

*Wednesday,
27th February, 1918*

ABSTRACT OF THE PROCEEDINGS
OF THE
Council of the Governor General of India,
LAWS AND REGULATIONS

Vol. LVI

April 1917 - March 1918

ABSTRACT OF PROCEEDINGS
OF
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GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

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

The Council met at the Council Chamber, Imperial Secretariat, Delhi, on
Wednesday, the 27th February, 1918.

PRESENT :

The Hon'ble SIR GEORGE LOWNDEN, K.C.S.I., K.C., *Vice-President, presiding,*
and 57 Members of whom 50 were Additional Members.

QUESTIONS AND ANSWERS.

The Hon'ble Mir Asad Ali, Khan Bahadur, asked :—

1. "Will Government be pleased to state what improvement has been made in the organization of the Commercial Intelligence Department within the last two years?" The Commercial Intelligence Department.

The Hon'ble Sir George Barnes replied :—

"The question of improving the organization of the Commercial Intelligence Department has been engaging the attention of the Government of India for some time past. It has been decided to continue the existing arrangements until the Report of the Indian Industrial Commission is received."

The Hon'ble Mir Asad Ali, Khan Bahadur, asked :—

2. "With reference to my questions regarding the representation of cantonment stations in Indian States, such as Bangalore and Secunderabad, asked on the 9th September, 1913, 9th January, 1914, and 8th September, 1914, do Government propose to consider the question of giving them representation on the Imperial Legislative Council in any scheme of impending reforms?" Representation on the Imperial Legislative Council of Cantonments in Native States.

[*Sir William Vincent; Mir Asad Ali, Khan Bahadur; Sir Claude Hill; Rao Bahadur B. N. Sarma; His Excellency the Commander-in-Chief.*] [27TH FEBRUARY, 1918.]

The Hon'ble Sir William Vincent replied :—

"Government are at present unable to make any statement as to the scope of the constitutional changes now under consideration."

The Hon'ble Mir Asad Ali, Khan Bahadur, asked :—

Investigation of the indigenous system of medicine.

3. "Will Government be pleased to state—

(a) whether they have received the views of all Local Governments on the subject of my Resolution moved in this Council on the 15th March, 1916, recommending an investigation in regard to the indigenous systems of medicine?

(b) and, if so, what action they have taken in the matter as the result of such investigation?"

The Hon'ble Sir William Vincent replied :—

"The views of all the Local Governments and Administrations have been received by the Government of India. They are now, as stated in the reply given by the Hon'ble Sir James DuBoulay to the Hon'ble Rai Bahadur B. D. Shukul on February 6th, awaiting from the Chief Commissioner of Delhi the opinion of the Committee of the All-India Ayurvedic and Unani Tibbi Conference on the indigenous systems of medicine."

The Hon'ble Mir Asad Ali, Khan Bahadur, asked :—

The Cotton Industry in India.

4. "With reference to the answer given to my question on the Cotton industry in India, asked on the 16th February, 1917, that Government were considering the suggestions made by Professor Todd, will Government be pleased to state what action has since been taken to promote the industry?"

The Hon'ble Sir Claude Hill replied :—

"The Hon'ble Member's attention is invited to the answer given by the Hon'ble Sir George Barnes to a question asked on the same subject by the Hon'ble Maharaja Sir Manindra Chandra Nandi on 6th February, 1918. As stated by my Hon'ble Colleague, the whole question will be carefully considered by the Government of India on receipt of the Report of the Committee which has been appointed to investigate the possibility of extending the production of long-stapled cotton in India."

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

Indian Prisoners of War.

5. "Will Government be pleased to state—

(a) what special steps, if any, have been taken for ascertaining the condition of the Indians who are prisoners-of-war in the hands of Germany, Austria-Hungary and Turkey, in the several theatres of war, and for improving their lot; and

(b) the substance of the latest reports regarding their condition, and when such reports were received?"

His Excellency the Commander-in-Chief replied :—

"With regard to (a) the question of taking special steps to ascertain the condition of Indian or other British prisoners-of-war in the hands of Germany, Austria-Hungary and Turkey is entirely in the hands of the Home Government, with whom the Government of India are in constant communication.

With regard to (b), we know practically nothing as to the treatment accorded to Indian or other British subjects who are prisoners-of-war in Austria and Turkey. It is thought, however, that the number of Indians held captive

[27TH FEBRUARY, 1918.] [*His Excellency the Commander-in-Chief; Rao Bahadur B. N. Sarma; Sir Robert Gillan; Captain Ajab Khan.*]

in Austria is very small. Any there may be would have been taken from torpedoed ships.

As regards Germany, an internment camp at Havelberg, where there were 372 Indians, was inspected by a member of the American Embassy in September, 1916, and from his report it appears that the prisoners were then well treated and contented.

The most recent reports show that an internment camp for Indians at Zossen, where there were 176 Muhammadans, was visited by the Dutch Consul in June, 1917. The Consul brought to notice several defects, and the matter was taken up by the Home Government, resulting in a further visit being made to the camp by the Dutch Consul in August last, and from his second report it appears that the defects brought to notice have been remedied. The Dutch Consul also visited internment camps for Indians at Grossenbaum and Dubeningken in September last, and at the time of his visit there were 289 Indians interned at the former place and 20 at the latter. It appears from the Consul's report that they are well treated and seem contented. We also heard from the Secretary of State in August last that 463 British Indian subjects had been transferred from Zossen to Roumania for medical reasons and because the Roumanian climate was considered more suitable for them.

We have also received some papers from the Secretary of State for India which show that the Foreign Office addressed the Netherlands Legation at Berlin on 24th October, 1917, representing that His Majesty's Government understood that the conditions of internment life in Germany were prejudicial to the health of Indian prisoners-of-war and requesting the Netherlands Legation to be good enough to draw the attention of the German Government to this matter, in order that the Indian soldiers might be examined with a view to their repatriation or transfer to a neutral country under the recent Hague agreement with regard to prisoners-of-war.

The question of forming a Commission to enquire into the treatment accorded to British and Indian soldiers taken prisoners of war by the Germans in East Africa is now under consideration.

An Indian Soldiers' Fund Committee has now been in existence for some time in England. This Fund is doing everything possible to help Indian soldiers, who are held prisoners-of-war by the enemy, by despatching to them large parcels of food and clothing. The Dutch Consuls at Berlin and Constantinople are also interesting themselves in the welfare of Indian prisoners of war."

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

6. "Will Government be pleased to state the amount of profits paid to or received by the Company managing the East Indian Railway system for 1916-1917, and up to January 1918." East Indian Railway Profits.

The Hon'ble Sir Robert Gillan replied :—

"The amount paid as their share of surplus profits to the East Indian Railway Company during the year 1916-17 was Rs 27,29,877, and for the half year, April to September 1917, was Rs 15,69,853. It is not possible to state the profits for October to December 1917, as accounts are made up and profits declared half-yearly on the accounts made up to the 31st March and 30th September of each year."

The Hon'ble Captain Ajab Khan asked :—

7. "Are there any rules in force as to the dimensions, area, cubical space, etc., of the rooms, courtyards and annexes, which are provided for the accommodation of Indian officers in cantonments?" Accommodation provided for Indian Officers in Cantonments.

Will Government be pleased to lay on the table a plan in detail of the latest improved type of Indian officers' quarters?"

[His Excellency the Commander-in-Chief; [27TH FEBRUARY, 1918.]
Captain Ajab Khan.]

His Excellency the Commander-in-Chief replied :—

“With reference to the first query asked the reply is—

Yes. The following scale of accommodation for Indian Officers is authorised :—

A. Indian Cavalry Regiment.

(a) *For Risaldar Majors, Risaldars and Bessaidars.*

8 detached quarters, each containing :—

2 rooms each 17' × 12' × 13½'—area 408 s.ft., and cubic space 5,508 c.ft.

Verandah 8' wide in front.

Courtyard 37' × 22½' containing—

1 cook-house 6' × 6' × 8'.

1 bathing-place 6' × 5' × 7½'.

Covered porch or durbar hall 12' × 8' × 9½' with 8' wide verandah alongside.

Latrine 6' × 5' × 7½'.

(b) *For Jemadars.*

9 detached quarters, of practically the same dimensions.

B. Other units.

Quarters on scale given in A. (b) above.

2. A copy* of the original type plan No. 38 and two outline plans showing the latest improvements are placed upon the table.

8. The scales given above apply to plains stations only. In the hills the height of the main rooms is reduced to 9', thereby reducing the cubic space to a certain degree.”

The Hon'ble Captain Ajab Khan asked :—

Rations for
Indian
Soldiers.

8. “(a) Is it a fact that the peace scale of rations for the Indian Army does not include any meat at all? If so, do Government propose to add a ration of meat to the scale?

(b) What does the emergency ration of the Indian Army consist of, and how is it kept and preserved?”

His Excellency the Commander-in-Chief replied :—

“(a) As meat is not an article of general consumption among Indian troops, it is not included in the scale of issue; for the same reason it is not intended to add meat to the scale. If desired, it can be purchased from the messing allowance of ten annas per man per mensem for those who will eat it, and I may say that on my inspections I have investigated closely the question of messing in all units, and as a general rule all battalions now get one ration of meat a week and some get two.

(b) The emergency ration consists of ½ lb. *gur* and 1 lb. of parched gram or, if preferred, *atta*, per man. The ration is issued in bulk and distributed to the men, each man carrying his ration in a special tin provided for the purpose by the State.

These articles are issued fresh and consumed before deterioration, so that no preserving is required.

An alternative ration is 1½ lbs. biscuits, which are kept in tin-lined cases.”

The Hon'ble Captain Ajab Khan asked :—

Soldier
Clerks of
the Indian
Units.

9. “(a) With reference to the question put by me on the 1st March, 1917, and His Excellency the Commander-in-Chief's reply, will Government be pleased to state how the question of clerical allowances in the Indian units stands now?

(b) Are Government aware of the hardships which the clerical staff of the Indian Army are undergoing owing to the present high prices of commodities?”

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His Excellency the Commander-in-Chief replied :—

"(a) Proposals dealing comprehensively with the conditions of service of clerks in Indian units are being worked out, and it is hoped that it will be possible to issue orders on the subject ultimately—I cannot say in a short time because there are certain complexities connected with it and changes which all need investigation—but the point has been under consideration for some time and is still under consideration.

(b) The Government of India are not aware that the present high prices of commodities cause more hardship to clerks of the Indian Army than to other classes. As far as soldier clerks are concerned, the issue of free rations makes the hardship very much less felt in their case than in that of clerks who receive pay only."

The Hon'ble Captain Ajab Khan asked :—

10. "(a) With reference to the question regarding burial-grounds and cremation places put by me on 1st March, 1917, and His Excellency the Commander-in-Chief's reply, will Government be pleased to state how the question of providing burial-grounds and cremation ghats in Cantonments for the Indian Army now stands?"

Burial-grounds and Cremation Ghats for the Indian Army.

(b) Will Government be pleased to represent to the Colonial Governments within whose territories Indian troops are stationed as garrisons the desirability of taking similar action in the matter as is taken in India?"

His Excellency the Commander-in-Chief replied :—

"As regards (a) all General Officers Commanding have been addressed with a view to ascertaining their opinions on the Hon'ble Member's proposals.

The opinions expressed, though generally in favour of the latter, have brought to light considerable local difficulties which are now being examined.

I may add that the essential requirements of the case have been met by the orders issued by Government in 1917, authorising the payment of funeral expenses of Indian soldiers and public followers, whether they are serving overseas or in India.

As regards (b) the Government of India will communicate to the Colonial Governments within whose limits Indian troops are stationed particulars of any action that they may decide on in regard to the subject referred to."

The Hon'ble Captain Ajab Khan asked :—

11. "(a) Is it a fact that Assistant Engineers of the Public Works Department are exempted from the operation of the Indian Arms Act, whilst Indian Assistant Traffic Superintendents of the State Railways are required to secure a formal license for possession of arms?"

The Indian Arms Act.

(b) Will Government be pleased to state the reasons for such distinction and disparity in the privileges of these two classes of officers?"

(c) Will Government be pleased to consider the desirability of conferring a similar exemption upon Assistant Traffic Superintendents of Railways?"

The Hon'ble Sir William Vincent replied :—

"(a) It is a fact that Assistant Engineers of the Public Works Department are exempted from the operation of the Indian Arms Act, and that Assistant Traffic Superintendents of the State Railways are not.

(b) The former were exempted by an order passed in the year 1883.

No recommendation for the exemption of the latter was received by the Government of India until 1914, by which time it had been decided not to add to the list of exemptions pending a reconsideration of the general policy of the administration of the Act.

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(c) The question of the future administration of the Arms Act is still under consideration and, as stated by the Hon'ble Sir James DuBoulay in his reply to a question asked by the Hon'ble Rai Bahadur B. D. Shukul, Government will not accept any solution of this question which continues to base exemption on racial distinctions.

Government will take note of any special cases that may be put forward, but do not propose to create any further exemptions of a general character save under very exceptional circumstances, until their examination of the subject has been completed."

The Hon'ble Sir Dinshaw Wacha asked :—

Exchange
Compensation
Allowance.

12. "(a) With reference to the orders issued in October last altering the rate at which exchange compensation allowance is paid, has the attention of Government been drawn to articles and statements in the 'Pioneer' and other newspapers implying that this alteration—

- (i) has imposed undue hardship on those affected by it with reference to the high cost of living ;
- (ii) is unequally applied in that, as stated in a para. in the 'Pioneer' of 30th December last, certain Military Officers have been admitted to exchange compensation allowance unconditionally ;
- (iii) constitutes a breach of faith in regard to officers who were given to understand that they would draw exchange compensation allowance at the rate of 1s. 4d.

(b) Will Government be pleased to explain on what principles they have acted in issuing and applying the order above referred to ? "

The Hon'ble Sir William Meyer replied :—

"The Government have seen the articles to which the Hon'ble Member refers, and I am glad to have this opportunity of making a statement on the subject with reference to the various points set forth in his question.

(1) Exchange compensation allowance was originally granted in 1893 to compensate European officers not domiciled in India for the extra cost of remittance to Europe occasioned by the fall of the rupee below 1s. 6d. and for this purpose only ; and it was calculated so as to enable these officers to remit half their salaries (subject to a prescribed maximum) to Europe at this rate. When the allowance was first granted the exchange value of the rupee was subject to considerable fluctuation ; it was therefore necessary to calculate the allowance on a fluctuating basis determined by the market rate of exchange, and the average rate of the preceding quarter was adopted as the market rate for this purpose. In 1901, the exchange value of the rupee had ceased to vary materially from 1s. 4d., and, purely as a matter of departmental convenience, so as to avoid the constant quarterly calculations, it was decided in February of that year to take 1s. 4d. as the market rate of exchange for the purpose of calculating the allowance until anything occurred to render this rate unsuitable ; or to quote the exact words of the Government of India Resolution on the subject 'until further orders.'

(2) Recently, as is well known, the exchange value of the rupee has departed from the 1s. 4d. rate, and it therefore became necessary to revert to the previous method of calculating the allowance which was in force when the exchange value of the rupee was subject to fluctuation. This was notified in Finance Department Resolution No. 1175 of 30th October last.

(3) From this statement of the previous history of the allowance it will be seen that the principle on which the Government has acted has always been the same, namely, that certain European officers domiciled in India should be placed in a position to remit half their salaries to England at the rate of 1s. 6d. per rupee ; that the Finance Department Resolution of 30th October, 1917, made no change in the principle ; but that on the contrary it was in order to maintain it that the orders in that Resolution were issued. It will also be seen

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that the allowance was given purely for remittance purposes, and, as officers are under present orders still in a position to make remittances at the rate of 1s. 6d., they have suffered no hardship in this respect.

(4) The high cost of living, to which a reference is made in the question, is a disadvantage to which every one, official and non-official alike, is at present subjected not only in India, but practically throughout the world. It is one of the misfortunes which the war has brought upon us. But it does not constitute any reason for continuing the previous rate of exchange compensation allowance to a special class of officers, when the rate at which they can make remittances Home has become considerably more favourable to them. Nor is it relevant in this connection that particular officers may, for private reasons, have to remit Home more than half their pay, just as others may remit considerably less than half. The half-pay remittance concession was fixed on a general average computation: it would obviously be impossible to examine the private circumstances of each officer.

(5) The statements in the 'Pioneer' of the 30th December, to which the Hon'ble Member refers, were that, while one Department of the Government of India finds that the grant of exchange compensation allowance is wholly inadmissible owing to the prevailing rates of exchange, another Department suddenly discovers a class of officers fully entitled to this extra form of pay, and that the Government of India had revived the exchange compensation allowance in a particular case. These statements are inaccurate. As I have explained above, it has not been decided that exchange compensation allowance is wholly inadmissible; its amount has merely been revised, in accordance with the principle on which it was originally granted, with reference to the market rate of exchange. As it is still drawn there has, therefore, been no question of 'reviving' it. The orders referred to in the "Pioneer" merely laid down that officers promoted from the ranks of British units on the Indian establishment during the war, including officers of the Royal Engineers granted permanent commissions, should not have to prove what is officially known as 'personal eligibility' for the allowance; that is to say, they should not have to prove (this being assumed in their favour) that they are, technically, Europeans with a non-Indian domicile, and that they fulfil certain other personal qualifications which are ordinarily required before the allowance can be granted. The rate at which the allowance is granted to these officers is the same as that at which it is granted to all other officers eligible for it, i.e., the fluctuating rate in force at present. Nor were the orders in question new orders: they merely repeated orders which had previously been issued provisionally, and to which the sanction of the Secretary of State had subsequently been obtained.

(6) In a notification which issued in September, 1914, it was announced that the monthly pay and allowances of men joining the Indian Army Reserve of Officers as Second-Lieutenants would be as follows:—

	Rs.	A.	P.	
Cavalry	458	14	0	per mensem.
Infantry	403	12	0	„

These were the emoluments drawn at that time by regular British officers of corresponding rank in the Indian Army, and they were made up of pay proper, staff pay, and exchange compensation allowance at the then prevailing rate of 6½ per cent. on salary, i.e., a privileged addition for remittance purposes of 2 annas in the rupee on half the officer's salary. The actual portion representing exchange compensation allowance was in these cases Rs. 28-14-0 and Rs. 23-12-0, respectively. When it was decided last year to reduce the rate of exchange compensation allowance in consequence of the rise in the exchange value of the rupee, the question of the effect of such reduction on the emoluments of men—who had joined the Indian Army Reserve of Officers in pursuance of the notification of September, 1914—came under the consideration of Government; and it was decided that, in view of the terms of the notification, which did not explain that the rates of pay included an item on account of exchange compensation allowance which might be liable, in certain circumstances, to

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fluctuations, the rates offered should be regarded as consolidated rates of pay and should not be liable to alteration in consequence of the revised method of calculating exchange compensation allowance adopted as from the 1st December last.

There has consequently been no breach of faith on the part of Government with respect to the pay of these officers ; on the contrary, special action has been taken to avoid any appearance of a breach of faith.

(7) The Hon'ble Member's question has, however, drawn the attention of the Government of India to the fact that in Army Order No. 206 of 1917, which gave the rates of pay admissible, on appointment to the Indian Army, to officers holding commissions in the Special Reserve, the New Armies or the Territorial Force, and to officers appointed from outside India to the Indian Army Reserve of Officers, it was stated that these officers would draw the Indian Army pay and staff pay of their rank, and in detailing these rates it was mentioned that in addition exchange compensation allowance of 6½ per cent. on pay and staff pay is given. This Army Order was issued by the War Office and the Government of India were not consulted as to its wording. The rate of exchange compensation allowance mentioned was the rate at that time in force, and (although this cannot have been the intention) the Army Order might be construed as implying that this rate was an invariable rate. Steps are now being taken to amend the terms of the Army Order, so as to make it clear that officers who hereafter join the Indian Army or Indian Army Reserve of Officers under the terms thereof will, in the matter of exchange compensation allowance, be placed on the same footing as other officers of the Indian Army. The Government of India propose, however, to continue exchange compensation allowance at the rate of 6½ per cent. to officers who have up to date joined the Indian Army or Indian Army Reserve of Officers under the terms of Army Order 206 of 1917 in the *bona fide* belief that they would continue to receive exchange compensation allowance at this rate."

The Hon'ble Sir Dinshaw Wacha asked :—

Improvement in the pay and prospects of Postmen and Postal Clerks.

13. "Is any scheme about to be sanctioned with regard to the improvement of the pay and prospects of postmen and postal clerks generally in all the important post offices of the country? If so, will the scheme be placed on the table?"

The Hon'ble Sir George Barnes replied :—

"A scheme for the temporary improvement of the pay of all post and telegraph employés is now under the consideration of the Secretary of State.

For the permanent improvement of the pay of particular portions of the postal staff considerable funds are annually placed at the disposal of the Director-General, and I should mention, for the Hon'ble Member's information that, in the four years ending with 1917-18, the pay of 5,203 clerks, 9,629 postmen, and 11,876 menials was improved at a total cost of about nine lakhs of rupees."

The Hon'ble Rai Sita Nath Ray Bahadur asked :—

Increase in the Production of Sugar.

14. "With reference to the statement made in this Council (September 12, 1917) that the energies of the Agricultural Department are being steadily devoted to an increase in sugar production, will Government be pleased to state—

- (a) the results of the endeavours of that Department in increasing sugar production in the various Provinces ;
- (b) the steps, if any, that have actually been taken in Bengal and elsewhere to increase the production of date sugar ;
- (c) whether there has been any appreciable increase in the outturn of date sugar in India since the outbreak of the war ; and
- (d) the results of experiments with the best varieties of cane ?"

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The Hon'ble Sir Claude Hill replied :—

"(a) and (d) The proceedings of the Board of Agriculture in India which was held at Poona in December last will shortly be published and will give the Hon'ble Member the information asked for in parts (a) and (d) of his question.

As to (b) it is understood that the Government of Bengal are taking steps for the demonstration of improved methods of refining date-palm sugar on lines worked out by Mr. Annett, when Agricultural Chemist in Bengal. The Government of India have no information regarding other parts of India.

As to (c) a statement* is laid on the table showing the estimated outturn of date-palm sugar in Bengal in the five years ending 1917-18, from which it will be seen that there has been an increase of 4 per cent. in that Presidency since the outbreak of the war. So far as the Government of India are aware, no appreciable quantity of sugar is produced from this source in other provinces, but no statistics are available."

The Hon'ble Rai Sita Nath Ray Bahadur asked :—

15. "(a) In March, 1916, did Sir William Clark in a speech in this Council remark that the Railway Board had, by a circular letter, impressed upon the different railway administrations the desirability of fostering local industries by the quotation of favourable rates for the carriage of raw materials required for manufacture and of the finished product?" Fostering of local industries by Railways

(b) Will Government be pleased to state whether any action has been taken by the railway administrations on this recommendation of the Railway Board?"

The Hon'ble Sir Robert Gillan replied :—

"I had better quote the words used by Sir William Clark in the speech to which the Hon'ble Member refers. 'The Railway Board' he said 'have impressed upon the different railway administrations the desirability of watching for opportunities for fostering local industries by the quotation of favourable rates for the carriage of raw materials required in manufacture and of the finished product.' They circularised all the administrations on this subject early in 1915. 'At the same time' he added 'they addressed a Communiqué to the commercial public calling attention to their letter to the railway administrations and impressing on the public the importance of giving the fullest particulars when asking for a concession.'

As regards the second part of the question, the Railway Board in February, 1916, asked the railways what they had been able to do since the issue of the circular in pursuance of the policy to which it drew attention; a summary† of the information received in reply is laid on the table. I also lay on the table a copy of two statements‡ prepared in reply to a question asked by the Hon'ble Sir D. B. Wacha in this Council last September showing the concessions in rates granted from 1st January, 1913, to 30th June, 1917. The dates on which the concessions in rates were given are not in all cases stated, and I am not therefore in a position to give a precise answer to the Hon'ble Member's question, but if the information is not sufficient for his purpose, I shall be glad to ascertain exactly how much has been done since the issue of the circular in May, 1915, till the present time."

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

16. "(a) Has the attention of Government been called to the case of Mr. Golam Rasul and Mr. Mirza Badruddin, two Barristers, who though they had obtained proper passports from the Punjab Government were prohibited from landing at Mombassa on the ground that they were prohibited immigrants?" Case of Messrs. Golam Rasul and Mirza Badruddin.

* Vide Appendix A.
† Not included in these Proceedings.

[*Mr. Surendra Nath Banerjee ; Sir William Vincent ; Mr. Kamini Kumar Chanda.*] [27TH FEBRUARY, 1918.]

"(b) Is it the case that the British East Africa Indian Association appealed to the Government of Mombassa on their behalf to permit them to land, but the prayer was refused and they had to come back to India ?

(c) Will Government be pleased to state what action they propose to take in this matter ?"

The Hon'ble Sir William Vincent replied :—

"(a) The attention of the Government of India has been drawn to the case of Messrs. Golam Rasul and Badruddin. In May and July, 1917, these gentlemen were given passports by the Government of the Punjab to proceed to Mombassa in British East Africa. On receiving telegraphic intimation on the 3rd December that they had been refused permission to land in the Protectorate, the Government of India on the 4th December despatched a telegram to the Provincial Commissioner at Mombassa pointing out that both gentlemen were in possession of proper passports and expressing a hope that they would be allowed to land.

To this communication the Government of India received, on the 26th December, a telegraphic reply from the Government of British Africa to the effect that it was regretted that the two gentlemen could not be allowed to land in the Protectorate.

(b) The Government of India have no information.

(c) In view of the state of hostilities still existing in East Africa, the Government of India regret that they do not think that any advantage would be secured by further representations."

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

Amnesty for
political
prisoners.

17. "Do Government propose to consider the expediency of granting a general amnesty to persons who have been interned under the Defence of India Act or detained under Bengal Regulation III of 1918 ?"

The Hon'ble Sir William Vincent replied :—

"No such proposal is in contemplation."

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

Detention
of Anath
Bandhu
Chaudhury
under the
Defence of
India Act.

18. "(a) Has the attention of Government been drawn to a communication from Sir Rabindranath Tagore which was published in an Associated Press telegram, dated Delhi, the 14th January, complaining of the arrest and detention at Bhagalpur under the Defence of India Act of a boy aged 16, named Anath Bandhu Chaudhury ?

(b) Was any inquiry made about the statement of Sir Rabindranath that the boy was for the last eight years studying in Santi Niketan at Bolepur and ran away from Bolepur on the night of 20th December last in anger in failing at his yearly examination, and that he was arrested on the following morning at Bhagalpur ? If so, will Government be pleased to name the inquiring officer and the result of his inquiry, and the charge or charges against the boy ?

(c) Is it a fact that Sir Rabindranath as well as the father of the boy telegraphed to the Magistrate of the District inquiring about the charges against the boy, but got no reply ?"

The Hon'ble Sir William Vincent replied :—

"(a) The Government of India have received a report from the Government of Bihar and Orissa showing the circumstances in which Anath Bandhu Chaudhury came to Bhagalpur and was arrested there.

(b) The point was inquired into. The youth made self-incriminating statements to a Magistrate, alleging his connection with a revolutionary conspiracy,

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[Sir William Vincent; Mr. Kamini Kumar Chanda; Rai Bahadur B. D. Shukul.]

which had, among other aims, that of assassinating certain officers of Government; he also stated that he had come to Bhagalpur in pursuance of this conspiracy. Further inquiries are being made into these allegations.

(c) The Government of India have no knowledge of this, and I would suggest that the question might be put in the local Council."

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

19. "(a) Has the attention of Government been drawn to the case of Messrs. Golam Rasul and Mirza Badruddin, Barristers-at-Law, who, it is alleged, were refused permission to land at Mombassa?"

Case of Messrs. Golam Rasul and Mirza Badruddin.

(b) Is it a fact as stated in the *Observer* of Lahore that they had necessary passports from the Punjab Government and satisfactory credentials from High Court Judges and other high officials?

(c) Is it also a fact as stated in the same paper that before they got their passports they had to make a special declaration before the Deputy Commissioner that they would take no part in any political agitation in British East Africa during the continuance of the war?

(d) Is it a fact that they were duly passed by the health authorities as fit persons to land?

(e) Did they send any appeal to the Governor of East Africa to interfere, and was any action taken on such appeal?

(f) Is it also a fact that they were not allowed to land even as sight-seers at Zanzibar?

