is a little hurried to be ready only to discuss a Bill with other people and introduce it in the same Session. If my hon'ble friend knew what very long and anxious consideration takes place amongst us, at all events, before even the simplest Bill is introduced, he would hesitate before he formulated the proposition that one Session was sufficient for the dandling of the baby and for its introduction to the public. My Lord, there is an excellent proverb amongst us which applies primarily to another state of affairs, ‘marry in haste, repent at leisure.’ I venture to think that the spirit of the adage is equally applicable to the holy state of legislation.”

The motion was put and agreed to.

PATNA UNIVERSITY BILL.

The Hon'ble Sir C. Sankaran Nair :—“ My Lord, I move that the Bill to establish and incorporate a University at Patna be referred to a Select Committee.

“ We have received from various persons and associations opinions which are entitled to great weight. Objections have been taken to the various provisions of the Bill from various standpoints. It has again been pointed out to us that we ought to have incorporated the Patna College, and made Patna a centre of real University organisation, unhampered by the claims of all those which are now called external colleges in the Bill, leaving them under the Calcutta University till they learn the great advantages of the sound University training given at Patna. Our attempt to combine a residential University with the affiliation of colleges situated away from the centre is attacked as attended with difficulties almost insuperable. These critics have accordingly advised us to drop the scheme as very injudicious. In my speech asking for leave to introduce the Bill, I have already indicated the reasons which have compelled the Government of India to support the present scheme. It has been recommended by the Patna University Committee; the Local Government have recommended it; and though the Government of India would have liked very much to constitute only a unitary and residential University, circumstances have compelled them to combine with it the affiliation of colleges and to make it therefore partly residential and unitary and partly federal.

“ Strong objection has been taken to the powers vested in the Chancellor, under which, it is said, he will pass final orders on any question connected with the administration of the University. Objection is also taken to the provisions of the Bill investing the Vice-Chancellor with extensive powers over the colleges, which, it is said, greatly weaken the authority of the heads of colleges and of the Syndicate and the Senate. There is also a complaint that the control of the Government colleges and of the Government officers serving in those colleges will pass to the Vice-Chancellor. It has also been urged that the Vice-Chancellor must not be a whole-time officer. Strong objection is also taken to those clauses of the Bill, which, it is said, reduce the Senate to a nonentity. The constitution of the Syndicate is attacked as making it only an official body, and it is said that it will be subject to the control of the Senate. On the whole, it is urged against the Bill that the University as now constituted would only be a Department of Government. The representatives of aided colleges also ask for better representation on the Senate and the Syndicate. Objection is raised to the composition of the Senate and also to the provision restricting the foundation of new colleges to the localities mentioned in the Bill. These criticisms arise out of the very nature of the compromise accepted by the Government. If we were going to create a University solely of the

[7TH FEBRUARY, 1917] [*Sir C. Sankaran Nair; Mr. M. B. Dadabhoy.*]

residential and unitary type, there would be justification for conferring extensive powers on the Chancellor and the Vice-Chancellor, who would be able to exercise beneficial supervision and control, but it might well be that such powers are not needed in the case of a federal University with colleges at great distances from one another, not capable of such supervision and control by a Vice-Chancellor. Those who, therefore, wish the University to be mainly residential and unitary insist upon extensive powers being conferred upon the Chancellor and Vice-Chancellor; upon concentrating all powers in a body like the Syndicate, and they object to increasing the powers of the representatives of the external colleges on the Senate and the Syndicate. Those, on the other hand, who recognise the necessity of a federal University in Bihar are in favour of more popular control, better representation of the aided colleges on the Senate and the Syndicate, and a curtailing to some extent of the powers of the Vice-Chancellor and of the Chancellor. Some critics with their minds apparently fixed on the criterion of University teaching as it is usually understood in England, *i.e.*, to pursue knowledge for its own sake only and to call forth a person's individuality and to stimulate him to mental effort, to implant in his mind a standard of thoroughness, a desire to ascertain truth, would place education entirely in the hands of educationists, and would not recommend any substantial representation of any others on the Senate or the Syndicate. They object to any Government supervision or control either over the nomination of members or in any other form. Those, on the other hand, who look to the University to impart mainly, if not solely, the knowledge required from a purely utilitarian point of view and necessary for success in the professions which the students intend to follow, claim a larger popular representation on the Senate and the Syndicate. If there were other institutions to give them that training which they demand, probably there would not have been the same demand for popular representation. Another class, including those who regard a University only as a selective agency for Government service, or who look to Government to finance University education, justify official guidance and control and would deprecate any popular representation. All these conflicting views have been placed before us. These opinions are entitled to careful consideration. The Government must insist, however, upon the efficiency of the organization for the purpose for which it is to be created. They recognise at the same time that it is very desirable, if not essential, that the Universities should receive popular support. With this view, the Local Government have suggested considerable modifications. The Government are prepared to make any reasonable changes which will not impair the efficiency of the proposed University. I refer to these questions now, because Hon'ble Members need not be under the impression that the Government propose to oppose alterations in the Bill. It is my intention, with reference to most of the questions that I have referred to, to propose certain modifications which I trust will, without making the University less efficient, go far to meet the objections which have been raised. There can, therefore, I believe, be no reasonable opposition to the reference to Select Committee. All the Members coming from the province of Bihar and Orissa will be Members of such Committee, if they are willing to serve on it, and they will have ample opportunity there to urge their views which will receive full consideration. With these observations, My Lord, I beg to move that the Bill be referred to a Select Committee, consisting of the Hon'ble Mr. G. R. Lowndes, the Hon'ble Mr. H. Sharp, the Hon'ble Sir Edward Maclagan, the Hon'ble Raja Rajendra Narayan Bhanja Deo of Kanika, the Hon'ble Mr. Sastri, the Hon'ble Mr. Bhupendranath Basu, the Hon'ble Mr. Mazharul Haque, the Hon'ble Rai Bahadur Krishna Sahay, the Hon'ble Mr. J. G. Jennings, the Hon'ble Mr. E. H. O. Walsh, and myself with instructions to report on or before the 28th of February, 1917."

The Hon'ble Mr. M. B. Dadabhoy :—“ My Lord, in view of the important statement just made by the Hon'ble Member for Education, I do not propose to oppose the motion for reference to a Select Committee. The

[Mr. M. B. Dadabhoy.] [7TH FEBRUARY, 1917.]

Council has heard with a sense of great relief the frank and clear assurance of the Hon'ble Member that Government will not oppose any necessary changes that are considered desirable. Under these circumstances, it is imperative that the Council should be placed in possession of the non-official view on the subject, and that is my excuse for addressing the Council at this stage.

"My Lord, the Bill should be viewed from two standpoints—(1) how it affects the province for which it is meant, and (2) how it affects the larger interests of the whole country, and on both these questions, the weight of educated and enlightened non-official opinion is adverse. The Bihar view will undoubtedly be placed before the Council by her representatives, but this much is certain that the Bill has not been approved by the public there. Protest meetings have been held at various important centres, and the prevalent opinion is, that rather than have such a University the people would not have any. Unless the whole scheme is thoroughly recast, and the Bill is altered in important particulars, it will not be acceptable to the general public.

"The Bill marks a departure in several important respects. The Chancellor, for one thing, is given larger powers, nay more extensive powers of control, interference, initiation and veto than under the existing Universities Act. Besides, the chief controlling authority, the Syndicate, will be practically an official body under the sway of the Chancellor. Out of sixteen members, three *ex-officio* members—the Vice-Chancellor, the Director of Public Instruction, and the Principal of the Patna College—will be officials; four nominated by the Chancellor will be either officials or obliging non-officials, and at least five elected by the Senate from among the University staff, or the teaching staff of the colleges of the University, will also be officials. Three-fourths of the members will thus be officials or safe non-officials, bound to carry out the wishes of the Chancellor. Even if the non-official nominees of the Chancellor be thoroughly independent and the remaining four members be non-officials of the right sort, the official members of the Syndicate will be to the non-official members as ten to six,—a striking official majority in all conscience. Affiliation or dis-affiliation of an institution is entirely dependent upon the Local Government, which means the Lieutenant-Governor, who is the Chancellor, in Council. The Chancellor has also the power of causing an inquiry to be made *suo motu* into any question connected with the administration of the University, and to pass any orders he pleases upon the result of such inquiry, such orders being binding upon every authority and every officer of the University. In view of these extraordinary, wide and comprehensive powers, the public might justly characterise the University as nothing better than a department of Government. The Chancellor is all-powerful. Either directly, or indirectly through the Vice-Chancellor or the Syndicate, he controls the whole machinery and every part of it. Even the conferment of honorary degrees is subject to confirmation by the Chancellor. This is an arrangement which can never appeal to any in these days of progressive ideas. When we had the Universities for the first time some sixty years ago, we were given larger independence as regards internal management and expansion. 'The pursuit of a regular and liberal course of education' by all classes and denominations of Indian subjects, for the better encouragement of which the Universities were established, has certainly not suffered under that arrangement. On the contrary, the progress of high education in the country has been marvellous. But now the accustomed policy which has helped the spread of high education in India is going to be altered, and Government is assuming powers of oversight which make the Universities wholly dependent upon it. Is this progress? Is it conducive to the expansion of high education? My Lord, we hear a good deal now-a-days of decentralisation in administration and self-government. The avowed policy of Government is that the administration should be more and more decentralised, and that the people should have larger and larger powers of initiation and execution in every department of administration. But here in the matter of high education Government, instead of delegating larger and larger powers to the people, appears anxious to recede from its former policy, and to retake in its own hands all the strings of control. The underlying policy of the present Bill is

[7TH FEBRUARY, 1917.]

[*Mr. M. B. Dadabhoj.*]

centralisation and vigorous—perhaps rigorous would be a more appropriate word—control of high education. Restriction is such a natural necessary and unavoidable effect of that policy that it would not be wrong to say that it is a part of the policy. My Lord, I am fully aware that the suggestion that restriction of high education is the present policy of Government has been stoutly repudiated by responsible officers, but the provisions in the Bill that after the establishment of the Patna University no other University shall exercise jurisdiction within the province, and that no new 'educational institution shall be admitted as a college of the University' unless 'the college buildings are situate within one mile of the Senate House of the University', are irreconcilable with a burning desire for expansion. The whole of the province of Bihar and Orissa is expected to be served by the two colleges with which the University starts, and the few colleges that may possibly be started in future within a radius of one mile from the Senate House and the five 'external' colleges specifically mentioned in the Bill. No college can be started in the interior for the simple reason that it cannot secure affiliation to the Patna University, and no other University can recognise it. Is this line of action consistent with expansion, or with the central idea of the universities in India—'a better encouragement of all classes and denominations . . . in the pursuit of a regular and liberal course of education'? My Lord, the classes of every college are crowded; everywhere the cry is for more colleges; the supply cannot overtake the demand for collegiate education. Is this general desire for high education absent in Bihar and Orissa? Are the people there apathetic towards that education? That will be an extraordinary position to take up in the face of the great awakening in that province? And yet once the Patna University is established as a department of State, with its numerous limitations and drawbacks, the people, except only a fortunate few, will perforce have to go without collegiate education. Is not this restriction of high education? And is not this restriction likely to impress one as an integral and necessary part of the scheme embodied in the Bill? How can Government reconcile their action with the policy of expansion they have stated time and again as the one that animates their general educational policy and the one they want to follow? Collegiate education restricted, secondary education is bound to suffer. High schools serve but as feeders to colleges. With fewer colleges, attendance in high schools will dwindle automatically, and ultimately many such schools will have to be closed. Is that a desirable result? Will that help the educational progress of Bihar and Orissa? Or are the youth of that big province to migrate wholesale to other provinces for high education? How does the Patna University then help the province to be independent of other provinces in the matter of University education? With this University in existence, the people will be in a distinctly worse plight than now because, whereas they have not to move out of their province under existing arrangements, provided colleges are founded in sufficient number within the province to which there is no bar, under the proposed legal provisions new colleges at different centres cannot be established, and migration to the neighbouring provinces will be the only alternative left to them to satisfy their thirst for collegiate education. Is that the way to make Bihar and Orissa self-contained and progressive?

"My Lord, the Patna University will launch a new experiment in university management. The Vice-Chancellor, a whole-time officer appointed by Government, 'shall be the principal executive officer of the University,' and independent of both the Syndicate and the Senate. He will inspect all colleges, whether colleges of the University or external colleges, and shall be unfettered in his action in the matter of discipline in the colleges of the University. The Syndicate can only inspect the external colleges. Then, the Syndicate, which is supposed to be the executive of the Senate in all modern ideas of university, is wholly independent of the Senate, which body is relegated to the unedifying and humbler position of a deliberative assembly without powers to enforce its decisions in the administration. For all practical purposes the Senate is a superfluity, and might as well be eliminated from the University.

“ My Lord, it would be surprising if the Bihar public did not enter their emphatic protest against this scheme of a University for them. But even if they agreed to have such a University in a spirit of thankfulness, the people of the other provinces have the most serious objection to the Bill. And this objection has been expressed, in the case of Bombay, in a resolution of the Senate of the Bombay University, condemning the Bill on the comprehensive and substantial ground that it ‘contains provisions which are of a highly retrograde character, being repugnant to the time-honoured and traditional idea of a university, and being inconsistent with the principles and policy which dictated the establishment of the existing universities.’

“ The feeling is general in the country that Bihar does not stand alone. The greatest danger is that it evidently marks a radical change in the policy of Government. Nobody questions the value of residential and teaching universities; at the same time, one might doubt, nay dispute, in view of Indian conditions the feasibility of establishing them at provincial centres, with exclusive jurisdiction within the provinces. Centralised institutions *alone* can never serve the educational interests of such a vast country, especially because the resources of Government are inconveniently limited, and the annual grant for education must be small compared to the needs of the people. It is extremely unlikely that once the ideal is changed for one province, the change will be limited to that province. It may, on the contrary, be taken for granted that all future universities will follow the same new lines. This is a matter of immediate and the most serious concern to the Central Provinces and Berar; and as a representative of those provinces, I would be failing in my duty to my constituents if I did not enter an emphatic but respectful protest against the scheme of a provincial University embodied in the Bill. Provinces where new Universities are proposed to be established must object to the present change of ideal. It should not be forgotten that quality is not the only thing from the administrative point of view, in an undeveloped country like India, it is advisable not to overlook other important considerations. But however that may be, the most important fact that demands consideration is, that, as I have submitted above, the thirst for high education among the people is general and almost insatiable. Residential and teaching universities can under the circumstances only be developed alongside of examining universities, as auxiliary agencies in the same work, and not as substitutes jealous of their own jurisdiction within the provinces.

“ A university under official management and control, such as the Patna University will be, is a novel idea, and forms the most objectionable feature of the new policy. The officialisation of the educational machinery is certainly undesirable. The existing universities for a certainty will in no distant future be thoroughly overhauled, and officialised in a similar way. Already a fresh Universities Commission is foreshadowed. The full object and scope of that Commission are not known. But no one can be certain of the future. It may be that the officialisation will not be as complete all at once. But sooner or later it will come, and when it does come high education will be shaped and regulated on lines—the very opposite of popular ideals.

“ My Lord, the strong feeling which the people entertain about the need of expansion in high education is well-known to Your Excellency and this Government. Whether the popular view is the right view or not, is not the question. So long as the feeling is there, the least move on the part of Government running counter to it is bound to create in the whole country some measure of dissatisfaction. This is an aspect of the question which it would not be prudent to ignore. If educational facilities are localised and centralised in the way proposed, the evils of restriction can be neutralised only by multiplying such universities at least threefold in each province. Is the Government prepared to do that? Are funds available for large additions to the existing provincial universities? From the sympathetic speeches lately delivered by Your Excellency as also from official documents, it is clear primary education will for long years to come absorb more and more of the funds that can be set free for the support of education. Even if larger grants under the

[7TH FEBRUARY, 1917.] [*Mr. M. B. Dadabhoy; Mr. Mazharul Haque.*]

head of education can be counted upon, the claims of additional universities in provinces that have already universities will receive scant consideration. Confining our attention for the moment to the cause of expansion of high education, the only practical and reasonable course for Government to follow in Bihar would be to leave the existing universities free to affiliate to themselves colleges already existing but threatened with extinction, and those that will be established in future but which will not be affiliated to the provincial university. In this arrangement expansion will not be restricted. A centralised residential and teaching university will not only serve the interests of the areas within its influence, but will serve as a model to all universities in the country. If the Bill is modified on these lines, there will remain the question of constitution and internal management; and with regard to that the point to bear carefully in mind is that the provincial public must have a larger share in the administration and should be free to develop the institution on lines best suited to their genius and special needs.

“ Mere facilities for affiliation of colleges will not be enough, as will have been abundantly clear from the foregoing analysis of the position. The main question swings round this point of constitution and internal management. Why should a system that has stood the test of time and has amply justified itself by the results be abandoned and be substituted by one that has inherent defects from the people's point of view? An explanation why the Senate is sought to be deprived of all real power is needed. I know there is a body of opinion which favours the concentration of authority in expert hands; but it will be recognised that the employment of the non-academic general public in the administration of universities is productive of the best of results, as it helps to liberalise the institutions and gives them a broader outlook. Professors may be admirable persons in their own way, but they have the weakness of their class and are obsessed with departmental ideas. Their views, however valuable in other respects, are of necessity tinged with a certain narrowness, especially on large questions affecting general interests. Their predominance in the University, without the corrective which the presence of a powerful lay public provides, can only give it a narrowness which is detrimental to the larger interests of the country, and even to the special interests of education. It is therefore a doubtful policy to weight a university with Professors, and to give the non-official public only a minor and subordinate position. And the Senate being the principal body through which the public can enforce its will in the university, it is absolutely necessary that the Senate should have its accustomed position and power in the Patna University. And the constitution of the Syndicate should be radically altered so as to ensure its independence and freedom. Finally, the Chancellor and the Vice-Chancellor should not have any power in excess of that enjoyed by the Chancellors and the Vice-Chancellors of the existing universities. These are changes which go to the root of the Bill, and are not such as can be made without altering the Bill in vital respects. I, therefore, humbly lay these suggestions for the consideration of the Select Committee.”

The Hon'ble Mr. Mazharul Haque :—“ My Lord, when this Bill was introduced last Session by my hon'ble friend, I welcomed its introduction, but abstained from offering any criticism, adverse or otherwise, on the principle underlying the measure. No copy of the Bill was before me to enable me to examine it in any detail, nor did I know in what light it would be received by the people whom I have the honour to represent in this Council. Now I have had sufficient time to study the Bill with care and a great volume of well-informed criticism both from my province and from outside has collected round the measure which gives me confidence in giving my opinion. The whole country has condemned this Bill as a highly retrograde measure, very few people have blessed it, my own province is not willing to accept a university on these terms, and the most curious part of the whole business is, that the Government of Bihar and Orissa refuses to lay any claim to its parentage. One would like to know who is responsible for this reactionary measure.

[*Mr. Mazharul Haque; Rai Bahadur Bishan Dutt Shukul.*] [7TH FEBRUARY, 1917.]

"The present Bill is a radical departure from the University Act of 1904, which in itself was not looked upon with any favour by the public of India, and was strenuously opposed by such leaders as the late lamented Mr. Gokhale. After twelve years we would have expected to make a little advance in the direction of educational progress and not gone back in the wrong direction. At a time when we are hearing from all sides a demand for self-government, an attempt is being made to deprive us of the little privilege that we have in associating ourselves with, and participating in, the educational life of the country.

"My Lord, some journals, not very friendly to Indian interests, have described this university as a gift horse, conveniently forgetting that it is from the people themselves that ultimately the money comes, whilst others have advised the Government to keep a firm hold over the education of the country, and not to let the least little power slip away from their hands, thereby accentuating the difference between the interests of the Government and the people in matters educational. Education must be looked at largely from the educational point of view. It is true that unfortunately in this country, the political side cannot be altogether eliminated from our consideration, but it should be entirely subordinated to the academical side.

"However, in view of the fact that the Government of Bihar is desirous of meeting halfway the public opinion of the province and is very sympathetic in its attitude, for which I give my thanks to His Honour the Lieutenant-Governor, and in view of the extremely conciliatory speech that has been made by my Hon'ble friend the Member for Education, I feel it out of place to make any further remark on the general provisions of the Bill. I also find that my name has been proposed as a Member of the Select Committee, and I reserve all my efforts for trying to have the Bill amended in some of its most unacceptable features. I have great hopes that the Bill will evolve from the Select Committee in a shape which will not only be acceptable, but enthusiastically welcomed, by the whole country. With these few observations and reserving to myself the full liberty of moving the rejection of the Bill at any future time, I support the motion."

The Hon'ble Rai Bahadur Bishan Dutt Shukul :—"My Lord, I confess that I share to a great extent the apprehensions of my hon'ble colleagues as regards the danger of having a University of the type proposed to be established for the Provinces of Bihar and Orissa. I can't give a silent vote on the motion now before the Council in view of the great attention which the Bill has received and the unpleasant controversies raged round it. The Bill as it is framed will, I am afraid, if given effect to in its entirety—tend to limit and not extend the University education in Bihar and Orissa. Hailing from a Province, My Lord, nearly as backward in point of education as Bihar, and representing especially as I am a large body of landholders not yet advanced in higher education, I view with some degree of suspicion lest the same may be the fate of the Central Provinces which, by the kindness and good-will of the benign Government, is to be endowed with an University of her own at no distant date. My Lord, I would not like to waste the time of the Council by dwelling at length upon the merits of the present Bill, as the Hon'ble Member preceding me, the Hon'ble Mr. Dadabhoy, has referred to almost all the points exhaustively. Much has already been said by the Press and platform. The people of Bihar and Orissa, for whose benefit the University is to be established, do not welcome it.

"The various public bodies have in one voice protested against the principles underlying it; several distinguished educationists and experts whose credentials are above suspicion, and whose right to speak on the subject is unimpeachable have decried it in no unimpeachable terms. The main provisions of the Bill are so retrograde in character, that I very much regret I cannot see my way to support this measure. The Bill is a marked departure from the avowed educational policy of the Government. The existing Universities

[7TH FEBRUARY, 1917.]

[*Rai Bahadur Bishan Dutt Sukul ; Mr. Kamini Kumar Chanda.*]

of India are to some extent susceptible to popular influence. They often fairly represent public opinion, whereas in the constitution of the proposed University of Patna, the popular element is practically ignored, and many of the provisions of the Bill, such as the composition of the Senate reducing it to a mere deliberative body, the vesting of the administrative control on an officialized Syndicate, the very large powers sought to be conferred upon a paid Vice-Chancellor, and those of inspection and nomination upon the Chancellor, will tend to increase enormously the control of Government over University matters. This policy of State interference in the matter of details is not viewed with favour even in English Universities. The Universities of Oxford and Cambridge, so far as I learn, have always resented the State interference with University affairs. Mr. M. E. Sadler, Vice-Chancellor of Leeds University, writing in 'Indian Education' is reported to have enjoined a caution against the danger of excessive official interference. He observed—

'There will arise a real danger. The freedom of the teachers to think out their real convictions, the freedom of the Universities and schools as corporation and teachers will be threatened. Now up to a certain point it is in the highest degree desirable that there should be intimacy of thought and constant co-operation between the Government on the one hand, and Universities and schools on the other. But this intimacy, this co-operation should be an alliance of free minds and not the result of subjection to the State'.

"The Bill, My Lord, ought, therefore, to be modified in a manner to ensure adequate representation of popular element in the administration of the Patna University.

"My Lord, I must not discuss any of the details of the Bill at this stage, but I crave Your Excellency's permission to offer a few remarks on two other points which to me seem points of principle. The Bill, as it will be observed, not only tends to restrict the scope of higher education by not granting recognition to the already existing colleges in Bihar, but proposes to impose further limitations upon the affiliation of the new colleges as well. It is not desirable, My Lord, to discourage private efforts to promote education on true and sound lines in a Province which is still backward in point of education. Such restrictions therefore sought to be imposed by this Bill ought to be done away with. The other point that seems to have struck me most is the absence of any agricultural faculty: Bihar is a province which has got large agricultural tracts producing various crops, and it is but proper that the University designed for such a Province should include a faculty of agriculture with a college to impart agricultural education. In the Universities of several countries of Europe, there is an agricultural faculty, similar to other faculties giving liberal and scientific education in agriculture and science allied thereto, and training men for the purpose of carrying on researches. In England too, some of the modern Universities have given place to agriculture amongst the applied sciences; and I understand there is a provision, made in addition to degree for diploma courses at Cambridge, for agriculture. This aspect of the question has been ignored in this Bill, which makes no mention of the creation of any faculty on agriculture. It is true that there is a college at Pusa, but it will have nothing to do with the University, and so long as agricultural colleges are not affiliated to the University, they will not attract boys of respectable communities connected with the land, hence the improvement of agriculture will not be possible unless sufficient facilities and inducements are open to Indians to obtain education in a University on agriculture. I may, therefore, hope that the reasonableness of the claims of the Province will be duly considered, and that the Select Committee will modify the Bill in a manner so as to ensure ample and liberal provisions for higher education. With these few words, I beg to support the motion."