(g) Do Government propose to bring the case to the notice of His Majesty's Government with a view to take such steps as may be necessary to prevent the recurrence of such incidents?

(h) Is it a fact that on their return Messrs. Golam Rasul and Badruddin were not allowed by the Police Commissioner to land at Bombay for one day? If so, will Government be pleased to state the circumstances under which this was done and the reasons therefor?"

The Hon'ble Sir William Vincent replied :—

"(a), (b) and (g) The Hon'ble Member is referred to the answer I have just given to a question put by the Hon'ble Mr. Surendra Nath Banerjee.

(c) The Government of the Punjab asked for and received from Messrs. Golam Rasul and Badruddin written undertakings that they would not take part in any political movement in British East Africa during the continuance of the war. This fact was duly communicated to the authorities of British East Africa.

(f) This is believed to be true, but the Government of India have no authoritative information.

(d), (e) and (h) On these points the Government of India have no information, nor are they aware what credentials were carried by the two gentlemen."

The Hon'ble Rai Bahadur B. D. Shukul asked :—

20. "Will Government be pleased to state—

(i) The number of persons interned in each Province up to the end of December, 1917, under the Defence of India Act since it came into force?

Number of persons interned under the Defence of India Act.

(ii) The number of persons (if any) who have committed suicide during the period of internment in the different Provinces, and the circumstances under which they did so?"

The Hon'ble Sir William Vincent replied :—

"Inquiries have been made from the Local Governments, and when they are complete the information will be laid upon the table."

[*Rai Bahadur B. D. Shukul; Sir William Vincent; Sir Robert Gillan.*] [27TH FEBRUARY, 1918.]

The Hon'ble Rai Bahadur B. D. Shukul asked :—

Deputations
to the Sec-
retary of
State.

21. "Will Government be pleased to lay on the table a statement showing Province by Province—

- (i) the Associations by whom applications were made for their deputations to wait upon the Viceroy and the Secretary of State, in connection with the Reform Scheme;
- (ii) the date on which each application was received by the Local Government;
- (iii) whether the application was admitted or rejected; and
- (iv) where rejected, the reasons for such rejection?"

The Hon'ble Sir William Vincent replied :—

"A statement* is laid on the table showing (a) the associations which were permitted to present addresses, and (b) the associations whose applications for permission to present addresses were refused. The Government of India are not in possession of information regarding the dates on which the various applications were received. On the ground of time alone a process of selection was necessary. This process was carried out on the recommendation of the various Local Governments, which possessed the necessary knowledge, and the Government of India do not doubt that they made their recommendations with careful regard to the interests involved."

The Hon'ble Rai Bahadur B. D. Shukul asked :—

Scale of
salaries of
Indian and
European
Station
Masters in
Mesopota-
mia.

22. "(a) Is it a fact that there is a difference in the scale of salaries of Indian and European station masters who are working in Mesopotamia as hereunder :—

	1st grade.	2nd grade.	3rd grade.	4th grade.
Indians . . .	135	99	99	99
Europeans . . .	400	376	348	324

(b) If so, will Government arrange to remove this inequality of treatment?"

The Hon'ble Sir Robert Gillan replied —

"The pay of Indian station masters serving with the Military Railway Administration in Mesopotamia is now Rs. 150; they were recruited for employment at small stations and were taken from the lower grades in India for this purpose. The European station masters who are paid Rs. 348 to Rs. 400 were recruited for employment at large and important stations. As the duties are not comparable there is no inequality of treatment."

The Hon'ble Rai Bahadur B. D. Shukul asked :—

Hardships
felt by third
class pas-
sengers
brought to
notice by
Mr. Gandhi.

23. "(a) Has the attention of Government been drawn to the letter of Mr. M. K. Gandhi, dated the 25th September, 1917, which appeared in the Press containing the description of the railway journey which he made in September last from Bombay to Madras, and particularly to the following complaints herein :—

- "(i) There were during the night as many as 35 passengers in the carriage during the greater part of it.
- (ii) On the way passengers got for tea tannin-water with filthy sugar and a whitish looking liquid miscalled milk which gave this water a muddy appearance.
- (iii) Not during the whole of the journey was the compartment once swept or cleaned.
- (iv) Refreshments sold to the passengers were dirty looking, handled by dirtier hands, coming out of filthy receptacles and weighed in equally unattractive scales. They were previously swamped by millions of flies.

[27TH FEBRUARY, 1918.] [Rai Bahadur B. D. Shukul; Sir Robert Gillan.]

(v) The closet was also not cleaned during the journey, and there was no water in the water tank."

(b) Are Government aware that these are long-standing grievances which have remained unredressed, and that they cause considerable inconvenience to third class passengers? Will Government be pleased to direct that immediate action be taken to remove them at an early date?"

The Hon'ble Sir Robert Gillan replied:—

"The attention of Government was drawn by Mr. Gandhi himself to the letter to which the Hon'ble Member refers. The journey which Mr. Gandhi describes was made over the Great Indian Peninsula and Madras and Southern Mahratta Railways and copies* of reports by these railways covering the points raised in the Hon'ble Member's question are laid on the table. To show the position on railways generally I also lay on the table copies of the letter which was sent by the Railway Board to Mr. Gandhi, and of a question put by the Hon'ble Mr. S. N. Banerjee at a meeting of the Imperial Legislative Council on the 9th March, 1916, and the reply given to that question. These papers will show that the importance of the subject is fully recognised by the Railway Board and Railway Administrations, and it continues to receive, as it has received in the past, their constant attention.

As the Hon'ble Member knows, it has been necessary owing to war requirements to discontinue many passenger trains, and the troubles of over-crowding of which he complains are greatly accentuated by this fact. I would appeal to all Hon'ble Members to help the Railway Administration in this time of stress by making known in their constituencies that unnecessary travel should, so far as possible, be avoided."

The Hon'ble Rai Bahadur B. D. Shukul asked:—

24. "(a) Do Government propose to direct the publication of a quarterly statement* for every Province giving the following information in connection with persons interned under the Defence of India Act:—

1. Name.
2. Profession and Status.
3. Place of original residence.
4. Place of internment.
5. Allowance granted to—
 - (i) interned, and
 - (ii) dependants.

(b) Is it a fact that persons before internment are kept in jail in solitary confinement for one month? If so, under what circumstances?

(c) Will Government be pleased to state—

- (i) whether any special arrangements are made for supply of food and, clothing, etc., to detenus?
- (ii) whether they are allowed to mix with the residents of the places where they are interned and to remove their immediate wants by temporary borrowings from the people?
- (iii) whether it is ascertained beforehand if the ordinary daily requirements of the particular persons interned are available in the place of internment?
- (iv) what principles are observed in fixing maintenance allowances for the detenus and their dependants in the various Provinces? and
- (v) whether any special arrangements are made for the medical aid of the detenus in places where expert medical help is not available?"

[*Sir William Vincent; Sir Claude Hill; [27TH FEBRUARY, 1918.]*
Sir Hamilton Grant.]

The Hon'ble Sir William Vincent replied :—

"The Government of India are in communication with the Local Governments concerned on the subject of the Hon'ble Member's questions, and will, as early as feasible, lay a reply on the table."

THE CINEMATOGRAPH BILL.

11-33 A.M. **The Hon'ble Sir William Vincent** :—"Sir, I beg to present the Report of the Select Committee on the Bill to make provision for regulating exhibitions by means of cinematographs."

THE INDIAN FOREST (AMENDMENT) BILL.

11-34 A.M. **The Hon'ble Sir Claude Hill** :—"Sir, I beg to move that the Bill further to amend the Indian Forest Act, 1878, be taken into consideration. In putting this motion before the Council, I do not think I need detain the Council at all. I explained in detail the measures which were embodied in the Bill when I introduced it on the 6th February last, and I then explained that it represented the deficiencies which had been found to exist in the Indian Forest Act during the past seven years. As no amendments or suggestions have been received since that date, I think I am entitled to assume that the Bill meets with the general approval of the Council."

The motion was put and agreed to.

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

The motion was put and agreed to.

THE CRIMINAL JUSTICE ADEN (AMENDMENT) BILL.

11-35 A.M. **The Hon'ble Sir Hamilton Grant** :—"I beg to move, Sir, for leave to introduce a Bill to amend the law to provide for the administration of criminal justice at Aden. The Act which it is proposed to amend was passed in 1864, and it is scarcely necessary to point out that a good many changes have occurred in the conditions at Aden in the meantime. A judicial machinery which was suitable in 1864 obviously may require some overhauling in 1918, and the necessity for relieving the Resident, who is also the General Officer Commanding the troops at Aden, of the burden of judicial work imposed on him by the Act of 1864 has long been realised, and has been further emphasised since the outbreak of the war. It is obviously anomalous that an officer with such important and grave pre-occupations should be embarrassed by judicial work of any kind. This has been realised, by His Majesty's Government, who have already arranged by executive action to relieve the Resident at Aden of certain cases from Abyssinia for the disposal of which he is ordinarily responsible. Executive measures are not feasible in regard to judicial work of Aden itself, and the Council is accordingly asked to approve a Bill, the sole object of which is to give the Bombay Government the power to appoint another official for the discharge of the Resident's judicial functions without in any way altering or extending those functions. There is nothing whatever contentious in the measure, and I trust it will meet with unanimous support."

The motion was put and agreed to.

THE CRIMINAL JUSTICE ADEN (AMENDMENT) BILL; 583
RESOLUTION *RE* EXTENSION OF CALCUTTA HIGH
COURT JURISDICTION TO PARTS OF ASSAM.

[27TH FEBRUARY, 1918.] [Sir Hamilton Grant; Mr. K. K. Chanda.]

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

The motion was put and agreed to.

**RESOLUTION *RE* EXTENSION OF CALCUTTA HIGH
COURT JURISDICTION TO PARTS OF ASSAM.**

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, I beg to 11-37 A.M.
move the Resolution which stands in my name and which runs as follows:—

'This Council recommends to the Governor General in Council that the jurisdiction of the Calcutta High Court be extended, or rather re-extended, to the British portion of the Khasia and Jaintia Hills in the Province of Assam.'

"Sir, the matter at first sight appears to be one of local interest, and I think I ought to explain why I have brought it into this Council. My answer is two-fold. In the first place, it is a sort of appeal against the action of the Local Government; and, in the second place, my submission is that there is an important principle involved in it, and therefore it is a matter of general importance. The terms of the Resolution will have shown to the Council that the Calcutta High Court had at one time jurisdiction over this district. The case has been described as one of evolution of disabilities out of a higher status and privileges enjoyed, and how this came about and what the present arrangements are, I shall now briefly state.

"Sir, the Khasia and Jaintia Hills is one of the districts forming the Province of Assam. It is one of the districts in the Province which came earliest under British administration, excepting the Bengal district of Sylhet. The head-quarters town of the district is Shillong, the capital of the Province and the permanent seat of the Local Government, not a mere summer residence only as in the case of most hill stations, but the permanent seat and the place of the sittings of the Legislative Council of the Province. The district is rich in minerals; and, immediately after it came under British administration, rival trading British companies were formed to exploit and work the coal mines and limestone quarries. As usually happens in such cases there were serious disputes and litigation between them; and, as the proprietor of one of them was the son-in-law of the then head of the district, grave charges of misuse of power and abuses of judicial processes were made against him. The matter was formally brought to the notice of the Governor General, who was then the Governor of Bengal, no Lieutenant-Governor having then been appointed; and Mr. Mills, a Judge of the Sudder Court, was deputed to inquire and report. As a result of his inquiry, the civil and criminal administration of the district was brought under the control of the District and Sessions Judge of Sylhet, which bounds this district on the south, and ordinary regular laws were introduced into the district. This state of things continued for 35 years.

"In 1869, an Act called the Garo Hills Act, being Act XXII of 1869, was passed which removed another hill district called the Garo hills from the jurisdiction of the Civil and Criminal Courts and revenue offices under the Bengal Regulations. In 1871, the Lieutenant-Governor of Bengal, who had been appointed meanwhile, by virtue of an enabling clause in the Act, extended it to the Khasia and Jaintia Hills. In accordance with the Act rules were framed, and the Commissioner of Assam was appointed to be the High Court for the Khasia and Jaintia Hills. At that time the Council will remember the Chief Commissionership of Assam had not been formed, and the Assam Districts, including the Khasia and Jaintia Hills, were under the Commissioner of Assam who was appointed to be the High Court; Sylhet being then a part of the Dacca Division. The legality of this proceeding was questioned in a murder case that came before the High Court. Assam had then become a separate Administration. Two persons

[*Mr. K. K. Chanda.*]

[27TH FEBRUARY, 1918.]

named Burah and Book were convicted of murder and sentenced to death in 1876 by the Deputy Commissioner; the sentence was commuted to one of transportation for life by the Chief Commissioner. The prisoners sent an appeal from the jail, the Criminal Division Bench entertained doubts about their jurisdiction to hear the appeal, and the question was referred to a Full Bench of seven judges. The majority of the Court held that the action of the Government was *ultra vires* in removing the district from the jurisdiction of the High Court, but a minority of three judges, including the then Chief Justice, Sir R. Garth, held otherwise. The judgment of the majority was of course the judgment of the Court, and it decided that the High Court had jurisdiction. The Government of India appealed to the Privy Council, and their Lordships of the Judicial Committee upset the decision of the Full Bench and held that the Government had power to take away the jurisdiction of the High Court in the manner it did. The case is reported in I. L. R. 3 Cal. page 48. Thus the jurisdiction of the High Court was taken away. What is done now? In 1880, a Regulation being Regulation II of 1860 called the Frontier Tracts Regulation was passed, the preamble of which ran as follows:—'Whereas it is expedient for the removal of certain Frontier Tracts in Assam inhabited or frequented by barbarous or semi-civilised tribes from the operation of enactments in force therein' etc. This did not as it could not apply to the Khasia and Jaintia Hills which was not a frontier district as a glance at the map will show nor was it inhabited by barbarous tribes, but it was extended to the district by a later Regulation being Regulation No. III of 1884. In accordance with this Regulation rules for the administration of justice in the district have been framed, and they supply the place of ordinary laws. They are 40 in number and occupy two pages in print; they take the place of the Civil Procedure Code, the Criminal Procedure Code, the Evidence Act, the Police Act, the Oaths Act, and in fact all of what is called the Adjective Law. The position is thus summarised in the 'Imperial Gazetteer of India' Volume for Eastern Bengal and Assam, page 492, 'the High Court at Calcutta has no jurisdiction except over European British subjects, the Codes of Civil and Criminal Procedure are not in force, and the Deputy Commissioner exercises powers of life and death subject to confirmation by the Local Government.' I will call attention to two or three salient provisions of the rules. A man cannot be defended by a lawyer though he may be tried for murder; witnesses are not required to be on oath; there is no right of appeal if the sentence is not more than three years' imprisonment and the appeal when it lies is to the Local Government; written orders are not necessary, oral ones being sufficient. It is indeed laid down in the rules that the spirit of the Criminal Procedure Code shall be followed. I will give one or two instances to show how this is done. In 1916, a man was convicted of an attempt at murder and was sentenced to seven years' rigorous imprisonment; he appealed to the Chief Commissioner; he was allowed to be represented by a lawyer in the appeal, and the Local Government also imported a pleader from Gauhati to support the conviction. The party applied for copies of depositions, the application was not received but was actually thrown away. The appeal had to be argued from the judgment also. The legality and propriety of the decision will be apparent when I tell the Council that comments on the judgment alone sufficed to get it reversed. Sir S. P. Sinha was engaged in a case in Shillong and he came, but the next morning the Deputy Commissioner sent him a polite request through the Bench clerk that he need not take the trouble to come to Court as he would not be allowed to appear in the case. I may mention that the rules apply to all Indian subjects who are resident in the district, no matter who they may be. Is it any wonder that the people have been trying to again and again come under the jurisdiction of the High Court? Memorial after memorial has been submitted to the Local Government and the Government of India, but to no effect. In 1915, a Resolution was moved in the local Council to bring the British portion of the town of Shillong under the High Court. It was not for the whole district, a portion of the district is under the Khasi Chief. The Resolution was supported by the Hon'ble Mr. F. R. Plukan, Barrister-at-Law of Gauhati, who quoted instances within his own experience wherein the Deputy Commissioner

[27TH FEBRUARY, 1918.] [*Mr. K. K. Chanda.*]

refused to allow parties to be represented by lawyers. The whole of the Indian members, both elected and nominated, supported the Resolution, but as usually happens in local Councils which are believed to have an unofficial majority, the non-official Europeans voted with the Government and the Resolution was lost by two votes. But, although the Resolution was lost, the Chief Commissioner in closing the debate observed, 'we certainly do not admit that Shillong is semi-civilised—and we have no objection as regards the introduction of the ordinary procedure in the portion of the town which is part of British India.' But that has not been done. What has been done is, that the Criminal Procedure Code has now been introduced in the Municipality of Shillong which is British territory and the cantonment of Shillong which is not. But by another order the Local Government has constituted the Chief Commissioner the High Court, and the Commissioner the Sessions Judge. The matter now stands thus. As regards the town of Shillong only the Criminal Procedure Code is now in force, and a party has the right of being defended by a lawyer and can appeal against sentences though they may be of three years and under, but the appellate authority is the Chief Commissioner. As regards the district itself, the local rules take the place of laws. Even now in Shillong we hear of a man being called upon to quit the district on 24 hours' notice; of a man being prevented from entering the district, I may tell the Council that all the gates of Shillong are barricaded and guarded by the Criminal Investigation Department to prevent the ingress of undesirables. We hear of a man being punished because his dog is not kept confined in his bed chamber at night. As regards civil matters we find big will cases and other civil cases involving thousands of rupees disposed of under a very novel procedure, which is that a subordinate officer is required to inquire into and report and take evidence, not on commission, but as a police officer makes an inquiry and the Deputy Commissioner passes judgment on his report. I will give a sample of what is done in land acquisition cases. In 1907 land extension in area was to be taken up for a road several miles in length, no notice was given to the public, no notification in the *Gazette* inviting statement of claims—in fact, nothing was done. Three years passed and the parties got nothing, and an application was then made to the Deputy Commissioner. No order; he then made another application. The applicant was then told to submit a stamped petition under the Stamp Act. The Council should be told that the district is considered civilised enough to have the Stamp Act, the Court Fees Act, and the Income-tax Act in operation, but not the Acts confirming rights and privileges. He was required by the Deputy Commissioner to submit a rough sketch of the land. He did that. And then what were the orders passed? The orders were passed on the 9th September, 1913, by the Deputy Commissioner, and the claim was rejected on two grounds: first, that the claim was time-barred; secondly, that the road in question made his land more accessible. A very sound proposition, and I wonder that the Deputy Commissioner stopped here and did not call upon the petitioner to contribute towards the cost of the road as it made his lands more accessible. To proceed, however, he appealed to the Commissioner. Now, what did the Commissioner do? He passed an order in February, 1914, to the effect that the Land Acquisition Act is not in force in the district, and, even if it was, no compensation would be paid, as no damage was done to the land. Then the applicant went to the Chief Commissioner. What was the decision there? The decision was to the effect that the Chief Commissioner regretted that after examining the cases he did not see his way to interfere with the decision of his predecessor, but the Chief Commissioner personally thought that it would have been better before cutting the road to have consulted those who were connected with the land, and he was passing orders that this should be done in future. Then he applied to the Chief Commissioner for a review of the order, as he had no means of knowing that any orders had been passed by his predecessor and also applied to have his case argued by a lawyer. The order passed was in these terms—'Apart from the fact that the petitioner's application would be in any circumstances long out of time it does not appear that the petitioner is entitled to intervene in the case at all.' Then an appeal was

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filed for being submitted to the Government of India, but it was withheld, and so this matter ended there.

"Now, Sir, I have told the Council just now that the Commissioner of the Division dismissed the appeal on the ground that the Land Acquisition Act was not in force in the district. But it appears the Legal Remembrancer of the Province advised the Government that, that Act was in force, and therefore, while the Commissioner dismissed the appeal on the ground that the Land Acquisition Act was not in force, the Local Government issued a notification in the local *Gazette* under the Land Acquisition Act for acquisition of other lands in the district. But there the attempt at compliance with the provisions of the Act ended so far as these cases were concerned. The only thing the authorities did was to publish a notification, and no compensation was awarded, and there was no District Judge to whom the party could appeal.

"I think, Sir, I have given enough sample of how justice is administered in the district, civil and criminal.

"Sir, why is this so? Can there be any possible justification for this state of things? The Council is probably under the impression that the district is probably semi-barbarous, full of ignorant and illiterate savages. But from the very nature of some of the cases I have mentioned, big will cases, land acquisition cases, cases in which eminent Counsel like Sir S. P. Sinha are briefed, you can hardly suppose that it is barbarous people exactly of whom I am speaking. I will now read to the Council a portion from the judgment of the Full Bench I referred to. Sir William Markby remarked as follows:—

"The policy of the Government has always been to keep the Garo Hills out of the jurisdiction of the regular courts and these courts have never established jurisdiction in that district. On the other hand, the policy as to the Cossyah and Jynteah Hills was to bring them under the ordinary jurisdiction of the courts; and this jurisdiction was fully established and in action without inconvenience from 1835 to 1871. The Garos are said to be wild and barbarous tribes, whom still the Government in 1869 were still endeavouring to reclaim to the habits of civilized life. No such assertion, as far as I am aware, could be made with regard to the inhabitants of the Cossyah and Jynteah Hills. The district is a peaceable one, the inhabitants of it carry on peaceful pursuits..... There had been a decision of this Court which in effect decided that the Government had been wrong in treating certain portions of the Garo Hills as not within the jurisdiction of the ordinary courts of justice. It was to counteract the result of this decision that the Act of 1869 was passed. It was, in fact, passed to legalise the *status quo*. But the same Act when introduced into the Cossyah and Jynteah Hills instead of continuing a state of things already in existence entirely revolutionised the long-established administration of the district. It threw back the people who had been living for thirty-five years under a regular and settled administration according to established laws into a condition which everyone would acknowledge to be only suitable to people just emerging from barbarism, that is to say, a condition in which all powers of Government were centred in the hands of a single individual."

That was in 1877. Thirty years later, in 1907, the 'Imperial Gazetteer' says:—

"Thanks to the efforts of the Presbyterian Welsh Mission education in the Khasia and Jaintia Hills District has made considerable progress, and in 1901 the proportion of literate persons (5·7 per cent.) was higher than in any other district of Assam. The district owes its position to the spread of female education, 3·4 per cent. of the women being able to read and write as compared with 4 per cent. in Assam as a whole.

This was according to the Census of 1901. What is the evidence of the Census of 1911? If you will refer to the Census Report, Volume I, page 86 for the Province of Assam, you will find it stated—

"The comparatively high standard of literacy in the hills is due mainly to the progress of education amongst the Khasias, of whom such a large proportion have been converted to Christianity."

"As a matter of fact, Sir, nearly half the total number of Christians in the whole Province come from the Khasia Hills. As regards English education the Report says—

"The high proportion as regards English education is here again due to the advanced position of the Khasia Hills which stands first in the whole Province in the knowledge of English possessed by either sex."

RESOLUTION *RE* EXTENSION OF CALCUTTA HIGH COURT 587
JURISDICTION TO PARTS OF ASSAM.

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" Now this is as regards the whole district. Now what is the condition of Shillong? Who are the people who are residents thereof? It is a sanitarium, next in importance, if anything, to Darjeeling. It has now a Government Pasteur Institute, which will serve not only the Province, but the whole of the Bengal Presidency and perhaps Bihar also, as it is nearer than Kasauli, and as a matter of fact educated Indians from outside are flocking to it. Now I will quote to the Council the description of the Indian communities of Shillong which was given to the Assam Council when the Resolution I have spoken of was moved and the accuracy of which was not challenged. This is what was said—

' Do the residents of this town—I mean the Indian communities who are governed by the local rules and have been deprived of the benefits of the laws which the Indians enjoy in the rest of the country—do the society at all approach the people for whom these rules have been framed in their mental and moral equipment—'barbarians or semi-civilised tribes?' I need not pause for a reply. Who are the Indians who occupy this town? First take the Khasi community. I think there can be no manner of doubt that as a community the Khasis of Shillong can very well compare with any Indian community of the same status in any town, in general progress and mode of life. Walk round Markbar, where they live and you will be at once struck with the nice, neat and healthy habitations and their picturesque residences, which are undoubtedly much better than the squalid and ill-ventilated, unhealthy *bashas* occupied by ill-paid clerks in the towns. Then speaking of the Bengali community in Shillong, we look upon it as the model to which other Bengali communities in the Province ought to come up to. In education, in culture, in refinement of ideas and mode of life, they are far ahead of us in other towns. Are these people to be deprived of the humane and beneficent laws we live under outside Shillong? Should they be governed by laws and procedure expressly and admittedly enacted and provided for 'barbarians and semi-civilised tribes?'

This is the end of my tale. This is my excuse for having brought up this matter to the Council. It is not purely a local matter but involves important questions affecting the life and liberty of all Indians who may go and live there. Sir, as regards the district, I placed before the Council the Census Report which shows it is the most advanced of the hill tracts as regards education. Is this district then fit to be governed by these rules which have been enacted? I appeal to the Council for justice to this unfortunate district, and I trust that I have not appealed in vain."

The Hon'ble Sir William Vincent:—"Sir, I cannot but think that 12-3 P.M.
the Hon'ble Mr. Ohanda has been rather ill-advised in bringing this Resolution before this Council. It relates to a matter of provincial, indeed I might almost say of parochial, interest. It is also a matter for the correct decision of which detailed information and knowledge of local conditions is eminently essential, and I think also that the Members of this Council will themselves feel that they have not sufficient information before them to deal with it satisfactorily. There are, of course, many matters which are of provincial interest on which we all have a certain amount of knowledge, questions relating to the large cities or other parts of India of which we have from newspapers, books and so on, much information; but I doubt whether many of us have sufficient detailed knowledge of this district—I know that I myself have not—to be able to say whether the recommendation of the Hon'ble Member should be accepted. It is true that we have acquired from the Hon'ble Member a considerable amount of information about Assam during this Session. At the last meeting we had a pretty full discourse on Sylhet; to-day we have a further discussion on the Khasia and Jaintia hills, and possibly by the end of the Session we shall have a very accurate conception of the Hon'ble Member's views on each individual district in the Province of Assam. But I do submit that it would be unwise for this Council to adopt a Resolution of this kind on an *ex parte* statement of the case and without the facts being examined.

"Turning to the Resolution itself, I ask the Council to note that when the Hon'ble Member introduced it into the Assam Council, he confined himself to proposing that the town of Shillong should be brought under Courts constituted under the Code of Criminal Procedure and the Bengal and Assam Civil Courts. Then he expressly disclaimed any intention of desiring to propose

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any change in the administration of justice in the rest of the Khasia and Jaintia Hills district, and I think some explanation might have been given for the more comprehensive recommendation made to this Council. The Resolution as to Shillong was rejected in the local Council. The Hon'ble Member informs us that all the Indian Members voted for it. All I can say is that, though there are fifteen non-official Members in the Council, eight only were found to support the limited proposal which he then made, and I do think that in these circumstances it is scarcely fair to come to this Council as a sort of Court of appeal over the local Council. In my judgment this is not a purpose for which this Council should ordinarily be employed.

"Reverting for a moment to the Resolution in the Assam Council, I find that Sir Archdale Earle, though he was unable to concede what the Hon'ble Member desired *in toto*, proceeded at once to examine the question which had been agitated, namely, the administration of justice in the town of Shillong. He made certain recommendations to the Government of India and those recommendations have been approved and given effect to. It was then pointed out to the Hon'ble Member that the greater part of the town of Shillong lies outside British territory, so that it would be difficult to extend the jurisdiction of the High Court to the whole town. On the other hand, I think the Council will see that considerable inconvenience must arise from having different Courts of justice in different parts of the town. To avoid these difficulties, and to meet the wishes of the Hon'ble Member as far as might be, Sir Archdale Earle, an officer who is, as every one knows, always anxious to meet the wishes of the educated classes, decided to extend the Code of Criminal Procedure to the town of Shillong and provided, what had not existed before, both a Court of Appeal and a Court of Session. He was, however, unable to accept the proposal as to the jurisdiction of the High Court.