The Hon'ble Mr. Kamini Kumar Chanda :—"My Lord, after hearing the extremely sympathetic speech of the Hon'ble Member for Education

[*Mr. Kamini Kumar Chanda.*] [7TH FEBRUARY, 1917.]

to-day one has to largely modify his views about the Patna University Bill. I wish to congratulate the Hon'ble Member on, if I may be permitted to use the expression without impertinence, the courageous responsiveness to public opinion he has shown.

" My Lord, since the Bill was published the reception it has met with in the country has, to put it briefly, been a unanimous condemnation of its principles. This is admitted by the Government of Bihar and Orissa in the letter of the Chief Secretary of the 11th January where the 'vigour and unanimity of the criticism' against the Bill' (to quote from the letter) are admitted. In fact the whole of Bihar has spoken, and spoken in no uncertain terms, about the retrograde character of the Bill. The educated community of the Province, and in a measure of this kind it is the opinion of the educated community alone that need be considered, that community has to a man demanded extensive modifications in the Bill before its acceptance, and has even gone the length of declaring that they would rather have no separate University than have the one sketched out in the Bill; and Orissa has followed suit. And outside the province veteran educationists like Sir Gurcodas Banerjee and the Hon'ble Principal Paranjpye, public men of the eminence of Sir Narayan Chandavarkar, have also condemned it. It now appears that even the Local Governments also who were consulted, and whose expressions of views have been printed in the papers, namely, the Governments of the Punjab and Bombay, are against the principles of the Bill. 'The scheme seems to be politically and otherwise injudicious,' says the Chief Secretary to the Punjab Government. The Bombay Government considers 'the wide powers given to the Syndicate as novel features' and 'that the relation of the Syndicate to the Senate in the older universities has been inverted,' and it moreover takes exception to the provision 'restricting the location of external colleges to four towns.' The Government of Bihar and Orissa itself says (I am quoting from the letter of the 11th January) 'there is a general feeling in Bihar, as indeed throughout India, that the tendency of the Bill is to strengthen unduly official control, and a fear that if the provisions to which exception is taken are introduced in Bihar and Orissa, a precedent will be created for making similar changes in the constitution of other Universities. In the circumstances, I am to observe that the Bill embodies many important deviations from the provisions of the Indian Universities Act, 1904, which were not suggested by the Local Government in its letter No. 962-E., dated the 28th May 1915, or in the draft Bill which was submitted therewith. and it is to these that the bulk of the criticisms are directed.'

" My Lord, it is, in these circumstances, a great relief to have been reassured by the Hon'ble Member to-day that these provisions will be treated as open questions and dealt with as such by the Select Committee, and it is in this view that I do not consider it right to oppose, but vote for, the motion for reference to a Select Committee. In doing so, I shall, with your permission, refer briefly to some of the provisions which, in my humble view, require radical modifications. My Lord, in this vast continent of India, with a population nearly nine times as big as that of England, we have at present only six Universities. The number is obviously far too small for the large population in this country, and everywhere is the cry for more colleges. The gracious message of our beloved Sovereign that he wished to have educational institutions multiplied throughout the length and breadth of the country filled us with high hopes. And when, therefore, the Patna University Bill was introduced into the Legislative Council, there was a feeling of rejoicing among the educated community, not only in Bihar but throughout the whole country, as one more University was going to be created. But alas, when the Bill was published, the hopes which had everywhere been raised were dashed to the ground! It is felt that far from giving facilities for spreading higher education it was going to curtail them where they now existed. For instance, if Darbhanga was able to raise sufficient funds to-day to provide for necessary buildings, adequate staff and efficient equipment to the satisfaction of the Calcutta University and to the Government of India it could without much difficulty get affiliation for a

[7TH FEBRUARY, 1917.] [*Mr. Kamini Kumar Chanda.*]

college sanctioned almost at once. But supposing the Bill is passed in its present form, could it do so? No. No matter how adequate the staff, how efficient the equipment, how spacious the buildings, how healthy the surroundings, Darbhanga could not get a college, simply because it does not happen to be one of the four towns which only are privileged to be college centres in Bihar. The healthy and salubrious town of Ranchi, which is the divisional headquarters of an important division and one of the seats of the Local Government, cannot similarly have the privilege of having a college. It was to this town, My Lord, to which Sir Andrew Fraser proposed to transfer the premier college of the country, the Presidency college of Calcutta. But under the Patna University Bill it will have no hope of having a college. This provision of restricting colleges, present and future, to four towns only is very difficult to follow, nor are any reasons given anywhere. It is stated in the Statement of Objects and Reasons to the Bill as follows:—'In view however, of the existence of colleges in other parts of the province, and the local feeling in favour of their retention, it is provided that, in addition to the colleges at Patna, the colleges situated at four other centres, and the Bihar National college at Bankipur, etc.,' and the Hon'ble Member said in his speech in introducing the Bill, as follows:—'There were several colleges in the province situated at a considerable distance from Patna, at which students were being already educated for a University career, and from which it was impossible to expect a complete migration of students to a central University. It was accordingly decided that, in addition to the University Colleges at Patna, there should be a series of external colleges at various centres outside Patna itself'.

"Well, My Lord, granting the premises, my submission is that the conclusion does not follow. No explanation is given as to why these four towns only should have the privilege of having colleges not only for the present but also for the future. This provision of the Bill must therefore be amended. In the next place, My Lord, even these four towns, it will be observed, cannot have full affiliation or the privilege of having Honours Classes or Science teaching except for the Intermediate Standard. This is equally arbitrary. One could understand, if you provided very stiff conditions, and exacted a very high standard for affiliation in the Honours course or Science teaching. But to put a bar simply because the colleges are not within a mile of the Senate House is very arbitrary and unjust. The idea is evidently to centralise all higher teaching at Patna, and is obviously based on the recommendations of Lord Haldane's Commission about the London University which provides only three University Colleges for the whole of London. But, My Lord, London is not the whole of England, and Lord Haldane only considered the requirements of London. My Lord, the conditions are not the same and the two cases, namely of London and Bihar, are not on all fours. Bihar has a much larger area and bigger population than that of England and Wales put together. How many Universities and Colleges are there in England against six colleges in the whole of Bihar? How would a recommendation to centralise all the higher teaching for all England, not of London only, in three University Colleges in London be received? No, My Lord, we must have higher education spread far and wide before talking of centralisation. There must be some surface before we can have depth, and to quote the words of an eminent educationist, 'we aim not only at raising the height, but also at broadening the base of our educational fabric'. The educational system should be so adjusted that, while the gifted few shall receive the highest training, the bulk of the less gifted but earnest seekers after knowledge may have every facility afforded to them for deriving the benefits of higher education. India is a poor country. To insist on all the students in the province to come to Patna may mean an absolute bar to poor but deserving students against having the benefits of higher education. In the next place, My Lord, in forming new Universities, we must go forward and not be content with the equipment of the existing Universities. We must add to the faculties already existing in the present Universities. But here again the provision is retrograde. The Bill does not even provide for the existing faculties, but only

[*Mr. Kamini Kumar Chanda; Rai Bahadur Krishna Sahay.*] [7TH FEBRUARY, 1917.]

for four. There is no faculty of medicine, nor of engineering, not to speak of other faculties like commerce and industry, technology, agriculture, etc., which the present conditions of the country call for. In England, Birmingham has got a faculty of Commerce. In Japan, Tokyo has got a faculty of Agriculture. My Lord, Sir James Meeson, the Chancellor of the Allahabad University, in his recent Convocation speech said :—

‘At no period in their history have national systems of education been more unremittingly on their defence than since his prophecy In place of assent we have a tireless cross-examination. *What is our education doing for us?* Is it giving the individual an equipment for his career? Does it make for his greater happiness? Does it open for him the doorway to material success? And what does it do for the nation? Is it fitting us for that strife of industry and trade which is more permanent and more bitter even than war? Is it training us to use our own produce, our natural advantages, our labour, our brains so that we can meet and bargain with other nations on equal terms? These and similar questions are shaking the ancient Universities of Europe and setting up dozens of new Universities of diverse types.’

“My Lord, the present Bill by not making provision for any new faculties will not help in decreasing the number of discontented B. As. I would humbly submit that provision ought to be made for additional faculties.

“Then coming to the constitution of the proposed University as provided in the Bill, it is certainly open to still more serious objections. It is hardly necessary to go beyond the remark of the Director of Public Instruction of Bombay about the relation of the Syndicate to the Senate which must be reversed. I think, My Lord, if the suggestions of the Government of Bihar about this and the respective functions of the Senate, the Syndicate and the Vice-Chancellor and the powers of the Chancellor made in the letter of the 11th January are accepted, it will remove objections to a large extent. The elective element must be more largely introduced in the formation of both the Senate and the Syndicate and also, if possible, the Vice-Chancellor must be elected. It will not do to have only educational experts in the University. A fair amount of popular element is equally indispensable.

“Regarding the constitution of the Senate, the Royal Commission recognises the advantage of having men on the Senate who are not educational experts, but who nevertheless are deeply interested in education. ‘The presence of these persons in the Senate would bring to bear upon questions of education a broader outlook.’ I would in this connection associate myself with the remarks of Sir Gooroodas Banerji in his note of dissent at page 75 of the report of the Education Commission of 1902—‘Again, though it is quite true that the University is a western institution and active friendly co-operation of European scholars and scientists is at the present day absolutely necessary and must at all times be most cordially welcome, in the management of Indian Universities it should also be borne in mind that it is the Indian youths who chiefly resort to them, and that their requirements and difficulties, their habits and modes of life and even their sentiments and susceptibilities should receive due consideration, and for that purpose educated Indians should be adequately represented on the Senate.’ I commend this recommendation to the Select Committee.”

The Council adjourned for Lunch to 8 p. m.

The Council re-assembled after Lunch with the Hon'ble Mr. G. R. Lowndes, *vice*-President, in the Chair.

The Hon'ble Rai Bahadur Krishna Sahay :—“Sir, in welcoming the introduction of a Bill to establish and incorporate a University at Patna at the very first Session of the Council at Simla, I had offered the sincere gratitude of the people of my province to His Excellency's Government for taking the earliest opportunity of endowing it with a separate university. I may take it as a recognised fact that the greatest obstacles to progress in India, and especially in Bihar and Orissa, is the want of education—education properly conceived and sympathetically regulated. The province of Bihar and Orissa, with an area and population which are larger than those of England

7TH FEBRUARY, 1917.] [*Rai Bahadur Krishna Sahay.*]

and Wales put together, has in its colleges a total numerical strength which is less than one-tenth of the students in the universities and university colleges in England and Wales after leaving out the important universities of Oxford and Cambridge. Our province has wakened up to the necessity of higher education. Our schools are filled to overflowing with boys and every year that passes impresses us with the paramount necessity of devoting closer and more anxious attention to this all-important subject. The question whether Bihar and Orissa should be given a university of its own or continue to depend on the Calcutta University for its educational requirements has, I venture to think, passed out of the range of any practical discussion. It seems to me that the appointment of the Patna University Committee in response to the universally expressed desire of the people of Bihar and the decision that that Committee came to set the question at rest for ever. A definite pledge, if I may be permitted to use the expression, for the establishment of a separate university for the province was given by its present sympathetic and scholarly ruler in the local Council. It would have been disastrous indeed to the interests of our province if, in view of the opposition to the provisions of the Bill, there had been any disposition on the part of Government to drop the measure as controversial or to postpone it instead of making such modifications in them as can be legitimately expected to meet the wishes of the people. The fact that notwithstanding so many imperative calls on the financial resources of the Government due to the great War, Government desire to proceed with the further consideration of the Bill, is a proof of their generous attitude towards the people of Bihar and Orissa. We are also indebted to our Local Government for the very conciliatory and liberal attitude towards it.

“The proposed constitution of the new university which is the subject of the present legislation has, however, raised perplexing questions which are not very easy to solve. A provincial university with a number of colleges scattered over an area of more than 58,000 square miles cannot possibly be a teaching university as it is understood in the West. It must leave the work of teaching to a very large extent to the colleges, and the unit of university life must necessarily be a college with all its equipment of libraries and laboratories, its professoriate lecturers and tutors, its play-grounds and institutions, for the growth of social life among students. The provincial university can at best attempt to centralise the highest university teaching, leaving the lower stages to the colleges at different centres. A university of the type set forth in the Bill before us must be a mere examining body for all the colleges in Bihar and Orissa outside of the prescribed limits. At Bankipore—including even the Bihar National College, which for some unknown reason and in my opinion most unjustifiably, has been relegated to a place outside the university area—notwithstanding the fact of its being within the fateful one mile of the Senate House which, I understand, is at present to have its local habitation in the rooms of the Patna College. This will in a very aggravated form repeat all the evils arising out of the external syllabuses and external examinations unless there be provision in the Act itself for the proper representations of outside colleges on the Senate and the Syndicate. From a purely academic point of view the exclusion of outside colleges from a close participation in the deliberations and activities of the Central University will perpetuate all the evils which exist in some of the older Indian universities.

“As to the Central University at Bankipore with practically one Arts College, it will not have any resemblance to the best types of teaching universities in England, such as the classical seats of learning at Oxford and Cambridge. The Oxford and Cambridge universities would not have commanded the respect that they do at present, had it not been for the fact that each of them is a federation of co-operating colleges, each with a history and traditions of its own, and its own residential and tutorial arrangements. But with all that I welcome the beginning that is sought to be made of a residential university in my Province. Bihar is the mother of the two most ancient universities of the world—Nalanda and Vikramasila—so graphically described by my young friend, Professor Jogendra Nath Samadar of the Patna College, and both these were purely residential ones. Let us hope that the beginning we are now

[*Rai Bahadur Krishna Sahay.*] [7TH FEBRUARY, 1917.]

making of a residential university on the ancient soil of Maghada will, in course of time, develop into an ideal combination of East and West—the combination of models of Oxford and Cambridge, Naland and Vikramsilla.

“Another vulnerable point in the Bill is that by limiting the centres of education, it imposes artificial restrictions upon the existing as well as the future colleges, which will seriously hamper the progress of university education in Bihar. I believe we, in Bihar, are on the eve of a great expansion of higher education in our province, the progress we have hitherto made being insignificant as compared with other provinces in India. We do not as yet know—and it is impossible to forecast a thing like this—as to what are the undeveloped potentialities of the existing centres of university education and of the centres which are yet to come into being. For a population of 33 millions, England has found it necessary to provide facilities for the higher education of more than 24,000 students, though the trades and business lines absorb an immense number of her young men. We with our population of more than 36 millions have yet provided facilities only for less than 3,000 students, and there is no trade or business to speak of in which our young men may have useful employment. It will be unwise, therefore, to bar out all future possibilities by legislation.

“The proposal to lower the status of all the outside colleges by making them teach only up to a pass degree is open to the gravest objection. The question may be asked pertinently if any of the university colleges which have now grown into city universities in England would have had any chance of development if the State had intervened to keep them down in the way it is proposed to be done in Bihar.

“We are in need of a university to make our province a self-contained one, and surely with the small number of faculties mentioned in the Bill we cannot have a self-contained university in the true sense of the word. Where, Sir, are we to go to get the degree of law or medicine or engineering or commerce. It must not be forgotten that we have already a Law College at Patna; and the Temple Medical School with a large hospital now at Bankipore, and the Bihar School of Engineering possess all the elements in them for development as colleges during financially normal times for the Government. There are very strong reasons therefore for the provision of more faculties in the Bill.

“His Excellency the Viceroy has been pleased to observe that matters educational should be considered from a purely educational point of view. I venture to place it before Government, as well as my colleagues in this Council, if our universities should or should not be saved from a two-fold danger which confronts them. On the one side there are the perils of too much popular control, and on the other side too much bureaucratic control. I say, let there be academic control over academic matters with such due representation of the popular and official elements as are absolutely necessary. There must be very grave reasons for depriving the Senate of all the authority with which it was endowed under the Act of 1904. But we are not aware what these grave reasons are, and I am not prepared to support such a serious departure from the old traditions. Next to the Chancellor the Senate should be the chief authority in all university matters, and in the Senate, as well as in the Syndicate, educational and popular interest should be adequately represented.

“I take strong exception to the principle underlying the provision in the Bill as to the power of the Chancellor. Apparently there seems to be no justification or necessity for vesting in him by law such extraordinary powers—powers such as no Chancellor in any other university in India is armed with.

“I think it is essential from a purely educational point of view that the first regulations should be drawn up by the Senate on which the educational advisers of the Local Government, as well as those representing other interests, will be strongly represented.

[7TH FEBRUARY, 1917.] [*Rai Bahadur Krishna Sahay ; Mr. Bhupendra Nath Basu ; the Vice-President ; Raja Rajendra Narain Banja Deo of Kanika.*]

" It is essential also that the University through its Senate and Syndicate should have effective control over the professoriate as well as the other officials including the Vice-Chancellor who, though appointed in the first instance by the Local Government, should be responsible to the Senate for all his actions, and should be able to perform academic and executive duties without interference from any outside authority excepting the Chancellor.

The Hon'ble Mr. Bhupendra Nath Basu:—" May I ask, Sir, if, having regard to the assurance that the Hon'ble Member in charge has given us, namely, of considering the provisions of the Bill in Select Committee, it will be open to us, if that consideration is not sufficient, to raise questions of principle after the Bill comes back from Select Committee. If that is so, much of the debate that is taking place to-day might have been avoided ?"

The Hon'ble the Vice-President:—" I fully see the desirability of avoiding a lengthy discussion to-day, but at this stage the general provisions of the Bill are open to discussion. After the Bill comes back from Select Committee in the ordinary course, it would only be open to Members to move amendments."

The Hon'ble Rai Bahadur Krishna Sahay:—" In asking for a new University the people of Bihar wanted that it should be an efficient instrument not only for elevating the standard of but also for stimulating and spreading education. The provisions of the Bill are not calculated to attain that object and have, therefore, naturally evoked strong opposition, not only in Bihar and Orissa, but throughout the country. I would fervently appeal to His Excellency the Viceroy that the Patna University may be given a constitution which will confer a real boon upon our people."

The Hon'ble Raja Rajendra Narain Banja Deo of Kanika:—" Sir, it is an important privilege enjoyed by the Members of this Council by which they are enabled to express their views on the principle and the general provisions of a Bill, before it is referred to a Select Committee. In the present case of the proposed Patna University Bill, this privilege, on the part of the Members, will be specially appreciated by them by reason of the serious controversies that the publication of the Bill has given rise to, throughout the length and breadth, not merely of Bihar and Orissa, but of India. Sir, it was with far different feelings that the proposal of the establishment of a University at Patna was hailed by the people of the Province for whose benefit it was meant. I take this opportunity to express our sense of gratitude to the local as well as to this Government for the solicitude that has been evinced in providing this new province, at the earliest opportunity, with a University. We appreciate it all the more conscious as we are that the hands of the Government at present are full with the preoccupations of the war and when the demands on their finances are so many. When the Local Government had appointed a Committee in May 1913 to report on the best way of starting a University at Patna or at some convenient place in its neighbourhood, of the teaching and residential type and for the affiliation to this central institution, of colleges situated in other places, no one could have imagined at the time that the later stages of this movement to confer a University on the new province would be marked by such heated controversies and differences of opinion, as have undoubtedly manifested themselves in this case. To account for these unhappy controversies and the opposition of the people for whose sole benefit the idea of a University was generously conceived by the authorities, will not be at all difficult, when one remembers some salient facts in connection with the progress of this movement for establishing a University at Patna. The Local Government, as I, have already said,

[*Raja Rajendra Narain Banja Deo of Kanika.*] [7TH FEBRUARY, 1917.]

instituted the inquiry in May 1913, and the Committee submitted their recommendations in March 1914. The Patna University Committee, though handicapped by their terms of reference, had yet been able to submit a report which, to many, had a number of redeeming, not to speak of, attractive features.

“ Sir, I say this with some amount of pardonable pride as I had the honour to be a member of this Committee, and I can speak from personal experience what keen disappointment was caused in us when we saw that the leading recommendations of our report had not been embodied in the Bill under review. Sir, that the people of Bihar and Orissa are ranged against some of the main provisions of the proposed Bill should not surprise anybody. It may be said that it is very ungracious of the people of Bihar and Orissa to oppose a measure which is nothing short of a proffered boon to them. But, as I have said, when one remembers the salient facts of this movement, the opposition of the people of Bihar and Orissa should surprise no one. And the reason is this. The report of the Patna University Committee as it is did not satisfy some people. But the present Bill, which is and must be supposed to be, based on the report of the University Committee, contains some provisions which, it cannot be denied, are not only unsatisfactory but distinctly retrograde in their character, and which were far from the minds of those who drew up the report itself. If that be the case, Sir, can any one reasonably blame the people most vitally affected by the provisions of the Bill, if they hesitate to accept the boon sought to be conferred on them? I will mention at present one particular feature of the Bill which radically differs from what the Committee recommended. It is with regard to the administration of the University. In the words of the Patna University Committee ‘ the Government of the new University of Patna should be entrusted mainly to its Principals and Teachers, the Staffs of the central institution and of the internal and external colleges all sharing the privilege and duty ; the graduates of the University should also be given a share in its management, and an outside element should be introduced strong enough to ensure that due weight is given to popular opinion and sentiment.’ The Committee therefore recommended that the administration of the university should be vested in the Chancellor, the Vice-Chancellor, a Convocation and a Council. The chief feature of the report lay in the recommendations by the Committee to virtually vest the management of the University in a Convocation and a Council which contained a large elective element. The Convocation was to have consisted of about 160 members, of whom 25 graduates were to have been elected by the general body of registered graduates, and of the 26 members nominated by the Chancellor, no less than 18 should have been non-officials and 5 Oriyas, of whom, at least, 3 should have been non-officials. Similarly, also the elective principle was considerably recognised in the constitution of the Council or the Executive of the Convocation. Out of a total of about 27 members constituting the Council, 7 were to be elected by the Convocation from among themselves, of whom one should have been an Oriya and 6 were to be nominated by the Chancellor from among the teaching staff. Now, in the place of these recommendations about such important organs of a University, namely the Senate and the Syndicate, what provisions does the Bill contain? The Bill provides that a Senate is to be constituted, consisting of not less than 40 nor more than 60 ordinary Fellows in addition to certain *ex-officio* Fellows who number about 8. Only 4 persons are to be elected by the two faculties of Arts and Science, and 8 others again are nominally to be elected by a Senate of 52, of which already 48 are members of that body either *ex-officio* or because they are nominated.

“ The registered graduates, unlike that proposed by the Patna University Committee, are accorded very uncertain and what is certainly, meagre, representation. So that in this particular aspect the Bill lags far behind the recommendations of the University Committee which were certainly attractive in this wise. Then, take the constitutional position of the Senate and the Syndicate as under the Bill itself and as it was recommended in the Report. The Senate under the Bill may authorise, and even that under the confirmation

[7TH FEBRUARY, 1917.]

[*Raja Rajendra Narain Banja Deo of Kanika.*]

of the Chancellor, the conferment of honorary degrees and may deliberate and pass any number of pious resolutions, but their resolutions shall not have any binding force on either the Syndicate or the Vice-Chancellor, who are made all-powerful under the Bill,—a proposal which was not certainly contemplated by the University Committee. This is not only a wholly novel feature but constitutes, in itself, a notable departure from the practice which obtains in the existing universities working under the Act of 1904. Sir, by this time the Government of India must have been aware of the magnitude of the opposition which this particular aspect in the proposed enactment has evoked throughout the country. And I venture to say, in this connection, that had not this Bill contained this particular provision and certain other features, it would not have excited so much opposition, even from unexpected quarters. If I am not mistaken even the *Times of India* of Bombay condemned this particular aspect of this Bill quite unreservedly. Then, there are certain other provisions in this Bill to which we should be failing in our duty as representatives of the province in this Council, if we did not take strong exception. For instance, the limitation sought to be provided in the Bill that education shall be available only in certain chosen centres has not been taken at all kindly by the people concerned. Their complaint is that it is certainly not wise to prevent, by anticipation, the growth of other possible centres of education which the future only may reveal. Why then this attempt to stifle all such natural developments of educational centres by Statute? Then, Sir, there is an added reason why the people of Orissa cannot find themselves in a position to support the provisions of this Bill. And the reason is, that living as they do over about 500 miles away from the centre of the proposed university, they will have primarily to depend for their education on their sole educational institution, namely, the Ravenshaw College. Yet, Sir, this one college which they possess is not going to be allowed under the present scheme to teach beyond the B.A. Honours Course. This decision is all the more regrettable in view of the fact that even the Patna University Committee shared the hope that a separate university for Orissa might be within the range of practical politics at no very distant date, in consideration of the importance and the peculiar conditions of Orissa, and also in view of the fact, as I think, that the educational requirements of this vast population have not been adequately met so long. Then, Sir, as a member of the University Committee, I may be pardoned in feeling some mortification that instead of the idea of a central residential university at Patna with several colleges, old and new, forming integral parts of it, with abundant scope for the development of the social life of the under-graduates and with the best educational experts available, guiding and fostering a truly university life—all of which were the aims of the University Committee when they drew up their report—we have been now promised a much less ambitious scheme, shorn of almost all the attractive features of the original scheme, with the present proposal to start the university with only a couple of colleges, one of which moreover is a training college. It is no wonder, therefore, that public opinion has taken a definite stand against such a slender scheme with so few attractive features to recommend it.