"The only other question of importance then pressed was the question of the appearance of pleaders. From what the Hon'ble Mr. Chanda said, the Council might have been led to suppose that pleaders or advocates were never allowed to appear in the Courts of this district. I can only rely on official statements. I notice that Mr. Allen, when he spoke on behalf of the Local Government on the Resolution of Mr. Chanda, stated that no difficulties were thrown in the way of litigants obtaining such legal advice as was locally available. However, as there was a demand for statutory rights in this matter, the question was placed beyond doubt by a provision in the rules for the administration of justice. These changes not only provided for the appearance of pleaders in all suits, but they assimilated the criminal procedure in Shillong to that which prevails in other hill districts of the Province, and enabled the administration of justice in the two parts of the town to be identical. I may say, Sir, that when I ascertained what had happened in Assam and read the present Resolution, I began to suspect that what the Hon'ble Member really intended was to secure a change in the administration of justice in Shillong by indirect means, and that it is for that reason he has asked this Council to consider a proposal which has never been put before the local Council, namely, to extend the jurisdiction of the High Court to the whole of the Khasia and Jaintia district. He has referred to repeated memorials which have been received by the Government of India. I have caused the records to be searched, and I have only found one such petition that related to the districts of Shillong and Assam by a gentleman who I am informed is not a British subject at all.

"Sir, when notice of this Resolution was received, the Chief Commissioner of Assam was in Delhi, and advantage was taken of this fact to obtain his views in regard to it. He expressed the opinion that it would be most unwise to accept this Resolution until it had been examined locally and submitted to the Provincial Council. He pointed out incidentally that the acceptance of this Resolution might involve changes in the administration of justice not only in this district, but in the Garo Hills, the Naga Hills, the Lushai Hill Tracts and other places of a similar character. I understand also that it is his view that these districts will, for many years, prosper more under the rules for the

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administration of civil and criminal justice which are in force there than they would under any other system.

"Further, we have before us no evidence that the people of the district outside Shillong desire any change in the present procedure. Again, the practical difficulty arising out of the fact that the major part of the district is not in British territory....."

The Hon'ble Mr. Kamini Kumar Chanda:—"More than half is British territory."

The Hon'ble Sir William Vincent:—"I bow to the Hon'ble Member's superior knowledge, but I am informed, and as far as I can verify my facts, this information is correct, that the greater part of the population at any rate resides outside British territory....."

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, I base my information on the judgment of Sir William Markby in a Full Bench case that more than half the district is British territory."

The Hon'ble Sir William Vincent:—"I am quoting from the statistics of the Census. Anyhow, whether the British portion of the district is half, or a little more or less, there are obvious inconveniences in a system under which a moiety of the district has one system for the administration of justice, and the other half is under a different system, and I think the Council will realise that a change which would effect this is not a matter lightly to be undertaken."

"The Hon'ble Member has taken us back to 1835 when he says that the Courts in this district were placed under the High Court. It is true that in that year the functionaries who were appointed to the political charge of the Khasia Hills were placed under the superintendence of the Sudder Diwani Adalat and the Sudder Nizamat Adalat, and it is rather curious to observe that the Act which affected this charge directed that the control and superintendence was only to be exercised in conformity with any instructions issued from the Government. The validity of this Act was, however, seriously questioned in 1867, and, as I have said, a great part of the district being outside British India there would appear some reason for the doubt. In 1869, an Act was passed to remove the Garo Hills from the jurisdiction of the High Court because it had been found that a special system of justice was necessary for these hills, and it was said that the retention of the jurisdiction of the High Court was not only potentially productive of political danger, but that it undoubtedly clashed with the working of the special system to which I have referred. The Select Committee reported that the policy of the Act appeared to them equally applicable to the Khasia and Jaintia Hills. It was said—I really do not know whether the statement was accurate—that the inhabitants of these hills were scarcely more civilised than the Garos, and that the administration of justice was equally crude. At present the position is that criminal and civil justice in these districts is administered under simple rules under section 6 of the Scheduled Districts Act. The Hon'ble Member has attacked the system of legislation and administration generally. He alleges that it is unsuited to the conditions of Shillong, and he seeks to get the law in force changed. Well, I am sure that if he can make out a case to the Local Administration on that point, he will secure careful consideration from the Chief Commissioner. But that is not the Resolution which is before the Council. The Council are not asked to change the law or the system of law in Shillong. It is asked to give the High Court jurisdiction throughout the district, and I doubt if the Hon'ble Member has made out a case for any such change. As far as I can understand, the population of this district is mainly composed of primitive hill tribes; we know by experience that such tribes appreciate speedy and inexpensive justice, and I should doubt whether the people of the district would

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obtain any benefit by being allowed the privilege of appealing to the High Court at a distant centre. It is in my opinion probable that justice would be more efficiently administered by officers on the spot with a knowledge of local traditions. And when I came to examine the procedure followed in the district, I confess I myself felt very grave doubts as to how the High Court or any other Court except a local Court could administer justice satisfactorily. I want to quote a portion of the rules relating to civil justice. It says 'Sardars, Dollois and other duly recognised village authorities are authorised to exercise jurisdiction in civil cases without any limit provided they do not decide cases in which their fathers and mothers, their sisters and brothers, etc., etc., are interested.' The law goes on to provide that 'all the proceedings will be *viva voce*, that the Sardar or dolloi is not to be called upon to make any record or register of the decision and, after hearing both sides, he is to pronounce his decision forthwith. But if at the trial any person can be found who knows how to write, some brief note of the proceedings is to be made.' Now the point that I wish to make is, that when legal proceedings are conducted in this manner, it would be extremely difficult for the High Court to exercise jurisdiction. In fact, Sir, the acceptance of this Resolution would in reality necessitate a number of changes in the general law which prevails in these wild tracts—changes, the effect of which it is impossible to foresee with the information before us—and I venture to put it to this Council that it would be most unwise for it to accept responsibility for recommending such changes.

"I have pointed out that the main attack of the Hon'ble Member is directed not to the question of the jurisdiction of the High Court in the Khasia and Jaintia Hills, but to the whole system of Criminal and Civil law in that district. We have heard no evidence that there is any demand for the change in the mofussil part of that district, though we have heard a great deal about the town of Shillong which has only 13,000 inhabitants in it. I think I am right in that; I speak here subject to correction....."

The Hon'ble Mr. Kamini Kumar Chanda :—"Yes."

The Hon'ble Sir William Vincent :—"Well, the population of the district is something like a quarter of a million, and it is unreasonable that administrative changes of this character should be proposed in a district merely because the Hon'ble Member alleges they are required in a town which contains only a small fraction of the total population of the district."

"I regret, Sir, that on behalf of Government I must oppose this Resolution. I would add that I have no doubt that, if the Hon'ble Member does approach the Local Administration on the particular questions he has raised, I am sure his representation will receive very careful consideration from Sir Archdale Earle."

12-21 P.M.

The Hon'ble Mr. A. W. Botham :—"There are only two points I should like to mention in connection with this Resolution."

"The first is, that the Hon'ble mover has not attempted in any way to discuss the subject-matter of this Resolution with the Local Administration. Not only has he not raised the question in the local Council, but, so far as I know, he has not attempted to discuss it at all with the Government."

"The second point is as regards the population of the hills. The population of the district at the last Census was 235,000. The Native States of the Khasi Hills account for 135,000 out of this; so that the population affected by the Resolution is roughly 100,000. Out of this, 5,000 reside in the town of Shillong, and 17,000 live in various isolated areas scattered among the Native States of the Khasia Hills. The remainder, 78,000, comprise the population of the purely British sub-division, which is known as the Jaintia hills; and thus far and away the greater portion of the persons affected by the Resolution is the population of the Jaintia hills. Well, Sir, I doubt whether the Hon'ble

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mover has ever seen the Jaintia hills. I do not profess to have any special knowledge of the Jaintia hills, but I have marched through them from end to end, and can assure the Council that they are an extremely remote and inaccessible area, and that their population is primitive and unsophisticated to a degree."

The Hon'ble Pandit M. M. Malaviya:—"Sir, when I came^{12-21 P.M.} to this Council to-day, I thought this at least was a Resolution which the Hon'ble the Home Member will accept; and I must say I have been much disappointed. I listened with all the respect due to the Hon'ble Member to the arguments he urged against the acceptance of this Resolution. I would have understood him if he had said that the Government was not prepared to accept the Resolution at present, but that it would consider the matter, consult the Local Government and then come to a decision. But the Hon'ble Member took exception to this question having been brought up here. He went the length of saying that this was not only a Provincial matter, but a matter of parochial importance. Well, to my mind, the question as to whether the life or liberty of any British subject should finally be dealt with by the highest judicial tribunal established in the land, or by an executive officer, however high he may be, is a matter not of Provincial or parochial, but of Imperial importance.

"I will brush aside all other considerations, and will draw attention to this one single fact. The Criminal Procedure Code has been introduced in the area to which my friend Mr. Chanda's Resolution refers; but instead of a regular Sessions Court and a regular High Court being given jurisdiction to deal with those matters which arise out of the Criminal Procedure Code, it is left to the Commissioner and the Chief Commissioner to do so. I should like to know whether this by itself is not a matter which deserves the attention of the Government of India. The Hon'ble the Home Member said that the Local Government was the proper party to go to. I should like to know whether the Local Government could extend the jurisdiction of the High Court to the area in question. I thought it was the Government of India which took away jurisdiction from the High Court, and I think I speak under correction. I think it is the Government of India alone which can again extend the jurisdiction of the High Court to that area. I submit, therefore, Sir, that apart from questions of detail, the principle which is involved in this Resolution can only be dealt with by the Government of India.

"The Hon'ble the Home Member complained that we had only an *ex-parte* statement of the case before us. It seems to me that the Hon'ble mover of the Resolution made out a very fair *prima facie* case for the Government of India to meet. The Hon'ble Mr. Chanda has told us how the jurisdiction of the High Court was taken away from Shillong. I do not wish to weary the Council by repeating what he said; but I think he made out a very clear case showing that there was very little justification for the jurisdiction of the High Court being taken away from the area in question. He referred to a judgment of the High Court of Calcutta delivered in 1877 in support of his contention. I would invite special attention to one passage in that judgment though my Hon'ble friend has already quoted it, because it supports the Resolution very strongly. Said Justice Markby in 1877—

'There was a special cause which led to the legislation of 1869 as regards the Garo Hills. There had been a decision of this Court, which in effect decided that the Government had been wrong in treating certain portions of the Garo Hills as not within the jurisdiction of the ordinary Courts of justice. It was to counteract the result of this decision that the Act of 1869 was passed. It was in fact an Act passed to legalise the *status quo*. But the same Act, when introduced into the Cossyah and Jynteah Hills, instead of continuing a state of things already in existence, entirely revolutionised the long established administration of the district. It threw back people who had been living for 35 years under a regular and settled administration according to established laws into a condition which every one would acknowledge to be only suitable to a people just emerging from barbarism,—that is to say, a condition in which all the powers of Government were centred in the hands of a single individual.'

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" I submit Sir, that that is the case to be considered. It is not a question of whether the jurisdiction of the civil or regular Courts, including that of the High Court, should be extended for the first time to the people of the district in question. As Justice Markby pointed out long ago and as the Hon'ble Mover of the Resolution has pointed out, for 35 years—i. e., from 1835 to 1871—the people lived under a regular and settled administration. The burden of proving, therefore, that during the many decades that have passed since 1871 the people living under the administration of the British Government in Assam have gone back into barbarism, lay heavily upon my friend, the Hon'ble the Home Member ; and I submit, Sir, he has not said anything to show that they have so gone back. On the other side, the Hon'ble Mr. Chanda has shown they have improved, they have progressed in education and in culture, and they are entitled to claim the right of having questions affecting their lives and liberties tried by regular Civil Courts such as are provided for such trials in other parts of British India. My Hon'ble friend referred to the difficulty of the major portion of the district being non-British territory. Well, that is a difficulty, but such a difficulty has not stood in the way of regular Courts being established in other parts of India where British and non-British territory adjoin each other. The fact that some people living in non-British territory cannot have the advantage of the regular administration of justice which obtains in British territory, hardly constitutes a reason why people living in British territory should be deprived of such advantage. I will not dwell, Sir, upon the sarcastic remarks of the Hon'ble the Home Member regarding the information supplied by the Hon'ble mover of the Resolution about Sylhet, Shillong and the rest. When in the discharge of our duties we, non-official Members, bring some matter before this Council, if the information supplied by us is not sufficient, we look to the Government to supply the deficiency and to help the Council in arriving at a just conclusion. It is not really a right or proper argument to say that the information supplied by us is not sufficient. I expect that when it is not sufficient the deficiency would be supplied in the debate here. We labour under many difficulties ; we have not the advantage of the Secretariats of the Government of India and the Local Government ; we have not the advantage of having the latest Administration Reports of all Provinces and Districts, and if we fail to place as much information before the Council as the Government are able to, I thought that our failure to do so would not be severely criticised as it has been.

" I do not want to take more of the time of the Council. Apart from any question of such changes as may be necessitated by the extension of the jurisdiction of the regular Civil Courts, apart from whatever changes in the Civil laws may be involved by the acceptance of this Resolution, I base my submission to this Council in favour of its acceptance on the ground that the Criminal Procedure Code has been extended to the area in question....."

The Hon'ble Sir William Vincent :—" Is that correct ? I would ask the Hon'ble Mr. Chanda if that is so ?"

The Hon'ble Mr. K. K. Chanda :—" To the town of Shillong."

The Hon'ble Sir William Vincent :—" Not to the district of the Khasia and Jaintia Hills, but to the town of Shillong ?"

The Hon'ble Pandit M. M. Malaviya :—" It has been extended to the town of Shillong: Now the Courts that have been constituted there are not regular Courts, but Courts which are constituted by executive officers. It cannot be a satisfactory administration of justice when executive officers have to deal with these questions affecting the lives and liberties of the people. On that ground alone, I submit that the question whether the

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jurisdiction of the High Court should not be extended to the town of Shillong at least where the Criminal Procedure Code has been established is a matter which the Government of India ought to take upon itself to decide, because it is the Government of India which can extend or re-extend that jurisdiction. It may ask, and of course it would ask, the Local Governments for their opinion. There are many matters of importance affecting Provinces which the Government of India deal with, and I submit....."

The Hon'ble the Vice-President :—" May I remind the Hon'ble Member that the Resolution does not deal with the extension to Shillong. It deals with the extension to the Khasia and Jaintia Hills."

The Hon'ble Pandit M. M. Malaviya :—" Thank you, Sir. That is why from the beginning I have confined myself to the portion to which the Criminal Procedure Code has been extended. My remarks apply to that portion only, and I submit that, that part of the Resolution is one which the Government of India ought to accept."

The Hon'ble the Vice-President :—" It is open to the Hon'ble Member to move an amendment to the Resolution. I only pointed out that that is not the question before the Council."

The Hon'ble Pandit M. M. Malaviya :—" I am only suggesting, Sir, that the Government of India should take the matter into their consideration, and neither accept the Resolution as it stands nor reject it. I hope I have made that clear from the beginning, and in that view my remarks are, I submit, relevant and not out of order. What I say is that this part of the Resolution, the portion which recommends that the jurisdiction of the High Court should be re-extended to a part of this area in question, and which I have indicated should be the area where the Criminal Procedure Code has already come into existence, ought to be taken up by the Government of India and considered on its merits. It is a matter of very vital importance to the people whether questions affecting their lives and liberties should be disposed of in the manner in which they are disposed of at present, or whether they should be disposed of by regular Courts presided over by judges who are appointed to administer the law."

The Hon'ble Mr. S. N. Banerjea :—" Sir, I think I must respectfully dissent from the view of the Hon'ble the Home Member that this is a parochial matter. I think it is something more than a parochial question; it is not even a Provincial question; it is larger than a Provincial consideration, for the simple reason that, if the jurisdiction of the Calcutta High Court has to be extended over any area, be it in Assam or be it in western India, in any part of the Indian continent, this can only be done by the Government of India, and not by the local authorities. Nor can I accept the view that this Resolution of my friend really represents an appeal from an adverse judgment arrived at in connection with a cognate matter which was discussed by the Assam Legislative Council. I think the Hon'ble the Home Member has made it quite clear that the question that was discussed in the Assam Legislative Council affected the area of the town of Shillong, whereas the matter which we are now called upon to consider concerns two districts, or rather one district, Khasia and Jaintia Hills. Therefore, the purview of the question which is now before us is much wider than that which was discussed and decided by the Assam Legislative Council. It is not, therefore, a parochial question, nor is it an appeal from a decision which....."

The Hon'ble Sir William Vincent :—" May I rise to explain, Sir. I said that the Hon'ble Mr. Chanda said that it came up as a sort of appeal from the local Council. I think he did say so. I did not say it myself."

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The Hon'ble Mr. S. N. Banerjea:—"I beg the Hon'ble Member's pardon; whoever said it, my observations remain unaffected."

The Hon'ble Sir William Vincent.—"May I ask that the Hon'ble Mr. Chanda may be corrected and not I?"

The Hon'ble Mr. S. N. Banerjea:—"Very well, I shift the burden on to his shoulders, and I am sure they are broad enough to bear it. I think every Indian, every non-official Indian here, must be in sympathy with the Resolution, because it is a Resolution which seeks to extend to a considerable section of the Indian population, sufficiently advanced according to the statement of my Hon'ble friend, the rights and privileges which the Criminal Procedure Code and the Penal Code confer upon British subjects. We value the personal liberty which is secured to us by the Criminal Procedure Code and the Penal Code, and we are anxious that the personal liberty which we enjoy should be extended to those who may be regarded as crude or primitive, but who day by day are emerging from that condition. I think, therefore, Sir, we all, Indian Members, are in sympathy with the Resolution.

"I understand that there are details to be considered. I think that is for the executive Government to deal with. It is for us to lay down principles, and it is for the executive Government to give effect to them. If we in our collective sense and in our collective wisdom are of opinion that the people of Khasia and Jaintia Hills should enjoy the benefits of the law as laid down in the Penal Code and the Criminal Procedure Code....."

The Hon'ble Sir William Vincent.—"I rise to a point of order. May I point out that, that is not the question before the Council, Sir?"

The Hon'ble the Vice-President.—"The Resolution before the Council is that the jurisdiction of the Calcutta High Court be extended to a particular district, not that a particular law should be extended to that district. I am sure the Hon'ble Member will bear that in mind."

The Hon'ble Mr. S. N. Banerjea:—"Certainly, Sir. But in discussing the matter this question was raised. I was dealing with the question of details and pointing out that consideration of details did not fall legitimately within the scope of this Council, but that principles were to be laid down by this Council, and the details were to be carried out by the Members of the executive Government. If I may be permitted to say, so with all respect, I am perfectly within my rights in making these observations. However that may be, I pass on to another point which, I think, is of great importance as affecting the issues before us. The point is this, and it has not been contradicted; I fear it cannot be contradicted. Here are these people of the Khasia and Jaintia Hills. They were in enjoyment of the laws to which I have referred; they were under the jurisdiction of the High Court many, many years ago, nearly 50 years back. Their condition has very much improved. I find from the statement which has been made by my Hon'ble friend the mover that education has advanced both among men and women; culture has gone on apace, and altogether they are fast becoming a civilised people. Is it not right, that being the state of things, that they should get back what they have lost, and that laws of an advanced type should be adapted to their condition? I think, Sir, having regard to the fact that these men had a High Court jurisdiction, that, that jurisdiction was taken away not through any fault of their own; that in the meantime they have been making rapid advance in culture, education and literacy, is it not right and proper that this Council should by an affirmative vote declare that they are entitled to get back their lost rights? Let the executive decide how they are to get them back. I venture to submit that, that will be the view of many of us in this Council."

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The Hon'ble Mr. M. A. Jinnah :—"Sir, I really did not wish to speak on this Resolution, because I confess that I am certainly not conversant with the Province of Assam. In fact, I may say that I am really ignorant of that Province and the administration of justice in that Province. My friends, the Hon'ble Pandit M. M. Malaviya and the Hon'ble Mr. Banerjea, spoke on the subject and so I thought that I may present my difficulties. It seems to me that the matter is a little more serious. The Resolution says that the jurisdiction of the Calcutta High Court should be extended to these two districts, Jaintia and Khasia. Now, the grounds that were given by the mover of the Resolution were, firstly, that some decisions were given by those who are responsible for the administration of justice that were flagrantly wrong; secondly, that education has made tremendous progress, and thirdly, he controverted the assertion that the people are primitive and unsophisticated. But it does not end there, the difficulty that I feel and one which I frankly wish to put before the Council is this—if the jurisdiction of the Calcutta High Court is extended, what will be the position? The Hon'ble the Home Member has pointed out that the laws, regulations, and rules which are enforced in these two districts are of a very different character; it is also clear that neither the Civil nor the Criminal Procedure Code has been made applicable to these parts, that is admitted also by the mover of the Resolution. Now, Sir, the difficulty that I feel is this, if you extend the jurisdiction of the High Court, what will be the position if Courts that are constituted under the laws that prevail at the present moment are Courts that have not to keep a record, have not even got to record evidence....."

The Hon'ble Sir William Vincent :—"I was referring to civil cases."

The Hon'ble Mr. M. A. Jinnah :—"How will the High Court be in a position to deal with the cases under these circumstances if it had jurisdiction of appeal, revision or superintendence until these Courts have progressed sufficiently, and unless the laws that now exist or prevail in these districts are repealed and laws that prevail in British India are made applicable to these, it will be futile to give any jurisdiction to the High Court. Or, put it the other way, if a case is made out to extend the jurisdiction of the High Court to these two districts, then you must alter or repeal the existing laws, one or the other course must be adopted, and therefore it seems to me that this is a very serious question. I may tell the Council that nobody desires more fervently the extension of the jurisdiction of the High Court to the districts that are not under the High Court than I do, because I believe, and I firmly believe, that the High Court is undoubtedly the bulwark of the rights and liberties of the people; and certainly if there is anything that the British Government can be proud of in this country it is the High Courts. But, Sir, we must not be carried away, we must not be in too great a hurry to extend the jurisdiction of the High Court to districts which are suffering from certain inherent disabilities. Therefore, Sir, I cannot possibly make up my mind, I cannot possibly record my vote in favour of the Resolution in view of the information that has been placed before the Council at present, but, Sir, I hope that the Hon'ble the Home Member will bear in mind this discussion, and I hope that the influence of the discussion will not be lost on Government."

The Hon'ble Rao Bahadur B. N. Sarma :—"Sir, my only justification for speaking on this Resolution is that the analogy of Madras may help to a certain extent in the solution of this problem. We have in the districts of Vizagapatam, Ganjam and Godavari hill tracts of about 20,000 square miles with a population of a million odd; we have there civilised men occupying the country along with primitive people; the whole of this tract along with the rest of the Presidency was for some time under the jurisdiction of the Sudder Court, and all the laws were applied to them equally, but, in 1837,

[*Rao Bahadur B. N. Sarma; Mr. K. K. Chanda; Mr. M. A. Jinnah.*]

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the Government of India passed a law, No. XXIV of 1837, whereby they provided a simple machinery for the administration of justice there, but at the same time care was taken to provide that in criminal matters as well as civil the High Court should be allowed jurisdiction generally. The Civil Procedure Code is not in force in this territory—but only a few sections are extended. I read yesterday the rules prevailing in Jaintia, and I was struck with their similarity to our own. I was about to say that, notwithstanding the fact that the Civil Procedure Code is not in force and all the civil laws pertaining to the administration of justice are not in force, still the High Court has jurisdiction, subject to certain limitations; the High Court is not however trammelled by any restrictions where it exercises jurisdiction, but can freely give justice to the people in these tracts. This is so far as civil justice is concerned. With regard to criminal justice, the Government have seen their way to extending the Criminal Procedure Code fully throughout that tract, and I know of many instances where sentences of death were passed, and men were saved from the gallows by the High Court. What struck me as barbarous was that a sentence of three years' imprisonment should be final; this struck me as an instance of the one-man rule with a vengeance, and that it was time for its abolition. It seems to me that there would be no difficulty in restoring the jurisdiction of the High Court. I think that the analogy of Madras might be followed in removing the attendant evils. I think the statement made by the Hon'ble Mr. Chanda, if correct, does not reflect much credit on the administration, civil or criminal, of Assam in certain parts thereof, and I hope that the state of affairs will be soon put an end to. We in this Council are peculiarly responsible so far at any rate as the administration of justice goes, and in drawing the attention of the Council to the matter, Mr. Chanda has done a great service."

12-52 P. M.

The Hon'ble Mr. K. K. Chanda :—"Sir, with regard to the technical objection raised by the Hon'ble Mr. Jinnah that the introduction of the jurisdiction of the High Court would not mend matters, may I point out that the jurisdiction of the Calcutta High Court can be introduced or re-introduced in the district only by one way, and that is by declaring that the Frontier Tracts Regulation is not in force. The effect of that would be that the *status quo* shall be restored. It was by that Regulation that the Civil and Criminal Procedure Codes were declared not to be in force in that district. All these regular laws were once in force in the district. Therefore, I think I should make it clear to the Council....."

The Hon'ble Mr. M. A. Jinnah :—"If I may interrupt the Hon'ble Member, I submit that I do not follow him still. Does he desire that all the laws that exist should be now repealed, and that the Civil and Criminal Procedure Codes should be introduced into these districts?"

The Hon'ble Mr. K. K. Chanda :—"The Frontier Tracts Regulation declares that the Civil and Criminal Procedure Codes are not in force in the district, and in lieu thereof there are certain other rules, and as soon as you withdraw that Regulation from that district all those rules would come into force automatically. I am sorry I did not make it clear when I opened, but that is what would happen. These rules have been made by the Government in accordance with the Regulation in place of those Acts which were repealed by the Frontier Tracts Regulation in that district, and therefore if you withdraw that Regulation, these laws will automatically come into force and there will be no difficulty at all.

"Now with regard to the objection raised by the Hon'ble the Home Member that it was not fair to come to this Council as a sort of Appellate Court over the local Council, I submit I am here to represent the grievances of the people of my Province. The Hon'ble the Home Member might be pleased to call the Resolution as one of parochial interest, but I

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submit with all respect that I think it my duty to represent the grievances of the people of my Province, and I am only sorry that I am unable to represent them as ably and fully as I ought to. As I have already said, the matter was brought to the notice of the local Council and the Local Government, and their decision was not satisfactory, and that is why I have come up to this Council as an Appellate Court. There have been several memorials from the district to the Local Government and also to the Government of India. Here we are informed by the Hon'ble the Home Member that he finds only one memorial from one gentleman. Of course he acted as the representative of the community. In my file I have copies of two memorials that have been submitted to the Government of India, and I find that memorials had also been submitted to the Local Government, and this statement has not been contradicted by my Hon'ble Colleague on my right who is the official representative. However, we may take it that memorials had been submitted, and as this Council was the only Council which could deal with this question, I thought it better to bring the matter to the notice of the Government of India through this Council.

"Then it was urged that there was not sufficient local information about this district in regard to this matter. I submit, Sir, it is not my fault if the Government of India cannot get itself well acquainted with facts of the case. I gave notice of this Resolution in good time, and there was time enough to communicate with the Local Government and get all the facts and figures and the Hon'ble Member representing the Assam Government is on my right to correct any mis-statements I may make. Further, I submit, the facts that I have placed before the Council have all been supported by official records. They are decisions taken from the Full Bench of the High Court and the 'Imperial Gazetteer' and Census report, so no fault can be found with them.

"Then the Hon'ble the Home Member says there will be difficulty because the greater part of the town of Shillong lies outside British territory so that it would be impossible to extend the jurisdiction of the High Court to the whole town. But may I point out in passing, Sir, that there are other places in India in similar circumstances, for instance, Bangalore and Mysore? There they do not feel any difficulty at all, because that portion of the Province which is in British territory is under the High Court of Madras, and that portion which is under the jurisdiction of the Native State is under the Chief Court of Mysore. I believe, Sir, there are similar rules in the Sonthal Pargannahs. There, too, the conditions appear to be similar, and although the Sonthals are by no means as advanced as the Khasias, they are far better off in this respect. In the Sonthal Pargannahs the condition is almost identical, but in regard to serious cases, both civil and criminal, they are under the High Court. It is only the petty matters that are disposed of locally in this district....."

The Hon'ble Mr. E. H. C. Walsh:—"I do not know, Sir, if I am ^{12-50 P. M.} in order in making a speech at this stage. The Hon'ble Mr. Chanda has made a reference to the Sonthal Pargannahs for the first time in his speeches, and I have therefore had no opportunity of referring to it before, and I should like to lay the facts before the Council. As he has said that the condition of the Sonthal Pargannahs is the same as that of the Khasia and Jaintia Hills, which he has described....."