“ Sir, as a representative of the province which is vitally affected by this Bill, I must say that the Patna University Scheme, as embodied in the present Bill under review, has been a huge disappointment to all of us. I should be clearly failing in my duty if I did not give emphatic expression to this keen sense of disappointment which has been the result of this Bill. When the Hon'ble Member in charge of this Bill introduced it last September at Simla, I did not advisedly offer any opinions on it, as I was not then fully acquainted with its provisions. But before this Bill goes into Select Committee, I, as one of the representatives of Bihar and Orissa in this Council, must clearly and emphatically state the position in which the people of that province stand with regard to this unfortunate Bill. I can only hope that when the Bill emerges from the Select Committee stage, it will be so radically altered that it will be acceptable to the people for whom it is meant.”

[*Maharaja Sir Manindra Chandra Nandi of Kasimbazar*; *Dr. Tej Bahadur Sapru.*] [7TH FEBRUARY, 1917.]

The Hon'ble Maharaja Sir Manindra Chandra Nandi of Kasimbazar :—“After what has fallen from Sir Sankaran Nair, I should certainly not like to oppose the motion for referring the Patna University Bill to a Select Committee. It is indeed a matter for sincere congratulation that the Government of Bihar and Orissa have profited by the criticisms offered against the Bill and accepted several suggestions made towards its improvement. In spite, however, of the present attitude of the Government towards the Bill, there are many provisions in it which the Select Committee will have to consider very carefully, particularly regarding the powers to be vested in the Chancellor and the Visitor, the Vice-Chancellor and the Syndicate, and ultimately on the Senate itself. I think a large leaven of the principle of election has got to be introduced into the constitution of the Senate and the Syndicate, and due provision made for increasing the number of external colleges wherever the future needs of higher education may demand them. Before I sit down, I will insist on the Select Committee providing in the Bill for Faculties in Medicine, Engineering and Technology and Commerce, things which have now been left out of it. Here in Bihar, the celebrated Nalanda was the Oriental University of the Buddhist period, and we hope the present Patna University would be raised to the same status. With these words, of which Professor Jogendro Samundar has written in his pamphlet on Nalanda, I have very great pleasure in supporting the motion of the Hon'ble the Education Member.”

The Hon'ble Dr. Tej Bahadur Sapru :—“Sir, when this Bill was introduced at the last Session in Simla, I ventured to characterise it as a retrograde measure. Unfortunately at that time I had not the benefit of reading it, because the first time that I came to know of its contents was when the Hon'ble Sir Sankaran Nair made his speech. Since then, however, I have had ample opportunity of studying the provisions of this Bill and also following the trend of public opinion expressed not only in Bihar, but in all parts of the country. I feel the stronger in my opinion, and I feel that when I characterised this measure as a measure of a retrograde character, I did not use any language of exaggeration at that time. It is not only that misguided Indian politicians have denounced this Bill, but we find that even sane and sober representatives of Anglo-Indian opinion like the *Times of India* have also characterised it as a measure of a reactionary character. I will also remind the Council that, when I spoke on this measure on the last occasion, I said that what was necessary to be borne in mind in this connection was that we have got to provide not only for the necessities that exist at the present moment, but also for the necessities that may arise in future. Now, the province of Bihar may be a small province compared to certain other provinces, but we cannot forget some hard and outstanding facts with regard to that province. First of all, I wish to remind the Council that it is a province consisting of about 35 million men

“In an area of about 83,000 square miles it has so far been content with half a dozen colleges. It cannot be contended that the ambition of Bihar will not require the expansion of education over a wider area. I am entirely in sympathy with the principle of residential universities, but at the same time it would be suicidal for us to forget that in the conditions of life in India it would not do to have unmixed residential universities. I, therefore, welcome the provision in the Bill which provides for a combination of a residential university with that of a federal university, but when it is claimed that in the interests of efficiency it is necessary that colleges should not spring up everywhere, I join issue. I am fully alive to the need of colleges developing corporate life; and no doubt you cannot have corporate life with colleges scattered over the province, but is that any reason for laying down that colleges shall spring up only at certain places and not at any other? I would therefore suggest that the provisions of the Bill should be of a more elastic nature. Then, again, coming to certain other features of the Bill, we find that the Chancellor has got the most irresponsible power

[7TH FEBRUARY, 1917]

[*Dr. Tej Bahadur Sapru; Mr. Bhupendra Nath Basu.*]

that any person can possess. He is not responsible to any person and can come to any conclusion or decision in regard to any matter in which the university may be interested. It is with regard to this particular matter that the *Times of India* states that powers like these are unprecedented in the annals of English education in India. Well, coming to the question of affiliation or disaffiliation what do we find? I shall summarise that in the words of the Hon'ble Sir Sankaran Nair. I take it from his speech at Simla in which he said 'no college will be affiliated without the assent of the Syndicate, the Senate and the Local Government. As to disaffiliation, on the other hand, the Local Government alone might do it after considering the opinion of the Syndicate and the Senate'. The Senate is a mere deliberative body and its opinions are not binding on the Syndicate. It is true that the Bihar and Orissa Government has now, out of deference to public opinion in its own province, decided to modify its views and tried to persuade the Government of India to modify their views; but unless you give the Senate an effective voice there is no protection for the colleges, if half a dozen gentlemen without satisfying themselves with regard to the wide effect of their conclusions come to the decision that a certain college must be disaffiliated because it has failed to come up to their expectations or has been guilty of some error of judgment there is no help for it. Then there is one more important question with regard to this measure to which I would invite the attention of the Council; this question does not affect Bihar and Orissa alone, but it raises a vital issue of principle, and that is, the appointment of a paid Vice-Chancellor. I fully sympathize with the underlying idea that the person who is responsible for running the university, if I may use the expression, must give the whole of his time or a considerable portion of his time to the affairs of the university, but at the same time we find that Indian Universities during the past many many years have been conducted by Vice-Chancellors, English and Indian, of great eminence, and I am not aware that public opinion has found fault with the work of these Vice-Chancellors. Undoubtedly, it may be said that official opinion has not been satisfied with the work done by Vice-Chancellors under the system at present in vogue, but that is a matter of a debatable character, and I should like to have strong evidence before I could be persuaded that you could not find a single person among the 35 million Biharis who could be entrusted with the work of the Vice-Chancellor, or who was possessed of sufficient patriotism to perform the duties. This is a question with a larger aspect and what we are asking ourselves in other provinces is—is this merely a foreshadowing of what is coming in other provinces? We should like to have a definite decision or ruling on this particular point and the principle underlying it. Indeed what we are asking in other parts of India is—is this Bill going to form a model for future legislation with regard to universities? If it is going to form a model for other universities all I can say in all humility, but in all sincerity, is that it will never appeal to popular or educated opinion in India. I have expressed my views not by way of opposition to the idea which Government have, namely, the establishment of a university in Bihar. I desire that my Bihari friends should have a university in Bihar. I am in full sympathy with them, but let it be a university based on sound principles, capable of further development, and not a mere imitation university with all the vices of the existing universities and with none of their virtues."

The Hon'ble Mr. Bhupendra Nath Basu:—"Sir, after what has fallen from the Hon'ble Member in charge of Education, it would not be necessary ordinarily in my view to go into the details of the provisions of this Bill, I shall therefore content myself with speaking on the underlying principles which seem to govern the Bill. As my Hon'ble friend Dr. Sapru has said, I do not for a moment wish to stand in the way of our friends from Bihar having a university, it is a separate province now and they are entitled to it, but a great question is involved. You are inaugurating a new university. There is already

a talk in the air that other universities will soon be overhauled. I am not one of those who believe in the perfection of human institutions, and I am quite prepared to concede that much that exists in the present universities requires to be amended and altered. In view of the declaration made by His Excellency in his Convocation address at Calcutta, I had hoped that the opportunity would be taken of the Commission that was foreshadowed of considering the whole question of university education, its ideals and methods before the inauguration of this and other universities. I am aware, however, of a strong desire amongst my friends from Bihar that this university, so far as it has been adumbrated, should take shape. I would have opposed it in spite of that desire, because I felt, when this scheme was announced, that it might form an evil precedent for the rest of India. But, Sir, the attitude of the Local Government of Bihar and Orissa has been to a great extent so satisfactory that much of the opposition that we entertained towards the measure must be modified, if not withdrawn. I think I may feel a pardonable pride that, when this Bill was launched at Simla, I was the first to raise the note of alarm. My friends from Bihar were completely taken in. They were going to have a great gift given to them, but I saw what was behind the gift. I saw the danger that lay in that gift. I felt it was almost a Pandora's box. But, Sir, the note of alarm that I raised has been taken up by the whole country, not merely by Indian politicians and Indian educationists, but also by high Anglo Indian educationists, by Directors of Public Instruction from the various Provinces and by the organs of instructed and sober Anglo-Indian opinion. The Lieutenant-Governor of Bihar and Orissa has referred not so much to the agitation in Bihar against the Bill, but to outside agitation, and in referring to that outside agitation, he has drawn prominent attention to the agitation in Bengal. Well, Sir, we Bengalis have very broad shoulders. We are accustomed to these flings for a long time, and I am not going to retort. I am not going to give evil back for evil. I believe we Hindus have more of the Christian virtue in us than those so-called professed Christian nations of the West. I will give the Lieutenant-Governor of Bihar and Orissa every credit for the attitude that he has taken; every credit for the consideration that he has shown to public opinion. We, Sir, the people of India are grateful to him. For it is seldom we find that, once the officials make up their minds on a particular question, they are inclined to change their view. The angle of vision for them becomes too firmly fixed to change, and therefore it is to us a matter of real and sincere gratification that the Local Government of Bihar and Orissa has thought it fit to express in no unmistakable terms its acceptance of the popular contentions in regard to the provisions of this Bill.

"Sir, there is one thing that I wish to bring to the notice of this Council which may be useful not only in the consideration of this Bill, but of other measures. Since the Government of India has been detached from the public life of this country and has chosen to live in exile either in the clouds of the Himalayas or in the dusty regions of ancient memories in this City, since it has chosen to put itself out of touch with public opinion, it was due to us, the people of India, and I believe it is only fair to the Government of India itself, that it should have consulted local opinion both of officials and of non-officials before they promulgated a Bill like this. Now what is the position? Who were responsible for this measure? I hope and trust my friend opposite, the present holder of the portfolio of Education, was not responsible. But whoever may have been responsible, was his mind roving in the mists of the Himalayas when he drafted this Bill? Who has ever heard, Sir, either here or anywhere else, that the educational administration of a country should be entirely entrusted to the official ruler of the country? Sir, we know that the Lieutenant-Governor of Bihar has got an Executive Council, and we know that a member of the Civil Service is in charge of the Education portfolio of the province. Who would, except in moments of mental aberration, suggest that the administrative control over a great University should be entrusted in the hands of a gentleman who had spent his life either in settlement work or in raising revenue from Excise? Who would ever have thought that he should

[7TH FEBRUARY, 1917.] [Mr. Bhupendra Nath Basu.]

be the supreme arbiter of the educational requirements of the University and hold sole control over its higher educational institution? Where are the materials upon which he would judge? Who ever would have thought, Sir, in a civil or criminal case that the final authority should be a person who has had no knowledge of either civil or criminal law? For, Sir, I speak in no terms of disrespect; I entertain the highest respect for the bureaucracy which rules my country; what is their touch with and knowledge of educational problems. Years ago when they were young lads they may have spent some years in a cramming institution and then come out to India to be thrust in the midst of other work. That is all the educational experience of these highly placed officials. And what I complain of is this. How can you, unless you mean an outrage upon the common sense of the Indian public, unless you mean to imply that that public is absolutely incapable of judging things for themselves, how can you venture—I use that language advisedly—to throw at them a measure in which you say that the educational requirements of a large and important province like that of Bihar and Orissa should be placed absolutely uncontrolled in the hands of the ruler of that province. Who has ever heard of it? Where is the educational institution on the face of this earth, under the sun, which is similarly governed and similarly constituted? The whole thing is wrong in principle. It vests the whole power of control in the hands of the Executive Government; it gives to the University a constitution partly composed of a Senate, partly composed of a Syndicate, and partly composed of a Vice-Chancellor, none of whom stand in any degree of co-relation to one another. The Senate may hold its deliberations like the deliberations that we hold here, just as we the non-official Members of this Council talk and debate, but these deliberations will not be binding upon the University or the Syndicate. The Syndicate itself may come to resolutions, but the Vice-Chancellor is to be the executive head of the University, and the Vice-Chancellor is to be a paid official. This was the constitution that was given to us. Is it any wonder, I ask my friend the Education Member, that a measure like this should have evoked widespread opposition throughout India? I am glad that my friends from Bihar were able to appreciate the gravity of the measure that was being given to them for making their province independent of Bengal, and I am glad that in Bihar they raised an amount of opposition which has at last made the Government of Bihar and Orissa come to their rescue and to the rescue of the country by suggesting to the Supreme Government alterations which will make the measure that the Supreme Government will introduce in some way a workable measure.