The Hon'ble Pandit M. M. Malaviya:—"Is the Hon'ble Member right in making a speech?"

The Hon'ble the Vice-President:—"The Hon'ble Member is not right, but the point has now been raised by the Hon'ble Mr. Chanda and the Hon'ble Mr. Walsh had no opportunity of dealing with it before. I imagine that this Council would desire to hear what the Hon'ble Member has to say about it. I would ask the Hon'ble Member to finish his statement, but he will no doubt understand that he cannot make a speech."

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JURISDICTION TO PARTS OF ASSAM.

[*Mr. E. H. C. Walsh*; *Mr. K. K. Chanda*; [27TH FEBRUARY, 1918.]
The Vice-President; *Sir William Vincent*.]

The Hon'ble Mr. E. H. C. Walsh:—"I merely rose to ask whether, in view of the fact that the Hon'ble Mr. Chanda has now made a reference to the Sonthal Pargannahs, which he has not referred to in his opening speech, and which has not been mentioned until now, I have the right at this stage to make a statement with regard to the said reference. I do not wish to make a speech, but only a statement of fact. The Hon'ble Mr. Chanda says that the condition of the people in the Sonthal Pargannahs is the same as that in the Khasia and Jaintia Hills in the Province of Assam, that although the Sonthals are by no means as advanced as the Khasias, they are under the High Court in regard to certain cases, both civil and criminal; that in the Khasia and Jaintia Hills civil cases are tried locally and that the whole proceedings have to be done verbally; that no record of the evidence is maintained, as there is no one who could record it, and that in many cases there is not any one who could even sign to a judgment.

"The condition of the Sonthal Pargannahs is altogether different. The Criminal Procedure Code is in force and appeal lies to the High Court in all Sessions cases. In civil cases, too, in which appeal lies to the High Court in all cases of over Rs. 1,000 in value, although they are tried by Courts constituted under a special Regulation and not under the Code of Civil Procedure, the procedure followed under the Sonthal Civil Rules is analogous to that under the Civil Procedure Code; the cases are tried by regular Courts and a record is kept of the evidence and proceedings in every case in a manner analogous to that made in the Code of Civil Procedure.

"Primary schools exist throughout the district, and the people are not more backward than those of a similar class in other districts.

"It is therefore not correct to say that the conditions in the Sonthal Pargannahs are the same as in the Khasia and Jaintia Hills, and no analogy can be drawn therefrom as to the control of the High Court that should be exercised in regard to the latter."

The Hon'ble Mr. K. K. Chanda:—"With regard to the remarks made by the Hon'ble Member who has spoken last, in the first place, regarding the condition of Khasia and Jaintia Hills, I am afraid he is under a misconception, but I have read out to the Council from the last Census Report it is in effect that the district is the most advanced district in the whole Province as regards education. I do not think Sonthal Pargannahs can possibly come up to this standard....."

The Hon'ble the Vice-President:—"I think I should ask the Hon'ble Member not to make comparisons of conditions existing in different parts of India, and we know that comparisons are always odious."

The Hon'ble Mr. K. K. Chanda:—"As I have just told the Council, it will be seen from the last Census Report that it is the most advanced district in the whole Province of Assam.

"Now what is the position in the Sonthal Pargannahs? Appeals from the Sessions Judge lie to the High Court. Similarly, in civil matters, the Deputy Commissioner and Sub-divisional Officers as subordinate judges are under the High Court, and what I was submitting was that similarly petty cases decided in the Khasia Hills under local rules would not come up before the High Court if its jurisdiction was extended there. May I mention one incident, namely, that the High Court has jurisdiction over the whole district under the Divorce Act....."

The Hon'ble Sir William Vincent:—"Let us trust there are not many cases under that Act!"

The Hon'ble Mr. K. K. Chanda:—"Then the Hon'ble the Home Member referred to a passage in the speech of the Hon'ble Mr. Allen, when the Resolution was moved in the local Council for facilities for employing Counsel

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and lawyers, but if he will refer to the latter portion of the same speech he will see that Mr. Allen was confronted by a statement of the Hon'ble Mr. Phukan that there were cases in which such facilities were denied, and Mr. Allen said he understood the difficulty was that Mr. Phukan came from Gauhati and did not come from Shillong.

"Then, Sir, the Hon'ble the Home Member said that if we introduced a change in the administration of justice in this district, that would have to be done in other districts, such as the Garo Hills and Naga Hills, but as stated in the passage of the judgment I read, the condition of the Khasia Hills is quite different from those hills. Those hills are described as wild, whereas this district is a peaceful district and the people follow peaceful pursuits, and I referred to the Census Report to show that the people are the most advanced in education in the Province, as also in English education.

"I do not think, Sir, I need take up the time of the Council by further remarks, but as the Hon'ble Pandit Malaviya said, the fact that the local Government has introduced the Criminal Procedure Code into the headquarters of the district gives away the case for the Government. If the Code could be introduced there, why should not the High Court have jurisdiction in the natural course of things? Why create an anomalous position? I hope the Council will give the matter their favourable consideration."

The Hon'ble Sir William Vincent :—"I do not propose to 1-4 P.M.
detain the Council for any length of time. I wish only to make a few remarks on certain criticisms that have been made. I find that a statement of mine that this Resolution is of Provincial and almost parochial interest has excited some comment. I desire to assure the Council that the statement was not meant in any offensive manner, and I do not think that the Hon'ble Member has taken offence at it. What I intended to convey was, that this was a Resolution which ought, in my opinion, to have been discussed in the Provincial Council, and indeed this was the Hon'ble Member's own view at one time, because on a previous occasion he moved a Resolution of a somewhat similar character in the local Council himself. It has also been alleged, I think, by the Hon'ble Mr. Malaviya that I was very severe or unfair; was it in my criticism?"

The Hon'ble Pandit M. M. Malaviya :—"Severe."

The Hon'ble Sir William Vincent :—"Well, I submit to the Council that this statement was not justified. If, however, I have been unduly severe, I can assure the Council it was far from my intention to be so. There is, however, one point on which I seek information. The Hon'ble Member has told us that this district was at one time under the High Court. Is that the case in regard to the Jaintia Hills, or was it the case in regard to the Khasia Hills only?"

The Hon'ble Mr. K. K. Chanda :—"Both places."

The Hon'ble Sir William Vincent :—"The Act says only the Khasia Hills."

The Hon'ble Mr. K. K. Chanda :—"The Jaintia Hills came under it a few years later."

The Hon'ble Sir William Vincent :—"I will not pursue the point then. As to the appearance of pleaders, Sir, the position is this, that under the present law pleaders and advocates are allowed full liberty to appear. As to the general question, while the system of law which prevails in the district is suitable to local conditions, I am quite prepared to do this much to meet the Hon'ble Member, namely, that I forward a copy of this Resolution, and of this discussion in this Council, to the local Administration for consideration. But

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I shall, as I stated before, in spite of all that has been said, be compelled to ask the Government to oppose the Resolution as framed if the Hon'ble Member presses it."

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

<i>Ayes—9.</i>	<i>Noes—38.</i>
The Hon'ble Mr. Srinivasa Sastri.	His Excellency the Commander-in-Chief.
" " Mr. R. Ayyangar.	The Hon'ble Sir William Meyer.
" " Rao Bahadur B. N. Sarma.	" Sir Claude Hill.
" " Rai Sitanath Ray Bahadur.	" Sir C. Sankaran Nair.
" " Maharaja Sir M. C. Nandi of Kasimbazar.	" Sir George Lowndes.
" " Mr. Mazharul Haque.	" Sir George Barnes.
" " Mr. G. S. Khaparde.	" Sir William Vincent.
" " Mr. K. K. Chanda.	" Sir Robert Gillan.
" " Mr. S. N. Banerjee.	" Sir Gungadar Chitnavis.
	" Sir John Campbell.
	" Sir James DuBoulay.
	" Mr. A. H. Ley.
	" Mr. H. Sharp.
	" Sir Edward MacLagan.
	" Mr. R. A. Mant.
	" Mr. H. F. Howard.
	" Major-General A. H. Bingley.
	" Mr. G. B. H. Fell.
	" Mr. F. C. Rose.
	" Sir Hamilton Grant.
	" Mr. C. H. Kesteven.
	" Surgeon-General W. R. Edwards.
	" Mr. S. R. Hignell.
	" Mr. A. P. Muddiman.
	" Mr. W. M. Hailey.
	" Sir Robert Clegg.
	" Mr. M. N. Hogg.
	" Mr. F. J. Monahan.
	" Mr. E. H. C. Walsh.
	" Mr. C. A. Kincaid.
	" Sir J. S. Donald.
	" Mr. P. J. Fagan.
	" Captain Ajab Khan.
	" Sir James Walker.
	" Rai B. D. Shukul Bahadur.
	" Mr. A. W. Botnam.
	" Lieutenant-Colonel S. L. Aplin.
	" Maung Bah Too.

The motion was accordingly negatived.

RESOLUTION *RE* RECRUITMENT IN INDIA FOR THE P. W. D. 601
AND THE RAILWAY ENGINEERING SERVICE.

[27TH FEBRUARY, 1918.]

[*Mr. Sastri.*]

**RESOLUTION *Re* RECRUITMENT IN INDIA FOR
THE PUBLIC WORKS DEPARTMENT AND THE
RAILWAY ENGINEERING SERVICE.**

The Hon'ble Mr. Sastri:—"Sir, I beg to move the following 1-17 P. M.
Resolution:—

'This Council recommends to the Governor General in Council that the Government of India do recommend to the Secretary of State for India that the recruitment for the Public Works Department and the Railway Engineering Service, excepting the proportion of posts reserved for Royal Engineers, be made, within a reasonable period of time, wholly in India.'

"I ought to ask the indulgence of the Council for a brief minute while I explain the circumstances in which I bring this Resolution up before the Council. Hon'ble Members may remember that this and the succeeding Resolutions in my name were down on the Agenda for the last Session. They could not be reached for want of time. They therefore re-appear at my request through the courtesy of the Legislative Department. I mention this because many people might think that I am raising questions in which some unpleasant feeling may be involved at an inopportune time. My only explanation is that, inopportune as the time may be, this is just the occasion when this unpleasant duty has got to be done. I understand that the Government of India have this and other cognate subjects under their consideration, and we cannot allow this occasion to pass without, on such important matters, stating to the Council the point of view that we usually take amongst non-official Members.

"Since I gave notice of this Resolution, a Report of very considerable importance has been published. It is the Report of the Public Works Committee which recently sat and concluded its labours. I have glanced through the contents of that Report. Although it touches many points regarding the Public Works Department, I find that it is possible for me to move this Resolution without asking the Council to go very much into that Report, for the only effect of that Report, if it should be carried out to the full, would be to take away from the Buildings and Roads Branch of the Public Works Department a considerable number of officers, perhaps in the course of ten or fifteen years. To that extent the number of officers whom my Resolution affects will be reduced; but, otherwise, it may go on. These services, the Public Works Department and the Railway Engineering Service, deal with 928 officers in all, 648 of them being in the Imperial and the remainder, 280, being in the Provincial Service. This service suffered a retrogression in the past from which, however, it has since recovered.

"As a consequence of the recommendations of the 1886 Public Services Commission, the Service which had once been homogeneous, was split up into a Provincial and an Imperial branch, and distinctions were made between the recruits to the one or the other branch which happily have largely disappeared under the modifications of 1912. Since the last Commission sat brighter days have dawned on the Provincial branch of the Service. The Commission have recommended, in one word, that the distinction between Imperial and Provincial need not be stereotyped in the Service.

"They have further recommended that, instead of 37 per cent., which was the percentage recruited in India, the proportion should hereafter be 50 per cent. How the 37 per cent. has been arrived at I must explain. The number of posts which I just now read to the Council, namely, 280 out of 928, makes a slight fraction over 30 per cent. Besides, under the rules now in force, of the number recruited in England, 10 per cent. have got to be statutory Indians, and, therefore, we get 30 *plus* 7 per cent. making together 37 per cent. Therefore, when the Commission recommend that the 37 per cent. should be raised to 50 per cent., it is a considerable advance on the existing position which I recognise with satisfaction. Besides this, there is the other improvement to which I alluded, namely, the abolition of the distinction between Imperial and Provincial.

[*Mr. Sastri* ; *Mr. F. C. Rose*.] [27TH FEBRUARY, 1918.]

"Now the Service is so important that a word may be said in this connection as to the extraordinary value of the Engineering Service to any country, and especially a country like India undeveloped industrially and in the matter of manufactures. Any changes therefore which the Commission recommend in the case of this Service have to be looked at by us with a great amount of attention. That is why I am prepared to say at the very beginning that I recognise with considerable satisfaction the advance that the Commission have made in their recommendations in this respect. But, at the same time, there is a point arising also out of the Report to which I will draw attention. The Commission have recognised that in the case of many technical and scientific services it is not necessary, from the point of view of the security of the country or from any political consideration, to maintain a British personnel, either wholly or in part. They have recognised this in the case of many other services. In the case of the Public Works Department, which also is technical and scientific really, they do not recognise this principle. They maintain that it is desirable in this particular Service that there should be an admixture of the European and Indian elements. They do not go further and state why that is the case. It is precisely that point in the Report which I would ask the Council to remember this Resolution of mine seeks to controvert. I wish the Government to state, if I can persuade it to do so, that, that particular point, namely, that it is desirable in this Service that there should be an admixture of the European and Indian elements, is not appropriate. It is possible, it has been acknowledged, to man the whole of the Service with the Indian element. The Roorkee, the Sibpur, Madras and Poona Engineering Colleges have been acknowledged already to be on a high level of efficiency. What defects there may be in their organisation, in their teaching, and in the quality of the material they turn out may easily be rectified; and it is perfectly possible, as appears abundantly from the evidence, that if the Government took the necessary steps they could place all these Engineering Colleges on a level of perfect equality with any engineering institution in the world. If so, it is, I think, perfectly correct for us to state that this service is one which the Government should acknowledge to be one of those in which it is fully possible within a reasonable period of time to man them from the Indian element. I say 'within a reasonable period of time' in the Resolution advisedly. I do not commit the Government to any particular period. I know there are difficulties of every sort to be overcome, but the phrase 'within a reasonable period of time' covers that.

"There is just one other remark I want to make before I formally make the motion. I have made an exception in the case of the proportion of Royal Engineers that may have to be recruited. As many as 70 Royal Engineer officers are now belonging to this Service. It does not appear clearly from the evidence why this Royal Engineer element is admitted into the Service; but apparently it is a war reserve, and it is considered economical, as it is considered economical in the Indian Medical Service, by reserving certain appointments as Civil appointments, to reduce the cadre which otherwise may be necessary. Anyhow, it is a point on which I am not competent to say anything. Whether the war reserve will continue to be what it is or may be reduced is perhaps a point which may be taken up later on. For the time being, I recognise that it is necessary to make provision for the employment of a certain number of Royal Engineers in this service. As they cannot possibly be recruited in India, I make an exception, 'excepting the proportion of posts reserved for Royal Engineers.' I suppose I ought to have said 'excepting the number of posts that it may be necessary to reserve for Royal Engineers.' I beg to move the Resolution."

The Council then adjourned for Lunch till 2-30 P.M.

The Hon'ble Mr. F. C. Rose :—"The Hon'ble mover of this Resolution in the course of his speech has already stated that the question of the

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D. AND THE RAILWAY ENGINEERING SERVICE.

[27TH FEBRUARY, 1918.] [*Mr. F. C. Rose ; Rao Bahadur B. N. Sarma.*]

future recruitment of the Public Works Department and Railway Engineering Services has been the subject of inquiry by two separate Commissions within recent years. The proposals made by these Commissions are now under examination, and, if adopted by the Government of India, will go a long way towards the goal to which my Hon'ble friend is aiming. I note with satisfaction that he has recognized the desirability of excluding Royal Engineer Officers from the scope of his Resolution, and in the figures I now mention this class has been omitted. At present the percentage of the engineer establishment recruited in Europe, is 60 per cent. The Public Services Commission have recommended a reduction to 43 per cent., and the Public Works Reorganization Committee have made certain proposals under which the work of the Buildings and Roads Branch will eventually come under the control of local bodies, whose engineering establishment will be recruited in India. The effect of this proposal would be to reduce the European recruitment still further to about 25 per cent. It will thus be apparent that the Government of India have under examination proposals for materially increasing the proportion of recruitment in India, and I think it may be accepted that a large increase in the Indian recruited element will be made within a reasonable period of time. So long as an admixture of Europeans in the Engineering services is held to be desirable, recruitment from Europe must, I think, be continued in order to ensure as large a field of selection as possible, and in order to secure the products of the most advanced educational institutions dealing with the science of engineering. The curtailment of the European element must necessarily be gradual, as it is essential that the great engineering works of India, so vital to the general progress of the country, should be efficiently maintained, and that new works should be energetically pushed on under as skilful engineering advice as it is possible to obtain. In this connection, I may mention that engineering problems of importance are likely in the future to demand even greater skill in their conception and design than in the past. In irrigation, for instance, the easier and more straightforward works have been completed, and such extensions as are possible in the future will call for great engineering skill and talent to solve the many problems that will arise. The transfer of the responsibility of complicated engineering problems to an agency recruited wholly in this country must necessarily depend on the extent to which Indians of the right stamp avail themselves of the educational facilities provided for them out here, and even more on the extent to which in practical work they apply their theoretical education. If experience shows that in technical aptitude, resourcefulness and other essential qualities the right stamp of engineer can be recruited in India, not as an exception but as a rule, recruitment in India for the Public Works Department would be a natural sequence. In the meantime, the extension of recruitment in the country will by its success or failure indicate the rate at which it would be advisable, in the real interests of the country, to increase still further that recruitment. So long as Indian firms in this country employ, in their own interests, European engineers to control and work out engineering enterprises of real importance, I submit that it can scarcely be expected that Government can guarantee to dispense with the same element in the engineering enterprises under their control, on the success of which the prosperity and welfare of the country so largely depend.

"I think what I have said is enough to show that the policy of the Government of India is on the lines aimed at in the Resolution, but complete fulfilment must necessarily depend on the Indian recruits proving themselves fit to take advantage of the opportunities which will be afforded."

The Hon'ble Rao Bahadur B. N. Sarma :—" Sir, the speech of the Hon'ble Mr. Rose is so very satisfactory and sympathetic, that I do not think much need be said in support of this Resolution. He realises, as we all realise, that the extent to which the Indian community can be employed would depend upon their showing their capacity for the work which the Government has on hand. But, Sir, there has been so much misconception about this subject, that it was necessary that we should emphasise by means of this Resolution that the

2-39 P.M.

[*Rao Bahadur B. N. Sarma.*] [27TH FEBRUARY, 1918.]

Government should acknowledge that there are no special grounds of policy, except the one of efficiency, whereby this problem should be solved. The reason why I speak on this point is, that I sent up a Resolution last Session asking for recognition that in this and allied branches the Public Services Commission's Report which recommends that a special distinction ought to be drawn between this and scientific subjects on the ground of policy is not based on sound reasoning. I have asked that the only test should be one of efficiency, and I am glad that Government agrees with me substantially, and that on that question there is no difference between non-official Members and the Government. The Government state that for reasons of efficiency they find it necessary at the present moment to continue recruitment in England.

"That being so, there is nothing at variance with the Resolution that has been moved by the Hon'ble Mr. Sastri. It does not ask for any wide departure within any definite period, but it asks that the principle should be acknowledged that the recruitment should be made only in India when a suitable opportunity occurs, and that we should work towards that goal. Now, Sir, as has been already pointed out the Report of the Public Works Department Reorganization Committee says distinctly that a very wide advance could be made almost immediately in that direction so far as the Roads and Buildings Branch is concerned. It is acknowledged that there will not be much difficulty in finding Indian engineers to carry out these works. The Taj Mahal and numerous other buildings, public and private, which are the glory of the past of India are clear evidence that the Indian community is quite equal to the task of building construction. If the recommendation of that Committee that these engineers should be under District Boards be accepted, as I hope it will be, there is not the slightest doubt that we are really paving the way for the acceptance of this Resolution so far as that Branch is concerned. Then we come to the Irrigation Branch. In the case of this Branch also, the ancient works of the country clearly show that the Indians possess genius and aptitude for work. The numerous public tanks, reservoirs and canals are proof, and abundant proof, of their skill. But, Sir, it would be wrong not to acknowledge with profound gratitude what has been done by engineers during the past 30 or 40 years both in road construction as well as in irrigation. While suitably acknowledging that fact, it may be remarked that it is considered even by experts that it is only in India that you have abundant facilities for training young engineers in irrigation. The Public Works Reorganisation Committee says 'India is probably the finest school in the world for an irrigation engineer, and it would be obviously anomalous to import into India irrigation experts trained elsewhere, and similarly, India can compare favourably with any European country as a field for training in railway engineering.' This is what Colonel Ottley had to say in his evidence before the Commission. He said—

'That as regards European Assistant Engineers he would strongly recommend that every man selected should be sent out on probation for three years by which time the authorities in India ought to be able to decide whether he is worth retention or not.'

It is said that the selection of the European is based chiefly on the ground of the practical experience of the candidates, but the experience derivable in the United Kingdom is not of a very useful character. Colonel Ottley says—

'The men for India were simply lookers-on. A man might have been employed for only six months on works, but if his employer had found him valuable enough to pay for his services, that showed that he was useful. Hitherto the idea had been general that, unless a man had a year's practical experience, he would not be accepted, but he had had very largely to discard that idea and therefore he was thrown back on the theoretical qualifications, the candidate's recommendations and the answers the man himself gave during his ten minutes' interview.'

"We are forced to this that in some departments practical experience in the United Kingdom is not worth as much consideration as practical experience derivable in India. Then coming to Railways, here a distinction has been drawn, and I think soundly drawn, between the facilities which Europe and India afford for the training of mechanical engineers. But it is acknowledged

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D. AND THE RAILWAY ENGINEERING SERVICE.

[27TH FEBRUARY, 1918.] [*Rao Bahadur B. N. Sarma; Mr. Surendra Nath Banerjea; Sir Claude Hill.*]

that a large part of construction work does not require mechanical training at all. Construction facilities are available in India on a larger scale than in England, and therefore from the point of view of Railways also, except with regard to the mechanical branch, it seems to me that practical facilities exist only in India. These are the arguments to prove that there would be no difficulty whatever if recruiting should be only in India. We ask that that should be accepted in almost every service, except where the special circumstances thereof render it absolutely difficult or impossible. I am not one of those who believe that this particular branch or any branch of the services should be made wholly Indian; we do not want any special protection for any Indian; as I understand the Empire every British citizen, including Indians, should be free to pursue his fortunes without restriction and hindrance. I do not ask that Indians should be given any special privileges or safeguards, but only a fair field and free competition. The Resolution asks that recruiting should be made in India within a reasonable time. It is acknowledged on every hand that the theoretical knowledge imparted here is as good, as if not better than what is given in England, and some think it is unnecessary that there should be so much theoretical knowledge. If then, Sir, all the facilities for imparting practical instructions are here, and if most of these Branches do not require any special skill of the kind that can be derived only in Europe, there is no reason whatever why anybody should demur to the proposals of the Hon'ble Mr. Sastri. Of course the question of security does not really arise, this was the ground which some Members of the Commission took when they asked individual witnesses questions on that point. It is a question of mutual trust; I do not think that that argument has been pressed, and I do not propose to deal any further with the question of security. There is no difference urged on the ground that the Europeans as a class are better engineers than Indians. We do not want to shut out the Englishman who has the same rights as an Indian so long as the Empire is equally open to all. Therefore, I submit that Government should accept the Resolution which suggests that gradually the recruitment should be wholly in India."

The Hon'ble Mr. S. N. Banerjea:—"Sir, I wish to add but one word to the discussion. We are all very thankful to the Government for expressing their readiness to accept the policy indicated in the Resolution of the Hon'ble mover....." 2-16 P.M.

The Hon'ble Sir Claude Hill:—"I should like to say that that has not been stated."

The Hon'ble Mr. S. N. Banerjea:—"Am I mistaken in making that statement? I thought that Government—I am not very clear—but as I understood the Hon'ble Member who has spoken on behalf of Government, I thought he said that the Government were willing to follow the policy indicated in the Resolution of the Hon'ble Mr. Sarma and to employ in an increasing measure Indians in the Public Works and the Engineering Department...."

The Hon'ble Sir Claude Hill:—"I wish to point out that the policy as described by the Hon'ble Mr. Banerjea is not the policy advocated by my Hon'ble friend Mr. Sastri."

The Hon'ble Mr. S. N. Banerjea:—"I take it that that is the policy that, with the exception of Royal Engineers, there should be a preponderating Indian element in the Engineering and in the Public Works Department. I think that that is the policy that is indicated, with all great respect

[*Mr. Surendra Nath Banerjee ; Mr. Khaparde.*] [27TH FEBRUARY, 1918.]

to you, Sir. Well, whatever that may be, the question of our employment in the Public Works Department will depend very largely upon our educational fitness for such employment, and our educational fitness will also depend upon the educational facilities that are given to us. And here I desire to utter a word of complaint. In the great Province of Bengal, with a population of 45 millions, we have only one Engineering College, that is the Sibpur Engineering College. I am not sure that there is an Engineering College in Bihar—I believe there is an Engineering school there, if I remember rightly. In the United Provinces, there is the great Roorkee College, but I think the people of Bengal are excluded from that college, and I believe people of other Provinces also are in the same position. There is the Poona Engineering College in the Bombay Presidency and an Engineering College in Madras. My submission is, that the educational facilities which have been placed at our disposal for fitting ourselves for the sort of employment referred to in Mr. Sarma's Resolution are not sufficient, and I think the Government's attention ought to be drawn to this matter, that we need more Engineering Institutions, Engineering Schools and Colleges in Bengal, in Bihar, in Madras and in Bombay, in order that we might be able fully to equip ourselves for the opportunities that Mr. Sarma wants to create for us in this matter. I hope that point will be borne in mind by the Government. If I have been wrong in interpreting the intentions of the Government with regard to Mr. Sarma's Resolution, I am not surely wrong in interpreting our views with regard to it, namely, that the non-official Indian Members are in the deepest sympathy with that Resolution, and they would be glad if the Government saw its way to accept it. I believe that represents, at any rate, the feeling of the non-official Indian Members here, and I hope and trust that the Government will see its way to accept the Resolution so far as practicable."

The Hon'ble Mr. Khaparde.—"Sir, I wish to support this Resolution, not so much on theoretical grounds, as on the ground that the experiment has been tried partially and found successful. In my younger days there was this difficulty. The Bombay Government in those days passed a Resolution that whoever stood first in the L. C. E. Examination would be enrolled or would be given one of the higher appointments in the Public Works Department. At any rate, I remember three gentlemen who came first in my time and got posts of Assistant Engineers, and though they had to start from the lowest rung of the ladder, their work has always been highly commended. However, on the question of railway engineering, I may instance the case of the small railway that has been constructed, and that is now running between Bombay and Matheran. The line leading to Matheran is a hilly tract, and I have heard competent engineers say that the construction of the line required the greatest skill, and yet that railway was built entirely under the superintendence of a graduate of the Bombay University in the Engineering Department. So, I believe, even with the limited opportunities that we have for Engineering knowledge, given the chance, our graduates have shown great competency in carrying out works demanding great skill and technical knowledge. Irrigation works, I think, may be regarded as a speciality of this country.

"Large irrigation works have been carried out in India on a scale which can hardly be found elsewhere, and here too Engineers do much better and a much higher kind of work than is generally known. They have been commended also by their superior officers. So, I think, this Resolution from my point of view does not go far enough. I believe that, so far as I have seen, Indian students educated in the Engineering colleges in this country, despite the limited facilities for education, have done really good work, and have commanded the highest commendations of very high Royal Engineers. In this view of the matter I submit that this experiment having been tried and having been entirely successful, the time has come for adopting the policy commended in the Resolution moved by the Hon'ble Mr. Sastri."

[27TH FEBRUARY, 1918.] [Sir Claude Hill; Mr. Surendra Nath Banerjea.]