“But, Sir, in reading through the report of the Bihar Government on this Bill, there is one matter upon which I find the opinion of the Local Government absolutely fixed, namely, that the Vice-Chancellor must be a salaried officer. Well, Sir, I am not an educational expert, and I hesitate to say as to whether that should or should not be the principle that must be absolutely adopted. But, Sir, may I remind the gentlemen with whom rests the ultimate shaping of the Bill that it is necessary in all administrations where there may be elements of friction, where there may be elements of conflict and opposition, to have some one who will be able to smooth away the friction that arises in the machinery, and will a salaried officer of Government holding the office of the Vice-Chancellor be able to do it? There will be the powerful Government colleges on one side, and there may be the private institutions, not yet powerful—and many years will elapse before they become as powerful as the Government institutions—on the other. There may be vexed questions of discipline; there may be vexed and troublesome questions of internal management. In these would it not be always desirable that the Vice-Chancellor should bring an unbiased mind, or at least a mind which would be considered by the outside public as free from bias? We had in the older University of Calcutta Vice-Chancellors drawn from highly-paid Government officials not belonging to the Education Department, and not salaried as Vice-Chancellors who did their work remarkably well, assisted by some Educational officers as Registrars, who were always held in the highest esteem in Bengal. And would it not be possible, before committing ourselves finally to this

proposition, to have even from the official ranks of Bihar, if the non-officials are unable to supply it, a Vice-Chancellor as we had in Bengal to take charge of the affairs of the University unhampered by the prepossessions which would be natural to the educational experts engaged in the private and the Government colleges? I say it is quite possible, and I earnestly appeal to my friend the Member in charge of Education that if he leaves that question open, the question of a salaried Vice-Chancellor, it is quite possible for the Government of Bihar and Orissa to appoint one of its own officials, high executive officials, as Vice-Chancellor, and appoint a Registrar as we did in Calcutta, with high educational qualifications and high official position, who would do the ordinary duties now expected of a salaried Vice-Chancellor without much interference and to the great advantage of the University.

“Passing from these, Sir, there is another thing that strikes me. The University from which Bihar is now going to separate has existed now for nearly 60 years. We have seen where the drawbacks lie. We have seen with sorrow and regret hundreds of thousands of our youths pursuing a course of instruction which may not do them ultimately any good at all, for whosoever the blame may be, there is no alternative. In this new University that is going to be created have we profited by the experience of the past? Are we going to open to the youths of Bihar and Orissa any new careers? What is education, Sir? Is it merely the conferring of degrees? Is it merely putting the hall mark of the University upon the many youths who present themselves for its examinations, or should it rather be in developing in the youth of the country what is best in them, what is highest in them, what is noblest in them; in making each realise that he has a particular field of work and usefulness where he may succeed? What are you going to do for them? You are still going on on the old lines of having your Arts and Science examinations; still going on on the old lines of academic instruction; still going on on the old lines of imparting education in ancient and dead languages, like Sanskrit and Arabic and Pali and Persian. The question itself is one of the keenest questions that is now agitating people in England. The question has been raised as to whether the education given in the older Universities of Oxford and Cambridge in Latin and Greek is still suited to modern requirements. What are you going to do in regard to these questions? Will it again be a repetition of the old mistake, should we again have faculties which will teach you languages which you will forget as soon as you leave the portals of the University, and which only mean a heavy strain on your intellect and on your mental faculties during the few years you pass in the University? Nothing has been done to grapple with the real questions of life that are now presenting themselves to us in the evolution of the Indian people at the present moment. You have not tackled that question at all. Then what is this University going to be? It is going to be a hybrid amalgam of federal and teaching University, which means it is going to perpetuate the present system of examinations and degrees. There will be only one or two teaching colleges, but the rest will be as they are at present. Then, again, Sir, those gentlemen who are in authority here over the educational destinies of my country, have they considered the great harm that is being done to the cause of education by locating educational centres in the busy haunts of men? The ancients had given us in India Universities away from public life. They had given us in later times Taxila and Nalanda. In recent times we had in Bihar and Bengal Universities in Mithila and Navadirpa. What have the English given to us in 150 years? You have got Universities located in such busy places as Calcutta and Madras and Bombay. Have you got anywhere in the vast expanse of India a University town with an educational atmosphere, where boys and teachers live together as members of the same family? Have you got them and will you have them under the new system that you are now going to pursue in regard to the Patna University? You have taken as your centre Patna or Bankipore, the capital of the new Province. You have taken as the other centres the busy provincial towns of Muzzaffarpur, Cuttack, Hazaribagh and Bhagalpur.

[7TH FEBRUARY, 1917.] [*Mr. Bhupendra Nath Basu.*]

Have you ever thought that this is the time, if ever the time came, to give to Bihar educational cities where the principal occupation will be education; the principal feature will be education, where they will live an educational life? Have you ever thought of that? Have you ever thought as to how this education should be imparted during the growing period of life? Have you ever thought or considered that it would be desirable to bring back to India, if possible, the old ascetic ideal? Have you ever considered the ancient seats of learning in India where young men had to live an ascetic life, early ablutions, early prayers, lessons in the morning, then their mid-day meals and rest, then lessons in the afternoon and play and prayers in the evening? Are you going to give back to India, to bring back to India, any of her ancient life, any of her educational ideals, or are you going to go on in the same way as you have begun? Are not these questions of vital importance which should have been taken into consideration in giving the province of Bihar and Orissa a new University, and have you thought over these problems? You are so anxious and in such a hurry to give the province a new University. Have you ever thought as to what great and tremendous harm is being done to the youth of our country by depriving their education of its ancient ideals of high thinking and low living, of asceticism and abstinence, and by dressing education up in the modern garb of high heels and stiff collars? Have you ever thought of that? And have you ever considered—His Excellency the Viceroy the other day visited hostels in Calcutta—have you ever considered what would be the effect of concentrating your scholastic institutions in a few centres, of concentrating large masses of boys in a few centres and locating hostels where there would be five to six hundred living under one or two Superintendents? Have you ever considered the dangers that such a system would produce; the dangers that such a system has produced? Superintendents of hostels have told me that if they get more than 50 boys they cannot establish between themselves and the boys the same relationship which ought to exist between a father and his children. And have you observed the decay of manners, of morals and of high ideals which this system has produced in the country? And what are you going to do? You are going to multiply, to aggravate the difficulties that confront us. You will have four colleges, four centres, in a province of 85,000 square miles. What is to happen to the growing youth of the province? Take, for instance, that part of the country, North Bihar, which I know. You have one college at present in Muzuffurpur. What about Saran? What about Darbhanga? What about Chupra? All these districts have large populations. They will have to send all their boys to one centre, and there the boys will live detached from their homes, in big hostels, accommodating, I believe, 500 to 700 boys in each hostel under one or two Superintendents. Where would be the inspiration of the teacher or the example of the Superintendent?

“I will not, Sir, take up your time or the time of this Council by going into other matters of detail, which are also more or less matters of principle; but I see, Sir, a great occasion thrown away; I see, Sir, a great opportunity flung away. Hurry and haste may be good, but they are not good when you are dealing with a great educational problem with which is indissolubly bound up the future of the nation; we have got to consider what would be the effect of the measure upon that future. I should have counselled deliberation; I should have counselled consideration; I should have advised letting things go on for the present as they are; I should have advised carefully considering before you take the next step as to what that step should be. But that step has been taken. The Government of Bihar and Orissa want it, the people of Bihar and Orissa want it, the Supreme Government is anxious to give it to them. I do not, as I said, Sir, stand in the way, but I hope and trust that in the Select Committee that is going to settle the details of this Bill, the questions that I have ventured to bring forward before this Council will be seriously considered, for they are very serious, and, if possible, a character and a tone may be given to the constitution of this University which will enable the people to realise the great ideals of education of which they themselves, the people of Bihar, were the great exponents in the past.”

[*Nawab Saiyed Nawab Ali Chaudhuri.*] [7TH FEBRUARY, 1917.]**The Hon'ble Nawab Saiyed Nawab Ali Chaudhuri:—**

“ Sir, at the present stage, when the Patna University Bill is going into Select Committee, and important changes or modifications are anticipated before it comes up again for discussion, I beg to make a few observations which I hope will receive the earnest consideration of this House and also of the Select Committee.

“ Four months have passed since the Bill was introduced into the Council. During this period the scheme has been widely discussed throughout the country and subjected to a very searching criticism. I understand that the scheme has not evoked any very great enthusiasm. Fears are entertained that the scheme, as embodied in the Bill, is a retrograde measure. It does not suit the dual character of the proposed University. The Senate is an inconceivable body. It is not clear if the dual interests are represented on it in adequate proportion. The entire constitution of the University is predominantly official. The head of the province—a Lieutenant-Governor—is practically supreme in matters even purely academical. The Syndicate, an officialised body, is left unfettered and almost independent of the Senate. The Senate has but an insignificant elective element on it; it is further a merely deliberative body, and as such of little worth. The Vice-Chancellor is an anomalous personality, as he combines in himself both executive and judicial functions. Moreover, a clear demarcation is not drawn between his powers and duties and those of the Syndicate. The framing of regulations will be entrusted not to an independent body of educational experts, but to the Local Government—a matter for serious misgiving.

“ These, Sir, are some of the observations and criticisms which have been made by men in responsible position, by educational experts and educational bodies. How far these observations and criticisms can be profitably used to evolve a workable scheme which will satisfy the best interests of a healthy and progressive seat of learning and culture, time does not permit me to discuss in any detail at present, nor do I at present express any opinion on these matters, although I am much tempted to touch upon a few of them at least. I shall only confine myself to a particular aspect of the question which has invariably been overlooked and neglected not only by the numberless critics who have had their say in the public press, but even by the promoters of the Bill.

“ Sir, public life in India is now-a-days so aggressively devoted to what are called the general interests of the country that, willingly or unwillingly, a great majority of us have often failed to seriously consider in their right perspective the different aspects of the demands put before the Government from time to time. I do not wish to be misunderstood. Even in these days of mutual good relationship existing all round, it is with no little pain and concern that I find that the interests of the minority—I mean the interests of the Muslims, especially their educational interests—silently and without the least compunction relegated to the Limbo of neglect. I do not propose to go into the reasons. But this is, what I have observed, and what every Musalman has keenly felt. On every University Senate, on every University Syndicate, on every Educational Committee appointed from time to time by the different Universities in India, the Musalmans have been so inadequately represented and in a great many cases kept out, that at times on grave and important educational matters in which the interests of the Musalmans as well are concerned, you do not find anyone who could place before these bodies the views and aspirations of the Muslim community. I do not in the least suspect or doubt the sincerity or good intentions of those non-Muslim members—both Hindus and Englishmen—who mainly compose these bodies. What I have to respectfully point out is, that these gentlemen being outside the Muslim fold and not mainly in any very close touch with the actualities of their sentiment and educational needs, they not very infrequently fall into wrong conclusions, and suggest in their innocence steps for advancement which have unfortunately often gone the other way. I, therefore, venture to suggest for the consideration of the Committee that a few provisions

[7TH FEBRUARY, 1917.]