The Hon'ble Sir Claude Hill.—"Sir, I should like first of all, if 2-37 P.M.
I may, to thank the Hon'ble Mover of this Resolution for the brevity as well as for the clearness with which he has put his Resolution to the Council, and at the same time to draw the attention of my Hon'ble friend Mr. Banerjea to the fact that the Hon'ble Mr. Sastri, and not the Hon'ble Mr. Sarma, has the credit of moving this Resolution."

The Hon'ble Mr. S. N. Banerjea.—"I made a mistake, Sir."

The Hon'ble Sir Claude Hill.—"I think, Sir, I should endeavour to emulate the Hon'ble Mover in respect of the quality of brevity."

"There are two pivotal points in the Resolution as moved by my Hon'ble friend. The first is, were the Public Services Commission justified in omitting the Public Works Department from the list of other technical services in regard to their thesis, in regard to them that there were no grounds of policy for any considerable admixture of officers imported from Europe. That, I understand, is the Hon'ble Member's first point. The second point is one of some difficulty and one on which a great deal of the argument depends, and that is, as to what the Hon'ble Member means by 'within a reasonable period.' I must confess, Sir, I feel some difficulty in dealing with this question of 'reasonable period' for this reason, that until that period is defined more exactly, it is hardly possible to argue as to the period, one side maintaining the reasonable period to be when the transfer entirely of recruitment to India could be effected without attendant risk of all kinds, another urging that that period would arrive before that date. At all events he places us in some difficulty in regard to the question of period, and I think it is a matter of some importance, because if the Hon'ble Member were to accept our interpretation of what was a reasonable time, we could of course have probably accepted his Resolution. As things are, however, I fear that we are unable to accept it in the form in which it stands, for the reason that it has not quite put the matter in the sense suggested by my Hon'ble friend Mr. Banerjea. The Resolution in fact, I may remind the Council, asks that recruitment for the Public Works Department should be made within a reasonable period of time *wholly* in India. That does not of course prevent the Government of India from sympathising with the object which the Hon'ble Member has in view, and I think in the remarks which I propose to make, I shall be able to show him and the Council that the Government of India are moving in the direction desired by the Hon'ble Member at a pace which, I earnestly hope, he will regard as being a reasonable pace. And if I am able to convince him of that, I have every hope that it may be possible not to put the Resolution to the vote in the terms in which it is at present worded. The Hon'ble Mr. Rose has contended that we are, as a matter of fact, proceeding with the Indianization of the Public Works Department as rapidly as circumstances permit. When I speak of the Indianization of the services, I wish here cordially to thank the Hon'ble Mr. Sarma for the way in which he has taken this Resolution out of the category of those into which it is possible to import racial considerations. I should point out that the Hon'ble Mr. Sastri's Resolution stipulates for recruitment *in India* without importing into it the question of race or creed, and to that extent I am in entire sympathy with the view put forward."

"Then, Sir, this Council have also been informed by my Hon'ble friend Mr. Rose, if they did not already know it, that the Government of India the year before last took the initiative in appointing a Public Works Department Reorganisation Committee to investigate the possibility of revising establishments, and although it was not specifically in the terms of reference to that Committee to investigate the question of the Indianization of the services, or indeed directly of the source of recruitment, one of the terms of reference was clearly based on the desire which we felt to secure a larger admixture of private enterprise in the transaction of the work entrusted to the Public Works Department. And of course by private enterprise the Government

[*Sir Claude Hill* .]

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of India mean primarily Indian enterprise ; and to that extent I might contend that part of the terms of reference was in the direction which would be approved of by my Hon'ble friend the mover of this Resolution. But in the reference to that Reorganization Committee, as Mr. Rose has quite rightly pointed out, the Government of India reserved the Irrigation Branch of the Public Works Department from the purview of that Committee's investigation ; and they did so, I think the Council will agree with me, for a very excellent reason. The Irrigation Department is practically a Commercial Department, and it is the biggest Commercial Department of its kind in the world. The works which are in charge of Irrigation Officers are not only of stupendous size and cost, but are of paramount, indeed of vital, importance to the welfare of this great country and to millions and millions of its inhabitants. For that reason we felt, in appointing this Reorganization Committee, that for the present at all events, we should reserve consideration of the organization of the Irrigation Department for a later day, and that we should only appoint the Public Works Reorganization Committee to investigate the Roads and Buildings Branch of the Service. Now, when I say that we were reluctant to imperil the safety of our huge irrigation works, I am sure the Members of this Council will exonerate me from any intention to suggest that peril would necessarily follow from an Indianization of the Public Works Department. That is not my meaning, and I am sure Members will endorse my contention to this extent that we should not be justified, in the pursuit of any ideal towards complete Indianization, in jeopardizing in any degree whatever the welfare of the millions who depend upon the security of the great irrigation works of this country. In regard to the maintenance and up-keep of those irrigation works, I think Council will agree with the view which I suggest to them, that we should, for the present at all events, insist upon the right to call to that Service the services of the best possible men whoever they may be. I recognise that my Hon'ble friend Mr. Sarma has made a very good point in indicating that in regard even to irrigation works, antiquity points to irrigation works of great magnitude ; but I believe I am correct in thinking that there are no irrigation works that we know of in ancient times which are at all comparable to the magnitude of some of those already undertaken, and still less to those which we contemplate undertaking ; - and, when I mention for the information of the Council, that there is one project coming up, to which I shall have occasion to refer later on in greater detail, which involves 5,000 miles of canals and an annual irrigational capacity of over 2 million acres, I think that my point will be admitted to be made.

"Then, Sir, my Hon'ble friend Mr. Rose, I think in a very relevant manner, indicated that at the present day those big engineering firms in India, the private engineering firms of Calcutta, Bombay and so forth, all do employ on their staff in the higher paid appointments a considerable proportion of Europeans. Now I am quite certain that those firms, some of which are Indian—the most eminent of which is Indian—do not employ Europeans in the higher posts from preference, but simply from necessity. And in saying that I do not wish for a moment to be regarded as derogating from the capacity of Indians eventually to be able to take the place of any European at present in India or of doing work of equal importance ; but I do say that a responsible Government, in dealing with a question of this kind, must, in the very nature of things, aim at security. In other words, I suggest to you that the Government of India, who are a far bigger engineering firm, if you like to call it so, than any private firm in India, cannot, when the nature of the case is as I have described—when private firms still find it necessary to employ in their higher ranks Europeans—I say in such circumstances it is impossible for the Government of India to assent to the acceptance of an ideal at the possible sacrifice of the needs of the near, or rather distant, future, according as the Hon'ble Member interprets his term reasonable, within a few years or after many years. So from that point of view, I submit it would be altogether wrong—and I am sure this Council will endorse

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that point—for the Government of India to accept a Resolution which could in any sense be held up hereafter as tying their hands in their choice.

“ But, Sir, I do wish to lay emphasis on what we have done within quite recent years in the direction of Indianising the service. It is, I think, a very great stride in advance when we reflect that the Public Services Commission proposed, as Mr. Rose has explained, an ultimate reduction from 60 per cent. to 43 per cent. of the European recruitments, and a still greater stride in advance is suggested by the Public Works Reorganisation Committee, which will have the effect in the Buildings and Roads Branches, if adopted, of reducing the percentage to 25. Well, Sir, I suggest that a reduction on one side of the Public Works Department, even though I am unable to say at the moment that the Government of India will accept in full the recommendations of the Public Works Reorganisation Committee, still the very suggestion that there should be a reduction at that rapid rate, which, if carried out, will be carried out within comparatively few years, and which goes such a long way towards meeting the ideal which my Hon'ble friend has in view in putting this Resolution, almost tempts me to suggest to him that he might leave it at that for the present, and that he need not, in the circumstances, put his Resolution, aiming as it does, we hold, at a somewhat unpractical ideal, to the vote of the Council. But at the same time I recognise that it depends so much upon what interpretation my Hon'ble friend is going to put upon the word ‘reasonable’ that I do not wish to press that point until my Hon'ble friend explains the precise limitations which he connotes by that term. But in regard to the general thesis, I think, although terminologically my Hon'ble friend Mr. Surendra Nath Banerjee did not quite accurately express the terms of the Resolution moved by the Hon'ble Mr. Sastri, that no one who has spoken is very much at variance ; and it is really a question of whether this Council wishes to impress upon Government the necessity for dotting of the i's and the crossing of the t's of their policy as to rate of development, or whether they are satisfied, in view of the explanations given, with the rate of progress we are endeavouring to make in the direction desired.”

The Hon'ble Mr Sastri :—“ Sir, I have heard with great interest, 3.13 P.M. and may I add with great pleasure, the full and clear statement made by the Hon'ble Sir Claude Hill. In one word he has extended to me, as the author of this Resolution, his sympathy, though not his full acceptance. I will try briefly to meet the two or three points that have been made in a sense opposed to my Resolution, I will not say in a hostile spirit, but not quite friendly.

“ The Hon'ble Mr. Rose in a speech conceived in an admirable spirit made the suggestion or rather implied that, if the course which I suggest were adopted, it is just possible—he hinted it merely—it is just possible that the efficiency of the service might be affected, and the large and very difficult works of engineering which have still to be undertaken may be imperilled by a speedy consummation of the ideal to which I have referred. I cannot, Sir, standing here, accept the apprehension as at all well-founded which underlies this statement. In my opinion the whole of the Public Works service may be recruited in India without serious loss of efficiency. Where, however, works of great skill and magnitude have to be undertaken and the Government think that the interests at stake are much too large for them to run any risks, no one, certainly not I nor any of my Hon'ble Colleagues, will object to their engaging at that time the best available services from the whole world at any price that may have to be paid. That is a reservation that throughout the Hon'ble Members in charge of these subjects may take it that we are willing to make at all times. We seek for knowledge and assistance from the entire world, and we are prepared to pay any price that may be demanded. Short of that, it is, I think, somewhat hard on us to be asked to accept the doctrine hinted at though not expressly stated, that the further Indianisation of the services might cause risks to the efficiency of the Public Works Department which the Government was unwilling to undertake. In my opinion experience

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has already shown that there is very little risk run by an extension of this policy.

"The Hon'ble Mr. Rose seemed again to hint that an experiment was going on, and that on the results of that experiment as to how far the new element showed its capacity to bear the burdens placed upon its shoulders would depend the further extension of the experiment. I rather think we have long passed the stage of experimenting.

"There is only one other point to which I must refer, and that is the employment of European engineers by Indian firms. Yes, I have read some of the evidence, especially of the representative of Messrs. Martin and Co. on the subject. Well, I cannot pretend to penetrate into the mind of Sir Rajendra Nath Mukerji and say exactly why he said what he said. Certainly, Indian firms like other firms are business firms, and they do not engage costly agency unless they know that it is in the long run not costly really but cheap, that is to say, that it is perfectly economical. As I said, I am perfectly unaware of the conditions of Messrs. Martin and Co., and I cannot pretend, with my ignorance of engineering matters, to say why Martin and Co. employ European engineers. But I may say that I recall in this connection an analogy from a field with which I am familiar, namely, that of education. In education at all events nobody will say, certainly not on our side of the subject, that Indians are not able to manage big institutions. Still it is a fact to-day—and I make a present of it to the Hon'ble Sir Claude Hill—that there are a great many indigenous managers of educational establishments who would rather have a European principal than an Indian principal, while Government are willing to appoint Indians to the principalships of first grade colleges. I can mention indigenous agencies which run only big High Schools or Intermediate Colleges which hesitate to appoint Indians, however meritorious their qualifications may be. Now, the inference to be drawn from this, we people who are employed in education know, and although I cannot venture to say that that inference is applicable also in the sphere of engineering, I merely suggest it to the Council as a possibility that there is something in that point of view in our case at all events in the case of education. There is a great deal of advantage—material advantage as well as moral advantage—to be obtained by appointing Europeans to the principalships of Intermediate Colleges in the hands of indigenous agencies. They carry so much more prestige in the present popular estimate of things, and they are able besides to get the wants of their institutions attended to by Government agencies much more easily than Indian principals are able to do. Besides, Sir, there are one or two other things which only we educationists can know that account for this preference without, however, touching the question of intrinsic merit or efficiency. I will not weary the Council with them, but it just seems to me that it is possible that, when Messrs. Martin and Company employ European engineers, they are certainly not doing anything ruinous to their finance, but doing something which materially and morally improves their position but does not necessarily carry the corollary that a European engineer was superior in point of efficiency to an Indian who might have been engaged.

"There is only one other point I have to touch upon before I resume my seat, and that is the precise interpretation that I was going to put on the words 'reasonable period of time.' Well, I will not be drawn even by the seductive voice of the Hon'ble Sir Claude Hill to make more precise what I think I had better leave there. But, in the course of the day, I shall put the Hon'ble Sir Claude Hill's interest in this matter to the test by actually proposing a period and find out then whether he extends more sympathy than when, as in this Resolution, I leave it out. As I said I really cannot say that this can be done in such and such a period. Surely it is not open to me to say so, that is why I leave it there. I think it is not open to me to state the period now, but in the other Resolution I will mention it."

The motion was put and negatived.

RESOLUTION *RE* APPOINTMENT OF INDIANS TO SERVICES 611
RECRUITED IN INDIA.

[27TH FEBRUARY, 1918.] [*Mr. Sastri.*]

RESOLUTION *RE* APPOINTMENT OF INDIANS TO
SERVICES RECRUITED IN INDIA.

The Hon'ble Mr. Sastri:—"Sir, I beg to move that—

3-20 P. M.

'This Council recommends to the Governor General in Council that --

(a) immediate steps be taken to ensure that Indians are appointed to the great majority of the posts in the services ordinarily recruited in India; and

(b) the educational qualifications prescribed for admission into these services should be sufficiently high and the same for all candidates irrespective of their creed or race.'

"This is a somewhat delicate Resolution which it has fallen to my lot to place before the Council. It touches services which, by the Report of the Public Services Commission, are at present wholly recruited in India. Here at all events that precise question of discrimination between European and Indian to which I had to refer in the last Resolution need not occur; but I am afraid this element does come in even in this Resolution, along with another element to which I have now to draw the Council's attention. I will enumerate some of the more important services which come under this Resolution. They are the Post Office, Telegraph, Land Records, Registration, Northern India Salt Revenue, Excise and Madras Survey. Of course the Provincial Service in certain other Departments might also be mentioned, *e.g.*, the Survey of India or the Forests.

"Now, in all these cases there is a peculiar phenomenon, although the recruitment is confined entirely to India. Taking all the posts of Rs. 200 and above in these services together, we get something like 1,440 appointments. Of these, 404 are in the enjoyment of Europeans, 333 are in the enjoyment of Eurasians or Anglo-Indians, and only 403 or 28 per cent. are in the enjoyment of Asiatics of unmixed descent. If, however, we take posts in these Departments which carry salaries of Rs. 500 and upwards, only 11.5 per cent. fall to the share of Indians. When we pass the limit of Rs. 800 the proportion falls to 7 per cent.

"Now, I beg the Council to consider this question a little. Here are services which are recruited entirely in India at present—are recruited, not proposed to be recruited; and yet this is where Indians stand. It is a phenomenon which requires very careful consideration. It has been brought about by a system of preference for which the explanation, I think, would be extremely difficult. The preference is always in favour of Anglo-Indians, the discrimination being made against Indians of pure Asiatic descent. It is really difficult for me to understand—especially when we remember that this Anglo-Indian community numbers on a favourable estimate somewhere about a lakh all told in the whole of India. Europeans and Anglo-Indians together, if we exclude those in the Army, would come to slightly over 2 lakhs; and yet the community, small as it is, numerically almost negligible, takes such a very large percentage of the posts I have mentioned in services entirely recruited in India. Is it because their educational qualifications are invariably superior? The fact will be found to be the contrary. As a matter of fact, the educational qualifications required are different in the case of Indians to what they are in the case of members of this community. In several services no Indian of pure descent, who has not a B. A. degree, is allowed entry; while the educational qualifications are expressly lowered in order to admit competitors from this favoured community. Unfortunately the Commission, in so many ways suggesting improvements, seem in this particular matter to have been unable to shake off the inconvenient tradition that the services have gathered round themselves, and suggest that this differentiation, this lowering of educational qualifications in order to facilitate the entry of members of the Anglo-Indian community, should be perpetuated. They enunciate the thoroughly wholesome principle that, even although the recruitment may be solely by nomination, the nomination should be confined to those who show a high educational qualification—as high

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RECRUITED IN INDIA.

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as may be prescribed considering the sort of services that the Department has in view. But they proceed to add in the case of members of the Anglo-Indian community, however, that the educational test may not be precisely the same as for members of other communities, but something which the Government of India may prescribe as of an equivalent standard. Now, it is well known that in European and Anglo-Indian schools, the teaching is only up to the Entrance standard. In some schools which teach very well, indeed, up to a high degree of efficiency, the standard may be somewhat higher ; but it is still below the Intermediate of the Universities. When therefore Indians of pure descent are asked to produce a B. A. degree, while Anglo-Indians are to show something lower—admittedly lower than that demanded in the other case—it is there that we must look for the cause which has brought about their enormous preponderance. In these circumstances, it is not therefore superior educational qualifications that may be urged in explanation of this disparity. It is something else. I cannot undertake to say what it is. It is for the representatives on the official side to state the real grounds for this preference.

“ My point is made when I have indicated this preference, this marked preference, and inquired why it should be. I have only to read now a certain extract which shows that I am not drawing on my imagination when I speak of the difference in educational qualifications that are required from members of these two communities. In certain services the selection is done by nomination. In one service, the Northern India Salt Revenue, the selection has been done by a competitive examination during recent years, and that has been the means of bringing in a few Indians of pure descent into that service. But even there the examination is not open. It is confined to persons previously nominated, and it comes out in the evidence that the nominations are so carefully made that Indians of pure descent will have only a small chance at the final result. Even the Public Services Commission in their liberal recommendations are obliged to say in the case of one of the services that at least one in every three nominated for the examination should be an Indian of pure descent. In another place, they say that when one appointment is given to an Anglo-Indian, let one be given to an Asiatic of pure descent. Why, when we have such a preponderance in numbers, when we have educational advantages to our credit, why we should be asked to be content with such a small modicum of representation in these Services is something that calls for immediate explanation. Here is something. I am reading from Colonel Burrard’s evidence :—

‘ Admission to the Provincial (Survey) service was by competitive test. The rule was also laid down that three-quarters of the vacancies should go to the domiciled community, and one-quarter to the Indians. There was one examination for all candidates... ; supposing that there were four vacancies, the first three Anglo-Indians were selected and the first Indian. If the rule were abolished, it would lead to a large increase in the number of Indians recruited. One or two Indians had almost always to be knocked out. The three-quarters rule was not justified on the score of efficiency, but by other reasons.’

What this witness has stated clearly and candidly must have been present in the minds of others who did not, however, go to the root of the matter and state the facts exactly with the blunt directness that marks this passage. I therefore move, Sir,—

“ That this Council recommends to the Governor General in Council that—

(a) immediate steps be taken to ensure that Indians are appointed to the great majority of the posts in the services ordinarily recruited in India ; and

(b) the educational qualifications prescribed for admission into these Services should be sufficiently high and the same for all candidates irrespective of their creed or race.”

8-36 P. M.

The Hon’ble Mr. B. D. Shukul :—“ Sir, this Resolution rightly claims to secure for Indians the majority of posts in the services ordinarily recruited in India. These posts in theory are intended for the children of the soil ; yet in practice there is a marked tendency to encourage such posts being given to Anglo-Indians. These departments are manned mainly by Anglo-

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Indians and the higher appointments are practically shut out to the children of the soil. This constitutes in itself a long-standing grievance which is greatly resented by those who are already in the Service. We can hardly expect them to be content when their future prospects are marred. Sir, as long as the present difference continues, how can it be expected that respectable and highly-qualified Indians would be attracted to these Services, and how can those who are already in the Service be relied upon to work with contentment while they are smarting under an insult as they rightly regard the preference shown to Anglo-Indians to be? Inasmuch as this Resolution seeks to remedy this evil, it has my full support. The Government, in my humble opinion, should have no objection in accepting it as its claims are so modest.

"So far as the second part of the Resolution is concerned, it seeks no favour. It demands but justice and fair-play. The same test of qualification to all alike for the same nature of work, without any distinction of creed or caste, is all that is demanded. At present in certain departments such Indians as are allowed admission are required to possess higher educational qualifications than the members of other communities, such as Eurasians and Christians. In all fairness there should be no distinction made of whatever kind between an Indian and a member of any other community. Any inequality shown in this respect leads to general discontent, which it is not desirable to perpetuate in the interests of the very efficiency of administration which we are all so keen to maintain. For this reason, above all, I hope this Resolution will commend itself to the acceptance of this Council."

The Hon'ble Sir William Vincent :—"Sir, the question raised in 3-59 P.M.
the first part of the Resolution was specifically covered by the reference to the Public Services Commission ; after deciding that there had been an inadequate advance in the employment of Indians in the higher Services, that body found it necessary to dismiss the idea of any single solution of this question from their minds, and they decided to deal with the question in particular relation to the circumstances of each Service. I venture to think that this Council would be well advised if it accepted the same principle. In other words, I think it is unwise to try to apply a single universal formula to a set of Services selected not because of any essential affinity in their functions or their organization or anything else, but merely for the accidental reason that they happen to be recruited in India. I would suggest that it would be reasonable to take each separate Service and to consider its particular requirements and its circumstances. The general policy and aims of Government are quite clear and unequivocal. But it is impossible to lay down any rigid standard or time-table in applying this policy to every Service. Sir, when I received notice of this Resolution, I was in some doubt as to what Services exactly were covered by the Hon'ble Mover's recommendations. Those doubts have now been removed. If I had known earlier, however, exactly what it was that the Hon'ble Member meant, I should have been saved a good deal of trouble"

The Hon'ble Mr. Sastri :—"I could have told you, Sir, if you had asked."

The Hon'ble Sir William Vincent :—"It was hardly my duty to inquire. Another point is, I was not at all sure at first that the Hon'ble Member intended to include in the term 'Indians' all those who used to be known as statutory natives of India ; even now I am not quite clear that"

The Hon'ble Mr. Sastri :—"I should have stated, Sir, that the word 'Indians' is in this connection used in the sense of the Public Services Commission's Report, as meaning Indians of pure Asiatic descent."

The Hon'ble Sir William Vincent :—"Quite so, from what he has said I thought that, following the Public Services Commission, the Hon'ble

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Member had adopted that classification. Well, accepting this principle, I will attempt to show the Council that there are many Services recruited in India in which the position of Indians cannot but be regarded as already very satisfactory even from the Hon'ble Mover's point of view, and that in all great progress is being made. On the other hand, we know, Sir, that different Services draw suitable recruits from different sources, and for this reason, Anglo-Indians naturally form a larger proportion in some Services than in others. But whether they are classed with Europeans or with Indians, I think myself they will require special consideration. I trust the Hon'ble Mr. Sastri does not contemplate, and I am sure the Government would not contemplate with any complacency, their immediate exclusion from the Services to which they have hitherto been freely admitted.

" Now, as Member-in-charge of the Home Department, I am directly concerned with only five Services or groups of Services recruited in India. I do not think these Services were referred to by the Hon'ble Member specifically, but the facts in regard to them ought to be put before Council; they are the Provincial Civil and Judicial Services, the Provincial Police Services, the class of Civil Assistant Surgeons and the Services of Registration Officers. The facts regarding these Services are stated by the Commission as follows:—In the Provincial Civil and Judicial Services the percentage of Indians was 91 excluding and nearly 98 including Anglo-Indians; in the Provincial Police Services omitting Burma, where special conditions prevailed, the percentage was 82 excluding Anglo-Indians. The Commission do not give figures for Anglo-Indians separately, and so I cannot say what the percentages would be if they were included, but it is safe to say that the percentage would have been materially increased. In any case, the employment of a percentage of Europeans in the Provincial Police Service, for quasi-military works and in large towns where there is a considerable European population, is a practical necessity. The Commission went on to say that Civil Assistant Surgeon Services were almost exclusively Indian, while in the Registration Services the percentage of Indian employés was 98 per cent. and 100, including Anglo-Indians. The great majority of the personnel of the Services recruited in India, with which the Home Department is connected, is, therefore, Indian in the narrowest sense of the word. If Anglo-Indians were included, it is almost exclusively Indian. I am not in a position to deal definitely with other Services with which the Home Department is not directly connected, but I understand that the position in regard to some of them will be explained by my Hon'ble Colleague. I can, however, point to some in which the position is already satisfactory, and to others in which great progress has been made in the direction which the Hon'ble Member desires. In the Indian Finance Department, more than half the recruitment is at present made in India if promotion from subordinates is included, and I understand that in recent years practically all the officers directly recruited have been Indians of unmixed descent. I observed myself the other day three new candidates were admitted, all of whom were pure Indians. A recent calculation shows that in the Provincial Services of the Public Works Department over 73 per cent. are Indians, excluding Anglo-Indians; if the latter were included, the percentage would be higher. The Commission stated that the Provincial Education Services were preponderatingly Indian. I can give the Council more definite figures. Five years ago the percentage of Indians was 85, now it is 89. In the last five years 145 Indians have been appointed against four Europeans and Anglo-Indians. In the Postal Department, the Commission found that Indians of unmixed descent held only 5 out of 46 or 11 per cent. of the appointments on Rs. 500 and over, but taking the Service as a whole, it was found that they held 132 out of 277 appointments, or 48 per cent. of the posts. The position has changed very considerably since these figures were collected, and the facts now are that Indians of unmixed descent hold approximately 28 per cent. of the appointments on Rs. 500 and over. Taking the Department all round, they hold 170 out of 803, or roughly 56 per cent. of the superior posts. These percentages exclude Anglo-Indians. The Commission express their approval of the progress made in employing,

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Indians in this Department. They do not give figures for the Telegraph Department, but an examination of the departmental lists in recent years shows that Indians have very freely been recruited to the superior grades. I am not familiar with the Northern India Salt Department, and so I can offer no remarks about it, but I have no doubt that my Colleague, who is in charge of that Service, will either deal with the matter now, or take the remarks of the Hon'ble (the matter) Mr. Sastri into consideration.

"I want to impress on the Council another point, namely, that figures of percentages based on cadres, taken as a whole, do not fairly represent the progress that has been made. It is in recent years that the increase in the recruitment of Indians has been marked, and to ascertain the real progress, we should have to split up the cadres into five or ten yearly recruitment periods. If the figures of the whole cadre are taken, they necessarily include figures for 20 and 25 years ago, when Indians were not recruited as freely as now. My contention is that as regards a number of the Services the position aimed at by the Resolution has been largely attained, and that there has been great progress towards the Indianisation of all Services recruited in India so far as such Indianisation is possible. I hope I have been able to satisfy the Council that the Government has dealt, and will continue to deal fairly and adequately, with Indians in this matter. The second part of the Resolution recommends that the educational qualifications prescribed for admission into the Services concerned should be sufficiently high and the same for all candidates irrespective of race or creed. It raises, as the Hon'ble Member said, delicate questions and, if I may say so, I think he has made his points with considerable moderation and with every desire to avoid raising any racial feeling. If I depart from that attitude in any way, I hope that the Council will believe me when I say that I do not do so intentionally, and that my sole desire is to put the facts plainly before it.

"The practice of the Government in regard to educational qualifications varies a good deal, and in some cases at least the rules are designedly elastic but, I believe, I am safe in saying that whatever the rules and practice, they are inspired by two main objects. On the one hand, the Government are not prepared to make any educational qualifications indispensable which would not give them a reasonably wide field of candidates from all communities, castes and religions to select from. And, on the other, they aim at making it certain that the candidates are sufficiently educated for the duties they have to perform. The Commission recommend that all recruits by nomination should possess a certain minimum educational qualification, and this clearly accords with the Government's present practice. The Hon'ble Member goes further than this, and desires to have the same educational standards for all communities in the different Services, and the adoption of this part of the Resolution would, I think, involve a radical and immediate modification of the present system with far-reaching results. I fear that the Hon'ble Member by his Resolution would set up an exclusive barrier in favour of the best educated men alone, and that this would be bound to work in favour of communities and castes which are educationally advanced to the exclusion of those not so well advanced, whether Muhammadans, Sikhs, Rajputs, Uriyas, Anglo-Indians, or whatever other class they may belong to. The principle of equivalent standards of educational qualifications for all communities alike is one that is obviously attractive theoretically, and it is, as I have said, supported by the Public Services Commission.

"But when we come to consider this principle from a practical point of view and not merely as an abstract theory, there are great difficulties in the application of it which cannot be overlooked. In the first place, it proceeds on the assumption that educational qualifications are for all Services and for all Departments the best test of a candidate's fitness. This is a proposition with which, I think, many will not agree when it is considered in its practical application to particular departments, such as the Railway, Customs, Police and other departments. There are in such Services many other qualities upon which the fitness of a candidate must depend, particularly in Services

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connected with technical departments. What the Government seek to obtain generally is a supply of candidates who are not only educationally fit, but are also by reason of their character, disposition, physique and technical aptitude best suited for the particular Services concerned. In many departments the possession of educational qualifications in so far as that can be tested by examination must be the main factor. In other departments once a certain standard of education is attained, other qualities are of greater importance and indeed essential to the effectual discharge of the duties of the Service. Where experience has shown that these qualities are more readily found in one class than in others, and where they are essential in the interests of efficiency, it would be folly to insist on unduly high educational qualifications from that class if the result of requiring such qualifications would be the entire exclusion of candidates, who are intellectually well equipped to perform the duties of the offices to which they are appointed, and are otherwise better suited for that particular employment than other candidates who may be educationally their superior.

"The Hon'ble Member has made a great point of the fact that the educational qualifications for admission into Government Service are lower in the case of Anglo-Indians than in the case of Indians, because this enables them to enter the Service on somewhat easier terms than candidates who do not go through the curriculum of the European or Anglo-Indian schools. Well, it is true the qualifications required in the case of members of the domiciled community are different from those required for Indians. But the fact is that the level of education in so far as this can be assessed by the possession of University Degrees is probably lower among Anglo-Indians than among Indians, and this is due to many causes into which I have no time to enter. This ought not, however, I submit, to be made a reason for excluding them from Services in which they have proved that in practical capacity and efficiency they are as good or if not better than Indians who may hold superior educational certificates. I do not for a moment suggest that Indians should not be employed, as far as possible, in Services recruited in India, even at the sacrifice in some cases of efficiency. Indeed the facts and figures which I have quoted negative any such idea, for Indians have monopolised at present many of the Services in this country. The number of Indians so employed is rapidly increasing. But the point that I wish to make is, that in present conditions it would not, in my judgment, be either fair to the domiciled community or conduce to the public interest to insist on their possessing identical educational qualifications with other communities. In any circumstances, it would obviously be impossible to give immediate effect to this recommendation without great hardship and injustice to that community, and I cannot believe that the Hon'ble Mr. Sastri would invite Government to follow any course which involves such consequences. I am informed that the present educational policy of Government is calculated to facilitate in great measure the attainment of the object which the Hon'ble Member has in view. I understand that an increasing proportion of the Anglo-Indian community now proceeds annually to the Universities, and that an impetus is now being given to this tendency by the establishment of hostels for them. I am informed, indeed, that the number of students from the Anglo-Indian community reading in colleges has recently doubled in the last ten years. The difficulty to which the Hon'ble Member alludes is, therefore, likely to solve itself in time, but it is a process which must take time. In present circumstances, I do not think that it is either possible or fair to a community which has rendered loyal and great services to the Government in the past to give an undertaking of the nature which the Hon'ble Member desires because, I believe, that such an undertaking would result in the immediate exclusion from Government Service of a very capable and deserving class of men. Whether it will be possible in the future to demand identical educational qualifications from all communities, is a matter on which I cannot offer any opinion.

"I trust that in making this statement I have been able to show the Council that a very great advance towards Indianizing Services recruited in

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India has been made, that in fact the advance already made satisfies to a great extent the test contained in the first part of the Resolution for many Services, and that if regard is paid to the recruitment of Indians in recent years, the position is still more satisfactory.

"As regards the question of educational qualifications, for reasons already given, the Government are unable to accept the recommendations contained in the Resolution. The Government are willing to insist upon, and does insist upon, sufficient educational qualifications, but they are not prepared to make any sudden change in the system which would result in the total and immediate exclusion of a deserving class. I have said more than once before, further, that it is quite impossible to lay down any general formulæ for all the different services and I hope that the Council will agree when it is realized how widely the conditions of the different Services vary, that the only sensible way of dealing with the question is to consider the case of each Service on its merits, and I do submit that the Resolution in so far as it attempts to deal with all Services on uniform lines, is a little lacking in attention to the practical difficulties. I have explained the policy of Government in the matter of raising the standard of Anglo-Indian education, and I trust that in a short time the standard of that community will be so raised that any attacks on the educational level that prevails in it will be impossible. In conclusion, I desire to say that I much regret that there is no member of the Anglo-Indian community present here to assist us in the discussion of this question to-day. I feel that the views and aims of that community could have been put forward with greater force by one who was more intimately connected with it, but I have explained the facts and the difficulties as clearly as I am able.

"The position of the Government is one of considerable difficulty; they desire to be fair to all classes; they do not desire merely for the sake of educational qualifications or anything else to exclude men who are the best fitted for their Services. If the Hon'ble Member intended in his Resolution merely to ventilate the subject, I venture to submit that his object has been fully attained, but it is clear from what I have said that, if the Resolution is pressed to a division, I shall be constrained to oppose it on behalf of the Government. I will only say, Sir, in regard to other technical services of which I have little or no special knowledge, my Hon'ble Colleague will speak later."

The Hon'ble Sir Robert Gillan :—"Sir, the Railway services which are recruited wholly in India are the Engineering (Provincial) and the Stores Department. In the light of what the Hon'ble Sir William Vincent has said, it is desirable that I should place the position in regard to these departments before the Council, and at the same time I may refer to the portion, which is about one-third of the Traffic Department, which is recruited in India. The Provincial Engineering Service is recruited from three sources, mainly from Roorkee and Sibpur Engineering Colleges, but partly by promotion from the subordinate class, and partly by transfers from the temporary engineering establishment. The recruitments in the last ten years have been as follows :—

From the first source, that is from Roorkee and Sibpur, the number of Indians recruited was 16.

Domiciled Europeans and Anglo-Indians 3.

By promotion of subordinates Indians 3 and domiciled Europeans and Anglo-Indians 3.

From the temporary engineering establishment 3 also were taken under each class.

The total is 21 Indians and 9 domiciled Europeans and Anglo-Indians.

"As regards promotion of upper subordinates and transfers from the temporary engineering establishment, the departmental capacity of the men has already been fully tried by experience and the best have to be taken irrespective of race. From Roorkee and Sibpur also, it is the men who pass out highest who get the appointments. But as nearly all the men entering those Colleges are Indians, the great majority of the appointments go to Indians as the figures show. In the Traffic Department two years ago we introduced a

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scheme of nomination by Local Governments. That is we asked Local Governments each to nominate one candidate, and it is only from those candidates that the Railway Board make their selections. Under this scheme none but Indians have, as a matter of fact, been hitherto appointed, and it is probable that they will continue to obtain the great majority of the posts. The Stores Department has a very small cadre of 20 officers, and at present only 2 are Indians. The Board have, however, had in mind the desirability of obtaining Indians. They appointed one last year, and hope shortly to appoint another. It must be remembered also that in the past the Service has been largely recruited by transfers from other departments, and as the Hon'ble Sir William Vincent said, those departments at the time were mainly manned by Europeans or Anglo-Indians. Some also came from business firms. The system, however, undoubtedly was somewhat haphazard, and the Board have recently examined the question of putting matters on a more satisfactory footing. The case is not yet complete, but they incline to the opinion that, in the future, the recruits should either be taken from the Colleges, such as Roorkee and Sibpur, or by a system of nomination such as I have described as now applicable to the Traffic Department, and in either case it seems certain that the great bulk of the appointments would go to Indians."

4-6 P. M.

The Hon'ble Sir George Barnes :—"The Hon'ble Member's Resolution covers two Services which are under the control of the Commerce and Industry Department, namely, the Northern India Salt Revenue and the Post Office. My Hon'ble Colleague who dealt with this Resolution on behalf of the Government dealt in part with the Post Office, but there are a few points which I should like to add with regard to that and with regard to the Salt Revenue.

"The Salt Revenue Department is a small Service to which the remarks of my Hon'ble Colleague the Home Member on the subject of literary qualifications particularly apply. Life in the Department is hard, the climatic conditions are usually not good and the nature of a Salt Revenue officer's duties, whether at the mines or salt sources, or on preventive service, gives him usually a lonely life away from the large centres of population. On the frontier in Kohat, for instance, an armed establishment has to be maintained, and the officers of the Department must be liable from time to time to exposure to risks in repelling attacks by raiders from over the frontier. A career in the Department requires good physique, active habits, power of control, and commonsense rather than literary qualifications, and I observe that the Public Services Commission have advised that the present system of recruitment by competitive examination from amongst nominated candidates should be maintained. And it may be assumed from their recommendations, as I think we must recognise, that this is not a Service in which although improvements in the methods of nomination may very possibly be made, the majority of the nominees should necessarily be Indians. We must take the men whether Indian or European who are best suited to the Service.

"As regards the Post Office, the Director-General has placed in my hands a striking table showing the number of appointments of Superintendents of Post Offices held by Indians during the past 25 years. 25 years ago in 1893 the total number of Superintendents' appointments was 118, and the number held by Indians was 34, being a percentage of 29. By 1909 the total number of appointments had risen from 118 to 172, and the number of appointments held by Indians had risen from 34 to 92 and the percentage had risen from 29 to 53 per cent. Since 1909 the percentage of Indians employed has risen from year to year.

In 1910 the percentage was	55
In 1911	56
In 1912	57
In 1913	58
In 1914	59
In 1915	61
In 1916	62
In 1917	63
In 1918	66½

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This is one side of the picture, and I think, Sir, that my Hon'ble friend the Mover of this Resolution will acknowledge that it shows a consistent and earnest effort to increase the number of Indians employed as Superintendents of Post Offices. But there is another side of the picture. When war broke out, volunteers for field service were called for from among the Superintendents of Post Offices. From the figures I have just given you, it appears that the total number of posts held by Indians was in the early days of the war nearly double those held by non-Indians, and in the present year is exactly double, that is 114 posts held by Indians, and 57 held by non-Indians. The number of volunteers called for for field service was 30, only 2 Indians volunteered for field service and the remaining 28 volunteers had to be obtained from among the Superintendents who were non-Indians.

"These figures seem to me of high importance and, I think, point the moral that while literary qualifications are of great value they cannot be taken as the final and only test for every form of employment under Government."

The Hon'ble Nawab Ali Chaudhri :—"Sir, I have nothing to say against the first portion of the Resolution. In fact, I have full sympathy with the spirit of the Resolution, and I fully agree with Mr. Sastri's dictum that immediate steps should be taken to ensure the appointment of Indians to the great majority of the posts in the Services recruited in India. Sir, I am fully confident and I have great faith in His Excellency's Government that it will not be very long before His Excellency will be in a position to give effect to the assurance so often given in this Council. 4-11 P.M.

"Hon'ble Members are perhaps aware that the Right Hon'ble the Secretary of State in Council has decided not to appoint any Europeans as Assistant Engineers in the Indian Public Works and State Railways in 1918

"But, Sir, I cannot see my way to support the second part of the Resolution which seems to me a direct blow to the legitimate aspirations of the community to which I have the honour to belong. The term 'sufficiently high' is vague, and I would like to see other qualifications besides those of education given due weight in the making of appointments. Good breeding and social status count for a good deal. No education, however elaborate, can compensate for the loss of such advantages. A youth brought up in a respectable family necessarily imbibes the sense of honour and duty indispensable for an officer holding a high post. Besides, owing to the tradition of the country, a person of good social status commands respect and obedience.

"Sir, the standard of higher education should not be the only criterion for the selection of candidates for Government posts. I do not think that educational qualification alone is a sufficient test of a man's capabilities and his fitness to occupy positions of trust and responsibility. You can never correctly measure a man's capabilities by the marks that he gets in any Indian University Examination. The test employed by our Universities has never been, nor can ever be, a fully reliable standard in these matters. As it stands at present, it is largely a test of memory.

"Sir, this standard of higher education as a stepping stone to appointments is derogatory both to the cause of education and to dignity and efficiency of the Government Service. It is an artificial standard doomed to failure. The second point which I would press, is the due representation of different interests and classes. Among the classes which are in danger of being swamped by this Resolution, it is my particular duty as a Muhamedan to press the claims of Mussalmans. The public money expended in paying various posts should be more evenly distributed among the tax-payers of the various communities. But it is not the question of loaves and fishes with which I am most nearly concerned. The word 'Indians' does not merely mean Hindus, and the posts reserved for Indians should be wide enough to include Muhamedans also. If the claims of Indians are based on their knowing better the condition of the country and the needs and requirements of the people, then, I say, every community has a right to be represented in its administration because they are the

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best judges of their own needs and requirements. It is not my intention to set up any new claims in depreciation of those of any other community. My aim is that each community characterized as it is by peculiarities of its own would feel secure in its position. In India, at present, we have to recognize two distinct principal parties, the Hindu and the Muslim communities, the latter being in a minority as regards higher education.

" It is not more than half a century since the Mohamedans were thought the most capable administrators, and held high responsible positions in various Mohamedan monarchies. Those monarchies, however, were always ready to employ Hindus of ability in the highest posts, and we have only to regard the history of Akbar's Court to see how far he relied on the advice of Hindu ministers for the conduct of the government of his Hindu subjects. During the early period of British occupation of India, the Mohamedans occupied almost all the principal judicial and executive appointments. The knowledge of Mohamedan literature was held in high esteem and was eagerly sought after both by Moslems and Hindus. At first Persian and then Urdu continued to be the Court language till gradually a knowledge of the English language became essential for employment under Government, with the result that the Mohamedans were gradually driven out of office by members of other communities. The Mohamedans were for a considerable period labouring under the wrong impression that Western education would interfere with their religious beliefs, while other communities took advantage of their position and rapidly ousted them from all Government offices. The Hindus who were accustomed to foreign languages took easily to English education, while the Mohamedans found it difficult to adapt themselves to the new method and gradually lost Government patronage on account of their conservative ideas. Their pecuniary condition became worse and worse till they reached a stage when they became alive to their shortcomings, and in spite of their desire they could not afford English education. But thanks to the admirable services rendered to the cause of Mohamedan English education by Sir Syed Ahmed, there was a general awakening among the community. But, Sir, this awakening from the lethargic sleep of a century caused a bitter remorse in their hearts. They found the doors of Government Service practically closed to them. Try as we can we cannot keep pace with the progress made by other communities.

" I am not one of those who look upon the successful securing of a post in Government Service as the only laudable ambition of a youth's career. I am convinced that too much craving in a young man for service is incompatible with the existence of those high aspirations and lofty ideals which lift us to excellence as useful members of society. I deprecate this frame of mind quite as strongly as anybody, but the fact remains that a considerable number of our youths must choose Government Service as their career in life, which with all its drawbacks has got certain obvious advantages. It satisfies the ambition in a young man to be associated in the work of the administration of his country; it relieves him from pressing pecuniary wants; it is an inducement in educational competition, for the securing of honourable posts in Government Service, and helps them to educate their children.

" Sir, we are often charged with seeking favouritism. Let me assure Hon'ble Members that we do not want any partiality. We do not want to lower the standard of service; our only claim is that, so long as we do not occupy our proper share in the services of the country, suitable Muhammadan candidates should have preference over those of other communities. This is what we ask for, and I do not care whether you call this a favour or our natural right. We have often received assurances, but their Redemption has been fraught with difficulties. From the time of Lord Dufferin many Resolutions have been passed and circulars issued by the Government. They have increased the number of files in the Government Record Department, but the practical effect has for one reason or another been small.

" I am well aware that it is often complained that, when it is considered desirable to fill a post with a Muhammadan, Muhammadans of suitable educa-

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tion are not found. I do not know whether the cause of this is that the standard of qualification has been pitched unnecessarily high. But of this I am convinced, that educational qualification should not, in the interests of the community as a whole, and of its various parts, be regarded as the sole test. If the Hon'ble Member who moves this Resolution means that it should be the sole test, still more if he means that it should be the deciding factor in a competition, then I oppose this part of the Resolution.

"In Bengal, the percentages of various communities represented in the graded posts, ranging from Rs. 200 and onward to Rs. 1,000, the figures come to something like the following :—

Posts on Rs. 200 to 300—Europeans 4 per cent., Anglo-Indians 8 per cent., Hindus 74 per cent., Muhammadans 13 per cent., Indian Christians 1 per cent.; Rs. 500 to 600—Europeans 51 per cent., Anglo-Indians 1 per cent., Hindus 43 per cent., Muhammadans 5 per cent. and Indian Christians *nil*; Rs. 600 to 700—Europeans 35 per cent., Anglo-Indians 4 per cent., Hindus 58 per cent., Muhammadans 3 per cent. and Indian Christians *nil*; and Rs. 900 to 1,000—Europeans 94 per cent., Anglo-Indians *nil*, Hindus 6 per cent., Muhammadans *nil*, and Indian Christians *nil*.

"This is indeed a record. That is to say, in a Province where the Muhammadans are 52·2 per cent. of the whole population, the proportion of Mussalmans in the Public Services is deplorably low, amounting in the grades between Rs. 600 and Rs. 800 to only 3 per cent.; in the grade from Rs. 800 to 900 to 2 per cent., and in that from Rs. 900 to 1,000 to *nil* per cent.

"Sir, my excuse for dwelling on these statistics is to drive away the wrong impression that in matters of employment in Public Service Muhammadan claims have met with indulgent consideration. I have stated the statistics of appointments in Bengal where the principle of favouritism to Muhammadans is alleged to have been carried very far. Officials in India seem to have an idea that Mussalmans press for a preferential treatment of their youths in the matter of employment in the Public Services in disregard of the requirements of efficiency. But let our critics be assured that we are convinced as well as any body else that it would be detrimental to the cause of the proper administration of the country if incompetent men are pitchforked into posts without due regard to their abilities to perform the duties assigned to them, and I wish it to be distinctly understood that I have no desire to make any proposal which will have the effect of impairing the efficiency of the various branches of the Public Services. What we want is that, provided Mussalman candidates satisfy a reasonable test required for efficiency, they may be freely admitted in preference to the candidates belonging to advanced communities. To insist on more than a necessary requisite of qualifications for due discharge of the duties of a post would be to insist on what is perhaps a superfluity, and when a Muhammadan is found to possess qualifications and is competent, he should be given preference to candidates belonging to advanced communities, and this policy may be continued till such a time as the proportion of Muhammadans in the service comes up to the proportion to which they are entitled by their numbers and their political and historical importance in the country."

The Hon'ble Mr. Sastri :—"Sir, the Hon'ble Sir William Vincent 4-24 r n. has gone and done it ! I little expected that he would venture so far as to say that if Indians of pure Asiatic descent have been practically excluded from certain departments, it is a sort of return for the fact that in certain other departments they seem to have obtained more than their due share. He instanced Indian finance ; he instanced the Provincial Educational Service, where Indians, in the sense in which the word is used in the Commission's Report, have obtained a dominant footing. Is that a reason ? Could you say that because the Indians are established well here let them be disestablished elsewhere ? Is it a case of *quid pro quo* ? I could not quite understand the relevancy of the

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[*Mr. Sastri.*] [27TH FEBRUARY, 1918.]

first part of his speech. It seems to me, Sir, in all these discussions to be too easily assumed without the slightest approach to evidence that because a community is educationally backward, therefore it is rich in the possession of certain qualities which are not discoverable in a community which does well where educational tests are concerned. I was astonished to hear my Hon'ble friend Nawab Ali Chaudhri come very near saying this extraordinary thing. He seems to forget that in the matter of this Resolution, the second part, I venture to inform him, no less than the first part, he is on just the same footing as any other community embraced in the description 'Indian.' The lowering of the educational qualifications, which he seems to recommend, has hitherto not benefited his community at all; and I prefer, Sir, in this matter to accept the Hon'ble Mr. Justice Abdur Rahim as a more trustworthy exponent of Moslem opinion than the Hon'ble Nawab Ali Chaudhri. The Hon'ble Nawab seems to think that if a uniform educational test were prescribed his community would stand to lose. The Hon'ble Mr. Justice Abdur Rahim is emphatically of the contrary opinion. He thinks that if a fair educational test were imposed, his community would get their due chance. I prefer to take his opinion on that matter.

"The whole of this business illustrates in a most marked manner the evils of the system of nomination." Now, on this point I wish to be particularly frank. It may be in violation of one of the rules that I have imposed upon myself in the whole of this discussion; but I wish to draw attention to a fact that comes out very prominently. The present state of affairs has been brought about by a system of nomination which allows officers to exercise preferences and partialities in favour of certain communities. Now, Sir, let me point out that one of the prominent advantages which a European bestower of patronage has in this country is, and has been claimed to be, his comparative freedom from what has been described as nepotism. It should be so. But there may be nepotism without nephews, and there may be partiality without individuals being favoured. Now, Sir, the whole of this business is a striking proof that officers who have patronage are in the exercise of that patronage actuated by principles which cannot be very far in spirit from nepotism. Particular classes are favoured, and when challenged the reply comes, "Oh, they may not be good educationally, but they have qualifications which we alone have the capacity to discover." Now my point is, I do not want the absence of those other qualifications. How can it be said that a whole community enjoys the monopoly of certain qualifications, and another community as a whole does not enjoy those qualifications? If that be the fact, let individual stand against individual. When you nominate persons to an examination, the only thing to safeguard against ill-qualified persons entering is to see that they are physically qualified, that they are endowed with those virtues of social status and family reputation upon which the Hon'ble Nawab Ali Chaudhri enlarged so much. Now, social status and family reputation exist in all communities. There is no community embraced in the description 'Indian' which is unable to produce persons of good family status. Does the Hon'ble Nawab Ali Chaudhri mean that social status is a thing which cannot be found in those who have educational qualifications also? It is a most extraordinary statement which one often hears, but which one would like to have proof of by persons who confront each other. I would really ask whether it is after all a benefit to the community itself. Now, there are in the Anglo-Indian community which has enjoyed this particular preference for these years, many members, worthy representatives of the class, honourable representatives of the class, who say that they are backward now because they have always been spoon-fed by a too kind Government. If they had been thrown on their own resources amidst the people among whom they lived, compelled to stand shoulder to shoulder and fight their battle evenly, there are many who think that the Anglo-Indian community would not stand in need of these artificial props which now keep up their supremacy in these services. The Hon'ble Sir William Vincent thinks that they have almost a prescriptive right to certain Services because they have hitherto enjoyed for many years

RESOLUTION *RE* APPOINTMENT OF INDIANS TO SERVICES 623
RECRUITED IN INDIA.

[27TH FEBRUARY, 1918.] [Mr. Sastri; Sir William Vincent.]

undue entry therein. Now injustice does not become justice, impropriety cannot become propriety, partiality cannot become even-handed justice merely because it has antiquity behind it. And if I understand the spirit of British Administration, it is the courage with which it puts down those vices which have the prestige of age behind them. Now, I ask those who, like Sir William Vincent, have the benefit of this community in their hearts to come forward and completely deprive them of this artificial advantage. Then that community itself will be obliged to take its place educationally with the rest of the community. I am perfectly certain if an Anglo-Indian lad of average parts were not sure of getting a very good billet the moment he got the school-leaving certificate, he would get into college and perfect his education and give a very good account of himself indeed. It is because they are prematurely attracted from their educational career by billets and promises to them in preference to other classes, it is because of this that this community stands in the position where it does to-day.

"Now, Sir, there is only one more point that I will refer to, and that is the matter of Sir George Barnes' reference to the amount of recruitment which members of the Anglo-Indian community in these Services have shown as compared with that of Indians of pure Asiatic descent. I am perfectly sure that that fact taken by itself may seem to imply that we were wanting in certain qualities, that the Indians for whom I am pleading were wanting in certain qualities in which the other persons were pre-eminent. Now, there are various reasons why the offer of services from our people might not have been so profuse. If the Hon'ble Sir George Barnes were to examine patiently along with me the conditions offered to them, the publicity made of those conditions, the way in which Indians seeking voluntary service with the forces in front might have been received, if he were patiently to examine with me the whole of these matters, I can show him that there was relatively speaking in such an affair ample cause for the Indians not enrolling to the same extent as Anglo-Indians; but if it were otherwise what does it show? That hitherto under British dispensation we have been kept in such a position in military matters that when war, when service in the war and braving the risks of war are concerned, we are a little more backward than other classes. If we had been freely allowed to volunteer (I am not going into that question now and His Excellency the Commander-in-Chief need have no misgivings) if hitherto the ordinary Indian of pure Asiatic descent had been in these matters treated with the confidence, with the trust to which he has been always entitled, if his loyalty had never been distrusted, then the difference which Sir George Barnes pointed out would never have been in existence."

The Hon'ble Sir William Vincent:—"Sir, I rise only to answer one or two points in the last speech of the Hon'ble Mover. I understood him to suggest that I quoted the proportion of Indians in the Services which I cited as a sort of compensation for the fact that Indians were not admitted in the same proportion in other Services. I do not know if I understood the Hon'ble Mover correctly. Well, he is silent and I take it that I did not misunderstand him. I hasten to correct that impression. My view was that a reference to four or five particular Services only, in which the percentage of non-Indians was large, might create an incorrect impression of the actual state of affairs in the minds of the Council. I submit that, if you put the Council in possession of the figures as regards certain departments, it is only right and fair that they should also have the figures of other departments, so as to arrive at a correct estimate of the number of Indians employed in all the Services recruited in India.

"Then, there was another suggestion which I was sorry to hear, namely, that in their nominations to the Public Services, the Government are guilty of nepotism and have not been fair towards Indians. I do assert very definitely that there is no ground for such an allegation. The very figures which I have quoted to-day showing the large number of Indians appointed to the Services

4-36 P.M.

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RECRUITED IN INDIA.

[*Sir William Vincent.*] [27TH FEBRUARY, 1918.]

recruited in India indicate clearly the fairness of the Government in this matter, and I must say that I was surprised to hear such a suggestion made in this Council.

"Again, it has been said that I argued as if Anglo-Indians had a prescriptive right to certain Services, and it is suggested that I seek to create a special preserve for them. It is not so. What I do deprecate is a sudden change which might deprive the less fortunate communities, including the Anglo-Indian community amongst others, of a right to enter Services which they have enjoyed for many years. It has never been the intention of Government to create any special preserve for this community. Indeed, such a policy would be entirely inconsistent with that of the declared policy of Lord Curzon which he enunciated in 1900, and which has, I believe, been adopted ever since by the Government of India. It is the desire of Government to be fair to the domiciled community and also fair to others.

"What I do submit, however, is that it would not be fair on general considerations to set up unnecessarily high educational standards for Anglo-Indians who seek to enter Government Service when we know that such a policy would result inevitably in the exclusion of this community entirely from appointments in which they do perform and have rendered efficient service and for which they are eminently suited otherwise.

"Finally, I desire to add that it has been assumed throughout this discussion that all the non-Indians in Government Services recruited in this country are necessarily members of the domiciled Anglo-Indian community. I am not at all certain that that assumption is correct. I believe that a considerable number of them are not domiciled in this country in the strict sense of the word."

The motion was put and negatived.

The Council then adjourned to Thursday, the 28th February, 1918.

DELHI :

The 6th March, 1918. }

A. P. MUDDIMAN,

Secretary to the Government of India,
Legislative Department.

APPENDIX A.

[Referred to in answer to Question No. 14.]

Statement showing the estimated outturn of Date-palm Sugar in Bengal in the five year ending 1917-18.

Year.	Outturn.
	Tons.
1913-14	97,800
1914-15	96,500
1915-16	99,200
1916-17	99,700
1917-18	101,100

APPENDIX B.

[Referred to in answer to Question No. 21.]

List of Associations which were permitted to present addresses.