[*Nawab Saiyed Nawab Ali Chaudhuri; Khan Bahadur Mian Muhammad Shafi.*]

might be added to the scheme of the Patna University, whereby the University might have the assistance and advice of a few Muslim representatives on its Senate and Syndicate and on any other body that might be provided for by the Regulations. For instance, of the 16 members of the Syndicate, 9 are to be elected members. Of these, 5 are from the teaching staff of the University. As none of these 5 seats will for a very long time to come or even never fall to the lot of a Musalman, it is not unreasonable if I should suggest that at least one of the remaining 4 elected seats should go to a Musalman. Of the four nominated members, one at least should be a Musalman. Coming to the Senate you have 40 to 60 Fellows. The Schedule giving the ordinary Fellows of the first Senate is not attached to the Bill, and I do not know if any adequate provision is made for Muslim representation. If they have merely to stand the chance of election, the Musalmans will not be better off in the new University than under the existing ones. The Musalmans of Bihar and Orissa will share the fate of their brethren in other provinces. I, therefore, strongly urge that a certain number of nominated seats should be reserved for them. It should also be specifically laid down that some of the elected members should be Muslims. I anticipate that it might be pointed out that there are not enough Musalman registered graduates to form effective electorates for the purpose. If this is true, I suggest that we may make a slight departure from the provision of the Indian Universities Act of 1904, and temporarily reduce the time limit for registration from 10 to 4 or 5 years. I am further of opinion that the registration instead of being left to the option of the graduate be made quite compulsory with, of course, the registration fee being reduced to some decent little amount. If this should be attempted, I daresay you will have a large number of Muslim registered graduates—not to speak of others—who can be conveniently formed into effective electorates. The question of registration is a standing grievance, and the Musalmans are the worst sufferers. If the Indian Universities Act of 1904 had been long amended in this respect Bihar, as well as other Provinces, would have had quite a large number of Musalman registered graduates now available for electoral purposes. It is not yet too late. We can earnestly begin to redress this long-standing complaint by introducing into this Bill a clause to that effect. It is by no means any serious change that is intended. Nobody can fairly call it so, especially in these days of abnormal changes. It is after all calculated to help all, though incidentally the Musalmans are also benefited. I do not wish to dilate on this point, but shall only add that there is much truth in the old adage, 'Where there is a will, there is a way.' I have further to say that even supposing this suggestion of mine is adopted and you do not even then have enough Muslim registered graduates to form effective electorates at the time of first elections, I respectfully urge on the attention of this Council the necessity and the justice, in the best interests of Muslim education, of adding, to the reserved nominated seats for Musalmans I have asked for, a specified number for them until a time comes when this additional number can be returned through election.

"Sir, these are some of the few general suggestions I have had to make. I know that the question of special representation may not find favour with some of us. I may say that there is no occasion for any serious perturbation. After all, my suggestions if carried will not make the Musalmans dominate the Patna University or seriously jeopardise other interests, but will only help to make the work of the Fellows and the Syndic clearer and more valuable by the advice they might have from a few Musalman colleagues. They are bound by circumstances to be in a very small minority; and their voice will in all conditions naturally be only persuasive and inforatory. And I do not see how there can be anyone here or elsewhere who would arrogate to himself the entire knowledge of the world and not care to be better informed on any particular aspect of the work he is engaged in. Sir, with these words I resume my seat."

The Hon'ble Khan Bahadur Mian Muhammad Shafi :—

"Sir, I sincerely congratulate the Government of India upon the conciliatory

[*Khan Bahadur Mian Muhammad Shafi; Rao Bahadur B. N. Sarma.*] [7TH FEBRUARY, 1917.]

attitude adopted by them towards a satisfactory solution of the problems raised by the Bill which is now before the Council. It is undeniable that a comparison of the various provisions of the Patna University Bill with the provisions of the Indian Universities Act of 1904 discloses striking deviations from the hitherto accepted policy of Government in relation to higher education and its control by our Universities—deviations some of which have evoked widespread opposition and even vehement protest in certain circles. The Hon'ble Member in charge of the Bill has, in the speech delivered by him to-day, given a concise summary of the main objections raised against those provisions of the Bill concerning the constitution and the powers of the Senate and the Syndicate and their relation *inter se*, and also relating to the jurisdiction of the Chancellor and the Vice-Chancellor, against which opposition has been raised in the country; and, in view of the promise of careful consideration given by him on behalf of Government, it seems to me at this stage to be unnecessary to discuss these provisions in detail. But there are two particular points concerning the effect which the introduction of this Bill has produced throughout the country, which I venture to emphasise to-day. The first of these points is, that the Bill has raised an amount of opposition in the province of Bihar, for the benefit of the people of which province this University is to be established, which few measures introduced in this Council have ever given rise to, so much so that in certain demonstrations held in that province some of the speakers have even gone to the extent of saying that they would rather have no university at all than the university which this Bill is designed to create. In provinces like the Central Provinces and Assam, the people of which are looking forward to having universities of their own, the Bill has created alarm lest the universities which they are ardently looking forward to might also partake of the retrograde character of the proposed Patna University; and in those provinces which fortunately already possess universities of their own, a certain amount of nervousness is manifest lest the Patna University Bill might be proof of a marked change in educational policy of Government, which change might hereafter affect higher education in those provinces as well.

“The second feature in connection with the effect produced by this Bill to which I wish to invite the attention of Hon'ble Members is this—throughout the country there is a practical unanimity of opinion in all circles, radical as well as moderate, regarding the retrograde character of some of the provisions of this Bill, and not only is this opinion unanimous in non-official educated circles, but I see from a perusal of the opinions which have been sent to us from various provinces that even Government educational experts, such as Directors of Public Instruction, and Senates and Syndicates of other Indian Universities have entertained serious doubts as to the advisability as well as the usefulness of some of the provisions of this Bill. Now, these are the two features of the effect produced by this Bill throughout the country to which I invite the attention of Hon'ble Members in particular. It seems to me that a measure which has produced such an effect as this is, from the point of view of Government as well as of the people, one which requires radical modification before it is allowed to obtain a place on our Statute-book, and I trust that the Select Committee, to which this Bill is going to be referred, will keep these considerations in view, and will introduce therein satisfactory modifications so that, when it comes back before us at the final stage, Hon'ble Members may be prepared to accept it without any further modifications; otherwise it will be necessary for some of us at that stage to suggest further amendments. With these few words, I support the motion before the Council.”

The Hon'ble Rao Bahadur B. N. Sarma:—“Sir, speaking on the last occasion when leave was asked to introduce this Bill, I congratulated the Government upon the earnest desire which they evinced for the advancement of higher education in this country, by increasing the number of universities as an earnest of what they really meant to do for the nation. But at the same

[7TH FEBRUARY, 1917.] [Rao Bahadur B. N. Sarma.]

time from the summary of the contents of the Bill foreshadowed in the speech of the Hon'ble Member for Education, I felt it absolutely necessary to enter a protest against the main features of that measure, and my doubts and difficulties have been augmented manifold after a perusal of the Bill itself, and I was justified in my criticism by the reception which that measure has received in the country. I do not propose to go into the various features which have been dwelt upon at great length by the Hon'ble Members who have preceded me, but I shall confine my remarks to a few salient features which require special attention having regard to the recommendations of the Lieutenant-Governor of Bihar. Sir, the Lieutenant-Governor attaches very great importance to the clause which restricts the affiliation of new colleges in centres other than the four which have been specified in the Bill, although he suggests that the clause may be relaxed so as to empower the Lieutenant-Governor to affiliate new institutions under special and peculiar circumstances. The Lieutenant-Governor also lays very great emphasis upon the need for the appointment of a paid Vice-Chancellor, and he does not recommend the changes which the country at large wishes to see adopted in the constitution of the Senate and the Syndicate. To take up the first question, namely, as to whether either the province of Bihar and Orissa or the country at large can ratify the principle underlying it, of restricting the advancement of higher education by concentrating education in a few centres, on that point I wish to say a few words. I sympathise with the framers of the Bill in their desire to promote efficiency in the imparting of higher education at a few selected centres, and they seem to have followed the principle which was attempted to be adopted during Lord Ourzon's time of abolishing as many second-grade colleges as possible, and allowing the growth of higher education only in fully equipped first-grade colleges in specified centres. I believe it was with that object in view that the framers of the Bill have restricted the affiliation to institutions which can be started only in particular centres. Let us consider what the effect of such a restriction would be, and as to whether the purpose which those gentlemen might have had in view would be achieved by the provisions which they wish to see enacted in the Bill. We find that under the Calcutta University during the last few years there has been a remarkable growth of collegiate educational activity in the province of Bihar and Orissa. We find that between the years 1912-13 and 1915-16 the number of pupils in colleges has risen from 1,722 to 2,422. We find that seven colleges are now in existence in Bihar and Orissa, and that some of them are filled or nearly filled. Taking the Patna College, the last report shows that the maximum strength was 410 against 510, which is the largest number that the college can accommodate. The Bihar National College has 524 on its rolls. Taking the number of University students in the colleges in Patna, we find 1,000 students congregated together in that centre. Having regard to educational efficiency it cannot but be undesirable to multiply the number of students at these colleges. At the Ravenshaw College in Cuttack, there are 454 students; at the Taj Narayan College there are 497. In the two other colleges the numbers are smaller, and I am justified in my remark that the institutions in these various centres are full of college students, their numbers compare not unfavourably with the number of students in some of the smaller institutions in England. Durham has 460, Birmingham 630, St. Andrews 350, and Aberdeen 650. There is ample material already in existence for the growth of the university atmosphere provided the necessary equipment is provided by Government or the people. What I submit is, that what is wanted in this Province, and in India generally, is not so much restriction as the affording of facilities in the way of providing teachers of first-rate ability and teachers in large numbers. One remarkable feature which would strike anyone is the large number of teachers in proportion to the students in European colleges in comparison with what obtains in India. Can anything be gained in efficiency by restricting the number of students to these few educational centres; shall we not perpetuate the evils by compelling the Principals of these colleges to accept

[*Rao Bahadur B. N. Sarma.*] [7TH FEBRUARY, 1917.]

large numbers in obedience to the demand of the public which demand has been manifesting itself lately in this and other provinces? In Madras, for instance, the cry is for more colleges; they have 37 colleges, and a large number of students who wish to enter the portals of the university has been debarred entrance because there is absolutely no room. If that be so and if the growth during the last few years justifies a larger growth in the immediate future, how can we reconcile efficiency with this restriction in Bihar and Orissa? I submit therefore that you have ample material in these centres for providing a university atmosphere, the only problem is whether Government or the people can find the funds. There is another point and that is, that we have 19,444 students in Bengal in the colleges with a population of 46 millions, 9,207 students in Madras with a population of 41 millions; and with only half the population of Bihar and Orissa; Bombay has 4,896, United Provinces has 7,047, the Punjab has nearly half the population and has 4,329. Are we right in starving Bihar and Orissa and confining them practically to this number of 2,378 which would be the result if we impose this restriction. On the other hand, would it not compel the administration to import men from outside? More than one responsible minister in Madras has stated that the number of graduates proceeding from the University portals does not cover the needs of the province. There is ample room for increase because there is ample need for the expanding needs of the country. If that is so in a place where there are 9,200 students in the colleges, would it be unreasonable to recommend a similar growth? Would it be unreasonable to say that the necessity for a similar growth for the requirements of the province would be similarly felt in Bihar? I therefore hope that no unnecessary restrictions will be placed upon the expansion of higher education in Bihar and Orissa. We want primary education to be improved. That means necessarily that teachers would be wanted in larger numbers. They can be obtained only by providing secondary schools, and secondary schools you cannot have unless you have colleges. The whole scheme hangs together, and if we are to make any educational advancement in one direction, there must be advancement in all other directions, and I therefore hope that this restriction upon centres would be removed. Then, in connection with that, I would also point out that large centres and places of pilgrimage which are considered to be holy by the whole Indian population to which we may look for educational expansion, I mean places like Gaya, Puri, have been omitted from this category. People may be forthcoming who would endow colleges in such places owing to various reasons, and I think it would be absolutely wrong on our part to legislate against any expansion in that desirable direction.

"Then, Sir, what about the Native States? There seems to be no provision in this Act for them. A few Native States may perhaps still continue under the Calcutta University, which would be an undesirable thing. If it is not to be so, are we not to afford them the necessary facilities in this Bill, and would not this legislation debar them if they are to be considered to be within the scope of our Bill?"

"There is another point, Sir, to which I wish to invite your attention, and that is this. There is the Monghyr College—I do not know much about it—but it seems to me that the Council is asked to pledge itself to the principle of condemning unheard an institution which at present is attached to the Calcutta University. It would be attached to no University if this Bill be passed into law as it is at present, because clause 11 says that no college shall be affiliated or continue to be affiliated the moment this Act comes into operation. Virtually it means that we are disaffiliating a college which is attached to a particular University without any inquiry, without giving the managers of that college a chance of improving, if improvement be necessary. I think, Sir, it would be a dangerous precedent if the highest legislature in this country were to endorse the principle of condemning unheard an institution, and disaffiliating it in the manner in which we should disaffiliate this college, perhaps unconsciously."

[7TH FEBRUARY, 1917.] [*Rao Bahadur B. N. Sarma.*]

"Then another principle for which I wish to ask the earnest attention of the Council is this. We should make the Senate a wholly elective body. Whenever representative institutions are asked for in this country, the request is met with the reply that there is no educated electorate to be found, and that it would be disastrous to the interests of the country to entrust its destinies to an illiterate electorate, but luckily for us we are not in that position with regard to our Universities. There is a very large number of graduate population in this province; there is a large number employed in teaching, a large number of the members of the Senate must be composed of graduates and teachers. Would it then be too much to ask that these teachers, the graduates and the faculties should be empowered to elect the vast majority of the Senate, power being given to the Government to redress inequalities, to provide for ample efficiency and to provide against the contingency of the right men not being chosen? I think the precedents of the Universities in Europe are clearly in our favour. We are not asking for representative institutions with an illiterate electorate, and I hope that my plea will not go in vain. And if the Senate is to be an elected body, restrictions might be imposed in the matter of the election to the Syndicate; say, so many with specified qualifications should be elected to the Syndicate, so many teachers should be elected and so on, but subject to these restrictions, where is the danger, where is the disadvantage, in empowering the Senate to choose the Syndicate, and similar powers may, I trust, be given to these bodies to choose their Vice-Chancellor.

"Now coming to the Vice-Chancellor's position, is there need, in the present conditions, to appoint a full-time Vice-Chancellor? This is confessedly a poor province, and it is to be financed in this respect by the Government of India. The educational expenditure of the province is a miserable sum of 85 lakhs, and it is much smaller than the amount that is spent by any other province on education. Practically the only college of the University which is going to be benefited is a college of the University, I mean the Patna College, which is already being run by the Government. Well, there are three Government colleges, and only three private colleges. Perhaps the highly efficient educational staff therein can very well look after the discipline of these colleges. It would be a wrong interference with their discretion if we were to entrust that power to another educational expert—I believe the proposed Vice-Chancellor would be an educational expert—it would, I think, seriously interfere with the discipline of the colleges; it would affect the dignity of the Principals of those colleges if you were to appoint another whole-time officer to look after the discipline in these colleges. Then if the Government colleges do not require looking after, and if you do not seriously interfere with the others, what is the object in appointing such a highly placed officer who must be pretty much above the Inspectors to command respect? I think, Sir, the richer Universities, the Universities of longer standing, have been getting on with unpaid Vice-Chancellors, and I think this University can afford to get on for a very long time to come with an unpaid Vice-Chancellor. Therefore, I think, this Council should never sanction a paid Vice-Chancellor, and I do not think the needs of this particular University require either a full-time Vice-Chancellor.

"Now with regard to the regulations of the Senate, I may be permitted to state that the Senate composed in the manner I propose, or in the manner which may be ultimately adopted, should be the body which should be empowered to frame the regulations. The Government might assist that body with suggesting the regulations which it should frame. We have got a basis to go upon—the regulations under which the colleges are working. If radical alterations are needed, the necessary suggestions may be made and the Senate would have to consider them. The ultimate authority would, I suppose, be the Government, and, therefore, I do not see the slightest reason why the Chancellor should be the person to frame the regulations in the first instance, because once the regulations are framed, it would be well nigh impossible to introduce any alterations because the prestige of Government would be against any modifications being suggested within a short time after these regulations have been

[*Itao Bahadur B. N. Sarma; Mr. Rangaswamy Ayyengar; Sir C. Sankaran Nair.*] [7TH FEBRUARY, 1917.]

framed. Therefore, I respectfully submit that there is absolutely no need to fear any evil consequences following from empowering the Senate to frame the regulations, as the ultimate authority for approving those regulations is the Government.

“Speaking on this subject, I pray that we may not be misled into seriously retarding the progress of higher education by placing before a poor country high ideals which have been found impossible in practice even in the richer countries of Europe. The residential system upon which so much stress has been laid does not obtain very largely in Scotland, in Ireland or in Germany. It finds place only in a few Universities. That being so, I do not see why money, which can be ill spared, should be utilised towards the expansion of this particular system. I am not going to deprecate it, it is impossible to deprecate it, having regard to its excellent effects, but it is a question of money, and I respectfully submit that far too much is being made of this residential system.

“Condemning as I have done the retrograde character of the various provisions to be found in this Bill, I think it would be wrong if I do not explain my position with regard to the objects of this Bill. Nobody would be justified in imputing any motives to the authors. Having regard to the recommendation of the Commission which sat in London to revise the regulations of the London University, and with the high ideal of producing graduates here as efficient as any to be found in Europe, I am sure the authors of this Bill have adopted provisions which can be suitable only to conditions which do not obtain largely in India, and the false step which they have taken in attempting to combine the federal University and residential University systems in one, to assimilate the conditions which obtain in Bihar with those found in London, has led to the production of a measure of a retrograde character. The popular opinion is against it, educated opinion is against it, even the Government responsible for it does not want it in that particular shape. I hope therefore that the Government of India will be able to find out a way to so amend the measure as to give satisfaction throughout the country by giving my educated countrymen of Bihar and Orissa a real living voice in the governance of their educational institutions, subject to the supreme control of the Government.”

The Hon'ble Mr. Rangaswamy Ayyengar:—“Sir, until I heard the Hon'ble Mr. Shafi, I was of opinion that the official opinion was persistent that this new University Bill should prove to be a better dispenser of higher education than the existing ones. But we find that no less an authority than the Director of Public Instruction of Bengal has differed in many details. The non-official opinion too is unanimous that this is a retrograde measure. Let me join the chorus of popular opinion that Patna would only be satisfied with a University similar to those possessed by her sister provinces, and let me hope that this Bill will undergo a thorough change in the Select Committee. I may also point out that a case is yet to be made out that the existing Universities require alteration and displacement. Especially when there is to be a Commission, as announced by His Excellency, there is no need at all to thrust this kind of University upon Patna. With these few observations let me sit down.”

The Hon'ble Sir C. Sankaran Nair:—“Sir, in moving the resolution I indicated many of the chief objections to this measure. I did that for the purpose of showing that the Government do not propose to take up an attitude of opposition to any reasonable changes that might be suggested with reference to those objections. At the same time I stated, and Hon'ble Members will find it from the papers that have been circulated to them, that all those provisions in the Bill to which the Hon'ble Members have objected, have been strongly supported. I indicated my reasons for believing that those objections are advanced on one side and those propositions are strongly supported on the other side on account of the different standpoints from which those provisions were considered by the various persons who put forward their

[7TH FEBRUARY, 1917.] [*Sir O. Sankaran Nair.*]

views. Therefore, I told the Council that it is eminently a matter which requires careful consideration, and that such consideration, I had no doubt, would be bestowed upon them by the Select Committee and afterwards by the Legislative Council. The speeches of most Members, of perhaps all the Members, have dealt with generally the objections to which I drew attention, and therefore I do not propose now to refer to them. There are only one or two objections that have been put forward to which I made no reference. It was stated that the Bill is very retrograde for the reason that the first regulations were to be framed by Government and afterwards, according to the Bill, it would not be open to the Senate or the Syndicate if they wanted to do so, to alter those provisions. That also is a matter which may be considered by the Select Committee. It was then suggested that we were wrong in not letting the other colleges teach up to the Honours degree. That, the Hon'ble Members will find, does not form a part of the Bill, though it has been suggested that that should be the case, but as there was no such provision in the Bill, I did not lay stress on it when I moved the resolution.

"One of the Hon'ble Members drew attention to the fact that the claims of the Muhammadans have not been duly considered, and that special provision must be made for giving them a certain voice in the administration of the University. I am not in a position to state whether provisions in the Bill relating to election would secure Muhammadan representation, but if they would not, there is the provision which enables the Local Government to nominate members, and I have very little doubt that, if the Local Government think it is necessary that Muhammadan members should be appointed to look after Muhammadan interests, they will exercise that power in order to appoint certain Muhammadan members on the Senate or the Syndicate, as the case may be. It is my intention in the Select Committee to suggest that power may be given to the Local Government to constitute electorates. This would enable the Local Government to create Muhammadan constituencies to return Muhammadan members.

"Well, Sir, I do not propose to refer to any other questions, but I think I must refer to one matter on which my friend Mr. Bhupendra Nath Basu grew very eloquent. That had reference to what he considered the attitude of Government, or rather what he considered the neglect of Government in failing to consider the question of the educational ideals. He asked what provisions the Government proposed to make in order to bring up good, virtuous citizens as of old, make boys follow the ascetic kind of life which has been followed of old. Well, all that I can say about that is this. These are matters which should be settled by regulations. The power is to be given to the Senate to frame regulations. What the subjects are which should be taught, how discipline should be enforced and all the conditions that must be insisted upon to secure the objects whatever they might be—all these are questions for the consideration of the Syndicate, the Senate and by the Local Government. If there are matters that can be settled here by the Select Committee and by the Legislative Council I have no doubt my friend, who will be on the Select Committee, will suggest such alterations as he thinks necessary, and it will then be open to the Select Committee and the Council to consider whether they are suitable for the purpose indicated, and if so, to carry them out.

"A good deal was said about the Vice-Chancellor, whether he should be a paid official. In that respect I would only say this at present that that also is a question which would be considered by the Select Committee later. It would be for them and the Council to decide whether the Vice-Chancellor should be, as stated in the Bill, a full-time officer, or whether we might follow the precedent of the Act of 1904. I do not propose to say anything about the provision as to the location of these colleges, of its being confined to the four centres, because, as I pointed out at first, that too is a matter open to consideration. I am only now referring to it because my friend Mr. Sarma seems to have been in error in assuming that the Local Government would not allow any expansion. The Local Government are in favour of leaving it to the Governor General in Council to determine whether centres other than

[*Sir C. Sankaran Nair.*] [7TH FEBRUARY, 1917.]

those which now existed might be allowed in the Bill or not. That only carries out the present practice because now the Chancellor is the Governor General in Council so far as the University of Calcutta, under which Bihar now is, is concerned.

“Sir, I do not propose to go further into these questions. There has been no real objection to the reference to Select Committee, and I would leave therefore these questions for further consideration by the Select Committee without going into them in detail.”

The motion was put and agreed to.

The Council adjourned to 11 a.m., on Thursday, the 8th February, 1917.

A. P. MUDDIMAN,

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

DELHI :

The 12th February, 1917.

APPENDIX A.

Statement showing the number of superior (gazetted) appointments held under the Imperial Government by persons belonging to the landholding community in the Punjab.

Department or office.	Number of appointments.
Foreign and Political	13
Finance	2
Army . . . . .	...
Public Works . . . . .	...
Railway	10
Revenue and Agriculture	6
Commerce and Industry	13
Education	2
Military Accountant-General	1
Director, Criminal Intelligence	1
TOTAL	48

APPENDIX B.

[Referred to in answer to Question No. 1.]

Appointments in the higher branches of Railway service filled by Indians.

The principal State and Companies' Worked Railways employ some 1,580 officers in the higher branches of the service of whom 100 are Indians. The distribution of these numbers by Railways is given in the statement, annexure A. The salary attaching to the several appointments will be found in the copy of the classified list and distribution return of railway establishment which forms annexure B.

ANNEXURE A.

Superior (i.e., Gasetted) Appointments.

Railway.	AGENCY.		ENGINEERING.		TRAFFIC.		STORMS.		AUDIT.		LOCO. AND CARRIAGE AND WAGON.		ELECTRICAL.		MEDICAL.		MISCELLANEOUS.		REMARKS.
	Total	Indians.	Total	Indians.	Total	Indians.	Total	Indians.	Total	Indians.	Total	Indians.	Total	Indians.	Total	Indians.	Total	Indians.	
State Railways	18	...	180	19	140	27	17	1	25	0	78	...	Included in Miscellaneous	3	1	32*	...	...	* Includes 2 Bridge, 13 Signal, 3 Electrical, 1 Engineer, 1 Marine Superintendent, 1 Mining Engineer, 1 Mechanical Inspector, and Superintendent of Local Manufactures.
Assam-Bengal Railway	2	...	21	5	10	...	1	...	4	...	8	...	...	...	...	...	...	...	† Marine.
Bengal and North-Western Railway	1	...	31	...	11	...	2	...	7	...	19	...	...	...	...	...	...	...
Bengal Nagpur Railway	5	1	59	1	31	9	5	...	10	3	21	...	5	...	...	...	1†	...	
Bombay, Baroda and Central India Railway	7	...	40	2	29	...	5	...	13	...	25	...	5	...	5	...	...	...
Burma Railways	3	...	28	...	20	...	3	...	6	...	16	...	...	...	4	...	...	...
East Indian Railway	7	1	51	7	70	6	5	...	11	3	37	1	5	1	8	...	11‡	...	‡ 9 Colliery Department, 2 Printing Department, § 4 Colliery Department, § 3 Telegraph Department.
Great Indian Peninsula Railway	5	...	90	3	34	...	7	...	15	...	39	...	...	...	7	...	6§	...	
Madras and Southern Mahratta Railway	7	1	44	1	26	1	6	...	12	1	20	...	4	...	5	2	...	...
Rohilkhand and Kananan Railway	2	...	7	...	5	...	...	...	3	...	4	...	...	...	...	...	...	...
South Indian Railway	3	...	26	1	13	...	2	...	8	...	12	...	...	...	3	...	1	...	
TOTAL (COMPANIES)	43	8	817	20	354	9	36	...	88	7	104	1	19	1	35	2	19	...	