1. Indian Association, Delhi.
2. Punjab Provincial Muslim League.
3. Punjab Muslim League.
4. Punjab Muslim Association.
5. Ahmadiyya Community, Qadian.
6. Agra Zamindars' Association.
7. Zamindars in Agra not belonging to Agra Zamindars' Association.
8. British Indian Association, Oudh.
9. United Provinces Muslim League.
10. Majlis Mu'id-ul-Islam.
11. Anjuman-i-Islamia, Saharanpur.
12. Maulvis of Deoband.
13. United Provinces Muslim Defence Association.
14. United Provinces Chamber of Commerce.
15. Ahir Representatives of India.
16. Punjab Provincial Conference.
17. Ahmadiyya Anjuman Ishaat-i-Islam.
18. Punjab Zamindars' Central Association.
19. Chief Khalsa Diwan.
20. Punjab Chiefs' Association.
21. Punjab Hindu Sabha.
22. All-India Congress and Muslim League.
23. United Provinces Congress Committee.
24. Home Rule League.
25. Muzaffarnagar Zamindars' Association.
26. All-India Hindu Sabha.
27. Domiciled European and Anglo-Indian Federation.
28. Bengal Chamber of Commerce.
29. British Indian Association, Calcutta.
30. Calcutta Trades Association.
31. Anglo-Indian Association.
32. Central National Muhammadan Association.
33. Bengal National Chamber of Commerce.
34. Indian Association Calcutta.
35. Marwari Association.
36. Bengal Mahajan Sabha.
37. Bengal Presidency Muslim League.
38. Indian Muslim Association.
39. People's Association, Sylhet.
40. Assam Association.
41. Certain Muhammadan Associations of Assam.
42. Representative of the Burmese Community in general and of the Burma Merchants' Association and the Co-operative Societies in particular.
43. Co-operative Credit Societies of Burma.
44. Young Men's Buddhist Association.
45. National Karen Association.
46. Burma Provincial Congress Committee.
47. European Association.
48. Miscellaneous Body of Europeans and Indians.
49. Bengal Provincial Congress Committee.
50. Hillmen of Darjeeling.
51. Bengal Landholders' Association.
52. Association to safeguard Muslim Interest (Bihar and Orissa).
53. Bihar and Orissa Provincial Congress Committee and Bihar Provincial Association.
54. Pardhan Bhumihar Brahman Sabha.
55. Loyulists' League, Monghyr.
56. All-India Landholders.
57. All-India Orthodox Hindus.
58. Bihar Landholders' Association.
59. All India Conference of Indian Christians.
60. Utkal Union Conference Committee.
61. United Planters' Association of Southern India.
62. The Presidency Association, Madras.

63. Chamber of Commerce, Madras.
64. Anglo-Indian Association of Southern India.
65. Southern India Chamber of Commerce.
66. Madras Provincial Congress Committee.
67. Madras Mahajana Sabha.
68. Catholic Indian Association of Southern India.
69. Indian Christian Community of Madras.
70. Zamindars and Landed Proprietors of the Madras Presidency.
71. Newington Old Boys' Association.
72. Kerala Janmi Sabha.
73. Coorg Landholders' Association.
74. All-India Women's Deputation.
75. South India Liberal Federation.
76. Non-Brahman Communities in the Madras Presidency.
77. Madras Dravidian Association.
78. Madras Adi Dravida Jana Sabha.
79. Dravida Mahajanu Sangam, Rangoon.
80. Madras Presidency Muslim League.
81. South Indian Islamic League.
82. Mutialpet Muslim Anjuman.
83. Ulemas of Madras.
84. Andhra Conference Committee.
85. Non-official Members of Legislative Council.
86. Anjuman-i-Islam, Bombay.
87. Deccan Sabha.
88. Inamdars' Association.
89. Indian Christian Association, Bombay.
90. Deccan Ryots' Association.
91. Lingayats of Southern Division.
92. Poona Sarwajanik Sabha.
93. Home Rule Leagues, Bombay and Poona.
94. Bombay Presidency Association.
95. Depressed Classes Mission Society of India, Bombay.
96. Indian Merchants' Chamber and Bureau.
97. Sir Dinshaw Wachha and nine friends.
98. Parsee Community.
99. Talukdars and Sardars of Gujarat.
100. Muhammadans of the Bombay Presidency.
101. Sind Muhammandan Association.
102. Special Sind Provincial Conference.
103. Jain Association of India.
104. Bombay Chamber of Commerce.
105. Central Provinces Provincial Congress Committee and Central Provinces Provincial Association.
106. District Council, Nagpur.
107. Berar Provincial Congress Committee.
108. Representatives of the People of Berar.
109. Central Provinces and Berar Graduates' Association.

APPENDIX B.

[Referred to in answer to Question No. 21.]

List of Association whose applications for permission to present addresses were rejected.

MADRAS.

1. The Godavari District Association.
2. The Kistna District Association.
3. The Madura-Ramnad District Peoples' Association, Madura-Ramnad District Congress Committee and Home Rule League.
4. The Nannilam Taluk Congress Committee.
5. The Panchamas of the Madras Presidency.
6. The Viswakarmas of Telugu District.
7. The Kistna and Guntur Mandala Viswabrahmana Sangam.
8. The South Indian Yadava Community.
9. The Lingayat Community.
10. The Marava Mahajana Sangam.
11. The Chennai Vannikula Kshatriya Mahasangam.
12. The Buddhists of South India.
13. The Indian Christians of the Districts of Tinnevely, Mad. and Ramnad.
14. The Catholic Association of South Kanara.
15. The Madras Ryotwari Landholders' Association.
16. The Tinnevely-Ramnad-Madura Districts group non-Brahmans Conference.
17. The Southern India Skin and Hide Merchants' Association.
18. The Madras Salt Licensees' Association.
19. The Non-Brahmans from eleven Telugu Districts.
20. The Madras Muhammadans.
21. The Carnatic Family Association.
22. The Nattukotti Chetti Community.
23. The Arya Vaisya Community.
24. The Viswakarma Mahajana Conference.
25. The Nayudu Community.
26. The Nadar Community.
27. The Tiyya Community.
28. The Indrakuladhipar Sangam.

BOMBAY.

1. Municipal Corporation, Bombay.
2. Maratha Aikyecohn Sabha, Bombay.
3. Hindu Mahajan Committee, Bombay.
4. Bombay National Union.
5. The Bombay Presidency Social Reform Association and the Aryan Brotherhood of Bombay.
6. Kabber Community.
7. The Maratha Community, Bombay.
8. All-India Maratha Conference, Belgaum.
9. Bombay Medical Union.
10. Bene-Israel Community, Bombay.
11. Anglo-Indian Empire League, Bombay.
12. Sind Branch European Association.
13. Madras Home Rule League.
14. Jain Political Conference, Lucknow.
15. All-India Brahma Bhat Samaj, Baroda.
16. District Association, Satara.
17. Taluka Sabha, Karad, Satara District.
18. Kolaba Zilla Sabha.
19. Inhabitants of Bankot and surrounding villages, Ratnagiri District.
20. Watandars' Association, Karad, Satara District.
21. Kulkarnis of West Khandesh.
22. Koli Dnyati Sabha, Bombay.
23. Kanarese speaking British subjects residing in Kanara Districts, Madras and Bombay Presidencies, and in Coorg.
24. Raddi Community, Bombay Presidency.
25. Lingayat Samaj, Poona.
26. Marwari Chamber of Commerce, Bombay.

27. Millowners' Association, Bombay.
28. Ahmedabad Millowners' Association.
29. Indian Shipowners Charterers, and Bombay.
30. Servants of India Society, Bombay.
31. Indian Liberal Club, Bombay.

BENGAL.

1. Murshidabad Association.
2. Rajshahi Association.
3. Tippera Peoples' Association.
4. Bakarganj District Association.
5. Chittagong Peoples' Association.
6. Krishak Sammilani, Nator.
7. Suhrid Sammilani, Noakhali.
8. Jottdars' Conference, Jamalpur.
9. Jessore District Association.
10. Bengal Namasudra Association.
11. North Bengal Zamindars' Association.
12. Eastern Bengal Landholders' Association.
13. Bengal Vaishya Barujibi Sabha.
14. Vaishya Sabha, Calcutta.
15. Bangiya Brahmin Sabha.
16. Bengal Medical Association.
17. Members of the Arabic Department, Calcutta Madrasa.
18. Bengal Provincial Conference Council.
19. Bengal Buddhists' Association.
20. Chittagong Buddhists' Association.
21. Provincial Muhammadan Association, Bengal, Dacca.
22. Kshatriya Samati, Rangpur.
23. Bratya Kshatriya Samity, Bengal.

UNITED PROVINCES.

1. Jain Political Conference.
2. Tenantry of North-West India.
3. Kaahi Sujan Samaj.
4. All-India Brahma Bhat Samaj, Baroda.

PUNJAB.

1. Sikh and non-Sikh Artizan Community.
2. Anjuman-i-Islamia, Punjab.
3. Multan Hindu Muhammadan Panchayat.
4. Gaur Brahman Maha Sabha, Jagadhri.
5. District Congress Committee, Hoshiarpore.
6. Doaba Association of Commercial Classes.
7. Secretaries, Zamindar Association, Hoshiarpore.
8. Kangra Landowners.
9. Amritsar District Congress Committee.

BURMA.

1. Mandalay Bar Association.
2. Monks of Monlmein.

BIHAR AND ORISSA.

1. Gope Jatiya Mahasabha.
2. Orissa Landholders' Association.
3. Central National Muhammadan Association, Cuttack.
4. Mahishyas of Bengal, Bihar, Chota Nagpur and Assam.

CENTRAL PROVINCES AND BERAR.

1. The Central Provinces and Berar Moslem League.
2. The District Congress Committee, the non-official members of the Municipal Committee and the Malguzari Sabha, Bhandara.

DELHI.

1. All-India Yadava Ahir Kshatriya Conference,

APPENDIX C.

[*Referred to in answer to Question No. 23.*]

Letter No. 3-Q.-2, dated 31st January 1918.

From—The Agent, Great Indian Peninsula Railway,

To—The Secretary, RAILWAY BOARD.

Re Conditions of 3rd class travel.

With reference to the Railway Board's letter No. 552-T.—17, dated the 17th January 1918, I beg to state in regard to the first question, that Mr. Gandhi in his letter to the Press stated that he joined the mail train for Madras at Bombay, that the carriage was marked to carry 22 passengers, and that if not more than 22 passengers did not find their way into the carriage before Poona, it was because the bolder ones kept the others at bay, but that after reaching Raichur the pressure became unbearable, and that it was on the journey subsequent to Raichur, namely, on the Madras and Southern Mahratta Railway, that 35 passengers were in the carriage during the greater part of the night. It would therefore appear that overcrowding over this railway did not occur in this particular instance.

I may remark that on this section, the second fast train, the Manmad-Madras Express has, in consequence of the measures taken to conserve material, etc., during the War, been discontinued, and this has increased the demand on the Bombay-Madras Mail in which the accommodation for third class passengers is limited. Previous to the discontinuance of this service, there was no overcrowding, but since then it is feared there has been so at times. Guards have been instructed that when they find their trains full, they should wire to stations ahead to stop booking, but I fear this order is not acted up to as often as it should. The attention of the staff has again been drawn to the need of preventing overcrowding as far as possible, but in considering the position the existing conditions under which railways have to be worked must not be overlooked.

2. The second question is very difficult to deal with unless the stations at which the tea complained of was supplied are named. A good deal of attention has been given to the quality of tea supplied to Indian passengers on this system. In 1916 we availed ourselves of the services of Mr. Luddy, representative of the Tea Cess Committee, who visited our stations, and gave us a very valuable report on the questions, one result of which was that the particular brands of tea to be kept were laid down. Detailed instruction in English and vernacular as to the manner in which the tea should be made are issued to all vendors, and every endeavour is made by frequent inspections to ensure that the standard is maintained. The journey made by Mr. Gandhi was performed in day light from Kurduwadi to Raichur. On this section the stations at which tea is supplied are :—

Kurduwadi, Sholapur, Hotgi, Gulbarga and Wadi.

In consequence of Mr. Gandhi's complaint, the stations named have been inspected and the tea, sugar and milk supplies overhauled.

3. In regard to question (iii) that not during the whole of the journey was the compartment once swept or cleaned, I beg to state that we have fixed arrangements for the cleaning of carriages on trains at certain stations *en route*, a copy of which I attach from which it will be seen that the carriages on the down Bombay-Madras Mail are to be cleaned at Sholapur and Raichur. The carriage staff complain that they are often defeated in carrying out their work by passengers themselves, who will not move or vacate carriages to permit cleaning being done.

4. Regarding question (iv), I do not think I can do better than attach a copy of our orders on the subject. The Great Indian Peninsula Railway has been to the front in the attention that they have given to the improvement in the supply of food for Indian passengers, and their arrangements have been held up by the Vernacular Press as an example to other railways as to what should be done. On stalls on which sweetmeats are exposed for sale, the sweetmeats have to be kept in glass or gauze cases, so that flies cannot get

on the food, and gauze covers have to be used on the dishes from which articles are sold to passengers in the train. Inspection on the Kurduwadi-Raichur section, since the receipt of Mr. Gandhi's letter, shows that all stations, where sweetmeats are sold, have the gauze cases and covers, so that there was no excuse for their not being used. In the absence of the names of the stations it is difficult to deal with the matter further. There is always difficulty in making vendors appear in clean clothes, but I would point out that that is not only confined to railway stations; it is evident in every Indian bazar. Renewed attention has, however, been given to the question.

5. In regard to question (v), there are sweepers to attend to the lavatories on the Bombay-Raichur Section at Poona, Dhond, Sholapur and Raichur, and these men should have attended to the particular train referred to at Sholapur and Raichur. All lavatory tanks are filled at Victoria Terminus and replenished at Poona, Dhond and Sholapur. The difficulty in regard to the latter is the excessive use some passengers make of the water quite oblivious of the limitations of the tanks that can be carried.

(File No. Index A.-227.)

GREAT INDIAN PENINSULA RAILWAY.

(INCORPORATED IN ENGLAND.)

Slip No. 60.

SUPPLEMENT TO TRAFFIC INSTRUCTIONS BOOK.

Order No. 270 (Slip No. 54), dated 29th July 1915, is cancelled and revised as follows.

Order No. 270. Refreshment for Indian Passengers, Indian Food-stuffs, Sweetmeats, Fruit, Tea, Coffee, Mineral Waters, Cakes, Biscuits, etc.

1. Food both for Hindus and Mahomedans, sweetmeats, chapatis, puris, bread of kinds, fruit, parched grains, nuts, tea, coffee, cakes and biscuits, mineral waters, tobacco, gurako, cigarettes, pan, matches, etc., is sold at the principal stations on the line, stalls being provided at those stations where the traffic indicates that this convenience for the public is necessary.

The sale of wine, beer, or spirituous liquors of any kind within the premises of the Company by the Lessees is prohibited.

2. Licenses will be granted on the following principles, either :—

(a) to a local man, by which means local public opinion can be brought to bear on the vendor, or

(b) where found more suitable, to a salesman whose wares have been found by experience elsewhere to be of good and approved quality.

If it is decided to grant the license to a local vendor, inquiries should be made by the District Traffic Superintendent, personally, or by his District Traffic Inspectors, through the Local Government officials, to ascertain what respectable local man can be recommended out of those who tender for the license.

Refreshments for Hindu Passengers.

3. (a) Stalls for the sale of sweetmeat and fruit, and other selected edibles, including tea and coffee, for Hindus, are provided at the principal stations

named below at which the mail and other trains halt a sufficient time to enable passengers to get out and partake of food :—

Victoria Terminus	Ilshangabad	*Kurduwadi
Kalyan	*Bhopal	Sholapur
Igatpuri	*Bina	Hotgi
Nasik	*Jhansi	Shahabad
*Manmad	*Gwalior	Wadi
*Chalisgaon	Dholpur	*Shegaon
*Jalgaon	*Agra Cantonment	*Akola
*Bhusawal	*Mutra	Ahmednagar
*Khandwa	Juhi	*Badnera
*Harda	Lonavla	*Wardha
*Itarsi	*Poona	*Nagpur
Sohagpur	† Dhond.	

NOTE.—At the stations marked * the stalls are off the station platforms.

† In waiting shed south end of platform.

(b) The selection sold will depend on the local demand and custom, governed by the possibility of obtaining the articles locally in a fresh state and of good quality (see paragraph 12a).

All articles for sale must be shown on a list exhibited at the stall (see paragraph 11) with the prices thereof.

The prices should be the same as the local bazar rates for good quality articles.

(c) At the stations referred to above, articles of food, besides being sold from the stalls, will also be taken round the train on thalis and trays by the vendors' servants.

(d) At the smaller stations, where stalls are not provided, articles of food will be vended alongside of the carriages.

Refreshments for Mahomedan Passengers.

4. (a) At the more important stations, viz :—

Manmad	Bina	Poona
Bhusawal	Jhansi	Dhond
Khandwa	Agra Cantonment	Wadi
Itarsi	Mutra Junction	
Bhopal	Nagpur	

where trains halt for a sufficient time to allow of a meal to be taken, or passengers have to change, special provision will be made for Mahomedans.

These stations will be classed as 1st grade stations, and the vendors will provide the following articles :—

Chapatis	Pulao	Kabab
Parathas	Korma	Kheer or Halwa.
Boiled rice	Tarkari Gosh	Tea, coffee and milk.

(See paragraph 6).

(b) At less important stations which will be classed as 2nd grade stations, where the wait is not sufficient for passengers to have a full meal, Mahomedan vendors of tea and coffee are provided who will sell articles such as bread, biscuits, chapatis and such cooked food as can be eaten on the platform during the wait or in the train, or such articles as demand indicates, are required, or the District Officer requires him to provide.

Other such articles, as sweetmeats and fruit are purchaseable from the general vendor who purveys for both Hindus and Mahomedans.

These can be bought either at the stalls or from trays carried up and down the platforms.

The 2nd grade stations at present are:—

Burhanpur
Akola
Jalamb.

Sholapur.
Gulbarga.

General.

5. (a) At the stations given in paragraph 3 (a) where stalls are provided—also at the stations where food for Mahomedan passengers is sold, if stalls are provided, all food of all description on the stalls must be enclosed in cases. Food hawked up and down the platforms on trays or barrows must be covered by gauze-wire drums to keep off flies.

(b) Cut fruit (like melons and pomegranates), sugarcane, also shev, bajea, and the like, must also be similarly covered.

(c) Biscuits, bread, fancy cakes, Europe sweets, and such like things should be kept in glass bottles, stoppered.

(d) Drawings and photos of the standard type of stall case, and of the standard gauze drums have been furnished to each District Traffic Superintendent. It rests with the District Traffic Superintendent with the aid of his District Inspectors and by personal inspection to see that the standard is followed and that the cases and covers are fly-proof, efficient and stoutly made, and that the food is covered.

6. When a passenger requests the Guard of a train to wire on his behalf to any of the principal stations where there is a Lessee for the sale of food to Mahomedan passengers, for a 1st or 2nd class meal to be provided for him, the Guard must do so on service.

7. The Lessees are prohibited from sub-letting their licenses. If this rule be broken, the license will be cancelled.

8. (a) The Lessee must employ within the Company's premises only such person or persons from time to time as may be approved by the Company, and each person so employed will be provided with, and will wear, at all times, when on the Company's premises, a uniform, consisting of a khaki pugree, a khaki jacket, an arm badge, and a white dhotie, which must be provided by the Lessee at his own expense.

This uniform must be clean.

(b) Any servant in dirty clothes will be expelled from the station by the Station Master.

9. Vendors are prohibited from calling out their wares either during the day or night under the penalty of having their salesmen turned off the platform and license cancelled, if the noise caused by their servants is not abated on warning being given.

10. The Lessee must provide such articles and of such different or other kind as may be specified by the officers of the Company from time to time.

11. The Company will fix the prices and rates at which the Lessee shall sell his wares within the Company's premises. Station Masters are personally responsible that a Tariff signed by the Deputy Traffic Manager, "Coaching," showing rates at which fruit, sweetmeat, tea and coffee, etc., are sold, is exhibited at the stall. The rates to be charged must not exceed the rates prevailing in the bazar.

12. (a) Station Masters must see that these instructions are strictly carried out, and they must also make a point of having the food, sweetmeats, and the staff who will sell the same, paraded, before them daily, and they should see that the Lessees' servants are clean and properly clad according to the rules, and that the sweetmeats, foodstuffs, etc., are of good quality, fresh and wholesome so far as they can see.

(b) Station Masters must make it their business to see that vendors cover all food exposed for sale, also cut fruit, such as melons, cut sugarcane, cut pomegranates, etc.

Oranges, plantains, apples, pears, and the like when in their whole skin, do not require covering.

(c) Any unwholesome and stale food, sweets, or fruit, should be rejected and removed from the station immediately.

(d) If the necessity for this measure occurs more than once, the Station Master will take samples of the stuff and seal it up in clean paper and submit it to the Medical Officer, and report the case to the District Traffic Superintendent, who should deal with the matter and report.

(e) Station Masters may invite the assistance of the Medical Officer (Government and Railway) if there are any at the stations, to check the purity and quality of supplies.

(f) Any complaint made by the Medical Officer of the District or his Assistants on the quality of the articles should be at once reported.

13. (a) European troops, while travelling by railway, *are not to be supplied* at the stations with *out fruit*, sweetmeats, milk or any other articles except under the special orders of, or by arrangement with, the General Traffic Manager, or District Traffic Superintendent in each instance, and the Lessee is not to be allowed to come on to the platform to sell his wares or to hold any communication with such troops while special troop trains are standing at the station, or while troops are waiting at the stations to proceed by special troop train.

(b) Fruits, *whole in their skins*, can be sold to European troops *but nothing else*.

(c) Where stalls have been put on the platform or within the railway premises, the stalls must be closed, if necessary, while special trains conveying European troops are standing at stations or while such troops are waiting there to proceed by special troop trains, and the Lessee must not be allowed to sell anything to the troops, except as provided above.

14. The tea and coffee Lessees (Hindu and Mahomedan) at the following stations must provide at their own cost stoves on the primus principle for boiling water for tea instead of using sigris. The cleanliness of their stalls and surroundings is a *sine qua non* and must be insisted on and ensured.

The milk and sugar vessels must be clean and covered.

District Officers have been advised what the approved type of stove is.

Victoria Terminus.	Harda.	Ahmednagar.
Masjid.	Itarsi.	Akola.
Dyculia.	Hoshangabad.	Shegaon.
Dadar.	Bhopal.	Murtajapur.
Thana.	Karjat.	Nagpur.
Kalyan.	Lonavla.	Badnera.
Kasara.	Poona.	Wardha.
Igatpuri.	Dhond.	Warora.
Nasik.	Kurduwadi.	Pipariya.
Manmad.	Sholapur.	Guna.
Bhusawal.	Hotgi.	
Khandwa.	Wadi.	

15. (a) The special articles to be provided for Mahomedan passengers, *vide* paragraph 4 are as shown in Appendix A to this circular.

(b) The articles to be sold by the general vendors are as given in Appendix B (i). Special attention is directed to the remarks against the articles on this list.

(c) In Appendices B (ii) to B (vii) is given an amplified list of articles shown in Appendix B (i) with description of articles to allow of variation owing to local habits or usages.

16. The procedure to be followed in granting these licenses is as follows :—

(a) On recommendation being made by the District Traffic Superintendent that the provision of such convenience is necessary, the Deputy Traffic Manager, Coaching, will call for tenders and will decide to whom the license should be given and fix the yearly fee to be charged.

(b) The cover containing such a tender must be sealed and addressed to the Personal Assistant to the General Traffic Manager, Great Indian Peninsula Railway, Bombay.

The Personal Assistant to the General Traffic Manager will arrange for the covers containing these tenders to be placed in a sealed box as they are received, the box being opened by him on the date fixed for the purpose.

The tenders will then be sent to the Assistant Traffic Superintendent, Coaching, who will pass them on to the Deputy Traffic Manager, Coaching, with his remarks, for orders. It rests with the Deputy Traffic Manager, Coaching, to select the most suitable applicant for the license, and nothing will bind him to give it to the highest bidder.

(c) These licenses are renewable year by year provided the Lessee has given satisfaction, *i.e.*, there has been no cause for complaint against him and that he has observed the rules and the conditions under which the licenses have been granted.

(d) Should a Lessee be unwilling to renew his license for the following year, or, should the Company decide not to renew his license, the Deputy Traffic Manager, Coaching, will send to the District Traffic Superintendent concerned a notice to be exhibited at the station inviting tenders for the license.

BOMBAY :

The 9th November 1915. }

W. LAIDLAW,

Acting General Traffic Manager.

N.B.—The last revision of Traffic Instructions Book was that of Order No. 274, dated 27th October 1915.

APPENDIX "A."

List showing eatables to be provided for Mahomedan Passengers.

Chapatia.
Parathas.
Boiled rice.
Pulao.
Korma.

Tarkari Gosh.
Kabab.
Kheer or Halwa.
Tea, coffee and milk.

NOTE.—Fruit, sweetmeats, etc., can be obtained from the general vendors.

APPENDIX B (i).

List of eatables and sweets to be sold by general vendors.

1. EATABLES OTHER THAN SWEETMEATS.

- B. Puri (Chapati with ghee).
Kachauri.
Khasta Kachauri.
Dahi Wada.
Pakanri. (A sort of vegetable rissole of ground udid mixed with green dhunia leaves and fried in ghee).
Khurona (or Shakarpara).
Samausa.
- B. Papar.
Paparia.
Matri.
- B. Dalmoth of sorts.
- B. ^{sweet}Sev _{salt}.
- B. Tarkari (i.e., vegetable of sorts).
- B. Achar of sorts.
- B. Chatni.
Kachaloo.

2. SWEETMEATS IN THE PREPARATION OF WHICH GRAM FLOUR IS USED.

- B. Khaja.
- B. Ladoo of Bundi.
- B. Motichoor.
- B. Magad.
- B. Jalebi.
- B. Imirti.
- B. Halva.
- B. Halva Sohan.
- B. Ghevar.
- B. Sootarfani.
- B. Baloooshai.
- B. Gulab Jaman.

Nothing in which gram, wheat, or other flour is mixed can be taken on a fast day.

3. SWEETS MADE WITH MILK.

Pera.
Barfee.
Sandes.
Mawa or Khoa.
Gulab Jaman.
Rashghulla.
Malai-ke-Ladoo.
Milk.
Curd.
Babri.
Malai.
Ice Cream.

Would be eaten by Brahmins or by travellers when fasting.

Note.—A person fasting will eat nothing which is prepared with grain.

B. Brahmins will eat the articles against which is a B, provided they are prepared with milk not with water.

Anything prepared with water is considered kacha food and as such can only be eaten in the Chowka.

The Following articles are called pukka :—

- (1) Articles cooked simply in ghee, such as Laddoos, Puri, Kachauri.
- (2) Articles cooked simply in milk, i.e., without the least mixture of water.
- (3) Parched grain.

APPENDIX B (ii).

Amplified list of items given in Appendix B (i).

EDIBLES OTHER THAN SWEETMEATS.

Bhajia . . .	. Gram flour mixed with pieces of onions or potatoes or vegetable fried in oil with chillies and salt and turmeric.
Chatni . . .	. Mixture of chillies, salt and cocoanut or gram dhal.
Chapatis . . .	. Wheat flour rolled in flat cakes with a little ghee over them.
Chivda . . .	. Parched rice with a few pieces of ground nuts and a little dhal in it fried in oil with chillies, salt and turmeric.
Dahee Wada . . .	. Moong or gram, or udid dhal cakes, fried in ghee or oil, soaked in water and then covered with curd and some spices, chillies and salt sprinkled over them.
Dalmoth . . .	. Gram dhal fried in oil or ghee and mixed with salt and chillies together with fine sev.
Hari dhal (or Khari dhal)	. Dal (moong or gram) fried with salt and ghee.
Kachaloo . . .	. A plain boiled potato cut into pieces and mixed with a little tamarind essence with chillies, salt and turmeric.
Kachori . . .	. Puri seasoned with salt and pepper and powdered udid dhal.
Kachori Khasta . . .	. Kachori with extra ghee mixed with flour before frying.
Khare Dane . . .	. Parched or roasted ground nuts (Mungfali) fried with salt.
Khasta Nimkin . . .	. Dhal, ghee, salt, chillies, or pepper.
Khurona (or Shakarpara)	. Wheat flour, ghee, with salt.
Makhan Wada . . .	. Cakes with cocoanut, raisins and other spices inside them.
Masoor Dhal . . .	. Dhal of masoor, fried in ghee.
Matri . . .	. Maida, ghee and salt.
Pakauri . . .	. A sort of vegetable rissole of ground udid or gram mixed with green dhunia leaves and fried in ghee.
Papad . . .	. Fried rice or udid dhal, as the case may be, prepared in butter milk or in plantain tree juice, mixed with chillie powder, salt and asafoetida.
Paparia " " "
Phova or Kurmura or	
Moormura or Lahi . . .	. Parched rice.
Pickles (or Achar) . . .	. Any fruit mixed with salt and oil or mustard and chillies.
Puri . . .	. Small chapatis prepared in milk or water and fried in ghee.
Putana . . .	. Parched gram.
Salted gram . . .	. Gram seasoned with salt. "Usal" in Mahratti.
Samousa . . .	. Wheat flour, oil or ghee and salt and pepper and potatoes or spices.
Sattoo . . .	. Mixture of parched wheat and gram or barley.
Sev Khari (Salt) . . .	. Gram flour, mixed with salt, chillie powder and fried in ghee or oil.
Sev Godi (Sweet) . . .	. Gram flour, mixed with jagree or sugar, fried in ghee or oil.
Sev Shingada . . .	. Made of shingada (bulb or tuber of a water plant used on fasting days).
Tarkari or Sak . . .	. Vegetables of all sorts.
Watana . . .	. Watana seasoned with salt. "Usal" in Mahratti.

N.B.— All the above articles are considered as "Cooked" and would not be eaten by Brahmins or any Hindu on fasting days.

Brahmins or other Hindus will eat on fasting days, preparations of pure milk, such as Mava, Pedha, Barfee, etc.

APPENDIX B (iii).

Amplified list of articles given in Appendix B (i).

SWEETMEATS MIXED WITH GRAIN FLOUR.

Anarsa . . .	. Rice flour, khns khns and jagree, fried in ghee—Red.
Balooshai . . .	. Wheat flour, sugar and ghee, with coating of sugar—White.
Dalpatti . . .	. Any kind of dhal either gram or moong, fried with sugar—Yellow.
Dhokli . . .	. Wheat flour, sugar and ghee.
Gagen Gathia . . .	. Wheat flour, ghee and sugar coated.
Gathia of Mawa . . .	. Wheat flour, ghee, sugar and mawa.
Gharga . . .	. Wheat flour, jagree, fried in ghee or oil—Red.
Ghever . . .	. Wheat flour, sugar, fried in ghee, milk or water—White.
Ghujia (or Gojha) . . .	. Wheat flour, mixed with water, made into cakes in which cocoanut, raisins and sugar crystals are put in, fried in ghee and sometimes water with sugar and sometimes not.
Gulab Jaman . . .	. Wheat flour, khoa (or mawa) burnt milk and sugar, fried in ghee and coated with sugar—Red.
Halwa Badami . . .	. Wheat flour, sugar, ghee and almonds—Yellow.
„ Muskoti . . .	. Wheat flour, sugar and ghee—White.
„ Sohan „ „ — „
„ White, dry „ „ — „
Immurti . . .	. Udid dhal, sugar and ghee.
Khaja . . .	. Wheat flour, sugar, and ghee—White.
„ cream . . .	. Wheat flour, sugar, ghee and cream.
Khoorma . . .	. Wheat flour, sugar and ghee—White.
Laddoo of Bundi . . .	. Gram flour, sugar and ghee, large size.
„ Motichur . . .	. „ „ small size.
„ Magdal „ „
„ Malaikhe . . .	. Wheat flour, ghee and sugar and khowa.
„ Salub . . .	. „ „ and salub.
Malpuwa . . .	. Wheat flour, sugar, fried in ghee—Red.
Mashoor . . .	. Gram flour, ghee, sugar and dry fruits.
Mesoof . . .	. Gram flour, ghee and sugar.
Mohanthai . . .	. Gram or udid flour, ghee and sugar—Yellow.
Nankhatai . . .	. Wheat flour, ghee and sugar—White.
Reydi . . .	. Til and sugar—White—round.
Roat . . .	. Wheat flour (rawa), ghee and sugar.
Sheera . . .	. Wheat (crushed), with sugar and fried in ghee.
Sootarfeni . . .	. Wheat flour, sugar and ghee—White.
Samosa of Mawa . . .	. Wheat flour, ghee and sugar.
Tilpatti (or Gajak) . . .	. Til and sugar—White.

N. B.—Some Brahmins will not eat all the above articles, unless they are prepared with milk (not with water).

APPENDIX B (iv).

SWEETS MADE WITH MILK.

[*Amplified list of articles given in Appendix B (i).*]

Barfee (Milk and Sugar).
 Curd (or Dahee).
 Gulab Jaman.
 Ice Cream.
 Malai.
 Malai-ke-Laddoo.
 Mawa (or Khoa).
 Milk.
 Pera (or Pedha).
 Rabri.
 Rasghulla.
 Sandess (a Bengal sweet).
 Shreekhand.
 Basundi.

Would be eaten by Brahmins or by
 travellers when fasting.

Note.—A man fasting will eat nothing
 which is prepared with grain.

SWEETS PREPARED WITH SUGAR ONLY.

Batasa . . . (A sugar cake)

APPENDIX B (v)

MEALS.

A full meal would consist of the following:—

(i) *For Vegetarian Hindus.*

Rice and dhal, properly fried in ghee.

Vegetables, 3 kinds.

Chapatis.

Pickles, Papad, etc., and a cup of tea or coffee, if required, or iced water.

(ii) *For Non-Vegetarian Hindus.*

Rice and dhal, properly fried in ghee.

Vegetables, 3 kinds.

Chapatis, with Pulao (meat and eggs.)

Pickles, Papad, etc., and a cup of coffee, if required, or iced water.

(At present, no provision has been made to supply the above.)

APPENDIX B (vi).

FRUITS.

Plantains.

Apples.

Oranges.

Guavas.

Bor.

Sitafal.

Sheps.

Cocoanuts.

Mangoes.

Groundnuts.

Dates, fresh.

„ dry.

Kiamis (or Raisin).

Dry figs.

Khurbani or Aloo—A kind of fruit.

Singhada—The bulb or tuber of a water plant.

Sweet Lemons.

Pomegranates.

Kajoo.

APPENDIX B (*vis*).

FOR MAHOMEDANS.

Eatables other than sweets.

Roti (of all sorts).	
Parathas	A kind of bread prepared with ghee and baked on a girdle plate (Tawa).
Chapatis.	
Shirmall	A kind of bread kneaded with milk and a little sugar and butter.
Pulao	Rice with meat.
Salan	Curry.
Kallia	Meat with vegetable, a curry (refined word salan).
Tarkari Gosh	Vegetable.
Qorma	Meat without vegetable.
Kofta	Mutton balls.
Kabab	Roasted meat.
Boiled rice.	
Cooked vegetables.	

Complete meals.

Breakfast and Dinner should consist of the following :—

Breakfast.

FIRST CLASS (Re. 0-0-0).

- 2 Parathas.
- 1 Plate Pulao.
- 4 Kababs.
- 1 Cup Salan (Qorma).
- 1 Plate Kheer

Breakfast.

SECOND CLASS (Re. 0-6-0).

- 4 Chapatis.
- 1 Cup Qorma.
- 1 Plate Rice and Curry.
- 1 Plate Kheer.

Dinner.

FIRST CLASS (Re. 1-0-0).

- 2 Parathas.
- 4 Chapatis.
- 1 Plate Pulao.
- 1 Plate Chicken Curry.
- 4 Kababs
- 1 Plate Rice and Curry.
- Some Sweet or Fruit.

Dinner.

SECOND CLASS (Re. 0-12-0).

- 4 Chapatis.
- 2 Parathas.
- 1 Cup Qorma.
- 1 Plate Rice and Curry.
- 1 Plate Pulao.
- 1 Plate Kheer.

Passengers not requiring full meals can obtain single dishes at the rates shown in the Tariff at the stall at each station.

NOTE.—The Mahomedan Tea and Coffee Vendors at the smaller stations referred to in paragraph 4 of this order will sell on the platform only Roti, Tarkari and Rice and Curry.

No. 198-T., dated 26th-28th January 1916.

From—The Agent, Madras and Southern Mahratta Railway,

To—The Secretary, RAILWAY BOARD.

To deal categorically with the questions asked by the Hon'ble Rai Bahadur B. D. Shukul :—

(i) At the instance of the Railway Board a census was taken of the passengers travelling by train for the week ending 22nd July 1916. At that time the Mail train was a light one of 14 units, and the result of the census shows there was no overcrowding. Since then the Delhi Express has been

taken off and the Mail (No. 6 Up to which Mr. Gandhi refers) carries a maximum of 20 units. I have no knowledge of the number travelling in the train conveying Mr. Gandhi, but it is recorded that there were but 17 units on it, and if there had been any serious overcrowding it is improbable that the Station Staff could have neglected to attach extra vehicles.

(ii) On the date of Mr. Gandhi's letter we were no longer running third class Refreshment Cars on the Mail trains, and his remarks refer to tea obtained from the Indian Refreshment Rooms. In the various reports which have been submitted to me regarding the Pilgrim Committee, the methods of inspection and maintenance of these rooms have been clearly described, and I have every reason to believe that the refreshments provided meet with the approbation of the general public.

(iii) It would be impossible to sweep or clean out compartments unless they were empty and passengers would not consent to vacate the carriages and remove their luggage for this purpose.

(iv) I am obliged to say that this paragraph represents an absolutely untrue account of the general state of the Refreshment stalls. The stalls are frequently inspected by the Inspector specially engaged for the purpose and they are also seen by myself, the General Traffic Manager and his District officers and Traffic Inspectors when travelling. Their condition is clean, I may say far cleaner than a very large number of shops in the bazaars. The provision of fly-proof receptacles both for refreshments which are sold at the stalls and for refreshments which are hawked on the platform has received attention and about one-third of the total number of receptacles required has already been issued and the manufacture of the remainder is proceeding rapidly.

(v) In connection with this question, I beg to quote a paragraph of a letter from my General Traffic Manager in which he was discussing the conditions of pilgrim traffic :—

“ With reference to paragraph 8 of the same the proposal that Travelling Sweepers should accompany trains has received my careful consideration, and I am of opinion that this method of cleaning the carriage latrines is inadvisable.

High Caste Hindus, in fact I may say all passengers would object strongly to scavengers entering the carriage with their brushes, etc., for the purpose of cleaning latrines while they were sitting in the carriages. As you are aware, carriages are so built that access to the latrines can only be obtained through the body of a carriage. It appears to me that the best method is to place special sweepers at the stations where fast specials terminate their run and to have the carriages thoroughly cleaned out before the return journey is commenced. As already remarked, pilgrims on this railway do not travel for long distances. It is not necessary for me to offer an opinion whether in cases where passengers do travel for very long distances, the necessity of cleaning the latrines *en route* is such that the advantages of employing travelling sweepers are greater than the disadvantages, but in case of short distance traffic, the disadvantages certainly predominate.”

As regards the through trains running long distances, there is a good deal to be said in favour of cleaning the closets *en route*. The difficulty is that objections may be raised to sweepers entering carriages. I enclose for your information copy of a circular No. 83, dated 11th September 1911, issued by the Chief Medical Officer. It is possible that the views of the Indian public have changed to some extent then, and the question whether we should instruct sweepers to clean the latrines at certain stations will receive attention. I need hardly say that they are thoroughly cleaned out before the commencement of a journey. No doubt a considerable quantity of water is used by third class passengers as the number of passengers in the carriage is large. Strict orders have been issued that tanks must be filled at frequent intervals and the attention of the District Traffic Superintendents will be again drawn to this.

MADRAS AND SOUTHERN MAHRATTA RAILWAY COMPANY
LIMITED.

MEDICAL DEPARTMENT.

Chief Medical Officer's Office,
Rayapuram, Madras, 11th September 1911.

CIRCULAR NO. 83.

The General Traffic Manager reports that cleaning of the latrines of all through trains at your station should be undertaken by this Department: since the traffic sweepers are under the control of this Department will you please arrange to carry out the same.

It is not of course intended that the sweepers should enter the carriages of trains which run through except when they are actually required to do so.

L. H. I. BELL,

*Acting Chief Medical Officer,
Madras and Southern Mahratta Railway Company, Limited.*

No. 552-T.—17., dated 22nd January 1918.

From— MR. A. T. STOWELL, Assistant Secretary, RAILWAY BOARD,
To—M. K. GANDHI, Esq., Satyagrahashram, Sabarmati.

In continuation of this office letter No. 552-T.—17, dated the 9th November 1917, I am directed to state that the Railway Board have carefully considered the various suggestions for promoting the comfort and convenience of third class passengers on Indian Railways, contained in your letter of the 31st October 1917, to the address of the Secretary to the Government of India, Department of Commerce and Industry, and your letter to the Press, and they wish to express their full sympathy with the motives which have actuated your representation.

2. The chief points dealt with in your complaint of the discomforts of third class travel in India, are (i) over-crowding, (ii) refreshments, (iii) want of cleanliness in carriages and closets and of station latrines and waiting halls, (iv) want of sympathy and due recognition of the rights of 3rd class passengers on the part of the railway staff, and (v) difficulty in obtaining tickets and seats in carriages without bribery.

3. In regard to each of these points I am to make the following remarks *viz.* :—

- (i). *Over-crowding.*—The question of over-crowding in 3rd class carriages has from time to time received the attention of the Railway Board and in this connection a Memorandum of measures taken by the Railway Board from 1905 up to 1915, to promote the comfort and convenience of 3rd class passengers on Indian Railways is enclosed for your information. Again, in 1916 Railways were asked to carry out a special count of the 3rd class passengers travelling on all important trains and to furnish the Railway Board with the result, comparing the numbers with the seating capacity provided, to enable them to decide whether over-crowding was so frequent and serious as to call for any special action. The Railway Board found that there was undoubted over-crowding on some trains and on certain sections, especially on the occasion of fairs and *melas*. With a view to minimising this they addressed a letter to the Agents of State Railways, on the subject, forwarding a copy thereof to the other principal Railway Administrations. It was recognised that on account of the heavy reductions in passenger train services which

was due to the impossibility of obtaining a sufficient supply of materials for the repair and renewal of rolling-stock in consequence of the war, nothing really effective could be done in present circumstances to solve the problem of over-crowding in trains; but the Railway Board recorded the following points which they thought might be of help in that direction and would certainly call for consideration when normal times returned :—

- (a) All possible increase in the composition of the over-crowded trains.
- (b) Temporary use of all available stock fit to run on occasions of festivals and *melas* and the borrowing of stock from other Railways for the purpose.
- (c) Maintenance of a much closer check on the requirements of traffic.

The introduction of Inter class accommodation on all important trains is another question under the consideration of the Railway Board which, it is thought, would probably meet the requirements of those who are averse from travelling in the crowded 3rd class, but who cannot afford to travel second class.

- (ii) *Refreshments*—The matter of food supply to Indian passengers in running trains by means of Refreshment Cars, in railway refreshment rooms and by platform vendors is one which has also received the close attention of the Railway Board and the highest sanitary authorities of Government.

In 1911, the Railway Board circulated to State Railways a note by the General Traffic Manager, Madras and Southern Mahratta Railway, on the arrangements in force on that line for supplying Indian passengers with refreshments. The note dealt especially with Refreshment Cars for Indians which had been running on that line for some years and had proved a success; also with the provision of refreshment rooms for Indian passengers at important stations and platform refreshment stalls. The Railway Board asked the State lines to consider the advisability of introducing similar conveniences and to furnish the Railway Board with their views thereon. At the same time they sent the note to the principal Companies' lines and asked the Agents to place it before their Boards of Directors for consideration. The replies to this reference from the different administrations are summarised as follows :—

North Western Railway.

Tried the experiment of running a Refreshment Car on a III class Express and as it was well patronised, a second car was added in 1915, and a proposal was made to build two or three more cars to run on convenient passenger trains when funds became available. On this line the running of these cars may therefore be looked upon as a definite success, but the further extension of the system has had to be postponed owing to present conditions. At certain important stations on the same railway separate refreshment rooms with caterers of proper caste are provided for Hindus and Muhammadans, where cooked fresh food is available at moderate rates. Indian platform vendors are provided at nearly all stations under supervision.

Eastern Bengal Railway.

Owing to the short runs on this line Refreshment Cars are not found to be necessary, but platform vendors sell refreshments to Indian passengers at the principal stations. The experiment of providing refreshment rooms for 3rd class passengers at important Junctions and other stations was tried, but did not prove a success.

Oudh and Rohilkhand Railway

Expressed the opinion that owing to local customs, caste prejudices, etc., Refreshment Cars were not suitable to the part of the country through which

the line passes. Suitable platform vendors are employed and where trains stop long enough, provision is made for a stall or counter in a convenient part of the station with a bench and a space for cooking on *Sigris*. Guards have instructions to telegraph in advance for full meals to stations where such can be provided.

Burma Railways.

Refreshment Cars are not required on this line as the conditions in Burma are totally different from those obtaining in India. Food of a substantial nature to which the Burman is accustomed is obtainable at all principal stations.

Bengal Nagpur Railway.

Indian Refreshment Cars were tried and did not prove a success, but when it is not possible to make suitable arrangements for the supply of food at roadside stations a compartment in the train is set aside for a travelling vendor who hawks his wares on the platform. The arrangement is found to be popular. The experiment of refreshment rooms was also tried but proved a failure.

East Indian Railway.

The experiment of running Indian Refreshment Cars was given an extended trial, but owing to caste or other prejudices the cars were not patronised and had to be discontinued. Refreshment rooms are provided at certain selected stations and platform vendors who are supervised by Refreshment Inspectors are provided at all important stations.

Bombay, Baroda and Central India Railway.

A trial was given to the running of an Indian Refreshment Car and although every effort was made to make it a success, it proved a failure. Refreshment rooms are provided at certain stations which are fairly well patronised. Platform vendors are employed at all stations.

Great Indian Peninsula Railway.

The existing arrangements for supply of food at the main line stations are considered fairly ample and adequate. In 1915, plans were drawn up for the provision of separate refreshment rooms for Hindus and Muhammadans at some of the principal stations. At other principal stations the improvements have been made in the existing accommodation by giving the Hindus and Muhammadans each a small court with or without benches apart from the 3rd class Waiting Halls. Special provision has also been made for Muhammadan passengers at some of the main stations where no such provision existed hitherto, and where Muhammadan licensees now supply cooked food. Arrangements are also made to wire ahead the food requirements of Muhammadan passengers. As regards the Hindus, stalls are provided at all the principal stations where a good selection of food and fruit is obtainable, besides tea, coffee, milk, etc.,. Wherever stalls have been provided the food is kept in glass and gauze wire cases to keep off flies and dust.

Bengal and North Western Railway.

Does not consider the running of Refreshment Cars necessary or suitable for the Railway. The arrangements in force are identical with those obtaining on the East Indian Railway, *vis.*, selected Hindu and Muhammadan vendors, who pay a small fee, are licensed to sell food on the platforms and in stalls outside. The arrangements suit local conditions.

Madras and Southern Mahratta Railway.

Refreshment Cars are run with success and the system is being extended. Refreshment rooms are also provided at the principal stations.

His Highness the Nizam's Guaranteed State Railway.

There are sweetmeat vendors at all stations and at certain important stations and in addition to sweets, curry and *chappaties* are also obtainable.

On nearly all the principal Railways printed tariffs at which articles are authorised to be sold are issued to vendors.

Instructions were subsequently issued to the three State Railways to adopt the Great Indian Peninsula Railway rules which were found to be the best in the interests of the travelling public, and this has been done. These rules provide that none but good and wholesome articles shall be sold by the vendors at current market rates, and that the contractor and his salesmen shall always appear in clean and decent clothes. These arrangements are put under the supervision of Station Masters, Inspectors and Passenger Superintendents, where employed. The question of food supply to Indian passengers has also been considered by the Pilgrim Committees of the various Provinces in their Reports in connection with pilgrim traffic. In communicating orders on railway matters on the recommendations of these Committees and of the Sanitary Commissioner with the Government of India, the Railway Board have brought prominently to the notice of Railway Administrations the importance of proper supervision of food-stuffs and, in particular, their protection from flies, dirt, etc. The Senior Government Inspectors of Railways have also been asked to give the subject their special attention and include it in their Reports.

- (iii) *Cleanliness in carriages and closets and of station latrines and waiting halls.*—As a rule the carriages are cleaned out at departure and destination stations. The recommendations on this subject of the various Pilgrim Committees referred to in paragraph 3 (ii) above, were also communicated to the Railway Administrations and the replies received show that they are doing everything possible in this respect. The importance of providing ample water-supply and of ample and suitable latrine accommodation at the halting stations and the necessity for keeping such places under sanitary supervision has also been impressed on Railways, and they have been asked to give the matter their full consideration.
- (iv) *Want of sympathy and due recognition of the rights of 3rd class passengers.*—From the memorandum of measures taken by the Railway Board for the improvement of the comforts and convenience of 3rd class passengers, and the remarks made in paragraph 3 (i) above, it will be seen that the requirements of 3rd class passengers have constantly received the attention of the Railway Board, and that the conditions of travel of this class of passengers have been improved very considerably. The Railway Board, however, are anxious to obviate reasonable complaints and are again drawing the attention of railways to the subject.
- (v) *Difficulty in obtaining tickets and seats in carriages without bribery.*—It is difficult to see what railways can do beyond providing all possible facilities for passengers in order to enable them to obtain their tickets in good time before the departure of trains. This was impressed on Railway Administrations and the replies received showed that continuous booking is in vogue at the larger stations on main lines, while on others booking offices open from half an hour to three hours before the departure of trains, according to the importance of the booking offices and the traffic dealt with at each.

4. As regards the question of educating the travelling public by means of notices and bye-laws, I am to say that the Railway Board doubt whether much could be accomplished in the way suggested by you, the majority of 3rd class passengers being illiterate. They are, however, bringing this point to the notice of Railways.

Memorandum of measures taken by the Railway Board since 1905, to promote the comfort and convenience of Intermediate and 3rd class passengers.

Immediately after assuming charge of their office in 1905 the Railway Board issued a special letter to all the principal Railway Administrations calling their attention to the desirability of making early provision in respect of the following matters :—

- (a) Facilities for passengers to obtain their tickets a longer time before the departure of the trains by which they intend to travel.
- (b) Facilities for examining the tickets of 3rd class passengers both at terminal and roadside stations, to enable them to have ready access to the proper platforms and take their seats without the crush which is liable to occur.
- (c) Adequate sitting accommodation for 3rd class passengers in carriages so as to prevent the over-crowding of trains.

The Consulting Engineers were asked to watch the progress made by railways under their control in regard to the provision of the several facilities, and the reports received indicated that a great deal had been done to give effect to the wishes of the Railway Board.

Section 62 of the Railways Act gives Government power to require any Railway Administration to provide and maintain in proper order, in any train worked by it which carries passengers, such sufficient means of communication between passengers and the railway servants in charge of the train as they approve. Special action was taken by the Railway Board in 1906 to ensure that, wherever practicable, such means of communication should be provided. Appendix 20 of the Administration Report for the year 1914-15 shows for each of the more important systems the number of mail passengers and mixed trains which had been so fitted up to the 31st March 1915 and the total number of trains run. Instructions have also been issued by the Railway Board for the fixing of a notice in each carriage indicating the method of using the means of inter-communication provided.

The Railway Board have issued orders directing that boards should be attached to the outside of each compartment reserved for women indicating in English and the vernacular of the districts in which the carriage is run that these compartments are for women only. A suggestion has recently been made that a figure of a woman painted on the doors of carriages reserved for women would prove of advantage as an indication to illiterate women of the carriages which have been especially reserved for them. Experiments are at present being made on the North Western Railway to ascertain whether this method of distinguishing women's reserved compartment will serve a useful purpose.

Another matter which has engaged the attention of the Railway Board is the improvement of the supply of refreshments for Indian passengers. Special inquiries were undertaken by the Board to ascertain the nature and efficiency of the arrangements made by the various Railways for the inspection of licensed refreshment vendors. The practice of Railway Administrations is not uniform, but in each case means have been adopted for inspecting the wares offered for sale by these vendors, and for ensuring, so far as possible, that they shall be clean and wholesome.

Some years ago the Madras and Southern Mahratta Railway Company introduced special cars fitted with conveniences for the sale of refreshments for Indian passengers and accommodation for washing before taking food in accordance with caste requirements. These carriages are run on all important mail and passenger trains on the system. The Railway Board brought this to the notice of all the principal Railway Administrations, supplying them with a note showing in detail the arrangements made by the Madras and Southern Mahratta Railway. As a result, several of the more important administrations have experimented with the running of dining cars for Indian passengers. The experiment, owing, it is understood, to the caste prejudice of passengers, has proved a failure on the East Indian, Bengal-Nagpur and Eastern Bengal

Railways. In the Punjab, on the other hand, it has proved eminently successful, and the North Western Railway propose to build a number of Refreshment Cars for Indian passengers. At present the Railway Board are in communication with Railway Administrations regarding the further improvement of the arrangements made for supplying refreshments to Hindu and Muhammedan passengers.

In 1909, the Railway Board, as an experimental measure, authorised the appointment on the North Western and Oudh and Rohilkhand Railways of a number of officials of a new class designated "Passenger Superintendents." These officers were recruited from among retired Indian officers of the Indian Army. They were given a distinctive uniform and placed under the charge of a special officer of the Traffic Department. Their duties were—

- (i) to attend to the complaints of the humbler class of passengers and to assist them to find room in trains by directing them to carriages where accommodation was available;
- (ii) to supervise the supply of refreshments by platform vendors, and generally to do what is in their power to secure the greater comfort and convenience of passengers at railway stations.

The experiments having proved successful, the appointment of these Passengers Superintendents has become permanent on the railways on which they were first introduced, and similar appointments have been created on several other railways.

It is impossible to give in detail a statement of all the works which have been carried out during the last decade with a view to increasing the comfort and convenience of 3rd class passengers, but it may be stated that a great deal has been done in the following general directions:—

- (i) The construction of enlarged and improved waiting shed accommodation.
- (ii) The substitution of high for low level platforms at the more important passenger stations.
- (iii) The substitution of new and improved 3rd class passenger carriages generally of the bogie type and of the same dimensions as those used for passengers of the higher classes. These modern carriages are fitted with latrines, upper berths and racks, while the roofs are of improved design with greater heat-resisting properties.
- (iv) The provision of passenger instead of mixed trains on all the more important routes and the introduction of 3rd class express trains running at practically the same speed as mail trains.
- (v) The introduction of improved lighting, mainly electric, in 3rd and intermediate class carriages.
- (vi) The improvement of the arrangements made on special occasions at places of pilgrimage or fairs. Of what has been done in this direction, the account recently communicated to the press, of the arrangements made by the Oudh and Rohilkhand Railway on the occasion of the Kumbh Mela at Hardwar in April last is an indication.

Any further improvement in the immediate future in the direction of the provision of more 3rd class accommodation is at present rendered extremely difficult, apart from the necessity for economy imposed upon railways by the war, on account of the impracticability of obtaining raw material required for the building of coaching vehicles. What is possible will, however, be done during 1916-17 by the rebuilding of obsolete stock.

The Railway Board have recently arranged for a special census of the actual number of passengers in each train daily on the routes regarding which there have been most complaints of over-crowding. The reports received show that though there has undoubtedly been serious over-crowding on occasions, over-crowding is the exception even on these routes specially selected for examination on account of complaints received.

The results are at present being examined by the Railway Board with a view to seeing whether by any re-arrangement of train service the over-crowding can be reduced. A special report has recently been received on the conveyance of pilgrim traffic, and is now under the consideration of the Railway Board. They propose to adopt immediately such of the recommendations contained in this report as are found on inquiry to be practicable.

Question asked by the Hon'ble Mr. S. N. Banerjee at the Meeting of the Imperial Legislative Council held on the 9th March 1916.

1. Will the Government be pleased to make a statement showing the measures taken to promote the comfort and convenience of intermediate and third class railway passengers, to 1915 to promote the comfort and convenience of intermediate and third class railway passengers?

2. Will the Government be pleased to state what further measures they propose to take in the same direction in the immediate future?

Reply by the Hon'ble Sir R. W. Gillan to the Hon'ble Mr. S. N. Banerjee's question re measures taken to promote the comfort and convenience of Intermediate and third class Railway passengers.

A statement* is laid on the table showing the measures which have been adopted by the Railway Board, from the constitution of a Board in March 1905 up to the present time, for securing the greater comfort or convenience of third class passengers, and of passengers generally where passengers of the third and intermediate classes are mainly affected, and showing also the action immediately proposed with the same object. No steps have been taken especially for the benefit of intermediate class passengers.

[*See the Memorandum attached to letter to Mr. Gandhi.]